

**CITY OF LEWISTON  
PLANNING BOARD MEETING  
MINUTES for June 12, 2001 - Page 1 of 8**

- I. ROLL CALL:** This meeting was held in the City Council Chambers on the First Floor of the Lewiston City Hall, was called to order at 7:10 p.m., and was chaired by Dennis Mason.
- **Members in Attendance:** Dennis Mason, John Cole, Mark Paradis, Lewis Zidle, and Planning Board Student Member Ethan Chittim.
  - **Staff Present:** James Lysen, Planning Director; Gil Arsenault, Deputy Development Director; Sue Pleau, Administrative Assistant - Code Enforcement; and Doreen Asselin, Administrative Secretary - Planning Division.
  - **Members Absent:** Roger Lachapelle and Rob Robbins.
  - **Staff Absent:** James Fortune, Planning Coordinator.

- II. ADJUSTMENTS TO THE AGENDA:** Distributed at this meeting were the Irrigation and Landscaping Plan (Drawing C-09) dated June 9, 2000 and letter from Wright-Pierce dated June 8, 2001 in regards to the proposed Athletic Field Improvements and Track Facility for Bates College in Lewiston.

- III. CORRESPONDENCE:** A letter dated June 1, 2001 from K. Alexander Visbaras, Esq. of Bonneau & Geismar in reference to the Lepage Bakeries Expansion Update and several items regarding the amendment to the Site Plan for Harley's-R-U's, Main Street, Lewiston, as follows:
- A. The Drainage Swale Evaluation presented by Performance Technology, Inc. dated June 10, 2001; and
  - B. Comments from Deputy Chief James D. Morin in regards to the Harley's-R-U's proposal modification.

**MOTION:** by *John Cole*, seconded by *Lewis Zidle* to accept the above correspondence and place it on file to be read at the appropriate time.

**VOTED:** 4-0.

- IV. PUBLIC HEARING:** *A Public Hearing on a proposal, initiated by the Planning Board on behalf of Gendron Property Management Company to conditionally rezone 280 and 298 Park Street, 97, 101, and 115 Knox Street from the Downtown Residential (DR) District to the Urban Enterprise (UE) District and make a recommendation to the City Council accordingly.* James Lysen read the memorandum dated June 8, 2001. The following is an overview.

At the May 22, 2001 Planning Board Meeting the Planning Board initiated, on behalf of Gendron Realty, a proposal to conditionally rezone 280 and 298 Park Street and 93, 97, 101, and 115 Knox Street. These parcels are owned by: A. Gendron Realty (280 Park Street), B. Bonneau's Garage (298 Park Street and 101 Knox Street), C. Paul Labee, Jr. (93 Knox Street), and D. Robert Roy (97 Knox Street).

This hearing was scheduled to consider separate proposals to conditionally rezone the parcels to the Urban Enterprise (UE) District. The two (2) parties involved (Gendron Realty and Bonneau's Garage) have agreed to the conditionally rezoning proposals that would allow them flexibility for expansion and use of the properties, yet this gives the City more control over the future uses in this area. The Planning Board also wanted authorization from the owners of these properties before they would consider including 93 and 97 Knox Street in the proposal. 93 Knox Street was omitted, since it's owner did not express any interest in rezoning. The owner of 97 Knox Street has indicated that they would be open to the proposal and their property is included in the proposal.

All the signed contracts from all the parties involved were available at this Public Hearing.

The proposed agreement requests a conditional rezoning from the Downtown Residential (DR) District to the Urban Enterprise (UE) District with uses limited to those that are already allowed in both zoning districts, along with limited uses from the UE that have also been deemed acceptable. Some of the proposed uses have been further limited by certain conditions outlined in the agreement, most of which focus on outside storage of materials, equipment, and vehicles as well as buffering standards. Auto repair services are only allowed on the Bonneau's Garage properties.

