

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for May 5, 2003 - Page 1 of 4**

I. ROLL CALL: This meeting was held in the City Council Chambers, was called to order at 7:00 p.m., and was chaired by John Cole.

- **Members in Attendance:** John Cole, Rob Robbins, Jeffrey Gosselin, Robert Connors, Lucy Bisson, James Horn, John Racine, and Tom Truchon.

- **Members Absent:** Roger Lachapelle.

- **Staff Present:** Gil Arsenault, Deputy Development Director; David Hediger, Land Use Inspection Officer; and Doreen Christ, Administrative Secretary - Planning Division.

- **Student Members Present:** Ethan Chittim and Wade Morgan.

II. ADJUSTMENTS TO THE AGENDA: None.

III. CORRESPONDENCE: The following correspondence was included in the Planning Board packets:

A. A resignation letter dated April 14, 2003 from James Lysen, Planning Director to James Bennett, City Administrator and B. A letter dated April 15, 2003 from Glenn Gordon, Director of Community Relations, Western Maine Transportation Services, Inc. to James Bennett, City Administrator regarding a feasibility study of public transportation in the western Maine mountain area along the Route 4 corridor. The following motion was made.

MOTION: *by James Horn, seconded by Lucy Bisson that the Planning Board accept this correspondence as received and deal with it at the appropriate time.*

VOTED: 8-0.

IV. FINAL HEARINGS:

A. A Final Hearing on the St. James Place Subdivision, an 11-lot, single-family subdivision off Boston Avenue near Stevens and Adele Streets (at the developer's request to be continued to the May 19, 2003 Planning Board Meeting). John Cole stated that the Neighborhood Meeting originally scheduled to take place on April 28, 2003 has been postponed until May 12, 2003, before the Final Hearing. Gil Arsenault said that Staff is awaiting a written response from the City Attorney regarding the status of the proposed "paper" street, known as Hingham Street. St. James Builders is proposing to use Hingham Street to access this subdivision and/or structured detention for storm water. St. James Builders is, therefore, requesting an extension for this Board's review and approval and that it take place at the next Planning Board Meeting scheduled for May 19, 2003. The following motion was made.

MOTION: *by Jeffrey Gosselin, seconded by Robert Connors that the Planning Board accept the developer's request for a continuance of this Final Hearing to the May 19, 2003 Meeting.*

VOTED: 8-0.

B. A Final Hearing on a re-approval of a development review application submitted by Platz Associates on behalf of the Greater Androscoggin Humane Society, Animal Shelter Facility on Strawberry Avenue (at the developer's request to be continued to the June 16, 2003 Planning Board Meeting). John Cole stated that there is a major redesign underway since the Pre-Application and Determination of Completeness Hearing that was heard at the last Planning Board Meeting of April 7, 2003. The kennel area will be cut down in size and they are increasing the size of the training area with a net addition of about 3,500 square feet to the building. This will result in a 5,000 square foot training room. This raises questions about the use of the property, as far as parking and traffic in and out of the site. Gil Arsenault stated that the impact will be minimal. He said that Steve Myers of Platz Associates has spoken to him and stated that the traffic will occur in off-peak hours. The traffic generated will be in the training sessions that will be at 6:00 p.m. in the evenings and also on Saturday mornings and Sunday afternoons.

John Cole said that he is concerned with the traffic study at Strawberry Avenue (proposed Dunkin' Donuts), in that, there is a substantial high number of cars. The Dunkin' Donuts project is being taken out of the Staff Review Committee and is now being reviewed by the Planning Board. There is also a traffic study underway for the lower part of Main Street. John Cole said that he is very concerned with this area in the length of time it takes to get out on to Main Street from just about every point of access on Main Street. James Rioux, Inspector of Police, had concerns with the proposed traffic to be generated. These concerns were included in the Planning Board packets for April 7, 2003. John Cole then asked, "Do we know when the traffic study on the Main Street corridor is going to be completed?" David Hediger said that the Main Street corridor study itself is in the very early stages and in regards to the Traffic Scoping Session, the City has contracted with a firm to perform this function. In conclusion, John Cole mentioned that Staff may want to alert Steve Myers to address traffic issues in that area. The following motion was then made.

