

CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for February 14, 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 and Eric Potvin

Members Absent: Kevin Morissette

Associate Member Present: Michael Marcotte

Associate Member Absent: Sandra Marquis

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

Lucy appointed Michael Marcotte as a full voting member for this meeting.

- II. **ADJUSTMENT TO THE AGENDA:** None

- III. **CORRESPONDENCE:** None

- IV. **PUBLIC HEARINGS:** None

- V. **OTHER BUSINESS:**

- a. Discussion for a recommendation for the discontinuance of Whittum Avenue

Chris Branch of Sebago Technics stated that he was working with Shawn Moody and showed a map of the Whittum Avenue area to the Board. He stated they want to discontinue Whittum Avenue so they can build Moody's Collision Center which will be a 17,500 square foot auto body repair shop. He stated the property is owned by Atlantic Refinance, LLC and that they will be coming before the Board for the development review part at a later date. Lucy asked if the remaining land will have access from Memorial Drive and Chris showed her where on the map. Denis asked if there were no abutting properties and David stated that is correct. Paul asked about the three buildings and were they going to be demolished and Shawn Moody stated two of them are rented now but all three will be demolished. Bruce asked if this was a City accepted street and David stated it was a public easement.

Lucy opened the item up for public comment and there was no public comment.

Bruce asked if all the Board was doing is approving the discontinuance and David stated yes. He stated this will come back for development review at a later date.

The following motion was made:

MOTION: by **Bruce Damon** to send a favorable recommendation for the City Council's consideration Real Estate Holdings, LLC/Moody's Collision Center, Inc.'s request to discontinue Whittum Avenue, conditioned upon Real Estate Holdings, LLC/Moody's Collision Center, Inc. obtaining development review approval from the City and that the existing residential structures with access from Whittum Avenue be demolished. Second by **Denis Fortier**.

VOTED: 7-0 (Passed)

- b. Discussion regarding proposed acquisition of canal system.

Lincoln Jeffers gave a slide presentation of the canals to the Board.

Lincoln stated he anticipates the State Historic Preservation Office may decide to challenge what we do with the canals. He stated he and Ed Barrett have talked with SHPO to make them aware of the City's interest in acquiring the canals, the possibility that the canals could go dry if the city stops generating power at the Upper Androscoggin hydro facility (Upper A), and that physical changes could be coming to the canal. SHPO appreciated the outreach but was noncommittal, simply stating that SHPO and the City have a lot of things to talk about down the road.

Mike asked if the environmental indemnity meant that if there are any issues found in the future that CMP would pay for the costs and Lincoln said yes. Bruce asked about the walking bridges and if there have been any encumbrances in the past because the city does not own the bridges.

Lincoln stated he would have to look more closely at the title work. He believes there are easements for the bridges.

Bruce stated there are also some walking bridges. Lincoln stated he would have to look at the entire site plan to tell exactly which ones have easements for public ways and which ones do not. Whether those bridges are owned by the Continental Mill or Hill Mill he would have to check.

Paul asked if the feds have any requirements that we would have to comply with for the crossways. Lincoln stated that as part of the canal acquisition agreement the city would be required to surrender its Federal Energy Regulatory Commission (FERC) license for the Upper A. It is a process we will have to go through.

Gil asked how the Historic 106 Review comes into play if there is no federal money. Lincoln stated it is the FERC license surrender that

triggers it. Section 106 would also be triggered if the City invests any federal dollars into the renovation. Gil asked if the State would argue that they have a link to the canals because of the federal grant money used to do the downtown study other than the FERC license. Lincoln stated SHPO may make that argument and we will see if it holds water. Gil stated a 106 review can be challenging. It took well over a year to knock down Androscoggin 8.

