

**CITY OF LEWISTON  
PLANNING BOARD MEETING  
MINUTES for April 13, 1999 - Page 1 of 8**

**I. ROLL CALL:**

This meeting was called to order at 7:02 P.M. and chaired by Tom Peters.

- **Members in Attendance:** Rob Robbins, Tom Peters, Mark Paradis, and Dennis Mason.
- **Staff Present:** James Lysen, Planning Director; Dan Stevenson, Planning Coordinator; Doreen Asselin, Administrative Assistant; and Gil Arsenault, Deputy Development Director.
- **Members Absent:** Harry Milliken, Lewis Zidle, and John Cole.

**II. CORRESPONDENCE:** This included the memorandums prepared by the Planning Board Staff.

**MOTION:** by Tom Peters, seconded by Mark Paradis to accept the Planning Board Staff memorandums and place them on file.

**VOTED:** 4-0.

**III. PUBLIC HEARING:** - *138-144 Howe Street - Ronald E. Chicoine, M.D.* - *A proposal for Conditional Zoning - A petition has been submitted to conditionally rezone this property from Institutional Office (IO) District to Highway Business (HB) District subject to the Conditional Agreement.*

**Jim Lysen** read his memorandum dated April 9, 1999. During his brief overview of the memorandum, there was a correction made to the last paragraph of the first page. The last sentence was changed from three (3) uses, to read, "*four (4) uses*". Distributed at this meeting was the amended agreement. Also included in the packets were the amended agreement, revised matrix, and a copy of Article XVII - Amendment and other Legal Provisions - of the Zoning and Land Use Code. On Page 5 of the Proposal for Conditional Rezoning, the following changes were made: The deletion of (g) equipment dealers and replace with "*private or commercial schools including business colleges*". The existing nursery school at this site is classified as a private school, not a daycare center. Also, the deletion of (h), (m), and (p) eating and drinking places and replace Item (p) with "*eating and drinking establishments in conjunction with another permitted use*". After the deletions were made, the items were re-lettered accordingly. Eating and drinking establishments in conjunction with another permitted use is allowed as a matter of right in both the IO and HB Districts. An eating and drinking establishment is a business or commercial establishment which serves both food and drink to the public and in which sales of food and non-alcoholic beverages account for more than 50 percent of their operating income.

**Dr. Ronald Chicoine** spoke briefly about his project. He mentioned that this building was the former Polar Paint building. He also stated that it would be easier for him to get tenants if this was rezoned as an HB District. It would make it easier for tenants to get in. This would also improve the appearance of the neighborhood. There being no comments from the public, this meeting then turned back to the Planning Board.

**Dennis Mason** questioned the need for movie theaters. **Dr. Ronald Chicoine** responded that the unleased space could accommodate a movie theater similar to the Movie Mill. The tenants during the daytime are gone at night. This would allow for parking availability. He also said, at this point in time, he has no plans right now to put one in. **Gil Arsenault** said that there are 36 parking spaces available and that the parking does need to be addressed. **Jim Lysen** mentioned that this site contains a multi-use capacity. There being no further comments, the following motion was made.

**MOTION:** by Dennis Mason, seconded by Rob Robbins to send a favorable recommendation to the City Council to approve the Conditional Zoning Agreement with REC Realty, Inc., c/o Ronald E. Chicoine, to conditionally rezone the property at 138-144 Howe Street from Institutional Office (IO) District to Highway Business (HB) District subject to the Conditional Agreement which limits the uses as stated in the revised agreement dated March 16, 1999, and amended by the Board to permit "Eating and drinking establishments in conjunction with another permitted use" as recommended in the memorandum from Planning Board Director James J. Lysen dated April 9, 1999.

**VOTED:** 4-0.

#### IV. FINAL HEARINGS:

A. Medical Office and Physical Therapy Center - 77 Bates Street - Bill Johnson has submitted plans to create a medical office and physical therapy center with the main entrance on Bates Street. This will be accomplished by the demolition of the adjoining 13,620 SF existing structure and the erection of a 12,000 SF, two-story addition onto the existing 60' x 100' footprint. Also proposed, is the construction of a 3,700 SF addition to the second story of the existing structure at 77 Bates Street.

