

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for June 27, 2000 - Page 1 of 13**

- I. ROLL CALL:** This meeting was called to order at 7:04 p.m. and was chaired by Tom Peters.
- **Members In Attendance:** Muriel Minkowsky, Rob Robbins, John Cole, Tom Peters, Mark Paradis, Lewis Zidle, and Dennis Mason.
- **Staff Present:** Gil Arsenault, Deputy Development Director; James Lysen, Planning Director; James Fortune, Planning Coordinator; and Doreen Asselin, Administrative Secretary.
- II. READING OF THE MINUTES:** *Draft of the Minutes from the June 13, 2000 Planning Board Meeting.*
This item was tabled due to the long agenda until the July 25, 2000 Planning Board Meeting.
- III. CORRESPONDENCE:**

*Dennis Mason arrived at 7:07 p.m.
Out of sequence to the agenda, the following items were discussed.*

V. FINAL HEARINGS:

- C. Final Hearing concerning the proposed site plan for a 15,000 square foot Animal Shelter for the Greater Androscoggin Humane Society, Strawberry Avenue.** Jim Fortune gave a brief overview of what was discussed at the last meeting. The Planning Board had reviewed the pre-application and Site Plan to construct a 15,000 square foot animal shelter facility on Strawberry Avenue. At that meeting, the application was determined to be complete and the modifications and waivers were approved. The Planning Board also made a finding that the project will require a wetland alternation permit from the State of Maine DEP in respect to filling portions of a wetland at the rear of the property.

Distributed at this meeting was the Project Review Form from the Police Department showing no concerns. The following motion was made.

MOTION: by **Mark Paradis**, seconded by **Dennis Mason** that the Project Review Form from the Police Department on the Proposed Site Plan for a 15,000 square foot Animal Shelter for the Greater Androscoggin Humane Society, Strawberry Avenue be placed on record.

VOTED: 6-0.

At this meeting, Steve Myers from Platz Associates was present on behalf of the applicant, the Greater Androscoggin Humane Society. Steve Myers stated that it is proposed that a 15,000 square foot animal shelter facility will be placed on Strawberry Avenue. In addition to the building itself, there will be about 15,000 square feet of impervious pavement for a parking lot and driveway. This project contains a very narrow lot and it is made even narrower by the fact that there is a stream and pond which runs across the lot. Nothing will be done to the stream, wetland, or pond. There will be some draining swales coming down. Part of the driveway comes within 25 feet of the stream. Because of that a NRPA Permit needs to be filed. They have applied to the State of Maine D.E.P. for a Natural Resource Protection Act (NRPA) Permit.

There was nobody present in the audience for or against this project. Since there were no questions or comments from the public, this item was then turned back to the Planning Board and the following motion was made.

MOTION: by **Dennis Mason**, seconded by **Mark Paradis** that the Planning Board grants final approval to the Proposed Site Plan for the Greater Androscoggin Humane Society on Strawberry Avenue, subject to this applicant acquiring the NRPA Permit by the State of Maine DEP.

VOTED: 6-0.

John Cole stepped down from the Planning Board due to a conflict on the following item.

V. FINAL HEARINGS:

- A. Final Hearing concerning a proposal to expand the parking area along the former Golder Street at St. Mary's Hospital.** Tom Peters requested Jim Fortune's reading of his memorandum dated

June 21, 2000. Submitted was an application and Site Plan for several minor changes to the approved campus plan for the hospital, including expansion of the maneuvering area of the emergency ambulance entrance, narrowing and relocation of Golder Street and the addition of 25 new parking spaces along Golder Street.

The proposal to modify the ambulance emergency entrance will still include the single entrance approved last year. The current proposal would expand the maneuvering area for ambulances, while keeping the same grade to the entrance. Golder Street (maintained by the hospital and a private way) would be relocated 20 feet to the southwest and the street curb line would be relocated an additional 20 feet to the southwest in order to reduce the steepness of the sidewalk's slope. The existing sidewalk on the southwesterly side of the street will be relocated to the northeasterly side, which would move it closer to the emergency room. Both sidewalk modifications would improve pedestrian access to the emergency room. Relocating Golder Street would eliminate existing on-street parking there. In order to replace these parking spaces, St. Mary's is proposing to add 25 new parking spaces for emergency room and handicap use, which would be located in the easement.

The following motion was made on additional items distributed at this meeting pertaining to this project.

MOTION: by **Tom Peters**, seconded by **Dennis Mason** that the City Council documents concerning a Public Hearing with respect to the parking easement and the Project Review Forms from the Police, Fire and Public Works Departments on the St. Mary Parking Lot Expansion, Golder Street be incorporated into the record.

VOTED: 5-0.

Mike Gotto from Technical Services, Inc. was present at this meeting on behalf of the applicant - St. Mary's Hospital and briefly explained the project. Mike Gotto said that St. Mary's is trying to widen the entrance to the emergency ambulance area to make maneuvering easier and quicker for them. They are trying to provide a longer access to the emergency area where citizens will drop off patients that need care. This area is presently a steep grade right now, but by giving it a little more distance, they were able to make the grade a little more pleasant to get in there. 25 parking spaces will be added onto the school property under the lease. This project will also include a new steam line that will run from the power plant across to Marcotte Congregate Housing. This is not a viewable issue, but the street will be dug up for that. There will also be new electrical service into the hospital, which will permit the removal of the existing overhead electrical line and pole on Golder Street. The only other change that Mike Gotto suggested was the bike rack next to the emergency entrance, this will likely be moved over near the sidewalk. This is a nice landscaped area and they would like to keep this area that way.

