

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for June 8, 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:** Rob Robbins, John Cole, Tom Peters, Harry Milliken, 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.

- **Member Absent:** Lewis Zidle.

II. CORRESPONDENCE:

The following correspondence were not included in the Planning Board packets, but were handed out at this meeting: a. Letter dated March 24, 1999 from Kathleen M. Montejo concerning Lewiston City Council's action to maintain the District Court in the downtown area; b. Amended map of Harleys-R-US; and c. Letter dated May 25, 1999 from Susanne Pilgrim of the Maine Municipal Association concerning incompatibility of offices (Planning Board and Board of Appeals).

MOTION: by Dennis Mason, seconded by Mark Paradis to accept and place on record the above correspondence, as submitted.

VOTED: 6-0.

III. PUBLIC HEARING:

Proposed Amendments to the Zoning and Land Use Code, Article XIII, Development Review and Standards - Applicability and Traffic Management.

Jim Lysen read his memorandum dated June 3, 1999.

At this meeting, Jim Lysen distributed the letter faxed to him by **Nancy Beardsley**, the Licensing Coordinator for the Bureau of Land Quality Control, State of Maine Department of Environmental Protection (DEP). In her letter she states that she is unclear as to how the process will be after July 1, 1999 when the shift of authority goes from the DEP to the MDOT. She will be forwarding MDOT's comments as soon as she receives them. She does believe that the City of Lewiston currently has the resources to complete traffic reviews for projects that generate 100-200 passenger car equivalents at peak hour, and MDOT has indicated the same.

Jim Lysen went on to say that the changes to the amendments include: 1. The reference to "Article VII - Planning Board" has been deleted; 2. Expanded the definition of "structure" under Section 2, Sub-Section (15) b. to include "non-revegetated ground area", and in the same Sub-Section placed the existing letter A. directly beside M.R.S. to read, "M.R.S.A."; 3. Added new Sub-Section (15) d. to include projects requiring a Stormwater permit from the state; and 4. Corrected typo in Section 4, Approval Criteria, Sub-Section b, "into" rather than "in to". **Jim Lysen** stated that the traffic standards are somewhat similar to the City of Portland's criteria, the only municipality in Maine with Traffic Review Authority.

Jim Lysen continued his presentation by saying that also enclosed in the Planning Board packets were an informational sheet providing the "Level of Service Definitions", the original DEP order dated September 27, 1989 granting the City of Lewiston the ability to substitute its permits for subdivisions and "structures" that would require DEP Site Location permits, and a letter dated April 23, 1999 from Martha Kirkpatrick of the DEP authorizing the City of Lewiston to substitute permits required under the State's Stormwater Management Law.

The question was raised as to who pays for a traffic study. The response was that applicants pay for traffic studies. It was also confirmed that in projects with 5,000 square feet or less, regardless of traffic the project goes through the Staff Review Committee. If over 5,000 square feet, the project goes through Planning Board approval.

John Cole then questioned what triggers the requirement for a traffic study? The response was that this was covered in the code (CDA 152, Access to the Site or Section 4, Approval Criteria). The Planning Board has the ability to require a traffic engineer to prepare a report and if the City disagrees with the findings, to require an independent study paid for by the applicant.

It was requested to check into the Site Location Law. The burden of proof needs to be referenced in code. **Gil Arsenault** said he feels that if a project has 100 or more vehicles at peak hour, it should require a Planning Board review. He further commented that we need to design to accommodate future use. It was mentioned that anything over 200 trips per day would require an analysis to be done. Gil Arsenault said that this would impact the level of service.

It was also mentioned that this amendment also applies to the area of the Bates Mill Complex. The traffic situation needs to be looked at as a potential problem before it happens.

Chairman **Harry Milliken** then asked for a consensus on the following items;

- Section 4, Approval Criteria, Paragraph b. Traffic movement into and out of the development area - the elimination of the second paragraph which makes reference to passenger car equivalents. The consensus taken was "yes" with a 4-2 vote.
- Section 4, Approval Criteria, Paragraph b. Traffic movement into and out of the development area - the movement of the current third paragraph up as the second paragraph, which begins as, "Before granting approval ...". The consensus was "yes" with a 6-0 vote.
- Section 4, Approval Criteria, Paragraph b. Traffic movement into and out of the development area, Sub-Paragraph (1) - The elimination of the Staff Review Committee for any project that qualifies for development review solely because it generates 100 or more passenger car equivalents at peak hour, then the review shall be left to either the Staff Review Committee or limited to just Planning Board approval. The consensus was "no" and died from a lack of consensus with a 2-2-2 vote.
- There was a discussion as to whether to change the definition of major/minor developments so that a project generating 100 to 200 passenger car equivalents would be classified as a major project. The following motion was made:

MOTION: by Tom Peters, seconded by Mark Paradis that the definition of major developments include all projects generating 100 or more passenger car equivalents at peak hour.

VOTED: 5-1 (Mason).

Also mentioned was the applicability of the DEP/MDOT and an analysis by a traffic engineer. Reference shall also be made to site plan review in Sub-Paragraphs a.b.c. and d.

MOTION: by Tom Peters, seconded by Mark Paradis with changes to the proposal and to bring this back after the final copy is complete. This will be tabled to the next scheduled Planning Board Meeting to be held on June 29, 1999.

VOTED: 6-0.

IV. FINAL 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 following two (2) items because of a conflict.

MOTION: by Dennis Mason, seconded by Mark Paradis to table the Public/Final Hearing on Rooper's Beverage Store until the next Planning Board Meeting, which is scheduled for Tuesday, June 29, 1999.

VOTED: 5-0-1 (Peters).