James Lysen recommended that Item (F.) on the rezoning request be changed. Item (F.) states, "When expansion projects or proposed uses within the complex go through the required review process, special attention shall be given to mitigating any undesirable impacts on abutting properties from these uses." The changes are to delete the words, "within the complex" and add the following wording at the end of the sentence, "including landscaping and buffering". These changes are consistent with the request of the Downtown Advisory Board (DAB).

James Lysen explained about the overlay and what the different zones were in the area.

This item was then opened to the public for questions, comments, and discussion. Present at this meeting were **Andy Bonneau**, representing Bonneau's Garage; **Paul Veilleux** representing Gendron Realty, Inc.; and **Marcel Morin** representing the **Robert Roy, Jr.** family.

**Paul Labbe** asked, "has 93 Knox Street been included in the proposed change?" At this point in time, James Lysen explained that it was not included and how the process worked as to when a property is rezoned or conditionally rezoned.

**Paul Labbe** then mentioned that he wanted it placed on record that he has no issues with 93 Knox Street being rezoned. Dennis Mason explained to Paul Labbe that because nothing has been signed for 93 Knox Street, this property was not included in the rezoning.

Two (2) of the signed contracts refer to 280 Park Street. These need to be changed to reflect that 280 Park Street is the GRE, LLC contract and 101 Knox Street is the Gendron Realty, Inc. contract. Andy Bonneau's contract is all set. Both Paul Veilleux from Gendron Realty, Inc. and Marcel Morin on behalf of Robert Roy, Jr. had no issues with the contracts.

**Marcel Morin** questioned, "If Paul Labbe decided to raze his building and the property was bought, can it be used as parking?" Gil Arsenaault responded that parking is a conditional use in the DR District.

**Andy Bonneau** felt that the less included on the contract, the better. He has no problems with his site now and stated, "Why add conditions that are not needed. He would not like to be forced, but would like to maintain a friendly partnership and trust.

James Lysen explained that the Downtown Advisory Board (DAB) voted unanimously on last night (Monday, June 11, 2001) because of the condition including more landscaping and buffering. **Andy Bonneau** said he feels that condition might be costly in the future. John Cole explained that there seems to be no special landscaping or buffering asked. It is just dealing with business-residential buffering. In drafting these agreements, all the uses were brought over that are allowed in the DR that are also allowed in the UE District. This is a long laundry list. Some uses were proposed to specifically allow the Bonneau's Garage properties to expand. Auto repair services are allowed within the zoning district. Eliminated were components of that use, since Bonneau's Garage does not do auto body repair services and painting. Auto services have been restricted and have eliminated those two (2) uses.

This item was then closed to the public and turned back to the Planning Board.

Before the following motion was made, Mark Paradis asked for clarification as to if Paul Labbe's (93 Knox Street) property was included in this rezoning. The response was, "No, it is not included".

These agreements are basically the same agreements, except for the Bonneau property, which allows for auto services.

The above changes to the contracts have been noted.

In closing, James Lysen stated that this is somewhat of a complicated process, but it is a good one that provides both the flexibility that the developer and owners need to require in a difficult location, but at the same time protects the interests of the City.

**MOTION:** *by John Cole, seconded by Mark Paradis that the Planning Board sends a favorable recommendation to the City Council on the proposals to conditionally rezone 280 and 298 Park Street, and 97, 101 and 115 Knox Street from the Downtown Residential (DR) District to the Urban Enterprise (UE) District, based on the four (4) conditional agreements, as amended.*

**VOTED:** 4-0.

**V. PRESENTATION: A Presentation on the Lowell Square Master Plan.** This item was presented by both James Lysen, Planning Director and *Nat Salfas* from Platz Associates.

John Cole stated that he would listen to the presentation, but that he would not be voting on anything because it concerns CMMC and his law firm represents CMMC, making this item a conflict to himself.

