

**City of Lewiston**  
**PLANNING BOARD MEETING**  
*Minutes of March 26, 1996*

**I. ROLL CALL**

The meeting was called to order at 6:32PM

Members present: Chairman Harry Milliken, Harold Skelton, Denis Theriault, Thomas Peters, Marc Goulet

Late arrivals: David Jacques, Lewis Zidle

Staff present: Steven H. Levesque, Director of Development  
James Andrews, Community Development Director  
Ken St. Amand, Rehab Loan Specialist  
George M. Dycio, Planning Coordinator  
Christina Revell, Recording Secretary

**II. READING OF THE MINUTES**

**MOTION:** By Mr. Peters, seconded by Mr. Skelton to accept the minutes of February 22, 1996 and place on file.

**VOTE:** Passed 5 - 0

**MOTION:** By Mr. Goulet, seconded by Mr. Theriault to accept the minutes of March 12, 1996 and place on file.

**VOTE:** Passed 5 - 0 - 2 (Mr. Skelton and Mr. Peters abstained from vote since they were not present at this meeting.)

**VI. OTHER BUSINESS**

A. Chairman Milliken reviewed his and Mr. Theriault's attendance at the Lincoln Land Institute Policy Forum Workshop. A video and role playing were part of the session. The next meeting will cover traffic land use and roads on April 20th.

B. Meeting with City Attorney

Chairman Milliken presented a list of questions to be addressed by the city attorney. This list was added to the original two lists compiled by Mr. Theriault.

**MOTION:** By Mr. Peters, seconded by Mr. Skelton to hold a workshop between the Planning Board and city attorney Bob Hark on Tuesday, April 30, 1996, commencing at 7:00PM until concluded.

**VOTE:** Passed 7 - 0

It was decided to hold the workshop in the City Council Chambers and to advise the Sun Journal accordingly so public notice can be given. Milliken requested the recording secretary to inform Attorney Hark of the Board's action and to make whatever arrangements necessary. General discussion ensued over when it was

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appropriate for the Board to enter into Executive Session and in what manner questions should be addressed to Attorney Hark.

C.     Comp Plan

No update.

D.     Reconsideration of Board Action

**MOTION:**    By Mr. Theriault, seconded by Mr. Peters to hold action on the reconsideration of vote to send favorable recommendation to City Council regarding proposed amendment to the Zoning and Land Use Code making the development of any City-owned property applicable for Development Review under Article XIII of the Zoning and Land Use Code until the April 30th meeting with Attorney Hark.

**VOTE:**        Passed 7 - 0

**III.     CORRESPONDENCE**

**MOTION:**    By Mr. Theriault, seconded by Mr. Skelton to accept the following correspondence and place on file:

Memo from Assistant City Administrator Peter Crichton to City Administrator Robert Mulready dated 3/14/96 regarding Computer Ad-hoc Committee Recommendations; letter dated March 13, 1996 from Head Start program .

**VOTE:**        Passed 7 - 0

At this point Chairman Milliken called for a five minute recess reconvening at 7:00PM.

**IV.     PUBLIC HEARING**

Mr. Andrews reviewed the CDBG process with the Board ending with a description of the scoring criteria on public service agencies. Based upon available funding, it was noted that \$240,000 was needed in cuts from all requests received.

The Board then went line by line on each request after which Milliken opened the Public Hearing portion of the meeting at which time the following individuals came forward:

\* J. Michel Patry, Creative Photographic Arts Center of Maine  
Commended the Board on their time and effort  
Feels the Bike Path is an important request

\* Joan Cass, Big Brothers/Big Sisters  
Thanked the Board for their time and effort

\* Martha Breunig, YWCA

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Questioned why the low score, Mr. Andrews advised that they were a duplication of services to which Ms. Breunig appealed to the Board noting that they were the only agency addressing teen pregnancy which has a strong school link and addresses needs on both sides of the river.

\* Lou Wong, Abused Women's Advocacy Program  
Noted that 21% of their clients are from Lewiston area  
Noted that they are losing their low rent location at City Hall  
Program addressed single parent mothers

\* Estelle Rubinstein, Childhood Enrichment/Extended Day (Head Start)  
Thanked Board for their support

\* Craig Shea, Tri-County Health  
Have already eliminated 13 positions and respectfully requests that the Board reconsider

\* Dick Armstrong, Western Maine Transportation Services  
Requested that the Board reconsider the decision noting that WMTS is the only service addressing the transportation needs of the lower income population, buses are non-profit, is only ADA paratransit in area.

