

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for August 10, 1999 - Page 1 of 9**

I. ROLL CALL:

This meeting was called to order at 7:08 P.M. and chaired by Harry Milliken.

- **Members in Attendance:** Rob Robbins, Dennis Mason, Tom Peters, Harry Milliken, John Cole, Lewis Zidle, and Mark Paradis.
- **Staff Present:** James Lysen, Planning Director and Doreen Asselin, Administrative Assistant.
- **Staff Absent:** Gil Arsenault, Deputy Development Director.

II. CORRESPONDENCE - The correspondence placed in the packets was the letter from **Constance Rousseau** in reference to 61 and 63 Knox Street dated June 23, 1999 and the following correspondence that were not included in the Planning Board packets, but were handed out at this meeting: were: A. Memorandum from Deputy Chief **James D. Morin** of the Lewiston Fire Department in reference to the Golder Street Alignment Review dated August 9, 1999. B. Two (2) letters from **Vinal Applebee, P.E.**, Project Manager from The Ames Corporation in reference to the Fuel Storage System dated August 9, 1999 and in reference to the CMMC Helipad Fuel Supply dated August 10, 1999.

MOTION: by **Tom Peters**, seconded by **Dennis Mason** to accept the above correspondence to be read at the appropriate time and to be placed on file.

VOTED: 6-0.

III. FINAL HEARINGS:

- A. ***Paul Nadeau a/k/a Louis Paul Nadeau Subdivision (527 East Avenue)** - A proposal by A.R.C.C. Land Surveyors, Inc. for a project to subdivide a 9.41 acre parcel of land into three (3) lots. The existing house will be located on Lot No. 3.*

Jim Lysen briefly summarized the memorandum he prepared dated August 5, 1999. He mentioned that the Planning Board Agenda should now reflect three (3) lots instead of five (5). He stated that the plans remain the same as previously submitted. A permit for the pump needs to be obtained. **Jim Lysen** also referenced the letter from **Richard C. Burnham, P.E.**, Superintendent of the Department of Public Works dated July 27, 1999 in regards to the Subdivision Plan for Paulette Rand dated 07/19/99. **Arthur Montana** then said that he and Richard Burnham walked the site and opened all the manholes. The easement needs to be cleared of brush and the following needs to be done on the manholes: A. Manhole #2 needs to have the existing invert shelf raised; B. Manhole #3 needs to be cleaned; and C. Manhole #4 is root infested and needs to be cleaned and repaired. **Arthur Montana** also mentioned that someone needs to clear the City line. Also in agreement with Richard Burnham, **Arthur Montana** said that the fee title for sewer line and manholes needs to be transferred to Lewiston Water & Sewer and that a 15 foot easement needs to be granted to Lewiston Water & Sewer and kept clear. **Art Montana** said it will cost the City \$800.00 to do the root work as mentioned above for the manholes. The City is willing to perform this service. **Arthur Montana** also made reference to High Service Agreements.

He said that the area is a high service area and will require the water customers to sign High Service Agreements.

John Cole asked, "With the removal of Lot Nos. 4 and 5, could we restrict those lots now?" Jim Lysen responded that there are environmental reasons to limit the development by the Owner. Lot Nos. 4 and 5 is a natural dividing line between the brother and sister's land. In five (5) years, the sister could sell those two (2) lots. Arthur Montana said that there are many issues that would need to be addressed before you could build on those two (2) lots. Lot No. 4 has building potential. Lot No. 5, the bird sanctuary is interested in. Currently, Lot Nos. 4 and 5 are remaining the land of the developer.

This item was closed to the Planning Board and opened to the public for comments. Since there were no comments from the public, this item was then turned back to the Planning Board for the following motion.

MOTION: by Tom Peters, seconded by John Cole that the Board moves that the application for Paul Nadeau a/k/a Louis Paul Nadeau Subdivision at 527 East Avenue is granted final approval subject to the conditions as outlined in the memorandum prepared by Richard C. Burnham, P.E., Superintendent of Public Works dated July 27, 1999 and addressed above.

VOTED: 6-0.

