

**CITY OF LEWISTON  
PLANNING BOARD MEETING  
MINUTES for April 27, 1999 - Page 1 of 8**

**6:30 P.M.      *WORKSHOP - NO NAME POND WATERSHED***  
**(Refer to the Notes attached to these Planning Board Minutes)**

**7:30 P.M.      *PLANNING BOARD MEETING***

**I.      **ROLL CALL:****

This meeting was called to order at 7:50 P.M. and chaired by Dennis Mason.

- **Members in Attendance:** Rob Robbins (arrived at 7:15 p.m.), John Cole, Dennis Mason, Lewis Zidle, and Mark Paradis.
- **Staff Present:** James Lysen, Planning Director; Daniel Stevenson, Planning Coordinator; Doreen Asselin, Administrative Assistant; and Gil Arsenault, Deputy Development Director.
- **Members Absent:** Harry Milliken and Tom Peters.

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

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

**VOTED:**          5-0.

**III.      **PUBLIC HEARINGS:****

**A.      *Rezoning Proposal:***

***120 Russell Street - Dr. Luc Dionne - A proposal to conditionally rezone this property from Neighborhood Conservation "A" (NCA) District to Office Residential (OR) District subject to the Conditional Rezoning Agreement.***

***Rob Robbins stepped down from the Board on this item stating it to be a conflict of interest.***

***John Cole's law firm represents Bates College, an abutting property owner, and stated that Bates College does not intend to oppose this application in any way. John Cole then asked the applicant if he would object to him remaining on the Board as a voting member on this rezoning proposal. The applicant, Dr. Luc Dionne, did not object, therefore, John Cole remained with the Planning Board.***

**Daniel Stevenson** read his memorandum dated April 22, 1999. He presented a brief overview of the project. Dr. Luc Dionne is proposing to relocate his existing chiropractic office to 120 Russell Street by converting the garage and the rear porch to office space and constructing a 384 square foot addition in front of the building, totaling approximately 3,000 square feet of medical office space. In order for Dr. Dionne to do this, he is seeking to conditionally rezone this area which is currently zoned Neighborhood Conservation "A" (NCA) District to Office Residential (OR) District.

Daniel Stevenson mentioned that on Page No. 4 of the Proposal for Conditional Rezoning that under Item (9) in the second paragraph the wording is changed from Highway Business District to read, "*Office Residential*". Also, on Page No. 4 and on Page No. 5, the Permitted Uses [Items (1) through (11)] and Conditional Uses [Items (12) through (15)] have been titled appropriately.

**Bob Faunce**, on behalf of Dr. Luc Dionne, said that the building on site is currently a single-family home. He said the most important issue is to eliminate the existing driveway on Russell Street and to relocate it on Central Avenue. **Dr. Luc Dionne** is also proposing to construct a parking area totaling 14 spaces. The existing hedges will be eliminated. **Fernard LaGasse's** (abutting property owner) preference for a buffer is for a fence, instead of hedges. On Page No. 5 of the Proposal for Conditional Rezoning, Paragraph D, the first sentence shall be changed to read, "*A buffer shall be established between the paved parking area and the northerly lot line adjacent to 157 Central Avenue for a distance of 75 feet back from the Central Avenue lot line*" to agree with Exhibit "C". Also, the second sentence in the same paragraph shall be deleted. A sight impervious six-foot high wooden fence will be installed as a buffer to the abutting property owner, Fernard LaGasse's property, which is reflected in the motion below. All the conditions are compatible in this petition. The rezoning will take 30 days to go into effect. There were no comments from the public on this item. The Planning Board then made the following motion.

**MOTION:** By John Cole, seconded by Mark Paradis to send a favorable recommendation to the City Council to approve the Conditional Rezoning Agreement with Dr. Luc Dionne to conditionally rezone the property at 120 Russell Street from Neighborhood Conservation "A" (NCA) District to Office Residential (OR) District. The rezoning was made subject to the Conditional Rezoning Agreement, with an amendment to Paragraph D stating that the buffer shall consist of a sight impervious six-foot high wooden fence in conformance with Code requirements to be established between the paved parking area and the northerly lot line adjacent to 157 Central Avenue for a distance of 75 feet back from the Central Avenue lot line to agree with Exhibit "C".

