

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for August 13, 2002 - Page 1 of 10**

- 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 7:07p.m., and was chaired by Dennis Mason.
- **Members in Attendance:** Dennis Mason, John Cole, Rob Robbins, Roger Lachapelle, Kristine Kimball, Robert Connors, and Jeffrey Gosselin.
 - **Staff Present:** Lincoln Jeffers, Business Development Manager; James Lysen, Planning Director; James Andrews, Community Development Director; David Sanborn, Planning Coordinator; and Doreen Christ, Administrative Secretary-Planning Division.
 - **Others Present:** Acknowledgment was made of City Councilor Mark Paradis of Ward 6. Also present were Joe Grube - Director of Assessing and after the Roll Call was taken, City Councilors Renee Bernier and Lillian LaFontaine O'Brien.

II. ADJUSTMENTS TO THE AGENDA: The following motion was made to adjust the agenda and move a few items forward.

MOTION: by **Robert Robbins**, seconded by **Jeffrey Gosselin** that the following items be heard before Item IV. Public Hearing: 1. Final Hearing on an application by Peoples Heritage Bank to construct a 2,750 square foot addition to the existing building at 6 Atlantis Way; 2. Item VII. Other Business, Sub-Item A. Chestnut Estates; and 3. Item VII. Other Business, Sub-Item C. "De minimus" Change - 741 Main Street, "Love That Car Wash, Too".

VOTED: 7-0.

III. CORRESPONDENCE: The following items of correspondence were distributed at this meeting:

1. Three (3) items of information to the Board regarding Adult Establishments to the Zoning;
2. The revised Ordinance Pertaining to Adult Amusement and Business Establishments, and Eating and Drinking Establishments dated July 31, 2002;
3. Letter from Mark Bergeron of Pinkham & Greer dated August 12, 2002 in regards to the Maple Street Townhouses Site Plan;
4. A Final Report of the Traffic Impact Study by Carter & Burgess, Inc. for the proposed Wal*Mart Distribution Center dated August 2002;
5. Letter dated November 27, 2001 from Christopher Branch, Lewiston Public Works Director, in reference to water issues related to Proposed Distribution Facility;

MOTION: by **John Cole**, seconded by **Roger Lachapelle** to accept these items of correspondence, place them on record, and be read at the appropriate time.

VOTED: 7-0.

Jeffrey Gosselin recused from the Planning Board on this item due to a conflict of interest.

Out of sequence to the agenda, items were heard in the following sequence.

V. FINAL HEARING:

A. A Final Hearing on an application by People's Heritage Bank to construct a 2,750 square foot addition to the existing building at 6 Atlantis Way. David Sanborn read his memorandum dated August 9, 2002. People's Heritage Bank is located in the Industrial (I) Zone. The proposed addition will house electrical equipment with a basement (145 square feet) to hold a diesel storage tank for their new generator. The addition will be located on the southwest side of the existing building and will be built in an existing paved utility and loading area. No new impervious area will be created, therefore, no storm water management report will be needed. The site work includes a new power duct bank, re-routing of a storm drain, a new concrete transformer and mechanical unit pads for new and relocated equipment. There is no new water or sewer supply or drainage proposed.

The Fire Department had no concerns with this project. The Police Department expressed concerns with the amount of battery acid and diesel fuel that will be stored on-site. Dan Pelletier, Inspector of Police, from the Police Department, recommended that Peter Gagnon, Director of the County's Emergency Management Agency, comment on the issue.

Present at this meeting was Robert Berry III, a professional engineer from Harriman Associates on behalf of Peoples Heritage Bank. There are thousands of watts of electrical equipment in this facility. The sprinkler head would have to break. Robert Berry stated that the proposed sprinkler system will help ensure the safety of the electrical equipment.

Robert Connors asked if Peter Gagnon had been consulted and if this system will be resolved to his satisfaction, and Robert Berry responded, "Yes".

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

MOTION: *by Robert Connors, seconded by Roger Lachapelle that the Planning Board grant the modifications and waivers, as requested; makes a finding that the application for People's Heritage Bank, 6 Atlantis Way meets all the necessary approval criteria under Article XIII, Section 4 of the Zoning and Land Use Code; and grants final approval.*

VOTED: 6-0-1 (Jeffrey Gosselin).

Jeffrey Gosselin rejoined the Planning Board.

