

**CITY OF LEWISTON  
PLANNING BOARD MEETING  
MINUTES for September 10, 2002 - Page 1 of 6**

**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 7:04 p.m., and was chaired by Dennis Mason.

- **Members in Attendance:** Dennis Mason, John Cole, Robert Connors, Jeffrey Gosselin, and Rob Robbins.

- **Staff Present:** Lincoln Jeffers, Business Development Manager; Gil Arsenault, Deputy Development Director; James Lysen, Planning Director; James Andrews, Community Development Director; David Sanborn, Planning Coordinator; and Doreen Christ, Administrative Secretary-Planning Division.

- **Absent:** Roger Lachapelle.

**II. ADJUSTMENTS TO THE AGENDA:** None.

**III. CORRESPONDENCE:** The following items of correspondence were distributed at this meeting: A. The action taken by the Downtown Advisory Board (D.A.B.) regarding proposed changes to the adult business standards in the downtown dated September 10, 2002; B. Supplemental Information for the Application for Development Review Noise Evaluation for the Wal-Mart project; and C. Application for Development Review Supplemental Information - Noise Analysis dated September 5, 2002.

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

**VOTED:** 5-0.

**IV. PUBLIC HEARING:** *Proposed amendments to Article XI of the Zoning and Land Use Code, District Regulations, Section 20, concerning development within the No Name Pond Watershed.*

James Lysen read his memorandum dated September 4, 2002. Included in the Planning Board packets was the proposal to amend regulations concerning development within the No Name Pond Watershed. This proposal was initiated by the Planning Board at their June 25, 2002 Meeting, pursuant to a request by the No Name Pond Watershed Association.

*Lincoln Jeffers arrived at 7:06 p.m.*

James Lysen went over the proposed amendments, which would accomplish the following: A. Renaming the "Lake Conversation Overlay District" to the "No Name Pond Overlay District"; B. Reformats Section 20-(g); C. Adds stricter Private sewage disposal system requirements concerning new or seasonal conversion sites. James Lysen stated that these standards are consistent with those found in the Lake Auburn Watershed Overlay District. D. Grand fathers lawfully-existing private, residential sewage disposal systems in existence and in use on January 9, 1988; E. Requires that the development of all new or existing lots ... including single lot residential development comply with additional requirements concerning phosphorus, storm water management and erosion and sedimentation control. James Lysen stated that he has had discussions with Scott Williams. Individual lot standards need to be met. The DEP has recently developed a process to determine how to treat individual lots, what type of buffers will be required, etc. There are three (3) parameters, which are: 1. The ppb phosphorus standard of 0.75; 2. A p factor within the watershed, based upon expected development within a 30-year period; 3. What types of soils are on the individual lots. F. References other review procedures or additional standards that projects within the watershed must follow or meet; and G. Creates a "Conflicts" statement.

*City Council President Renee Bernier arrived at 7:08 p.m.*

*John Cole arrived at 7:10 p.m.*

Septic standards were adapted from the Lake Auburn Watershed Standards. A large-scale watershed map in the City has been created and this will be made a standard map to be on display in City Hall and available to make clear what areas are included. James Lysen then showed a large scale version of the watershed map to the Board members. Dennis Mason asked, "What are the gray areas depicted on this map?" James Lysen responded that they are streams or wetlands within the watershed. James Lysen then quoted the one (1) goal of the plan is, "To improve the water quality of the pond." That goal requires stringent standards.

This item was opened to the public for comments or questions.

**Gerald Audibert (15 Pond Ridge Drive)** said that the drainage system for some of the roads in Pond Ridge Acres actually drains away from No Name Pond. The land goes towards the pond. Gerald Audibert questioned Page No. 3 in regards to seasonal conversion sites. Is this new seasonal or new system? James Lysen responded with, "both new and seasonal conversion." James Lysen referenced Item (3) a. on Page No. 3, which applies to new seasonal conversions and Page No. 4, Item (d), which applies to the replacement or reconstruction of lawfully-existing private residential sewage disposal systems in existence and in use on January 9, 1988 and shall not be subject to the requirements of this section, but shall be required to comply with the current State Plumbing Code. Gerald Audibert asked if the date could be changed to the date of this ordinance and the response was, "Yes".