**VOTED:** 4-0

*Rob Robbins rejoined the Planning Board.*

**B. Development Review - Final Hearings:**

1. **Frye School - 140 Ash Street** - William Hamilton of Joy & Hamilton Architects, Inc., on behalf of SeniorsPlus, has submitted an application to renovate the former Frye School building on 140 Ash St. to accommodate 27 elderly housing units, including a four-story addition totaling 8,800 square feet, and including the possible elimination of up to three parking spaces on Horton St. between the proposed entrance to the site and Ash St.

Daniel Stevenson read his memorandum dated April 22, 1999. SeniorsPlus is proposing to convert the former Frye School building into elderly housing units including constructing a four- (4-) story, 8,800 square foot addition. This application was determined complete at the April 13, 1999 Planning Board meeting and was scheduled for a Final Hearing at the April 27, 1999 Planning Board meeting. Since the application included the possible elimination of up to three (3) parking spaces on Horton Street between the proposed entrance to the site and Ash Street, due to safety concerns of traffic exiting the site, the Planning Board will make a recommendation to the City Council on this matter.

**Bill Hamilton**, of Joy & Hamilton Architects, on behalf of SeniorsPlus, spoke briefly on this project. He stated that the entrance will be in one (1) area on the Horton Street side of the project. The addition's upper portion will be clapboard and the lower portion will be brick. Fencing will be replaced on three (3) sides only. New maple trees will be planted, replacing the existing ones. There will be sitting areas. He then mentioned the removal of the three (3) parking spaces, so that traffic can safely exit the site.

**Connie Brochu**, who resides on the corner of Horton and Ash Streets, said she was concerned with an increase in traffic being generated from this site. She was in favor of this project, but would like to see traffic lights on Ash and Horton Streets. She was also concerned with parking. Bill Hamilton then mentioned that there would be very little impact on parking. There will be 14 parking spaces available and they will not be labeled visitor parking. He continued that the impact on the street traffic should remain the same as now. The loss of the three (3) parking spaces is for safety issues only. She concluded to say that her major concern was to slow down traffic on Ash Street.

**John Murphy**, a traffic engineer, did a traffic study on this site. He said he does not think that this project would warrant a traffic signal. **Dennis Mason** said that traffic could be slowed down, but that City Council action is necessary to obtain a traffic signal. **Jim Lysen** suggested that maybe the police could look at a flashing yellow light. You do need safe access.

This item was then closed to the public, since there were no additional concerns and brought back to the Planning Board for the following motion.

**MOTION:** By Rob Robbins, seconded by Lewis Zidle that the application by SeniorsPlus to renovate the former Frye School building meets all the approval criteria under Article 13, Section 4 and that the Board grants final approval to the project; and furthermore that the Board sends a favorable recommendation to the City Council that three (3) on-street parking spaces on the easterly side of Horton Street between the proposed entrance to the site and Ash Street be eliminated to improve safety of traffic exiting the site.

**VOTED:** 5-0.

*John Cole stepped down from the Board on the following item stating it to be a conflict of interest.*

2. *St. Mary's Regional Medical Center - 97 Campus Avenue* - Michael F. Gotto of Technical Services, Inc. on behalf of St. Mary's Regional Medical Center, 97 Campus Avenue, has submitted an application to amend their Campus Plan in two (2) phases: Phase I - Construction of a three-story Women's Pavilion totaling 36,086 SF with a requirement for related improvements; and Phase II - Construction of a new steam plant including a request for the City's discontinuance of Golder Street.

**Dan Stevenson** read his memorandum dated April 21, 1999. He noted in the first paragraph, the last sentence, the word abandonment should be changed to read, "*discontinuance*" in reference to Golder Street. He also mentioned that this project falls under the DEP delegated review and that St. Mary's Regional Medical Center is aware that permits shall be issued only upon receipt of DEP notification that it will not be exercising jurisdiction over the application. It was requested that the Planning Board make a recommendation to the City Council on the discontinuance of Golder Street.

