

*City of Lewiston*  
**PLANNING BOARD MEETING**  
**MINUTES OF JANUARY 9, 1996**

**I. ROLL CALL**

The Annual Organizational meeting was called to order by Planning Coordinator, George Dycio at 6:00 PM.

- A. Members Present: Denis Theriault, Harry Milliken, David Jacques, Harold Skelton, Marc Goulet, Tom Peters  
(member Lew Zidle arrived after start of meeting)
- B. Staff Present: Steven H. Levesque, Director of Development  
George M. Dycio, Planning Coordinator  
Christina Revell, Recording Secretary

**II. ELECTION OF OFFICERS**

**MOTION:** By D. Theriault, seconded by D. Jacques to elect Harry Milliken as Chairman of the Lewiston City Planning Board.

**VOTE:** Passed 5 - 0 (Mr. Milliken abstained)

**MOTION:** By H. Milliken, seconded by D. Theriault to elect Harold Skelton as Vice Chairman of the Lewiston City Planning Board.

**VOTE:** Passed 5 - 0 (Mr. Skelton abstained)

**MOTION:** By H. Skelton, seconded by D. Theriault to elect Marc Goulet as Secretary of the Lewiston City Planning Board.

**VOTE:** Passed 5 - 0 (Mr. Goulet abstained)

**III. REVIEW OF RULES AND PROCEDURES**

It was noted that there were no amendments for the 1994 period. General discussion ensued over rules, procedures and by-laws. Mr. Dycio was asked to give clarification over the "Notice to Abutters" procedure. It was noted that notification to tenants of any impending projects/changes is the responsibility of the landlord.

**MOTION:** By D. Jacques, seconded by M. Goulet to accept the 1994 City of Lewiston Planning Board By-Laws.

**VOTE:** Passed 7 - 0

**IV. OTHER BUSINESS**

**MOTION:** By D. Jacques, seconded by H. Skelton to table discussion of the Land Policy Forum on Interactive T. V. until the next scheduled Planning Board meeting of January 23, 1996.

**VOTE:** Passed 7 - 0

**MOTION:** By M. Goulet, seconded by L. Zidle to schedule a Public Hearing regarding the Dwinal Rezoning Proposal (11-15 Dyer Road) at the next scheduled Planning Board meeting of January 23, 1996 subject to City Council initiation at their meeting of later this evening.

*City of Lewiston*  
**PLANNING BOARD MEETING**  
***MINUTES OF JANUARY 9, 1996***

**VOTE:** Passed 7 - 0

**I. ROLL CALL**

The regularly scheduled Planning Board meeting was called to order by Chairman H. Milliken at 7:30 PM.

**II. READING OF THE MINUTES**

**MOTION:** By H. Skelton, seconded by D. Theriault to accept the minutes of December 12, 1995 and place on file.

**VOTE:** Passed 7 - 0

**III. CORRESPONDENCE**

**MOTION:** By M. Goulet, seconded by H. Skelton to accept the memo from Steve Johnson dtd 1/8/96 re: Lewiston Library Expansion Site Plan.

**VOTE:** Passed 7 - 0

**IV. REVIEW OF DEVELOPMENT PROPOSALS - FINAL HEARING**

A. Chalet Motel Lounge and Restaurant Addition - Revision 2 (1243 Lisbon Street)

Mr. Dycio informed the Board that Martin Finley has submitted plans for a proposal to amend an approved site plan where the proposed second floor addition will be increased by 3,324 square feet. The project was initially approved by the Planning Board on June 14, 1994, and subsequently amended on April 11, 1995 to clarify a small four (4) foot jog in the footprint of the proposed addition. As outlined under Article XIII, Section 3 (l)(7) of the Zoning and Land Use Code, the proposed amendment is defined as a minor amendment and therefore only requires one meeting before the Planning Board.

Pursuant to Article XIII, Section 3 (h)(5), the applicant is requesting one modification and a number of non-applicable status requests to the application requirements listed under Section 3 (h)(1-4). Upon review of the requests Staff finds that, in our opinion, the requests are justified and recommends that the Board grant them.

