

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for September 24, 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 7:02 p.m., and was chaired by Dennis Mason.

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

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

- **Others Present:** City Councilor Mark Paradis - Ward No. 6 and Chris Branch, Public Works Director.

- **Student Members:** None present.

II. ADJUSTMENTS TO THE AGENDA: The following adjustment was made to the agenda: To move Item V, Final Hearing on the Wal-Mart project before Item IV. Public Hearing on a proposal by Omer Morin, 997 Sabattus Street.

III. CORRESPONDENCE: The following item of correspondence was distributed at this meeting: A Petition to Amend the Zoning and Land Use Code in regards to the rezoning of the rear portion (or a portion thereof) of the property located at 997 Sabattus Street by Omer Morin.

MOTION: by *John Cole*, seconded by *Roger Lachapelle* to accept this item of correspondence, place it on record, and for it to be read at the appropriate time.

VOTED: 6-0.

Out of sequence to the agenda listing, the following items were discussed (see Section II. Adjustments to the Agenda).

V. FINAL HEARING: *Application by Wal-Mart Stores East, LLC., to construct a 445,651 square foot mechanized perishable warehouse and distribution center located on Alfred A. Plourde Parkway, Goddard and River Roads.* David Sanborn read his memorandum dated September 20, 2002.

At the Planning Board Meeting of August 13, 2002 the application by Carter Burgess, Inc. on behalf of Wal-Mart for the construction of a 445,651 SF mechanized perishable warehouse and distribution center located on Alfred A. Plourde Parkway, Goddard and River Roads was determined to be complete. At the September 10, 2002 Planning Board Meeting, Carter Burgess, Inc. supplied an environmental noise evaluation report and landscaping plan, as previously requested by the Planning Board. 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 to a 70 foot ridge at the mechanized portion of the building. A rendering of the building and site was on display at this meeting.

Also included in the Planning Board packets were: A. A copy of the peer review done on the study prepared by Eaton Traffic engineering; B. Correspondence from Jane L. Lincoln, Deputy Commissioner of the MDOT dated 11/15/01; and C. Correspondence from Chris Branch of the Public Works Department dated 11/27/01.

On September 18, 2002, the proposed design for the relocation of the Alfred Plourde Parkway, including the intersection with River Road was presented to impacted neighbors.

Lincoln Jeffers stated that, to date, there have been 16 meetings for this project. He said that there has been a lot of public participation. The neighbors spoke loudly and Wal-Mart heard. Based upon issues raised by neighbors during the project development process, the Site Plans were amended significantly, i.e. the truck entrance off of Goddard Road. Lincoln Jeffers stated that representatives from Wal-Mart were present at this meeting for questions or comments on issues. Lincoln Jeffers then spoke briefly about traffic issues. He said that there was some discussion and concern that the Wal-Mart traffic study really is not going to cover all the improvements for some of the other projects that were being planned for this neighborhood. Traffic studies are underway for the Exit 13 retail project and the Alfred Plourde Parkway. Camp, Dresser & McKee (CDM) have been hired to take a look at the infrastructure and water and sewer. This will all be coming back to this Board at a future date.

Representatives from Carter Burgess, Inc. were present at this meeting, along with Chris Branch, Public Works Director. **James Emerson**, P.E., of Carter Burgess, Inc. briefly spoke. A different Site Plan was presented to the neighbors. He stated that they did have several comments in regards to it. Carter Burgess, Inc. tried to incorporate as many comments as they could in their plans concerning River Road and their homes. For future expansion, the only side that can be expanded on is the side away from the neighbors. James Emerson said that the comments from both the neighbors and the City are valued. The plan that they have developed is a combination of incorporating everybody's thoughts for a workable plan for both Wal-Mart and the community.