MOTION: by **Robert Connors**, seconded by **John Racine** that the Planning Board accept the developer's request for a continuance of this Final Hearing to the June 16, 2003 Meeting.

VOTED: 8-0.

C. A Final Hearing concerning an amendment to the Subdivision Plan to Lot No. 4 (Thomas Turmenne Development) for Normand & Irene Martin located at the end of Sandy Street. Normand & Irene Martin were present at this meeting. David Hediger said that Norm Martin is proposing to split one (1) lot (Lot No. 4) into two (2) parcels, Parcels 4A and 4B. Lot No. 4 currently has a single-family dwelling being constructed by Normand Martin. He is proposing a second house on Lot 4B. He is constructing a private court to gain adequate road frontage. David Hediger said it has been explained to Norm Martin that the City will not maintain the private court.

Also present was **Tom DuBois** of Main-Land Development Consultants, Inc. This project is a minor amendment to an existing subdivision in accordance with Appendix A, Article XIII, Section 3(1)(7)(a) of the Zoning and Land Use Code. Since the 1985 approval, the ownership has changed. Tom DuBois also stated that there has been some law changes since then, such as wetlands not being shown on plans. The wetlands are now shown on the plan. The lots will exceed the ordinance requirements as to size, which is 20,000 square feet. Both the Subdivision Plan and Road Plan Profile meet the standards required by the City. Tom DuBois said in a conversation with David Hediger that one of the requirements that the Public Works Department would be requesting is a paved apron that is four inches (4") thick connecting on Sandy Street. This will be done in accordance with their standards.

Lucy Bisson brought it to Tom DuBois' attention that the word, "triangular" was spelled wrong on the plans.

There is a cul-de-sac that will be extended upward and there will be a shared driveway for the two (2) lots. Access will be off the end of the court. Rob Robbins requested a copy of the original plan. Tom DuBois provided his copy for Rob Robbins review. It was asked if there were any conditions on the original plan. John Cole asked Planning Staff why the January 9, 1988 date appears on the plan. Gil Arsenault responded that maybe some housekeeping needs to be done on this section [Appendix A, Article XIII, Section 3(1)(7)(a)]. The Planning Board has acted on subdivisions in the 1970's and 1980's. Any change to an approved subdivision, lot line easement, does require Planning Board intervention. John Cole said that in looking at the original plan, it appears that this subdivision may contemplate 21 lots and possibly more, many not shown on the plan. There is a condition of approval that says no more than eight (8) dwellings, in total, shall be permitted, unless fire codes are improved, as recommended by the Fire Chief. In that case, no more than 13 dwelling units shall be permitted. John Cole then asked, "Why are Lots 1-4 shown and then Lots 16, 19, and 21?" David Hediger responded that the other lots preceding are from a previous subdivision. Norm Martin stated that at one time, there was a proposal for an eight- (8-) unit dwelling. John Cole then stated that that condition has been removed by the passage of time. David Hediger said that there are now four (4) lots in this subdivision. These proposed lots are located in the Suburban Residential (SR) zone. The minimum frontage required in this zone is 125 feet. These lots will be serviced by City water and sewer.

This item was opened to the public for comments or concerns. There, being no public audience, this item was closed and brought back to the Planning Board.

James Horn reverted back to the original plan and the question on the number of dwellings. He asked if there is a limit to the number of residences that can be connected to the sewer line or was that Fire? John Cole responded that this was in response to the Fire Department, in that there be no more than eight (8) dwelling units shall be permitted, unless Fire codes are improved, as recommended by the Fire Chief. And, in that case, no more than 13 dwelling units shall be permitted. David Hediger stated that all the lots are developed, except for Lot No. 4.

Both parcels (Lots 4A and 4B) contain wetlands. A Permit-By-Rule from the State of Maine DEP will be required for a stream crossing. The parcel also contains a CMP Company easement, which the private court will pass through, however, there are no issues with the Central Maine Power (C.M.P.) Company. Gil Arsenault mentioned that Staff has also met with the Staff Review Committee along with the applicant. There were no concerns from either the Police or the Fire Departments. Again, the only concern from the Public Works Department is their request that a 15-foot, four inch (4") thick paved apron be constructed to the City specifications where the private court meets Sandy Street. As mentioned earlier, this will be done in accordance with the standards. The following motion was made.

