

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for April 23, 2002 - Page 1 of 5**

- I. ROLL CALL:** This meeting was held in the City Council Chambers on the First Floor of Lewiston City Hall, was called to order at 7:01 p.m., and was chaired by Dennis Mason.
- **Members in Attendance:** Dennis Mason, Robert Connors, Kristine Kimball, Roger Lachapelle, and Jeffrey Gosselin.
 - **Staff Present:** Gil Arsenault, Deputy Development Director; Lincoln Jeffers, Business Development Manager; James Lysen, Planning Director; James Andrews, Community Development Director; David Sanborn, Planning Coordinator; Yvette Bedard, Housing/CD Officer-Community Development and Doreen Christ, Administrative Secretary-Planning Division
 - **Members Absent:** John Cole and Rob Robbins.
 - **Student Members Absent:** Ethan Chittim and Jen Robustelli.
 - **Others Present:** City Council President Renee Bernier (Ward 2) and City Councilors Mark Paradis (Ward 6) and Norm Rousseau (Ward 7), New City Administrator James Bennett, and from the Public Works Department: Chris Branch, Director.

- II. ADJUSTMENTS TO THE AGENDA:** At the request of Staff, place Item VII. Other Business, before Item IV. Public Hearings.

- III. CORRESPONDENCE:** The following items were distributed at this meeting:
- A. A letter from Carol M. Rea in regards to 200 Crowley Road dated April 23, 2002;
 - B. A Real Estate Option for property located at 229 River Road (Dorilda Bouchard) in regards to the proposed Public Works Operations Center, 195-261 River Road dated April 3, 2002; and
 - C. Property Acquisition/Disposition Review Form from Phil Nadeau, Assistant City Administrator, in regards to 29-37 Spruce Street and 192-194 Park Street.

In addition to the above, the following prior items received via regular mail, to be included in the Planning Board packets were, as follows:

- A. Traffic Assessment of Proposed 80 Strawberry Avenue Facility - Tri-County Mental Health Services - Lewiston, Maine from Eaton Traffic Engineering dated April 19, 2002;
- B. A memorandum in regards to the Public Works Operation Center from David Hediger, Land Use Inspection Officer dated April 18, 2002; and
- C. Property Acquisition/Disposition Review Form from Dan Pelletier, Inspector of Police, in regards to 29-37 Spruce Street and 192-194 Park Street dated April 18, 2002.

MOTION: *by Robert Connors, seconded by Jeffrey Gosselin to accept these items, place them on file, and read them at the appropriate time.*

VOTED: 5-0.

As an adjustment to the agenda, the following items were presented before the Public Hearings.

VII. OTHER BUSINESS:

A. **Coastal Enterprise, Inc. /Speaker's Acquisition/Disposition.** Coastal Enterprises, Inc. (CEI) is proposing to acquire the properties located at 29-37 Spruce and 192-194 Park Streets and convert these buildings to a cluster of six, owner-occupied townhouses.

Elaine Sederlund, from CEI, was present at this meeting and stated that individual dwelling units will be sold to low income families.

There was no public comment. The following motion was made.

MOTION: *by Robert Connors, seconded by Roger Lachapelle that the Planning Board send a favorable recommendation to the City Council to dispose of the City-owned properties at 29-37 Spruce and 192-194 Park Streets to Coastal Enterprises, Inc. (CEI), in support of their redevelopment project, as requested.*

VOTED: 5-0.

B. Vineyard Christian Fellowship facility addition - De Minimus Change. David Sanborn read his memorandum dated April 19, 2002. Vineyard Christian Fellowship is proposing to construct a 2,400 square foot addition to expand its classroom facilities. The following motion was made.

MOTION: by **Kristine Kimball**, seconded by **Robert Connors** that the Planning Board finds the minor amendment for the Vineyard Christian Fellowship, 9 Foss Road, to be of a “de minimus” nature; that it meets all the applicable criteria under Article XIII, Section 4; and authorizes the Planning Board Chair to sign the revised mylar.

VOTED: 5-0.

C. Maurice Estates (Acorn Lane) - De Minimus Change. James Lysen said that the property owners of Lot Nos. 2 and 4 are buying Lot No. 3 and splitting the lot. **Paul Landry** was present, but made no comment. The following motion was made.

