

**City of Lewiston
PLANNING BOARD MEETING
Minutes of January 14, 1997**

I. ROLL CALL

The meeting was called to order at 6:05 P.M..

Members Present: H. Milliken, D. Jacques, L. Zidle, T. Peters, H. Skelton, D. Theriault

Staff Present: J. Lysen, G. Dycio, D. Ouellette, E. Friedman

II. ELECTION OF OFFICERS

MOTION: By T. Peters, seconded by H. Skelton to elect Harry Milliken as Chairman of the Lewiston City Planning Board.

VOTE: Passed 5-0-1 (Mr. Milliken abstained).

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

VOTE: Passed 5-0-1 (Mr. Skelton abstained).

MOTION: By H. Skelton, seconded by L. Zidle to elect Denis Theriault as Secretary of the Lewiston City Planning Board.

VOTE: Passed 5-0-1 (Mr. Theriault abstained).

III. DISCUSSION OF MEDIA RELATIONS

Mr. Milliken spoke about a motion made back in September 1996 regarding media relations - that all comments to the press should be directed through the chair. In December, Mr. Milliken said he made a request to the staff and board members to go through the chair regarding the media. He said it was the city attorney's opinion that the chair had the right to do this if he so wished--bylaws on page 7 make the chairperson "official spokesman for the board." Mr. Mulready had set up guidelines for the staff, not planning board members, yet the newspaper article said Mr. Mulready directed planning board members not to speak with a reporter and to go through the chair. He noted that the press is sometimes not at meetings and that things get reported incorrectly, i.e., press prints that something is going to be discussed as a public hearing when in fact it is not and the public comes to the meeting and is upset with the Planning Board for not discussing the issue they thought was on the agenda for that evening. Mr. Milliken further stated that video tapes, audio tapes and draft/final minutes were always accessible to the

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newspaper; the agenda is also accessible on the same day that the Planning Board members receive it. This is the same way that it is handled with the City Council.

Mr. Theriault said he felt that questions should be directed to the chair and went on to explain how Mr. Rosenthal harassed him and his family, how he was misquoted on several occasions and further stated that he did not want any direct contact by Mr. Rosenthal at his home and that he wanted questions directed through the chair.

Mr. Peters explained that free press is vital and that we needed a better policy to put forward the positive that the city is doing and that he personally chooses to go through the chair.

Mr. Zidle also stated that he prefers to comment through the chair and feels that personal opinions need to be kept out.

Mr. Skelton (after asking the Board if they had any objections to his commenting on this subject because his firm represents Sun-Journal - and hearing no objections) stated that he felt that sometimes things should go to individual planning board members. He does not mind speaking to the press especially when he's in disagreement with a particular vote.

Mr. Peters did not think that the motion precluded any member from speaking to press. He went on to explain how sometimes the public may read something in the newspaper where staff's opinion is quoted, come to the hearing, but feel that his opinion is not going to be taken into consideration because it's a "done deal." He further stated that until the Board votes on the issue, the topic is open to make their opinions known to the Planning Board.

Mr. Jacques said he thought the motion was not initially made to keep Planning Board Members from speaking to the press. He basically did not want the press to form an opinion when they are not present at the meeting..

Mr. Milliken said he wants a working relationship with the press based on a professional code of ethics.

Mr. Theriault cautioned the press to be careful not to lump everything under "Planning Board" that sometimes it is the development review and not Planning and the two should be distinguished.

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Mr. Milliken further explained about another story that was misrepresented in the paper regarding the Crowley Road turnpike exit. At this time Lisa Giguere, an editor from the Sun-Journal said that the newspaper would be happy to clarify any article written or make corrections whenever necessary. Dave Griffith, another editor, also said that although he would like to send a reporter to every meeting, that it was physically impossible. He said that after a meeting where a reporter was not able to attend, he would like someone from the Planning Board to go down the list of agenda and explain what happened at the meeting.

Mr. Peters read a proposed motion and gave a copy to each Planning Board Member (the proposed motion is attached to the minutes).

Mr. Skelton said that the press is entitled to request anything at any time it wants. A discussion followed between Mr. Peters and Mr. Skelton to modify the proposed motion.

Bob Mulready spoke that he felt communication break-down is part of the problem and thinks that Mike Rosenthal is a "pretty fair guy."

Mr. Skelton asked for more time to think over the proposed motion and asked to have it tabled. Mr. Peters asked other Board members if they felt the same. Mr. Theriault had no problem with the way it was presently written; whereas Mr. Skelton questioned if this proposed motion conformed with state law and that he did not feel the Board could adopt measures for staff ; that Mr. Mulready's memo already directed staff.

