

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for December 19, 2000 - Page 1 of 7**

- I. ROLL CALL:** This meeting was held in the City Council Chambers, was called to order at 7:04 p.m., and was chaired by Tom Peters.
- **Members In Attendance:** Muriel Minkowsky, Dennis Mason, Tom Peters, John Cole, and Lewis Zidle.
 - **Staff Present:** Gil Arsenault, Deputy Development Director; James Lysen, Planning Director; James Fortune, Planning Coordinator; and Doreen Asselin, Administrative Secretary.
 - **Others Present:** Glen Bolduc - Lewiston Sun-Journal.
 - **Members Absent:** Rob Robbins and Mark Paradis.
- II. READING OF THE MINUTES:** *Draft of the Minutes from the November 28, 2000 Planning Board Meeting.*

Lewis Zidle arrived at 7:06 p.m.

The following changes were made to the minutes:

- On Page No. 3, first paragraph on that page, delete the word, "He" and replace with the name, "Gil Arsenault". Also on that same page in the first motion, end the sentence after the words, "Sign Regulations" and delete the remaining part of that sentence.
 - On Page No. 4, in the sentence after the motion, drop the "s" off the word "constitutes" to read, "constitute" and then between the words, "vote" and "constitute" add the words, "does not".
 - On Page No. 5, Item C., fifth paragraph, second line change the words, "telephone pole" to read, "utilities". In the eighth paragraph, second line change the word, "quite" to read, "quiet"; third line change the word, "idol" to read, "idle"; sixth line between the words, "on" and "part" add the word, "the"; eighth line, delete the word, "utilities" and replace with the words, "utility pole"; ninth line, delete the words, "utilities" and replace it with the words, "utility pole"; and tenth line, delete the word, "these" and replace it with the word, "this" and delete the word, "utilities" and replace it with the words, "utility pole".
 - On Page No. 6, second sentence on the page, delete the word, "study" and replace it with the word, "move". On this same page after the two motions on this issue, add a note stating that the Planning Board has received the letter from Country Kitchen (LePage Bakeries) and that this letter is appended to these minutes. Also on this same page, Item D., first paragraph, eighth line, change the word, "ration" to read, "ratio".
 - On Page No. 7, VI. Pre-Application Hearings, Item A., sixth paragraph, fifth line, add an apostrophe after the word, "Members".
 - On Page No. 8, the second sentence shall read, "There was no public audience in attendance, therefore, this was not opened to the public and the following motion was made." Also on this same page, Item No. 2, fourth paragraph, add the following sentence before the motion, "There was no public audience in attendance, therefore, this was not opened to the public and the following motion was made."
 - On Page No. 9, Item 4, fourth paragraph, the last sentence shall read, "The recommendation from the City Staff is to continue to hold for the City to retain this property."
- After the above changes, the following motion was made.

MOTION: by Dennis Mason, seconded by Muriel Minkowsky to accept the Planning Board Minutes dated November 28, 2000, as amended.

VOTED: 4-0-1 (Cole).

- III. CORRESPONDENCE:** The following items of correspondence were distributed at this meeting:
- A letter from Steve Gavett, Vice President-Transportation, of Country Kitchen dated December 12, 2000 regarding neighborhood concerns to LePage Bakeries' expansion project.
 - A letter from Arthur W. Montana, P.L.S., of A.R.C.C. Land Surveyors, Inc. dated December 18, 2000 regarding a tabling request for the Fifth Revision to the River Road Industrial Condominiums, River Road.
 - Drawing Nos. C-1, Site Layout Plan; C-2, Grading & Drainage Plan; and Drawing No. C-3, Miscellaneous Details pertaining to the Lewiston District Court project, 71 Lisbon Street.

Out of sequence to the agenda, the following motion was made pertaining to Item VI. FINAL HEARING: Final Hearing concerning a proposed amendment to the River Road Industrial Condominiums Subdivision, since this request was one of the items listed in the above Item III. CORRESPONDENCE.

MOTION: by **Dennis Mason**, seconded by **John Cole** to table the Fifth Revision River Road Industrial Condominiums project, 145 River Road, to the January 9, 2001 Planning Board Meeting.

