

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for April 12, 2004 - Page 1 of 4**

I. ROLL CALL: This meeting was held in the City Council Chambers on the First Floor of City Hall, was called to order at 7:00 p.m. and was chaired by Jeffrey Gosselin.

- **Members in Attendance:** Roger Lachapelle, Jeffrey Gosselin, Lucy Bisson, John Racine, Tom Truchon, John Butler, Stephen Morgan and new Associate Member Tom Peters.

- **Member Absent:** Jim Horn

- **Staff Present:** Gil Arsenault, Director of Planning & Code Enforcement; Lincoln Jeffers, Deputy Director of Economic and Community Development; David Hediger, City Planner and Eric Cousens, Land Use Inspection Officer.

- **Student Member Present:** Wade Morgan.

II. ADJUSTMENTS TO THE AGENDA: None.

III. CORRESPONDENCE: None

IV. HEARINGS:

Tom Peters was appointed as a full voting member for the night. Jeff Gosselin recused himself from Hearing Item A., due to a conflict and appointed Lucy Bisson as Chairperson.

A. A proposal to convert the existing building at 590 Main Street to a Dunkin' Donuts.

Prior to this meeting, at the Planning Board Workshop, **Bill Eaton**, PE, and Chris Branch, Director of Public Services gave an in-depth presentation on Main Street traffic concerns and planned solutions. David Hediger read the Staff comments, at the request of Acting Chair Lucy Bisson. The following motion was made.

MOTION: by **Tom Peters**, seconded by **Steven Morgan** that the reading of the Staff comments be waived as the Planning Board Members have already read them.

VOTED: 6-0.

Bob Faunce, of Technical Services, Inc. explained the goals and constraints of the site. Tom Peters asked if the existing Dunkin Donuts on Main Street will close? **Norm Boulay** said that it will remain open.

Chairman Lucy Bisson opened the meeting to the public. City Councilor Ronald Jean spoke in favor of the project. He explained that the project has council approval, but there are traffic concerns in the area. The public portion was closed.

Tom Peters asked if the Planning Board had input on the conditional rezoning? Roger Lachapelle and Gildace Arsenault explained that it was before the Planning Board for a recommendation to the City Council. The following motion was made.

MOTION: by **John Butler**, seconded by **Roger LaChapelle** that the Planning Board determines the application for the Dunkin' Donuts at 590 Main Street to be complete; grants approval of the modification/waiver checklist; that this application meets all of the necessary approval criteria contained under Article XIII, Section 4 of the Zoning and Land Use Code; and grants approval to Normand Boulay.

VOTED: 6-0.

Jeff Gosselin returned to his position as Chairman.

B. A proposal to revoke the Bishop Bacon Park Subdivision Plan for Holy Family at 607 Sabattus Street. David Hediger summarized the Staff comments.

Mike Gotto of Technical Services, Inc. and attorney **Thomas Kelley** explained why this is before the Planning Board even though the City has never approved or recognized this plan. State law gives local Planning Boards the ability to revoke a recorded Subdivision Plan provided that no lots have been conveyed as defined by the plan. City Council has the same ability if lots have been conveyed.

City Councilor Ronald Jean asked how many lots will be developed? Jeff Gosselin and Thomas Kelley explained that the plan exists now, but is potentially being revoked by the Board and no lots are being developed. This means that the lot lines that exist on the plan will no longer divide the land in question. Tom Peters asked if the public was notified. David Hediger and Gil Arsenault explained that Staff has the ability to waive this requirement and that only the four properties created from the so-called subdivision plan were notified. Tom Peters explained that people that have purchased surrounding properties may have knowledge of the plan and a notice may be worthwhile.

Thomas Kelley explained that case law shows that after 40 years without the conveyance of a single lot from a recorded plan, the courts have determined the plan to no longer be in force. It has been 70 years since the Bishop Bacon Park Subdivision Plan for Holy Family was recorded and no lot has been conveyed in accordance with the plan.

Steve Morgan agreed with Tom Peters that people may have researched this plan when buying their home and a notice is a good idea. The following motion was made.

MOTION: by **Roger Lachapelle**, seconded by **John Butler** that the Planning Board revoke the Subdivision Plan titled, "Bishop Bacon Park" recorded in the Registry of Deeds for December 12, 1923.

VOTED: 5-1 (Tom Peters voted against the revocation, due only to the lack of Notice to Abutters).

C. A proposal to construct a 4,130 square foot addition, additional parking, and an outdoor lighting display area for DeBlois Electric, Inc. at 1033 Sabattus Street.

Chairman Gosselin recused himself from this hearing due to a conflict. Lucy Bisson was appointed as acting Chair.

Chairman Bisson requested a summary of the Staff comments. David Hediger provided the summary. Chairman Bisson made the public aware that she lives across the street from the business, but has no financial interest in the company. It was determined that she does not have a conflict.