MOTION: by Mr. Skelton, seconded by Mr. Theriault to table this proposed motion until the Board has more time to review it.

VOTE: Passed 6-0.

George Dycio suggested that the newspaper could call staff, run through the agenda and ask what happened. Mr. Mulready agreed saying that it was the responsibility of George and Jim to say what happened and not to express personal comments on issues.

Mr. Peters suggested that the City Administrator take a look at the proposed Motion, review it and let the Planning Board know how it should read.

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IV. REVIEW OF PLANNING BOARD RULES AND PROCEDURES

MOTION: by Mr. Peters, seconded by Mr. Jacques to table the review of Planning Board Rules and Procedures until the next Planning Board meeting.

VOTE: Passed 6-0.

V. OTHER BUSINESS

No other business.

7:00PM Regularly Scheduled Meeting

I. ROLL CALL

II. READING OF THE MINUTES OF DECEMBER 10, 1996

Mr. Theriault pointed out that the motion listed in the minutes made by him was incorrect since he did not attend the meeting. The recording secretary was instructed to check the tapes to see who made the motion. (Mr. Goulet made the motion and the minutes have since been corrected). Mr. Milliken also pointed out that he was listed as having made a motion when he never does and to again check the tapes (Again, Mr. Goulet made this motion and the minutes have since been corrected).

VOTE: Passed 5-0-1 (Mr. Theriault abstained) to accept the minutes of 12/10/96 with the above modifications.

OTHER

At this time, Mr. Mulready made a presentation to the Board regarding the new turnpike entrance/exit near Grover Street and Crowley Road. This presentation was simply to keep the Planning Board informed and to give them a general background on the project. He asked the Board to keep an open mind as to what the zoning in the proposed areas should be and that hopefully, by spring, the City will know if the proposed area is feasible for the new entrance/exit. Regarding Peoples Heritage Savings Bank, Mr. Mulready explained that with the City's \$1,000,000 improvement to the Mill that it would bring in millions more to the City. He further

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stated that Peoples would be investing approximately \$800,000 of their own money and that in fifteen years, the city was looking at over 3.1 million dollars in profit. The Planning Board received copies of January 13, 1997 memorandum from the Mayor and City council regarding \$1,000,000 bond issue for Bates Mill, in particular, People's Heritage. Also attached were three lease summaries 1/10/97 showing expense and revenue profile.

III. CORRESPONDENCE

MOTION: by D. Theriault, 2nd by T. Peters to accept correspondence and placed on file.

1. Memo from Gerald Berube, City Clerk regarding City Council Action on Day Care,
2. Memo from Harry Milliken to City Council re Day Care.
3. Memo from Gil Arsenault, Director of Code Enforcement regarding auto sales in the urban enterprise district.
4. Letter from George Roberge of Ouellette, LaBonte, Roberge & Allen re parcel of land between 1111 Lisbon Street and 6 Martin Drive.

VOTE: Passed 6-0

DAY CARE

Mr. Milliken suggested that someone propose a motion to set this matter for a public hearing. Mr. Lysen suggested that it be set for a public workshop and not necessarily a public hearing. Mr. Milliken wanted to make sure it was publicized as a workshop and that it is to begin at 6 PM.

MOTION: by Mr. Theriault, seconded by Mr. Zidle to schedule a workshop on the Day Care issue for January 28, 1997 at 6 PM.

VOTE: Passed 6-0.

IV. REVIEW OF DEVELOPMENT PROPOSALS FINAL HEARING

Charles W. Wiercinski, on behalf of Robert Rosenthal and the Lisbon Street Shopping Trust, has submitted plans for a proposal to amend an approved plan where the Essex Street entrance will be

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relocated in order to improve the on site traffic circulation pattern and the parking stall configuration.

The Promenade Mall was originally approved by the Planning Board on October 12, 1972, and the proposed amendment is defined as a minor amendment as per Article XIII, Section 3 (l)(7) of the Zoning and Land Use Code. Therefore, the proposal only requires one meeting before the Planning Board. In addition, the mall was also reviewed by the D.E.P. under the Site Law and therefore is applicable for expanded review as part of the City's delegated review authority. As such, Staff will review the proposal and forward our findings to the D.E.P. once the proposal receives final approval.

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 reviewed the plans against the Approval Criteria outlined under Article XIII, Section 4 (a u), and finds that, in our opinion, the proposal meets all of the applicable criteria. Staff has also forwarded copies of the plans to the Police, Fire and Public Works Departments for their review and comments. Both the Public Works Department and the Police Department have no concerns. The Fire Department has some concerns, however the concerns are with the rear parking area and not the front parking area. Staff has related these concerns to the applicant's representative who will work closely with the Fire Department to address these concerns. Therefore, the Planning Staff recommends that the Board approve the project with the condition that any concerns raised by the DEP be adequately addressed.