Close of Public Hearing, back to Board for action.

Mr. Peters encouraged any Board members to accompany staff member Jackie Grenier when she conducts her monitoring process of public services.

**MOTION:** By Mr. Theriault, seconded by Mr. Peters to send a favorable recommendation to the City Council regarding Fiscal year 1997 Community Development block Grant proposals per attached Planning Board Recommendations listing.

**VOTE:** Passed 7 - 0

It was noted that this recommendation will be heard by the City Council at their meeting of April 30, 1996.

At this point Milliken called for a five minute recess with the meeting reconvening at 8:54PM. At this point Councilor Frank Kelly came forward and requested that he be notified of the date for the workshop between the Planning Board and Attorney Hark.

**V. REVIEW OF DEVELOPMENT PROPOSALS - PRE-APPLICATION**

**A. Bates College - Maintenance Building & Access Road**

Paul LaRochelle, of LaRochelle and Associates, Inc., on behalf of the President and Trustees of Bates College, has submitted plans for a proposal to construct a 30,000+ square foot, (approximately 138' x 130') two-story maintenance building adjacent to the existing energy plant located behind the Merrill Gym. An access road is also being proposed from the maintenance building to Campus Avenue (see attached plans).

Pursuant to Article XIII, Section (h)(5), the applicant is requesting a number of waivers,

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modifications and non-applicable status requests to the application requirements listed under Section 3(h)(1-4). Upon review of the requests Staff finds that the requests are justified and recommends that the Board grant them.

The Planning Staff has conducted a preliminary review of the plans and has no concerns at this time. Copies of the plans have been sent to the Police, Fire and Public Works Departments for their review and comments. However, as of the date of this memo Staff has not received any comments. The Planning Staff encourages the applicant to proceed with the project keeping both the Planning Board's and Staff's comments in mind.

Bernie Carpenter of Bates came forward noting that this project is consistent with the goals of the campus and this will make site available for academic use. Mr. Dycio noted that since 5/16/88 5.9 acres of impervious surface has been created; after 7.0 acres, project will have to go through full D.E.P review. It was also noted that abutters can waive buffer requirements.

**MOTION:** By Mr. Theriault, seconded by Mr. Zidle that the requested waivers of submission requirements by Bates College 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 (Mr. Skelton abstained due to his professional relationship with the applicant.)

**B. Simard and Sons - Company Headquarters**

Bob Faunce, of Technical Services, Inc., on behalf of Simard and Sons, has submitted plans for a proposal to construct a 1,260 square foot, single-story office building with an attached 5,000 square foot warehouse and associated parking as part of Phase I of the project, while a 5,000 square foot warehouse addition and associated parking is proposed for Phase II of the project. The area under consideration is identified as Lot 3B of the Trident Park subdivision which is located in the Industrial (I) District where building and construction contractors are permitted as a matter of right.

Pursuant to Article XIII, Section 3(h)(5), the applicant is requesting a number of waivers, modifications and non-applicable status requests to the application requirements listed under Section 3(h)(1-4). Upon review of the requests Staff finds that most of the requests are justified and recommends that the Board grant all of them except the waiver request on proposed signs. In Staff's opinion, the applicant should have no trouble identifying the proposed sign location on the site plan at this time.

The Planning Staff has reviewed the site plan and has some concerns with what the applicant is proposing at this time. Upon review of the plans Staff offers the following comments:

- 1) Staff is concerned with the project's impact on the 50' buffer that must remain in a natural vegetative state. The applicant proposes to remove a number of trees in the buffer for grading purposes. The note on the plans referring to the buffer states that it remain in a natural vegetative state, and the greatest amount of tree

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removal is at the northerly location of the site. As outlined under Article XIII, Section 4 (k), Natural Features (page 155), the landscape must be preserved in its natural state insofar as practical by minimizing tree removal, and subsection (2) clearly states that the cutting of trees on the northerly borders of the development will be avoided to the extent possible to retain a natural wind buffer. In Staff's opinion, the applicant should consider shifting the proposed buildings to a different location on the site to avoid grading within the 50' buffer, or provide the necessary information as to why they cannot be relocated or shifted elsewhere.

In addition, Staff has some concerns with the elimination of five (5) large pine trees within the buffer to the northwest. The applicant seems to be concerned with these trees being blown over by strong winds. One such tree has already fallen on an abutting property. In Staff's opinion, a forester or other professional should review the status of these 5 trees and submit a report to the Board indicating whether or not they are prone to the effects of strong winds, or identify any other existing conditions that would cause these trees to fall in the near future. Staff asks that the applicant address the buffer issue with the Planning Board.