Enclosed in the Planning Board packets were: A. The background information on Lowell Square; B. The summary of issues found at the Stakeholders Planning Meeting of 11/01/2000; C. A summary of the 11/6/2000 Design Charette; and D. A copy of the final Neighborhood Design Plan.

James Lysen stated that in regards to the plan if the hospital [Central Maine Medical Center (CMMC)] would expand in the old Knapp Shoe Building. He continued to say that this is today's plan and that it might change that. There is a traffic study, which was just received last week and is still under review.

James Lysen continued his presentation and spoke in regards to the parking lot to support Knapp Shoe as well as the Department of Human Services (DHS) parking lot layout. The Planning Board required landscaping improvements made to be consistent with this Plan. Planning Board Staff had requested the applicant (CMMC) to have a traffic study performed, specifically on the traffic backup in this area. James Lysen said that the Public Works Department has reviewed it and has some concerns on a couple of issues. The Steel Service Center might be a concern because of their truck traffic with pedestrians in the Lowell Square area.

Nat Salfas then spoke on the Lowell Square Master Plan. He spoke about the mixed uses and what would be a good plan for Lowell Square. He also spoke briefly about the parking spaces in the area. He stated that they are trying to make this a walking City with better sidewalks. He also spoke about CMMC expanding their Cardiac Center and other professional offices. There are trees that are planned to be installed in this area. Nat Salfas said that CMMC is concerned as to how traffic will be moved around in the area. In closing his presentation, he asked the Planning Board if they had any questions.

Dennis Mason asked how the area around Main Street would deal with crossing a four- (4-) lane street to get to Lowell Square? Dennis Mason feels that a crosswalk should be considered so that there is a better way to connect this proposed project to the rest of the City. He feels that Main

Street and the railroad are barriers.

Nat Salfas said he feels that the storefronts on Main Street will be utilized to bring more people in the area. Nat Salfas said that he also feels that with this proposal, people would stay downtown longer and that it would not feel like a ghost town at night.

James Lysen explained that there would be bus stops in the area and crosswalks to get from one (1) side of Main Street to the other. It was stated that both crosswalks and vehicles crossing Main Street would be looked at.

There is a dual goal to this Master Plan, that is to rehabilitate the neighborhood and to make it a more attractive and better living area.

Dennis Mason said that his concerns seem to be heading down to The Pineland Lumber Company area. He then asked if this design would include improvements in that area? Nat Salfas explained that Middle Street would bring traffic around the area and up around High Street and the hospital.

James Lysen feels that the square is not big enough to be called a real neighborhood. He feels that this area has great potential.

Mark Paradis asked why is the Planning Board hearing this presentation tonight, 06/12/01? James Lysen explained that it was a presentation so that the Planning Board could see what the Board thought about the proposed plans. Mark Paradis said he feels that the Plan raises some issues and agrees with the Public Works Department on it being a costly project.

Dennis Mason mentioned that in the past the Planning Board has seen special projects going to the LCIP, CDBG, etc. and why would this item be different?

*Nat Salfas* then spoke on the cost of different sections in the area.

Gil Arsenault asked for an endorsement for this plan, with it subject to change. This is just a proposal. This was brought to the Planning Board to just ask for approval for a direction on where to go.

Dennis Mason stated that he does not want things to happen and then not have them work out. He then asked, "What is the goal for this proposal?" He feels that these types of mixed uses seem not to work together (i.e. Lisbon Street).

Mark Paradis feels that this is only a direction and that it is okay because nothing has been etched in stone.

After the above presentation and discussion, the following motion was made.

**MOTION:** *by Mark Paradis, seconded by Lewis Zidle that the Planning Board accepts the direction of the Lowell Square Master Plan and makes a favorable recommendation to the City Council.*

**VOTED:** *3-0-1 (Cole Abstained).*

**VI. FINAL HEARING: Determination of Completeness and Final Hearing concerning an amendment to the Site Plan for Harley's-R-Us, Main Street, to add parking and construct building additions.** John Cole remained off the Planning Board on this item also.

