

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for February 27, 2001 - Page 1 of 8**

- I. ROLL CALL:** This meeting was held in the City Council Chambers, was called to order at 7:05 p.m., and was chaired by Dennis Mason.
- **Members In Attendance:** Mark Paradis, Dennis Mason, John Cole, Muriel Minkowsky, Lewis Zidle, and Planning Board Student Member Ethan Chittim.
 - **Staff Present:** Gil Arsenault, Deputy Development Director; Kenneth Young, Downtown Development Manager; James Fortune, Planning Coordinator; Susan Pleau, Administrative Assistant - Code Enforcement; and Doreen Asselin, Administrative Secretary - Planning Division.
 - **Members Absent:** Rob Robbins and Roger Lachapelle.
 - **Staff Absent:** James Lysen, Planning Director.

II. ADJUSTMENTS TO THE AGENDA: None.

- III. CORRESPONDENCE:** The following were items distributed at the Planning Board Meeting:
- A. Project Review Form from the Fire Department in regards to the Courthouse Plaza (Final Hearing), Lisbon Street;
 - B. Project Review Form from the Fire Department in regards to the Lewiston Industrial Park Subdivision (Lot Nos. 19 and 20) - Amendment;
 - C. Army Corps of Engineers General Permit, State of Maine, Summary of Screening and Status for Lot No. 20 in the Lewiston Industrial Park;
 - D. Correspondence dated February 23, 2001 in reference to Tri-County Mental Health Facility, 10-12 Foss Road; and
 - E. Project Review Form from Gil Arsenault, Deputy Development Director (Code Enforcement) on the Tri-County Mental Health Facility, 10-12 Foss Road.
- The following motion was made on the above correspondence.

MOTION: *by Mark Paradis, seconded by Lewis Zidle that the Planning Board moves to accept this correspondence, place it on file, and that it be read later, at the appropriate time.*

VOTED: 5-0.

John Cole recused himself from the following item.

IV. PRESENTATION OF THE LEWISTON SUN-JOURNAL MASTER PLAN AND PHASE I EXPANSION PROJECT.

Present at this meeting for this presentation were:

James Costello, Jr. - Lewiston Sun-Journal (Owner),
Ed Snook - Lewiston Sun-Journal (Treasurer),
Frederick "Rick" Hayden - Dario Design (Architect),
Ron Landry, U.S. Postal Service (Ash Street Branch), and
Jan Wiegman, Taylor Engineering Associates (Professional Engineer).

Jim Costello, Jr. briefly went over where the Lewiston Sun-Journal is at this point with respect to their expansion. Their's is a family-run business in the downtown and has been located here for some time. They have been at this process since 1997 and have now just acquired enough property to expand to the point so that they can double all of the aspects of their business. Jim Costello explained and showed to the Planning Board Members the existing 104 Park Street, the other building that used to be the bank building and Middle Street as it now exists, Ash Street, Park Street, Pine Street, and then Bates Street. They are proposing to develop a new distribution facility. One (1) of the reasons for their expansion was that their current marketing base is looking for more zoning capabilities. What that entails is all the supplements that are received in the Sunday paper, they want them broken up into different segments of their market so that if Wal-Mart has a specific piece that they want to put in Farmington they can do that and the same time with Lewiston-Auburn, and various other markets that may be different from their existing overall things that they are doing now. What that entails to the Lewiston Sun-Journal is to bring in equipment and take up space so that the Lewiston Sun-Journal can handle that part of this business, which is much greater zoning capabilities than they currently have. This means that they will need to double their existing equipment and space. When they designed this they designed it with a 25 percent extra growth space. Their current mailing facility is about 4,000 square feet and Jim Costello showed on his plan where it is located. What they have designed is the material flow that works well in terms of their press line where they print the papers here. That produces product that will go directly into this facility (basically paper product) opening it up and putting the inserts into it and then bringing it out to loading docks located where they generally use small vans, large vans, and station wagons to ship most of their product. Mostly small vehicles are used to distribute this product. This plan is designed so that as they grow they can phase in other pieces of it. One (1) of the other pieces that they are looking at is the building space on Park Street. This is over 100 years old. This is very inefficient in terms of material costs in heating and cooling. They are constantly re-doing the walls and putting up partitions and re-arranging heating and air conditioning in order to accommodate the different things that need to go within that facility.

