

CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for March 28, 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, Trinh Burpee, Eric Potvin, and Kevin Morissette

Associate Member Present: Michael Marcotte

Associate Member Absent: Sandra Marquis

Staff Present: David Hediger, City Planner and Cathy Lekberg, Administrative Assistant, Economic & Community Development

- II. **ADJUSTMENT TO THE AGENDA:** Under Other Business, a request for disposition of city land at 424 River Road, Map 156-007 was added.

- III. **CORRESPONDENCE:** Revised agenda and Information regarding the disposition of city land at 424 River Road.

The following motion was made:

MOTION: by **Denis Fortier** to accept the revised agenda with new information regarding Gendron Business Park City Land Disposition. Second by **Paul Robinson**.

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

IV. **PUBLIC HEARINGS:**

- a. Consider a proposal submitted by Sebago Technics on behalf of Real Estate Holdings, LLC for the construction of a 17,673 square foot auto body repair facility, Moody's Collision Center at 792 Main Street

David read staff comments to the Board.

Shawn Moody gave an overview of the project. He stated he has been in business since the 1970s and has various locations throughout Maine. He stated this is the first project he has done in Androscoggin County. He stated they have completed a traffic analysis and that Lewiston was a strong fit for the business and they also needed a large piece of land for the long building. He stated they want to enhance the property and that the abutters are positive about the project.

Chris Branch from Sebago Technics showed the Board a drawing of the site. He stated that the site has a lot of impervious areas around the building and that this is what they need for this type of business. He stated the lighting will include 25 ft. pole lights and tip down lights on the building so they will not

shine at the neighborhood. He stated that they have addressed all of the City staff's comments completely.

Lucy asked about the sewer discharge and Chris stated it will be right next to Stetson Brook and will connect to the City sewer line. Bruce asked about the underground propane tanks and asked why they did not connect to the City's natural gas line. He stated that the tanks could be a potential fire hazard. Shawn stated he would be exploring the possibility of connecting to the City's natural gas.

Paul asked how many employees they have and Shawn stated he has 83 employees now. Lucy asked how many will be hired for this business and Shawn stated he will start with 6 to 8 and expand to 14 to 16 in a couple of years.

Mike asked if there was a retention pond and Chris stated yes. Mike also asked about the air filtration spray booth and Shawn stated all of their equipment is UL listed and meets EPA requirements.

Trinh asked about the existing house foundations and Shawn stated they will pull out the rock, backfill, and grade it.

Lucy opened this up to the public and there was no public comment.

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 XIII, Development Review and Standards and to grant approval to Real Estate Holdings, LLC for the construction of a 17,673 square foot auto body repair facility, Moody's Collision Center at 792 Main Street with the condition that no site activity occur until DEP approves the permit-by-rule for soil disturbance within 75' of Stetson Brook and one additional street tree be provided with a maximum spacing of 50' between plantings. Second by **Denis Fortier**.

VOTED: 7-0 (Passed)

- b. Consider a Proposal submitted by TRC Engineering, Inc. on behalf of Central Maine Power to construct a new aboveground 115kV transmission line from a new substation at 51 Middle Street north along the Pan American Railway to the Veterans Memorial Bridge then west across the Androscoggin River to Auburn. A second transmission line will be constructed underground from the new substation at 51 Middle Street beneath Chapel and Canal Street to the Lower Lewiston Substation on Strawberry Patch Road.

David read staff comments to the Board.

Mark Christopher of TRC Engineers showed the Board various drawings and pictures and explained where the transmission line would go. He stated the Section 256 line will begin at the Lewiston substation at 51 Middle Street then

north along the Pan American Railway to the Veterans Memorial Bridge then west across the Androscoggin River to Auburn. He stated the second line would be constructed underground from the new substation at 51 Middle Street beneath Chapel and Canal Street to the Lower Lewiston substation on Strawberry Patch Road. Mark stated that these lines will give CMP additional lines for when there are outages in the City and will be a positive impact to downtown Lewiston.