**Dan Stevenson** read his memorandum dated April 9, 1999. This application for the above project was determined to be complete at the March 23, 1999 Planning Board meeting. Designated parking is available for this project. The project requires ten (10) new spaces for the entire building, which includes the previously approved structure, as well as the new additions. Fifty (50) spaces are designated for the entire building in the existing Bates Street parking lot. Four (4) spaces are in the drop-off area. An additional thirty (30) spaces are leased spots within the municipal parking lot. The Fire Departments stated that a sprinkler system is required for anything over 10,000 feet, if it is retail with public access. This project has a total area of 15,700 square feet, but is not retail and does not require any action. There were no additional concerns from the Police, Fire, and Public Works Departments since the March 23, 1999 meeting.

**Dennis Mason** mentioned the 80% demolition issue. **Tom Peters** responded that a code amendment will be issued to clarify this and will be included on upcoming

agendas.

**Tom Peters** then referred to the memorandum prepared by Greg Mitchell dated April 9, 1999 in reference to the Status of Available Space in the Municipal Parking Lot and Garage. In summary, there is no additional space available for parking in either place. This will be discussed in further detail, later in this meeting, under Item VI. Other Business. This meeting was then turned over to the public for comments.

**Bill Johnson** mentioned that the building will be sprinklered, but it is not required.

**Donna Douglas**, a physical therapist, mentioned that she is concerned about the tenant being called a physical therapy center and not having a physical therapist on board. She said she had heard that just a licensed athletic trainer was on staff. It is not the same care as that provided by a physical therapist. **Bill Johnson** mentioned that the name of the physical therapy center is called Medical Rehabilitation Associates. The second tenant (not known to the public) has a physical therapist on staff.

**Tom Peters** referred to setbacks. He said that the code needs to be changed. **Gil Arsenault** agreed that a code amendment can clarify this issue and also propose a change, if issues arise in the future. A code amendment would allow some flexibility. Tom Peters would like to code amendment to include lot size, setbacks, etc. with the downtown. In closing, Tom Peters asked that this item (An Ordinance Pertaining to Front Setbacks in the Downtown Business District) be included on the agendas to be reviewed within the next three months. This item was then closed to the public and turned back to the Planning Board for the following motion.

**MOTION:** by Dennis Mason, seconded by Rob Robbins that the application by J&M Realty meets all the criteria set forth under Article 13, Section 4 and further that the Board grants final approval to the project for Medical Rehabilitation Associates at 77 Bates Street.

**VOTED:** 4-0.

- B. *Stetson Brook Estates Mobile Home Park - (off Lessard Street) - Arthur W. Montana of A.R.C.C. Land Surveyors, Inc. on behalf of Robert Foss, Stetson Brook Estates, Inc. (formerly Lewiston Fairgrounds Mobile Home Court) has submitted a proposal to discontinue India Street (a private street) in Stetson Brook Estates.*

**Dan Stevenson** read his memorandum dated April 5, 1999. In his memorandum he stated that the Police and Public Works Departments had no concerns. The Fire Department was concerned with relocating the private fire hydrant from India Street to the corner of Echo and Lessard Streets. The fire hydrant relocation is necessary

to provide water to refill fire truck water supply tanks. Dan Stevenson mentioned that the piping is not up to standards. There is a need to have one working hydrant available for use in refilling the fire trucks. In reference to the waiver on existing services - no services exist. The street has not been built out. It is not impacted by development. Drainage does not apply, since the street is being eliminated. In reference to existing contours - there is no proposed activity. There was a little confusion as to modification and waivers. **Art Montana** said that the fire hydrants need to be kept maintained. There is no reason for the street. It was poor planning. This item was then closed for a motion.

**MOTION:** by Dennis Mason, seconded by Rob Robbins that the requested waivers of submission requirements by Stetson Brook Estates, 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 Stetson Brook Estates, Inc. and that such waivers do not adversely affect the abutting landowners or the general health, safety, and welfare of the City. That the application of Stetson Brook Estates be determined to be complete. That the application of Stetson Brook Estates meets all the approval criteria under Article 13, Sections 4 and 5 and further that the Board grant final approval to Stetson Brook Estates, Inc. off Lessard Street.

**VOTED:** 4-0.

- C. Harley's-R-U.S. - 839 Main Street - Arthur W. Montana of A.R.C.C. Land Surveyors, Inc. on behalf of George Schott has submitted plans to reconstruct the building recently destroyed by fire and to add a 7,000 square foot addition.

**Dan Stevenson** read his memorandum dated April 8, 1999. This is a major project since the proposed addition is 7,000 square feet. He also read Public Works concerns, which were: 1. There needs to be Best Management Practices employed on the sight with erosion and sedimentation control to minimize the effect on Stetson Brook. (Stormwater Management Performance Standards). Erosion control needs to be settled. 2. There should be an addition of green space to the front of the lot.

