

CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for October 28, 2013

- I. **ROLL CALL:** The meeting was held in the City Council Chambers of City Hall and was called to order at 5:30 p.m. Chairperson, Bruce Damon, chaired the meeting.

Members in Attendance: Bruce Damon, Kevin Morissette, Eric Potvin, Walter Hill, Sandra Marquis and Michael Marcotte

Members Absent: Paul Robinson

Associate Member Present: Paul Madore and Matthew Mastrogiacomo

Staff Present: David Hediger, City Planner, Gil Arsenault, Director of Planning & Code and Cathy Lekberg, Administrative Assistant, Economic & Community Development

- II. **ADJUSTMENT TO THE AGENDA:** The Board moved Public Hearing Item IV(d) to the beginning of the public hearings.

- III. **CORRESPONDENCE:** None

- IV. **PUBLIC HEARINGS:**

Matthew Mastrogiacomo was appointed full voting member for this public hearing.

- d) A petition submitted by Stoneybrook Consultants, Inc. on behalf of John F. Murphy Homes (JMH) to rezone the property at 5 Memorial Drive from the Medium Density Residential (MDR) district to the Highway Business (HB) district to allow places of indoor assembly, amusement or culture and academic uses as a permitted use in support of JMH's interest in developing the property

The following motion was made:

MOTION: by **Sandra Marquis** to consider petition submitted by Stoneybrook Consultants, Inc. on behalf of John F. Murphy Homes (JMH) to rezone the property at 5 Memorial Drive from the Medium Density Residential (MDR) district to the Highway Business (HB) district to allow places of indoor assembly, amusement or culture and academic uses as a permitted use in support of JMH's interest in developing the property. Second by **Walter Hill**.

VOTED: 7-0 (Passed).

David read staff comments to the Board. Mike Gotto of Stoneybrook Consultants, Inc. showed site plans and also introduced Peter Kowalski, the CEO of John Murphy Homes, Inc. (JMH). Mike also showed the Board where the zoning would be changed to HB for this project.

Bruce asked if the new access would be on Memorial Avenue and Mike Gotto said yes. He also asked Peter for an explanation of what John Murphy Homes, Inc. does and Peter explained that JMH is a non-profit organization that serves children with mild and profound disabilities.. They provide group homes, day services and also serve kids with autism. He explained that it is difficult for kids and adults with these types of disabilities, to have access to recreational facilities because they require a large area for handicap access. Their plans are to construct a new heated pool that would be warmed to 97 degrees and t some community rooms. He also said that this facility would be open to the general public. He said that because of the sites access to gas to heat the pool, this would be a good site.

Some members of the Board thought this was a great use for the property and others were skeptical because the project would be done by another non-profit organization that would not be contributing to the tax base. There was some discussion about whether this should be postponed until the Comprehensive Plan was adopted. Staff noted that even if it was adopted, it may take many years to implement. Members also debated that this site could be used for commercial development and would contribute to the tax base while others mentioned that this site has been available for development and nothing has been done for many years.

Peter explained to the Board that this property was a very complex piece of land which would not be easily developed for commercial use given some of the environmental constraints and that a recreational space would be a better use.

After further discussion the Board decided to make a motion as follows:

MOTION: by **Walter Hill** pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration to rezone the property at 5 Memorial Drive from the Medium Density Residential (MDR) district to the Highway Business (HB) district, subject to any concerns raised by the Planning Board or staff.

Second by **Matthew Mastrogiacomo**.

VOTED: 5-1-1 (Passed)

Michael Marcotte Opposed

Kevin Morissette Abstained

Matthew Mastrogiacomo recused himself for the public hearings for Gendron & Gendron and GRE, LLC as he has represented them in several other matters.

Paul Madore was appointed full voting member for these public hearings below.

- a) An application submitted by Stoneybrook Consultants on behalf of Gendron & Gendron, Inc. for modifications to the approved schematic layout for 23

Gendron Drive - Lot 15 of Gendron Business Park for the construction a 140,000 square foot building.