VII. OTHER BUSINESS:

A. Chestnut Hill Estates. This item was tabled from the July 23, 2002 Planning Board Meeting. Robert Faunce, a local Land Use Planner, on behalf of Richard Tonoli, presented this item and did a brief summary to the Board. Richard Tonoli is requesting a two- (2-) year extension on his approval. A request for a two- (2-) year extension was granted at the August 24, 2000 Planning Board Meeting. A condition on that approval was that before any site development occurs, the project must be re-submitted to the Planning Board to review issues related to the Randall Road construction and access into the subdivision and provide time to notify abutting property owners of the meeting. This item was brought to the Planning Board to determine it to be of a "de minimus" nature.

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

MOTION: *by Roger Lachapelle, seconded by Robert Connors that the Planning Board finds this application for Chestnut Hill Estates to be of a "de minimus" nature and extends the approval date for two (2) years, subject to the condition that for any Site Work to occur or an easement, the application must be re-submitted for the Planning Board to review issues related to the Randall Road construction and access into the subdivision; provides the time to notify the abutting property owners of the meeting; finds that this meets all the applicable review criteria under Article XIII, Sections 4 and 5; and authorizes the chair to sign the revised mylar.*

VOTED: 7-0.

C. "De minimus" Change - 741 Main Street, "Love That Car Wash, Too". Bob Faunce was present on this item and did a brief summary to the Board. Bob Faunce was also present on behalf of Richard Tonoli. Richard Tonoli is requesting a two foot (2') reduction on the front setback and to keep the remaining setback as it currently is. As a result of a completed Standard Boundary Survey (prior condition of approval), it uncovered a two foot (2') discrepancy between the Main Street right-of-way and the rear of the property line as indicated in City Deeds or property tax records. This building, which is a prefabricated structure, cannot be reduced by two feet (2'). This reduction would not affect the location, will not impact the access to the site, or change any landscaping. The width of the entrance lane will be reduced from 17 feet to 16 feet. The radius of the landscaped island will be increased from 10 to 12 feet to accommodate the setback. The storage and rear lot line stays the same.

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

MOTION: by **Rob Robbins**, seconded by **John Cole** that the Planning Board determines the application for “Love That Car Wash, Too”, 741 Main Street to be of a “de minimus” nature; that it meets all the approval criteria under Article XIII, Section 4; and authorizes the chair to sign the revised mylar.

VOTED: 7-0.

IV. PUBLIC HEARING: A Proposed Amendment to the Zoning and Land Use Code concerning Adult Business and Adult Amusement Standards; and amendments to permitted and conditional uses in the Centreville (CV), Riverfront (RF), Highway Business (HB) & Mill (M) and Urban Enterprise (UE) Districts.

This item was tabled at the July 23, 2002 Planning Board Meeting. James Lysen summarized his memorandum dated August 9, 2002, which references a memorandum from City Attorney Robert Hark dated August 8, 2002 concerning the question raised by John Cole on the ability to not just limit, but ban adult amusement establishments within the City of Lewiston. This item was initiated by the Downtown Advisory Board (D.A.B.). The DAB has requested that certain uses, specifically certain types of adult businesses and amusement establishments, not be permitted in downtown zones. They would like to create a cleaner, friendlier, safer, and more family-oriented downtown. Included in the items distributed earlier at this meeting was information regarding Adult Establishments to the Zoning and the revised Ordinance Pertaining to Adult Amusement and Business Establishments, and Eating and Drinking Establishments dated July 31, 2002.

James Lysen stated that on Monday, August 12, 2002 he had discussions with Planning Board Members John Cole and Dennis Mason on what can be done similar to Newport, Rhode Island. Newport, Rhode Island outlawed all the adult amusement establishments, i.e. tattoo parlors, etc. They had to make a legislative finding of intent. Included in the Planning Board packets were their legislative findings and intent. James Lysen said to basically outlaw these establishments, refer to the chapter included in the attachments on Page No. 4 where it states, “Although it is possible that the enactment of the zoning restriction may itself provoke litigation, a zoning restriction is certainly far more defensible by the City than would be an outright ban.” In enacting such an ordinance, specific findings should be made in the ordinance as to the secondary effects of adult amusement establishments which it attempts to address in the ordinance.