Mike Gotto said that, in summary, a little more paved area and a turn lane is being added. The result would be that there will be more maneuvering area to get in quicker - more pavement, easier to move. Golder Road is still a pass through. Ambulances do come in both directions. He also mentioned that Golder Street is maintained by the hospital.

Tom Peters said that he believes some of these changes have already occurred. Mike Gotto then mentioned that temporary recycled asphalt has been placed to widen Golder Street for the on-going construction activity. This is not a hard surface yet. There is also some parking going on in the middle of the street. The end result will be that traffic flow will be much better.

Dennis Mason questioned what the waivers are on the zoning setback. Mike Gotto said that they were not any and that none were proposed. The edge of Golder Street is staying where it was with the exception of the parking being put on City buffs. The buffering is being waived that it be shown on the plan. Jim Lysen said that easements are being made on property still owned by the City. According to code, the setback requirement is ten (10) feet. The side yards were brought down to zero for parking as part of the school and that the Planning Board has the ability to do this. Mike Gotto said that if the School Committee or the City Council decides that they do not want to continue this, then all the materials will be removed and construction will be put back.

As mentioned above and voted on earlier, comments were received. The only department expressing any concern was the Fire Department. Their only comment was to provide "No Parking" signs where necessary to prevent illegal parking and potential obstruction of fire emergency vehicle access on Golder Street.

This item was then turned to the public for comments and questions. Since there were none, this item was brought back to the Planning Board and the following motion was made.

MOTION: by **Dennis Mason**, seconded by **Rob Robbins** that the Planning Board grants the waivers and modifications requested and determines that the application for St. Mary's Parking Lot Expansion on Golder Road is complete, subject to the following conditions: 1. The placement of "No Parking" signs, as requested for the Fire Department, and 2. The approval of the City Council on the parking easement.

VOTED: 5-0-1 (Cole).

VII. OTHER BUSINESS:

A. New Business:

2. *Review the Site Plan for the Bates College Athletic Facilities with respect to the requirements noted by the Maine D.E.P. and sign the mylar.* Jim Lysen summarized this topic. He said that Staff has received the decision from the Maine D.E.P. concerning jurisdiction with respect to the Bates College Athletic Fields project that was approved by the Planning Board at the May 23, 2000 Meeting. As a conditional of this approval, the Planning Board had required the developer to obtain approval from the Maine D.E.P., with respect to the storm water management plan or to provide written notification that the Maine D.E.P. will not assert jurisdiction over this project. Staff is now in receipt of this notification in the letter dated June 20, 2000. This letter was distributed at this meeting and mentions that the Maine D.E.P. will not assert jurisdiction over this project. Their decision is based on the premise that a storm water quality control device will be installed that will attenuate at least 40 percent of the total suspended solids (TSS) from development-generated runoff and they wanted assurance that the water quality control device will be adequately maintained over time. Wright-Pierce has submitted copies of the Site Plan which includes a note stating that the water quality control system will attenuate 50 percent of the TSS and that the system will be adequately maintained.

Tom Peters said that the letter from David Silver, of the Maine D.E.P., Division of Land Resource Regulation, Bureau of Land & Water Quality to James Fortune, Planning Coordinator, City of Lewiston dated June 20, 2000 shall be incorporated as part of the record.

Doug Rice from Wright-Pierce was present at this meeting. He said that the removal system was provided, as requested and that they have met all the requirements. This is a storm water detention system with respect to the track over at Russell & LaFayette Streets. The public portion was then closed and turned back to the Planning Board for a motion.

MOTION: by **Dennis Mason**, seconded by **Muriel Minkowsky** that the Planning Board authorizes the Chair to sign the mylar with changes noted.

VOTED: 5-0-1 (Cole Abstained).

John Cole stepped back up to the Planning Board.

VI. PRE-APPLICATION AND DETERMINATION OF COMPLETENESS:

B. *Pre-Application and Determination of Completeness concerning a proposed amendment to the Stetson Commons Subdivision for three (3) lots on College Road, to be called Stetson Brook Pines.*

The reading of Jim Fortune's memorandum dated June 21, 2000 was waived, instead, Jim Fortune gave an overview of the project.

Technical Services, Inc. on behalf of the Androscoggin Land Company has submitted this application and proposed Subdivision Plan for the development of three (3) lots in the Stetson Commons Development on College Road. The Stetson Commons Subdivision was first approved in 1989. The current amendment proposes to establish three (3), new, single-family residential lots between Stetson Brook and the southerly side

of College Road. The proposed Stetson Brook Pines would divide this 8.1 acre lot into three (3) separate lots ranging from 2.1 acres to 2.4 acres. The remaining 1.4 acres will be conveyed to The First United Pentecostal Church, which abuts the development on the southwest. Each lot would have a private, on-site subsurface waste disposal system, and contain a minimum 40,000 square feet, as required in the LDR District. These lots meet that requirement.

The leach fields for Lot Nos. 1 and 2 are proposed to be placed in an easement located on the 1.4 acre lot that is being conveyed to The First United Pentecostal Church. If the agreement with the Church does not go through, then the 1.4 acres will be combined with Lot No. 1, including the proposed septic easement for Lot No. 2. Both Lot Nos. 2 and 3 will share a common driveway off College Road. Lot No. 1 will have its own driveway access from College Road. The shared driveway for Lot Nos. 2 and 3 will be part of Lot No. 3, with Lot No. 2 retaining a driveway easement. A 25 foot easement for a sewer truck line exists on each lot.

