

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for May 24, 2004 - Page 1 of 5**

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, Tom Truchon, John Racine, John Butler, Stephen Morgan, and Tom Peters (Alternate Member).

- **Member Absent:** Jim Horn.

- **Staff Present:** Gregory Mitchell, Assistant City Administrator; Gil Arsenaault, Director of Planning & Code Enforcement; Lincoln Jeffers, Deputy Director of Economic & Community Development; David Hediger, City Planner; and Doreen Christ, Administrative Secretary to Planning & Code Enforcement.

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

II. ADJUSTMENTS TO THE AGENDA: None.

III. CORRESPONDENCE: None.

IV. HEARINGS:

A. *A City proposal for a straight rezoning of the properties on the west side of Main Street to the Maine Central Railroad right-of-way, from Strawberry Avenue south to the Russell Street overpass, from the Neighborhood Conservation "B" (NCB) District and Office Residential (OR) District to the Community Business (CB) District.* Jeffrey Gosselin requested that both Items A. and B. be heard together, which was agreed upon. David Hediger gave a summary of both hearings. He stated that notice was provided to all as necessary. A traffic study was completed last fall for Main Street and has been presented to this Board on two (2) occasions. This study concluded that full commercial development of all the properties on the west side of Main Street would result in the need for additional traffic lanes and signals. Funding is being secured for these road improvements. These hearings both still need to go to the City Council. The City recognizes the need to encourage retail and commercial development. Just recently 590 Main Street (Dunkin' Donuts) and 578 Main Street (Saunders' Florist) were rezoned to the CB District.

Some of the concerns expressed at the Neighborhood Meetings were signs, traffic, appearance, parking, buffering, etc. Therefore, additional standards to the CB District are being proposed regarding modifications, vegetation, etc. Also proposed are design standards that are encouraged but not mandatory for any project subject to development review include.

John Butler questioned the two (2) types of proposed roofs. David Hediger responded that the majority of the roofs, in this area, are of this type and development should be encouraged to relate design features to the surrounding buildings. John Butler stated that these can be waived.

The same standards are being proposed for the OR District, with the addition of limiting access to Brooks Avenue.

Lucy Bisson mentioned limiting access to Pettingill Street. David Hediger responded that nothing is proposed and no concerns were raised regarding this street. There were no additional questions from the Board. This item was then opened to the public for those in support of this rezoning. There was no public response. This item was then opened to the public for those in opposition and included the following.

Joe Grube (74 Brooks Avenue) stated that he was not within the 300-foot notification, however, he said that in changing the zoning from Pettingill Street and Brooks Avenue from the NCA to the OR, that he prefers the NCA.

Eric Laroche (24 Brooks Avenue) said that he is concerned with the OR being one step from the CB and he does not want to see the CB District, since he has concerns for his children's safety. The traffic is very busy on Brooks Avenue. He stated that since you cannot take a left off of Main Street to enter Pettingill Street, people turn down Brooks Avenue.

Carol Roberts (2 Brooks Avenue) asked if there were any height restrictions involved in this area? Gil Arsenault responded that in the OR District it is 35 feet.

There being no further comments or concerns from the public, the public portion was closed and turned back to the Board for further discussion.

There was discussion of a cul-de-sac on Brooks Avenue. Roger Lachapelle asked if the idea of a cul-de-sac on Brooks Avenue can be initiated. David Hediger responded with, "Yes". Gil Arsenault added that there would need to be a lot of land to achieve a cul de sac with the Fire Department requirements.

Tom Peters stated that malls are not envisioned for Main Street, but rather the transition of older residences in this zone.

Lincoln Jeffers said that this particular area has been considered several times to be rezoned. The issues are with residents, traffic, etc., funding is being secured. The planning has been done to get us there. John Butler stated that the OR side did have a lot of concerns at the Neighborhood Meeting, but that there were not many concerns with the CB.

David Hediger mentioned that there was one (1) woman from Libby Avenue with concerns of the rezoning at the Neighborhood Meeting, however, she is not present at this meeting.

