

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for May 25, 1999 - Page 1 of 7**

I. ROLL CALL:

This meeting was called to order at 7:05 P.M. and chaired by Harry Milliken.

- **Members in Attendance:** Tom Peters, Harry Milliken, Lewis Zidle, Mark Paradis, and Dennis Mason.

- **Staff Present:** James Lysen, Planning Director; Daniel Stevenson, Planning Coordinator; Doreen Asselin, Administrative Assistant; and Gil Arsenault, Deputy Development Director.

- **Members Absent:** Rob Robbins and John Cole.

II. CORRESPONDENCE: None.

III. PRE-APPLICATION HEARING:

Rooper's Beverage Store - 794 Sabattus Street - Steve Roop has submitted an application to construct a 5,520 SF retail building, including a beverage redemption center, food service with a drive-thru, and associated parking at 794 Sabattus Street. Also proposed is the demolition of the existing Rooper's Beverage Store.

Tom Peters stepped down from the Planning Board stating this project to be a conflict to him because he represents the applicant.

Daniel Stevenson referenced his memorandum dated May 20, 1999. He presented a brief overview of the above proposed project. He mentioned that this project will require at least two (2) meetings before the Planning Board.

In summary, this project is located in the Highway Business (HB) District where the retail use including the food service and redemption center are permitted as a matter of right. Steve Roop is proposing to demolish the existing Rooper's Beverage Store building after completion of that portion of the new building, so as to not affect the existing structure there. He is requesting a modification of the rear setback up to 100 percent to accommodate the proposed structure and to allow for appropriate parking and green space along Sabattus Street. Steve Roop is also negotiating a maintenance agreement with the impacted abutting property owner, Cumberland Farms. Also, this project is the abutting property owner on both sides of Brent Street which is a Proposed (Paper) Street to be vacated. This street has already had a positive recommendation, made by the Planning Board, to vacate. The process has begun to go before the City Council for their action.

There were no concerns from the Fire Department. Public Works stated that their concerns were: 1. A traffic analysis must be performed to ensure proper function of the proposed drive-thru and parking lot; 2. Both pre- and post-development storm drain calculations must be performed; 3. A seven foot (7') granite curb tipdown is required for wheelchair accessibility; and 4. As part of the traffic analysis, a recommendation by a professional engineer must be made to allow for an additional curb opening due to traffic concerns on Sabattus Street (these concerns were not included in the packets and were handed out at the Planning Board Meeting).

Eric Dube, project representative for **Steve Roop** made his presentation. He showed a picture of the existing store, which has only three (3) to four (4) parking spaces in front of the store with a wide-opened access, a picture of a similar facility in Topsham, Maine (as to what is being proposed), and also a rendering of the proposed facility. He said the proposal is to demolish the existing building, while keeping the existing store open during construction. The new building will have 20 parking spaces with a one-way access to the drive-thru window. There will also be handicapped designated parking. Bill Eaton, of Eaton Traffic Engineers, is working with the applicant on a traffic analysis for the drive-thru and parking lot. Topographical and boundary surveys were done. The curb tipdowns for handicap accessibility have been addressed. An additional curb opening can be allowed. The existing parking lot can handle office space parking.

Harry Milliken questioned the zoning as Highway Business (HB) District. He said that the back property is residentially-owned. He then referred to CDA 79 (f) Additional Standards. He asked, "Where does the residential zone end?" **Jim Lysen** responded that the yard in the buffer zone can be reduced and that the adjacent property is in the Highway Business (HB) District and extends to properties that abut Montello Street, which are in the Neighborhood Conservation "A" (NCA) District. Cumberland Farms owns the swampland property behind there. Harry Milliken then requested that Staff get clarification on the property zone for the next Planning Board Meeting, where this project is scheduled for a Final Hearing.

Harry Milliken then stressed the need to get traffic off of Sabattus Street and to manage the traffic on the property. He mentioned access management. He said you need the proper flow both inside and outside of the property.

Steve Roop said the main entrance would be directly in front of the store and that basically one (1) entrance would be used for most parking. Another entrance will be for truck access. He said that landscaping will divide Cumberland Farms and Rooper's. He also said that most of the curb cut is on Cumberland Farms' side. **Mark Paradis** questioned in reference to closing up entrances, "Would this fall under the grand-fathering code?" The response was "Yes". There being no further comments from the public, this item was turned back to the Planning Board for further discussion.