Page No. 5 covers ppb. The same standards are applied as for a subdivision for lots. This will make individual lot standards consistent with the watershed standards. The total increase of phosphorous concentration of No Name Pond should not be no higher than .75 ppb. This ordinance will try to help limit the impact of development within the watershed. Gerald Audibert said that his understanding is that the total increase in phosphorus for the entire watershed, shall be no greater than .75 ppb. This is the DEP's standard. He suggested that Staff may want to look at this, because he does not read that in there. He commented that they are trying to limit the impact that develops throughout the watershed, based upon the scientific method that the DEP has developed. James Lysen said that this language will be changed to the City Council to reflect that.

The public portion of this meeting was then closed.

The following changes are to be made to the ordinance:

1. Change the effective date from January 9, 1988 to the effective date of this ordinance;
2. On Page No. 4, Sub-section (3) d. of the ordinance standards, add the word, "applicable", instead of "current";
3. On Page Nos. 4 and 5, make it known that it is watershed-wide phosphorus control; and
4. There shall be a small, "s", instead of the large "S" in the word, "section (h).

**MOTION:** by **Jeffrey Gosselin**, seconded by **Rob Robbins** that the Planning Board finds that the proposed amendments are necessary to protect the No Name Pond Watershed and sends a favorable recommendation to the City Council concerning amendments to Article XI, Section 20, District Regulations, and Article XII, Section 21, Performance Standards, of the Zoning and Land Use Code, subject to clarification of Article XI, Section 20, Sub-section (4)(a) and changes to the grandfathering dates within Article XI, Section 20.

**VOTED:** 5-0.

**John Cole recused himself from the Planning Board on the following item.**

## **V. FINAL HEARINGS:**

**A. Application by Lewiston Housing Authority to construct a two-story, community social-services facility located at the corners of Bates and Birch Streets.** This project was determined complete at the August 13, 2002 Pre-Application and Determination of Completeness Meeting. The project is in the Downtown Residential (DR) District.

The first floor of this new facility will contain an expanded clinic, Head Start Classrooms, Housing Authority Community Center administration offices, a remodeled police sub-station, and new and renovated meeting rooms. The second floor will contain offices for Advocates for Children, Empower Lewiston!, Lewiston Adult Education and Computer Center, additional office, work areas, and a conference center. The exterior of the building will be architecturally designed to fit into the residential character of the neighborhood.

There were no comments or questions from the Public on the item, therefore, the following motion was made.

**MOTION:** by **Robert Connors**, seconded by **Rob Robbins** that the Planning Board finds that this

*application by the Lewiston Housing Authority to construct a two-story, community social services facility located at the corners of Bates and Birch Streets meet all the necessary approval criteria under Article XIII, Section 4 of the Zoning and Land Use Code; and final approval is granted.*

**VOTED:** 4-0-1 (Cole Abstained).

***John Cole rejoined the Planning Board.***

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

***B. Application by Maple Street Housing Associates to construct sixteen (16) single-family townhouses located at the corners of Maple, Knox and Bates Streets.*** David Sanborn read his memorandum dated September 6, 2002. This project is located in the Downtown Residential (DR) District and will allow 26 units on these parcels. The total area of development for this project is 39,813 square feet and includes three (3) parcels on Maple and Knox Streets. These parcels are mainly vacant gravel lots. Four (4) existing residential units will be removed.

This project will include 12, 3-bedroom units; 2, 4-bedroom units; and 2, 2-bedroom units. These units will have porches and sidewalks facing public streets. This project will connect to existing public utilities in the street to include water, sewer, gas, electric, and cable.

