

CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for May 9, 2011

- 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

Members Absent: Trinh Burpee

Associate Member Present: Michael Marcotte and Sandra Marquis

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

Michael Marcotte was appointed full member for this meeting.

II. **ADJUSTMENT TO THE AGENDA:**

The following motion was made:

MOTION: by **Bruce Damon** to move "Other Business Item a" to the beginning. Second by **Paul Robinson**.

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

- a. De Minimis change to the Michaud Meadows Subdivision.

Arthur Montana from A.R.C.C. Land Surveyors, Inc. stated that Richard Michaud, the owner of property at 9 St. Joseph Avenue is seeking a De Minimis change to the Michaud Meadows Subdivision. He stated that Mark and Kim Lebel, owners of Lot 91 would like to sell a portion of their lot to Richard and Wendy Michaud.

Denis asked if this would change the conformance and David the lots would remain conforming.

Lucy opened the item up to public comment and there was none.

The following motion was made:

MOTION: by **Denis Fortier** to accept a seventh De Minimis change to the Michaud Meadows Subdivision, Mark and Kim Lebel, owners will convey 30 feet of Lot 91 to Richard and Wendy Michaud. Second by **Eric Potvin**.

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

III. **CORRESPONDENCE: None**

IV. **PUBLIC HEARINGS:**

- a. A proposal by White Rock Distilleries for the construction of a 4,662 square foot concrete spill containment structure and up to eleven 25,000 gallon steel tanks and one 100,000 gallon steel tank to contain ethanol at the rear of their property at 21 Saratoga Street (tabled from May 24th).

David read staff comments to the Board.

Mark Gray of JAMM Civil & Structural Engineering showed a plan of the site and explained to the Board what they were planning on doing. He stated they would be putting new curb cuts and fencing to allow access to the additional tank area. He stated they need to build an access road so that the big rigs can get in and out of the new area. Lucy asked what the distance was between the wall enclosure of the tank to the building and Mark stated 25 feet. Paul asked what the capacity of the catch basins were and Mark stated they hold 1,000 cubic feet which would be 7,500 gallons of water. Denis asked about the heavily wooded area behind their site and Mark stated it is not all heavily wooded, there is also a meadow. Denis asked if this would impact any residential properties and Mark stated it would not because that area was zoned office residential. Bruce asked if the project was slightly scaled back in size and Mark stated yes as there are fewer tanks being proposed.

Lucy opened this item up to the public and there was none.

The following motion was made:

MOTION: by **Denis Fortier** to 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 White Rock Distilleries for the construction of a 4,662 square foot concrete spill containment structure and up to eleven 25,000 gallon steel tanks and one 100,000 gallon steel tank to contain ethanol at the rear of their property at 21 Saratoga Street, subject to any concerns raised by the Planning Board or staff. Second by **Paul Robinson**.

VOTED: 7-0 (Passed)

- b. An application submitted by Harriman Architects & Engineers on behalf of the Lewiston School Department to add a new bus entrance and expand parking at the Farwell Elementary School located at 84 Farwell Street.

Eric Potvin recused himself from this item as he works for Harriman Architects. Lucy appointed Sandra Marquis as full voting member for this item only.

David read staff comments to the Board.

Dan Diffin of Harriman Architects showed the Board a map of the school and explained that at this time, the daytime parking at the school is overloaded and they want to put a new bus entrance on Farwell Street.

Kevin asked if a template was used making sure that the buses could turn properly and Dan stated the buses have plenty of turning room. Lucy asked if they would be closing off the old entrance and Dan stated that there will still be parking there so the old entrance will be kept. Bruce asked if parking inside the bus loop will be dedicated to staff and Dan stated he was not sure if it is dedicated to staff but it will likely be after the improvements are made. Denis stated that there was email communication from a Mrs. Thibodeau who expressed concern there would be increased bus traffic on to Columbia Street and David responded to her email that this would not affect that street at all. Mike asked how many buses go through the entrance each day and Dan stated four. Mike asked where the buses would be stacked and Dan stated inside the loop. Mike stated that he took a ride out to the site and at the entrance area water was puddling at the catch basin. Dan stated they are adding two new catch basins at the entrance. Mike stated that a curb needs to be added as water looks like it is sheet flowing off the property. Dan stated this was a maintenance issue that the School Department will have to address. Denis stated that this probably is independent of this proposal. Lucy asked David if the Board could recommend something be done. David stated this is a matter to be resolved between the neighbors and the School Department. He stated this is not a Planning Board issue.