The Planning Staff has forwarded copies of the proposal to the Police, Fire and Public Works departments for their review and comments (see attached comments). Although no comments were received from Public Works as of the

date of this memo, the Planning Staff has discussed the project in detail with a representative from Public Works and they have expressed no major concerns with the project.

The only change to the site plan is the re-alignment of the parking stalls along the northwesterly property line, adjacent to Olive Street, where the parking stalls are now shown as perpendicular stalls rather than angled, and eleven (11) additional parking stalls have been added. The Lisbon Street widening project required the State to take some land from the property at the entrance location which has improved the means by which traffic enters and exits the site, and has allowed the

*City of Lewiston*  
**PLANNING BOARD MEETING**  
**MINUTES OF JANUARY 9, 1996**

applicant to provide additional parking for the expansion. Upon review of the parking demand for the expansion, the Planning Staff finds that, in our opinion, the additional parking provided meets and exceeds the required parking. Therefore, the Planning Staff has no concerns with the proposed second-story addition.

The Planning Staff has reviewed the plans against the applicable criteria outlined under Article XIII, Section 4 (a-u) of the Zoning and Land Use Code and finds that, in our opinion, the plans meet all of the criteria. Therefore, the Planning Staff recommends that the Planning Board grant final approval to the project. In closing, it was noted that Mr. Finley was present for any questions. It was also noted that Mr. Finley will need to go before the Board of Appeals.

Chairman Milliken opened and then subsequently closed the Public Hearing portion of the meeting after receiving no comments or questions.

**MOTION:** By M. Goulet, seconded by D. Theriault that the requested waivers of submission requirements by the Chalet Motel, Lounge and Restaurant Addition - Revision 2 be granted because of the size of the project and the circumstances of the site such requirements would not be applicable or would be an unnecessary burden upon the applicant and that such waivers do not adversely affect the abutting landowners or the general health, safety and welfare of the City.

**VOTE:** Passed 7 - 0

**MOTION:** By M. Goulet, seconded by D. Jacques that the application of the Chalet Motel, Lounge and Restaurant Addition - Revision 2, meets all of the approval criteria under Article XIII, Section 4 and further that the Board grant final approval conditional on the Board of Appeals approval.

**VOTE:** Passed 7 - 0

**B. Lot #1, Spare-Time Recreation Subdivision (Mollison Way)**

Mr. Dycio informed the Board that Stephan Myers, of Platz Associates, on behalf of Lewiston Raceways, Inc., has submitted plans for a proposal to construct a 3,000 square foot commercial building, and a 2,872 square foot pharmacy with a drive-thru, located on Lot #1 of the Spare-Time Recreation Subdivision, off Mollison Way. The area under consideration is located in the Community Business (CB) District where retail stores and business offices are permitted as a matter of right.

A 1994 amendment to the Zoning and Land Use Code, regarding the development of lots within a commercial or industrial subdivision that has been reviewed and approved by the Planning Board since January 9, 1988, states that only one meeting is required before the Planning Board for these types of projects (see attached amendment).

Pursuant to Article XIII, Section 3 (h)(5), the applicant is requesting a number of non-applicable status requests to the application requirements listed under Section 3 (h)(1-4) (see application for Development Review). Upon review of the requests Staff finds that, in our opinion, the requests are justified and recommends that the Planning Board approve them. The Planning Staff has forwarded copies of the proposal to the Police, Fire and Public Works

*City of Lewiston*  
**PLANNING BOARD MEETING**  
***MINUTES OF JANUARY 9, 1996***

departments for their review and comments (see attached comments). Although Public Works has four (4) concerns to be addressed, they feel that these issues can be easily addressed and should not hold up the project's approvals.

One other issue that the project has raised is how to treat the property line to the rear of proposed building #1 (the approximately 50' x 30' x 30' x 80' trapezoidal area). Research indicates that the area was a separate lot deeded by the All Maine Fair Association to the State of Maine back in 1936. It is the Planning Staff's opinion that this property was never intended to be part of the Main Street right-of-way, and therefore it's adjoining property lines can be treated as a side or rear line, and the setbacks can be based on side and rear standards. Staff recommends the Board concur with that finding.