The Fire Department has requested that a 20 foot wide road be provided the entire length and that a 20 foot by 30 feet deep turn-around be located at the first driveway in Lot No. 2 or the turn-around can be located at the house on Lot No. 3 with the same dimension.

Portions of this project will impact forested wetland areas and will require that wetland alteration permits be obtained from the Maine D.E.P. and the Army Corps of Engineers before final approval, as well as having copies provided of the subsurface waste disposal easements for Lot Nos. 1 and 2 and a copy of the sewer easement for Lot No. 2.

Public Works expressed concerns with the site, which mainly had to do with erosion control issues. Their first concern was that there is a very large disturbed area. The property is adjacent to Stetson Brook. The Public Works Department encouraged the developer to either re-slope the site so that it drains away from Stetson Brook or loam and seed the disturbed areas. They also suggested enforcing the existing erosion control method, which is currently in place.

It was unanimously voted to incorporate the documents concerning the Stetson Brook Pines Subdivision on College Street, which were the Project Review Forms dated June 8, 2000 from the Police, Fire, and Public Works Departments, the addendum to those from the Police and Fire Departments dated June 19, 2000, and the memorandum from Public Works dated June 26, 2000 with respect to on-site drainage and erosion control.

Mike Gotto was present at this meeting from Technical Services, Inc. for this item. He kept his presentation very brief by saying that this is a small, three (3) lot subdivision and that the driveway will never be a public road so they are keeping this small to minimize wetland impact.

Dennis Mason made reference to the soil tests. It was determined that what is in front of the Planning Board is sufficient as to placement of septic systems on the lots. James Lysen mentioned that HHE200 forms are needed before a building permit is granted. Mike Gotto mentioned that the test pits are shown on the Topographic Site Plan. There is one (1) test pit each and the approximate size is shown. He also said that the easement that Staff is asking for will be simply the area shown on the plan. When the plan is recorded the description will say, "Easement, as shown on the plan. Tom Peters stated that there are no unusual waivers.

Lewis Zidle arrived at this meeting at 7:38 p.m.

Mark Paradis commented on the driveway being created for Lot Nos. 2 and 3. He said that down the road, if this becomes a public way, there could be a problem. Mike Gotto responded that they are just trying to create two (2) house lots. There will be no further development and no public way.

The public portion was then closed. There wasn't anybody present from the public at this audience. This was then turned back to the Planning Board for the following motion.

MOTION: by **John Cole**, seconded by **Mark Paradis** that the Planning Board grants the waiver and modification request; determines the application and Subdivision Plan for Stetson Brook Pines on College Road to be complete; and schedules it for a Final Hearing at the July 25, 2000 Planning Board Meeting.

VOTED: 6-0-1 (Zidle).

IV. PUBLIC HEARINGS:

A. Public Hearing on a proposal to amend the Zoning and Land Use Code to re-zone portions of the downtown area by creating four (4) new zoning districts; Riverfront (RF), Downtown-Residential (DR), Centreville (CV), and Mill (M), and adopt new use regulations and space and bulk standards for the proposed zoning districts. Jim Lysen presented this item. The focus on the downtown dates back to 1993-1995 with the creation of the Downtown Action Plan. In 1998, Mayor Kaileigh Tara formed a committee with 21 members, which was the Mayor's Downtown Renaissance Task Force (MDRTF). Jim Lysen then read the vision of the Downtown Master Plan, which was a product from the MDRTF. That vision states, "To foster diverse employment, residential, cultural, and educational opportunities, including open space and recreational amenities within the downtown. This in turn enhances the vitality of the downtown, for the benefit of all residents, while maintaining the City's industrial heritage, and will help restore the presence of specialty retailers along Lisbon Street. In the Downtown Master Plan (October 1999), there are 11 goals and 24 recommended overall actions.

Jim Lysen gave some examples of districts. The first was the Courthouse Plaza. This is the one with the most scrutiny. This includes the location of the new District Court, where the Music Hall building will be converted into the new court. This area also includes pedestrian improvements and the removing of buildings for open space and parking. The Main Street Medical's example is the Trolley Medical Building (Bill Johnson's building). This is for non-clinical hospital uses.

Chairman, Tom Peters stopped Jim Lysen and asked him to explain how is this going to impact me?

Jim Lysen mentioned that after the Downtown Master Plan was developed, a new 15-member board was formed. This board is the Mayor's Downtown Renaissance Advisory Board (MDRAB).

Jim Lysen said that the black letters on the map presented at this meeting outline what the current zoning is. Jim Lysen explained the map entitled, "Proposed Downtown Rezoning Map, which depicts four (4) districts. The four districts are, as shown in yellow, the Downtown-Residential District; in green, the Centreville District; in red, the Mill District; and in blue, the Riverfront District. With this rezoning, there are no provisions for commercial bakeries to accommodate LePage Bakeries and publishing companies to facilitate the Lewiston Sun-Journal. Jim Lysen said that this is just a proposed rezoning. This rezoning is still not cast in stone.

Jim Lysen broke these districts down and mentioned the following. The Centreville District includes LePage Bakery and the Lewiston Sun-Journal. The Mill District is currently mostly the Urban Enterprise District (UE). This continues the flexibility of the zone and allows for industrial use conversion. This includes the Bates Mill Complex, the Continental Mill, etc. The Riverfront District includes the Libbey and Continental Mill sites. This is the district that will have the most dramatic changes within the next ten (10) years. The Riverfront area will be incorporated into the vision of the future. The major focus for this area is for recreation.