VOTED: 5-0.

IV. PUBLIC HEARINGS:

A. *Public Hearing concerning a Conditional Use Permit Application for the Phase III Expansion of the Lewiston-Auburn College Campus, 55 Westminster Street.* Since there were no public in attendance, the reading of the memorandum prepared by James Fortune dated December 11, 2000 was waived by the Planning Board Members.

Present at this meeting were **Steve Myers** from Platz Associates and **Dave Barbor**, the Facilities Manager for the University of Maine System, for the Lewiston-Auburn College.

Steve Myers did a brief presentation of this project. He said the presentations is the same as what was presented at the Planning Board Meeting on November 28, 2000. There are no changes to the Site Plan. There will be a small addition to the rear of the property (Fish House) for the study of two (2) types of fish. The vestibule is being enlarged slightly. There is about 1,000 square feet of additional impervious surface area. There will be a small sidewalk. No parking is being added. Steve Myers commented that this presentation is no different that the one (1) he made at last month's meeting.

After Steve Myers presentation, this item was opened to the public for comments. Since there was no audience in attendance on this item, the public portion was closed and brought back to the Planning Board for the following motion.

MOTION: by **Dennis Mason**, seconded by **Muriel Minkowsky** that the Planning Board finds the application for the Phase III Expansion of the Lewiston-Auburn College Campus, 55 Westminster Street, meets all the applicable standards under Article X, Section 3 of the Zoning and Land Use Code and, therefore, grant the Conditional Use Permit.

VOTED: 5-0.

V. RECONSIDERATION (*Motion Required*)

Reconsideration of a Public Hearing Action to send a favorable recommendation to the City Council concerning amendments to the Sign Ordinance, Article XII, Performance Standards, Section 16, of the Zoning and Land Use Code, with respect to single parcels developed with multiple uses, and make the standards consistent with the recent adoption of new zoning districts in the downtown (Public Hearing of 11/28/00). The following motion was made for the above reconsideration.

MOTION: by **Dennis Mason**, seconded by **Thomas Peters** that the Planning Board reconsiders action taken at the November 28, 2000 Planning Board Meeting considering amendments to the Sign Ordinance.

VOTED: 5-0.

Gil Arsenault mentioned that the reason for this item being brought back to the Planning Board for a reconsideration was when the following question was raised at the last Planning Board Meeting on November 28, 2000, "What would be the impact the proposed changes would have on allowable sign area for business parks?" It was also apparent at that last meeting that the reference to multi-tenant business parks, industrial parks, or shopping centers needed to remain in the ordinance. Planning Staff had proposed to remove this reference and replace it with "single parcels developed with multiple uses". Gil Arsenault responded to the above question that the provisions in Article XII, Section 16(d) allows business/industrial park signs not to exceed 168 square feet with an additional sign at the secondary vehicular entrances not to exceed 100 square feet. In addition, this section eliminates the need for Section 16(c)(2)b1(v), which allows 30 square feet of sign area for business/industrial park signs located at secondary vehicular entrances. Gil Arsenault said that everything on the second page which was previously struck out, should be returned to the previous language and then to strike out Item (v). Dennis Mason commented that this could mean any lot or parcel with two (2) or more uses. There, being no further comments, the following motion was made.

MOTION: by **Dennis Mason**, seconded by **Muriel Minkowsky** that the Planning Board sends a favorable recommendation to the City Council to approve the changes presented at this Planning Board Meeting of December 19, 2000.

VOTED: 4-0-1 (Cole).

John Cole abstained from voting on this item, since Gerry Clements was present at the last meeting on this item which pertained to Sam's Italian Shoppe. Gerry Clements is a client of John Cole's firm, Skelton, Taintor & Abbott, P.A. John Cole felt it to be inappropriate for him to vote on this item.

VII. OTHER BUSINESS:

Before Item No. 1 was reviewed the following requests were made.

Tom Peters mentioned that a vacancy will occur on the Planning Board with his departure as his term expires at the end of this month. Tom Peters made the request to James Lysen to draft a letter to the Mayor, requesting her to please expedite this process to fill this position. He also requested that James Lysen fax this letter to him for review.