The second phase would encompass building office space sometime in the future within the borders of this property. They have not picked a specific spot to put that. This also allows them to double their press room facility here over in this area without adversely affecting any of their material flows. It allows them to put paper storage and handling in here. At that point they would tear that down and revise that space from what it currently is. Jim Costello then referred to a drawing that *Rick Hayden* had put together and it tries to incorporate a lot of the architectural aspects seen in the downtown. They are basically building a wide-open storage and distribution facility. One (1) of the things that they are trying to be conscientious about is incorporating some of the design characteristics that you see in the downtown Lewiston into the architectural of this facility so that it blends into the downtown location. They do not want to stand out like a sore thumb. He explained the brick area and facades. He said that this is designed so that as you look the dark window is actually clear glass and then frosted glass so that you do not look at the rafters at the top of the building. This is designed so that it will always be open as an alley way where you can see down Middle Street right through to the park as you are looking at the parking lot. They have used various other aspects of architecture that are very common in the downtown within the structure.

Rick Hayden, from Dario Designs, reiterated what Jim Costello spoke earlier about as to the open alleyway. He spoke in regards to the proposed building and the architectural aspects incorporated in this structure that will enhance that corridor even though you cannot walk through there.

Questions and comments from Planning Board Members included the following. Dennis Mason asked about the proposed plans. How will trucks load and unload materials? Jim Costello explained that they did not want to tie up any of the major arteries in the downtown. The trucks would drive in on Bates Street down onto Middle Street and back right into their loading docks. They can also come into the Postal Service off Ash Street and pull right into the alley way and back into their loading docks also. Mark Paradis asked if part of Middle Street or all of it would be closed? Jim Costello's response was, "Yes, all of Middle Street will be closed". Dennis Mason then questioned north of the building on Bates Street, the old Sherwin Williams building will be left there and over to the left it looks like an apartment building. Jim Costello responded that this is an apartment building that exists there right now. Jim Costello said that they are looking to leave that there for another year or two. They have torn down three (3) apartment buildings along Middle Street. Originally they were going to tear them all down right away. The apartment building is in decent condition. One (1) of the things they would like to do is leave this up for a period of time to help facilitate the tenants moving out in an orderly fashion. One (1) of the buildings is already down. The other two (2), one (1) of which they are closing on tomorrow - 02/28/01, will be vacant by the end of the month. Those are the only ones that they needed to do this portion and it was in everybody's best interest to leave this piece up and deal with this later. Muriel Minkowsky questioned noise. Jim Costello mentioned that the noise stays contained inside the building. Dennis Mason then asked about the Elk's building. Jim Costello mentioned that the Elk's building was looked at but could not be used for their type of business. They could not utilize any of that building. This building, with its front entrance and the way the steps go up to the front door, would be very hard to make that handicap accessible and it would shift the whole focus of that building and change the architectural design because of the way the flooring is set up. Muriel Minkowsky then asked about parking. Jim Costello responded that there is more parking proposed than what is currently existing. Dennis Mason stated and asked James Fortune that both in Phases II and Phase III the Lewiston Sun-Journal would have to provide parking for any further expansion. James Fortune answered that the parking would need to be replaced. In Phase II they will be shifting this space for other space. Dennis Mason agreed that parking here for Phase I is more than adequate, but further down the road in the next couple of years the parking will need to be replaced. Gil Arsenault then mentioned that this is included in their Master Plan. In closing, Gil Arsenault mentioned that the Sun-Journal will bring this project officially to the Planning Board Meeting scheduled for March 27, 2001.

John Cole stepped back up to the Planning Board

V. FINAL HEARINGS:

A. *Final Hearing concerning a Site Plan for the Courthouse Plaza, Lisbon Street.* As mentioned in James Fortune's memorandum dated February 21, 2001, the proposed Courthouse Plaza will be located directly across from the proposed District Court building that will occupy the former Music Hall. The Courthouse Plaza will be located on two (2) lots that were formerly occupied by the Ward Brothers and Maynard's Shoe buildings. These two (2) parcels total 22,700 square feet with frontage on Lisbon Street and Park Street. The open space will provide a connection between Lisbon Street and the Park Street parking lot with a visual link to the Saint Peter's and Paul Church. Enclosed in the Planning Board packets were a Site Plan of the proposed Courthouse Plaza, correspondence from Robert Faunce detailing the site layout, and a recommendation from the Downtown Advisory Board for the Design of the Courthouse Plaza.

There were no concerns from Code Enforcement, Public Works, the Police Department, or the Fire Department.