- B. *Phase II Montello Heights Adult Living Complex (550 College Street) - A proposal by Harriman Associates for the proposed Phase II expansion project, which will be a three- (3-) story, 27,230 square foot addition consisting of 28 resident units, a 1,700 square foot community room, a 900 square foot satellite dining area with a serving kitchen, an 875 square foot common living room, public toilets, and a front porch.*

Jim Lysen summarized his memorandum dated August 5, 1999. The Master Plan as well as Phase I was previously approved by the Planning Board in 1995 in which the Master Plan originally was designed for 150 units. The first phase contained 53 resident units. The second phase calls for 28 resident units. The third phase is now Phase II. This project has been classified as an amendment to the original site plan and requires this one (1) meeting before the Planning Board. This phase will be built similar to the first project. Additional parking will be added to prevent overflow parking on College Street. The Police, Fire, and Public Works Departments have no concerns with this project. The Planning Board Staff have reviewed the modification/waiver request form and recommends the Planning Board granting the one (1) modification, which is concerning property owners within 500 feet to abutters only. The direct abutters were notified (300'). This is a standard modification.

At this point in time, Lewis Zidle arrived at this meeting.

Jim Lysen commented that the code requires to only notify direct abutters.

Both **Denis Lemieux** and **Frank Crabtree**, from Harriman Associates, were present at this meeting to answer any questions. **Harry Milliken** questioned, "Is there a proposed detention pond?" Denis Lemieux answered that the proposed detention pond will be built in the back. There being no additional questions from the Planning Board and there being nobody present from the public for questions, the following motion was made.

MOTION: by **Tom Peters**, seconded by **Dennis Mason** to move that the modification/waiver checklist is approved, as submitted; determine that the application of Phase II Montello Heights Adult Living Complex on 550 College Streets is complete; and that the Planning Board grants final approval to this project.

VOTED: 7-0.

Jim Lysen also commented that this was a very organized application that was put together by Harriman Associates. He commended them for the professional package that they submitted.

John Cole stepped down from the Planning Board stating this item to be a conflict to his law firm of Skelton, Taintor & Abbott, P.A.

- C. *United Ambulance Service Parking Lot Expansion (192 Russell Street) - A proposal by Taylor Engineering Associates for a project to construct a new, 4,400 square foot 14-space parking lot to accommodate an existing overflow of vehicles.*

Jim Lysen presented this item. He summarized his memorandum dated August 5, 1999. This project is a minor amendment to the overall site plan for United Ambulance Service and, therefore, requires only one (1) meeting before the Board. **Norman Chamberlain**, from Taylor Engineering Associates, pointed out the proposed "Building and Impervious Area Summary", located on the proposed additional parking area. He stated that no additional traffic will be generated and that United Ambulance Service has bought the neighboring residences back lawns and woods. The proposed lot will not be any more visible than the existing one. Additional lighting is being proposed to light up the new lot. Jim Lysen then went on to say that the submitted site plan gives an historical breakdown from the original project back in 1989 to the present. This project is located within an Office Residential (OR) District, where uses are permitted as a matter or right. The only concern was from the Public Works Department. That concern being that no detention be provided primarily because of the project's proximity to Jepson Brook. Jim Lysen made correction to his memorandum on the spelling. This should be changed from "*Epson Brook*" to read, "*Jepson Brook*". A new stormwater analysis will be required for any future development. The only issue raised by the Public Works Department was in reference to the four inch (4") PVC pipe, which Norman Chamberlain, from Taylor Engineering Associates, has addressed. Tom Peters said that this outlet pipe would need to be fixed. Norman Chamberlain said that this four inch (4") PVC pipe is plugged and belongs to the greenhouse that is on this property. There are no plans to use this greenhouse. This pipe was used to drain water from watering plants in the greenhouse.