James Lysen referred to Page No. 3 of the information obtained from the Center for Community Interest (CCI) “Backgrounder”: Adult Establishment Zoning in regards to recent high court rulings. This document was one of the items distributed at this meeting. Specific reference was made to the underlined items on Page No. 3. Emphasis is made on direct secondary effects. James Lysen referenced constitutionality and the need to preserve the quality of our neighborhood. Some of the secondary effects in and around an adult amusement are high crime, low property values, and poor retail trade in that specific area. The DAB is trying to change the nature of the downtown. More research is needed to be done in order to outright ban these establishments.

Dennis Mason said that the proposed ordinance limits adult establishments to both the Highway Business (HB) and Community Business (CB) Districts as conditional uses. The Centreville, Mill, and Riverfront Districts do not allow tattoo parlors. This ordinance specifically defines what an adult amusement and business establishment is. This is stated on Page No. 1 of An Ordinance Pertaining to Adult Amusement and Business Establishments, and Eating and Drinking Establishments.

James Lysen spoke of locational criteria, which are consistent with State law. This type of business would need to be 300 feet from entrance-to-entrance, not from the property line to property line. This would also protect residential uses within residential districts.

Lois Ongley (86 Russell Street) stated that with today’s G.I.S. capabilities, these properties should be able to be pin-pointed. Lois Ongley asked, “How much area of the City can these areas be located in? James Lysen said that there are many areas located within the City that will allow these uses within the corridors. She does not want to see these banned. There is an important distinction between adult amusement and adult business establishments.

Dennis Mason commented that most of these restrictions are limited to adult amusement establishments and tattoo parlors. Most other adult business establishments, i.e. bars and billiards are going to be able to operate in the downtown. The present businesses would be allowed to continue, but would be grandfathered.

John Cole referenced the City of Newport, Rhode Island. John Cole said that this approach has not been used in Lewiston before. He would like this as an alternative and have it presented to the City Council. He said that the Planning Board has to be very careful in proposing anything across the board, i.e. a ban as referenced in Robert Hark’s correspondence. This needs to be looked at much more closely. He would like to consider a “red light” district, not

across the City. Definite fixed alternatives need to be formulated.

Lincoln Jeffers stated that the DAB brought this to the Planning Board and wants to see the downtown more attractive, friendly, etc. Lincoln Jeffers stated that as to public perception, these areas need to be moved to a place that is not as visual.

John Cole mentioned secondary effects on the economic development with these businesses, i.e. health and safety risks. He asked, "Do we want to protect the City from the secondary effects?" John Cole said that the Planning Board's should take a look at this alternative and make a recommendation to the City Council. John Cole said that the Planning Board's function is to take a look at code and make a recommendation. The Planning Board does not have the authority to impose an ordinance. John Cole said that essentially what City Attorney Robert Hart is saying is that the Planning Board has to be very careful about imposing any kind of possible ban on any type of activity or business. He is also saying that the Planning Board can work on regulating these on secondary impacts on certain areas of the City. John Cole made the following motion to table this item without the Public Hearing portion.

MOTION: *by John Cole, seconded by Robert Connors for the Planning Board to table this Public Hearing on a proposed amendment to the Zoning and Land Use Code concerning Adult business and Adult Amusement Standards and amendments to permitted and conditional uses in the CV, RF, HB, M, and UE Districts for Planning Board Staff to develop a number of alternatives.*

There was no vote taken on this motion, however, Dennis Mason let this motion stand. John Cole said that he would be happy to withdraw this motion until public input was heard. This motion was repeated later on in this Public Hearing after hearing the public discussion and was voted on.

Jeffrey Gosselin stated that, based on what he has read and understands, it is deemed that the DAB initiated this proposal and that these establishments are undesirable or unsafe.

Lincoln Jeffers stated that it is not the intent to ban City-wide, but to move them to different locations.

Rob Robbins felt that the Board needs to hear from the public. Jeffrey Gosselin said that if you use the same agreement, other locations would be opened up and you would end up with problems and impacts to other areas.

Dennis Mason commented that concentration is not the greatest thing. He then asked the Board if the Board had any specific questions or comments. This item was then opened up for public comments. There was no public audience in favor of this item. The following comments were heard from the public audience who was not in favor of this item.