Tom Peters then mentioned that at the first meeting in January (January 9, 2001) in reference to adopting the Planning Board's rules and procedure, to place the acquisition/disposition issue on that agenda. Tom Peters then distributed a handout to the Planning Board Members to be included in the packets on this issue taken from the Charter - Page 9, Item (d) Rules of procedure and Appendix A - Zoning and Land Use Code - Page CDA 41, Item (f).

Tom Peters then asked if there was anything else to examine. James Lysen then mentioned the appointment of student representatives to the Planning Board. There are usually two (2) appointments. The mayor makes this appointment. Tom Peters then requested that James Lysen include this in his draft letter to the Mayor.

A. New Business:

I. *Discussion concerning a letter from Phil Nadeau, City Administrator, concerning the Planning Board's role with respect to property acquisitions and dispositions for the City of Lewiston.* Both, former Planning Board Member **Denis Theriault** and Chairman **Harry Milliken** were present at this meeting. Harry Milliken suggested that the policies on sale and acquisition be included and put in the rules and procedures of the Planning Board.

Tom Peters said his interpretation of the correspondence from **Phil Nadeau** was that Phil Nadeau would like to streamline this process. Phil Nadeau's first recommendation was that all future transactions involving property takings by the MDOT be forwarded to the Planning Board until such time as this requirement is modified or amended by the City. He was also suggesting the formation of a revised Land Committee.

His second recommendation in this letter was that the Council consider taking action on a proposed restructuring of the Land Committee which would streamline the processes involved in acquisition, demolition, and the selling/transfer of City-owned property and public ways.

This issue came before the Planning Board Meeting in October 2000. John Cole mentioned the suggestion made at that meeting, which was October 13, 2000 of a six-month period to see how things go and make a further recommendation at that time. He said that he would like the benefit of a six-month period.

Tom Peters commented that State law may have language on the Planning Board's role in this procedure.

Tom Peters mentioned that this is the only correspondence, which is dated November 3, 2000, received from administration.

Denis Theriault then made reference to the problems related to the Pillsbury Building. Is land consistent with the Comprehensive Plan? The Planning Board are the keepers of the Comprehensive Plan. He questioned, "Why is everybody afraid of a recommendation from the Planning Board?" A check-and-balance system is needed. The Planning Board is being left out of the loop. The Planning Board has never delayed the process with a late recommendation.

Harry Milliken mentioned that he served on a committee four (4) or five (5) years ago. He also said that James Lysen and a couple of the City Councilors were on this committee. This issue was looked at previously by this committee. This review process has to stay with the Planning Board. Both the Planning Board and public input is needed.

Tom Peters stated that this letter ignores the six-month suggestion. The question was then asked, "Are they skipping us or has nothing come up". Only three (3) acquisitions/dispositions have been reviewed to date. James Lysen said he is assuming there have not been any others. It was then mentioned to let the six (6) months go by and then see what happens.

James Lysen commented that in Phil Nadeau's correspondence he made reference to a restructured "Land Use Committee". His reference meant, "Land Committee".

John Cole said that this is an important issue of this Board. As to State law, John Cole said that he will look into this. It was then suggested again that this item be placed on the next Planning Board Agenda, which is scheduled for Tuesday, January 9, 2001, therefore, this item will be taken up again at that meeting. A consideration should be given of a further recommendation on this particular point.

Harry Milliken spoke up and said that the Planning Board Chair has the authority to call an emergency meeting to review the sale and acquisition of property. He again reiterated that the Planning Board has this option.

John Cole also mentioned to hold off on further action.

At this point in the conversation Tom Peters requested for Gil Arsenault to draft a letter that restates Tom Peters correspondence dated October 2000 pertaining to the six- (6-) month review period. The following motion was made.

MOTION: by **John Cole**, seconded by **Dennis Mason** that the requested letter be sent to Phil Nadeau stating that no action be taken until the questions related to the November 3, 2000 letter are answered and to gather some information as to acquisition of any form.

Before a vote was made on the above motion, Dennis Mason amended the above to include:

That a copy of this letter and the other two (2) additional correspondences by sent to the new City Administrator.

