

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for June 29, 1999 - Page 1 of 8**

I. ROLL CALL:

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

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

II. CORRESPONDENCE:

The following correspondence were not included in the Planning Board packets, but were handed out at this meeting: Letter dated June 25, 1999 from **Michelle Savard**, Economic Development Specialist, from the Lewiston Development Corporation in reference to VIP setback requirements in the Lewiston Industrial Park. Also distributed, in reference to the VIP project, were the Notification of Development Review - Public Hearing, a listing of the property owners within 500 feet, and correspondence from **Lorraine T. Comeau**.

MOTION: by **Dennis Mason**, seconded by **Lewis Zidle** to accept and place on record the above correspondence, as submitted.

VOTED: 5-0.

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 23, 1999. He briefly summarized the changes made to the amendments since the June 8, 1999 Planning Board Meeting. The changes are: A. To correct the reference from 38 M.R.S.A. to 24 M.R.S.A under Section 2, Applicability, Section (a) (15) c. Also, the definition of what a passenger car equivalent is. B. Added under Section 3. Procedure, language that will classify as major projects, "and all projects which generate 100 or more passenger car equivalents at peak hour." C. Moved the statement that, "The developer has made adequate provision for traffic movement of all types into and out of the development area." to the beginning of Sub-Section (b). Also reference was made to the level of service to be added in the Site Plan Review and Design Guidelines. D. Eliminated the first paragraph under Sub-Section (B) (1). E. Moved the paragraph concerning "growth areas" and the ability to permit lower levels of service in certain zoning districts to the beginning of the paragraph under Section 4, Approval Criteria, Sub-Section (b). F. Added a requirement where if the passenger equivalents at peak hour is 100 or greater, the project must be reviewed by the Planning Board and a registered Professional Engineer shall prepare the analysis and recommendations.

Jim Lysen then handed out the correspondence faxed from **Stephen Landry** of the State of Maine DEP dated June 24, 1999. All projects are to meet traffic standards. In this correspondence, Stephen Landry mentions that the City of Lewiston has also been granted the authority to substitute their review and approval for issuance of Traffic Movement Permits from the State of Maine Department of Transportation (MDOT) and suggests that 15 (c) be deleted and replaced with: A. A project generating 100 to 200 passenger car equivalents at peak hour as described in 23 M.R.S.A., Paragraph 704, Sub-Section A (2) and (4). B. A project generating 200 or more passenger car equivalents at peak hour (provided there is no impact in any other municipality other than the municipality in which the project is located) as described in 23 M.R.S.A., Paragraph 704, Sub-Section A (2) and (4).

Harry Milliken asked, "When is this legislation going into effect?" Jim Lysen responded that this has already been passed by the legislature. The objective is to get local control and local review of projects. Jim Lysen then mentioned getting this item onto the July 13, 1999, City Council Meeting before the Joint Pre-Council Meeting scheduled for July 20, 1999. This meeting was then turned to the public. There, being no comments from the public, this item was brought back to the Planning Board for further discussion or a motion. Jim Lysen mentioned that a motion needs to be placed, subject to the minor changes so that this item can go before the City Council on July 13, 1999. Actual documentation is still needed from the state. The following motion was then made, subject to final clarification and references to articles eliminating Section 15 (c), as stated in the correspondence dated June 24, 1999 from Steve Landry. References should be made within the statute.

MOTION: by Dennis Mason, seconded by **Mark Paradis** to send a favorable recommendation to the City Council concerning the amendments to the Zoning and Land Use Code, Article XIII, Development Review and Standards - Applicability and Traffic Management, as submitted. This recommendation is made with the understanding that Staff may amend the proposal prior to the City Council Final Public Hearing so it will conform with relevant sections under 23 M.R.S.A., and to allow for local review of projects generating greater than 200 passenger car equivalents (PCE) at peak hour, if so granted by the State of Maine Department of Environmental Protection (MDOT).

VOTED: 5-0.