An employee of Caveman & Associates, 25 Lisbon Street, Rick, who resides at 182 Sabattus Street spoke in favor of the tattoo parlors. He asked, "What is the definition of an Adult Business Establishment?" He feels that a tattoo parlor should be classified as a family-oriented business. He said he gets the feeling that he is being forced out and that he feels targeted. He stated that his family has put everything into what they are. He commented that they are what they are and do not hide from the world. He stated that they run a professional shop. He said, "This ordinance is designed to drive us out. This is part of our life".

Keith Derosier, owner of Cavemen & Associates - 25 Lisbon Street invited the Planning Board and Staff to visit his shop. He said that tattooing is no different than painting a picture on a wall. There is no porn involved. He feels very offended and has put his life into this. He said that he is very upset on how they are being treated. John Cole said that there are no findings of fact. He said that there is no evidence to support or deny this. Keith Derosier said that we all need to work together on this. Keith Derosier commented that there are never any reports or complaints of rowdiness, fights, alcoholics, etc. He comments to let the people involved work with the Board. Tattoo parlors do not require a special business permit.

The DAB feels that Adult Business Establishments sets the wrong image for the downtown.

Another resident spoke on behalf of tattoo parlors, which was the wife of the above resident residing at 182 Sabattus Street. They moved here from North Carolina. She stated that she was concerned with perception. They are a tattoo family. Their daughter was also present. She was sporting a tattoo of roses on the upper portion of her cheek. Rick's wife feels that they are being categorized as the lower end. If they are taken away from the downtown,, they will have to split up their family. She stated that there is no difference between them and somebody else.

Lois Ongley (86 Russell Street) agreed that people need to be allowed to do their thing to make a living. She agreed with John Cole that this needs to be looked at carefully and cautiously. It is important to keep businesses regulated. As with face painting, this is very popular and is encouraged at elementary schools. Face painting should be looked at as a temporary tattoo.

Harry Milliken (former Planning Board Member) asked Dennis Mason where are the Highway Business (HB) Districts located? Dennis Mason showed Harry Milliken on the Zoning Map and said that they are located on outer Main Street, outer Sabattus Street, and on Lisbon Street going towards the Lisbon town line. Harry Milliken feels that tattoo parlors are misjudged. Harry Milliken also said that he agreed with John Cole's comments 100 percent. He said that a lot of the efforts in this City are towards downtown improvements. This is great!. He said to not do this at the expense of the residential taxpayers. By moving these out to the residential areas, you are moving the adult entertainment closer to schools, etc. by moving them to every single artery in this City. This should not be done, it is not right to the taxpayers. He then mentioned if you have to have them, find land in a "red light" district. In conclusion, he said please do not just change the ordinance to the benefits of this City.

Roger Park, Jr. (41 South Lisbon Road) said he does not know if he is for or against this. He employs six (6) people. His business has been here for some time. He has some reservations on moving these businesses. He feels that perception needs to be dealt with.

Denis Theriault (21 Marguerite Street) owns various properties in Lewiston, including 241, 243, and 245 Bartlett Street in the Highway Business (HB) area. He said that he does not have a problem with tattoo parlors and feels that they are well regulated, well taken care of, and also well managed. He said he does have a problem on the City's perception of the influence by these businesses and the impact that would have on his business and his properties on Bartlett Street. He mentioned out of sight, out of mind. In his particular case, he has Androscoggin Head Start, he owns a nine- (9-) unit apartment building, etc. and mentioned pedestrian traffic and awareness of your environment. He said consistency is needed in the Comprehensive Plan across the board in all areas. Denis Theriault was part of drafting the Comprehensive Plan for the City of Lewiston. Consistency is exactly what the Planning Board was always looking for. He then mentioned the perception of people coming to this area. Lewiston has a history of bad perception. This is being worked on and is getting better. This perception is not acceptable downtown, however, how can it be acceptable to the HB. He feels that this is sending the wrong message and it is not consistent with the Comprehensive Plan. He said that he strongly agrees with John Cole's direction in regards to the impact and the secondary impact of surrounding businesses. He feels that this needs to be looked at seriously and a different approach is needed in the review process. He also said that he agrees with Harry Milliken that there is a little too much focus on just downtown. **Don Dubois** (owner of "Hot Dogs & More") stated that the City has done nothing with the lower end. He brought up the issue of the street lights being stopped at Dick's Variety. He would like to see the Adult Business Establishments kept in a certain area.

The public portion was then closed and opened up to the Planning Board.

Jeffrey Gosselin stated that the definitions are good, but he has a problem with the specific identification of adult business establishments.