Tom Peters asked, "How close is this to the nearest abutter?" The response was 120 feet from the property lines. The plan shows there being two (2) lots (Dr. Lynne's office and a residence). This was purchased for tax purposes and is considered one (1) property. There was a brief discussion as to whether to treat this property as common ownership. The question was raised as to how does these three (3) properties fit into code. The response was "grandfathering aspects". Jim Lysen said that these uses are permitted in the Office Residential (OR) District. If in common ownership, you do not need to look at the lot lines. In order to subdivide this property, they would need to come back to the Planning Board. One (1) lot can remain independent. Harry Milliken also said that one (1) lot would have to grant side setbacks. **Paul Gosselin**, from United Ambulance Service, said that he was deeded this property. He then asked Jim Lysen, "Where would you get the deeds?" Jim Lysen responded that United Ambulance Service should have received the deeds to the property after the transfer of property to them. It was jointly agreed by the Planning Board to move on and treat this property as common ownership.

There were no concerns from the Fire and Police Departments. This item was then opened to the public. Since there was no public present and, therefore no comments, this item was brought back to the Planning Board for either further discussion or a motion. The following motion then took place.

MOTION: by Dennis Mason, seconded by **Lewis Zidle** to approve the Modification/Waiver Request Form, as submitted, and determine this application for United Ambulance Service Parking Lot Expansion at 192 Russell Street complete.

VOTED: 6-0.

MOTION: by Dennis Mason, seconded by **Rob Robbins** that the Planning Board grants final approval to this application for United Ambulance Service Parking Lot Expansion project, subject to the code.

VOTED: 6-0.

John Cole excused himself from the Planning Board on the following item, stating it to be a conflict.

- D. *St. Mary's Regional Medical Center - Women's Pavilion (97 Campus Avenue) - A proposal by Technical Services, Inc. for a revision to an approved plan to relocate the boiler house and revise Golder Street.*

Jim Lysen briefly summarized his memorandum dated August 5, 1999. In summary, this project involves the relocation of the boiler room and revision to Golder Street (a private road). This project amends a portion of the Women's Pavilion site plan that was approved earlier this year.

Robert Faunce, of Technical Services, Inc., was also present at this meeting to address items on this project and to answer any questions.

Jim Lysen went on to make reference to the correspondence prepared by Robert Faunce on behalf of St. Mary's Regional Medical Center dated July 23, 1999. Bob Faunce mentioned that the current boiler house will be razed and replaced with a new boiler house (to be completed by May 2000). This will be a little bit larger and will have 300 hp. There are no plans for a co-generation plant. A second emergency generator will be added. Harry Milliken asked, "Are there any underground tanks?" Bob Faunce responded that there will be two (2) underground storage tanks - 10,000 gallons each.

Bob Faunce referenced his correspondence and mentioned that earlier this year Golder Street was to be discontinued and St. Mary's is now in the process of finalizing acquisition of the right-of-way to maintain Golder Street as a private road. Golder Street was acquired by St. Mary's on June 1, 1999. This should have been part of the package as deeded over to the hospital. This will be included in the next packet. In Robert Faunce's letter he mentions that the new boiler house (at this meeting he pointed this area out on his map as the orange area near the stack) will be attached to the Cobalt Room (this can be used for certain diagnostic services). Golder Street will be relocated and re-aligned to allow for two-(2-) way traffic and will be 35 feet wide. The on-street parking will be eliminated in the vicinity of the new structure.

The Fire Departments concerns were: A. If the new building (boiler house) will require a separate fire department connection for the sprinkler system, then provide for a fire hydrant to be located about 50 feet from the fire department connection on Golder Street. B. Provide a clear plan of the proposed Golder Street re-alignment project. This is needed to see how the re-alignment may affect fire department access to the new and existing buildings there. As far as these concerns, Robert Faunce mentioned that there are already two (2) connections for the sprinkler system. The hydrant will not be extended.

Both the Police and Public Works Departments had no concerns. Staff has reviewed the modification/waiver request form and recommends granting the one (1) modification concerning property owners within 500 feet to 200 feet only. Bob Faunce did notify from 200 to 500 feet, but code did not require this.

Tom Peters said that the applicant went an extra mile in this application. He made reference to Bob Faunce contacting the abutting property owners from 200 to 500 feet, instead of just the required 200 feet.

This meeting was then opened to the public. Nobody from the public was at this meeting. This item was then turned back to the Planning Board for further discussion or a motion. The following motions were then made.