Lucy asked when the transmission line goes to Auburn, will it be going over or under the Veterans Memorial Bridge and Mark stated it would be going over it. He stated there would be two poles to cross the cemetery and Boxer Island.

Paul asked where will the line come up from being underground and Mark showed him on the map where they would go aerial.

Bruce asked what if they do not get approval from the PUC and Mark stated they would have to do more studies and maybe use a lower capacity transmission line. Bruce asked if the steel poles will be the same size and look similar to the ones on Lincoln Street and the Turnpike and Mark stated yes. Bruce asked about if there was a train derailment what would happen and Mark stated that he could not say for sure but the Pan American Railroad is fine with the lines and have considered the safety aspect. Bruce also asked if there would be clear cut in the section from the cemetery and Boxer Island and Mark showed Bruce on the map where it would be clear-cut. Bruce asked about the height of the poles in the cemetery and Boxer Island area and Mark stated the wires will be 60 ft. above the road bed. Bruce asked Lincoln Jeffers if this project would have an impact on the canals and Lincoln stated it would not.

Lucy opened this item up to the public.

John Dupuis stated he owns property on Holland and Whipple Streets and two of the poles land inches from his building. He stated they will be ugly. His concern was why this was even needed.

There were no other comments and Lucy closed it to the public.

Bruce stated that we want to have these upgrades done before new development happens. He stated the old steam plant also needs to be upgraded and that the new transmission lines make sense. He stated the old lines were in place since the 1950s and we have more electrical load today. He stated that it is a good project and in the long run will serve the City's best interest. Denis stated that he agreed with Bruce that maintaining and improving infrastructure is best.

Paul asked how long it would take to complete and Mark stated they would begin work on the 255 line this fall. At the end of 2012 the substation will be online and the underground line will be built. He stated it will take about 1 ½ years.

Kevin asked Mark if we cannot get the power upgraded unless we get the 255 to the substation and then we get the 256. Is that correct.

Mark stated yes that all three components of the project are necessary, they cannot do any one without the other.

Denis asked what if they do not get the right, title and interest for Boxer Island from Mr. Schott and Mark stated the project will not go forward. Lucy asked if PUC does not approve the 115kv and only will approve 69k, will the poles be built to hold the 115kv line. Kevin asked without PUC approval where does that leave the project. Mark stated that CMP would have to go back and start from scratch and try to justify the 115 kv line or something smaller. Once they figure that out, they can go back to PUC to justify the lines. Lucy stated if PUC does not give you 115kv and only 69kv, the poles will be built capable to hold the 115kv. Mark stated if they were only allowed to use a 69kv line, they would build the substation smaller but it could also be upgraded to 115kv later. Mike asked what the color of the poles will be and Mark stated they will be a rusty red color. Mike stated they were very ugly looking.

Lucy asked to entertain a motion.

Kevin stated if we make a motion and the Boxer Island part does not fly, they would have to come back to us again. David stated they need to negotiate something with the Schotts or CMP uses eminent domain, that would be their right, title and interest. If that does not pan out and they are not able to secure interest, they would have to find a different means of crossing over. Kevin stated they would have to notify the new abutters at that time.

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 X, Conditional Uses; Article XI, District Regulations; Article XII, Performance Standards, Article XIII, Development Review and Standards and to grant approval to Central Maine Power Company (CMP) for the construction of a new aboveground 115kV transmission line from a new substation at 51 Middle Street north along the Pan American Railway to the Veterans Memorial Bridge then west across the Androscoggin River to Auburn with the conditions that no construction activity occur until evidence of right, title and interest for Boxer Island is provided and the conditional use approval of this project is granted for a two-year period to be consistent with expiration of development review approved projects and subject to any concerns raised by the Planning Board or staff. Second by **Trinh Burpee**.
VOTED: 6-1 (Passed) Kevin Morissette Opposed

