

City of Lewiston
PLANNING BOARD MEETING
Minutes of October 28, 1997

I. ROLL CALL

The meeting was called to order at 7:00 PM.

Members Present: H. Skelton, D. Theriault, D. Jacques, M. Paradis, T. Peters, and L. Zidle
(7:05)

Members Absent: Harry Milliken

Staff Present: G. Dycio, D. Ouellette

II. READING OF THE MINUTES OF OCTOBER 14, 1997.

H. Milliken called earlier and asked Staff to take out “except for this issue” on page three after the word “quorum” so that the sentence reads “H. Milliken expressed that during his years on the Board, the Planning Board has never failed to meet a quorum.”

D. Theriault said the estimate amount from Public Works on page three should read \$103,000.00, not \$103,00.00.

MOTION: by D. Theriault, seconded by D. Jacques to accept the minutes of October 14, 1997 as amended.

VOTE: Passed 5-0.

III. CORRESPONDENCE

- 1) Memorandum from Peter Crichton, Assistant City Administrator regarding Demolition & Tire Clean-up on Fireslate.
- 2) Letter to James Lysen from John Del Vecchio, Community Assistant Coordinator for the State of Maine Planning Office regarding the City’s Comprehensive Plan.
- 3) Memo from Elliot Friedman regarding the Downtown Symposium.
- 4) Revision on Exhibit A to the Zoning and Land Use Code Appendix A Sec 3(1).
- 5) Memo from Chief Michel Lajoie regarding Maine Bucket Phase I.
- 6) Memo to Chief Lajoie from Denis Theriault regarding Fireslate/Tire issue.

MOTION: by T. Peters, seconded by D. Theriault to accept the above correspondence and be read at the appropriate time.

City of Lewiston
PLANNING BOARD MEETING
Minutes of October 28, 1997

VOTE: Passed 5-0.

It was noted that Attorney Brian Dench and Mr. Foss were in the audience. Acting Chair Harold Skelton informed Mr. Dench and his client that the Lessard Street matter was not on the agenda and, therefore, would not be heard this evening. Mr. Dench and Mr. Foss thanked the Board and left. Mr. Dench said he wanted to make sure that if the matter was brought up to the Board that he was there with Mr. Foss.

IV. REVIEW OF DEVELOPMENT PROPOSALS - FINAL HEARING

A. Maine Bucket - Replacement Building - 21 Fireslate Place

Doug Boyd submitted plans for a proposal to construct a new 25,000 square foot (200' x 125'), single-story building on Lot #5 of the Fireslate Place subdivision to replace the one recently destroyed by fire. Also included in the project proposal is an additional 5,102 square foot office building for accessory sales that will be constructed at a later date, located on Lot #7. The project had its Pre-Application conference at the October 14th Planning Board meeting where the Board also reviewed the project's application and determined it to be complete.

There was a concern from the Fire Department regarding the request for a twenty (20) foot fire lane from the end of the existing cul-de-sac to the end of the existing storage building. Another concern was from Public Works regarding the easement for the existing water main located within the recently vacated portion of Fireslate Place. The vacation of a portion of Fireslate Place and the combining of lots for frontage purposes will require an amendment to the subdivision plan. The City Council voted to vacate a portion of Fireslate Place, which will require DEP approval, Planning Board approval, and the applicant needs to submit the necessary plans and application forms as soon as possible so that the review process may begin and building permits can be issued. The Fire Department would like a condition of approval where the fire lane is in place and properly maintained (ie winter plowing) by the end of the year. The Public Works Department would also like a condition of approval where their concerns are adequately addressed, and that the water line easement be identified on the revised subdivision plan.

The Planning Staff reviewed the plans against the Approval Criteria outlined under Article XIII, Section 4(a-u) and found that the plans meet all of the applicable criteria and recommended that the Planning Board grant final approval to the project with the following conditions:

1. That the concern raised by the Fire Department regarding the twenty (20) foot fire lane be adequately addressed and reflected on the final plans;
2. That the concerns raised by the Public Works Department regarding the water line easement and the existing subsurface disposal system be adequately addressed; and,
3. That an application for the subdivision amendment be submitted prior to the issuance of any building permits.

City of Lewiston
PLANNING BOARD MEETING
Minutes of October 28, 1997

At this time, H. Skelton turned the meeting over to Denis Theriault due to a conflict of interest (his firm represents Maine Bucket).