IV. FINAL HEARINGS:

- A. **Rooper's Beverage Store - 794 Sabattus Street** - **Steve Roop** has submitted an application to construct a 5,530 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.

Jim Lysen read the memo. prepared by **Daniel Stevenson** dated June 25, 1999.

In summary, at the May 25, 1999 Planning Board Meeting, the application was determined complete and it was then scheduled for a Final Hearing at the June 8, 1999 Planning Board Meeting. At the June 8, 1999 Planning Board Meeting, this application, at the applicant's request, was tabled and placed on the June 29, 1999 Planning Board Agenda so that the drainage and traffic study could be completed. The applicant was unable to obtain a maintenance agreement from the abutter, therefore a revised plan was submitted which now moves the building in a southerly direction (towards Sabattus Street) maintaining a six foot (6') rear setback. Hence, a maintenance agreement is no longer required.

There were no concerns with the Police and Fire Departments. The concerns raised with Public Works were relative to traffic, drainage, and wheelchair accessibility. The applicant has redesigned the drive-thru as to the traffic concerns. This will minimize the number of new curb openings on the site, will provide for reasonable separation between two-way driveways, and will provide for separate left and right turn exit lanes at the main access driveway. This will provide for reasonable safety and convenience for users of this site as well as minimizing conflicts with Sabattus Street traffic. The applicant is working with Public Works on resolving issues related to stormwater. As to wheelchair accessibility, the plans show a six foot (6') granite tipdown. Public Works requested a seven foot (7') minimum tipdown. The applicant has also begun the process to bring the issue of vacating Brent Street before the City Council for their action.

This item was opened to the public for input. There, being no comments from the public, this item was then turned back to the Planning Board for further discussion or a motion.

Eric Dube mentioned that there will be green space by the dumpster. He also said that there will be curbing and more green space between Rooper's Beverage Store and Cumberland Farms.

Steve Roop added that he is planning to put street trees in. Jim Lysen said that he could put up to three (3) trees, which would frame the street as a canopy. They should be deciduous trees and be placed 2-1/2 feet apart. They should be placed to the left of the entranceway.

Gil Arsenault stated that this is the best configuration for this lot.

Jim Lysen went on to say that the back line has been established by a surveyor. The Planning Board then requested that Jim Lysen read Article 9, Section 3, Sub-Sections 9, 10, and 11 (CDA 48-50). Gil Arsenault said that this should be considered one (1) lot for these purposes.

There, being no further comments, the following motion was then made.

MOTION: by Dennis Mason, seconded by Mark Paradis that the Planning Board finds that the application for Rooper's Beverage Store meets all the criteria in Article 9, Section 3, Sub-Sections 9, 10, and 11 and that the project meets all the necessary yard setbacks to six feet (6').

This motion was not voted on, since **Dennis Mason** withdrew his motion due to the 50 percent setback requirement. A maintenance agreement is required for under five feet (5'). Reference to needs to be made as to the language in the Board's opinion. There has to be an opinion that it will impact. Gil Arsenault mentioned that the setback requirements were changed last fall with the WCBB project. There being no additional comments, the following motion was made.

MOTION: by Dennis Mason, seconded by **Rob Robbins** that the application for Rooper's Beverage Store meets the requirements in the code found in Article 9, Section 3, Sub-Sections 9, 10, and 11 and that there is no impact on the adjacent property owners; and that the Board grants approval of the modification to the rear and yard setbacks to six feet (6').

VOTED: 5-0.

There were no additional concerns with Public Works and the following motion was made.

MOTION: by Rob Robbins, seconded by Dennis Mason that the Board finds the application of Rooper's Beverage Store meets all the approval criteria of Article 13, Sub-Section 4 subject to the following conditions: A. Minimum tipdown from the granite curb be changed from 6' to 7'; B. Any other concerns that the Public Works may raise be properly addressed; C. That the necessary actions are taken by the City Council to vacate Brent Street; D. That a deciduous tree be planted west of the one-way drive-thru on the plan; and E. That Brent Street actually be vacated.