The Planning Board also has the ability, in conjunction with development review, to reduce the side and/or rear yard requirement in both the Highway Business (HB) and Community Business (CB) Districts, to zero if necessitated by the project's design. The design, as submitted, shows the drive-thru lane as being 2-3 feet from the property line. Due to the unique nature of the lot under consideration and the requirements of the design, the Planning Staff supports the reduction of the side yard area. The building location meets all space and bulk standards.

The Planning Staff has reviewed the project's application and finds that, in our opinion, the application is complete. Staff asks that the Planning Board consider the project's application and, if it is found to be complete, determine it complete. Staff has also reviewed the plans against the applicable criteria outlined under Article XIII, Section 4 (a-u) of the Zoning and Land Use Code and finds that, in our opinion, the plans meet all of the criteria. Therefore, the Planning Staff recommends that the Board grant final approval and Mr. Dycio noted in closing that Public Works has no concerns. It was noted that Stephan Myers, Jim Day and Stan Tetenman were present for questions.

General discussion ensued which involved the reduction of water lines and that Lot #1 is an already approved subdivision and that the applicant will be contacting the Code Enforcement Division in the morning.

**MOTION:** By T. Peters, seconded by M. Goulet that the application for Lot #1, Spare-Time Recreation Subdivision (Mollison Way) be determined to be complete.

**VOTE:** Passed 7 - 0

**MOTION:** By H. Skelton, seconded by M. Goulet that since this portion of State owned property does not meet City definition of right-of-way, that portion of the property line that is jogged can be considered a side or rear property line and therefore the side and rear property lines setbacks may be adhered to rather than a front property line setback.

**VOTE:** Passed 7 - 0

**MOTION:** By H. Skelton, seconded by D. Theriault, that the requested waivers of submission requirements by Spare-Time Recreation Subdivision be granted because of the size of the project and the circumstances of the site such requirements would not be

*City of Lewiston*  
**PLANNING BOARD MEETING**  
***MINUTES OF JANUARY 9, 1996***

applicable or would be an unnecessary burden upon the applicant and that such waivers do not adversely affect the abutting landowners or the general health, safety and welfare of the City.

**VOTE:** Passed 7 - 0

**MOTION:** By M. Goulet, seconded D. Theriault that the Board find that the application of Spare-Time Recreation Subdivision meets all of the approval criteria under Article XIII, Section 4 and further that the Board grant final approval to the project.

**VOTE:** Passed 7 - 0

C. Lewiston Public Library Expansion ( Park and Lisbon Streets)

Mr. Dycio informed the Board that, on behalf of the City of Lewiston, LaRochelle & Associates, Inc. has submitted plans for the construction of a 1444 sq. ft, 3-story addition to the rear of the existing library (total 4,332 sq.ft..) a 735 sq.ft., 3-story connector (total 1470 sq.ft..) over the Park Street Alley, connecting the existing library with the Pilsbury Block; and renovations to the 4,826 sq.ft., 4-story Pilsbury Block (total 19,304 sq.ft..). The project is located in the Downtown (D) District where municipal buildings and facilities are permitted as a matter of right.

Pursuant to Article XIII, Section 3 (h)(5), the applicant is requesting one modification and a number of non-applicable status requests to the application requirements listed under Section 3 (h)(1-4). Upon review of the requests Staff finds that, in our opinion, the requests are justified and recommends that the Board grant them.

The purview of the Planning Board concerning Development Review is only for the new addition and connector components of the project. The renovation of both the Pilsbury Block and the existing library have been determined to be non-intensifications of their prior use.

With respect to the crossing of the Park Street Alley, Staff has been supplied, by the City Clerk's Office, a copy of the eminent domain action taken by the Lewiston City Council on March 22, 1873 to acquire the alley. We anticipate few or no issues from other departments concerning the expansion project. Public Works will be engaged in construction monitoring throughout the project.