MOTION: by **Jeffrey Gosselin**, seconded by **Rob Robbins** that the Planning Board finds that the application for Normand and Irene Martin on Sandy Street meets all the necessary approval criteria under Article XIII, Sections 4 and 5 and grants final approval to this application.

VOTED: 8-0.

Rob Robbins recused himself from the Planning Board on the following item only.

V. OTHER BUSINESS:

A. A request for a “de minimus” change to the application by Maple Street Housing Associates to construct sixteen (16), single-family townhouses located at the corners of Maple, Knox, and Bates Streets. Mark Bergeron of Pinkham & Greer was present at this meeting.

This project was previously approved on September 10, 2002. Mark Bergeron indicated in his letter to this Board (included in the packets) that in researching the old deeds to this property, there were more restrictive setbacks than the City ordinance, therefore, several of these buildings have been moved further away from the property lines to meet the deed setback requirements, which are Buildings 1 through 4. The deed restriction was on the frontage of Bates Street only with a 12 foot setback. The building shapes were also modified slightly to accommodate the setbacks (i.e. removal of exterior chimneys and minor changes to the size of the community room), which has reduced their size. Building 5 is unchanged. Currently, Gil Arsenault said that remediation and abatement work is going on now and then demolition work will start.

Planning Staff suggests to the Planning Board that this change is of a “de minimus” nature and that it does not require a formal review and approval from this Board as a minor amendment to the approved plan, therefore, the following motion was made.

MOTION: *by Jeffrey Gosselin, seconded by Lucy Bisson that the Planning Board approves this minor amendment to the approved plan for the Maple Street Townhouses to be of a “de minimus” nature.*

VOTED: *7-0 (Rob Robbins Abstained).*

Rob Robbins rejoined the Planning Board for the remainder of the agenda items.

B. Proposed Development Review streamlining. Gil Arsenault said that last Tuesday at the City Council Workshop there was a vote to unanimously endorse the restructuring proposal. This restructuring plan essentially eliminates the Development Department and creates a department for Planning and Code Enforcement and a department for Economic and Community Development. Gregory Mitchell, who is currently the Director of Development will become an Assistant City Administrator. In this plan, two positions are being eliminated. Those two (2) positions are a Clerical Administrative Support person to Code Enforcement and the Planning Director position. Gil Arsenault went on to say that James Lysen has taken other employment (see resignation letter included in Section III. Correspondence). The City Council will be acting on the budget at their meeting tomorrow night (May 6, 2003). It is anticipated that this budget will be passed. There are a total of six (6) positions to be lost. The proposed streamlining has been tabled. This item was placed on this agenda to re-review the materials and for discussion with the elimination of the Planning Director position. John Cole then mentioned that at City Administrator James Bennett’s request, one (1) member, from the Planning Board, is needed to assist Staff in interviewing candidates for the City Planner position. This is an invitation to participate in the interviews. With both John Cole and Rob Robbins terms expiring this year, it was asked if any of the other Board Members would like to volunteer for this. There will be four (4) to five (5) candidates interviewed. There will be one (1) interview and a follow-up. This will be done during the day. Lucy Bisson volunteered to participate in the interview process. No formal vote was needed.

Gil Arsenault said that he sees three (3) significant changes in regards to the proposed streamlining. 1. Most projects could be heard at one (1) evening hearing. This would limit Planning Staff resources. One (1) meeting is better than two (2). 2. A “de minimus” change is insignificant and could be done by Staff and reported out to the Planning Board. If there is an issue that the Board has with Staff’s direction, this could be brought up at that time. 3. In regards to a Pre-Application and Determination of Completeness Hearing, Staff could hold off going to Planning Board if an application is not complete.

John Cole requested that another copy of the summary of ordinance changes be given to the Board Members before the next Planning Board Meeting of May 19, 2003. It was mentioned that it could be several months before the City obtains a City Planner. The ordinance will need to be re-worded with regards to the reference made to the Planning Director, since this title is referenced throughout the Code. John Cole said that he suggests to both Gil Arsenault and Gregory Mitchell that perhaps it would be worthwhile to have someone designated as the Acting Planning Director.