Jeffrey Gosselin said that there is a potential for development here and he thinks that the CB is appropriate with restrictions. Tom Peters said that if this area is changed to the CB, a Wal-Mart, for example, could be developed without the additional standards applying. Tom Peters stated that we are looking for office residential.

David Hediger asked, is it appearance or uses that people are concerned with? Tom Peters responded with, "both".

Lincoln Jeffers said that the current buildings are not adaptable. Jeffrey Gosselin said that this area is similar to what happened on East Avenue with the Shaw's Supermarket.

Mark Paradis arrived at 7:46 p.m.

Gregory Mitchell said that there is a need to achieve a balance and proper fit in a residential area. Staff is presenting a balanced approach with some restrictions that are mandatory.

The following motion was made.

MOTION: *by John Butler, seconded by Roger Lachapelle that the Planning Board send a favorable recommendation to the City Council on the straight rezoning of the properties on the west side of Main Street to the Maine Central Railroad right-of-way, from Strawberry Avenue south to the Russell Street overpass, from the Neighborhood Conservation "B" (NCB) District and Office Residential (OR) District to the Community Business (CB) District, as proposed.*

VOTED: *6-1 (Tom Peters opposed, concerned with the size, type, appearance and appropriateness of the uses that will be permitted in the CB district).*

After the above motion, Steve Morgan said that if a maximum square footage requirement is placed, this would need to come back to the Planning Board. He also stated that there is currently a traffic issue on Bearce Street, Pettingill Street, and Brooks Avenue.

B. A City proposal for a straight rezoning of the properties on the east side of Main Street from Brooks Avenue to the Russell Street overpass, from the Neighborhood Conservation "A" (NCA) District and the Neighborhood Conservation "B" (NCB) District to the Office Residential (OR) District.

David Hediger stated that as a result of the two (2) Neighborhood Meetings held, Staff decided to expand the Office Residential (OR) District along the east side of Main Street to include 38 Pettingill Street and 579 Main Street. The same additional standards are being proposed with one additional standard that access onto Brooks Avenue from any development be prohibited. This standard will limit any direct impact to the NCA District on Brooks Avenue.

It was requested that 38 Pettingill Street be eliminated from this proposal. This would not be a practical area to rezone being a landlocked parcel abutting Jepson Brook.

There is a need to prohibit access onto Brooks Avenue. Gregory Mitchell stated that the neighbors should initiate a proposal to the City on a cul- de-sac. Roger Lachapelle stated that there should be a limit as to the access into and out of Brooks Avenue.

Jeffrey Gosselin commented that the worst type of use for the OR District would be a hospital.

Gil Arsenault stated that you could modify access to be prohibited on Brooks Avenue with the exception of single-family homes.

There are four (4) residential neighborhoods that need to be protected. Buffering would consist of rows of trees, etc.

Nick Knowlton (21 Brooks Avenue) stated that the residents of this area prefer not to see more traffic. Trees for buffering would be nice to see.

Eric Laroche is concerned with the traffic and the safety of kids, etc.

The following motion was made.

MOTION: by **Lucy Bisson**, seconded by **Roger Lachapelle** that the Planning Board send a favorable recommendation to the City Council on the straight rezoning of the properties on the east side of Main Street from Brooks Avenue to the Russell Street overpass, from the Neighborhood Conservation "A" (NCA) District and the Neighborhood Conservation "B" (NCB) District to the Office Residential (OR) District, subject to the condition that 38 Pettingill Street Rear remain zoned Neighborhood Conservation "A" (NCA) and that access is prohibited onto Brooks Avenue, with the exception of single-family homes.

VOTED: 7-0.

After the above motion, Steve Morgan asked the Board if the section of Brooks Avenue was turned into a cul-de-sac, how far back would a cul-de-sac start? David Hediger responded that a fair amount of land would be necessary and would depend on where the cul-de-sac would be located.

In conclusion to this discussion, David Hediger stated that for the public's information, these two (2) items would be going to the City Council in June 2004.