MOTION: by **Roger Lachapelle**, seconded by **Robert Connors** that the Planning Board approves the amendment to the Site Plan for the Maurice Estates Subdivision (Acorn Lane), to be of a “de minimus” nature; that it meets all the applicable criteria under Article XIII, Section 4; and authorizes the Planning Board Chair to sign the revised mylar.

VOTED: 5-0.

D. United Ambulance Russell Street - De Minimus Change. Both **John McCauley** and **Paul Gosselin**, from United Ambulance, were present at this meeting. The proposal is to add less than 700 square feet, as a connector, from their existing building to another building (a former doctor’s office), which they recently acquired.

Robert Connors expressed concerns with additional traffic. The response was that there will be no additional traffic anticipated, due to the project. There were no comments from the public and no additional comments from the Planning Board. The following motion was made.

MOTION: by **Robert Connors**, seconded by **Kristine Kimball** that the amendment to the Site Plan for the United Ambulance Service facility, 192 Russell Street, is of a “de minimus” nature; that it meets all the applicable approval criteria under Article XIII, Section 4; and authorizes the Planning Board Chair to sign the revised mylar.

VOTED: 4-0-1 (Gosselin Abstained).

The remaining items were presented, as listed in the order on the agenda.

IV. PUBLIC HEARINGS:

A. Public Hearing on a proposal initiated by citizen petition to rezone properties on the west side of Main Street from 660-724 Main Street, west to the Maine Central Railroad, from Community Business (CB) District to Highway Business (HB) District. James Lysen gave an overview of his memorandum dated April 18, 2002. Neocraft Signs would like to expand their operations and construct an addition to their facility. They are classified as a light industrial use and are in the Community Business (CB) District. The proposal is to rezone these properties to the Highway Business (HB) District, which would allow for their expansion.

This item was opened to the public. Since there was no public comment, the public portion was closed and turned back to the Planning Board. The following motion was made.

MOTION: by **Jeffrey Gosselin**, seconded by **Roger Lachapelle** that the Planning Board send a favorable recommendation to the City Council on the rezoning of the properties on the west side of Main Street from 660-724 Main Street, west to the Maine Central Railroad, from the Community Business (CB) District to the Highway Business (HB) District.

VOTED: 5-0.

B. Public Hearing on a proposal initiated by citizen petition to rezone properties located at 131 to 267 Crowley Road, to a depth of 500 feet on the southern side of Crowley Road, from Old Webster Road extended to the Town Line; and the entire properties from 146 to 200 Crowley Road, from Old Webster Road to the Town Line on the northern side of Crowley Road, from the Office Service (OS) District, to the Rural Agricultural (R) District.

James Lysen stated that Planning Staff is not in support of this proposal since it is not consistent with the Comprehensive Plan. The citizen petitioner is Norm Jalbert who would like to construct a single-family home on his newly-created lot at 199 Crowley Road. The Crowley Road/Old Lisbon Road area has been zoned OS since January 1988. The City of Lewiston has reserved this most-undeveloped area for large-scale development, due to its proximity to a possible new Turnpike Exit and the discontinued Maine Central Railroad line. The Grove Street to Sabattus Street (Route 126) Connector could provide important transportation linkages to this area. The Turnpike Exit project is 5-10 years in the future and the Route 126 Connector is 3-5 years out. If this area is rezoned, it would limit the commercial/industrial development potential of the area. After reading his memorandum, James Lysen commented that his item is due for a discussion.

James Lysen discussed the topographical mapping that was available at this meeting. There were also photographs available, which were taken from the Old Webster Road intersection and back.

This item was opened to the public in support of this rezoning for the following comments.

- **Robert Galipeau (292 Grove Street)** stated that the ledge area is not buildable. He said that Norm Jalbert just wants to build a single-family home. Most of the area would need to be blasted.
- **Norm Jalbert (199 Crowley Road)** stated that all he wants is a single-family home.
- **Norm Rousseau (City Councilor of Ward 7)** stated that he is in support of Norm Jalbert's building of a home. He does not feel that this will create a problem.
- **Walter Raber (458 Crowley Road)** is in support of this rezoning to the Rural Agricultural (R) District. He stated that this would create more taxes.

This item was then opened to the public not in support of the rezoning for the following comments.