VOTED: 5-0.

- B. Central Maine Medical Center/Central Maine Real Estate Management Corporation - Corners of Main Street & High Street and Main Street & Union Street - A proposal by SurveyWorks, Inc. for a minor amendment to a major development project to develop two (2) sites into patient/visitor parking lots totaling 43 parking spaces.

Jim Lysen read the memorandum prepared by Dan Stevenson and dated June 25, 1999. The Public Works Department has accepted and is in receipt of the Storm Water Management Analysis, which contains the calculations. The drainage should be handled on site. In discussions with **Eric Dudley** of the Public Works, the following concerns were raised: A. That the Union Street lot requires a drainage study by a licensed engineer due to an increase in the runoff and combined sewer in the area. B. That both lots will require stormwater detention. C. That the Union Street lot's existing vehicle gate be removed and the curb replaced with a sidewalk and that the existing curb cut be removed because it is no longer needed. D. That more stormwater detention structures are needed at the High and Main Street lot.

It was also discussed that if the following concerns are not met, this project should be tabled until the July 20, 1999 Planning Board Meeting. Those concerns are: A. Lighting needs to be adequately addressed. B. The concerns raised about storm water management need to be met.

An overview of this project was presented by **Dan** from SurveyWorks, Inc. Also, **Pat DePhillip**, a representative of CMMC spoke briefly. He said that the lot will be graded and that it will be asphalt. They are taking down two (2) existing houses to accommodate more spaces for parking. There is a net new increase in traffic. He said that they are only looking at a net new increase, that is why the traffic study was obtained. The question was then raised as to how many new spaces will be added to the existing paved lot. The Union Street lot will generate 60 or more spaces. This is an improvement to this lot.

Harry Milliken then said that this application is not complete, due to the Public Works concerns, which are not adequately addressed. He made reference to the 100-trip occurrence. Harry Milliken then questioned, "How is this supposed to be interpreted?" A clarification is needed on how to interpret adding the calculations. He then mentioned conditional approval. Rob Robbins agreed to a conditional approval to expedite this project. Gil Arsenault then commented that parking lots generate traffic. Pat DePhillip then said that they are just enclosing the lot. He feels that no more traffic will be generated. Dennis Mason said that this does not impact lots.

The following concerns need to be brought to the applicant, CMMC's, attention: A. The impervious areas appear to be above what is allowed in code. B. The existing curb cuts are there. There is not a curb cut on the proposed entrance to the High Street lot. C. There is a catch basin on the center of the parking lot by the Griffin property. The question was asked, "Is this meant to be a drive-thru" D. The Union Street lot does not show where the new fence will be.

Rob Robbins then asked, "Has there been any consideration as to lighting?" There is a lot of existing lighting on Main Street. Since the above items were not adequately addressed, the following motion was made.

MOTION: by Dennis Mason, seconded by Mark Paradis that the Planning Board determines the application for Central Maine Medical Center to be incomplete, due to the submission of inconsistencies to the Planning Board and determines that this application be tabled to the next Planning Board Meeting scheduled for Tuesday, July 20, 1999.

VOTED: 3-2.

- C. V.I.P., Inc. - 12 Lexington Street in the Lewiston Industrial Park - A proposal by Technical Services, Inc. for a minor amendment to a major development project to construct a 35' x 44' addition to the loading area and a 20-space parking lot.

Jim Lysen read the memorandum dated June 25, 1999 and prepared by Daniel Stevenson. Jim Lysen first made reference to the correspondence prepared by **Lorraine T. Comeau**, 272 Webster Street, that was handed out at this Planning Board Meeting. In her correspondence she mentioned two (2) concerns. Those concerns were with noise (the sounding of air horns) and the buffer zone (is the new parking lot for trailers or for customers and employees?). She would like some assurance that the buffer zone will not be touched. She would like a public road so that the applicant cannot do anything about it. She was also concerned with Trident Drive being wide enough to accommodate the trailers or if the possible widening of Trident Drive would then affect the buffer zone? She does not want the buffer zone touched.