It was requested that streamlining be placed back on the next agenda and to be prepared to discuss it. This can always be tabled. No action was needed.

C. Update regarding the Traffic Scoping Meeting for the proposed Dunkin’ Donuts on the corner of Main Street and Strawberry Avenue. David Hediger stated that Planning Staff has received a traffic study regarding traffic to be generated from the proposed development and at the intersection of Strawberry Avenue and Main Street. This project was to be originally reviewed by the Staff Review Committee. However, since the proposed peak trips generated per hour (306) are greater than the 100 that the code requires, this project now needs to be considered by the Planning Board. A consultant has been hired and will be running a traffic scoping session. Planning Staff will be observing this session.

It was mentioned that this area does not warrant a traffic signal. John Cole suggested re-thinking the need for a traffic signal.

Norm Boulay has changed his consultant for the Dunkin' Donuts project because the City had retained the same one. There is a lot of work to be done.

David Hediger said that a Traffic Scoping Session needs to occur first. During this session they will be looking at both existing and proposed conditions and the impact the Dunkin' Donuts will have on this area. Gil Arsenault stated that the engineers will get together with input from the Public Works Department and see what can be done to make it better in this area. This Traffic Scoping Session will include several City Departments, AVCOG, MDOT, and the developer's traffic engineers.

David Hediger mentioned that Dunkin' Donuts is all set and they are ready to submit their application. Again, John Cole asked, "Why is there a difference between Strawberry Avenue and the Market Place Mall in placement of a signal light?" In conclusion, the Traffic Scoping Session will be held to cover items such as this. The Planning Board Members will be notified as to when this Traffic Scoping Session will take place. A Pre-Application and Determination of Completeness for the proposed Dunkin' Donuts will be scheduled for the next Planning Board Meeting for May 19, 2003. There will also be an update as to the overall traffic study. In the meantime, Gil Arsenault will obtain the information about what warrants a traffic signal for the Planning Board Members.

D. Discussion concerning the Planning Board summer schedule. Normally there is one (1) meeting scheduled for the summer months of July and August. Currently the Planning Board is scheduled to meet on July 7 and July 21, 2003 and August 4 and 18, 2003. This item will be addressed at the next Planning Board Meeting on May 19, 2003.

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

VI. READING OF THE MINUTES: Reading of the minutes from the March 17, 2003 and April 7, 2003 Planning Board Meetings:

• **March 17, 2003.** There were various housekeeping changes made to these minutes by Lucy Bisson and are enclosed in the Planning Board file. The following motion was made.

MOTION: by **Jeffrey Gosselin**, seconded by **John Racine** that the Planning Board accept Lucy's Bisson's changes to the minutes for March 17, 2003.

VOTED: 8-0.

• **April 7, 2003.** There were also various housekeeping changes made to this set of minutes by Lucy Bisson and they are also enclosed in the Planning Board file. However, the following changes were made at this meeting to these minutes by Lucy Bisson:

- On Page No. 2, fourth paragraph, line three, change the words, "respective of" to read, "respect".

- On Page No. 3, fifth paragraph, seventh line, change the word, "some" to read, "something".

- On Page No. 7, eighth paragraph, the first line shall be changed to read, "Emily Ellis (111 Pond Road) said that she is against this project. It minimizes the impact of what 15, single-family homes can do."

- On Page No. 8, fourth paragraph, line four, delete the words, "they were are" and replace them with the following words, "the Board was". The following motion was made.

MOTION: by **Jeffrey Gosselin**, seconded by **John Racine** to accept the minutes for April 7, 2003.

VOTED: 6-0-2 (Rob Robbins and Lucy Bisson Abstained).

VII. ADJOURNMENT: The following motion was made.

MOTION: by **Lucy Bisson**, seconded by **Jeffrey Gosselin** to adjourn this meeting at 8:15 p.m.

VOTED: 8-0.

Respectfully submitted,

Lucy A. Bisson
Planning Board Member and Secretary