Dennis Mason made reference to the memorandum from Lincoln Jeffers (included in the Planning Board packets) pertaining to Wal-Mart traffic issues raised by the public, i.e. removal of the stop sign that stops entrance to the southbound traffic on turnpike. Dennis Mason then asked if this would be replaced with a yield sign? The small section of ramp has a distance of approximately 75 feet to the Alfred Plourde Parkway. It is 1,230 feet up to the merge point. The problem occurs when there are vehicles waiting in this area to take a left-hand turn. If there is a truck waiting, the vehicles cannot proceed. This should not happen very often. There are about 550 vehicles entering the turnpike from southbound Alfred Plourde Parkway. The only time anybody stops is if there is a car already there directly in front of them. It was originally looked at to reverse the stop signs. Bill Eaton thought it worthwhile continuing with Phase I design. He then mentioned widening the entrance ramp to allow for a merge through on the ramp itself so that neither party would have to stop. This would be the safest way in the long term. The current recommendation is to keep it as is.

Chris Branch mentioned the above section has been identified as an issue. This process is a little different than a lot of processes because you are dealing with not only Wal-Mart, but with the City, the MDOT, and the MTA. The City entered into a project agreement with Wal-Mart, which indicated that Wal-Mart was not responsible for these improvements. The City entered into a letter commitment from the MDOT and the Maine Turnpike Authority for them to provide funding for the off-site improvements. When dealing with the MDOT, one is dealing with federal highway money and state money of which they have certain design criteria to follow in order to be eligible for funding. All the information from traffic reports will be forwarded to both the MDOT and the MTA. The MDOT, MTA, and federal highway will make the final call. This has not been approved by the MDOT. They have the final approval for highway money.

This item was then opened to the public. There were no comments made from the public. This item was then brought back to the Planning Board. Roger Lachapelle clarified with Chris Branch that there has been no actual commitment of the funding yet. There is a commitment and fall-back position in place, whereby funding for all these improvements will be available. This item was then brought back to the Planning Board for comments, questions, concerns, or decisions.

There was no further comments and, therefore, the following motion was made.

MOTION: *by Roger Lachapelle, seconded by John Cole that the Planning Board finds that the application by Wal-Mart Stores East, LLC meets all the applicable approval criteria under Article XIII, Section 4 of the Zoning and Land Use Code and grants final approval to this project, subject to receiving the necessary approvals from the Maine Department of Environmental Protection (MDEP) and the Maine Department of Transportation (MDOT).*

VOTED: 6-0.

IV. PUBLIC HEARING: Proposal by Omer Morin, initiated by citizen petition, to rezone a portion of property at 997 Sabattus Street from the Neighborhood Conservation "A" (NCA) District to the Highway Business (HB) District. David Sanborn read his memorandum dated September 20, 2002. Omer Morin's property is located on the southerly side of Sabattus Street. Omer Morin owns four (4) contiguous parcels and his property runs parallel to rear property lines of lots situated along Lemaire Avenue. Omer Morin discovered recently that, back in January 9, 1988, his property was split-zoned during the City-wide rezoning. His property was originally commercially zoned to a depth of 250 +/- feet off Sabattus Street and now he has only 90 +/- feet of commercially (HB) zoned land, with the remainder being in the Neighborhood Conservation "A" (NCA) District. Omer Morin would like to re-establish his pre-existing zoning boundary for possible commercial use in the future. Currently Omer Morin has no plans for a project to be developed.

James Lysen showed a color-coded mapping of Omer Morin's property. James Lysen said that this property is a series of three (3) lots. The present zoning is shown in blue on the mapping and is the front portion, which is 80 feet deep measured perpendicular from Sabattus Street and contains the South-Of-The-Border

Restaurant and a couple of residential units. Prior to adoption of the code, the 250 feet was off of Sabattus Street with a straight dimension, therefore, a 500 foot strip parallel to Sabattus Street. Eighty feet is very difficult to get any type of development on. Omer Morin would like to reclaim some of that commercial ability to expand. There were a few options looked at, which were: To extend the line behind the Mobile Home Park to east of the private site and extend it across, which would make it 285 feet deep to reclaim it. Another thought was to extend it back to the original lot (one parcel). This distance from the centerline of the street would be 500 feet on one side and about 600 feet on the other side. There is also some ability to do something in between to compromise. This item may necessitate a tabling or Omer Morin could leave it at the NCA District. Multi-family housing was also suggested. James Lysen stated that they looked at some options for expanding the HB zoning. The question is, "What makes sense?" Residents were notified on Lemaire Street. James Lysen said that obviously, the further back you get, the more potential impact there is for residents along Lemaire Street. There is a stream and sewer easement located on the property that pushes it to the left a bit. The bigger impact would be on the houses and buffers would need to be created. Another option would be that the site could be squared off a bit with a perpendicular line.