Present at this meeting were **Kenneth Young**, Downtown Development Manager; **Bob Faunce**, Land Use Planner; and **Barry Hosmer**, the Landscape Architect working with Parsons, Brinckerhoff, Quade and Douglas.

Kenneth Young presented this project along with Bob Faunce, who spoke in regards to the Site Plan for the Courthouse Plaza. Kenneth Young stated that many Boards and Committees have endorsed this plan.

Barry Hosmer presented a plan for the Courthouse Plaza to the Planning Board Members. He explained the site construction and how the space will be utilized (i.e. handicap accessible, greenery, foot traffic, etc.) and described the views to the Courthouse and St. Peter and Paul Church and how foot traffic will be directed.

Dennis Mason questioned what is now the alley and asked what this area will be. Kenneth Young explained that this is a right-of-way. Kenneth Young stated that he would like to ask the City Council to discontinue the right-of-way and make an exchange with the property owner.

Gil Arsenault would like the City to negotiate with property owners so that there will be no dumpster put in that location. Kenneth Young said he spoke with the owner's attorney in regards to the dumpsters being located near the park. The owner has considerable interest in the development of this park. At this point in the discussion, John Cole asked if the owner of the old McCrory's building was present at this meeting. The response was, "No". Mark Paradis asked, "What is the old McCrory's building being used for?" Kenneth Young responded that this building is currently vacant.

Barry Hosmer briefly mentioned the lighting of the proposed plaza.

John Cole asked, "What is the difference in elevation?" Barry Hosmer explained that there is a four (4) foot difference from Park Street to Lisbon Street. The green space will hide most of the four (4) foot elevation.

After this presentation, the item was opened to the public.

Phil St. Pierre, of Victor News, commented that he is very excited about this proposed project. This will be great for the tenants at Oak Part to get to Lisbon Street. Phil St. Pierre then thanked Kenneth Young for his help with construction issues and asked the Planning Board to assure that these concerns are addressed. Phil St. Pierre presented plans of where the brick work and his building meet. He is looking for re-assurance that the brick work does not get damaged before and after construction. Barry Hosmer explained what Phil St. Pierre was talking about. He also stated that Phil St. Pierre's concerns will be taken care of. Dennis Mason said that he does not know what kind of materials can be used to prevent water damage to the brick. Barry Hosmer explained that they will be using the same material that is there now. Phil St. Pierre feels that he will get serious water problems in the spring if the materials are water resistant. John Cole then asked what could be done. Barry Hosmer explained that the stairs could be moved back two feet (2') to accommodate Phil St. Pierre. Kenneth Young explained that the vacant space would collect trash and the Planning Board should stay with this plan, which has been revised to take in consideration Phil St. Pierre's concern. Dennis Mason mentioned waterproofing the brick. Phil St. Pierre expressed his concern that the City would not be responsible if water damage does occur. Phil St. Pierre also stated that he does not want the grade brought up higher than his foundation. Dennis Mason commented that he did not see this as being any worse than the current situation. Lewis Zidle asked if the bricks can be removed and a concrete barrier put in place. Bob Faunce then stated that, in his opinion, a structural engineer should be asked to check it out and recommend a solution. In closing Phil St. Pierre said that his concerns should be considered and that the cost for any engineering done to protect his building should be the City's responsibility.

Doreen Asselin arrived at 8:07 p.m.

Currently the Courthouse Plaza is all paved with an asphalt underlayment. This is a temporary transition. This item was then turned back to the Planning Board for the following motion.

MOTION: *by Mark Paradis, seconded by John Cole that the Planning Board grant the necessary modifications and waivers requested; determines the application for the Courthouse Plaza on Lisbon Street to be complete; that the application meets all the applicable approval criteria under Article XIII, Section 3; and grants final approval for the Courthouse Plaza, subject to the following conditions: 1. The applicant consult with a structural engineer to mitigate water entry at the basement level of 59 Park Street; and 2. The discontinuance of the alley way, which currently provides access to the rear of 64 Lisbon Street.*

VOTED: 5-0.