Present at this meeting were ***Dennis Lajoie*** from Maple Street Housing Associates and ***Mark Bergeron*** from Pinkham & Greer Consulting Engineers, Inc. Mark Bergeron did a presentation. The plans presented at this meeting are essentially the same as the ones presented at the last Planning Board Meeting with a few more details. Added were some storm drain details and also landscaping. Grading details were added along with the water/sewer connection. The decision has been made to heat with fuel oil, not gas. No gas connection will be required. The existing two inch (2") gas line cutting across the lot will be relocated. Mark Bergeron stated that he has contacted Northern Utilities to work out the details.

There has been a small change on the water and sewer connections from the Sketch Plan. All the units will have sprinkler systems.

Some landscaping is shown, however, there is a tight budget. There are a couple of trees shown around the lot with some additional buffering shown around the dumpster enclosure. The dumpster enclosure will be wooden fencing (seven foot high, wooden stockade fence) on three (3) sides. The back will be exposed. This will be a wooden enclosure. The small park is in the process of being converted to a community garden by the Lots-To-Gardens Program. If money is available, they would like street trees along Maple and Knox Streets. Mark Bergeron stated that, due to the limited construction budget, feedback is needed from the Board as to what to do.

Dennis Mason stated that there is not much room for trees. Mark Bergeron said that the units with the porches, they would like to keep close to the street (4 to 5 feet). There is more area on Knox Street. Gil Arsenault said to work with the City Arborist, that he will recommend certain species for street trees and the City will pick up 50 percent of the cost.

Mark Bergeron said that all these units will be rental units. There will be a community room, a laundry unit, and a mechanical room. Each individual building will have its own heating system.

City Council President Renee Bernier was present on behalf of this project and said that she has concerns about landscaping and the streets trees are a must. She then asked if the dumpster would be screened in or fenced? Gil Arsenault said that it was supposed to be screened, but fencing is appropriate. She also referenced the mini-lot that is now going to be a Lots-To-Gardens program.

Dennis Mason requested that a gate be added to the dumpster. Mark Bergeron stated that it would.

***John Cole recused himself from the Planning Board.***

James Lysen suggested making it a condition of approval to work with the City Arborist on the street trees. Dennis Mason asked if the Planning Board was supplied with evidence of title? David Sanborn responded that Option Agreements were included in the Planning Board packets.

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Renee Bernier said that she does not want to hold up the project.

Kirsten Walters, Coordinator of the Lots-To-Gardens Program, will work with the City Arborist for trees in the Children's play area. She stated that right down the street from the project is the Maple Street Park. The small lot

on Knox Street is too small. This partnership could provide a better area than any other agency. There is very limited space for trees.

**MOTION:** by **Jeffrey Gosselin**, seconded by **Robert Connors** that the Planning Board: 1. Grant the modifications and waivers, as requested; 2. Find that the application by Maple Street Housing to construct 16, single-family townhouses at the corners of Maple, Knox, and Bates Streets meets all the applicable criteria under Article XIII, Sections 4 and 5 of the Zoning and Land Use Code; and 3. Grants final approval to this project, subject to the following conditions: a. That the dumpster contain a site impervious fence; b. Relocation of the gas line; c. Agreement with the Public Works Department on the location of the water and sewer; and d. That Maple Street Associates is required to work with the City Arborist in order to plant street trees where appropriate.

**VOTED:** 3-0. (Recused - Rob Robbins and John Cole).

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

**C. Application by South Park Development Corporation for Revision 5-A to South Park Subdivision, Alfred A. Plourde Parkway and Goddard Road.** The reading of the memorandum prepared by Lincoln Jeffers and dated September 6, 2002 was waived. This item was presented by Lincoln Jeffers. The revisions are necessary to facilitate the development of the Wal-Mart Distribution Center, which will be one (1) of the abutters to this Subdivision.

Lincoln Jeffers said that the changes include lot line adjustments, a net loss of two (2) lots to the subdivision (Lot Nos. 25 and 26), and a widening/lengthening of the City right-of-way along Goddard Road. Goddard Road will become the primary entrance for the trucks servicing the Wal-Mart Distribution Center. Lot No. 25 is split in half. One half is proposed to be added to Tom Ouellette of Budget Business Machines and the other is Wal\*Mart. Lot No. 26 is the employee entrance coming out of the South Park.