Jim Lysen said that himself, Rita Dube of the MDRAB, and Bob Roy, Jr. and Len Tracy representing the owners of the Hill and Continental Mills met to discuss their needs, future investment, etc. Currently, the mills are 65-70 percent occupied. It was discovered that, after meeting with these property owners, it may take a little longer to realize the vision of these districts.

The Mill District allows most of what the Riverfront District allows. Jim Lysen went on to say that there is a lack of good, available industrial land. The vision is to have the downtown area to be diversity/mixed use in age, income, and use and to provide a mixture of housing. There have also been discussions with the Maine

State Housing Authority, Empower Lewiston!, etc. The most interest was in the Downtown-Residential District, which was depicted in yellow on the map.

Jim Lysen went on to say that a developer needs to be confident that when they invest money they will get a return. He said that the problem is with the current Neighborhood Conservation "B" District (NCB). He said that there is not much incentive for people to invest in property. This area is mostly multi-family use. He questioned, "How can we remove blight?" This is the most controversial area. Jim Lysen said that one objective is to try to draw the students from Bates College to participate in the downtown, such as the College Street area.

Chairman, Tom Peters, said that the public was interested in where it is now and what it will be and showing boundaries. Jim Lysen said that since there is a lack of investment, the intent is to try to provide for more mixed use. Some of the permitted uses for the Downtown-Residential District include academic institutions, accessory buildings and uses, art and craft studios, boarding houses (up to 9 persons), business offices, day care centers, single-family detached dwellings, two-family dwellings, multi-family dwellings, eating and drinking establishments (excluding drive-through windows), family day care homes, group care facilities (Type A), home occupations, hotels, motels, and inns, housing facilities on the premises of institutions, individual single-family detached dwellings, in-law apartments, lodging houses (up to 9 units), mixed use structures, mortuary or funeral parlors, movie theaters (fewer than 3 screens), municipal buildings and facilities, museums, libraries and non-profit art galleries and theaters, nursing or convalescent homes, office buildings and business offices, personal services, photography studios, private or commercial schools, professional offices, public community meeting and civic function buildings including auditoriums, religious facilities, retail stores, etc. - see District Regulations (Existing and Proposed) dated February 16, 2000. This would make this area more livable and walkable.

This meeting was then opened up to the public for questions and comments.

- **Joe Croteau** (12 Davis Street). He was concerned about parking lots and the value of the property decreasing. He was making reference to the Vale and Wood Streets area. Jim Lysen commented that the new zoning does not affect this area.

- **Denis Theriault** (84 Wood Street). Denis Theriault is a former Planning Board Member and resided at 84 Wood Street for most of his lifetime. His main concern is that Bates College is buying up everything along Wood, Vale, Nichols, and Franklin Streets. There is no value remaining on any of the properties in this area. Just about everything is owned by Bates College. Property values are decreasing. Bates College cannot adequately take care of what they have. They are encroaching into the residential area. "Please give us the sign and let us know when to get out", Denis Theriault requested.

Requesting to a question, Jim Lysen then read the definition of eating and drinking establishments from the Zoning and Land Use Code.

- **Don and Pat Gregoire** (18 White Street). They may need to sell their property because of Bates College.

- **Gert Chasse** (11 White Street). Her issue is also with Bates College as to traffic, parties, etc. Their parties have 100 people or more at a time. She is concerned with eating and drinking establishments being permitted in this area. There is already a problem there now.

The College Street students do not pay taxes. More people are moving out of Lewiston.

- **Len Tracy** (19 Valley Road, Cape Elizabeth). He represents the Continental Mill, Hill Mill, Roy Hill Associates. He is doing major marketing for the Continental Mill and the Hill Mill. He said that this does not make sense from his point of view. Industries need to grow. They will move if they are restricted.

There are two (2) options. Option A and Option B. Option A - Riverfront District. Option B - Mill District. Jim Lysen said the situation is different than he thought it to be after speaking with area property owners. The Riverfront District may take longer to be realized.

- **Bob Gladu** (*Grove Street*). He is concerned with the Riverfront District. His son owns Gladu Roofing which is next to the Old Brinks, Hoods Mailing & Printing, etc. He would like the Mill District to extend to the railroad tracks. He then asked, "How many people on the committee live in the downtown area?"

- **Denis Theriault** questioned that the Riverfront District will include drinking bars and social clubs. Lewiston's past is known for this. He also asked about the Mill District. Does this include Public Works? Jim Lysen responded with, "Yes".

It was also mentioned if there should be a questionnaire or poll given on this rezoning. More people would be interested in this. This is a big decision on Planning Board's part.

Jim Lysen said that this rezoning initiative is not at Bates College request. He feels that more students in the downtown will revitalize the City, however, the public is not in agreement with this. Again, Jim Lysen stated that mixed uses would bring people to the downtown.

Tom Peters said that the reason for this rezoning is to try to move the City or area in a direction. The rezoning can be left as it is. This is to bring the downtown's future out. He said that maybe there is a compromise to be made. Not just for today, but for the future. None of these problems with Bates College will change with the new rezoning.

