

CITY OF LEWISTON  
PLANNING BOARD MEETING  
MINUTES for June 13, 2011

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

**Members in Attendance:** Lucy Bisson, Bruce Damon, Denis Fortier, Paul Robinson, Kevin Morissette and Eric Potvin

**Associate Member Present:** Michael Marcotte and Sandra Marquis

**Members Absent:** Trinh Burpee

**Staff Present:** David Hediger, City Planner and Gil Arsenault, Director of Planning & Code Enforcement

In that Trinh Burpee was not in attendance, Lucy Bisson appointed Sandra Marquis as a voting member for this meeting.

- II. **ADJUSTMENT TO THE AGENDA:** Item a. other business, extension of approval for the construction of an 18,000 square foot office building at 420 Main Street was moved to the beginning of the agenda.
- III. **CORRESPONDENCE:** A letter dated June 10, 2011, from Clayton M. Richardson, Superintendent of the Lewiston Water Pollution Control Authority, an email from John N. True dated June 9, 2011, and a Sebago Technics Site Plan of the Lewiston Auburn Water Pollution Control Authority dated June 6, 2011, was received by the Board at this meeting.

The following motion was made:

**MOTION:** by **Denis Fortier** to accept the letter dated June 10, 2011, from Clayton M. Richardson, Superintendent of the Lewiston Water Pollution Control Authority, an email from John N. True dated June 9, 2011, and a Sebago Technics Site Plan of the Lewiston Auburn Water Pollution Control Authority dated June 6, 2011. Second by **Bruce Damon.**

**VOTED: 7-0 (Passed)**

V. **OTHER BUSINESS:**

- a. Request for extension of approval by Jean Dupuis for the construction of an 18,000 square foot building at 420 Main Street.

David read the staff comments for this item.

Mike asked David to review the extension of approval provisions that were in place the last time this project received an extension and Bruce asked for a definition of substantial improvement. David provided the requested information. Mike asked if the applicable approval and review provisions had

changed since this project was approved. David indicated that they have not and, specifically, that the new storm water rules are not applicable as this project disturbs less than one acre.

Lucy asked Jean Dupuis, property owner/developer to address the Board. Jean stated that he hopes the economy improves as he would like to develop this property. He also indicated that he purchased land along the Maine Central Railroad corridor located within 500' of this site that could be used to provide off site parking should the need arise. David indicated that the creation of a parking lot would require development review approval via the staff review committee or by the Board.

The following motion was made:

**MOTION:** by **Paul Robinson** pursuant to Article XIII, Section 11 of the Zoning and Land Use Code to grant a two year extension of approval to Jean Dupuis to commence the construction of an 18,000 s.f. office building at 420 Main Street, said extension to begin July 18, 2011 and expire July 18, 2013 with the following conditions:

1. If development has not occurred by July 18, 2013 development review approval shall expire. The applicant may not begin construction or operation of the development until a new approval is granted.
2. Future requests for an extension of development review approval must be made by no later than July 18, 2013 and must state the reasons why the development was not begun and the reasons why the applicant will be able to begin the activity within two years from the granting of an extension, if granted. Second by **Denis Fortier**.

**VOTED: 7-0 (Passed)**

#### **IV. PUBLIC HEARINGS:**

- a. An application submitted by Sebago Technics on behalf of Lewiston/Auburn Water Pollution Control Authority for the construction of the Anaerobic Digestion and Energy Recovery Project.

David read the staff comments for this item.

Chris Branch, Project Engineer with Sebago Technics provided the Board with a detailed overview of this project. He explained that methane gas is a by product of the anaerobic digestion process and that the gas will be used to generate electricity that will be used to power the facility. He indicated that a sanitary land fill once occupied this site and he stated that 3,000 cubic yards of contaminated soil will be removed and the remaining contaminated soil of approximately 22,000 cubic yards will remain on site. He stated that 4,000 cubic yards will be reused and that 18,000 cubic yards will be capped in a

bermed cell. He stated that the Department of Environmental Protection has granted approval for the environmental abatement. Chris also mentioned that the facility is located in part in the 100 year flood plain.