John Cole mentioned that the Newport, Rhode Island approach would not affect tattoo parlors. This is a good thing to be looked at again. A further study is needed. John Cole's motion was repeated from that made previously, as follows:

MOTION: *by John Cole, seconded by Robert Connors for the Planning Board to table this Public Hearing on a proposed amendment to the Zoning and Land Use Code concerning Adult business and Adult Amusement Standards and amendments to permitted and conditional uses in the CV, RF, HB, M, and UE Districts for Planning Board Staff to develop a number of alternatives.*

VOTED: 7-0.

This item was then tabled to the October 8, 2002 Planning Board Meeting to look at several options and for several notices to go out to the public. There needs to be several proposals to hear at the Public Hearing. There will be more information presented at the October 8, 2002 Planning Board Meeting. James Lysen said more information can be available for the September 24, 2002 Planning Board Meeting with a Public Hearing scheduled for October 8, 2002. The code needs to be clarified and zoning options presented. The Public Hearing scheduled for October 8, 2002 will be re-noticed. John Cole said that research needs to be done on what is already out there. More information needs to be obtained on tattoo parlors.

Kristine Kimball spoke up and said that she feels that these tattoo parlors should be looked at as a "gallery", like an artist's gallery.

VI. PRE-APPLICATION AND DETERMINATION OF COMPLETENESS HEARINGS:

A. Application by Wal*mart Stores East, LLC., to construct a 450,000 s.f. mechanized perishable warehouse and distribution center located on the Alfred A. Plourde Parkway and River Road.

This project is also subject to a full D.E.P. Site Location Permit. After skipping the first paragraph of his memorandum, David Sanborn read the remainder of which was dated August 9, 2002. This facility will be a one-story, metal exterior structure with a single-ply or metal roof. The building height will vary from a 40 foot ridge to a 75 foot ridge at the mechanized portion of the building. The entrance and exit to the building for delivery trucks is off of Goddard Road and for employees and/or visitors entering is from Alfred A. Plourde Parkway.

Documents included in the Planning Board packets were the application, a completed Site Plan, real estate purchase options, construction schedule, a Traffic Impact Study, Stormwater Management Report, evidence of financial capacity, a letter from the City of Lewiston on adequacy of water supply, geotechnical report, and an environmental report.

Wal*Mart is looking to have a Final Hearing scheduled for the September 24, 2002 Planning Board Meeting. This item is subject to a complete D.E.P. review.

Bill Eaton of Eaton Traffic Engineers, was present at this meeting. A peer review is being conducted on his study. A scoping session was held. They are also working with the MDOT on improvements to this project. Both the full peer review and the traffic report will be present at the September 24, 2002 Planning Board Meeting.

Both **Jim Emerson**, Lead Engineer, and **Kenneth Houghton**, Associate of Carter & Burgess, Inc. were also present, along with **Mike Gotto** of Technical Services, Inc. Jim Emerson gave a brief overview. He stated that earlier there had been an informational meeting. Most of the concerns are with truck traffic. They have modified the Site Plan. He showed the Planning Board a proposed rendering of what the facility will look like and a Site Plan. This is a 445,651 square foot food distribution center. Temperatures will be maintained between 55-20 degrees. There will be no processing there. There will be accessory buildings, i.e. a guard house. This is a 24-7 day operation. There will be a truck wash and fuel facility. There are a series of storm water management control devices on the plans.

Jeffrey Gosselin commented that the new entryway appears longer. James Emerson said that it is a longer drive. There will be two (2) in-bound lanes. No Landscaping Plan has been submitted, but will be. There will be a fence that surrounds the trailer parking areas. Everything that is disturbed will be landscaped. There will be back-up generation on-site. The question was asked if this is subject to air emission licenses? James Emerson's response was that this has been submitted to the DEP. This is a permitted use in this area. James Lysen stated that there are special requirements in the ordinance on trees/buffers.

Lorraine Roberge (299 River Road) said that she would like to see the same thing done as with what was done with Diamond Phoenix.

Roger Roberge (299 River Road) said he was concerned with truck traffic. He would like to see Evergreens planted to muffle the sound of the traffic.

Jeffrey Gosselin commented that the rendering makes the building appear closer than it is.

Bill Eaton said that a right-turn lane is needed on the Alfred Plourde Parkway. There is no need for additional lanes on Goddard Road. A traffic study counts the traffic to be adjusted. The Level of Services (LOS) are all acceptable. Bill Eaton referenced the conditions on warrants for traffic signals, which were included in a guide dated 2000.