- **Carol Rea (Owner of 40 acres along northern Crowley Road).** Carol Rea stated that the land should remain in the Office Service (OS) District. This rezoning would harm her investment.
- **David Chick (235 Crowley Road)** asked the following: "How long are the properties in this area going to be held in question?" "Are there any concrete plans for this area?" Chris Branch stated that a second turnpike exit is planned within the next 5-10 years out and the connector road with Route 126 within the next 3-5 years.

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

As requested by Dennis Mason, Walter Raber showed on the topographic map his property. Most of the homes are west of the site.

Jeffrey Gosselin said that this area is favorable for commercial/industrial development.

Robert Connors commented that both wetlands and ledge are not developable. Robert Connors then asked if there is information similar to what was prepared for River Road. James Lysen responded with "No, not as detailed as that". Lincoln Jeffers stated that the South Park Corporation is working with Mike Gotto of Technical Services, Inc. on a City-wide inventory of properties including this area. Robert Connors asked, "How much of this land that is requested to be rezoned is developable?" James Lysen responded with, in this overall area, 100-200 acres out of the 400 acres are developable. This area has important transportation linkages.

Dennis Mason stated that he is concerned with spreading residential uses in the area when the City has other plans. Dennis Mason also said that businesses want to be located where there is transportation.

Norm Rousseau stated that this is different than a Wal-Mart rezoning as Norm Jalbert is well aware that this will probably happen.

Roger Lachapelle asked, "What could we do to make this possible for Norm Jalbert?" Dennis Mason's response was that a couple of alternatives would be to rezone part of Norm Jalbert's property or a Conditional Rezoning plan. This plan could acknowledge that this lot is surrounded by non-residential land. The end result would be that Norm Jalbert would be an island rezoned to the Rural Agricultural (R) District. Walter Raber would like his property included.

- **Bob Faunce (a local Land Use Planner)** advised both the Planning Board and Staff to be cautious on a rezoning and to look at the big picture. If a turnpike is put in, Crowley Road could be widened. His advise was that a rezoning would be something best to avoid.

The following motions were made.

MOTION: by **Roger Lachapelle**, seconded by **Kristine Kimball** that the Planning Board recommends to the City Council *not* to approve the rezoning initiated by Norm Jalbert on the properties located at 131-267 Crowley Road from the Office Service (OS) to the Rural Agricultural (R) District.

VOTED: 5-0.

MOTION: by **Roger Lachapelle**, seconded by **Kristine Kimball** that the Planning Board recommends for the City Council to take into account that City Staff will work with Norm Jalbert to prepare an acceptable Conditional Rezoning proposal on his property to allow a single-family home to be constructed.

VOTED: 5-0.

Jeffrey Gosselin stepped down from the Planning Board on the following two Final Hearings.

Dennis Mason also asked the Planning Board if they felt it would be a conflict, since he has several family members employed by Tri-County Mental Health. It was determined to not be a conflict.

V. FINAL HEARINGS:

A. Final Hearing on an application by Tri-County Mental Health on a proposed 20,000 square-foot facility at 80 Strawberry Avenue. The reading of the memorandum prepared by David Sanborn dated April 17, 2002 was waived by the Planning Board. **Mark Bergeron**, from Pinkham & Greer, Consulting Engineers, Inc. and **Dan Mareno**, Architect, were present at this meeting. Mark Bergeron gave a brief presentation on this project. Surrounding this property is the Baptist Church, the Androscoggin River, and the Tall Pines apartment complex. After discussions with this Board at the last meeting, Phase II (to include 25 extra parking spaces) will be built within two years of final approval from the City. If this is not built within the two years, Tri-County Mental Health will come back to this Board for approval on that.

On Drawing C1, Layout Plan (included in the Planning Board), it was requested that the wording, “25 parking spaces shall be built in Phase 2, within 24 months of Site Plan approval.”, that the word “shall” be changed to the word “may”.

Comments from the public included:

- **Mike Allen (Pastor of the Baptist Church)** expressed concerns with the traffic on Main Street at the Strawberry Avenue intersection. In the analysis from Eaton Traffic Engineers, it states there are 34 trips at peak hour at a maximum and this will not adversely affect this area. The intersection will need improvements. James Lysen said that it is under further study by the ATRC.

There, being no further comments from the public, this item was turned back to the Planning Board and the following motion was made.