Omer Morin resides in New Gloucester for the summer and is here until the middle of October 2002. In the winter he resides in Florida. He is willing to attend whatever meetings are necessary.

David Sanborn explained the photographs taken, which were on display for the Planning Board Members. The first photograph was taken looking towards the City from Sabattus Street showing the South-Of-The-Border Restaurant, another photograph is shown looking depth-wise into the parcel and depicting vegetation, another photograph showed an angled path running down the back of the property, another shot was taken from actually walking into the parcel showing the South-Of-The-Border Restaurant. Once you arrive in the parcel, there is a change in elevation looking across the street to the property. Another photograph showed manholes and catch basins, looking across the street to the vegetable stand, etc.

This item was opened to the public. **Omer Morin** was present at this meeting and had no comment at this time during the meeting. Also present, at this meeting was **Ron Dargie (16 Lemaire Avenue)** stated that there is no buffer on his property. Ron Dargie stated that if this is zoned Commercial, he would want a buffer on his property. Currently, he has a direct view of the open field.

The public portion was then closed and brought back to the Planning Board for further discussion and deliberation. Omer Morin stated that he has had a chance to have a plaza there. He then asked, "Why was this changed in 1988?" John Cole asked if there was any rationale for this? James Lysen stated that there was no rationale found. John Cole said that there is nothing that leads to mind as to why this was done. James Lysen stated that zoning is not an exact science. This was done 14 years ago. Rob Robbins said that there is a lack of history to this project and that it would have been helpful, but he recommends the Board to choose to forego rezoning at this point in time and consider it in conjunction with any proposal which might be forthcoming down the road. This is a split-zoning.

Gregory Mitchell, Director of Development arrived at this meeting at 7:43 p.m.

Dennis Mason stated that this could have an adverse effect on the abutters. There could be a conditional rezoning at a later date. In conclusion Dennis Mason said that he cannot support rezoning this property. Jeffrey Gosselin commented that this was overlooked back in 1988. This would give Omer Morin a greater opportunity to market his property and he understands Ron Dargie's concern. John Cole stated that he would rather see this rezoned in context with a definite project, rather than context with an abstract motion. James Lysen stated that a portion of the property is pretty wet. John Cole said that there may be other potential for development of a parcel in that area. John Cole said that there should be a rationale and a context in which to do it. This would then make sense. To simply put the entire parcel in the HB District does not make sense at this point. The following motion was made.

MOTION: by **Rob Robbins**, seconded by **John Cole** that the Planning Board sends an unfavorable recommendation to the City Council regarding rezoning of Omer Morin's parcel at 997 Sabattus Street from the Neighborhood Conservation "A" (NCA) District to the Highway Business (HB) District and that the Planning Board will consider a conditional rezoning or rezoning of the parcel in conjunction with a definite project some time in the future.

VOTED: 6-0.

a particular project to come forward with. This will go before James Bennett and the City Council on October 1, 2002. The City Council will have the final say. A rezoning can be brought up with conditions.

Omer Morin said that he did not understand everything being talked about and that his only concern was what was done 14 years ago, when the City was looking for commercial property. Dennis Mason said that Staff will help put together something to help him go forward.

James Lysen said that conditional or contract zoning would require a finding that the site is in a unique location. In certain zones, imposed conditions could be placed that normally would not. Dennis Mason said that he is concerned that if you take 250 feet, what happens to the rest of the parcel. The back land would then have no access. In order to develop that into residential housing, you would have to put in a private street. This forces the developer to use a portion of their land. Dennis Mason said that there are certain aspects to that property that make it unique, such as being on an arterial, however it does not have a whole lot of frontage. It also has unique constraints, i.e. wetlands, sewer easement, residential properties, steep slopes, etc. In closing Gil Arsenault said that Staff can work with Omer Morin for future uses on that property. A policy needs to be developed.

