

**CITY OF LEWISTON  
PLANNING BOARD MEETING  
MINUTES for October 9, 2001 - Page 1 of 7**

- I. ROLL CALL:** This Planning Board Meeting was held in the City Council Chambers of Lewiston City Hall; was called to order at 7:02 p.m.; and was chaired by Chairman Dennis Mason.
- **Members in Attendance:** Dennis Mason, Lewis Zidle, John Cole, Roger Lachapelle, and Kristine Kimball.
  - **Staff Present:** Lincoln Jeffers, Economic Development Specialist; Gil Arsenault, Deputy Development Director; David Sanborn, Planning Coordinator; and Doreen (Asselin) Christ, Administrative Secretary - Planning Division.
  - **Members Absent:** Rob Robbins and Student Member Ethan Chittim.
  - **Staff Absent:** James Lysen, Planning Director.

- II. ADJUSTMENTS TO THE AGENDA:** Item Nos V., Final Hearing, and VI. Pre-Application and Determination of Completeness Hearing were reversed on the agenda, since Item No. VI. pertained to Item No. IV.

**III. CORRESPONDENCE:**

- A. A facsimile memorandum and An Ordinance Pertaining to Zoning Boundaries from Bob Faunce dated October 8, 2001 in regards to the Carter's Self Storage project; and
- B. Property Acquisition Review Form along with back-up information from Bob Vitas, City Administrator, dated October 4, 2001 in regards to 29 Railroad Alley and 44 Lincoln Street in conjunction with the Bates Mill Complex Redevelopment project.

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

**VOTED:** 4-0.

- IV. PUBLIC HEARINGS:** *A proposal by Richard B. Tonoli to Conditionally Rezone 741-747 Main Street from the Highway Business (HB) District to the Urban Enterprise (UE) District to allow for self-storage facilities.* David Sanborn read his memorandum dated October 5, 2001. This item was brought to the Planning Board to Conditionally Rezone 741-747 Main Street from the Highway Business (HB) District to the Urban Enterprise (UE) District. At the September 25, 2001 Planning Board Meeting, there was unanimous approval to schedule this item for this Public Hearing. Enclosed in the Planning Board packets was a letter dated August 31, 2001 from Robert Faunce with an attached amended Agreement adding the possibility of including a drive-up ATM machine or similar bank-related activity. A revised Site Plan eliminates self-storage facilities from the used car sales and repair lot located at 747 Main Street. This is shown as Parcel C (separate ownership) on the plan. Richard Tonoli is proposing a car wash facility on Parcel C, which is a permitted use in the HB District, therefore, Richard Tonoli is requesting that this lot be removed from the Conditional Rezoning Agreement. Also, the Carter's store and Subway parcel can be eliminated from this proposed Conditional Rezoning Agreement, since the self-storage facility will be placed only on the northerly section of the parcel. At the suggestion of Planning Board Staff, buffering and screening of the proposed self-storage facility should be made part of the proposed Site Plan. This Site Plan was reviewed concurrently with this Public Hearing, therefore, there was an adjustment to the agenda, in that, Item Nos. V. and VI. were reversed.

Bob Faunce was present at this meeting on behalf of the applicant, Richard Tonoli. Bob Faunce did a presentation. Bob Faunce began his presentation by saying that he received unanimous approval at the September 25, 2001 Planning Board Meeting to schedule this item for this Public

Hearing. He continued his presentation by saying that 16 storage units have been eliminated, bringing the total to now 22. The area for the Conditional Rezoning has been reduced. They are proposing that a stockade fence be placed along the property, therefore, the self-storage cannot be seen with a fence. The car lot building will be torn down and the proposed car wash will replace this. They are proposing a total for four (4) vacuums and seven (7) bays. They have provided more landscaping, which includes bark mulch and deciduous trees. The landscape island will include a deciduous tree. There is enough storage to hold three (3) cars at the ATM machine and storage at the car wash. There will be a free-standing sign and signs placed at both the entrance and exit areas. A Joint Maintenance Agreement is being worked on. The Joint Maintenance Agreement includes Carter's, the storage facilities, and the car wash. The issues relating to snow removal, waste removal, maintenance of the yard, etc. will be available at the October 23, 2001 Planning Board Meeting.