Paul asked about the buses in the new entrance as they turn to the right is that radius wide enough so they do not have to back up and Dan stated there is plenty of room for them to function. Bruce asked if the street tree just north of the new bus entrance would restrict the buses view as they exit. Dan stated this will not be a problem as they can see in both directions clearly. Bruce asked if there was any proposal as far as how this will impact Nancy Street because Nancy Street has minimal traffic on it right now. David stated that some people park on Nancy Street to pick up and bring their kids to the school. He stated it could improve that situation if there is more parking on-site.

Lucy opened this item up to the public.

Chris Lachapelle stated he was a property owner at 120 Farwell Street and they have had an ongoing problem that does not necessarily relate to this project. On the school property, there is a drain with a solid cover on it and the rain water washes into his back yard from the school property. He stated his back yard is much lower and the water is pooling there. He stated he was hoping they could add some curbing to block the water from going into his back yard.

Paul Timberlake of 23 Homefield Street asked if the City had to get a variance to build the school because of the lack of property and he was

wondering if they have to get another one if they would be taking more green space for their parking lot. David stated that when they first got their approval and went through the process with the State, the State had rules with respect to acreage necessary for the size of the school and the State made a law change with respect to the result of this project. The State has since changed that so that schools can be constructed on smaller lots. He stated there were no restrictions applying to this project.

Paul Timberlake also asked about the staff parking and where they said they were going to keep the gate closed. He stated what if in a year's time they still complain of parking congestion. Will they be able to open that gate up onto Columbia Street and David stated that this has been approved with the gate closed and only be used for emergency purposes. If the school wants to change that they will have to go through this process and notify the abutters.

Steve Morgan of 260 South Avenue stated he has not looked closely at this project but with the trucks and equipment for this project, how much would it cost extra to fix the grade to stop the water from impacting the abutter. Dan stated they have \$50,000 from the School Department for the work.

Madeline Masselli of 5 Nancy Street stated her concern is there is a crosswalk on Nancy Street and Farwell and with the new entrance, where will the crosswalk be located. Lucy stated that they will be moving them on either side of the new entrance. Madeline asked where the crossing guard would be. Dan stated they would be on the left of the entrance. Lucy stated that would be the logical place for the crossing guard. Dan stated there are two crosswalks at the bus entrance.

Louise Gagne of 85 Warren Avenue stated there is a need for more parking. She asked where the buses will be traveling and Dan showed her on the map where they would be going. Louise stated that there are six buses that drop off at the school not four.

Public Comment Closed

Bruce stated rather than delineating a crosswalk north of the new bus entrance, would it make more sense to delineate a crosswalk across Nancy Street so there is no intention to cross where there isn't a crossing guard. Dan stated the intent was to replace the crosswalk. Bruce asked if there was going to be a raised crosswalk like at Pettingil School to slow the traffic down. He stated this road is heavily traveled and speeds are high. Lucy asked if this could be recommended. David stated the Board could make recommendations to the City Council.

Bruce asked if this is all contained in the area where the flashing lights are and Dan stated yes. Denis asked about the drainage and if this can be looked at to see if they could divert the water away. Lucy asked if they

could recommend adding curbing or a berm to divert the water and David stated this is not part of the improvements but the Board can suggest a curbing or a berm.

Kevin stated he had a question on C12.1. Should there be a catch basin there. Dan stated there is something there but not for the purpose of catching water. Kevin stated it seems to him there should be a catch basin there. David stated he initially thought the same thing, but upon visiting the site, no water would enter the structure unless the site was graded differently. Dan stated they could add a berm along the existing bus loop to direct the water from abutting properties. Lucy stated we can make that a condition.