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

VI. OTHER BUSINESS:

A. Bates Mill Area Parking Lot Improvements. This item was presented by Lincoln Jeffers. This item requires no action. This item was brought to this Board to inform the Board. Lincoln Jeffers said a lot of this has to do with acquisitions that have already been accomplished.

Lincoln Jeffers showed on a map to the Board showing the Longley Bridge, Mill No. 5, and both Main and Lincoln Streets. Demolition has already occurred. Radio City is down. Demolition is underway on the F.W. Webb building. Planning Board action was taken on the Sites and Clough property earlier this year. These buildings are down. Everything along the strip by Child's Linen is down except for Child's Linen. Some areas have already been turned into short-term parking for Bates Mill. The only property not acquired by the City, at this time, is Lewiston Radiator. This is targeted for next year. The plan is to provide short-term parking for the displaced vehicles at the Park Street Parking Garage. The idea is to put in short-term parking with minimal landscaping with the exception of the property on the corner. Green space will be provided on the corner, not parking. There are two (2) tiers. This is not a long-term plan. This item will come back to this Board when the final design is completed.

Chris Branch said that the temporary parking will be the same as it is in front of Mill No. 6. The green space along Lincoln Street from Mill No. 6 and Mill No. 7 will get a will get a further design from Platz Associates. This design will be finished up this winter and out to bid in the spring. Work will be done on Mill Street this fall, as well as the sidewalk.

Jeffrey Gosselin said that the Master Plan is starting to fall into place. His concern is that when the buildings are all down, you will be looking at Mill No. 5. Mill No. 5 is not yet an attractive building coming into the City. This is the gateway to the City. Mill No. 5 is potentially a good investment further down the road, if all the plans fall in place.

Chris Branch said that next year the Lincoln Street reconstruction will be going to bid. Part of that project will be the Lincoln Street sidewalk. The municipal parking lot and garage will be all be done by the end of next year. Mill No. 5 needs a lot of work.

James Lysen commented that there is more square footage at Bates Mill #5 than at the Auburn Mall.

John Cole stated that there is an enormous amount of cars parked along Lincoln Street, but not in the parking garage. Chris Branch said that there are 400 people in the garage every day. The parking along Lincoln Street is the temporary parking for Peoples Heritage Bank and LiveBridge, Inc. They are not given parking passes. If they want to park in the garage, they have to pay. John Cole said that this must mean that the parking garage is substantially unutilized. The garage is used up except for the third floor. Ninety percent of Peoples Heritage Bank's parking is in the garage. LiveBridge, Inc. has a certain amount of passes.

This item was for informational purposes only. Again, no action was required.

B. Adult Business and Adult Amusement Standards amendment update. James Lysen presented this item. Included in the Planning Board packets were three (3) proposals, as requested by this Board. The three (3) proposal are: 1. Definitional, 2. City-Wide Elimination, and 3. Centreville (CV) and Urban Enterprise (UE)

District Elimination. Planning Staff is researching the secondary effects. James Lysen said his plan is to do some real estate investigation in this area to see what the real estate values are, historic information, and revenue sales. He also

mentioned the "Red Light" District. The City can come up with an overlay district. Presently, there are two (2) alternatives, which are: 1. To eliminate adult amusement establishments as permitted or conditional uses City-wide, or 2. To eliminate them within the downtown area, but add them as a conditional use in the Highway Business (HB) District. The focus will be on the gateway and entrance to the City. People feel that this have a blighting effect on the entranceway. The Downtown Advisory Board (DAB) makes it clear they support treating tattoo parlors as they are currently treated in the Code, keeping them within the general adult business classification.

This item is scheduled for a Public Hearing on October 8, 2002.