Bruce asked questions regarding sulfur dioxide emissions and noise. Chris stated that sulfur dioxide will not accumulate on site and that the facility is very quiet and will not exceed 60 dB(A) at the property line.

Clayton Richardson stated that using methane gas will reduce electric costs by approximately 40%. This is very significant as the plant spends approximately \$35,000 per month for electricity. Sludge production will be decreased, lime will no longer be needed and in total this project results in a very large carbon reduction.

The following motion was made:

**MOTION:** by **Bruce Damon** to find that the application meets all of the necessary criteria contained in the Zoning and Land Use Code, including Article X, Section 3 and Article XIII, Section 4 of the Zoning and Land Use Code and to grant approval to Lewiston/Auburn Water Pollution Control Authority for the construction of the Anaerobic Digestion and Energy Recovery Project at 535 Lincoln Street, subject to following conditions:

1. A permit-by-rule from Maine DEP is needed for soil disturbance within 75' of a wetland associated with a stream or river and must be obtained prior to any permits being issued.
2. Given the proximity of the stockpiled material and other site work to existing streams and wetlands, regularly scheduled erosion control inspection reports must be provided to the city until the project is completed. Second by **Sandra Marquis**.

**VOTED: 7-0 (Passed)**

- b. Hearing to provide a recommendation to the City Council regarding a proposal to rezone parcels referenced as Map 119: Lot 182, 183, 184, 185, 186, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 268 and Map 90: Lot 20 , 21, 224, 225, 234 from the Neighborhood Conservation "A" (NCA) District and Highway Business District to the Business Transition-1 (BT-1) District.

David read the staff comments for this item.

The Board had no questions for staff regarding the proposed changes; therefore, Lucy opened the hearing to the public. She asked that anyone speaking to be brief, to the point and not be repetitive of other speakers. The following people addressed the Board:

Roger Goyette, 17 Atwood stated that he likes the changes; however, he feels that the changes will reduce property values and he is not in favor of the rezoning proposal.

John McClusky, 8 Atwood stated that the street can not accommodate tractor trailer trucks and he is against the change.

Bob Berube, 15 Orchard Street stated he is concerned that there will be more traffic and that he is very concerned with the impact on Orchard Street and Orchard Heights. He is concerned that the new business district would creep into the residential areas. He is against the proposed changes.

Roland LaChance, 12 Atwood stated that he is against the plan and that it does not even meet the needs of the Cote's. Why change zoning at a time when there is no business activity. He feels that it will have an adverse impact on property values.

Anne-Marie Caron, 18 Atwood stated that the notice to abutters is not very good as there are no street designations on the map that was included in the notice and addresses were not noted. She had a question regarding grandfathering and what constitutes a curb cut.

David responded that the Dubois property would be grandfathered as they have a commercial use with a lawful exit onto to Atwood. If the changes were enacted, the Cote's could not have an exit onto Atwood if they were to obtain approval to use their Atwood property for commercial uses. If they were given approval for a commercial use they would need to eliminate the driveway onto Atwood and would be required to buffer the front yard facing Atwood.

Steve Morgan, 260 South Avenue, a broker with Keller Williams Realty speaking on behalf of the Cote's stated that this zoning matter has been discussed for years and it is time to make the transition. He stated that the Cote's engaged the services of a traffic engineer and there is no impediment to using Atwood for commercial deliveries. He stated that their deliveries are minimal and currently UPS and FedEx trucks make deliveries to a number of properties on Atwood on a regular basis. He would like the Board to consider an amendment to allow the Cote's to have access to Atwood for light deliveries. He also requested that the neighbors should work together to resolve their differences.

Ann Bickford, 6 Garcelon asked why the Cote's need to use their Atwood property as they have purchased an additional property on Sabattus. She is against the change.

David Schulze, 9 Turgeon asked why change the zoning at this time as the Movie Gallery has closed and the lube station has closed.

