

City of Lewiston
PLANNING BOARD MEETING
Minutes of April 9, 1996

At 5:30PM the Planning Board, accompanied by staff, conducted a site visit at Lot 3B of Trident Park subdivision, the proposed location of Simard and Sons' company headquarters, before beginning their regularly scheduled meeting this evening.

I. ROLL CALL

The meeting was called to order at 7:05PM

Members present: H. Milliken, H. Skelton, D. Theriault, D. Jacques, T. Peters
Members absent: M. Goulet
Late arrival: L. Zidle
Staff present: G. Dycio, S. Levesque, C. Revell

II. READING OF THE MINUTES

MOTION: By Mr. Theriault, seconded by Mr. Skelton to accept the minutes of March 26, 1996 and place on file.

VOTE: Passed 5 - 0

III. CORRESPONDENCE

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

- * Memo dtd 4/9/96 from Councilor B. Putnam to H. Milliken re: Simard & Sons;
- * Ltrr dtd 4/1/96 from G. Dycio to Councilor B. Putnam re: site visit to Simard & Sons;
- * Ltrr dtd 2/26/90 from R. Faunce to Planning Board C. Tracy re: Trident Park - Revision II;
- * Approved minutes from the 3/27/90 Planning Board meeting re: Lot #3, Trident Park.

VOTE: Passed 5 - 0

IV. REVIEW OF DEVELOPMENT PROPOSALS - FINAL HEARING

A. River Road Industrial Park - Third Revision

Mr. Dycio informed the Board that Arthur W. Montana, on behalf of Tassel & Associates, has submitted plans for a proposed amendment to a private industrial/commercial development where easements for mineral rights and an old property line across Lot/Unit #7 are being proposed. As outlined under Article XIII, Section 3 (l)(7), the proposal 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 a number of waivers and 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. Staff would also like to point out that the waiver requests are essentially non-applicable due to the request before the Board and should be viewed as such.

The Planning Staff has reviewed the revise plans and has no concerns at this time. In discussing the project with representatives from the Police, Fire and Public Works Departments Staff finds that they also have no concerns. Therefore, the Planning Staff finds that, in our opinion, the project meets all of the applicable

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requirements listed under Article XIII, Section 4 (a–u) and recommends that the Board grant final approval to the project.

Mr. Montana came forward to update the Board on revisions, circulated corrected plans noting the following added items: easement on electrical; additional culvert; mining rights added. Noting that the applicant will be closing tomorrow, Mr. Montana requested that the Board approve and sign the mylar tonight.

Chairman Milliken opened and then subsequently closed the public hearing portion of the meeting after receiving no response from the audience.

MOTION: By Mr. Theriault, seconded by Mr. Skelton that the requested waivers of submission requirements by River Road Industrial Park- Third Revision, 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

MOTION: By Mr. Theriault, seconded by Mr. Skelton that the application of River Road Industrial Park - Third Revision, meets all of the approval criteria under Article XIII, Section 4, and further that the Board grant final approval to the project.

VOTE: Passed 6 - 0

Chairman Milliken signed the accepted mylar for the applicant.

B. Simard and Sons - Company Headquarters

Mr. Dycio informed the Board that 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.

The project had its Pre–Application conference at the March 26th Planning Board meeting at which time the applicant requested that the Planning Board review the project's application for completeness. Upon review of the application the Planning Board determined the application to be substantially complete. The Board then scheduled a site visit prior to the April 9th meeting in order to walk the site and determine what impact the proposed project may have on abutting properties.

The Planning Staff meet with the applicant, his representatives and the Fire Department to discuss some of the issues associated with the project. The Fire Department is satisfied with the proposed plans and finds that the applicant will be in conformance with all regulations regarding the proposed business.

In discussing the plans with the applicant's representative, Staff has been told that the applicant will provide the required screening of all storage and service areas on the site. The required fifty (50) buffer separating the use from the residential uses meets the buffering standards found in the code, however the applicant will

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be required to screen the storage and service areas with a six (6) foot high stockade fence. The applicant will revise the plans in time for the April 9th meeting.

A revised construction schedule will be forwarded for Staff's review, as well as, a planting schedule indicating types and sizes of the proposed plantings. With respect to the five (5) pines the applicant proposes to remove, Staff finds that the code allows improvements to the buffer where necessary. The applicant proposes to remove up to five trees within the 50' buffer area for safety purposes and replace them with six (6) new pines. Staff has advised the applicant to replace these trees where they would provide the greatest amount of screening.

The Planning Staff has reviewed the proposed project against the approval criteria outlined under Article XIII, Section 4 (a-u) of the Zoning and Land Use Code and finds that, in our opinion, the project meets all of the applicable criteria. Staff has received and reviewed the revised plans and recommends that the Board approve the project with the condition that the revised plans indicate the changes that are necessary for compliance.