The storage area was created in 1988. It is now non-conforming. This area will look a lot more attractive now. The traffic and aesthetic reasons have been improved.

There is a slight revision of the ordinance. The change is listed in the memorandum dated October 8, 2001, which states that the ordinance was revised by adding a reference to the topographic site plan, which is referred to as Exhibit A. The plan includes "Exhibit A" above the title block. These plans were distributed to the Planning Board Members. John Cole asked, "Is there an issue with the ATM being that close to the street?" Bob Faunce remarked that it meets the setback requirements for the Street. There is no ATM currently on this site. Gil Arsenault stated that this is a very tight location and that they may be able to get three (3) vehicles there. It would be a stacking of vehicles.

***Lewis Zidle arrived at 7:24 p.m.***

Because of the traffic, the ATM was moved to another location on site. Unit Nos. 1-16 are blocked from view with a stockade fence. Kristine Kimball stated that other storage facilities are not appropriate there. Bob Faunce comments that almost half of the units have been eliminated. It was then mentioned that Appendix "A" refers to the wrong plan. Bob Faunce distributed the correct plan to the Planning Board. The Section on the third page should be Section (G), not Section (M) in the Conditional Rezoning Agreement.

Dennis Mason had concerns with the security of the ATM drive-up. Also, the language is not strong enough to require a six foot (6') fence and the buffering is weak. Dennis Mason said that the fence should be increased to the height of the building wall. The buildings will be visible with a six foot (6') fence. Dennis Mason also said that the buffering language does not take much into account.

Bob Faunce commented that the storage facilities are 10' x 20' storage.

John Cole stated that Bob Faunce has done a good job in responding to the concerns expressed.

Bob Faunce suggested that the fence can be turned at Unit No. 22. The attachment could change when it goes to Development Review. Gil Arsenault stated that the Site Plan is not and will not be approved tonight and suggested that a requirement could be made as to an eight foot (8') fence.

It was mentioned that the buildings are raised slightly above ground. Gil Arsenault said that the fence could be brought to being equal to the slope of the roof and to call for strict buffering. These buildings have already been there for several months. They are portable buildings. This would be a permitted use for a self-storage facility. There was no public comment on this item and the following motion was made.

**MOTION:** by **John Cole**, seconded by **Roger Lachapelle** to send a favorable recommendation to the City Council to approve the Conditional Rezoning Agreement for 741-747 Main Street from the Highway Business (HB) District to the Urban Enterprise (UE) District, subject to:

1. Section (M) being changed to Section (G);
2. That Section (E) include that buffering be required, as shown on the Site Plan;
3. That the stockade fence be equal to the elevation of the uppermost wall of the buildings; and
4. To show that the fence turns the corner at Unit No. 22.

**VOTED:** 5-0.

*Out of sequence to the agenda and as listed under Item No. II, Adjustments to the Agenda, the following item was heard.*

**VI. PRE-APPLICATION AND DETERMINATION OF COMPLETENESS HEARING: Pre-Application and Determination of Completeness Hearing concerning a proposal by Richard B. Tonoli to install up to 38 self-storage units at the Carter's facility at 741-747 Main Street (tabled from the September 25, 2001 Planning Board Meeting).** David Sanborn read his memorandum dated October 5, 2001. The revised Site Plan includes the following changes: A. The storage units have been removed from the front parcel, which formally was the car sales and repair business, and this area will be developed into a two- (2-) bay car wash. This reduces the area to be rezoned. B. The landscaping has been expanded along Main Street, and C. The number of storage units have been reduced and moved back onto the rear parcel. These units will be buffered with a stockade fence and additional landscaping. These changes were included in the correspondence dated October 4, 2001 from Robert Faunce, which was included in the Planning Board packets.