**Bob Faunce**, on behalf of St. Mary's Regional Medical Center, briefly described this project. He said that St. Mary's Regional Medical Center is consolidating their women's services (OB-GYN and maternity services) into a new building, the Women's Pavilion (slated to start construction on May 1, 1999). Approximately 40 employees will then be relocated to the downtown. The administrative offices will all be relocated in one (1) area. St. Mary's is proposing to completely reconfigure the entrance from Sabattus Street and will be restoring their historic wing. He said that Phase I will include the reconfiguration of the entrance and construction. Phase II is for construction of a new boiler plant and demolition of the old boiler plant.

The boiler plant is to remain fully functional until the new boiler plant is operational. St. Mary's Regional Medical Center now owns all abutting properties on Golder Street. St. Mary's Regional Medical Center is requesting the discontinuance of Golder Street because the proposed new boiler plant cannot meet the setback requirements in its' proposed location. Bob Faunce also mentioned that trees will be planted every 40 feet on Sabattus Street by the parking lot.

**Daniel Stevenson** mentioned that the proposed boiler plant will require an air emissions license from the DEP.

There are currently 120 spaces in the Sabattus Street parking lot. Once reconfigured, there will be 123 spaces. Temporary parking will be needed during construction. This is shown on the Pavement Layout Plan included in the Planning Board packets. In their proposal, St. Mary's is requesting approval of twenty-two (22) temporary on-street parking spaces to be established along Sabattus Street during the time of construction. Reference was then made to **Michael Gotto's** correspondence dated April 26, 1999 (also included in Planning Board packets). All proposed temporary parking will be removed after construction is completed. The Planning Board recommends the elimination of three (3) spaces from the temporary on-street parking plan between the construction entrance and the main entrance, totaling 19 spaces. This project is slated for completion in September 2000.

**Bill Eaton**, of Eaton Traffic Engineering, stated that there will be no increase in traffic. He also said that the temporary parking on Sabattus Street is advisable; and that one (1) driveway will be eliminated on Sabattus Street.

**Joanne and Chuck Cook**, residents of Lewiston, asked, "Have you looked at Golder Street for potential parking?" **Mike Grimmer**, representing St. Mary's Regional Medical Center, responded that this is the No. 1 concern with the hospital and that Golder Street is an option being considered.

**Dennis Mason** questioned whether the applicant needed to waive the stormwater drainage requirement. Daniel Stevenson responded that a waiver was not necessary. SJR Engineering Inc., on behalf of St. Mary's, completed a stormwater analysis report and concluded that the increase in impervious area is minimal and does not require stormwater detention.

**Gil Arsenault** referred back to the parking issue. He said that long-term parking should also be looked at. Some striping would slow down the traffic between one-lane to two-lane traffic. He also mentioned that Pine Street will not warrant a traffic signal. The future of the Pine Street-Sabattus Street

intersection should be addressed. **Dennis Mason** said that the Pine Street entrance concerns need to be addressed, but they are not significant enough to hold up the project. The WB-62 vehicles have a difficult time entering the entrance, therefore, the entrance is proposed to be reconstructed and reconfigured. Gil Arsenault said that this could also be accomplished by eliminating some green space. There being no further comments from the public, this meeting then turned back to the Planning Board.

**Rob Robbins** mentioned concerns with the location of a fire hydrant. The existing fire hydrant is a private hydrant and will be rejuvenated. The following motion was then made by the Planning Board.

**MOTION:** By Rob Robbins, seconded by Mark Paradis to accept the waiver/modification form as submitted; to determine the application complete; and to grant final approval to St. Mary's Regional Medical Center's application to amend their Campus Plan subject to the following conditions:

1. That a private fire hydrant be located in the area of the new Sabattus Street entrance acceptable to the Fire Department;
2. That the sprinkler contractor notify the Fire Chief as to the intended location for the fire department connection for the new Women's Pavilion;
3. That access to the existing fire department connection to the hospital be maintained during all phases of construction;
4. That the entrance driveway on Sabattus Street be widened to a minimum of twenty (20) feet allowing WB-62 vehicles access;
5. To send a recommendation to the City Council to permit nineteen (19) on-street parking spaces on the north side of Sabattus Street approximately 665 feet west of Campus Avenue, up to Vale Street, during construction of the Women's Pavilion;
6. To send a recommendation to the City Council to discontinue Golder Street and that Phase II cannot begin until the discontinuance of Golder Street by the City is approved or other legal arrangements are made;
7. That St. Mary's obtain all necessary licenses/permits from the DEP; and

- 8. That the reinstallment of the front yard, at the temporary on-site parking location will be accomplished in an "historically accurate manner" at the conclusion of construction.