Roger Roberge asked Bill Eaton if the off-ramps are going to be extended? Bill Eaton's response was, "No". Roger Roberge then asked if everything is always "pending" at these meetings.

The trailer trucks exit route is up Goddard Road. This is a right onto Goddard Road. 70 percent of the traffic will go southbound. The left turns goes south.

John Cole mentioned the generation of sound from the large amounts of trailers being parked. It was then asked if there was anything in the development review ordinance to address the issue of sound. The response was that there is no material addressing sound. John Cole said that the noise could be problematic. A noise study was included in the application that was sent to the DEP. John Cole would like to see this addressed. Jim Emerson said that the trailers will be plugged in. The closest facility similar to this is in Johnstown, New York. James Lysen said that the noise performance standards are regulated from the property line. Jim Emerson said that an empty trailer will not be running.

A peer review of Bill Eaton's traffic analysis will be presented at the next meeting.

Right now the DEP process is going on. The design of the roads will be looked at further at the September 24, 2002 Planning Board Meeting.

Lorraine Roberge said that she appreciates the changes done for them and thanked Bill Eaton for all his work. She also thanked John Cole for looking out for all the neighbors. **Norm Lamie** was also present at this meeting and requested a copy of the whole traffic study.

John Cole stated that sound is an issue and that it should not be overlooked. Lincoln Jeffers commented that this item is covered in the DEP application which is located in the City Clerk's Office and will be forwarded to the

MOTION: by **Roger Lachapelle**, seconded by **John Cole** that the Planning Board grant the modifications and waivers, as requested; determine that this application by Wal*Mart Stores East, LLC to construct a 450,000 square foot mechanized perishable warehouse and distribution center located on Alfred A. Plourde Parkway is complete, subject to submission of further information regarding sound and a Landscaping Plan.

VOTED: 7-0.

MOTION: by **John Cole**, seconded by **Rob Robbins** that the Planning Board schedules this application for Wal*Mart Stores East, LLC, Alfred A. Plourde Parkway for a Final Hearing at the regularly scheduled Planning Board Meeting on September 24, 2002.

VOTED: 7-0.

John Cole recused himself from the Planning Board.

B. Application by the Lewiston Housing Authority to construct a two- (2-) story, community social services facility located at the corners of Bates and Birch Streets. The reading of the memorandum by David Sanborn dated August 9, 2002 was waived by the Planning Board. The Lewiston Housing Authority have been providing social services from their current location of 292 Bates Street for over 10 years and they will be the managers.

Plans were provided in the Planning Board packets and were prepared by Smith Reuter Lull Architects. Also provided to the Planning Board Members was a storm water analysis prepared by Steve Roberge of SJR Engineering, Inc.

Stephanie Lull (from the Lewiston office of Smith Reuter Lull Architects) was present at this meeting and presented this item.

The first floor is proposed to include a health center, Head Start classrooms, administrative offices, a remodeled police substation, and renovated meeting rooms. On the second floor there will be offices for Advocates For Children, Empower Lewiston, Lewiston Adult Ed., and a Conference Center. Advocates For Children will be relocating their services.

They are trying to break down the large mass of buildings. They will be using materials that are similar to the neighborhood. Their goal is for the landscaping to please the neighborhood. The lighting will be similar to that on Lisbon Street. The parking is maxed out on site, however, there is on-street parking. Many of the services provided will be to residences within walking distance of the Community Center. In the future, additional parking might be provided elsewhere off street or with a reconfiguration of the street parking.

There were no concerns expressed by both the Police and Fire Departments. Public Works is requesting that drainage calculations need to be submitted. Enclosed in the Planning Board packets were comments made by Code Enforcement dated August 1, 2002.

The question was asked if there would be access from building to building? Stephanie Lull responded with, "Yes, there will be an enclosed walkway between the old and the new building. There is a corridor that connects all the way through". Bob Connors questioned why are the waivers being requested on the proof of the Right, Title, and Interest? It was explained that the Deed research was completed and most of the land was being given to them by the City of Lewiston. There were no further questions from the Planning Board, therefore, the following motion was made.