- 2) Staff has some concerns with the maneuvering of trucks on site which the applicant's representative states is not possible (see letter to Planning Board chairman in bound materials). Article XIII, Section 4 (d) (1) states that nonresidential projects will provide a clear route for delivery vehicles with appropriate geometric design to allow turning and backing for WB-40 (wheel-base 40') vehicles. In Staff's opinion, there is sufficient maneuvering room for such vehicles on site, will regrade Phase 2.

Staff's concern is that trucks backing in from the street must back up for a distance of over 150 feet before they would reach the warehouse location, and the trucks would have to back up through the parking area which, in Staff's opinion, does not provide for safe and convenient circulation of vehicles on site. Staff suggests that the Phase II gravel area be graded as part of Phase I to provide the required maneuvering room as outlined in the code.

Copies of the plans have been sent to the Police, Fire and Public Works Departments for their review and comments. However, as of the date of this memo Staff has only received comments from the Police Department (see attached comments) and Public Works. All additional comments will be forwarded to the Board as soon as they are received.

The letter from the applicant's representative to the Planning Board Chairman requests that the Planning Board consider both Pre-Application and Determination of Completeness at the same time. As such, Staff has reviewed the project's application for completion and offers the following comments:

- 1) A construction schedule has not been submitted to date. Staff asks that the applicant submit a construction/phase plan schedule indicating anticipated beginning and completion dates for both phase I and II of the project.
- 2) A planting schedule has not been submitted to date. Staff asks that the applicant submit a planting schedule indicating the anticipated dates for planting of street trees, on-site landscaping, and replacement buffer trees where existing trees within the 50' buffer are being removed (see site plan and 50' buffer).

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Although these two schedules have not been submitted, Staff finds that, in our opinion, the application is substantially complete. Staff asks that these schedules be submitted as soon as possible so that Staff may review and comment on them.

The Planning Staff asks that the Planning Board review the project's application and, if it is found to be complete, Staff recommends that the Board schedule the project for a final hearing at the next Planning Board meeting (April 9th). Mr. Dycio closed by stating that he has received calls from Councilor Putnam questioning what will be stored on site and will their be noise and/or odors of any consequence. Abutters have also voiced concerns.

Bob Faunce presented plans and discussed the history of the project. General discussion ensued over which the following was noted: Lot 3A was approved in 1994 for Custom Metal Roofs; Simard has been pulling and installing tanks for 68 years from their location on Sabattus Street; there will be outside storage such as pipes, loam or gravel; tanks are opened and swabbed either on site of removal or back at yard before being destroyed; buffer was approved by Planning Board in 1990 and that buffer trees may suffer from potential building site and will have to be replaced; culvert will be installed to the pond; can build up to 50' buffer zone; deciduous trees are not considered buffer; potential lay down area was discussed; Phase Two area will be graded during Phase One; tanks an vary from 100 gallons to 10,000 gallons. Elwin Scott of Simard noted that tanks are sucked out and then wiped down.

The following abutters asked to be recognized and voiced the following:

\* Gertrude Mynahan, 697 Webster Street

Displayed pictures she recently took illustrating how view would be blocked; noted other businesses in area are excellent neighbors; stated concerns over possible toxic waste and excessive noise; questioned whether additional construction will happen in the future and noted concern over blow down trees.

\* Lorraine Comeau, Webster Street

Questioned whether this was a "done deal"?; feels she was misled as to who her neighbors might be and was not advised of the project until March 19th of this year.

E. Scott added that operating hours will be from 6AM until 6PM, 5 days per week.

Intense discussion ensued between the applicants and abutters in which the following items were noted: applicant unable to re-situate building due to pond and set back requirements; blow down trees major issue; applicant feels buffer can be placed wherever applicant wishes. After extensive debate, it was suggested that project be tabled until site visit could be arranged.

**MOTION:** By Mr. Goulet, seconded by Mr. Skelton to determine the application complete and further, that a site visit be conducted at 5:30PM on Tuesday, April 9th; after which the Board will hear the project for a final hearing.

**VOTE:** Passed 7 -0

**MOTION:** By Mr. Goulet, seconded by Mr. Skelton that the requested waivers of submission requirements by Simard and Sons be granted

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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

**VII. ADJOURNMENT**

**MOTION:** By Mr. Theriault, seconded by Mr. Peters to adjourn the meeting at 10:39PM.

**VOTE:** Passed 7 - 0

Respectfully submitted,

Marc Goulet  
Secretary