Tom Peters then mentioned the Bates College forum. This proposed meeting is where the neighbors and Bates College comes together. The public was definitely interested in this forum. In the Executive Office Room behind the City Council Chambers a notebook was available for those interested in this forum on the Bates College Area. After this discussion, citizens were able to list their name, address, and telephone number if they are interested in attending this forum.

Jim Lysen said that the issues surrounding the neighborhood are more than what can be solved at this time. He suggested holding back the Downtown-Residential District along College Street from this rezoning and bring back the Downtown-Residential to its existing line where the downtown is. This will remove some of the issues that people were stressing this meeting.

Gil Arsenault arrived at this meeting at 9:00 p.m.

- **Joe Grube** (*Brooks Avenue*). His concern was with College Street/Oak Street rezoning. He said that business offices, if given a choice would prefer to locate on College Street, instead of Pine Street. He said that he is not sure if the Planning Board would like to build up the density of low income housing. This is the area of the Downtown-Residential District along College Street. He would like to have this removed from this rezoning process.

- **Craig Decker** (*6 White Street*). He said he would prefer the line to go back to the current "D" zone. This would mean that the yellow area on the map would be moved back and down-zoned. This could be made part of the Centreville District.

Tom Peters suggested that this whole re-zoning go back to the MDRAB to be re-worked. Jim Lysen mentioned that this will be discussed at the next MDRAB Meeting to be held on July 10, 2000. The results of this meeting will be incorporated in the next Planning Board packets on this item.

In reference to the Bates College forum, Denis Theriault mentioned that the Police Chief, Bill Welch, should

be included. It is anticipated that this meeting will take place in August.

Muriel Minkowsky is concerned with the drinking establishments in residential, low-income areas where children are present.

Jim Lysen said that there will be major redevelopment with the Libbey Mill and Cowen Mill sites. These are in the Riverfront District. Strategic development in residential areas will probably occur as adaptive reuse of some of the mill space. Some may be new construction.

Lewis Zidle commented about Bates College and the fact that they are going into private homes and then renting them to the students. The concern expressed by citizens is that property managers are buying the homes and advertising this at Chase Hall at Bates College. Lewis Zidle said that this is bad for neighborhoods, but it is not illegal to do this.

Denis Theriault said that we are losing the fabric of our neighborhoods. He said that the drinking and parties are unbelievable.

Dennis Mason's concern is with the Downtown-Residential District as to retail bakeries. Jim Lysen said that definition is that, what is just a retail use and what is in a commercial bakery. Dennis Mason mentioned that if the Downtown District will be eliminated to look at Article 12, Section 9 and take out Paragraph 1. Jim Lysen said that a search will be done on the word, "Downtown". Any where that this is mentioned, it will be taken out. Dennis Mason also had a couple of housekeeping issues. He said that a definition is needed for a community garden. Dennis Mason has a concern with re-establishing the district. He would like to see the area kept as the "DR" District. His main concern being with adult establishments and adult amusements, which would then be permitted in this area.

Tom Peters said that this item needs to be re-worked and re-noticed. He requested that Jim Lysen work out a discussion with Bates College and Bill Welch, the Police Chief, to facilitate a discussion (not a public hearing) to start around 7:00/8:00 p.m. in the City Council Chambers. He would like for Jim Lysen to find out when would be a good time for this discussion. This would be a 1 hour to 1-1/2 hours discussion. Denis Theriault requested to have this recorded, but Tom Peters said that this was to only facilitate a discussion between the community and the college and that there will be no official action.

Tom Peters said that this item will be continued at the next Planning Board Meeting scheduled for July 25, 2000. The forum will then be scheduled for 7:00 p.m. August 22, 2000 and then the Planning Board Meeting following thereafter.

MOTION: by Rob Robbins, seconded by Dennis Mason that the Planning Board moves to table this Public Hearing on a proposal to amend the Zoning and Land Use Code to rezone portions of the downtown area by creating four (4), new zoning districts until the July 25, 2000 Planning Board Meeting.

VOTED: 7-0.

There was a ten- (10-) minutes recess from 9:35-9:45 p.m.

V. FINAL HEARINGS:

C. Final Hearing concerning a proposal to amend the subdivision plan for Webster Heights, Lot No. 6, 118 Webster Road. Jim Fortune distributed the comments from the Public Works Department to the Planning Board Members at this meeting. He received them at 3:00 p.m. this afternoon. The Public Works Department had no concerns. The following motion was made.

MOTION: by **Mark Paradis**, seconded by **Dennis Mason** to approve and place on record, the letter from Bill Eaton, P.E., from Eaton Traffic Engineering, concerning site distances and the comments from the Public Works Department.

VOTED: 7-0.

Jim Fortune gave an overview of this project. At the June 13, 2000 Planning Board Meeting the Planning Board had tabled the application submitted by Hallmark Homes, Inc. on behalf of John and Brigitte Babine, to amend the Subdivision Plan of Webster Heights. This was approved in 1984. As of the June 13, 2000 Planning Board Meeting, the necessary report from the traffic engineer concerning the site distances with respect to the proposed driveway location for Lot No. 6 had not been received. The proposed amendment would allow the driveway entrance to be located approximately 75 feet from the east side lot line. Locating the driveway entrance as required on the approved Subdivision Plan necessitates additional filling of a steep gully between Lot Nos. 6 and 7.