MOTION: by **Jeffrey Gosselin**, seconded by **Robert Connors** that the Planning Board grant the modifications and waivers, as submitted; determine the application by the Lewiston Housing Authority to construct a two- (2-) story, community social services facility at the corners of Bates and Birch Streets to be complete; and schedule it for a Final Hearing at the September 10, 2002 Planning Board Meeting.

VOTED: 6-0-1 (John Cole).

Both John Cole and Rob Robbins recused themselves from the Planning Board on the following item.

C. Application by Community Concepts to construction sixteen (16), single-family

townhouses located at the corners of Maple, Knox, and Bates Streets. Mark Bergeron of Pinkham & Greer was present on this item. Mark Bergeron showed the Planning Board Members on his Sketch Plan that the areas depicted in color are the areas being improved. These units are proposed to be affordable housing. The Maine State Housing Authority will be involved with this project. The total area involves three (3) parcels on both Maple and Knox Streets. Some existing structures will be taken down. There will be 12, 3-bedroom units; two (2), 4-bedroom units; and two (2), 2-bedroom units. These units will have porches and sidewalks facing public streets and the parking will be located behind the units. Some storm water management and catch basins will be done on site. There will be two (2) dumpsters. The dumpsters will be located on concrete pads with an enclosure around each. There will be a landscaped wall with a fence on it.

The parking lot will be a little bit higher than the property line. There is a variance on the setback. The sidewalk is for access to the mechanical room.

These units are to be constructed as one (1) project and sold on a lease basis.

The request for modifications are up to 50 percent of the side yard on the northern parcel for the sidewalk to be provided access to the two, 2-bedroom townhouses.

There was no concerns from the Police Department. Code Enforcement's comments were included in the Planning Board packets.

There, being no comments or questions from the Planning Board or the public audience, the following motion was made.

MOTION: by **Roger Lachapelle**, seconded by **Jeffrey Gosselin** that the Planning Board grant the necessary modifications and waivers; determine this application by Community Concepts to construct sixteen (16), single-family townhouses, at the corners of Maple, Knox, and Bates Streets to be complete; and schedule this item for a Final Hearing at the next regularly scheduled Planning Board Meeting for September 10, 2002.

VOTED: 5-0-2 (Abstained - John Cole and Rob Robbins).

The following motion was made to waive the 10:30 Planning Board ruling to hear the following (3) items that need to be heard at this meeting.

MOTION: by **Jeffrey Gosselin**, seconded by **John Cole** that the Planning Board waives their 10:30 p.m. ruling to hear Items B., D., and E. under Section VII. OTHER BUSINESS listed on the agenda.

VOTED: 7-0.

Both John Cole and Rob Robbins rejoined the Planning Board Members.

VII. OTHER BUSINESS:

D. Hallowell Property Acquisition. This item was tabled from the July 23, 2002 Planning Board Meeting. James Lysen presented this item. Included in the Planning Board packet was a letter dated August 9, 2002 in regards to this piece of property. This property is located near No Name Pond and consists of 40 remaining acres. Some of this area is wet and is part of the No Name Pond Watershed. **Thomas Hallowell** has \$36,000 invested in this property. He has been offered \$25,000 for it. James Lysen said that unfortunately, there is not that kind of money in the watershed management fund this year to fund this type of acquisition. James Lysen stated that this type of positive recommendation could not be made this year for this acquisition. Maybe in the future there may be some interest in the wetlands further down the road. Dennis Mason asked, "Is this still subject to the question on the division of lots?" James Lysen responded with, "Yes". There is a complication with the City may be having to buy additional land to get appropriate frontage. Further down the road there may be a better opportunity to acquire the land, if the adjacent land is purchased. The property owners could put some restrictions on the wetland area. This land would need to be protected for No Name Pond. Again, James Lysen reiterated what he had stated before and that was that there is limited money in the watershed fund for this year. James Lysen stated that he would recommend that the Board make a recommendation to the City Council to not acquire this land, but entertain an offer further down the road.

MOTION: by **Jeffrey Gosselin**, seconded by **Robert Connors** that the Planning Board, because of questions concerning the legal division of the property and lack of available funding, send an unfavorable recommendation to the City Council for the City to acquire this property at this time.

VOTED: 7-0.

Rob Robbins recused himself from the Planning Board on this item.