Bruce asked should there be a clarification that the approval includes the two structures that are being built on the Lewiston side of Gulf Island. David stated yes it should be included because it comes back across the river over to the Gulf Island substation. Lucy asked if the Board was acceptable to the amendment. There was no opposition, therefore, the original motion was amended and approved as follows:

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 X, Conditional Uses; Article XI, District Regulations; Article XII, Performance Standards, Article XIII, Development Review and Standards and to grant approval to Central Maine Power Company (CMP) for the construction of a new aboveground 115kV transmission line from a new substation at 51 Middle Street north along the Pan American Railway to the Veterans Memorial Bridge then west across the Androscoggin River to Auburn and re-entering Lewiston at Gulf Island Dam with the conditions that no construction activity occur until evidence of right, title and interest for Boxer Island is provided and the conditional use approval of this project is granted for a two-year period to be consistent with expiration of development review approved projects and subject to any concerns raised by the Planning Board or staff. Second by **Trinh Burpee**.

VOTED: 6-1 (Passed) Kevin Morissette Opposed

- c. Proposal submitted by TRC Engineering, Inc. on behalf of Central Maine Power to construct a new substation at 51-53 Middle Street.

David read staff comments to the Board.

Mark Christopher showed the Board pictures of the substation and stated the vegetation and growth along the river will not be taken out. He stated that part of the substation will be visible but not all and that the tallest structure is 35 ft. high.

Lucy asked if there were any screening on the right hand side where Creative Glass is and Mark stated they have not committed to doing any landscaping yet. Lucy stated that Creative Glass has their parking lot in that area and there might be a concern that no plantings will be put there. Lucy asked if the substation would be below street grade and Mark stated it will be 12 ft. below.

Mike asked if there will be a problem with flooding and Mark stated they have done studies and the substation is above the 100 year flood plain.

Kevin asked when did CMP purchase the property and Mark stated CMP purchased the land from LL Bean land, an easement on Chapel Street, and land being acquired by the City. He stated he was not sure when this was purchased. Kevin stated that five or six years ago the City had some property that they put up for auction and he put a bid on it with his partner to put artist housing down there and now they want to build this.

Bruce asked about the City-owned piece of land and David stated the land will be transferred to Central Maine Power. Lincoln stated that 51 Middle Street is the land the City owns.

Eric stated he thinks the substation should be screened on all four sides as it is in the middle of the City and would not look good. He stated they should make it a requirement.

Bruce stated there is screening potential near Creative Glass.

Mark stated that the growth along the river will stay. Lucy stated that she would like to see some kind of screening near Creative Glass.

Lucy opened item up to the public.

Lucien Clavet stated he owns Creative Glass and his business is in a light industrial zoned area. He stated he does not have a problem with the substation going in. He stated that if the City will eventually need these upgrades to attract more development then it should be there.

John Dupuis stated his company is called Dupuis & Son Contractors and he owns the 2.2 acres on Holland and Whipple Street. He stated he does not understand why the transmission lines need to be above ground and asked why they are not being put underground. He stated the poles are ugly and he does not want them near his property.

Mark stated going underground with these lines is substantially more expensive.

Lucy closed the item to the public.

Paul suggested that TRC, CMP and the City arborist get together and discuss what to use for screening and Lucy stated that the applicant's recommendations could be brought back to the Planning Board. The Board agreed.

The following motion was made:

MOTION: by **Paul Robinson** to find that the application meets all of the necessary criteria contained in the Zoning and Land Use Code, including Article X, Conditional Uses; Article XI, District Regulations; Article XI, Performance Standards, Article XIII, Development Review and Standards and to grant approval to Central Maine Power Company (CMP) for the construction of a substation at 51-53 Middle Street with the condition that noise levels must not exceed the 60dBA at the property lines of the site and a landscape plan is provided showing plantings and other vegetation as deemed necessary by the Planning Board to provide visual screening of the site prior to any construction activity or permits being issued. Second by **Denis Fortier**.