Dennis Mason read the memorandum prepared by James Lysen dated June 8, 2001. An overview of that memorandum is, as follows.

An application has been submitted to amend the Harley's-R-Us Site Plan for their facility at 839 Main Street. This project is located in the Highway Business (HB) District where retail uses are permitted as a matter-of-right. The original Site Plan was approved on January 11, 2000. Amendments were approved by the Planning Board on April 13, 1999 (for a 7,000 SF addition) and again on August 31, 1999 (for paving and landscaping and other Site Plan improvements).

This amendment consists of three (3) new building additions, which are: A. One (1) of 5,600 SF, B. Another of 6,000 SF, both associated to the northerly, existing structure, and C. A 2,400 SF addition to the rear of the southerly, existing building. Also included in this application is additional parking at the lower parking lot, with a one- (1-) way entrance from the parking lot at 839 Main Street and a one- (1-) way exit onto Main Street and additional parking at 827 Main Street and the display area at 837 and 841 Main Street.

This project will be constructed in three (3) phases. A. Phase I will include the 5,600 SF building addition to the north side of the large, existing structure and the expansion of the existing employee parking lot with new entrances and exits and demolition of the building at 841 Main Street and the new display area. The completion date is 2001. B. Phase II will include the 6,000 SF building to the rear of the existing, large structure and the 2,400 SF addition to the rear of the existing, small structure. The date of completion is 2002. C. Phase III will include the demolition of the building at 827 Main Street and a new display area. The completion on this phase will be when **George Schott** acquires the property at Main Street.

There were no comments from the Police Department, however, the Fire and Public Works Departments, along with Code Enforcement expressed some concerns, which are included in this discussion later on.

**Arthur Montana** from A.R.C.C. Land Surveyors, Inc. was present at this meeting on behalf of **George Schott** of Harleys-R-Us. Also present was George Schott himself.

Arthur Montana then spoke in regards to comments received from **Deputy James Morin** of the Lewiston Fire Department. Deputy James Morin's comments were that Phase 1 and 2 additions will require a sprinkler protection and that Phase 2 of the rear building may not require protection provided that a fire lane be provided to the opposite end of the building.

Arthur Montana also spoke in regards to the comments received from **Chris Branch** of the Public Works Department. Chris Branch's comments were that the actual runoff calculations must be done. The calculations must be shown to prove there is no additional runoff to the drainage swale. The Public Works Department would like to see three (3) curb cuts instead of four (4). Also, there is no indication on Sheet S3 of the house in the northwest corner of the property. Arthur Montana stated that the plans have been changed to reflect the above concerns of the Public Works Department.

Arthur Montana explained the existing site and then said that Phase I would demolish a building at 841 Main Street and will expand the existing employee parking lot with new entrances and exits. The entrance to Alice's Attic will be cut at this point.

Arthur Montana continued to say that in the Phase III portion, there will be more parking and Alice's Attic will be demolished (827 Main Street). Phase III will also include the creation of more display area for whatever is allowed in the zone. This is currently unknown. Arthur Montana said that Phase III would include eliminating curb cuts. Some of these properties have leases and the project will continue once the leases are up.

Planning Board Student Member **Ethan Chittim** asked if a certain building would be used for storage or would additional parking be required? George Schott explained why the expansion is needed. George Schott said that he wants to show everything.

**Hope Telow** (a resident of 825 Main Street) commented that she is concerned with more building and on how close the parking lot or the building is to her property. Arthur Montana explained the plan to her.

Dennis Mason asked, "How many curb cuts does the City of Lewiston allow?" Arthur Montana explained how many curb cuts they were eliminating. Arthur Montana also said that there will be four (4) curb cuts and that one (1) will be in only.

James Lysen asked, "How will the public know where to park?" George Schott responded that the public parking will not change. Only the employee parking is changing.