Board discussion ensued at which time Mr. Dycio cited Article XI, Section 13 and Article XIII, Subsection u noting that the Code looks for harmony in screening and buffering of which there is a stated difference between the two. Subsection f, page 83 also details the criteria maintenance of buffers with the Site Plan Review and Design Guidelines. At this point the Board went into extensive review of the Code regarding all quoted material on zoning and buffering.

Per Board request, Mr. Faunce reviewed the project referring back to the 1990 plan and then noting changes to the original buffering plans which will involve moving the front of the building forward to allow for re-contouring of the land which would also allow for re-contouring of parking lot; a 50' x 50' fenced in storage area six feet in height will be constructed with chain link fence and slats to block vision. Referencing back to 1958 when Trident Park was originally a recreation area named Paradise Park, Mr. Faunce noted that this area has always been zoned "Industrial" and was the location of a motorcycle track for a brief time. The area was later bought by the Lewiston Development Corporation and subsequently subdivided.

At this point, the Board entered discussion regarding the letter received by Elwin Scott of Simard and Sons from the Department of Environmental Protection dated 4/5/96. This was in response to Mr. Scott's request for clarification concerning the difference between an area acceptable for cleaning and temporary storage of removed underground storage tank (UST) and an underground oil storage tank processing facility as defined in Chapter 691; Appendix L.

Continued discussion revealed the Simard does not cut up tanks, just wipes down and disposes. Tanks are cleaned on a clear day to avoid vapors accumulating on ground. It takes approximately 4 hours to clean a 10,000+ gallon tank which requires a compressor running during that length of time. Tanks are externally cleaned on site before removing to Simard's location. Failure to do so is punishable by DOT. It was noted here that the Lewiston Fire Chief will review the final construction of this project before giving approval. Also noted was the fact that Simard has never received a citation in 68 years from the DOT. Also discussed was the fact that most of Simard's jobs are out of town and that they are currently operating out of a residential apartment. Simard only brought back 4 of the 40 to 50 tanks they removed last year to their yard location. It is Simard's eventual plan to be involved with tank installation only and the primary reason for this move is the lack of storage space at their current location.

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Further discussion noted that 40 to 50% of trees have been removed from development window since original approval in 1990. Mr. Theriault quoted Section 4, "Natural Features" of Code states that an area may be required to be revegetated if 60% or more of the vegetation has been removed. At this point Chairman Milliken opened the public hearing portion of the meeting. Following are those individuals who wished to be recognized.

Gertrude Mynahan, Webster Street

Presented the Board with a petition drafted by Webster Street resident Sue Littlefield in which is stated the concerns of fellow Webster Street residents. Those concerns are: air pollution; ground pollution; noise; running trucks; loss of wetlands; lessening of the buffer zone; resale value of homes. Mrs. Mynahan, accompanied by seven other Webster street residents, circulated photographs which were she took at the Simard's current place of business on Sabattus Street. Mrs. Mynahan also read from a prepared letter in which she stated four concerns: alterations to the fifty foot buffer zone; storage of materials including tanks, on site; proposed gravel area on site; and, noise. She requested that the Board not act hastily but consider each concern individually. Chairman Milliken requested no more comments from the audience until the Board could review each concern. The following was determined:

1. Air pollution - Not believed possible.
2. Ground pollution - None.
3. Running trucks - small diesel only currently being used.
4. Loss of wetlands - Pond is covered under Army Corp of Engineers and is classified "wetland" only around pond and the proposed project is not encroaching on pond.
5. Lessing of buffer - Will not be changed from original plan, only five trees previously mentioned to which applicant will replace with six. Mr. Gotto acknowledged at this point that the applicant is responsible for the first year of buffer vegetation but would be willing to extend this responsibility to three years.
6. Noise - Small backhoe is only heavy equipment owned by Simard; back up alarms are exempt from decible level standards; there are no plans for air conditioning or compressors. The DEP has decided that the applicant is not a processing facility.
7. Resale value - It was determined that all abutters should have been aware that the abutting land was zoned for industrial uses. The public hearing was continued at this point.

Stan Nzengeleski - 683 Webster Street

Questioned where compressor will be located. Mr. Levesque informed that the fire department will have to inspect area first to see where tanks are going to be stored and it may even be decided that tanks cannot be cleaned on site.

Chairman Milliken advised at this point that Code Enforcement will police adherence to any and all conditions of approval which may be forthcoming. Mr. Scott offered to work with all abutters if they have complaints, requested that these complaints be transmitted to him first.

Mary Nzengeleski - 683 Webster Street

Wishes only to have the right thing done and does not want to appear as if harrassing the applicant.

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Andy Lachance - 687 Webster Street

Questions storage area which was added since first submittal of plans in 1990. Mrs. Mynahan suggested that any pipes be stored inside building.

Chairman Milliken closed public hearing portion of the meeting and brought it back to the Board for action.