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, Conditional Use and Article XIII, Development Review and Standards and to grant approval to the Lewiston School Department to construct a new bus entrance and expand parking at the Farwell Elementary School located at 84 Farwell Street, with the following conditions:

1. The applicant take measures addressing the stormwater drainage in the subcatchment area #4 that is going towards 120 Farwell Street;
2. That the plans be revised to show the existing crosswalk at Nancy Street;
3. That the applicant consider the Planning Board's recommendation of installing a raised crosswalk on Farwell Street in effort to force motorists to travel at reduced speeds and increase pedestrian visibility.

Second by **Sandra Marquis**.

VOTED: 7-0 (Passed)

Lucy stated at this time, Eric will resume his place on the Board and Sandy will be a participating member but not a voting member.

V. OTHER BUSINESS:

The following motion was made:

MOTION: by **Eric Potvin** to move the Other Business c. Atwood Street Rezoning before b. City Acquisition of Canals. Second by **Denis Fortier**.

VOTED: 7-0 (Passed)

- c. Discussion regarding Atwood Rezoning.

David stated he made the changes the Board recommended and read each amended item regarding space and bulk and additional standards to the Board. Paul asked if shared driveway entrances, 8b in the Additional Standards section would create a problem and Lucy stated this was only encouraged, not required. Kevin stated his opinion on 8d in the Additional Standards is that the Board should let developers do what they want with respect to the design of the building. He stated that the Board should not encourage them to do anything. Bruce stated this was only a recommendation and they should leave it in. He stated the Board may need this language later. Kevin stated he has a problem with the word encourage. Lucy asked the Board whether they want to leave 8d in or take it out. Gil stated they should leave it in for now and go through the public hearing process. Gil stated to the Board they should have a neighborhood meeting to get input from the public and then have a public hearing. He stated there should be two more meetings. David stated he will send out an abutters list for this rezoning and will cover 300 ft. beyond the rezoning area. Mike stated that Garcelon Street and Orchard Street should be included and David stated the 300 ft. around the area should cover them

- b. Request for recommendation for proposed city acquisition of canal system.

David read staff comments to the Board.

Lincoln Jeffers asked the Board if they have any questions. Bruce asked how much will this cost. Lincoln stated we went through the presentation in February and the structure of this is that the canals would come to the city at no cost for the land transfer. It will cost approximately \$750,000 to repair the leakage in the canal, we are looking to utilize tax increment financing for some turbines that have been replaced at Gulf Island which makes the revenue neutral. He stated we would be making money if you just look at the cost of the repairs of \$750,000 but if you add in the existing debt service, than we are on the hook regardless. We would be losing the revenue stream to pay but we are losing money right now on the Upper A. Lucy asked how long do we have debt service on that and Lincoln stated on the Upper A it is 2027 so we have about another 17 years left on that and it diminishes over time. Right now we are running about \$45,000-\$50,000 per year and it has been broken up through five different bond issues so it sort of tapers down as you go down. Bruce asked just what the transfer would entail. Lincoln stated they would get the bulk of the City's water rights. We get the first 150 cubic feet per second in the canals and they get the next 8,300 cfs and we get the 555 and they have everything after that. We use to have three turbines and one of the turbines never ran. The second turbine stopped operating in 2006. We have one running and it utilizes the 150 cfs. We are looking to avoid stagnation in the canals during the summer months from June through September 30th. There will be 225 extra cfs that will flow throughout twice

a week for one hour each time and then from October through December, they will do it once a week.

Paul asked what is the current status of Florida Power and Light and if they are going to be removed from the Bates Mill #5. Lincoln stated right now they have the right to be in there but when we acquire the canals, their canal generating assets would be removed.

Mike asked if Central Maine Power would be on the hook for environmental indemnity and Lincoln stated they would have to cover that.

Paul asked who was in authority over Central Maine Power and Bruce stated PUC and DEP would have to weigh in if any contamination.