The Planning Staff has reviewed the plans against the applicable criteria outlined under Article XIII, Section 4 (a-u) of the Zoning and Land Use Code and finds that, in our opinion, the plans meet all of the criteria. Therefore, the Planning Staff recommends that the Planning Board grant final approval to the project. Mr. Dycio noted concerns from the Fire Department regarding access to the alley and the need for a minimum of fourteen (14) feet clearance over the full width of the alley for emergency vehicle access. The Police Department has stated concerns over adequate parking provisions. Mr. Dycio also noted a provision in the Zoning and Land Use Code that all projects within five hundred (500) of the municipal parking garage or municipal parking lot are not required to provide additional off street parking and Staff feels that there is satisfactory parking within those municipal facilities. Library Director Rick Speer as well as Don LaRochelle of LaRochelle & Associates are present this evening for questions as well as abutter Attorney Robert Laskoff of 103 Park Street.

Mr. LaRochelle presented a model of the connector noting that it will be primary

*City of Lewiston*  
**PLANNING BOARD MEETING**  
***MINUTES OF JANUARY 9, 1996***

constructed of glass and consist of two levels. It was noted that the project has gone through the approval process with the Historic Preservation Review Board. Also noted was the request from the Fire Department that fourteen (14) feet of clearance be maintained under the connector. This may require the removal of the proposed steel beam under the connector. The steel beam is proposed to protect the connector and is not providing support to the structure. Also proposed is a new carrying structure to replace the wood structured floor in the Pilsbury.

Discussion ensued in which parking, or lack of, was the primary focus. The possibility of reclassifying City Council parking on Pine to Street to designated handicap areas was discussed. Also discussed was whether the adaptive re-use of the building does in fact require additional parking be made available.

Attorney Laskoff's concerns were the loss of light in the alley, the height of the connector may impede rescue vehicles and whether this lack of height would also hinder delivery trucks.

S. Levesque referred to the Downtown Action Plan which involved an inventory of available parking noting that there is not a parking shortage but instead a need for better parking management. He noted that with restriping, 200 more spaces can be added to the municipal parking lot and also informed the Board that the municipal garage was designed to accommodate two additional levels to the existing structure. H. Milliken requested that S. Levesque provide additional information from the parking survey at the next Board meeting on January 23rd. M. Goulet also requested clarification of Police Chief Kelly's remarks regarding the lack of parking in the downtown area. In closing, D. Theriault requested to go on file stating that ".....the Planning Board has been excluded on many issues regarding the library expansion without explanation".

**MOTION:** By H. Skelton, seconded by D. Jacques that the requested waivers of submission requirements by the Lewiston Public Library Expansion be granted because of the size of the project and the circumstances of the site such requirements would not be applicable or would be an unnecessary burden upon the applicant and that such waivers do not adversely affect the abutting landowners or the general health, safety and welfare of the City.

**VOTE:** Passed 6 - 0 - 1 (T. Peters abstained from voting)

**MOTION:** By T. Peters, seconded by D. Theriault to table any action on the library expansion until further information/data can be reviewed regarding the sunlight, loss of, issue as well as clarification on what safety issues will be effected by the possible lack of parking.

Discussion continued at this point in which G. Dycio informed the Board that there is nothing specific regarding loss of solar access except in the review of an application for a Conditional Use Permit where a proposed structure would have an undue impact on an abutter's property. It was also noted that when the City owns two buildings and, accordingly, the alley way between them, there are no distinct property lines or set backs which have to be met. S. Levesque noted to the Board that technically, this issue did not have to come before the Planning Board but he would transmit data on the project as it becomes available to him. R. Speer expressed concern over budge overruns. D. LaRochelle advised that a solar study would cost the City approximately \$400 to \$500.

**VOTE:** Passed 4 - 3

*City of Lewiston*  
**PLANNING BOARD MEETING**  
***MINUTES OF JANUARY 9, 1996***

**V.     OTHER BUSINESS**

A.     Dwinal Rezoning Proposal (11-15 Dyer Road)

Motion to reaffirm vote, which was made earlier this evening, was noted.

B.     Comp Plan Update

Since J. Lysen was not present at this meeting, the Comp Plan Update will be presented at the next meeting of January 23, 1996.

**VI.    ADJOURNMENT**

**MOTION:**    By D. Theriault, seconded by M. Goulet to adjourn the meeting at 8:50PM.

**VOTE:**       Passed 7 - 0

Respectfully submitted,

Marc Goulet  
Secretary