Bob Faunce explained the proposal and the history of approvals. He then indicated that they will get a Maintenance Agreement for the proposed second-story or move the new wall back to 5 or 6 feet from the property line, however, they have not been able to reach the Roy's to discuss the agreement.

Jim Horn arrived at 7:35 p.m. and took his seat with the Planning Board. He did not vote this evening.

John Butler asked about the letter from Bob Faunce dated April 8, 2004. Bob Faunce stated that the letter was to address Staff's concerns. He also asked about Jim Rioux's comments regarding traffic. Bob Faunce explained that there will be no increase in traffic other than 2-3 employees.

Chairman Bisson explained that tractor trailers often block Sabattus Street while backing into the site for deliveries. **Mike Gotto** explained that the site improvements will accommodate the movement of tractor trailers on site. This will be an improvement over the existing condition. Tom Peters asked that the business owner make the trucking companies and drivers aware of this change.

Chairman Bisson opened the public portion in favor, opposition, or for comment. **Glen Burrows** of 1036 Sabattus Street voiced concerns that the additional lighting would illuminate his yard and windows more than the limited existing lighting. He would like the lights shut off after 9:00 p.m. when the traffic dies down. He also understands the need for parking lot lights for security, but asked if they could be put on motion sensors so they don't remain on all night. Tom Peters suggested focused, shielded lighting.

The public portion was closed and brought back to the Planning Board.

Tom Truchon suggested screening the dumpster and Mike Gotto agreed to do so. The following motion was made.

MOTION: by **Roger Lachapelle**, seconded by **John Butler** that the Planning Board determines the application for a 4,130 square foot addition, additional parking, and an outdoor lighting display area for DeBlois, Electric, Inc. at 1033 Sabattus Street to be complete; grants approval of the modification/waiver checklist; that this application meets all of the necessary approval criteria contained under Article XIII, Section 4 of the Zoning and Land Use Code; and grants approval to DeBlois Electric, Inc., subject to the following:

1. That a standard boundary survey is provided for the property lines from which a modification is being requested;
2. That the plan is amended to reflect the type and location of the buffer to be installed along the 16 and 22 Grove Street property line;
3. That a Maintenance Agreement/Easement with 10 Grove Street is provided to Staff and recorded in the Androscoggin Registry of Deeds;
4. That the plan is amended to show the underground utilities servicing the outdoor lighting display area and a screened dumpster;
5. That MDEP approval is obtained;
6. That the applicant look into focused, shielded lighting for the parking lot; and
7. That trucking companies and drivers be encouraged not to back into the site off Sabattus Street.

VOTED: 7-0.

Chairman Jeffrey Gosselin rejoined the Planning Board Members.

V. OTHER BUSINESS:

A. A request that a Public Hearing be scheduled for the rezoning of the properties on the west side of Main Street to the Maine Central Railroad right-of-way (ROW), from Strawberry Avenue south to the Russell Street overpass, from Neighborhood Conservation "B" (NCB) and Office Residential (OR) Districts to the Highway Business (HB) District. David Hediger explained the request to schedule a Hearing. The Planning Board felt that they should review both sides of Main Street in this section of town. The following motion was made.

MOTION: by **Lucy Bisson**, seconded by **Roger Lachapelle** that Planning Staff draft a proposal to rezone both sides of Main Street from Stetson Brook to Strawberry Avenue from the Neighborhood Conservation "B" (NCB) District and the Office Residential (OR) District to the Highway Business(HB) District for the next Planning Board Meeting.

VOTED: 7-0

B. A request that a Public Hearing be scheduled for a proposed amendment to the zoning map for the property at 1222 Sabattus Street. David Hediger explained the proposal and the relationship between flood zone and the Resource Conservation (RC) District. **Larry Grondin** is working to amend the flood zone and because the lines have been the same for both zones, if the flood zone line is moved back from Sabattus Street, Larry Grondin would like to also move the RC zone line back from Sabattus Street.

MOTION: by **Lucy Bisson**, seconded by **Tom Peters** that Planning Staff draft a proposal amend the zoning map for the property at 1222 Sabattus Street

VOTED: 7-0

C. 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 22, 2004 Planning Board Meeting.*

The following motion was made.

MOTION: *by **John Butler** , seconded by **John Racine** to approve the minutes for March 22, 2004, as marked up and submitted to Staff by Lucy Bisson.*

VOTED: 7-0.

VII. ADJOURNMENT: The following motion was made to adjourn.

MOTION: *by **John Racine**, seconded by **John Butler** that the Planning Board adjourn this meeting at 8:15 p.m.*

VOTED: 7-0.

The next regularly scheduled Planning Board Meeting is for Monday, April 26, 2004.

Respectfully submitted,

Roger Lachapelle
City of Lewiston Planning Board Member and Secretary

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