The grading for the truck entrance is not shown on the 8-1/2 x 11" plan (included in the Planning Board packets). This is footnoted on the plan.

Lot No. 26 is removed from the subdivision and this land will be added to the Wal-Mart parcel. Lot No. 25 is half out. The right-of-way for Goddard Road will go from 55 to 66 feet. The front lot lines will be pushed back. There will be a little bit of land taken and added. The Plan reflects these changes.

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

**MOTION:** by **John Cole**, seconded by **Rob Robbins** that the Planning Board finds that this application by the South Park Development Corporation for Revision 5-A to the South Park Subdivision meets all the necessary approval criteria under Article XIII, Sections 4 and 5 of the Zoning and Land Use Code and approves this project subject to the listing on it of the grading easement and accepts the plan, as submitted tonight and the DEP sign-off or approval.

**VOTED:** 5-0.

## **VI. OTHER BUSINESS:**

### **A. Lewiston-Auburn Railroad Initiative - Lewiston-Auburn Economic Growth Council.**

This presentation was done by Paul Badeau from the Lewiston-Auburn Economic Growth Council. Paul Badeau stated that Maine voters approved a transportation bond issue to establish a network of railroad, highways, deep sea ports, and railroad. \$2 million was allocated to preserve a short rail corridor in downtown Lewiston. This corridor is a 2,000 square foot area, which begins at Railroad Park (Oxford and Beech Streets) and continues to Country Kitchen

The LAEGC is administering the \$2 million grant from the MDOT on behalf of the Lewiston-Auburn Railroad Company. This short rail corridor is valuable as a connection. This will establish a railroad connection between Vancouver and Halifax. This would allow for this connection and could possibly introduce light rail to the downtown. This could transport people from Point A to Point B and would service commuters to the Pineland Center and

Brunswick. The LAEGC is preserving this corridor. 13 properties would need to be acquired to preserve the corridor. The Lewiston-Auburn Railroad Company was chartered by Maine State Legislature in 1872.

Lucien Gosselin was also present at this meeting.

John Cole stated that this is a "good idea".

Paul Badeau said that there is no definitive time table. The task is to purchase properties along the corridor to preserve the area. Additional moneys will be needed.

Dennis Mason stated that he is concerned with railroad crossings. This will change how transportation works in the City. Paul Badeau said that safety would be the first and foremost concern with the Lewiston-Auburn Railroad Company.

Paul Badeau stated that this would just be light rail and trolley cars. No passenger rail is proposed. This was brought to the Planning Board as just a presentation, therefore, no action is required.

**B. Shaw's Supermarket - East Avenue - Building Elevations.** This item was very briefly presented by Lincoln Jeffers. This project was previously approved at the December 11, 2001 Planning Board Meeting. Lincoln Jeffers presented a colored rendering to the Planning Board Members. A condition of approval was to return to the Planning Board with elevations when a tenant was selected.

A sound study has been requested.

**John Corbett** from W/S Development Associates, LLC was present at this meeting along with representatives from Harriman Associates. There is a change in the roof line. The roof line has been raised and there are a variety of materials to break up the elevation. There are two (2) major issues: 1. The visibility of the mechanical equipment (sight line) and 2. Sound.

The position of the building was discussed with East Avenue being in front of the building.

The rooftop equipment will be screened. Going up Pleasant and Marston Streets, you will be able to see some portion of the mechanical equipment. A parapet has been added to the rear. Landscaping will help to screen the vision.

In conclusion, a sound study is being conducted to confirm the proposed project will not exceed the sound limits. The sound study will be brought back to this Board.

There was no public comment on this item.

**C. 997 Sabattus Street Rezoning Proposal - Omer Morin.** James Lysen read his memorandum dated September 6, 2002.

Omer Morin was present at this meeting to receive guidance on this initiative.