- b) An application submitted by Stoneybrook Consultants on behalf of Gendron & Gendron, Inc. for modifications to the approved schematic layout for 3 and 5 Priscilla Drive-Lots 16 and 17 of Gendron Business Park for the construction of a 50,605 square foot+ building on Lot 16 and a 71,470 square foot structure on Lot 17.

The following motion was made:

MOTION: by **Michael Marcotte** to consider an application submitted by Stoneybrook Consultants on behalf of Gendron & Gendron, Inc. for modifications to the approved schematic layout for 23 Gendron Drive - Lot 15 of Gendron Business Park for the construction a 140,000 square foot building and for modifications to the approved schematic layout for 3 and 5 Priscilla Drive-Lots 16 and 17 of Gendron Business Park for the construction of a 50,605 square foot building on Lot 16 and a 71,470 square foot structure on Lot 17. Second by **Kevin Morissette**.

VOTED: 7-0 (Passed).

David summarized the staff comments for the Board and Mike Gotto gave an overview of the site plans and what was being proposed. David stated that the only reason this item was being brought to the Planning Board was because of the storm water changes.

Michael Marcotte asked when the buildings would be built and Mike Gotto said they had tenant interested earlier but, they have not come back to the table.. He said that Lot 16 would likely be done early next year. David mentioned that Gendron only owns the land at this point, and no stormwater fees will be charged yet until the site is developed.

The following motion was made:

MOTION: by **Michael Marcotte** finds that the application meets all of the necessary criteria contained in the Zoning and Land Use Code, including Article XIII, Section 4 of the Zoning and Land Use Code and to grant approval to Gendron & Gendron, Inc. for modifications to the approved schematic layout for 23 Gendron Drive - Lot 15 of Gendron Business Park for the construction a 140,000 square foot building, subject to any concerns raised by the Planning Board or staff and subject to the following conditions:

- 1) Upon construction activity commencing, weekly erosion control reports are provided to city on the status of the project and any issues or corrections needed or made with respect to erosion control.

- 2) Prior to a certificate of occupancy being issued, an as-built site plan must be provided by a professional surveyor.
- 3) Prior to a certificate of occupancy being issued for any building on lot 15 frontage on a city accepted street must be provided. Building permits may be issued upon the streets acceptance or upon a performance guarantee provided pursuant to Article XIII, Section 12.
- 4) No building permits shall be issued until DEP signs off on the City's delegated review authority for development of these lots.
- 5) Prior to a certificate of occupancy being issued a professional engineer must provide a stamped statement indicating all stormwater improvements have been completed in accordance with the approved plan.

Second by **Eric Potvin**.

VOTED: 7-0 (Passed).

The following motion was made:

MOTION: by **Paul Madore** find that the application meets all of the necessary criteria contained in the Zoning and Land Use Code, including Article XIII, Section 4 of the Zoning and Land Use Code and to grant approval to Gendron & Gendron, Inc. for 3 and 5 Priscilla Drive-Lots 16 and 17 of Gendron Business Park for the construction of a 50,605 square foot building on Lot 16 and a 71,470 square foot structure on Lot 17, subject to any concerns raised by the Planning Board or staff and subject to the following conditions:

- 1) Upon construction activity commencing, weekly erosion control reports are provided to city on the status of the project and any issues or corrections needed or made with respect to erosion control.
- 2) Prior to a certificate of occupancy being issued, an as-built site plan must be provided by a professional surveyor.
- 3) Prior to a certificate of occupancy being issued for any building on lot 15 frontage on a city accepted street must be provided. Building permits may be issued upon the streets acceptance or upon a performance guarantee provided pursuant to Article XIII, Section 12.
- 4) No building permits shall be issued until DEP signs off on the City's delegated review authority for development of these lots.
- 5) Prior to a certificate of occupancy being issued a professional engineer must provide a stamped statement indicating all stormwater improvements

have been completed in accordance with the approved plan.

Second by **Michael Marcotte**.

VOTED: 7-0 (Passed).