George Dycio suggested better lighting for the entrance and Tom Peters agreed and said that middle strip can cause confusion. Mr. Belanger said that they were planning to put a Western Auto where the old entrance used to be.

D. Theriault suggested that the Planning Board send a letter regarding upgrading the lighting on Essex Street to Chris Branch of Public Works. D. Jacques said that he noticed two poles in the "middle of nowhere" in the lot and Mr. Belanger said that he would have new drawings on what the plan for the lot would be.

MOTION: by H. Skelton, seconded by T. Peters that the requested waivers of submission requirements by Robert Rosenthal on behalf of Lisbon Street Shopping Trust be granted because of the size of the project and the circumstances of the site such

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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 H. Skelton and seconded by T. Peters that the Board find that the application of Robert Rosenthal on behalf of Lisbon Street Shopping Trust meets all of the approval criteria under Article XIII, Section 4 and further that the Board grant final approval of the project.

VOTE: Passed 6-0.

MOTION: by D. Theriault, seconded by H. Skelton to inform Chris Branch of Public Works that the Planning Board recommends the upgrade of lighting near the Essex Street entrance to the Promenade Mall.

VOTE: Passed 6-0.

Pond Ridge Acres Lots #10 & 11 Revision

George A. Courbron, Jr., on behalf of Joseph and Lora Manning, has submitted plans for a proposal to amend an approved subdivision where the common lot line between lots #10 & 11 will be relocated. As outlined under Article XIII, Section 3 (1)(7) of the Zoning and Land Use Code, 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 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 reviewed the plans against the Approval Criteria listed under Article XIII, Section 4 (a u) and finds that, in our opinion, the plans meet all of the applicable criteria. Staff has also forwarded copies of the plans to the Police, Fire and Public Works Departments for their review and comments. Upon review of the plans neither department has any concerns. Therefore, the Planning Staff recommends that the Planning Board approve the project.

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Harold Skelton asked if it was creating a set back problem for the site. Kevin Clark of Surveyworks assured the Board that there was not and that it was an even swap to retain acreage.

MOTION: by H. Skelton, seconded by D. Jacques that the Board finds the application of George A. Courbron, Jr., on behalf of Joseph and Lora Manning, meets all the approval criteria under Article XIII, Section 4, and further that the Board grants final approval to the project.

VOTE: Passed 6-0.

V. REVIEW OF DEVELOPMENT PROPOSALS / PRE APPLICATION

Lepage Bakery Loading Dock Expansion

Stephan Myers, on behalf of LePage Bakeries, Inc., has submitted plans for a proposal to amend an approved plan where the applicant is proposing to construct a 14,700 square foot, single story loading dock addition to the existing facility, located at 85 Cedar Street.

Pursuant to Article XIII, Section 3 (h)(5), the applicant is requesting a number of waivers, modification and non applicable status requests to the application requirements listed under Section 3 (h)(1 4). Upon review 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 plans and has no concerns at this time. Staff has also forwarded copies of the plans to the Police, Fire and Public Works Departments for their review and comments. Both the Police and Public Works Departments have no concerns. The Fire Department has a number of concerns that the applicant's representative is aware of and has assured the Fire Department that they will be addressed.

The applicant has requested that the Planning Staff review the project's application for completeness. Upon review of the application the Planning Staff finds that, in our opinion, the application is complete. 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 (January 28th).

Mr. Myers informed the Board that he had revised the site plan regarding concerns with a fire hydrant to connect to the back of the building; to allow a twenty foot fire lane all around the entire

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building; and that where the proposed loading dock was being built there would be a "no parking fire lane" and that even if a tractor-trailer truck was parked at the farthest section of the loading dock, the fire trucks could still get around to the back of the building.

Mr. Milliken noted that the plan showed some trees and that they would have to be cut and asked Mr. Myers and/or staff to check to see if the trees were included in a prior plan as a buffer and if they were, that they should be included in this plan as well. George Dycio said he would check into it and let the Board and Mr. Myers know.

MOTION: by H.Skelton, seconded by L. Zidle that the requested waivers of submission requirements by Stephan Myers, on behalf of LePage Bakeries, Inc., 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 H. Skelton, seconded by D.Theriault that the application of Stephan Myers, on behalf of LePage Bakeries, Inc. be determined to be complete and further moved that review of the completed application be scheduled on January 18, 1997 at 7:00 PM.

VOTE: Passed 6-0.

VI. OTHER BUSINESS

Presentation/Discussion on Bates Mill Peoples Heritage Bank Expansion.