3. There is a traffic flow problem associated with the front lot, as designed (one-way traffic at one entrance and two-way at the other). This will cause problems with parking. This site was previously approved in both 1986 and 1990. A sprinkler system is not required. In order to add more green space, the existing pavement would have to be broken up. **Jim Lysen** said that staff agrees with Public Works. Street trees would be good. The trees should be in a 30-40 foot increment. **Tom Peters** then asked, "What provision under the code is there to provide this without being grand fathered?" There are Site Plan Review Guidelines that will address this issue, as stated by Jim Lysen.

**George Schott**, the owner of Harley's-R-U.S. questioned, why add more green space when this was previously approved in both 1986 and 1990? The entrance is narrow. How much green space can you add? He added that along the total frontage, there is only one building that is not owned by him. His current display area breaks up the parking stalls. He did say that the impervious gravel area could be made into a green space area. He also said that there are two (2) trees within the 84 feet requirement already. Tractor trailers have a hard time getting out now. He is concerned that if he has to add 20 feet of green space to the sign area, the tractor trailers will not be able to maneuver. After a lengthy discussion, it was agreed that the total green space area will be 160 square feet around the sign to include landscaping consisting of low shrubs in and around the display sign. The far right display area does not require green space. This area already has a tree.

**Arthur Montana** said that in Item No. 1 above, this will affect a small area. The design up front met Public Works requirements. The revised plan was shown to Public Works. All other requirements have been meet. He said that the Public Works was concerned with the slope.

**Gil Arsenault** mentioned that the mylar needs to be signed in order for **George Schott** to get his building permit. This item was then turned over to the Planning Board for a motion.

**MOTION:** by Dennis Mason, seconded by Rob Robbins to move that Harley's-R-U.S. 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 Harley's-R-U.S. and that such waivers do not adversely affect the abutting landowners or the general health, safety, and welfare of the City. Also, move that the application of Harley's-R-U.S. be determined to be complete. That the application of Harley's-R-U.S. meet all the approval criteria and be amended to reflect the plans to provide an automatic sprinkler protection throughout the main building, the fire department connector shall be located at the northeast side of the building, and to allow a one- (1-) hour fire rating on the building to be built in the area adjacent to the storage building. Also, the addition of 160 square feet of green space. This green space shall be in and around the sign area, as presently located. And, that this project meets all concerns with the Public Works Department on Best Management Practices and erosion control, as outlined under Article 12, Section 21.

**VOTED:** 4-0.

- D. Brier Park Subdivision - 6 Marguerette Street - David & Donna LePage (8 Marguerette Street)/Albert & Denis Galipeau (1 Revere Street) have submitted a proposal to amend the subdivision by re-subdividing Lot No. 27 into two (2) equal halves, one half to be added to Lot No. 23, the other half to be added to Lot No. 28, thus, eliminating Lot No. 27.

The memorandum that was prepared by **Dan Stevenson** was summarized. The memorandum was dated for April 8, 1999. Brier Park Subdivision is located off Webster Street in the Neighborhood Conservation "A" (NCA) District and consists of 32 lots on a total area of approximately 14.8 +/- acres. The minimum lot size in the NCA for single-family detached dwellings serviced by sewer is 7,500 square feet. This project is to change lot lines. The applicants are proposing to eliminate Lot No. 27 on Marguerette Street, in Brier Park, by deeding equal halves to two (2) of the abutting property owners. No new lots will be created. There is no development and there are no waivers required. There were no concerns from the Police, Fire, and Public Works Departments. It was requested in the waiver/modification form to notify the abutting property owners only. There was a question, as to the name of Denise Plourde. **Albert Galipeau** replied that that was her maiden name. Her name is now Denise Galipeau. This item was turned to the public for any comments. **David LePage** had no comments. This item was then turned back to the Planning Board for a motion.

**MOTION:** by Dennis Mason, seconded by Mark Paradis, that the requested modification of submission requirements by David & Donna LePage and Albert & Denise Galipeau be granted for the Brier Park Subdivision on 6 Marguerette Street 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. That the application by David & Donna LePage and Albert & Denise Galipeau for the Brier Park Subdivision be determined to be complete. And, that the Board finds that the application by David & Donna LePage and Albert & Denise Galipeau for the Brier Park Subdivision meets all of the approval criteria under Article 13, Sections 4 and 5 and further that the Board grants final approval to this project.