Bob Faunce then briefly described this project. He said that there would be a garage door to drive in and out of. There will be six (6) doors, instead of three (3). There will be no tractor trailers in the new parking lot and there is no intent of using Trident Drive for tractor trailers. Employee parking will be relocated to Lexington Street. The original project was approved in 1986. He also mentioned that there would be no increase as to the size of the warehouse. They are trying to soften the noise impact. Their hours of operation will be during normal hours. It is just a minor change. This project comes before the Planning Board requesting a reduction in side setbacks.

Harry Milliken said that the original project was approved by the Department of Environmental Protection (DEP) in 1986. All approvals were in 1986.

The existing detention pond will be remediated and the outlet pipe will be restored.

MOTION: by Dennis Mason, seconded by Rob Robbins to move to accept the waiver/modification forms, as submitted, and that the Board determines that the application for V.I.P., Inc. is complete and to grant final approval with the following conditions: The Public Works Departments concerns regarding remediation of the pond and outlet pipe are addressed, that the use of the new parking lot be limited to automobiles and light trucks, and that the use of the ground entrance off Trident Drive be restricted to vehicles 39 feet in length.

VOTED: 5-0.

V. OTHER BUSINESS:

A. Old Business:

1. John F. Murphy Homes, Inc. - Consistency of the Zoning and Land Use Code with the Federal Fair Housing Act - On Thursday, July 1, 1999 at 9:30 a.m. both Gil Arsenault and Jim Lysen are meeting with the City Attorney, Robert Hark to discuss this item.
2. 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.
3. No Name Pond Watershed Plan Update - On Thursday, July 1, 1999 from 6:00 - 7:00 p.m. there is a reception and then a Public Meeting until 9:00 p.m. at the McMahon Elementary School Cafeteria. There will be a presentation on the Septic System Replacement Project. Jim Lysen mentioned that No Name Pond has the lowest readings, with chlorophyll levels being the highest, due to the current weather conditions.
4. Downtown Master Plan Update - There will be a presentation to the Board prior to the next Planning Board Meeting, which is scheduled for Tuesday, July 20, 1999. Sandwiches will be available at 5:30 p.m. From 6:00 to 7:30 p.m. will be the joint City Council/Planning Board Meeting. A DRAFT Downtown Master Plan will be presented with a marketing and real estate approach.
5. Legal Opinion on LMRC Corporate vs. Municipal Status - No update.
6. An Ordinance Pertaining to Front Setbacks in the Downtown Business District - No update.
7. Comprehensive Plan Update - No update.
8. Board of Appeals, Staff Review Committee, Historic Preservation Review Board Meeting Schedules - No update.
9. West View Bluffs Update - No update.

VI. READING OF THE MINUTES:

A. Draft Minutes of Planning Board Meeting held on 6/8/99. Dennis Mason made the following change to the minutes. On Page No. 4, Item V. Acquisition/Disposition of Municipal Property, third sentence, delete the words, "options on" and replace with, "goals for". The following motion was then made.

MOTION: by Dennis Mason, seconded by Mark Paradis to accept the Planning Board Minutes of June 8, 1999, as amended, and place them on record.

VOTED: 4-1 (Lewis Zidle absent from last meeting.)

After this motion, but before adjournment the traffic issue was brought up. Rob Robbins said that he would like to see a policy. Harry Milliken said that we need consistency in parking. Jim Lysen commented that a policy needs to be determined before a parking garage and that there will be a full traffic study forthcoming. Harry Milliken then mentioned to list on the next agenda as an Other Business Item the title, "Policy Concerning Traffic Generation".

VII. ADJOURNMENT:

The following motion was made to adjourn.

MOTION: by Dennis Mason, seconded by Lewis Zidle to adjourn this meeting at 9:36 p.m.

VOTED: 5-0.

Respectfully submitted,



Dennis Mason, Secretary

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