MOTION: by **Robert Connors**, seconded by **Roger Lachapelle** that the application for a 20,000 SF facility by Tri-County Mental Health at 80 Strawberry Avenue meets all the applicable criteria under Article XIII, Section 4 of the Zoning and Land Use Code and that the Planning Board approves this project with the one change to the proposal that the word, “shall” be changed to “may”.

VOTED: 4-0-1 (Gosselin Abstained).

B. Final Hearing on an amendment to the Stetson Brook Estates Mobile Home Park located on Lessard Street. **Rick Jones**, from Jones Associates - Foresters and Environmental Consultants, was present at this meeting on behalf of the applicant, Robert Foss. This project was tabled approximately one year ago, pending the required permits. Robert Foss had placed approximately 4,290 cubic yards of material in the flood plain and, at about the same time, removed 2,015 cubic yards of fill in the flood plain, which was associated with an access road crossing Stetson Brook, immediately downstream of the fill area. Both the DEP permit for the fill in the flood plain wetland and the Army Corps of Engineers permit for the same fill area were obtained, as requested. The City regulates wetlands. The DEP regulates flood plains.

Also, at the time the fill was removed, two large culverts were removed. One culvert was 58 inches in diameter and the other 69 inches. These culverts had a very significant effect on the flood elevations upstream of the crossing. The undersizing of the culverts had a much more significant effect on the flood elevations than the placement of the fill. As a result, the flood elevation has been dropped. There is a 90 percent improvement in the flood plain, as a result of the removing of the culverts. Rick Jones stated that he present at this meeting to approve the plan, as presented.

There were no comments from the public or the Planning Board, therefore, the following motion was made.

MOTION: by **Robert Connors**, seconded by **Kristine Kimball** that the minor amendment to the Stetson Brook Estates Mobile Home Park located off of Lessard Street meets all the necessary criteria under Article XIII, Section 4 of the Zoning and Land Use Code and that the Planning Board grant final approval to the amendment.

VOTED: 4-0-1 (Gosselin Abstained).

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Jeffrey Gosselin rejoined the Planning Board on the remaining items.

VI. PRE-APPLICATION AND DETERMINATION OF COMPLETENESS HEARING: *Pre-Application and Determination of Completeness Hearing on the proposed Public Works Operations Center located at 195-261 River Road.* **Mike Gotto**, a consultant from Technical Services, Inc., was present at this meeting. Also present was **Bob Faunce**, a local Land Use Planner. Mike Gotto stated that there have been two Public Informational Meetings held already.

Mike Gotto did a brief presentation. The new Public Works Operation Facility site consists of 38 acres. The existing uses of this site include two residences, a gravel pit, agricultural fields, and 18 acres of the Gendron property. There is also a small cemetery located along River Road, in the middle of this site. This redevelopment will include a 10,560 SF salt shed, a 15,360 SF combined sand and salt shed, a 8,400 SF equipment garage, graveled materials storage area, snow storage area, and various drainage facilities.

This project will go through a full DEP review. A Tier II wetland permit has been submitted.

A map with the aquifer line was submitted, at the request of David Hediger, Land Use Inspector for the City of Lewiston. Variances from the state are needed.

The hours of operation during the summer months will be from 7:00 a.m. to 7:00 p.m., Mondays through Thursdays. Friday and Saturdays will be from 7:00 a.m. to 3:00 p.m.

During peak snow removal operation, there will be 20-25 vehicles per hour.

The garage is proposed to be 60 x 140 feet, however, it may be smaller. The entrance will be gated and there is no security proposed at this time.

Both the City Council and the Planning Board need to approve the acquisition of the three parcels included with this application. This land option will be dealt with at the next Planning Board Meeting. The following motion was made.

MOTION: *by Jeffrey Gosselin, seconded by Kristine Kimball that the Planning Board determines the application for a proposed 38-acre Operations Facility by the Lewiston Public Works Department, 195-261 River Road to be complete and schedules a Final Hearing for the May 14, 2002 Planning Board Meeting.*

VOTED: 5-0.

VIII. READING OF THE MINUTES: *Reading of the minutes from the 03/26/02 Planning Board Meeting.*

The following motion was made.

MOTION: *by Robert Connors, seconded by Kristine Kimball to accept the Planning Board Minutes for March 26, 2002, as presented.*

VOTED: 5-0.

IX. ADJOURNMENT: This meeting adjourned at 9:23 p.m.

Respectfully submitted,

Kristine Kimball - P.B. Member & Secretary

DMC:dmc

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