D. 108 Birch Street - Land Disposition. Lincoln Jeffers presented this item. This property is currently owned by the City of Lewiston, is located at the corner of Birch and Horton Streets, and is part of the Lots-to-Garden initiative. The Lewiston Regional Technical Center (LRTC) will build a single-family home as a class project. Coastal Enterprises, Inc. (CEI) will finance, market, and sell the home.

City Council President Renee Bernier was present on this item. CEI will up-front the costs. There will be a lot of resources pulled together. The proceeds from the sale in excess of the cost of materials and CEI's carrying costs will be split between the City and the LRTC, paying the City for 108 Birch Street, and reimbursing the school for tool replacement costs associated with the project. The following motion was made.

MOTION: by **Robert Connors**, seconded by **Jeffrey Gosselin** that the Planning Board recommend to the City Council to dispose of this property located at 108 Birch Street in support of the CEI and LRTC housing initiative.

VOTED: 6-0-1 (Robbins).

After the above motion, Councilor Bernier stated that the rest of the money (proceeds) would be dedicated to the Lewiston Housing Fund. There will be no profit.

Rob Robbins rejoined the Planning Board.

E. Alfred A. Plourde Parkway Discontinuance. This discontinuance is a little different than most discontinuances. Lincoln Jeffers was present at this meeting and described this item. The City has agreed to relocate a portion of the Alfred A. Plourde Parkway as part of the City's Development Assistance Agreement with Wal*Mart for the distribution center. The Maine Department of Transportation (MDOT) and the Maine Turnpike Authority have agreed to pay the road construction costs of relocating this road.

Lincoln Jeffers described the five (5) conditions that must be met prior to the discontinuance becoming effective. Those five conditions are: a. The Wal*Mart project must meet both the state and federal approvals; b. Wal*Mart needs to make a decision on the 100 foot right-of-way (R.O.W.) to be located on the Alfred A. Plourde Parkway; c. The relocation of the water/sewer in an appropriate location; d. The Public Works Department needs to certify that the roads are of appropriate standards; and e. The City Council needs to accept the relocation of the Alfred A. Plourde Parkway as a public way.

For the new R.O.W., there is a ten- (10-) acre parcel owned by the Gendron & Gendron family that is going to be acquired by Wal*Mart. There is an agreement with the Gendron's. There were no questions or comments in regards to this item. The following motion was made.

MOTION: by **John Cole**, seconded by **Robert Connors** that the Planning Board recommend to the City Council to discontinue a portion of the Alfred A. Plourde Parkway in support of the Wal*Mart Distribution Center project, subject to the aforementioned conditions.

VOTED: 7-0.

VII. READING OF THE MINUTES: Reading of the minutes from the June 25, 2002 (Revised July 30, 2002) and July 23, 2002 Planning Board Meetings. The reading of the minutes for the June 25, 2002 Meeting were waived at the July 23, 2002 Meeting. At this meeting, the following changes were made:

June 25, 2002 (Revised July 30, 2002): The following revisions were made by Dennis Mason:

On Page No. 4, first paragraph, second line, change the word, "affected" to read, "affect",

On Page No. 7, Item B, fourth paragraph, first sentence, delete the word, "mesh" and replace it with the word, "mess", and

On Page No. 8 Item C, first and only paragraph, change the word, "others" to read, "other".

PLANNING BOARD MEETING Minutes for August 13, 2002

Page 10 of 10

The following motions were made on the above two (2) sets of minutes.

MOTION: by **Robert Connors**, seconded by **Roger Lachapelle** to approve the Planning Board Minutes for the June 25, 2002 Planning Board Meeting (Revised July 30, 2002), as submitted.
VOTED: 4-0-3 (Absent - John Cole, Robert Robbins, and Kristine Kimball).

July 23, 2002:

MOTION: by **Robert Connors**, seconded by **Kristine Kimball** to approve the Planning Board Minutes for the July 23, 2002 Planning Board Meeting, as submitted.
VOTED: 6-0-1 (Absent - Roger Lachapelle).

RESIGNATION - Included in Section III. Correspondence was the resignation letter from Planning Board Member Kristine Kimball dated August 6, 2002. In conclusion to this meeting, Dennis Mason thanked Kristine Kimball for her service and wished her good luck in her new position and relocation. This was her last meeting of which she would be attending.

VIII. ADJOURNMENT: This meeting adjourned at 10:55 p.m. The next Planning Board Meeting is scheduled for September 10, 2002.

Respectfully submitted,

Dennis R. Mason
Planning Board Chair

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