Eric stated he would like to see a balance sheet on this. He stated that there are a lot of figures for this. Lucy stated that the figures are what the City Council will be discussing. David stated that the Planning Board needs to look at the zoning and land use part of it. Mike stated that the Planning Board members are not budget people but the Board should be looking at how they think this will benefit the community in the future, including costs. Kevin stated he was concerned that this has been losing money for three years and wanted more figures to be provided. Eric stated it is a good idea to buy the canals but he wants to see the figures. Denis agreed with Eric and wants to make an informed recommendation. Lucy stated the majority of the Board would like to see figures.

Lincoln stated he discussed figures at the February presentation. He stated they need to move forward with this. He stated the figures will be the City Council's purview.

Lucy asked the Board if they want to table the matter.

Paul asked if the Finance Committee gets a shot at breaking it down and Lincoln stated they do not look at these types of acquisitions. Kevin asked what the plans are for the canals and Lincoln stated no plans right now. He stated they want to keep them looking nice. Bruce stated that acquiring the canals would make it easier to create a working plan. He stated they would not have to go through Florida Power & Light. Paul agreed that acquiring the canals would be a huge asset for the future. Sandra stated she also agreed with the buying of the canals.

The following motion was made:

MOTION: by **Bruce Damon** pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council to acquire the entire canal system as proposed by Lincoln Jeffers. Second by **Paul Robinson**.

VOTED: 4-3 (Opposed: Eric, Kevin, Mike)

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

Bruce stated the Board has done a good job on this transitional zoning on Atwood Street and really tried to incorporate what we talked about. However, he is not convinced we should do anything but leave it alone. We have invested how many meetings and how much time to basically appease a city councilor and three properties. He stated we have better things to do. We still have not finished the matrix, the space and bulk standards, and the cluster development amendments we have worked on. He stated enough is enough, let just kill this. Gil stated at this point, he does not see us making Mr. Morgan or Mr. Cote happy. Lucy added neither the Goyette's nor the others in the neighborhood will be happy. Gil stated he thinks this is a valuable process and he thinks we have an important document that may be applicable across the City and he does not see it as a lost cause. Lucy stated she agrees with Bruce. Gil stated you are close to the finish line. Lucy stated if we have a meeting on the 23rd, people are going to be up in arms and we will be there until 10:00 p.m. at night and we will never make anyone happy in that group. Bruce stated can we make a statement that we have the meeting on the 23rd and if it fails, we walk away and if it passes we live with the consequences. Gil stated absolutely and that the Board should take an official action because the City Council specifically asked the Board to do this. Lucy asked if we have to have two more meetings on this. Gil stated you could pull the plug on this at the next meeting if you wanted to. You could tell the City Council this does not work and you could not come up with something. He stated I would not advocate that. Gil stated with all the time the Board has spent on this, he thinks this is a valuable document to finish.

Eric asked whether we determined if this is transitional or an overlay zone. David stated it will be a transitional highway business zoning given the changes recommended by the Board.

The Board agreed to put the Atwood Street rezoning on the May 23rd agenda for final review and to hold an official public hearing on June 13th.

David stated he would have an edited document for the Board for the next meeting.

VI. UNFINISHED BUSINESS:

- a. Discussion of Zoning and Land Use Updates/Matrix.
- b. Discuss proposed open space revisions, consolidation of the SR district, and adoption of the matrix.

VII. READING OF MINUTES:

The following motion was made:

MOTION: by **Denis Fortier** to accept the March 28, 2011 minutes as amended. Second by **Kevin Morissette**.

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

Draft Minutes from the April 25, 2011 Planning Board Meeting will be adopted at the May 23, 2011 meeting.

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

MOTION: by **Denis Fortier** that this meeting adjourns at 8:17 p.m. Second by **Paul Robinson**.

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

The next regularly scheduled meeting is for Monday, May 23, 2011 at 5:30 p.m.

Respectfully Submitted:

Denis E. Fortier, Secretary