D. Theriault asked Mr. LaRoche if he had any questions. There were none. T. Peters noted that Fire Chief Lajoie was in the audience and asked him if he had any questions or concerns. Chief Lajoie said he had been working with Mr. Boyd and that the issues regarding the fire lane have been addressed. T. Peters noted that Phase II will not happen until the removal of the tires. D. Theriault asked about the utilities regarding Phase II and G. Dycio said the engineer will come up with a minor amendment. T. Peters asked if the petitioner had any questions at this time. Mr. Boyd said he didn't and that he was looking at next spring for Phase II and appreciated the City's cooperation in this matter.

MOTION:

by T. Peters, seconded by L. Zidle that the Board finds the application of Maine Bucket meets all of the approval criteria under Article XIII, Section 4 and further that the Board grant final approval to the project with the following conditions:

1. That the concern raised by the Fire Department regarding the twenty (20) foot fire lane be adequately addressed and reflected on the final plans;
2. That the concerns raised by the Public Works Department regarding the water line easement and the existing subsurface disposal system be adequately addressed; and,
3. That an application for the subdivision amendment be submitted prior to the issuance of any building permits.
4. That the tires be removed from the site before starting Phase II.

VOTE:

Passed 5-0-1 (H. Skelton abstained).

H. Skelton assumes chairperson from D. Theriault.

B. L & A Molding Corporation Warehouse - 56-61 Westminster Street

Mike Gotto submitted plans for a proposal to construct a 20,000 square foot (100' x 200') free standing cold storage building with a 600 square foot (20' x 30') connector to the existing facility located in the Lewiston Industrial Park.

T. Peters said that since there was no one else in the room besides Mike Gotto of Technical Services, Inc. to waive the reading of this issue. This project had its Pre-Application hearing at the October 14th Planning Board meeting where the Board also reviewed the project's application and determined it to be complete.

Public Works Department reviewed the additional information that was requested and found that all

City of Lewiston
PLANNING BOARD MEETING
Minutes of October 28, 1997

of their concerns have been met. All of the concerns raised by the Planning Staff have also been adequately addressed. With respect to the proposed earth work that will occur within one hundred (100) feet of a DEP stream (on the abutting property), Staff noted that this work will require the applicant to submit a Permit by Rule Application to the DEP prior to construction. Staff asked that a copy of the permit application be submitted to the Planning Office so that it may be placed in the project file.

The Planning Staff reviewed the plans against the Approval Criteria outlined under Article XIII, Section 4(a-u) and found that it met all of the applicable criteria and recommended that the Planning Board grant final approval to the project.

MOTION: by T. Peters, seconded by L. Zidle that the Board finds the application of L & A Molding Corporation 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.

Mike Gotto thanked the Board and especially Planning Staff for the help he received in speeding this process along.

VI. OTHER BUSINESS

A. New Business

1. Review of a proposed amendment to the Zoning and Land Use Code concerning streamlining of the Development Review Process and scheduling of a Public Hearing.

The Board received a proposed amendment to the Zoning and Land Use Code where the review process for the development of lots within an industrial or commercial subdivision that has been reviewed and approved by the Planning Board since January 1, 1997 (effective date of the DEP Site Law) would only require one meeting. With respect to the Board's concerns regarding the desire for additional meetings by the applicant, or the need for additional meetings as determined by the Planning Board, Staff informed the Board that there is language currently in the code that addresses these concerns (see page CDA:151, Section 3(1)(5)(a-d)).

Planning Staff reviewed the proposal amendment and found that the amendment is in proper form. Staff recommended that the Board review the proposed amendment and if it is found to be in proper form, schedule the proposal for a Public Hearing at the next available Planning Board meeting.

D. Theriault asked if the Board would be notified at Pre-Ap. G. Dycio said he would let the Board know at the Final Hearing if there were any minor amendments. D. Theriault asked how DEP rulings affect the Board. G. Dycio said if the project does not trigger the threshold set by the DEP, the project is reviewed in-house. If the project triggers the expanded review thresholds then the Planning Board reviews the project. However, traffic and drainage issues must now be

City of Lewiston
PLANNING BOARD MEETING
Minutes of October 28, 1997

reviewed by the DEP if they trigger the revised thresholds under the recent Site Law amendments. D. Theriault asked Staff to keep the Board informed.

D. Theriault asked if Exhibit A was in compliance with the new Comprehensive Plan or the 1988 Plan since the new one has not had final approval from the State. T. Peters said that since the City Council had adopted it, that he was in the opinion that this new amendment should conform with the new Comprehensive Plan and that the State would send us any changes it thought were necessary. D. Theriault asked George to check and report back to the Board.

MOTION: by D. Theriault, seconded by T. Peters to schedule the proposed amendment to the Zoning and Land Use Code Appendix A, Article XIII, Section 3(1) be scheduled for public hearing at the November 25th, 1997 meeting.