VOTED: 4-0.

John Cole rejoined the Planning Board.

IV. FINAL HEARING:

Stetson Commons - Stetson and College Roads - Robert F. Faunce of Technical Services, Inc. on behalf of John Bonneau, Esq. has submitted an application to amend the previously approved subdivision plan for Stetson Commons on Stetson and College Roads.

Daniel Stevenson read his memorandum dated April 22, 1999. He stated that the Stetson Commons subdivision was approved in two (2) phases in 1990. Phase I created four (4) lots. Phase II consisted of the development of each lot to accommodate single-family resident subdivisions and one (1) multi-family apartment complex. There was a 24-month development period for the subdivision. As of this date, they have not been developed and the approvals have expired, including three (3) approved extensions.

Bob Faunce spoke on behalf of the applicant, John Bonneau, and said that he is proposing to amend the subdivision by relocating the common boundary between Lots 2B and 2C and exchanging some property with an abutting property owner. These changes will reduce Lot 2A from 49.2 to 48.1 acres and Lot 2B from 10.4 to 8.4 acres. Lot 2C would be increased from 13.9 to 17.0 acres. Jim Lysen mentioned that development can occur in those lots. Bob Faunce also mentioned that duplexes can be constructed on the lots. No new lots will be created in this transaction.

Daniel Stevenson continued to say that there are a number of non-applicable status requests to the application requirements. Also requested was a modification to notify abutting property owners only. Since there were no comments from the public portion of this meeting, this item was turned back to the Planning Board for the following motion.

MOTION: By Rob Robbins, seconded by John Cole that the requested waiver/modification form, as submitted and amended, by Stetson Commons 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 to not adversely affect the abutting landowners or the general health, safety, and welfare of the City. That the application of Stetson Commons be determined to be complete, and further that the Board grant final approval to this project.

VOTED: 5-0.

V. OTHER BUSINESS:

A. Other Business:

- 1. Legal Opinion on LMRC Corporate vs. Municipal Status. No update.

2. *An Ordinance Pertaining to Front Setbacks in the Downtown Business District.* No update.
3. *No Name Pond Update:* A reminder of the Public Meeting scheduled for Thursday, April 29, 1999 on the No Name Pond Watershed to be held in the Cafeteria at the McMahon Elementary School at 6:30 p.m.
4. *Comprehensive Plan Update:* No update.
5. *West View Bluffs:* Revision No. 5 will be submitted within the next 60 days. A resolve is in the making. This item will be re-visited to update the Planning Board on past revisions.
6. *Board of Appeals, Staff Review Committee, Historic Preservation Review Board Meeting Schedules:* No update was given.

**NOTE:** *The St. Mary's item was brought up once again. The Planning Board then recommended that Staff work with LACTS and the Police and Public Works Departments to look into traffic issues related to amendments to the Campus Plan.*

**VI. READING OF THE MINUTES:**

- A. *Draft Minutes of Planning Board Meeting Held on 4/13/99.* The following amendment were made to the minutes:
1. Page 2 on the last sentence of the page, change the wording from an amendment to read, "a code amendment".
  2. Page 5, sentence eight, change the word meets to read, "meet".
  3. Page 5 in the motion delete the words, "provide a one-hour fire protection to the existing storage building. This one-hour fire rating shall be adjacent to the area closer than ten (10) feet to the exposure." Add the wording, "allow a one-hour fire rating on the building to be built in the area adjacent to the storage building."
  4. Page 7 under Item VI. Other Business, A. New Business, Item No. 1 last sentence, delete the word, "a".