Hope Telow's son, *Steve*, asked about the fence and visibility. They do not want to feel boxed in. Arthur Montana mentioned that they could sign a waiver so a fence would not go to far.

*Doreen Asselin arrived at 9:10 p.m., replacing Sue Pleau.*

This discussion then focused on the drainage calculations. A written report has been submitted with the actual numbers. The impervious numbers have changed. The letter submitted (dated June 10, 2001 from *Leo R. Larochelle, P.E.*, of Performance Technology, Inc.) explains the six (6) inch culvert, which will be installed near the intersection of the southerly corner of the expanded parking area near the point of evaluation. This six (6) inch pipe will restrict flow to about 1 to 2 cubic feet per second, thereby, slowing the flow to the drainage swale. This restriction in flow will offset the increase in flow associated with the additional area draining to the swale. There are a number of changes. James Lysen said that the numbers are justified the letter. James Lysen went on to say that the Public Works Department needs to be satisfied. It is up to the Public Works Department. James Lysen also commented that storm water management is required. *Steve Telow* (825 Main Street) is concerned with water going on their property. The driveway comes out fairly steep and then it goes flat. Arthur Montana said that water goes down the driveway to Main Street.

Lewis Zidle commented that the fence should be a condition, if approved. If it is not on the plan, Code Enforcement cannot enforce it. Code Enforcement's comments pertaining to this project were: A. A statement should be noted on the Site Plan that approval of the development plan and any building permit issued will expire after a period of 24 months, B. It is unclear as to how the drainage will be handled in Phase II of the expansion with the additional 12 parking spaces next to Main Street, C. Driveways signs need to be installed, D. The Site Plan should indicate if exterior lighting will be provided for the proposed paved display area and the proposed 12-space parking lot, and E. Since the building that occupied 835 Main Street was demolished in September 1998 and it has been over a year since it was demolished, the new impervious area created as a result of the 12-space parking lot must be treated as net new impervious area.

There were no further concerns expressed. The following motions were made.

**MOTION:** *by Dennis Mason, seconded by Mark Paradis that the Planning Board determines the amendment to the Site Plan for Harley's-R-Us, Main Street, to add parking and construct building additions to be complete and grants final approval, subject to the following conditions: 1. The design is built and maintained to prevent water from entering 825 Main Street; 2. The conditions outlined in the memorandum dated June 8, 2001 from David Hediger, Land Use Inspection Officer from Code Enforcement are met; and 3. That this application meets the requirements of the Public Works Department with respect to drainage.*

**VOTED:** *3-0-1 (Cole Abstained).*

**MOTION:** *by Dennis Mason, seconded by Mark Paradis that the Planning Board accepts the waiver and modification form for the amendment to the Site Plan for Harley's-R-Us, Main Street, to add parking and construction building additions.*

**VOTED:** *3-0-1 (Cole Abstained).*

**VII. OTHER BUSINESS:**

**A. *New Business:***

- 1. *Consider a Proposal by Peter and Dorothy Clarke to rezone 45 Orange Street from the Neighborhood Conservation "A" (NCA) District to the Office Residential (OR) District and possibly schedule it for a Public Hearing.*** James

Lysen presented this item.

The next regularly scheduled Planning Board Meeting is scheduled for Tuesday, June 26, 2001. James Lysen explained the Planning Board procedure to the applicant (Dorothy Clarke) who was present at this meeting. All the signatures on the petition form have been certified by the City Clerk's office. The neighbors will be noticed by them. They will then comment on this rezoning at the June 26<sup>th</sup> Planning Board Meeting. There, the Planning Board will then recommend to the City Council their action on the project.

**Dorothy Clarke** briefly explained her reason for rezoning. The house was built in 1906. The property is very accessible. She was approached by the CEO of St. Mary's Hospital, who is interested in her property. The property is very accessible to the hospital.