Bruce asked who maintains the control gates at the head of the canal system. Lincoln stated Florida Power & Light controls the gates, and would continue to do so under the terms of the agreement

Bruce asked if we discontinue power generation at the Upper A would there be a possibility of creating a fish ladder system that would allow for breeding runs if they could get to the Upper A to use the canal system to circumvent to Great Falls. Lincoln stated he did not know the answer to that questions but it is not the first time he had heard the concept. You have 50 feet of elevation between the river and upper canal. Bruce stated this is an easier task as far as a fish run than trying to deal with Great Falls. Lincoln stated it may be, but in addition to the elevation difference, the other issue he has learned of after talking to people at Inland Fisheries or DEP, is that fish go to where the flow is. The comparative trickle of 70 cfs coming in from the canal would not compete well against the flow of the Androscoggin River. He is not sure how we would get them to use the fish ladder. Bruce asked if they could put a requirement that CMP or FPL install a fish ladder to get over Great Falls. Lincoln stated he did **not** know if that could be part of this agreement. He stated it is outside the purview of what we have been talking about. This agreement is about the transfer of the canals.

Trinh left the meeting at 6:20 p.m.

Bruce asked if DEP would weigh in on this, if we changed the flow rates. Lincoln stated FERC will weigh in on this so it might be part of their license amendment but it is not something at this point that has been contemplated. Bruce stated there is talk of reestablishing breeding grounds in the Upper Androscoggin because there is a fish ladder that doesn't work in Topsham and there is a fish ladder that does work in Lisbon and we are the next major obstacle up here, and if we start messing around with the Upper A and Lower A would this start to trigger some kind of Army Corps of Engineers interference of what we are doing to create something here. Lincoln stated he did not know the answer to that. The FERC licensing will be something that needs to be dealt with as part of this. Bruce asked if this is something that should be investigated.

Gil asked what the timeframe would be for considering an action on this matter. Lincoln stated we have been working on this for a couple of years, so we would like to get it out there and have the Planning Board weigh in on it and get the City Council looking at this. Gil asked if the Riverfront

Plan would be done first and Lincoln stated no. Lincoln stated he would like to put this item to bed in the next couple of months.

Bruce asked if FPL gives up its rights to the five generator stations are they paying leases to the other landlords at the other stations and Lincoln stated they have a similar arrangement, where they either own the building outright or they have rights to be in the building generating at no cost. Bruce asked is it an asset that can be sold and Lincoln said it could be looked at. Bruce asked with all the talk about alternative energy sources, is there a possibility that this could be utilized by someone other than FPL and Lincoln stated the only flowage that is not owned by FPL is owned by the City and the flow amount is not enough to support any industry of scale. The City is looking to stop the generating capacity. Bruce asked will the lower canal still have some flow in it and Lincoln stated it should, if we make the proper repairs we intend to make. We would have to repair the dams and gates. There is still flow under the Bates Mill #5. Bruce stated if you do that on the upper canal is there still flow to the lower level. Lincoln stated there still are control systems above. Bruce asked if you lower that level will there be enough water to flow to fill the lower canal. Lincoln stated those are the questions, do we put in a lower gate system or an upper gate system. He stated these are all very good questions.

Eric asked what depth the canals are at and Lincoln stated about 15 feet.

Denis asked if cleaning out the canals would be part of the project. Lincoln stated that we would have that opportunity to do that with this project.

Lucy asked about the three generators and only one works and will all three go offline and Lincoln stated yes. She asked what will happen to the generators and Lincoln stated they could sell them or leave them in place, whether they have value, we don't know. Bruce asked is there a cost of replacing the electricity to the generator on an annual basis. Lincoln stated there was an agreement when the whole Monty Hydroelectric Station deal was crafted where CMP agreed to provide the City with 3.2 kilowatt hours annually which he believes might be what Bruce is referencing. We use that to offset the City's power bill. Bruce asked if the 480 kw currently being generated can be sold back to the grid as a non-generating utility. Lincoln stated we sell the electricity generated at Upper A on the spot market, typically for around 4 to 6 cents per kilowatt hour. The cost for debt service, operations, and maintenance is greater so the Upper A has been losing money. Bruce stated when we stop getting any revenue source from this, the debt service does not go away. Lincoln stated that is correct. The proforma for the transaction is looking to make sure we can cover both our existing debt service, which is about \$400,000. The debt expires in 2027. He stated we have diminishing payments which are currently about \$50,000 a year. Bruce stated you are

talking 17 years to pay it off. Lincoln stated the payments will get smaller in time and will be totally gone in 2027.