B. Final Hearing concerning a Minor Amendment to the Lewiston Industrial Park Subdivision, Lot Nos. 19 and 20. In reference to James Fortune's memorandum dated February 21, 2001, this application was submitted for a minor amendment to the Lewiston Industrial Park Subdivision. The application was submitted by the Lewiston Development Corporation (LDC). The proposed amendment includes the transfer of a portion of Lot No. 20 to Lot No. 19. The 1.58 acre parcel was sold by the LDC to Maine Auto Radiator Manufacturing Company in 1980, to allow the company to construct a new manufacturing facility on Lot No. 19. At the time of the transfer the LDC did not file a subdivision amendment with the City or with the Registry of Deeds, which was discovered during the title search for Mid-Maine C.P.L., LLC who is purchasing Lot No. 20 for the Dunkin' Donuts regional bakery facility. The subdivision amendment will clarify the actual boundaries between these two (2) lots.

Bob Faunce was also available for this item. Since there was no public available for comments or questions, the Planning Board made the following motion.

MOTION: *by Lewis Zidle, seconded by Muriel Minkowsky that the Planning Board grant the necessary modifications and waivers requested; determines the application for the Lewiston Industrial Park Subdivision, Lot Nos. 19 and 20 to be complete; and that the application meets all of the applicable approval criteria under Article XIII, Section 3.*

VOTED: 5-0.

C. Final Hearing concerning a proposed regional Dunkin's Donuts Bakery and Distribution Center, 20 Forrestal Street, Lewiston Industrial Park. In reference to James Fortune's memorandum dated February 21, 2001 Mid-Maine C.P.L., LLC submitted a final plan for a proposed regional Dunkin's Donuts bakery and distribution facility at 20 Forrestal Street, in the Lewiston Industrial Park. The proposed bakery will serve a region-wide area encompassing a 30-mile radius. The 16,800 SF facility, will consist of a bakery and distribution plant with related parking and loading areas. This facility will be located in the Industrial (I) District on a 1.6 acre parcel. At the Pre-Application Hearing, it was noted that a number of steps needed to be taken before this project can receive final approval. As to the wetlands issue, the Lewiston Development Corporation has provided a copy of a letter from the State of Maine D.E.P. dated 12/27/95, concerning a Wetland

Alteration Permit #95-5-A. The letter grants approval to alter freshwater wetlands on Lot No. 20 in the Lewiston Industrial Park. A Permit-By-Rule may still be needed since they are currently developing a site within 100 feet of a freshwater wetland.

Other minor changes have been made to the proposed paved parking area. One parking space has been eliminated to increase the travel way within the parking lot to 24 feet. The angle of the curbing in this location was also modified to square off this section. This proposed use requires a minimum of 20 parking spaces. Also, at the other end of the parking lot, the last space has been reduced in size to provide for a compact vehicle and the curbing has been squared off to meet the 15-foot yard setback.

Norm Boulay, from Mid Maine C.P.L., LLC was present at this meeting. Norm Boulay showed the Planning Board Members the changes that have been made on the plans. The parking area has been extended and the easement has been highlighted.

Reference was then made to the Army Corps of Engineers General Permit, State of Maine, Summary of Screening and Status Form and a hand-written letter that was in the file that was distributed at this meeting. Based on the correspondence and permit information from the D.E.P., the wetlands issue has been resolved and no further inquiry or permits are needed.

The soil erosion and sedimentation control is shown on the plan.

Gil Arsenaault made reference to Attachment A of the Permanent Use Agreement between the Central Maine Power Company and Mid Maine C.P.L., LLC. He stated that Item No. 8 is inconsistent. Item No. 8 reads, "*No vehicles shall be parked, or materials of any kind or nature shall be stored on the Parcel, during or after construction.*" This was done to allow parking. There is no parking within the easement. This document needs to be corrected as to the easement. This should be made a condition of approval. This item will need to come back to the Planning Board for a revision, as a "diminimus change". There being no public audience available and no further comments from the Planning Board, the following motion was made.

MOTION: *by John Cole, seconded by Muriel Minkowsky that the Planning Board grant final approval for the regional Dunkin's Donuts Bakery and Distribution Center, 20 Forrestal Street in the Lewiston Industrial Park and that this application meets all the applicable approval criteria under Article XIII, Section 3, subject to the modification of Attachment A of the Permanent Use Agreement between the Central Maine Power Company and Mid Maine C.P.L., LLC to allow for parking.*

VOTED: 5-0.