Lot No. 7 has been developed. Lot No. 6 is being developed. The house is actually built. The developer from Hallmark Homes, Inc. (Robert Sherman) was present at this meeting. He would like to put the driveway in a new location, which is proposed to be 75 feet from the lot where it was originally proposed to go. In order to do that, the subdivision needs to be amended. The traffic engineers report (distributed at this meeting) is in regards to the site distances. This report indicates that there is a site distance of 325 feet. There recommendation for a single-family, residential lot is 250 feet. The traffic engineers do not have any issue with this.

Robert Sherman's comment was they tried to put it in where the safest place is and it was changed from the original Site Plan with the City's request as to the curvature of Webster Road in this location. Dennis Mason stated, "The pavement ends where the site lines are going". Robert Sherman's response was, "Yes". There were no comments from the public. There was no public audience on this topic. There were no requested waivers. The following motion was made.

MOTION: by **Dennis Mason**, seconded by **John Cole** that the Planning Board determines the application to amend the Subdivision Plan for Webster Heights, Lot No. 6, 118 Webster Road to be complete and grants final approval to the amendment.

VOTED: 7-0.

VII. OTHER BUSINESS:

1. Review a Site Plan concerning a "diminimus" change to the Site Plan for Gendron & Gendron office building, 45 Alfred A. Plourde Parkway, and authorize the Chair to sign the mylar. Jim Fortune read the memorandum that he prepared and was dated June 21, 2000. This was brought to the Planning Board as a request for approval of a minor amendment to the Site Plan for Kassbohrer All Terrain Vehicles located at 45 Alfred A. Plourde Parkway. The Site Plan was approved in July 1999. This was for the expansion of storage areas and the construction of a free-standing loading dock. The mylar for the approved project was never received for Planning Board's signature. Submitted was an "As-Built" Site Plan, which shows a redesigned detention pond outlet.

The Public Works Department has reviewed and approved the revised Site Plan with the new detention pond design and it has been inspected by Land Use Inspector, David Hediger. Distributed at this meeting was the memorandum from David Hediger dated June 16, 2000. The site inspection showed the development is substantially in compliance with the approved plan, with the one (1) exception being that the outlet swale to the catch basin has not been constructed yet, but it is expected to be completed soon.

There was no petitioner present at this meeting and Staff feels the changes are of a "diminimus" nature. The following motion was made.

MOTION: by **Dennis Mason**, seconded by **John Cole** that the Planning Board finds that the Revised Site Plan for Gendron & Gendron's Office Building, 45 Alfred A. Plourde Parkway is of a "diminimus" nature and authorizes the Planning Board Chair to sign the mylar.

VOTED: 7-0.

VI. PRE-APPLICATION AND DETERMINATION OF COMPLETENESS:

A. Pre-Application and Determination of Completeness concerning a Site Plan for the proposed Sabattus Street Self-Storage Facility, 1434 Sabattus Street. Jim Lysen said that there are issues that

need to be resolved, but he felt these issues can be resolved between the Pre-Application and Determination

of Completeness and the Final Hearing. Gary Boilard was present at this meeting.

The following motion was made to include items distributed at this meeting pertaining to this topic.

MOTION: by **Dennis Mason**, seconded by **Mark Paradis** that the Planning Board moves to incorporate the Conditional Rezoning Agreement, the Project Review Forms from the Police and Fire Departments, the memorandum dated June 26, 2000 from Michael Paradis, City Engineer, of the Public Works Department, and the Site Application for Development Review from Gary Boilard as part of this record.

VOTED: 7-0.

Jim Fortune did a brief overview of this project. Survey Works, Inc. on behalf of Gary Boilard has submitted an application and Site Plan for development of a self-storage facility at 1434 Sabattus Street. Previously, the Planning Board recommended to the City Council that 1434 Sabattus Street be conditionally rezoned to the Office Service (OS) District. This allows self-storage facilities as a permitted use. There were 11 conditions outlined in the Conditional Rezoning Agreement, which was distributed at this meeting, and the cover memorandum. The Planning Board must assure that the final plan meets all of the requirements outlined in the Conditional Rezoning Agreement.

The Site Plan proposed three (3), single-story, linear buildings totaling 15,600 square feet. Each building is approximately 260 feet in length. Two (2) of the storage unit buildings would have access from only one (1) side, and the third would be placed in between, with access from both sides. This configuration satisfies the requirement to have all doors facing into the property rather than facing the side boundaries or the street. The paved access drives would each be 20 feet wide.

Several issues need to be addressed with respect to the Conditional Rezoning Agreement. Gary Boilard needs to submit information to ensure that requirements concerning the pitch of the roof, lighting, type of buildings, color and storage of hazardous materials is consistent with the Conditional Rezoning Agreement. Gary Boilard also needs to show both front and side setbacks on the Site Plan.

Comments were received from the Police, Fire, and Public Works Departments. The Public Works Department was concerned that the storm drainage calculations do not include existing capacity for storm water storage. The storm system is not sized for water which travels through the property from abutters. In the memorandum from Michael Paradis, City Engineer (distributed at this meeting), dated June 26, 2000, he states that both George Coubron and Bill Peterlein (Summit Environmental) understand the additional information that is needed and the concerns expressed by the Public Works Department. Their plans are to complete the additional work and respond to these concerns prior to the second meeting of the Planning Board. The only concern the Fire Department had was the fire separation in the storage buildings. The Fire Department indicated that a 100-foot fire separation needs to be provided for each storage building. The Police Department had no concerns.

Gary Boilard, the applicant, was the only person from the audience to speak on behalf of this project. He said the issues with the Public Works Department have been properly addressed by the engineers. One (1) of the issues was the property survey which will be done and is contingent with approval. The calculations will be incorporated and will be re-calculated as to how much area is to be disturbed.