Dennis Mason asked, "Where is Drawing A1 of 2?" Eric Dube said that that drawing is a construction drawing and that it was not complete. He said that once approved, the basic building layout will remain the same. If there are modifications, it will be brought back to the Planning Board. The setbacks and square footage will remain the same. The setback reduction is needed to accommodate double row width parking. If the maintenance agreement is not obtained, they propose to put in compact parking (this is not the preferred option). Jim Lysen said that a modification can be granted without the maintenance agreement if the setback is five feet (5') or more.

In closing **Gil Arsenault** said that this will be a big improvement from a visual standpoint. Dennis Mason requested that Staff get a copy of the modification to vote on at the next Planning Board Meeting. Also, **Tom Peters** suggested that Staff should be advised as to street issues in the proposed vacating of that street. Also requested was for the maintenance agreement to be presented at the next Planning Board Meeting and for clarification of the traffic study. The impervious areas will be addressed by the engineer. There being no further comments from the Board, the following motions were made.

MOTION: by Dennis Mason, seconded by Lew Zidle to accept the modification form, as submitted.

VOTED: 4-0.

As second motion was made, as follows:

MOTION: by Dennis Mason, seconded by Lew Zidle that the application of Rooper's Redemption Center be determined to be complete and further move that the Board schedule this application for a Final Hearing on June 8, 1999.

VOTED: 4-0.

Tom Peters rejoined the Planning Board.

IV. *Acquisition/Disposition of Municipal Property* - Request for recommendations on the acquisition of the following two (2) properties to accommodate parking for the Bates Mill Complex Redevelopment Plan:

- a. 115-125 Main Street.
- b. 65 Lincoln Street (CarQuest Auto Parks Vacant Lot).

At Dan Stevenson's request, the memorandum prepared by him and dated for May 20, 1999 was read.

In summary:

115-125 Main Street. Pier Properties, Inc. is requesting to sell this property to the Lewiston Mill Redevelopment Corporation (LMRC) for \$60,750. The assessed value of the land is \$45,000 and the building is \$49,900, totaling \$94,900. There is a tax lien on the property which matures on December 1999, the lot size is 75' x 100', and is located in the Urban Enterprise (UE) District. The building on this property is vacant and in desperate need of repair.

There was only one (1) concern from the Fire Department. This concern was in regards to an underground fuel tank at the rear of the building. This tank contains No. 2 fuel oil. There is no contamination of the soil. The City of Lewiston would be responsible in having to pay for the tank removal costs and removal of soil in that area. This is part of the Master Plan. Harry Milliken then said that the final price would be subject to the removal costs of this tank. **Tom Peters**, who is also a member of the LMRC stated that this oil tank was never brought up at the LMRC meeting. He also said that the LMRC budget is granted by the City Council and that when buying up property, the LMRC does not need permission from the Planning Board or the City Council to purchase property. He also stated that the idea of a convention center would need to be done through a referendum. The building on this property would need to be demolished. It is beyond repair.

This property fits into the plans that the City has in this area and it is consistent with the Lewiston Comprehensive Plan.

65 Lincoln Street (CarQuest Auto Parts). Capital Real Estate L.B. is requesting to sell this property to the Lewiston Mill Redevelopment Corporation (LMRC) also. The assessed value of the land is \$3,400. The taxes are current through June 30, 1999. The lot size is 25' x 100' and is also located in the UE District. This property is located directly across from the 60 Lincoln Street property, which on January 26, 1999, the Planning Board sent a positive recommendation to the City Council for acquisition of this property to support parking for the Bates Mill Complex Redevelopment. This property is held in common ownership and is also consistent with the Lewiston Comprehensive Plan. The Board stressed the need to do the necessary environmental assessments on both properties prior to their acquisition.

There being no further comments from the Board, the following motion was made:

MOTION: by Dennis Mason, seconded by Mark Paradis to send a favorable recommendation to the City Council regarding the acquisition of properties at 115-125 Main Street and 65 Lincoln Street to help facilitate the adaptive reuse and redevelopment of the Bates Mill Complex; and to convey to the City the need to do the necessary environmental assessments on both properties prior to their acquisition.