D. Final Hearing concerning a Minor Amendment to a Site Plan for Tri-County Mental Health Services Facility, 10-12 Foss Road. As a summary to James Fortune's memorandum dated February 21, 2001, Tri-County Mental Health Services has submitted an application for a minor amendment to a Site Plan approved by the Lewiston Planning Board in 1988. Tri-County Mental Health Services is proposing to establish a Social Learning center at the former Denron, Inc. site in the Foss Road Industrial Park. The site is located in the Industrial (I) District. Tri-County Mental Health Services intends to renovate the interior for their specific needs and add additional parking to accommodate their functional parking needs. The only exterior construction will be two (2) canopies located over each of the two (2), front entrances, as well as a canopy over the side entrance on the northwest side of the building. The two (2) canopies on the front entrances will serve as a covered drop-off area for vans that will transport clients to the site. Tri-County Mental Health Services is requesting that the requirement for a storm water analysis be waived, since their current proposal includes far less impervious than what was approved in 1988.

The Public Works Department will require calculations from a licensed engineer to document that the revised impervious surface area is equal to or less than the existing approved plan. Public Works has also asked that the Site Plan show more clearly the pre- and post-development conditions. Although this project area lies outside the 100-year flood plain, Tri-County Mental Health Services may still need to obtain a permit from the Maine D.E.P. for a development within 100 feet of a significant freshwater wetland.

Code Enforcement has requested an updated Purchase and Sales Agreement, a construction implementation schedule, and that the following be shown on the Site Plan: 1. soil erosion control measures; 2. proposed exterior lighting; and 3. client pick-up and drop-off areas. Code Enforcement has also asked for clarification concerning the amount of parking needed for this use.

The Police Department did not have any concerns with this project.

Dan Moreno, a Licensed Architect, was present at this meeting along with **Debbie Bean**, Manager, Social Learning Center and **Scott Harper**, Finance Controller both from Tri-County Mental Health Services. **Dan Moreno** presented this item. Dan Moreno handed out a revised plan to the Planning Board Members. He said that basically Tri-County Mental Health Services is adding three (3) canopies and parking. They are adding 13 parking spaces to the original design. The plan that he distributed to the Planning Board Members shows six (6) parking spaces in the front being added and additional parking on the back and on the side. The front spaces were renumbered and added to accommodate the handicapped. The rear area is a warehouse. Gil Arsneault said that Tri-County Mental Health Services needs to accommodate for visitor parking, etc. Based on their classroom sizes, 20 spaces would be needed. Dan Moreno stated that in his opinion they are meeting their parking demand.

There were no questions raised from the Board and no public comment. James Fortune stated that this is a development that is within 100 feet of a wetland area. Tri-County Mental Health Services is filing a Permit-By-Rule from the D.E.P., approval of which should be a condition of approval.

This site is already graded. A silt fence will be added and shown on the plan. Dennis Mason asked, "Where on Foss Road is this located?" Dan Moreno responded that this site is off Lisbon Street, across a culvert, and on the left. There is a Church across the street. This is where Central Distributors used to be located before they moved to the new site nearby on Lisbon Road.

MOTION: by **John Cole**, seconded by **Lewis Zidle** that the Planning Board grant the necessary modifications and waivers; determine this application for Tri-County Mental Health Facility, 10-12 Foss Road to be complete; grant final approval, subject to this application meeting all of the applicable approval criteria under Article XIII, Section 3; and subject to the applicant obtaining all the necessary permits from the State of Maine D.E.P.

VOTED: 5-0.

VI. OTHER BUSINESS:

A. New Business: None.

B. Old Business:

1. Review changes to the City of Lewiston Planning Board Member's Handbook Rules of Procedure. This item will be updated and presented at the March 13, 2001 Planning Board Meeting.

2. ***Continue discussion concerning Planning Board responsibilities associated with providing recommendations on the acquisitions and dispositions of real estate by the City of Lewiston.*** There is a workshop scheduled for the March 27, 2001 Planning Board Meeting.
3. ***Determination of Completeness and Final Hearing concerning a fill project at the Stetson Brook Estates Mobile Home Park.*** It was agreed to keep this item on the agenda, as scheduled for the May 5, 2001 Planning Board Meeting.

VII. READING OF THE MINUTES: ***Draft of the Minutes from the February 13, 2001 Planning Board Meeting.*** There were no changes made to the minutes. The following motion was made.

MOTION: *by Mark Paradis, seconded by Muriel Minkowsky to accept the Planning Board Minutes for February 13, 2001, as written.*

VOTED: *5-0.*

VIII. ADJOURNMENT: This meeting adjourned at 8:31 p.m. The next Planning Board Meeting is scheduled for Tuesday, March 13, 2001.

Respectfully submitted,

Mark Paradis, Secretary

DMA:dma

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