Omer Morin has owned this property since 1960. 250 feet of his property was zoned "Commercial" in the 1970's. Omer Morin said that he was surprised when he came into City Hall and found out that only 90 feet of his property was zoned "Commercial". The house will remain a single-family home. Omer Morin would like his property rezoned to the Highway Business "HB" District. Omer Morin lives in Maine for five (5) months out of the year and seven months in Florida. He cannot see his property being put in the Neighborhood Conservation "A" (NCA) District. He feels that his property should be kept as it was before. He has spoken to his appraiser already. He owns close to ten (10) acres.

Omer Morin's property includes South-of-the-Border Restaurant.

This item has been brought to the Planning Board to look for direction as to how to proceed.

LaPoint's Lawn & Garden Center, Inc. is his neighbor. Omer Morin's property contains a City sewer line.

Omer Morin stated that he has people calling who are interested in his property. Omer Morin said that he had a 17-store mall proposed a long time ago. It was mentioned that this rezoning may have been an oversight back in 1988. It was requested that the Planning Board schedule and initiate as a rezoning. Gil Arsenault asked, "Why is the Board initiating this". Dennis Mason said to keep this consistent with the Comprehensive Plan and open up as development or that it could be a non-compatible use with the existing lots. John Cole stated that there are good reasons to extend the zoning.

The advice from the Planning Board initially was for Omer Morin to obtain ten (1) signatures of petitioners and to recommend that Omer Morin create a petition, get it signed by ten (10) petitioners and then to schedule it for a Public Hearing. The scope of the rezoning may be narrowed down and the Public Hearing will take place on September 24, 2002.

**D. 70-104 Commercial Street Rezoning Proposal - Request for Planning Board initiation.**  
**MOTION:** *by Jeffrey Gosselin, seconded by Robert Connors that the Planning Board initiate a rezoning from the Highway Business (HB) District to the Urban Enterprise District and schedule a Public Hearing for the next available meeting.*

**VOTED:** 5-0.

**E. Wal\*Mart Distribution Center landscaping plan and sound study update.** Lincoln Jeffers updated the Board on this item. Distributed at this meeting were the Application for Development Review, Supplemental Information - Noise Analysis dated September 5, 2002 and two (2) updated sheets to the Noise Analysis, as mentioned under Section III. Correspondence.

Lincoln Jeffers stated that a Neighborhood Meeting is scheduled for September 18, 2002 in the Third Floor Conference Room to provide neighborhood residents and other interested parties with an early, informal view of the proposed location of the section of Alfred Plourde Parkway that is being relocated, as well as the design of the intersection of the relocated road with River Road. Planning Board's Final Hearing on the final design and approval of this item is scheduled for September 24, 2002.

Transportation issues are a concern to Mark Paradis. Chris Branch, Public Works Director, wants to do either a presentation on this item at the Planning Board Meeting. At the request of Gregory Mitchell, Director of Development, this item, "*South Lewiston Transportation Planning Discussion*" may be placed on the 09/24/02 or 10/08/02 Planning Board Agenda. Both Chris Branch and Gregory Mitchell will provide a brief presentation regarding potential near-term development opportunities along Alfred Plourde Parkway from Exit #13 to River Road and speak about the general traffic analysis work which is underway.

**F. Any other business Planning Board Members may have relating to the duties of the City of Lewiston Planning Board.** Lincoln Jeffers brought up the issue on tattoo parlors by the Downtown Advisory Board (D.A.B.) and their action taken on September 9, 2002, which was included under Section III. Correspondence. Their action states that the D.A.B. supports the Planning Board's initiative in banning adult amusement establishments City-wide, but not treating tattoo parlors different than the current code.

**VII. READING OF THE MINUTES:** Reading of the minutes from the August 13, 2002 Planning Board Meeting. There were no changes made to the minutes, therefore, the following action was taken.

**MOTION:** by **John Cole**, seconded by **Jeffrey Gosselin** to accept the *Planning Board Minutes for August 13, 2002, as submitted.*

**VOTED:** 5-0-0.

**VIII. ADJOURNMENT:** This meeting adjourned at 8:58 p.m. The next Planning Board Meeting is scheduled for September 24, 2002.

Respectfully submitted,

Dennis R. Mason, Planning Board Chair

DMC:dmc

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