V. *Acquisition/Disposition of Municipal Property - Request for recommendations on the acquisition/disposition of the following properties:*

A. 68 Lisbon Street;

B. 71-85 Lisbon Street (along with 28-52 Canal Street); and

C. 72-76 Lisbon Street.

Daniel Stevenson read his memorandum dated June 3, 1999. He said that this item was brought to the Planning Board to send a recommendation to the City Council on the acquisition/disposition of the properties listed above. The City of Lewiston has goals for these three (3) properties which include: 1. The acquisition of these properties is necessary to provide the old Music Hall building at 71-85 Lisbon Street to be adaptively-reused as the new District Court; 2. To create the proper landscape and pedestrian amenities; and 3. To meet parking demands associated with the project. These acquisitions fit into plans that the City has for this area, the properties are consistent with a number of recommendations in the Lewiston Comprehensive Plan, and these acquisitions are also supported in the draft "Downtown Master Plan".

Jim Lysen commented that this area is critical for development and that controlling of these properties should be made whether the Music Hall (District Court) is there or not. **Gil Arsenault** said that the recommendation should be made contingent on the use of the property. **Tom Peters** stated that the option to purchase is the way to go with this.

Marcee Johnson, a resident at 494 Main Street, Lewiston, who announced that she is running for City Council in the fall, stated that she sat in at this meeting because she is interested in the revitalization of the downtown. She is currently involved with *Empower Lewiston!* She stated that she is in favor of purchasing the property for the Lewiston District Court. This meeting was then closed to public comment and opened back to the Planning Board for either more discussion or a motion. The only additional comment from the Planning Board was from **Dennis Mason**, who stated that the City of Lewiston does not need any more empty space and that he is in favor of the new District Court. The following motion was then made.

MOTION: by John Cole, seconded by Mark Paradis to send a favorable recommendation to the City Council regarding obtaining the necessary options for the properties at 68 Lisbon Street, 71-85 Lisbon Street (along with 28-52 Canal Street), and 72-76 Lisbon Street in support of the new District Court project, and the eventual acquisition of those properties contingent upon a commitment with District Court to redevelop the property at 71-85 Lisbon Street as the new District Court building.

VOTED: 5-0-1 (Peters Abstained).

Tom Peters then resumed his position, as a Planning Board member, on the remaining items.

VI. OTHER BUSINESS:

A. New Business:

1. *John F. Murphy Homes, Inc. - Consistency of the Zoning and Land Use Code with Federal Fair Housing Act.*

Gil Arsenault said that if a Conditional Use Permit is issued, then the Board of Appeals would need to obtain an opinion from the City Attorney and then take the next steps. Gil Arsenault will report back to the Planning Board. Everyone agreed to be in favor of this item being continued as an Old Business Item on the next agenda.

2. *Rescheduling of Presentation on Veteran's Memorial Bridge Overpass Project.*

Chris Branch, the Public Works Director, will be ready for his presentation for June 29, 1999 at 6:30 p.m. Everyone was in favor of this item being rescheduled for the above date.

3. *Schedule of Summer Planning Board Meetings.*

The Board accepted the following dates as the summer Planning Board schedule:

- a. July 20, 1999,
- b. August 10, 1999, and
- c. August 31, 1999 (if necessary).

B. Old Business:

1. *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.* - No update.

2. *No Name Pond Watershed Plan Update.*

John Cole will give an update at the next Planning Board meeting.

3. *Downtown Master Plan Update.*

Daniel Stevenson mentioned that Staff and members of the Downtown Renaissance Task Force (D.R.T.F.) went to Dover and Portsmouth, New Hampshire on a tour of their downtowns. Photographs were obtained and it was good public relations. A study is in the process for June 22, 1999.

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

5. *An Ordinance Pertaining to Front Setbacks in the Downtown Business District.* - No update.

6. *Comprehensive Plan Update.* - No update.

7. *Board of Appeals, Staff Review Committee, Historic Preservation Review Board Meeting Schedules.*

Daniel Stevenson mentioned that at their last Staff Review Committee meeting, the only update was that the Dr. Luc Dionne project was approved. There were no other updates.

8. *West View Bluffs Update.* - No update.

Rob Robbins stated that the following project was a conflict and stepped down from the Planning Board.

Daniel Stevenson mentioned the Harleys-R-US project that was brought to the Planning Board by **Arthur Montana** on behalf of **George Schott** of Harleys-R-US. Arthur Montana would like to bring forward to the Planning Board a change on the plan. He would like to bring in an updated plan to the Planning Board, as an Other Business Item or, if necessary, bring to the Planning Board as an amendment to an approved development as a full application. The change on the plan reflects a reduction in green space in the display area and to use nearby space for additional

green space and "viewing" area. Tom Peters mentioned that he was concerned with reducing the green space, therefore, he would like more green space found somewhere else. The following motion was then made.

MOTION: by Tom Peters, seconded by Dennis Mason for Arthur Montana on behalf of George Schott to bring back his application of Harleys-R-US to the Planning Board as a full application.

VOTED: 5-0-1 (Robbins).

Rob Robbins rejoined the Planning Board for the remaining items.

VII. READING OF THE MINUTES:

A. *Draft minutes of Planning Board meeting held on May 25, 1999.*

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

VOTED: 4-0-2 (Rob Robbins and John Cole were not present at this meeting.)

VIII. ADJOURNMENT:

The following motion was made to adjourn.

MOTION: by Dennis Mason, seconded by Mark Paradis to adjourn this meeting at 9:05 p.m.

VOTED: 6-0.

Respectfully submitted,



Dennis Mason, Secretary

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