Jim Fortune said that there were no setbacks shown on the Plan. Gary Boilard said that the right setbacks will be five (5) feet and the front setbacks will be 0-10 feet. Jim Lysen asked Gary Boilard to get a letter or maintenance agreement from the property owner as to the right side setbacks. Jim Lysen said that if it is more than a 50 percent reduction that the Board must grant, a maintenance agreement is required.

Dennis Mason asked, "Is there going to be a sign?" Gary Boilard responded with, "Yes". Dennis Mason asked if the sign will be on the building? Gary Boilard said that this has not been determined yet, but will be located before the Final Hearing. Dennis Mason then asked, "What is the side setback?" Jim Lysen responded with,

No traffic analysis is required for this usage. This item was then closed to the public portion. The Planning Board would like the concerns with the Public Works Department addressed prior to the Final Hearing. This will require two (2) more meetings - a Public Hearing and a Final Hearing. A sign-off from the Public Works Department is needed before a Public Hearing can be scheduled. These issues can be brought forward. The following motion was made.

MOTION: by **Mark Paradis**, seconded by **Lewis Zidle** that the Planning Board determines that the application for the proposed Sabattus Street Self-Storage Facility at 1434 Sabattus Street be determined as complete and further move that this completed application be scheduled for a review at the July 25, 2000 Planning Board Meeting and the Board determines the Final Hearing to be a Public Hearing and as to the final approval that the Board finds that the applicant for the Sabattus Street Self-Storage Facility meets all the approval criteria under Article 13, Section 4 and Article 13, Section 5 and further that the Board grants final approval.

VOTED: 4-1-2 (Minkowsky/Peters & Mason).

After the motion, Rob Robbins said that an application ought to be complete when it is submitted.

VII. OTHER BUSINESS:

C. Review a proposal concerning a fill project at the Stetson Brook Mobile Home Park, Lessard Street, in conjunction with the Bates College Athletic Fields project. This item did not require any action. This was submitted for information only.

D. Review the proposed Property Acquisition/Disposition Policy and possibly make a recommendation to the City Council (continued from the 6/13/00 Planning Board Meeting). Tom Peters requested that this item be tabled and continued at the July 25, 2000 Planning Board Meeting. This item needs to be worked on.

Also tabled until the July 25, 2000 Planning Board Meeting were the Draft Minutes for June 13, 2000.

IV. PUBLIC HEARING:

B. Public Hearing on a proposal to amend Article XV, Significant Buildings and Structures, of the Zoning and Land Use Code, by adopting Demolition Delay provisions. This item was presented by Jim Lysen. Due to the lateness of this meeting, Jim Lysen did not review his memorandum, which talks about the process. Jim Lysen said that this process was reviewed by the Historic Preservation Commission and City Staff.

Jim Lysen went over the map, which shows all the properties that are subject to review of the Demolition Delay provisions of the code. Jim Lysen then went over this map. There are four (4) classifications of buildings to be covered under these provisions of the code. The first are those buildings that are currently on the local or national register. These are depicted as the dark blue area shown on the map. This is not what you can do with your building, it is only if you are proposing to demolish either all or part of your building which is applicable under these provisions. He is talking about strictly demolition delay. This ordinance sets up a procedure to allow a 120 day period to the preservation community to achieve certain objectives.

The second classification are those buildings that are part of Lewiston's proposed Mill District. This research was done between 1993-1995 by Christopher Closs. These are the light blue areas depicted on the map. The Mill District, other than the other side of Main Street, in the rezoning discussions, are all part of historic buildings. All these classifications have been determined by an Historic Preservation consultant meeting and criteria established by the federal government for such determination.

Jim Lysen then referred to another map with five (5) different classifications. The green area is buildings of none-historic significance. These have no value. The others were yellow contributing buildings. Russell Wright, back in 1997, determined that these buildings should remain unless there is a compelling reason to replace. These yellow buildings were included in the original proposal. This was brought back for discussion.

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Staff then felt that only the top three (3) of those five (5) classifications be brought forward in the proposal. Some modifications have been done to the blue area (Mill District).

Jim Lysen then referred back to the first map that he was describing. The red areas are buildings of highlighted importance that must remain. The lighter red (pink) areas are buildings of importance that should remain. This map depicts all the buildings that are subject to the Demolition Delay procedure. Only the blue area, minus five buildings (St. Mary's Hospital, the post office, etc.) are not covered under the local, but all buildings would be covered under the Demolition Delay ordinance.

Again, Jim Lysen said that prior to this meeting, notices were sent out to all the property owners that are impacted. Also given, were the ordinance and the DESIGN MANUALS. Jim Lysen said the major changes were housekeeping, the definition of classification, also set up some procedures that establishes a time period, etc. Their proposal or the meat of the ordinance starts on Page Nos. 11 and 12 of the ordinance. Currently, if you are going to demolish a building that is on the local register, you have to go to the Historic Preservation Review Board to receive permission. If approved, you can get your permits the next day to do that. Jim Lysen then made reference to when the Bergin Block (on the corner of Spruce and Lisbon Streets) was demolished. The Demolition Delay ordinance allows for the building to be recorded. To be properly recorded includes a narrative, measurements, photographed, and research done prior to its demolition. The other is the ability to work with the owner on either coming up with the money to restore the building and keep it or to sell it (if that is the best interest of the owner) or maybe a relocation of the building. Also, what artifacts can be saved and given to the museum or the family. The Demolition Delay Ordinance provides time. It gives up to 120 days. The procedures call for the applicant who is going to demolish all or part of the building to notify the Historic Preservation Review Board of that, record the notice of demolition in the paper (an ad describing what is occurring with the building). The Historic Preservation Review Board would then need to send notice the Maine Historic Preservation Commission and Maine Preservation (citizens group) that this building was either up for sale or at risk of being demolished.