VOTED: 5-0.

V. Presentation of the Lewiston-Auburn Railroad Park Master Plan and Downtown Riverfront Bicycle and Pedestrian System

This item was presented by Jim Lysen. He said that the primary focus of the park is on the bicycle/pedestrian system through the park. This will link the railroad bridge to Main Street and Heritage Park. This is 80 percent funded through the Maine Department of Transportation (MDOT). The existing field could be used for sports practices for i.e. soccer, etc. This will be opening up the river to pedestrians. Lighting will define the pathways and give the area a sense of security. This park site has been budgeted for \$100,000 of improvements for the next two (2) years. After this years Balloon Festival, there will be field improvements with underground drainage. It will be re-seeded in the fall. New turf will be placed to accommodate vehicles after this years Balloon Festival. There will be small overlooks. There is a proposal for a large overlook by the river. This area will reflect the historic railroad theme. Dennis Mason referenced the river path. Jim Lysen responded that the pathway is not in the flood area. It was questioned, if there were any plans for an amphitheater. Jim Lysen said that the loading dock could be covered up with staging. The new bridge and pathway is Phase I and will, hopefully, be ready for this years Balloon Festival. The work will be contracted out. There is no building involved. There is a secured easement for property north of the canal by the L/A Railroad Company. During his presentation, Jim Lysen made reference to the Lily's overall Bicycle and Pedestrian System drawing done by the GIS System. Tom Peters suggested putting this drawing on the Web page.

VI. **OTHER BUSINESS:**

A. New Business:

1. *No Name Pond Watershed Plan Update.* Jim Lysen mentioned that at the meeting held at the end of April 1999, there were 75 people who attended. There is a meeting this Thursday, May 27, 1999 where the new watershed council will form to include residents. This is an on-going entity to deal with issues of the pond. There will be many issues occurring for the watershed plan. Policies will be developed. Jim Lysen said that it was a great kick-off event and that the next major public event is scheduled for July 1, 1999 probably at the McMahan Elementary School. The City Council has adopted policies to deal with septic system replacement and the LCIP has a sinking fund to acquire properties in the village area.
2. *Update on Downtown Master Plan.* Planning will be wrapped up at the end of June 1999. There will be discussions on transportation changes, i.e. re-routing of traffic on Lisbon Street. There is a need to get traffic out of the downtown area. The plan is real estate and a market approach to the downtown. Jim Lysen mentioned to recommend to selectively reduce buildings to reduce inventory while pressing to give the City character.

5. *Supreme Judicial Court of Maine Decision Concerning Rena W. Perkins et. al. v. Town of Ogunquit and Robert W. Scanlon, Jr. Concerning Planning Board Jurisdiction.* This item was included on the agenda at the request of Planning Board Member, Tom Peters. He referred to Item No. 14 as to the language on variances. He requested that this item be carried on the next agenda as an Other Business-Old Business item. He also suggested waiting to see what MMA says for the June 8, 1999 Planning Board Meeting.

B. Old 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. *Comprehensive Plan Update:* No update.
4. *Board of Appeals, Staff Review Committee, Historic Preservation Review Board Meeting Schedules*

Board of Appeals:

- Lorraine Bard - Allowance to a non-conforming structure. Language concerning open porch to closed porch.
- Penmor Lithographers storage building - Tabled.

Staff Review Committee: There were three (3) projects brought forward:

- Steve Girardin fill project - approved.
- Gary Letourneau project - approved.
- Jeff Neagle project - tabled. A Standard Boundary Survey needs to be completed.

5. *West View Bluffs:* No update. Have not heard from the applicant.

VII. READING OF THE MINUTES:

- A. *Draft Minutes of Planning Board Meeting Held on 4/27/99.*

MOTION: by Dennis Mason, seconded by Lewis Zidle to accept the minutes, as submitted, and place them on record.

VOTED: 3-0-2 (Milliken and Peters were not present at this meeting).

VIII. ADJOURNMENT:

The following motion was made to adjourn.

MOTION: by Dennis Mason, seconded by Lewis Zidle to adjourn this meeting at 9:17 p.m.

VOTED: 5-0.

Respectfully submitted,



Dennis Mason, Secretary