Both Jeffrey Gosselin and John Racine recused themselves from the Board on the following Item C. Lucy Bisson then chaired this item. With the recusals, both Tom Peters and Steven Morgan became voting members on this proposal.

C. A proposal to develop two (2) commercial buildings on Discovery Drive, Lot Nos. 4 and 5 of the Plourde Business Park. David Hediger summarized his memorandum dated May 21, 2004. This application has been submitted for the construction of two (2), multi-unit, one-story commercial buildings in the Plourde Business Park. Gendron & Gendron has requested approval to construct a 32,000 square foot structure on Lot No. 4 and a 36,000 square foot structure on Lot No. 5. These structures are designed for flexible industrial and warehouse uses. Both of these lots are in the Industrial (I) District. Staff feels that the applicable modification criteria have been met, however, the Site Plan needs to be amended to show the setbacks of the buildings from the side lot line of Lot Nos. 4 and 5. Gendron & Gendron are also requesting a modification of 25 percent of the front setback from both structures, due to the required 100 foot buffer along River Road and the construction of the detention pond. This distance will need to be shown on the Site Plan for the parking space closest to the intersection of Alfred A. Plourde Parkway and Discovery Drive. Part of the 100 foot buffer was inadvertently removed while grading the two lots and Staff has requested that this area be replanted with white and red pines, 6' in height, spaced 12-15 feet on center. The Site Plan will also need to be amended to show these plantings and to show a proposed stockade fence along the residential property of Gilbert/Dionne as a required buffer. Lot No. 5 will be completed by the end of 2004.

There were no concerns from both the Police and Fire Departments.

Mike Gotto, from Technical Services, Inc. was present at this meeting on behalf of Gendron & Gendron. Mike Gotto provided details on the encroachment and has agreed to add a mixture of both white and red pines with staggered row, totaling 25-30 trees on the area where they were inadvertently removed. The revised plan shows the corner of the parking lot as 21'. This needs to be changed to 25'. He has also placed a couple more setbacks on the building.

Mike Gotto stated that Chris Branch from the Public Works Department had concerns with the entrance, with outgoing traffic. He has placed a painted island there, as per Chris Branch's recommendation.

Tom Truchon asked what types of trees will be planted in the buffer area. Mike Gotto responded that there will be a heavy mix of pine-evergreen trees.

After Mike Gotto's brief presentation, this item was then opened to the public for residents in favor of this project. There were none, therefore this item was then opened for public input in opposition to this project, which included the following.

Roger Roberge (299 River Road) showed the Board photographs of the buffer that was removed and the trees that were cut down. He stated that you cannot replace the actual buffer with six foot (6') trees. This is stated in the rules and regulations. The 100' buffer is getting chipped away bit-by-bit. The trees that are remaining are half dying. He would like to have this buffer redone.

John Racine (229 River Road) stated that there was an abundance of vegetation there. He also wants to see this area done right. This buffer is required in the ordinance.

Lincoln Jeffers stated that there are 30 trees are being planted where the field is.

Norm Lamie (Lorraine Roberge's brother and Roger Roberge's brother-in-law) stated that the minimum setbacks is 100 feet, which shall be maintained as a buffer. This has not happened. The buffer is being disturbed and it is not right.

Mike Gotto commented that the buffer did get disturbed. He then showed the area which was heavily vegetated. There were trees in the corn field area. He is taking full responsibility for it and stated that he will do whatever they need to do to make it right. The corn field will be buffered with trees. This area will also be re-graded, loamed, and seeded.

John Racine stated that the City did an excellent job in his landscaping. He is not opposed to the new buffering, except for the Gilbert/Dionne's property, in which he would rather have seen trees instead of a fence. It was asked why a fence instead of trees. The response was that a fence is cheaper. John Racine said that the 6' trees are not adequate. He would like to see Mike Gotto do another plan.

Lorraine Roberge (299 River Road) said that everybody knew of the 100 foot buffer and she wants it as it was and she doesn't care what it will cost.