There are also some exceptions/emergencies. A structure that has been ordered to be demolished by the City Council in accordance with state statute is also a division of Code Enforcement that has been determined to be an immediate hazard and need to be taken down, that would be exempted from these provisions. Also the Board can vary any and all parts of the ordinance. If the issue comes in, everything will not run at 120 days. The Board might say that they understand the situation, it might be a redevelopment proposal or safety issues, the Board can vary any or all parts of the 120 day delay on any or all of the Demolition Delay procedures. Jim Lysen mentioned that the rest is definitional changes and different classifications, contributing structures, significant structures, and districts. Also mentioned was the DESIGN MANUAL as being a guide. Other changes include making it consistent for this other procedure (permission being granted to demolish). This is a shortened process and only deals with Demolition Delay. This is only a delayed procedure. Only the dark blue areas on the map displayed at this meeting fall under this process and five others not included on this map and as mentioned above.

The proposed Mill System District is currently a nomination. It has not been brought forward yet. It has been determined to be eligible. Currently these are not being brought forward. This will be at another hearing. The Historic Preservation Board is charged with preserving the architectural, cultural, and archeological research in the community. They can bring forward that nomination.

Tom Peters said that the DESIGN MANUAL is very interesting. Tom Peters made reference to Page No. 2 of this manual, where it states that there are 1,000 additional properties could be added that contribute to the historic environment. An amendment to the Code and City Council action would need to be taken for any of these to be added. Buildings that are determined significant are part of the Land Use Code. They would go from Historic Preservation Review Board, the Planning Board, and then the City Council. Jim Lysen said that, again, he is talking about Demolition Delay and classification. Tom Peters made reference to the criteria on Page No. 1, as to a., b., and c. He said that tracking for a while what's in the code on Page No. 84. There are

five (5) criterias that Russell Wright talks about. Some were eliminated to down to just one or two criterias that would exempt a building from demolition. Tom Peters then asked, "Is there a reason for that, why this was not tracked?" Jim Lysen's response was that the reuse of the site will be compatible to the characters of the District.

This is really not a Demolition Delay ordinance. This was stricken as a general condition alone. The other is that there is no practical alternative that involved the retention of the building. This issue is has the structure been determined by Code Enforcement to be a hazard to the community. Code Enforcement would make that determination.

Tom Peters made reference to Page No. 84, Criterion -. The physical condition of the building makes the continued use of the building uneconomical. *“This criterion calls upon the applicant to demonstrate “economic hardship” by proving that he will be deprived of all beneficial use of his property. The applicant must obtain written documentation from at least two licensed real estate agents that states that the cost of rehabilitating the structure to code standards versus the expected return on investment at that particular building site is unreasonable and economically unsound. The application will not be approved solely to allow the applicant to rebuild to achieve the most profitable use of his property, if it can be demonstrated that by retaining and rehabilitating the building, he may expect a reasonable return.”*

Jim Lysen said that this is an existing part of the code and that this only applies to buildings currently on the local register. Demolition is the process you go through to get permission to remove a building. Once this has been done, it is suggested that there be a delay before the demolition occurs to allow the preservation community to do those things that are mentioned. Those buildings that are on the register have no process to go through at all. Timing is the difficulty.

Tom Peters said that it has to be made very clear as to what is talked about in demolition. The DESIGN MANUAL is very clear about anything that has to do with historic buildings if you are going to need repairs on them. As to replacement, you need Certificates of Appropriateness. All should be done in agreement with the parties. This should not be required or forced on to anyone. Jim Lysen commented that peoples rights are not being taken away. The only building that is currently on the national register that is a single-family home in the City of Lewiston is the Clifford House on Ware Street. This item was then opened to the public.

- **Len Tracy**. Len Tracy represents the Hill Mill/Continental Mill. His concern was with the recordation process.

Tom Peters made reference to Page No. 50 of the DESIGN MANUAL, which states, *“ It should be stressed that these standards apply only to listed buildings and then only when change is contemplated. No City or state law can force an owner to change his property other than for safety and health reasons. Owners of listed buildings as well as those who own non-listed buildings of architectural merit will follow the guidelines through choice.”* Tom Peters said that this ordinance does not give you a choice. It basically says that you are going to comply or you are going to have to sell the building at fair market value. He said what he would like to see happen is through choice, by educating people and trying to work with them.

Jim Lysen said that the Demolition Delay only gives demolition procedures. It does not tell you that you cannot do that. It only delays it for 120 days.

- **Norm Rousseau** said that he does not want to be told what to do with his property.

- **Phil Isaacson**, from Isaacson & Raymond was present at this meeting. He said that at this late hour, nothing would be gained or determined and that the meeting was almost getting out of control.

Tom Peters then requested that this item be tabled to the next Planning Board Meeting to be held on July 25, 2000.

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

MOTION: by **Mark Paradis**, seconded by **John Cole** to adjourn this meeting at 10:55 p.m.

VOTED: 7-0.

Respectfully submitted,

Mark Paradis, Secretary

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