Steve Myers explained the site plan for the Bates Mill Complex. He explained that Peoples Heritage Savings Bank was going into Mill #7. He said that Mill #8 storehouse is presently being demolished. Peoples is going into a four story building, 12 thousand square feet per floor, 48 thousand square foot total. He stated that where #8 storehouse was will be a surface parking level with Hines Alley. Mill Street is eight feet higher in the back and will have a retaining wall. They may want a deck in the future from Mill Street. Peoples will require over two hundred parking spaces. He explained that it is cheaper to buy land rather than to build a deck. Mill Street will have a level access so it will be handicap accessible to the second level, the first is accessible from parking lot. The Chestnut property, 29-33, that the city wishes to purchase will provide 120 additional parking spaces. There is no structure on it.

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Regarding 123 Lincoln Street, this property has a house on it but it is vacant and will need to be torn down. The land will then be used for immediate parking. Mr. Theriault commented that he couldn't see Lincoln Street remaining a residential zone, and that a better use for it would be Commercial [speaking about the Bates Mill area]. He added that in the future, he would like to have the prices available on any land the City was intending to purchase and perhaps go into executive session so that when he voted for a recommendation to the City Council to purchase land, he had all the facts available in front of him at the time of the vote.

MOTION: by H.Skelton, seconded by D.Theriault to recommend to the City Council and Land Committee to acquire both properties, 124 Lincoln Street and 29-33 Chestnut Street, at the lowest possible price.

VOTE: Passed 6-0.

Acquisition/Disposition of City-owned land.

Re-affirmation of recommendation on City-owned property located at 1 Martin Drive.

MOTION: by D. Theriault, seconded by H.Skelton to send a favorable recommendation to the City Council and Land Committee to sell city-owned property located at 1 Martin Drive.

VOTE: Passed 6-0.

LCIP - Scheduling of Public Hearing.

Mr. Milliken and other board members wanted more time to review the LCIP document and asked if this could be scheduled for hearing in two weeks.

MOTION: by D. Theriault, seconded by H. Skelton to schedule a public hearing on the LCIP for January 18, 1997 at 7:00 PM.

VOTE: Passed 6-0.

Comprehensive Plan Update.

Mr. Peters stated that he would like to see a cross-reference in the comp plan, but that it didn't

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have to be put in until the final printing.

J. Lysen said that there was one minor adjustment to the "Future Land Use Goal." Since goal #9 was eliminated regarding Main Street, he suggested that #9 slide over and just say "to investigate the many issues relating to that mixed-use area." This suggestion was made after being contacted by both city staff and a city councilor regarding the different zoning and uses between the Veteran's Bridge and Longley Bridge, etc.

MOTION: by T. Peters, seconded by H.Skelton that the above suggestion be added to the Future Land Use Goal in the Comp Plan.

VOTE: Passed 6-0.

OTHER

Mr. Theriault suggested that perhaps the Board could have an honorary position from the City Councillors on a rotating basis to attend Planning Board meetings and thus receive direct input from the council. No decision was made on this issue.

City Councilor Joyce Bilodeau was present in the audience and had a few comments regarding child care. She stated that she and Frank Kelly had basically the same point of view regarding Day Care. She said that she saw a need to re-evaluate and check new licensing requirements for revisions. She stated that the licensing requirements from 1995 have been completely re-worked. Mr. Theriault asked if what Ms. Bilodeau wanted them to do was to look at the revision to see how it will impact the Board's decision within different zones. Ms. Bilodeau said yes and that she did not object to having day care in any zones as long as health, safety and the welfare of the children were met. She further stated that a home day care belongs in a residential zone since parents who place their children in a home day care truly want a home setting. She is not convinced that there is a problem. Ms. Bilodeau was invited to the next Board meeting workshop scheduled for 6 PM on January 28th and asked to extend the invitation to other Councilors who would like to add their input on this issue. Mr. Milliken requested that staff get a copy of the information Ms. Bilodeau said she forwarded to her colleagues.

Letter from Gil Arsenault regarding Dave Gendron

J. Lysen stated that in UE zone, new car dealerships are allowed, but not used car dealerships. Mr. Gendron wants to see the "Easy Rent-All" use continue, but he wanted the ability to sell used cars on this lot as an accessory use and this does not quite fit in the code at this time.

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H. Milliken asked staff to provide options to the Planning Board and that it would be later scheduled for a public hearing.

VII. ADJOURNMENT

MOTION: by D. Theriault, seconded by D. Jacques.

VOTE: Passed 6-0.

Meeting adjourned at 9 PM.

Respectfully submitted,

Denis Theriault
Planning Board Secretary

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