MOTION: By Mr. Skelton, seconded by Mr. Theriault, that the Board find that the application of Simard and Sons meets all of the approval criteria under Article XIII, Section 4 and further that the Board grant final approval to the project subject to the following conditions:

- * On compliance with Chapter 691 of the DEP Regulations where applicable;
- * Six white pines be planted to replace the five pines proposed to be removed and that their placement be to the satisfaction of the Land Use Inspector and Mrs. Comeau and that they be six feet in height at time of planting. Further the applicant will guarantee these trees for a period of three (3) years from time of planting.

VOTE: Passed 6 - 0

Chairman Milliken called for a five minute recess at this point. The Board then reconvened at 9:55PM at which time Milliken requested that staff provide the Board each with a copy of the Site Plan Review and Design Guidelines. Mr. Milliken also added that the Board would like the guidelines updated where necessary. Mr. Levesque volunteered that future ordinances will comply with the Growth management Act.

V. REVIEW OF DEVELOPMENT PROPOSALS -PRE-APPLICATION

A. U.S.D.A. Building - Lot #11, South Park

Mr. Dycio informed the Board that Gary J. Hagan, of the Kinsley Pond Company, has submitted plans for a proposal to construct a 10,500 square foot, single-story spec. building on Lot #11 of the South Lewiston Industrial Park, off Goddard Road. The applicant will be leasing the building to the United States Department of Agriculture as a regional office for both Androscoggin and Sagadahoc County. The Planning Director has determined that the proposed use is an engineering, research, management and related services-type use. The property under consideration is located in the Industrial (I) District where such uses are permitted as a matter of right.

Pursuant to Article XIII, Section 3 (h)(5), the applicant is requesting a 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 conducted a preliminary review of the proposed plans and forwards the following comments:

- 1) The handicap parking stalls shown are not large enough to be van-accessible. The stall size should be 17 feet wide and 18 feet long at minimum.

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However, with an excess of parking shown on the plans Staff suggests that the abutting parking stalls be incorporated with the handicapped stalls shown to meet the minimum stall size requirements.

2) A total of 37 parking stalls are shown as not being paved. Staff would like the applicant to know that these excess parking spaces do not have to be paved (by Code), however the code requires those parking stalls that are not paved to be graded and surfaced with crush stone, gravel, or other suitable material to provide a surface that is stable and will help to reduce dust and erosion.

Copies of the proposed plans have been sent to the Fire, Police and Public Works Departments for their review and comments. As of the date of this memo Staff has received comments from the Police and Fire Departments (see attached comments). The Police Department has no concerns with the project, while the Fire Department is requiring the project to meet NAPA 101, Chapter 26 requirements for "New Businesses". Discussions with a representative from Public Works indicates that they do not have any major concerns with the project, but would like to see details for some of the detention pond structures shown on the plans. Comments from Public Works were distributed to the Board this evening.

The applicant has requested that the Planning Board consider both Pre-Application and Determination of Completeness at the same meeting. As such, the Planning Staff has reviewed the project's application for completeness and finds that in our opinion, the application is complete. Therefore, Staff recommends that the Board review the application for completeness and, if it is found to be complete, determine it complete and schedule the project for a Final Hearing at the next available Planning Board meeting (April 23rd).

MOTION: By Mr. Skelton, seconded by Mr. Theriault that the requested waivers of submission requirements by Kinsley Pond Company 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

MOTION: By Mr. Skelton, seconded by Mr. Theriault that the application of Kinsley Pond Company be determined to be complete and further move that final review of the completed application be scheduled on Tuesday, April 23rd at 7PM.

VOTE: Passed 6 - 0

VI. OTHER BUSINESS

A. Meeting with City Attorney

It was requested that the City Council be advised that the Planning Board will be meeting with Attorney Hark on Tuesday, April 30th and to forward a copy of questions posed by Chairman Milliken to Attorney Hark to be added to those previously submitted by Mr. Theriault.

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B. Proposed amendments to the Zoning and Land Use Code

MOTION: By Mr. Theriault, seconded by Mr. Peters to hold a public hearing on each of the following proposed amendment changes and to inform the Board of Appeals accordingly:

- * A proposed amendment to the definition of accessory Use;
- * A proposed amendment to the Low Density Residential (LDR) and Medium Density Residential (MDR) Districts regulations regarding the minimum lot sizes for "*all other uses*" serviced by, and not serviced by public sewerage.

VOTE: Passed 6 - 0

C. Myrtle Street Rezoning

The Board requested that Staff come up with several scenarios and return to next meeting with findings regarding the rezoning request for 16 Myrtle Street.

In closing, Mr. Levesque advised the Board of the grant received to update the comp plan to be more consistent with the Growth Management Act.

VII. ADJOURNMENT

MOTION: By Mr. Theriault, seconded by Mr. Skelton to adjourn the meeting at 10:15PM.

Respectfully submitted,

Marc Goulet
Secretary