MOTION: by Dennis Mason, seconded by **Mark Paradis** to approve the Modification/Waiver Request Form, as submitted, and to determine that this application for St. Mary's Regional Medical Center - Women's Pavilion on 97 Campus Avenue be determined to be complete.

VOTED: 6-0.

MOTION: by Dennis Mason, seconded by Tom Peters that the Planning Board grants final approval to this application for St. Mary's Regional Medical Center - Women's Pavilion on 97 Campus Avenue on the condition that the DEP is not placing jurisdiction on this project and that the Fire Department concerns (described above) will be met pertaining to the fire hydrant.

VOTED: 6-0.

John Cole rejoined the Planning Board.

Central Maine Medical Center - Helipad Fuel Supply (300 Main Street)

This item was not included on the agenda. Reference was made to the correspondence from **Vinal Applebee, P.E.**, Project Manager of The Ames Corporation in regards to the Fuel Storage System dated August 9, 1999 and the correspondence in regards to the CMMC Helipad Fuel Supply dated August 10, 1999. The major input would be from the Fire Department. A fire suppression system would be put in. As a result of this, the trips would be cut down for refueling.

Jim Lysen stated that this has been a successful operation to date. He also said that, if necessary, an application can be submitted. CMMC is proposing to install an underground tank for fuel. The fuel requirements will be worked in. The major advantage to this is that the number of flights will be cut down. This will be a 12' x 5' area that will be built into a fence. Harry Milliken stated that at the last Planning Board Meeting on this topic, it was brought up that there will be no fuel storage on the property. Also, the Planning Board is not in receipt of a letter from the FAA Jim Lysen mentioned that he was in receipt of a letter from the FAA dated March 9, 1999. Tom Peters also added that people in the area need to be noticed. Harry Milliken then said that he would like to have this item brought back to the Planning Board and place on the agenda for the next meeting which is scheduled for Tuesday, August 31, 1999. There was supposed to be no fuel on this site and he would like to see the FAA regulations. The following motion was then made.

MOTION: by Tom Peters, seconded by Dennis Mason to require the Central Maine Medical Center to formally submit an application for Helipad Fuel Supply on the agenda for August 31, 1999.

VOTED: 5-0-2 (Cole/Robbins Abstained).

Before going into the Other Business items, Harry Milliken reminded Jim Lysen to have notes added to the mylars of CMMC and to obtain a letter from Gil Arsenault on the CMMC parking lot so that he can sign the mylars.

IV. OTHER BUSINESS:

A. New Business:

Tom Peters briefly stepped down from the Planning Board on Item No. 1.

1. *Acquisition/Disposition of Property (61-63 Knox Street)* - A request for a recommendation on the proposed acquisition of 61 and 63 Knox Street by Constance Rousseau of 4 Clearwater Avenue - Jim Lysen briefly made reference to the correspondence from **Constance Rousseau**. She is offering \$2,000 for this property. Harry Milliken then asked, "What happens from the time of recommendation to this occurring?" "How will this fit into the scheme of things?" "Shouldn't this come from the City Council?" "How long is this recommendation good for?" Jim Lysen responded that we have the ability to bring this back. There is no definitive plan. This was brought to the Planning Board for direction only, not for an action.

At this point in the discussion, Tom Peters rejoined the Planning Board.

Tom Peters stated that he was rejoining the Planning Board since this topic was not in dealing with this property in particular. He did state that a plan is needed for the purchasing of property by the City of Lewiston.

Harry Milliken then stated that the acquisition/disposition procedure never got finalized. He said that it is not up to the Planning Board to initiate this process. The City Council has the final say on the sale of property.

Dennis Mason said that he would recommend to not dispose of the property pending the Downtown Master Plan. **Mark Paradis** then asked, "What is Ms. Rousseau planning to do with this property?" Harry Milliken said that he would like to see this put in the proper form and put back on the agenda for the next Planning Board Meeting scheduled for August 31, 1999. Jim Lysen then stated that the City Council had already approved it before the Downtown Master Plan. He said that the City Council back in December 1998 recommended this property to be sold.