VOTED: 5-0.

After the above motion was made, it was decided to hold off on further action. The above requested letter to be written by Gil Arsenault, is to be signed by both the Chair and Vice-Chair. Tom Peters' also requested for Gil Arsenault to fax this letter to him for review. This item will be placed back on the agenda for the January 9, 2001 Planning Board Meeting.

2. “Diminimus” change determination for modifications to the approved Site Plan for the Lewiston District Court project, 71 Lisbon Street and authorize the Chairman to sign the mylar. Tom Peters said that the \$1.3 million overage on this project was, in part, due to the wage/hourly scale in the State of Maine. The \$1.3 million has been cut out. In January 2001 this will be re-bid. This may not be the final product.

James Lysen did the presentation on this item. As mentioned in the memorandum prepared by James Fortune and dated December 14, 2000, this project was previously approved by the Planning Board at the July 25, 2000 Planning Board Meeting. There are no changes being made to the front of the building. The major changes are to the rear of the property. The only addition now in the back is the stair tower. Some of the proposed changes to the Site Plan include: a. the elimination of the three- (3-) story addition to the rear of the building, b. the elimination of the “Sally Port”, c. additional parking in the rear parking lot. The landscaping has been added to include trees. The following modifications were made to the landscaping plan: a. street tree/plantings along Canal Street, b. the elimination of the ornamental fence along Canal Street, and c. additional/expanded landscaping is being added where the additions have been eliminated.

There are very little exterior alterations being made. As to the Sally Port area, this area is being eliminated. This will now be an open gated area as to prisoner drop-off. There are some additional landscaping. This is a much smaller project than previously approved. A lot has been eliminated from the original plan.

James Lysen said that the state now owns the building and this Board did previously make a recommendation on this transfer.

A concern of Public Works was that the tree grates are too big. James Lysen said that in the plan that he reviewed, which was not shown on the plans that were distributed at this meeting, there are seven (7) deciduous trees, spaces at 15 foot intervals. This then lead to the following conversation by Harry Milliken making the following comment, “How can you make a decision without the right set of plans?” James Fortune retrieved the other set of plans that showed placement of the trees and showed this plan to the Planning Board.

However, this item has been brought to the Planning Board to determine if the changes are of a “diminimus” nature and, if so, to authorize the Chair to sign the revised mylar. John Cole then stated, that if presented without the above, he would vote, as follows and made the following motion.

MOTION: by **John Cole**, seconded by **Muriel Minkowsky**, that the Planning Board finds the changes are “diminimus” and authorizes the Chair to sign the revised mylar.

VOTED: 3-1-1 (Against: Mason)
(Abstained: Peters)

After this motion, Denis Theriault asked, “Have you seen the recommendation from the Historic Preservation Review Board?” James Lysen responded that the Historic Preservation Review Board and the Downtown Advisory Board had several courtesy reviews, since neither had any regulatory authority and both had concerns with the Sally Port elimination.

3. Review a proposal concerning the possible acquisition of 413 Lisbon Street and make a recommendation to the City Council accordingly (tabled from the 11/28/00 meeting). This item was tabled at the November 28, 2000 Planning Board Meeting. At the 11/28/00 Meeting, the Planning Board requested the following: a. whether there is the potential requirement for any business relocation at the City’s expense, b. the possible structural connection between the buildings at 413 and 415 Lisbon Street, and c. whether the City should pursue acquiring both 413 and 415 Lisbon Street (the Maine Supply building).

Gil Arsenault stated that 413 Lisbon Street is not Franklin property.

James Lysen said that there are three (3) buildings involved - 411, 413, and 415 Lisbon Street. 415 Lisbon Street is the Maine Supply Building owned by the Franklin Company and attached to the Good Shepard Food Bank. A site inspection was done, where photographs of the buildings were taken. James Lysen then showed the Planning Board Members these photographs. Gil Arsenault commented that there are currently no options on this property. This has not appeared before the City Council or the Land Committee.

Muriel Minkowsky said that currently it is producing tax dollars. If we buy it, it will then not produce any taxes.