John Cole made reference to Newport, Rhode Island. He stated that he was in Newport, Rhode Island two (2) weeks ago and made an interesting observation. The tattoo parlors in Newport and Middletown, Rhode Island actually line the main corridors. There were about a half dozen of them. They were tastefully done and weaved into the other retail enterprises along that way.

Dennis Mason referenced the definitional proposal on Page No. 2, Item (3) "... such at the time as measured along the ordinary course of travel between the main entrance of each premises." He also referenced Section 2, Item (2) "... which excludes persons from any portion of the premises by reason of immaturity of age or by use of such, or similar phrases; or". James Lysen will look into both of these items and present them at the October 8, 2002 Planning Board Meeting.

C. Proposed changes to road standards in the Zoning and Land Use Code. This item was presented by Gil Arsenault and came about as with the experience encountered with the West View Bluffs development, which was, but is no longer a private road. Staff will be meeting with other departments to create proposed amendments to the Zoning and Land Use Code to make private road standards more aligned with public road standards. The private road standards will be re-thought and presented at some point time. This would need to meet City standards. Development does save money on the front end with a private road. This will be brought to the Board, hopefully by the end of this year. Gil Arsenault concluded by saying Staff is open to ideas to be shared.

D. Planning Board Representative for the FY2004 Lewiston Capital Improvement Program (LCIP). A Planning Board Member is needed to participate on this year's LCIP. Rob Robbins asked, "Why is a Board Member required for CDBG and LCIP?" The response was for Board Member involvement. Last year Kristine Kimball participated. The remaining members are Staff on the committee. This is a five- (5-) year plan. The meetings can be held during the day or evening. James Lysen mentioned that there may be changes down the road because of the new City Administrator. After receiving the forms requested by each department, there are three (3) consecutive days of meetings held involving the LCIP Departmental Review Committee. This is needed by the middle of December.

It was mentioned to defer and decide at the October 8, 2002 Meeting. However, Jeffrey Gosselin then volunteered. He said that he prefers the meetings to be the first thing in the morning from 7:30-10:30 a.m. These meetings will start the first week of December 2002.

James Lysen stated that this is a time-consuming project. The Public Works Department has 3/4 of the program requests.

In closing, James Lysen, stated that the Charter requires that the LCIP is presented to the Major, City Council, Planning Board, and Finance Committee by January 15th of each year.

E. Any other business Planning Board Members may have relating to the duties of the City of Lewiston Planning Board. None.

VII. READING OF THE MINUTES: Reading of the minutes from the September 10, 2002 Planning Board Meeting. The following changes were made to the minutes:

On Page No. 1, Section III. Correspondence, change the word, "Wal*Mart" to read, "Wal-Mart". In the second paragraph under Section IV. Public Hearing, fifth line, delete the word, "in" and replace it with the word, "on". James Lysen will clarify the meaning of a p factor to Dennis Mason. The p factor is referenced also in the second paragraph, tenth line.

On Page No. 2, Section V. Final Hearing, second paragraph, fourth line, delete the word, "housing" and replace it with the word, "building" and also on this page, in the last sentence, delete the word, "following".

On Page No. 3, Sub-Section B., third paragraph, fifth line, after the word, "heat" and before the word, "with",

delete the word, "the".

On Page No. 4, Sub-Section C., in paragraphs 1, 2, and 4, change the word, "Wal*Mart" to read, "Wal-Mart".

On Page No. 6, Sub-Section D., delete the two sentences after the Sub-Section name.

The following change was requested by Rob Robbins:

On Page No. 4, first action taken, both Rob Robbins and John Cole recused themselves from voting, therefore under "VOTED" it shall read , "3-0" and the word, "Abstained" should be changed to read, "Recused".

MOTION: by *John Cole*, seconded by *Robert Connors* to accept the Planning Board Minutes for September 10, 2002, as amended.

VOTED: 5-0-1 (Roger Lachapelle).

VIII. ADJOURNMENT: This meeting adjourned at 8:40 p.m. The next Planning Board Meeting is scheduled for October 8, 2002.

Respectfully submitted,

Dennis R. Mason, Planning Board Chair

DMC:dmc

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