**VOTED:** 4-0.

V. **PRE-APPLICATION HEARING:**

Frye School - 140 Ash Street - Steve Fraser of Joy & Hamilton Architects has submitted plans to renovate the former school building on 140 Ash Street to accommodate 27 elderly housing units, including an addition of 8,800 square feet.

**Dan Stevenson** again summarized his memorandum dated April 8, 1999. Plans are to convert the Frye School to elderly housing units and to construct a four-story 8,800 square foot addition. The request on the waiver/modification form was to notify abutters only. A public hearing is not required. There were no concerns from the Police and Public Works Departments. The Fire Department requested that the plans show the Fire Department connection for the sprinkler system. The code requires a sprinkler system. The City Engineer, **Mike Paradis**, did state in his comments that due to a net decrease in impervious area, no major changes in grading and no street openings onto Ash Street - they had no concerns. The openings will be on Horton Street, as stated by **Gil Arsenault**.

**William Hamilton** mentioned that he will try to keep the architecture in tact. This is not required and does not need to go to the historic preservation commission. Therefore, it will not be required to go to Augusta. He will, however, consult the local historical preservation committee.

The parking issue was questioned. **Jim Lysen's** response was that a ½ space is required per dwelling unit for elderly parking. There will be no employees living on site. There may be some part-time maintenance. Some street parking may need to be eliminated for safety issues. A traffic engineer will be at the next meeting to discuss this issue. Removal of some spaces will be brought up at the 4/27/99 Planning Board Meeting. **Dan Pelletier** of the Lewiston Police Department will need to look into this. The following motion was made.

**MOTION:** by Dennis Mason, seconded by Rob Robbins that the requested modification/waiver by SeniorsPlus 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. That the application of SeniorsPlus be determined complete and further move that SeniorsPlus be scheduled on April 27, 1999 as a Public Hearing.

**VOTED:** 4-0.

## VI. OTHER BUSINESS:

### A. New Business:

#### 1. *Status of Available Space in the Municipal Parking Lot and Garage.*

**Gil Arsenault** suggested that a count over a period of days needs to be done in the form of a survey. If a leased space is not being used, somebody can park there. **Tom Peters** mentioned that the following message needs to get to **Greg Mitchell** and that is that the Planning Board recognizes that we are at capacity. This is an immediate impact to the downtown.

#### 2. *Legal Opinion on LMRC Corporate vs. Municipal Status.* To be discussed at another time.

B. Old Business:

1. No Name Pond Update:

- a. 4/27/99 Phosphorus Workshop from 6:30 - 7:30 p.m.
- b. 4/29/99 Public Meeting on No Name Pond Watershed Plan in the Cafeteria at McMahon Elementary School from 6:30-8:30 p.m.

3. Comprehensive Plan Update: No update.

4. West View Bluffs: In the hands of the developer.

5. Board of Appeals: At the April 21, 1999 meeting the following two (2) new business items: a) appeal of Paul and Judy Castonguay, 6 Sherbrooke Avenue Garage - 50% modification and b) appeal of Central Maine Power Company, 83 Edison Drive, Augusta on the corridor located between 1211 and 1225 Sabattus Street, Lewiston.

Staff Review Committee: No meeting scheduled.

Historic Preservation Review: No meeting scheduled.

**NOTE:** A reminder of the May 11, 1999 Presentation on the Russell Street Flyover to let Chris Branch know and to invite City Council Members.

VII. READING OF THE MINUTES:

A. Draft Minutes of Planning Board Meeting Public Hearing CDBG Held on 3/18/99.

**MOTION:** by Rob Robbins, seconded by Mark Paradis that the CDBG Draft Minutes be accepted and placed on file.

] **VOTED:** 2-2.

B. Draft Minutes of Planning Board Meeting Held on 3/23/99.

As directed by Dennis Mason, on Page No. 4, Item No. 2, first paragraph, tenth line, change the word affect, to read, "effect".

**MOTION:** by Dennis Mason, seconded by Mark Paradis to accept the Draft Planning Board Minutes of 3/23/98, as modified to reflect the above change, and to place them on file.

**VOTED:** 4-0.

VIII. ADJOURNMENT:

The following motion was made to adjourn.

**MOTION:** by Mark Paradis, seconded by Tom Peters to adjourn this meeting at 9:20 p.m.

**VOTED:** 4-0.

Respectfully submitted,



Dennis Mason, Secretary