- c) An application submitted by Stoneybrook Consultants, Inc. on behalf of GRE, LLC to split 92 Alfred Plourde Parkway - Lot 5 into two lots.

The following motion was made:

MOTION: by **Sandra Marquis** to consider an application submitted by Stoneybrook Consultants, Inc. on behalf of GRE, LLC to split 92 Alfred Plourde Parkway - Lot 5 into two lots. Second by **Eric Potvin**.

VOTED: 7-0 (Passed).

Bruce stated that he was very confused with this item and Mike Gotto explained to the Board what has happened through the years to this property. He stated that Gendron bought this land in 1995 and changed the zoning for retail development and that the Maine Turnpike Authority had blocked the access to this property. He said that MDOT was able to relocate the access to a different spot and they needed to split Lot 5 into two separate lots to provide access to the future retail site.

Michael Marcotte said he loved this concept of retail on this site and it reminded him of the retail space in Augusta. Mike Gotto said originally Walmart was to go in the space but they walked away. Bruce asked if the oil pipeline would have to be relocated and Mike Gotto said yes. Paul Madore asked how long it has been a retail site and how likely would it be that retailers would want to be located there. David said it was rezoned in 2001 and it was very likely they would want to be located there being close to the turnpike.

The following motion was made:

MOTION: by **Michael Marcotte** finding that the application meets all of the necessary criteria contained in the Zoning and Land Use Code, including Article XIII, Section 4 and 5 of the Zoning and Land Use Code and to grant approval to GRE, LLC to split 92 Alfred Plourde Parkway - Lot 5 into two lots, subject to any concerns raised by the Planning Board or staff. Second by **Walter Hill**.

VOTED: 7-0 (Passed).

V. OTHER BUSINESS:

- a) Chicken Ordinance Amendment.

After discussion of the positives and negatives of the chicken amendment, the Board decided that they needed more information regarding lot sizes and

asked staff to generate some GIS lists of single family homes that had 10,000 and 20,000 square feet of land and what districts they were located.

The following motion was made:

MOTION: by **Michael Marcotte** to have staff pull some lists from the GIS mapping system of single family homes that have 10,000 and 20,000 SF of land and in what zoning districts they were located.
Second by **Walter Hill**.

VOTED: 7-0 (Passed).

b) Drinking Establishment Ordinance Amendment

Eric told the Board that he would like to gather a little more information on this subject and asked staff to leave it on the agenda for the next meeting.

c) Discussion about roof sign amendment.

David said that they needed to have a discussion on roof signs as there were illegal roof signs at the Dunkin Donuts and Antigoni's and that it should be put on the next meeting agenda. Bruce said that he would also like to discuss the intensity of LED signs.

d) Any other business Planning Board Members may have related to the duties of the Lewiston Planning Board.

VI. OLD BUSINESS:

a) Update on Riverfront Plan

David told the Board that City Council asked the Finance Committee to reconsider the one bid they received from Pratt out of Minot in the amount of \$583,000. He asked the Board for suggestions to bring down the price of some of the items on the bid. He showed them the schematic and said staff would like to discuss the bid again with the architect with new suggestions on how to lower the bid. The following are some suggestions from the Board:

- Delete LED lighting in the granite benches that change color and put pole lighting instead;
- Do not raise railroad tracks, but raise grade instead and build path around them;
- Do not use polished granite for benches and less granite seating;
- Add plaque to park explaining historic history.
- Price out gas lights
- Reduce the size of new trees and use stone for pathways instead of concrete.

b) Update on Comprehensive Plan

No update at this time.

VII. READING OF MINUTES: Adoption of the September 30, 2013 Minutes

The September 30, 2013 draft minutes will be adopted at the November 25, 2013 Planning Board Meeting.

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

MOTION: by **Walter Hill** that this meeting adjourns at 9:15 p.m. Second by **Sandra Marquis.**

VOTED: 7-0 (Passed).

The next regularly scheduled meeting is for Monday, November 25, 2013 at 5:30 p.m.

Respectfully Submitted:

Paul Robinson Secretary