Gil Arsenault said that the Site Design Guidelines are very flexible. The intent is that the area will not be developed. Detention ponds can be part of buffers.

This item was then closed to the public and the following concern was expressed by Board Member Tom Truchon. He stated that larger trees should be placed back in there. Tom Peters agreed that the 100 foot buffer should be replaced back to its original form.

The following motions were made.

MOTION: *by Tom Peters, seconded by John Butler that the Planning Board require that a 100' buffer must be established and that it must be reasonable in nature, asking that the neighbors, developer, and Staff work together to try to come up with a solution and if they cannot, then the plan must come back for the Planning Board to make a decision as to what the buffer consist of.*

VOTED: 6-0-2 (Jeffrey Gosselin and John Racine Abstained).

MOTION: *by Tom Peters, seconded by John Butler that the above motion be amended to accept the deadline for a plan to be amended to reflect a 100' vegetated buffer along River Road that is acceptable to the developer, City Staff, and the neighbors at 299 River Road by the July 12, 2004 Planning Board meeting. If an amended plan is not agreed upon by said parties by the July 12th meeting, the Planning board will determine what is necessary for a buffer along River Road.*

VOTED: 6-0-2 (Jeffrey Gosselin and John Racine Abstained).

Both Jeffrey Gosselin and John Racine rejoined the Planning Board. Jeffrey Gosselin chaired the remaining items on the agenda. Tom Peters was the alternate voting member on this item.

D. A proposal on the amendment of lots for the Bates Mill Complex Commercial Subdivision at Lincoln Street. David Hediger summarized his memorandum dated May 21, 2004. This proposed amendment is necessary to facilitate the sale of the remaining City-owned property to a private party, Bates Mill LLC, as part of the City's exit/redevelopment strategy for the mill. The City Council has already approved the exit strategy back in November/December 2003, which includes a new contract with Bates Mill LLC. The Bates Mill Subdivision was originally approved as a five-lot subdivision. This proposed amendment will result in the creation of seven (7) lots. This proposed subdivision amendment is the last step of the exit strategy necessary for the sale of the remaining City-owned buildings to the Bates Mill LLC, which is scheduled to occur in June 2004.

There are no concerns from the Public Services, Police, and Fire Departments.

Present at this meeting was **Steve Myers** on behalf of Platz Associates.

This item was opened to the public for comment and then immediately closed, due to no members of the public being present, and brought back to the Planning Board.

Tom Peters expressed concerns with the City Council having approved the exit strategy without the Planning Board's input. Steve Myers indicated that the proposed subdivision amendment requires the Planning Board's approval, regardless of the Council's agreement.

MOTION: by **John Butler**, seconded by **Lucy Bisson** that the Planning Board determines the application for the Bates Mill Complex Commercial Subdivision at Lincoln 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, Sections 4 and 5 of the Zoning and Land Use Code; and grants approval to Platz Associates.

VOTED: 6-1 (Tom Peters opposed, due to the exit strategy being previously approved by the City Council).

V. OTHER BUSINESS: Any other business the Planning Board Members may have relating to the duties of the Board. There is currently only one (1) meeting scheduled each for the months of July and August 2004.; July 12 and August 9.

VI. READING OF THE MINUTES: Reading of the minutes from the May 10, 2004 meeting.

MOTION: by **Lucy Bisson**, seconded by **John Butler** that the Planning Board accept the Planning Board Minutes for May 10, 2004, with the following changes, as suggested:

1. On Page No. 1, under the Roll Call, change the spelling of, "Stephan Morgan" to read, "Stephen Morgan."
2. After Section IV. Hearings, Item E., it should be noted that Jeffrey Gosselin rejoined the Planning Board and chaired the remainder of the agenda items.

VOTED: 7-0.

VII. ADJOURNMENT: This meeting adjourned at 9:25 p.m. The next regularly scheduled Planning Board Meeting is for Monday, June 14, 2004.

Respectfully submitted,

Roger Lachapelle,
Planning Board Member & Secretary

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