Denis Landry, 809 Sabattus spoke in favor of the rezoning. He stated that years ago when zoning was changed on his side of Sabattus Street the residential areas to the rear of Sabattus were not impacted. He feels that the proposed change is a natural progression of the extension of commercial zoning. He also mentioned the zone change on Montello to accommodate

the Lisbon Credit Union project was positive and is similar in nature to this proposal from an encroachment standpoint. He stated that people use Atwood as a cutoff at this time and that a zoning change would not impact traffic. He would like the proposed zoning changes to contain fewer restrictions.

Roger Goyette, 17 Atwood stated that one can not talk to Dan Cote as "he flies off the handle". This comment was made in response to Mr. Morgan's comment that the neighbors should work together.

Dan Cote, 914 Sabattus responded to Mr. Goyette's remark that he is not the one to call staff all the time with complaints. He admitted that he erred on a couple of occasions but, he did approach the neighbors before he constructed his Atwood driveway. He said that his wife attempted to contact Mrs. Goyette; however, she would not talk to my wife.

Ann Bickford, 6 Garcelon affirmed the comment made by Mr. Goyette regarding working with the Cote's.

Lucy closed the public comment portion of the hearing.

Board members made the following comments:

Eric mentioned that traffic should not be an issue with the proposal as crafted.

Mike suggested posting the road to prohibit truck traffic. Paul stated that the Board can not restrict truck traffic on Atwood.

Bruce stated that no action will solve the controversy in this area and that he can see both sides of the argument. He feels that the Board should take no action.

Lucy concurred with Bruce.

Kevin stated that in the long term this is good planning.

Paul stated that this matter has been discussed ad nauseam and that, although staff did a good job crafting the changes, he will vote against the proposal. He noted that this proposal may be used in another area of the city.

Sandy concurred with Kevin's comments

Mike stated that the proposed changes that staff prepared could be applied to other areas of the City, but it's not the right time to rezone this area.

Eric concurred with Kevin' comments.

The following motion was made:

**MOTION:** by **Denis Fortier** pursuant to Article VII, Section 4(c) and Article XVII, Section 5(b)(1)(a) of the Zoning and Land Use Code of the City of Lewiston to send a favorable recommendation for the City Council's consideration a proposal to amend Article IV, Section 1, Zoning Map and Article XI, District Regulations, Section 22, Business Transition-1 (BT-1) to rezone parcels referenced as Map 119: Lot 182, 183, 184, 185, 186, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 268 and Map 90: Lot 20 , 21, 224, 225, 234 from the Neighborhood Conservation "A" (NCA) District and Highway Business District (HB) to the Business Transition-1 (BT-1) District. Second by **Paul Robinson**.

**VOTED: 3-4 (Motion Fails – dissenting votes by Lucy Bisson, Bruce Damon, Denis Fortier, and Paul Robinson)**

- c. Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board.

David asked the Board if they had any items for discussion for the joint meeting with the Auburn Planning Board that he would like to schedule for June 27, 2011. He stated that Jonathan Labonte would likely make a presentation.

Paul updated the Board regarding the riverfront study.

Kevin mentioned that the Downtown Neighborhood Action Committee met on June 1, 2011 and discussed parking standards.

Bruce mentioned that he has had two meetings with the School Department Facilities Committee. He stated the school population is expected to grow by 850 students in the next five years and that the current enrollment is 4,800 students.

## **VI. UNFINISHED BUSINESS:**

- a. Community Gardens Amendment
- b. Discussion of YPLAA Survey.
- c. Discuss proposed open space revisions, consolidation of the SR district, and adoption of the matrix (recommendation to table the matter to future date).

## **VII. READING OF MINUTES:**

The following motion was made:

**MOTION:** by **Denis Fortier** to accept the May 23, 2011 minutes as presented. Second by **Paul Robinson**.

**VOTED: 7-0 (Passed)**

**VIII. ADJOURNMENT:**

The following motion was made to adjourn.

**MOTION:** by **Denis Fortier** that this meeting adjourns at 7:35 p.m. Second  
by **Paul Robinson**.

**VOTED:** **7-0 (Passed).**

The next regularly scheduled meeting is for Monday, June 27 2011 at  
5:30 p.m.

Respectfully Submitted:

Denis E. Fortier, Secretary