To date, there are no comments from the Public Works Department. The Public Works Department has the original Site Plan. Robert Faunce said, "Hopefully the Public Works Department will change their mind on a drainage study." There is a nine percent (9%) reduction that has reduced the impervious area. Also, the storage units are elevated off the ground. Robert Faunce stated that Parcel C contains a lot of landscaping. Dennis Mason commented that the property is reasonably flat. It was mentioned that it is hard to explain to the developer that they need to spend \$2,000.00 in a drainage study. The Public Works Department has not seen the car wash facility. Bob Faunce said that he needs to talk with the Public Works Department on the impervious area. The drainage is being decreased. Gil Arsenault said that this will move the project without a drainage study. Dennis Mason said that the Planning Board is allowed to require the applicant to prove their point. Dennis Mason also said that he is concerned with the car wash, in that, 10,000 gallons per day will go into the storage system. The pipes are over 100 years old. Bob Faunce responded that he will deal with the Public Works Department and will do whatever is needed for the Public Works Department. There will be no capturing of water. There will be capturing of grit, oil, and grease. Gil Arsenault mentioned that there will also be shared access issues. There will be a shared agreement with Subway, Parcel B, and Parcel C. Gil Arsenault suggested that there should be some sort of agreement with Bell Manufacturing, also. There are no problems with utilities. Dennis Mason suggested that it could be deemed "not applicable" to the waiver without the Public Works Department.

There is already a sign at Parcel B. Gil Arsenault said that separate signage will be needed if Subway is sold.

Bob Faunce said that construction will be started a couple of days from final approval. Bob Faunce also commented that he will resolve access on the ATM. Bob Faunce stated that the Site Plan could change drastically or not at all.

Richard Tonoli is the principal of the properties.

There were no comments from the Planning Board.

Dennis Mason suggested adding buffering on Parcel B along the sidewalk. It was decided not to go with an entrance/exit sign. John Cole commented that traffic out on to Main Street moves very fast under the railroad overpass. It is very hard to get out on to Main Street.

The following are issues that need to be addressed on the Site Plan for the Final Hearing: A. Exactly what fencing and landscaping will be installed. B. The increase in the fence height to the elevation of the sloped roof of the self-storage units and turning of the fence at Unit No. 22. C. Shared access as part of the Maintenance Agreement.

The following motion was made.

**MOTION:** *by John Cole, seconded by Kristine Kimball that the Planning Board grants the modification/waiver requests, as presented, sufficiency of Public Services, subject to comments from the Public Works Department; determines the application by Richard B. Tonoli (Carter's facility), 741-747 Main Street, Lewiston to be complete; and schedules it for a Final Hearing to be heard on Tuesday, October 23, 2001.*

**VOTED:** 5-0.

- V. **FINAL HEARING: A Final Hearing on a Development Review application by the Neighborhood Housing Initiative, Inc. to construct a duplex and thirteen (13) single-family attached dwelling units at the intersection of Maple and Blake Streets.** This item was presented by Bob Faunce and Michael Gotto of Technical Services, Inc. The following changes were made to the Site Plan, since the September 25, 2001 Planning Board Meeting: A. Turning the triplex structure so it faces the entrance street and the related grading modifications necessary to accomplish that change; B. The waterlines within the former Maple Street have been relocated and water services to the duplex and triplex have also been relocated. Included in the Planning Board packets were: A. A "Declaration of Maple Street Condominium" and "Bylaws of the Maple Street Homeowners Association" which were submitted by Attorney John W. Geismar; and B. A draft "Exclusive Option to Purchase Real Estate" for the property at 243 Blake Street.

In Bob Faunce's presentation, he listed changes made since the September 25, 2001 Planning Board Meeting - The revised location of the guardrail, the relocated waterline, and laundry services for private units. Bob Faunce then showed to the Planning Board on the plan the extension of Pierce Street and discontinuance of Maple Street. This construction consists of fifteen units: two (2) units will be constructed immediately and the other 13, as conditions allow. Two (2) of the units will contain basements. These units will be sold at reasonable prices. There will be some support to tutor the owner on how to maintain the home. There are seven- (7-) owner-occupied homes in this location.

Reference was made to Section 1.3: Office of the Bylaws of Maple Street Home Owners Association, Page No. 1. John Cole questioned the location. The location is 97 Campus Avenue, which is St. Mary's Regional Medical Center.

Gil Arsenault said that all site improvements are to be done this fall. However, it may take several years to sell.

Mike Gotto mentioned that these units cannot be bought and resold. These units are intended to provide owner-occupied housing. There is a provision that will eliminate the rental of

these units. This will become part of the Purchase & Sale Agreement. Mike Gotto stated that the buyer will need to meet and maintain an income level. This is for affordable, first-time buyers.

The right-of-way will be loamed and seeded.

In closing, Gil Arsenault mentioned that a signature block is needed on the Site Plan. The following motions were made pertaining to this Final Hearing.