It was then mentioned that this would give the City 80 feet on Lisbon Street. The reason the City would want to buy this would be to land bank it for future development.

Dennis Mason asked, "Is the Maine Supply Building on the historical register?" James Lysen responded with, "Yes".

Denis Theriault said that this does not fit the profile of what you would want in the downtown. He also commented that there is a shared structural support. In closing, he said that this does not fit and should be reminded that a new support would cost \$25,000 and that does not make sense.

The public portion was then closed.

In response to the first Planning Board request concerning relocation above is "No", as stated in Jim Andrews memorandum dated December 5, 2000, since the property is occupied by the owner of the building and the owner is asking the City to purchase the property. Also, pertaining to the second request, the connection would be limited to the first floor. The last request of whether the City should acquire both 413 and 415 Lisbon Street. The response was to acquire just 413 Lisbon Street, take 411 Lisbon Street down, and land bank it, all of which are listed in the following motion made by Tom Peters.

MOTION: by **Tom Peters**, seconded by **Dennis Mason** that the Planning Board recommends acquisition of the properties at 413 Lisbon Street.

VOTED: 4-1 (Minkowsky).

After this motion was made, Tom Peters said to note and convey to the City Council that it will cost \$25,000 to fit-up the structural connection between the buildings at 411 and 413 Lisbon Street, acquire this property, that it should be conveyed to the City as unoccupied, and that the City does not pay any relocation costs.

4. *Tax Increment Finance District (T.I.F.) For RPM Realty Trust -DHS, concerning a proposed expansion and redevelopment of the DHS office building at 200 Main Street.*

The following is a summary of the memorandum placed in each Planning Board packet dated December 14, 2000 from **Lincoln Jeffers**, Economic Development Specialist, from the City of Lewiston.

On December 12, 2000 the Lewiston City Council approved a Development Assistance Agreement that creates a public/private partnership between the City and RPM Realty Trust. The agreement provides financial assistance to RPM Realty Trust that will make it feasible for them to renovate and build an addition to space currently occupied by the Department of Human Services. The City entered into the agreement because it wanted to retain the D.H.S. as a tenant in the downtown. Doing so will keep 185 jobs and important government services, accomplish several goals and objectives of the Downtown Master Plan, further the revitalization of the downtown, and serve as a catalyst for future development. It is expected that this will come before the Planning board for development review in January 2001, along with a request for a recommendation on the sale of the bus terminal property. The cities of Lewiston and Auburn need to act to sell the bus terminal property to RPM Realty Trust. The appraisal of the site should be completed by the end of December 2000. Once the appraisal is received, both cities have agreed in principle to sell the property to RPM Realty Trust, who's intent is to demolish the building and then use this property for the expansion of the D.H.S. building.

This item was brought to the Planning Board for information only. Tom Peters reaction to this was that the Planning Board has been informed. There was no action necessary on this item.

5. *Discussion concerning the Bates College Traffic Calming Project.* This was brought to the Planning Board to look for some participation from the Board. Tom Peters said that he has already agreed to participate and will report back to the Board. **Mike Paradis**, from Engineering, will be setting up this meeting. This will be open to the public. Mike Paradis welcomes participation. Denis Theriault said that he is interested and would like to be informed any meetings. He would like for this to be conveyed to Mike Paradis.

B. Old Business: None.

Acknowledgment for Tom Peters

Before adjourning this meeting, James Lysen said that he wanted to acknowledge Tom Peters on his dedicated service to the Planning Board and that he appreciated his commitment and dedication to improving the City. He said that he enjoyed working with him and wanted to extend his sincere appreciation for all his efforts.

Harry Milliken said that he respected Tom and enjoyed his time with him.

John Cole commended Tom Peters on his expertise in planning matters.

Denis Theriault also said that when you serve on a Board such as this, you become friends with people on the Board and earn a trust.

In Tom Peters closing, he said that it was great serving with everyone on the Board, that he would keep in touch, and that he is considering running for City Council.

VIII. ADJOURNMENT: This meeting adjourned at 8:45 p.m.

Respectfully submitted,

Mark Paradis, Secretary

DMA:dma

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