After reviewing the map showing the proposal to rezone from NCA to OR, Tax Map 174, Lot 120-45 Orange Street, Dennis Mason asked, "Is that an alleyway behind the property?" Dorothy Clarke said she has five (5) garages. There is also a swimming pool and beach house. The rest of her property is fenced in. Beyond the back property line, there are two (2) houses. This is off of Libbey Alley. James Lysen will be researching this property for the next Planning Board Meeting.

Since there were no public audience present, the following motion was made.

**MOTION:** *by Lewis Zidle, seconded by Mark Paradis that the Planning Board schedules the proposal by Peter and Dorothy Clarke to rezone 45 Orange Street from the Neighborhood Conservation "A" (NCA) District to the Office Residential (OR) District for a Public Hearing to be held on Tuesday, June 26, 2001.*

**VOTED:** 4-0.

**John Cole stepped down from the Planning Board on the following item.**

- 2. *Review a de minimis change for Bates College Track and Field Facility concerning landscaping on Russell Street and authorize the Chairman to sign the mylar.*** James

Lysen made reference to the correspondence dated June 8, 2001 in reference to the proposed Athletic Field Improvements and Track Facility prepared by **Douglas A. Rice, P.E.**, Project Manager, from Wright-Pierce. Attached to this correspondence was the proposed landscaping revisions and the original landscaping plan indicating the changes that are being proposed.

The street trees will remain the same. Other landscaping will be consolidated. Dennis Mason mentioned that there is no ground cover along the fence. The proposed landscaping plan will include the same number of plantings as the originally proposed landscape plan, only in a different configuration. Instead of spreading the plantings along the length of the track, a clustered planting scheme (scattering of trees) is being proposed.

This item was brought to the Planning Board to make a determination that this is a de minimis change.

Bates College's reasoning was: A. That this be reconsidered due to the potential for root intrusion into the subbase of the track surface; B. Maintenance will be easier from the outside of the fence; C. This will minimize lawn mower and equipment travel on the surface of the track; and D. It will provide more space for athletes and track officials within the fenced area during track meets.

There being no public audience present, the following motion was made.

**MOTION:** by **Dennis Mason**, seconded by **Lewis Zidle** that the Planning Board determines the application for the Bates College Track and Field Facility concerning landscaping on Russell Street to be of a de minimis nature and authorizes the Planning Board Chair to sign the mylar.

**VOTED:** 3-0-1 (Cole Abstained).

After this motion was made, it was mentioned that there is no signage on this property except perhaps the rear of the score board.

**3. Discussion and confirmation concerning a proposed Planning Board summer schedule.**

The proposed Planning Board summer schedule is, as follows:

- a. Tuesday, July 24, 2001, and
- b. Tuesday, August 21, 2001.

**VIII. READING OF THE MINUTES: Draft of the Minutes from the April 24, 2001 and May 22, 2001 Planning Board Meetings.**

April 24, 2001: The following motion was made.

**MOTION:** by **John Cole**, seconded by **Mark Paradis** to accept the Planning Board Minutes for April 24, 2001.

**VOTED:** 3-0-1 (Zidle).

May 22, 2001: These Draft Minutes were deferred until the June 26, 2001 Planning Board Meeting.

**Update on Lepage Bakeries, Inc.**

Gil Arsenault mentioned that there was a meeting between Plant Management, the Vice President of Operations, Roland Dostie, and Rick Lachapelle.

Lepage Bakeries, Inc. will put in writing their protocol of what will be done. This document will be presented to the Planning Board at the next meeting, which is Tuesday, June 26, 2001.

There is a telephone in the plant for the neighbors to call to get a response.

Gil Arsenault said that this was a positive meeting.

**IX. ADJOURNMENT:** The following motion was made to adjourn this meeting.

**MOTION:** by **Mark Paradis**, seconded by **John Cole** to adjourn this meeting at 9:45 p.m.

**VOTED:** 4-0.

Respectfully submitted,

Mark Paradis, Secretary

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