John Cole then commented that there should be an open policy process to bid on property. Jim Lysen said that both the Purchasing Agent and the City Treasurer can officially sell this. The question was then asked, "What recommendations are to the final plan?" Tom Peters then suggested holding this property for another six (6) months. You cannot hold on to this forever. Harry Milliken suggested asking the Purchasing Agent for a recommendation, not the Planning Board. Jim Lysen said that this issue is in the enterprise community zone. There being no further discussion, the following motion was made.

MOTION: by John Cole, seconded by Dennis Mason to send a recommendation to the Finance Department that action on the sale of city-owned property within areas identified by the Major's Downtown Renaissance Task Force Master Plan and *Empower Lewiston!* Strategic Plan as key properties for possible redevelopment sites be placed on hold until final recommendations of both plans are finalized, but no longer than six (6) months.

VOTED: 6-0-1 (Peters Abstained).

2. Shoreland Zoning - Possible amendments to become consistent with DEP Standards - This item was in reference to the memorandum written by **David Hediger**, Land Use Inspector for Code Enforcement dated August 6, 1999 in regards to Lewiston's Shoreland Zoning Ordinance. Jim Lysen pointed out that in the last paragraph of this memorandum the date should be changed from August 24, 1999 to *August 31, 1999*. This item should be brought into conformance with the state.

David Hediger is requesting that this item be put on the agenda for the August 31, 1999 Planning Board Meeting. Tom Peters suggested giving recommendations if the code is to be amended. Jim Lysen said that any amendments to this should not make the standards rigid. Maps will be produced as to where the standards differ. The Planning Board should not initiate any changes until we know what the state is going to do. It should be consistent in areas on shoreland zoning.

The area in question (130 North Temple Street) goes into a wetland in Lisbon. There is a groundwater aquifer. Jim Lysen said he will be prepared to make a presentation on August 31, 1999 and that this may need to go to the next Planning Board Meeting, not as a Public Hearing, but with more research.

B. Old Business:

1. John F. Murphy Homes, Inc. - Consistency of the Zoning and Land Use Code with the Federal Fair Housing Act.
2. Supreme Judicial Court of Maine Decision Concerning Rena W. Perkins et. al. v. Town of Ogunquit and Robert W. Scanlon, Jr. Concerning Planning Board Jurisdiction.
3. No Name Pond Watershed Plan Update - There are two (2) meetings scheduled for this month. The first meeting is the City Council Meeting scheduled for Tuesday, August 17, 1999. (Bonding of LCIP Project. This will be amended by N.N.P. The second meeting is scheduled for Wednesday, August 18, 1999. (The Public Works Department will discuss road construction and receive input from the neighbors.) Need to write grants and advanced environmental studies, environmental monitoring, two (2) septic system replacements, etc. Jim Lysen added that there is a lot of sediment and runoff at the pond.
4. Legal Opinion on LMRC Corporate vs. Municipal Status - No update.
5. An Ordinance Pertaining to Front Setbacks in the Downtown Business District - No update.
6. Comprehensive Plan Update - Fair Housing Act. Dennis Mason asked, "When will this be changed?" A new housing task has been formed. This item will be dealt with. This item is awaiting an opinion from City Attorney Robert Hark.
7. Board of Appeals, Staff Review Committee, Historic Preservation Review Board Meeting Schedules - No update.
8. West View Bluffs Update - No update.
9. Traffic Management Standards - No update.

Other items mentioned that should be on this listing was the Flyover Presentation by **Chris Branch** and that research needs to be done on Leased Property Standards.

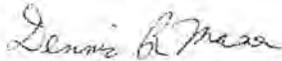
V. READING OF THE MINUTES: Draft Minutes of Planning Board Meeting held on 07/20/99. These minutes have been tabled to the next Planning Board Meeting scheduled for Tuesday, August 31, 1999.

VI. ADJOURNMENT: The following motion was made to adjourn.

MOTION: by John Cole, seconded by Dennis Mason to adjourn this meeting at 9:20 p.m.

VOTED: 7-0.

Respectfully submitted,



Dennis Mason, Secretary

DMA\dma

C:\MyDocuments\Planbrd\Minutes\PB81099MIN.wpd