VOTE: Passed 6-0.

2. Review and comment on the newly created Request for Proposed (Paper) Street Preservation form.

T. Peters asked how many people requested the City to vacate or preserve streets. G. Dycio answered approximately 5-6 wanted to vacate and 4-5 wanted to preserve. T. Peters said that these names should be brought up for a public hearing at the next Board meeting that the Board had wanted to review vacation or preservation of streets whenever Staff received ten requests of any kind.

MOTION: by D. Theriault, seconded by D. Jacques to adopt the form submitted to the Planning Board on the vacation/preservation of proposed (paper) streets and to include the revision date on the form/

VOTE: Passed 6-0.

3. Scheduling of a special meeting on November 10th regarding the Bates Mill Master Plan and Streamlining Process.

H. Skelton told the Board that this meeting will take place on November 10th starting at 6:30 PM. D. Theriault asked if it should be a public hearing. H. Skelton said there should be a notification in the paper that there was a presentation being made at that time so that if anyone wanted to attend, they could. He also said that if the Bates Mill presentation needed additional time, that the streamlining item would be tabled until another date. T. Peters suggested that the Board write questions in advance to send to Tom Platz so that he could come prepared to answer their questions.

MOTION: by T. Peters, seconded by D. Jacques to hold a special meeting for the Bates Mill presentation scheduled for November 10, 1997 at 6:30 PM. Should the presentation need additional time, then the streamlining item will be tabled.

City of Lewiston
PLANNING BOARD MEETING
Minutes of October 28, 1997

VOTE: Passed 6-0.

H. Skelton instructed staff to place an ad in the paper announcing the presentation as a public notice so that the public could attend.

D. Theriault asked if the Planning Board eventually had to make a recommendation to the City Council regarding Bates Mill. He pointed out that the Planning Board has never reviewed any phases of the Bates Mill project and asked what role the Planning Board had in this. H. Skelton said the Board should check with the City Administrator and City Attorney to answer these questions. T. Peters said it was the same issues as when the Library was remodeled. It was the consensus of the Board that there needed to be clarification regarding the Board's authority over the Bates Mill redevelopment.

MOTION: by T. Peters, seconded by M. Paradis to have the Acting Chair, Harold Skelton, write a letter to the City Administrator and City Attorney as to the Planning Board's role regarding the Bates Mill redevelopment.

VOTE: Passed 6-0.

Mark Paradis asked for a copy of the Portland engineering firm that inspected the mill buildings before the presentation.

MOTION: by M. Paradis, seconded by T. Peters to obtain a copy of the engineering report recently done on the Bates Mill buildings.

VOTE: Passed 6-0.

Scheduling Planning Board Meeting for December

MOTION: by D. Theriault, seconded by L. Zidle to schedule one meeting in December - meeting date to be December 16, 1997 at 7 PM.

VOTE: Passed 6-0.

B. Old Business

1. Proposed (Paper) Streets

This issue was discussed earlier.

2. Planing Board/Board of Appeals - Development of standards for yard & setback modifications.

G. Dycio reported that a proposed language was already prepared by Code Enforcement Division and that it was to be presented at the next Board of Appeal's meeting. T. Peters said it was his understanding that two Board members from this board and two from the Board of Appeal along

City of Lewiston
PLANNING BOARD MEETING
Minutes of October 28, 1997

with Jim Lysen and Gil Arsenault would get together to go over the language before it was presented to either board. He asked staff to clarify this with Code Enforcement Division.

3. Streamling Proposal

This will be discussed at the November 10th workshop.

4. Discussion regarding the Urban Enterprise District within the downtown area.

G. Dycio reported that there was nothing new at this time to report. T. Peters asked that the date be put back on the item in the agenda, he believed it to be back in March that this was first brought up.

MOTION by D. Theriault, seconded by H. Skelton to see an outline regarding the UE District presented to the Board at the November 25th meeting.

VOTE: Passed 6-0.

At this time D. Theriault asked to place the tire storage at Fireslate Place under Old Business and to keep the Fire Chief informed at all times.

LCIP - Discussion regarding LCIP deadlines with Board and Staff. D. Theriault, who is on the LCIP committee, agreed to make a presentation to the Board with his recommendations. The Board asked for a presentation on December 16th. D. Theriault requested that the final paving list from Public Works be included in the LCIP document.

VII. ADJOURNMENT

MOTION: by D. Theriault, seconded by T. Peters to adjourn the meeting.

VOTE: Passed 6-0.

Meeting adjourned at 8:10 PM

Respectfully submitted,

Denis Theriault
Planning Board Secretary

dlo