- c. Discussion regarding proposed rezoning of Atwood Street from Neighborhood Conservation "A" (NCA) to Highway Business (HB).

David explained that the Board sent a negative recommendation for the Council's consideration regarding a petition to rezone 21 Atwood Street and the rear portion of 906 Sabattus Street. He stated that the City Council also failed to support the petitioner's request to rezone said properties. The Council did vote to direct staff to work with the residents and owners to develop a proposal to rezone the area bounded by Sabattus Street, Old Greene Road, Atwood Street and Garcelon Street to present to the Planning Board for their review. He stated that staff is looking to share and obtain ideas on what type of zoning amendment may work in this neighborhood that may provide more options for commercial development while providing some protection for impacted residential properties.

David stated that it will probably take at least three meetings before scheduling a public meeting. He stated we need to figure a way to creatively protect people on the east side of Atwood Street.

Bruce stated with 100 foot wide properties, there is no way of generating large parking areas. This does not meet the purpose and maybe we need some type of transitional rezoning. He stated a 100 foot lot is not going to meet standard.

Paul stated that the residents that attended the public meeting were upset about the traffic. He stated we must come up with a compromise and that those people are still going to be upset about the same issue.

Lucy stated we should rezone Atwood Street but need stipulations for access. We should not encourage access and control access. She stated there should be shared access to businesses also.

Denis stated the biggest concern was an increase in traffic. Denis also stated that he did not think the rezoning of Sabattus Street to Atwood Street would lower real estate values.

Dan Cote stated he agreed with the staff as to controlling traffic going in and out. He stated his lot is all fenced in and has a gate to stop people from going through. He stated it was mainly for safety concerns. He stated smaller semi tractor trailer trucks go through without any harm. He stated there would be more traffic from the proposed credit union being there.

Denis stated the rezoning should not allow certain uses.

Eric asked if staff could give them a list of other areas where this new rezoning would apply and David stated he could do this but stated we need to see how Atwood Street area works first. Gil stated we need to test this one case of transitional rezoning.

Bruce stated the zoning in this area does not make sense. We need to rationalize what should be allowed in transitional zoning. He stated we need to redefine where certain businesses belong and control uses with additional language and review. We need the transitional zoning to make sense.

Kevin questioned whether making it easier for development on the arterials makes sense when we should be encouraging development in the downtown. These zone changes will only add pavement and traffic to these areas when services should be focused downtown.

Gil stated that staff has enough input to move forward and come back to the Board with something in writing the Board would like. Lucy stated staff will probably need a month to do this. David stated they would have something for the March 14th meeting.

- d. Discussion regarding Zoning and Land Use requirement of Planning Board recommendation to City Council.

Lucy stated that the Planning Board has a problem with projects being brought to them after the fact. She stated that the Planning Board needs to be more involved and in the loop or we change our charter. She stated they were not included in the pre discussions for the parking garage and after the fact had to put their rubber stamp on it. She stated that the Planning Board should be able to voice their ideas and input before a project is signed off on. She stated to Lincoln that the presentation of the canals is a good start. Lincoln stated that they are working to get better at this. Bruce stated all acquisitions should come to the Planning Board for recommendation to the City Council. He stated he did not want to use a rubber stamp and this needs to be made right. If procedures are not followed, a project could be cancelled or challenged because of it. In moving forward, we need to raise the level of professionalism. Bruce stated the Board should be involved in the Riverfront Plan.

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

Michael Marcotte asked David what was happening with 57 Knox Street. David explained that Mr. Doherty wanted to buy a small portion of City property that abutted his but he has heard nothing from Mr. Doherty and nothing will be done until he submits an application.

VI. UNFINISHED BUSINESS:

- a. Discussion of YPLAA Survey. Zoning and Land Use Updates/Matrix.
- 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 **Paul Robinson** to accept the January 24, 2011 minutes as presented. Second by **Bruce Damon**.

VOTED: 6-0 (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 **Eric Potvin**.

VOTED: 6-0 (Passed).

The next regularly scheduled meeting is for Monday, February 28, 2011 at 5:30 p.m.

Respectfully Submitted:

Denis E. Fortier, Secretary