**MOTION:** By Mark Paradis, seconded by Rob Robbins to accept the minutes, with the above amendments, and place them on record.

**VOTED:** 3-0-2

**VII. ADJOURNMENT:**

The following motion was made to adjourn.

**MOTION:** By John Cole, seconded by Lewis Zidle to adjourn this meeting at 9:55 p.m.

**VOTED:** 5-0.

Respectfully submitted,



Dennis Mason, Secretary

## ***NO NAME POND WATERSHED WORKSHOP***

Present:

Scott Williams - Aquatic Biologist - Consultant

David Waddell - Engineer (DEP)

David Ladd - Project Manager (DEP)

Mary Kate Reny - No Name Pond Watershed Management Plan Coordinator

### **Scott Williams - (Slide Presentation)**

This presentation began with a slide presentation containing the following information. Lakes retain their water for a period of time. It takes one (1) year for the volume of water to exchange in No Name Pond. This is based on how big the lake is and the surrounding watershed. If there were an algae bloom in the pond, it would cost from \$150,000 to \$300,000 to restore the water of No Name Pond and this would be mostly cosmetic changes. Acid rain and mercury levels are also threats to the pond and its fauna. Problems due to organic enrichment are the easiest to address. Lakes are extremely sensitive to phosphorus. More development equals more phosphorus. No Name Pond has a small watershed. The limits of the watershed are determined by the terrain of the land. 65% of the watershed of No Name Pond is in Lewiston, the remainder is in the Town of Greene. When there is more development, more streams develop. The ultimate goal of the plan is to protect the watershed. Lakes provide scenic and recreational activities. The land that surrounds the lake is part of the watershed. Stormwater runoff provides phosphorus and other pollutants to lakes. When developing the land, the protective layer is removed. Soil is exposed causing soil erosion from development or roads. Runoff from roads cause problems. Forestry activity can cause soil erosion. Residual pollutants from vehicles also cause problems. These are all non-point source (NPS) of pollution. Storm drains also collect pollutants. All of these pollutants can cause discoloration of streams and ponds. To define water quality, it takes ten (10) years of continuous data to determine whether a lake is stable, sensitive, etc. The status of No Name Pond is somewhat less clear, since we do not have enough historical data. On the chart presented, No Name Pond's distance to see into the pond is 4.2 meters. The average distance to see into a lake, in Maine lakes, is 4.9 meters. The phosphorus concentration is 11 or 12 parts per billion (ppb) in No Name Pond in the summer. There is no oxygen level beyond 15 feet as measured in the deepest part of No Name Pond in the late summer. No Name Pond is rated moderate/sensitive. No Name Pond is also rated a priority waterbody by the DEP. In reference to a question from the public, Scott responded that lakes age at different points, but most formed at pretty much the same time.

### **Dave Waddell - DEP (Overhead Transparencies)**

Dave Waddell's presentation was in the form of overhead transparencies using an overhead projector. He added to Scott Williams presentation by saying that because of recent ordinance changes and staff's ability, Lewiston has delegated review concerning stormwater permitting. It is the only city in the State of Maine with such authority. The MDEP has five (5) water quality categories. They are: 1. Outstanding; 2. Good; 3. Moderate/Stable; 4. Moderate/Sensitive; and 5. Poor/Restorable. He said he does not have much information on No Name Pond, but it is rated, "moderate/sensitive". The MDEP places No Name Pond at "most at risk" of development. There are three (3) categories of watershed management. They are: 1. New project management, which is specifically designed to look at phosphorus coming off new subdivisions (under the new performance standards, the allowable increase in phosphorus concentration of No Name Pond is .75 ppb). 2. Best Management Practices (BMP). 3. Retrofitting existing projects by voluntary compliance (putting a buffer on your property), education, technical assistance (walk people through BMP), monetary incentives, and tax breaks (different improvements to a lot with rebates allowed). No Name Pond is a relatively small watershed and the City has the ability to make significant impacts on protecting its water quality. Mr. Waddell explained typical BMP's and answered other questions concerning existing programs supported by the DEP.