**MOTION:** by **John Cole**, seconded by **Roger Lachapelle** that the Planning Board finds that the Neighborhood Housing Initiative, Inc. to construct a duplex and 13, single-family, attached dwelling units at the intersection of Maple and Blake Streets meets all the criteria under Article XIII, Sections 4, 5, and 8 of Appendix A, Zoning and Land Use Code and grants final approval.

**VOTED:** 5-0.

The following motion was made on the 243 Blake Street Option (Sale of Property) to be executed by the Neighborhood Housing Initiative, Inc.

**MOTION:** by **John Cole**, seconded by **Roger Lachapelle** that the Planning Board recommend to the City Council to sell the property located at 243 Blake Street to the Neighborhood Housing Initiative, Inc. (NHI).

**VOTED:** 5-0.

*The remaining items on the Agenda were discussed according to the listing.*

**VII. OTHER BUSINESS:**

**C. New Business:**

**1. *Review and recommendation on the disposition of the Androscoggin Mill Block, 269-271 Park Street, to The Public Theatre.*** Included in the Planning Board packets was correspondence from Christopher Schario, Artistic Director of The Public Theatre dated September 24, 2001 in regards to acquiring the City-owned Androscoggin Mill Block located at 269-271 Park Street. The Public Theatre is requesting that the City of Lewiston donate this property to them so that they can move forward on a \$2 million dollar renovation project. They plan to renovate this building for offices, storage, and actor housing. A "Real Estate Transfer Agreement" will be executed and will include a reversion clause and historic preservation conditions. There was a question as to funding. Norm Beuparlant's question was, "By donating the building to The Public Theatre, does the City lose the grant for restorations of portions of the building?" Norm Beuparlant also commented that the match for the grant has already been invested in a "new" roof membrane for the structure. In response to Norm Beuparlant's question, the \$40,000 used for the roof was not taken from the grant, since the grant was not accepted. There are interior historic preservation issues. The grant was not signed by the City. The City cannot find anyone to take this property. This is a very exciting what The Public Theatre plans to do with this property. The following motion was made.

**MOTION:** by **Lewis Zidle**, seconded by **Kristine Kimball** that the Planning Board send a favorable recommendation to the City Council to dispose of the property at 269-271 Park Street to The Public Theatre.

**VOTED:** 5-0.

**2. *Discuss the acquisition of properties at 29 Railroad Alley and 44 Lincoln Street in conjunction with the Bates Mill Complex Redevelopment project.*** Both the memorandum prepared by Lincoln Jeffers dated September 28, 2001 and a map were included in

the Planning Board packets. Sophie Mickalide, the owner of 29 Railroad Alley is presently hospitalized. Gil Arsenault stated that the acquisition of these properties are consistent with the overall Master Plan for the Bates Mill. It was mentioned that the City of Lewiston wants to dispose of both of these properties at the same time. 29 Railroad Alley is currently vacant. The purchase price of this property to be sold to the City is \$27,500.00. The assessed value is \$17,800.00. A recent appraisal valued the property at \$25,000.00. 44 Lincoln Street is currently owned by both Donald J. & Georgette Rivard and is presently occupied by Rivard Hardware and it also contains two (2) apartments of which the tenants will need to be relocated. The purchase price for 44 Lincoln Street to the City is \$91,000.00. The assessed value is \$53,050.00. A recent appraisal valued the property at \$83,000.00. The following motion was made on these properties.

**MOTION:** by **John Cole**, seconded by **Kristine Kimball** that the Planning Board send a favorable recommendation to the City Council to acquire the properties located at 29 Railroad Alley and 44 Lincoln Street in conjunction with the Bates Mill Complex redevelopment project.