VOTED: 6-1 (Passed) Kevin Morissette Opposed

V. OTHER BUSINESS:

- a, Request for disposition of City land at 424 River Road, Map 156-007.

Lincoln stated he talked to Dave Gendron who is developing a 150 acre subdivision. He stated that in 2003 there was a joint venture agreement for Phase II of Gendron Business Park. He stated that Dave Gendron would like to make an amendment to that agreement and has requested 29 acres of City-owned land abutting Lots 16 and 17. Lincoln showed a map showing this land to the Board. He stated that also included as part of the proposed amendment to the agreement is the cost of and responsibility for extending Priscilla Drive which would be transferred from the City to Gendron. He stated that this parcel is landlocked and has no future use for the City as part of the landfill. He stated it is a non-productive, non-tax paying surplus land. He stated the land would transfer when the regulatory or infrastructure investment has been made that would make the 29 acres a legal lot.

Lincoln stated that if Gendron can create more industrial sites, it will also increase the tax base.

Lucy asked if they extend Priscilla Drive, will they be able to access the parcel. Lincoln stated that at this time, they do not plan on extending Priscilla Drive but they could later if they wanted. David stated they would like to combine this lot with an abutting lot in Gendron Business Park.

Eric asked if the City would save money if they did not have to extend Priscilla Drive and the site work. Lincoln stated it would cost the City \$630,000 to extend Priscilla Drive and the City would be avoiding this cost by doing this amended agreement.

Paul asked if this takes place, Dave Gendron would not have to extend Priscilla Drive until he wanted to and Lincoln stated yes and if they do extend Priscilla Drive, they would have to build it to City specifications.

Kevin stated why does Dave Gendron need this land now and why do we give all the City's land away. He stated it makes no sense. Paul stated that Gendron would not approach Lincoln if he was not serious about the land. Paul stated that this is a good trade off which will save the City money. Paul stated that Gendron will have to come back to the Planning Board when he decides to develop the land. Bruce stated that this land is zoned for manufacturing and warehousing only. It is not zoned for retail.

The following motion was made:

MOTION: by **Bruce Damon** to send a favorable recommendation to the City Council for the disposition of City land located at 424 River Road, Map 156-007. Second by **Paul Robinson**.
VOTED: **6--1 (Passed) Kevin Morissette Opposed**

- b. Discussion regarding Atwood Street rezoning and transitional zoning/overlay districts.

Tabled until the next meeting.

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

David stated the next Planning Board Workshop is on April 4, 2011 at 5:30 p.m. He asked the Board if they wanted to set time aside to discuss the Atwood Rezoning at that meeting and the Board agreed to discuss it at the April 11, 2011 regular meeting.

Paul gave an update on the RFP's for the Riverfront Plan. He stated they reviewed the plans and have narrowed it down to seven. They will meet again to eliminate one more and than six of the RFPs will be invited to present at another meeting. Bruce asked if there will be a public hearing on the remaining two and Paul stated he was not sure. He stated it was not discussed yet but if a RFP is selected, it will be announced.

VI. UNFINISHED BUSINESS:

- a. Discussion of YPLAA Survey.
- b. 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 February 28, 2011 minutes as presented. Second by **Bruce Damon**.

VOTED: **5-0-2 (Passed) Eric Potvin & Trinh Burpee Abstained**

The following motion was made:

MOTION: by **Denis Fortier** to accept the March 14, 2011 minutes as presented. Second by **Paul Robinson**.

VOTED: **6-0-1 (Passed) Trinh Burpee Abstained**

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

MOTION: by **Denis Fortier** that this meeting adjourns at 8:00 p.m. Second by **Bruce Damon**.

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

The next regularly scheduled meeting is for Monday, April 11, 2011 at 5:30 p.m.

Respectfully Submitted:

Denis E. Fortier, Secretary