**VOTED:** 5-0.

**3. Discussion concerning the Planning Board Resolution addressing the Martel School and a proposed joint meeting between the Planning Board and the School Committee.** This item is a continuation of the Resolution. Since the last

Planning Board Meeting of September 25, 2001, Planning Board Staff had discussions with School Superintendent Leon Levesque to clarify the Board's position. Leon Levesque suggested that the Planning Board and School Committee meet soon after the new year to discuss the needs of the School Department and to create a process to include their Strategic Planning efforts into the City's Comprehensive Plan. The City Council were asked to receive this Resolution and to pass it on to the School Committee. It was mentioned that the City will never qualify for funding from the State. This may also hurt the working relationship established between the City Council and the School Committee. John Cole stated that this was designed to provoke some thought. John Cole also suggested that this Resolution should be mailed to everybody on the School Committee. This Resolution was designed to relocate the school or abandon the school and re-route the children to other surrounding schools. There will be a new School Committee and City Council in 2002. Dennis Mason said that there is a need to figure out a way to solve zoning problems. Roger Lachapelle added that the School Committee does have a long-range strategic plan. In closing this discussion, it was decided that after the election, to mail the Resolution to the newly-elected School Committee.

**John Cole recused himself from the Planning Board, due to a conflict between his firm and CMMC.**

**4. De minimus change request by the Central Maine Medical Center (CMMC) for their parking lot at Hammond and Main Street next to the Arbor House.** Enclosed in the Planning Board packets were correspondence from Norm Chamberlain II, P.E., of Taylor Engineering Associates dated October 5, 2001 and a Site Plan entitled, "Arbor House, Central Maine Medical Center, Main and Hammond Streets, Lewiston, Maine" dated October 1, 2001. The proposed improvements to the outside of the Arbor House would be considered a de minimus change. This is aesthetically an enhancement of the actual building. There will be no loss of parking spaces. The Planning Board understands that this will not impact parking.

The following motion was made.

**MOTION:** by **Lewis Zidle**, seconded by **Roger Lachapelle** that the Planning Board finds the change request by the Central Maine Medical Center (CMMC) for their parking lot at Hammond and Main Street next to the Arbor House to be of a de minimus change and authorizes the Planning Board Chairman to sign the mylar.

**VOTED:** 4-0.

**John Cole stepped back up to the Planning Board and continued on the Board for the remaining items.**

**VIII. READING OF THE MINUTES: Draft of the minutes from the August 21, 2001 and September 25, 2001 Planning Board Meetings.**

**August 21, 2001:** The following changes were made to the August 21, 2001 Minutes:

A. On Page No. 2, third full paragraph, first line, delete the words, “*this rezoning request consists*”. Also, in this same paragraph, line two, delete the word, “*and*”. B. On Page No. 4, fifth full paragraph, third line, change the spelling of the word, “*there*” to read, “*their*”. On the same page, the sixth full paragraph, line one, change the spelling of the word, “*agrument*” to read, “*argument*”. C. On Page No. 5 under Section V. Final Hearings, fourth paragraph, delete the words, “*audience available at this meeting*” and replace with the words, “*comment on this item*”. D. On Page No. 6, fourth paragraph, delete the words, “*audience present at this meeting*” and replace with the following words, “*comment on this item*”. E. On Page No. 9, eighth paragraph, line one, delete the words, “*audience in attendance at this meeting*”, and replace with the following word, “*comment*”.

**MOTION:** by **John Cole**, seconded by **Kristine Kimball** to accept the Planning Board Minutes for August 21, 2001, as amended.

**VOTED:** 5-0.

**September 25, 2001:** There were no changes made to this set of Minutes, therefore, the following motion was made.

**MOTION:** by **John Cole**, seconded by **Kristine Kimball** to accept the Planning Board Minutes for September 25, 2001, as submitted.

**VOTED:** 4-0-1 (Lachapelle).

**PLANNING BOARD MEETING MINUTES:** John Cole suggested placing on the next Planning Board agenda the item, “Discussion concerning Planning Board Meeting Minutes”. This will be a discussion concerning the taking, recording, and distributing of Planning Board Meeting Minutes.

**34 MERRILL ROAD:** This item is in conjunction with the Conditional Rezoning of 741-747 Main Street. This property is also owned by Richard B. Tonoli. It was suggested and agreed by Planning Board Members to look at Richard Tonoli’s holdings and the entire area. Planning Board Staff will look into a rezoning for this area from the LDR to the Office Service (OS) District.

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

**MOTION:** by **Roger Lachapelle**, seconded by **Lewis Zidle** to adjourn this meeting at 8:55 p.m.

**VOTED:** 5-0.

The next regularly scheduled Planning Board Meeting is scheduled for Tuesday, October 23, 2001.

Respectfully submitted,

Dennis Mason, Chairman

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