

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for September 16, 1999 - Page 1 of 8**

I. ROLL CALL:

This meeting was called to order at 7:07 p.m. and chaired by Harry Milliken.

Members in Attendance: John Cole, Rob Robbins, Tom Peters, Harry Milliken, Mark Paradis, and Dennis Mason.

Staff Present: James Lysen, Planning Director; James Fortune, Planning Coordinator; Gil Arsenault, Deputy Development Director, Gregory Mitchell, Director of Development; David Hediger, Land Use Officer; and Doreen Asselin, Administrative Assistant.

Members Absent: Lewis Zidle.

- II. CORRESPONDENCE:** The following correspondence were distributed at this meeting:
- A. Traffic Impact Study on Phase I Redevelopment of the Bates Mill Complex;
 - B. Memorandum dated September 15, 1999 from **Deputy Chief James D. Morin** in reference to Development Review/Subdivision and Master Plan Review Bates Mill;
 - C. Planning Board Project Review Forms dated September 15, 1999 from the **Michel Lajoie, Fire Chief** and **Michael Paradis, City Engineer**, in reference to the Bates Mill Subdivision;
 - D. Planning Board Project Review Form dated September 10, 1999 from **Bill Welch, Police Chief** in reference to Butler Brothers;
 - E. Memorandum dated September 14, 1999 from **Eric Dudley, Project Engineer** of the Lewiston Public Works Department in reference to Butler Brothers Dyer Road Entrance;
 - F. Correspondence from the State of Maine Department of Environmental Protection (MDEP) dated September 8, 1999 in reference to the DEP not Exercising Jurisdiction over the Application of Central Maine Medical Center (CMMC) Regarding the Air-Ambulance Landing Site Underground Fuel Tank and Fueling Cabinet;
 - and G. Memorandum dated September 10, 1999 from Eric Dudley, Project Engineer of the Lewiston Public Works Department in reference to Harley's-R-US Amendment Plan.

MOTION: by **Dennis Mason**, seconded by **John Cole** to accept the above correspondence items, as submitted, and place them on record to be read at the appropriate time.

VOTED: 4-0.

Tom Peters mentioned that in regards to the Butler Brothers project, which is not coming before the Planning Board at this meeting, since the Planning Board has accepted it, to make sure the petitioner has copies made available to the public in the event that they would like to look at it.

Harry Milliken then mentioned that this meeting is a special meeting this month and the main agenda is on the Bates Mill Master Plan, Subdivision, and zoning ordinance, etc. The Planning Board will not be discussing the sale of the mill or the Planning Board's role on making a recommendation on selling the mill, and will not be taking any final action on anything as far as the Bates Mill is concerned at this meeting. The Planning Board will be

discussing some zoning changes to the downtown area which does include the Bates Mill area and will be getting an update on the Bates Mill Master Plan.

III. PUBLIC HEARING - Review and Recommendation on the Proposed Amendments to the Urban Enterprise (UE) District Concerning Additional Standards (Continued from the 9/9/99 Planning Board Meeting).

Jim Lysen read his memorandum dated September 13, 1999. He summarized by saying that the downtown portion is Parcel C. The northern end is Island Avenue. The limits of the downtown Urban Enterprise (UE) is from Essex Street to Island Avenue. The 100-year flood plain is in the Resource Conservation (RC) Zone. **Jim Lysen** mentioned that this area is shown on the map included in the Planning Board packets. **Jim Lysen** said that this is amendments to additional standards only. **Harry Milliken** suggested changing the name of the downtown portion of the Urban Enterprise (UE) District i.e. to Downtown Urban Enterprise (DUE). Tom Peters referred to the matrix table. **Jim Lysen** said that this is just relaxing space and bulk standards. This is a code amendment. This item was then opened to the public for comments.

Marcel Morin (property owner on Essex and Lisbon Streets) asked, “Does the zoning change from Community Business (CB) District to Highway Business (HB) District in this area?” **Jim Lysen** responded, “No”. There being no further comments from the public, this item was then turned back to the Planning Board for more discussion or a motion.

Tom Peters said that he had no problems with the standards. **John Cole** reaffirmed that this is just to define the downtown portion of the UE District. There were no other comments from the other Planning Board members. The following motion was made.

MOTION: by **Dennis Mason**, seconded by **Rob Robbins** that the Planning Board recommends to the City Council to approve the code amendment of the Proposed Amendments to the Urban Enterprise (UE) District Concerning Additional Standards.

VOTED: 6-0.

IV. BATES MILL MASTER PLAN UPDATE - Including designation of Mill Street as a Public Way and the Vacation of a Portion of Hines Alley.

Jim Lysen read his memorandum dated September 13, 1999. Included in the Planning Board packets was the Bates Mill Complex Master Plan Update (Draft) dated August 27, 1999. In January 1999 there was an update on the Master Plan. Also included in the review is the designation of Mill Street as a public way and vacation of a portion of Hines Alley. Within the document there is a discussion about building improvements, the proposed

Courtyard, the creation of main and service entrances and pedestrian access. There is also a discussion on parking with an attached Exhibit A that shows the proposed parking needs and what is being planned to meet those needs, as well as a key map showing the locations of the various existing and proposed parking areas. Also, a discussion on Traffic Management and the need to designate Mill Street as a primary means of access through the complex and to partially discontinue Hines Alley. The Traffic Impact Study required for Mill No. 3 redevelopment was distributed at this meeting. A traffic impact analysis for the entire complex will be completed later this year.

Both **Steve Myers** of Platz Associates and **Gregory Mitchell, Director of Development**, were present at this meeting. **Steve Myers** presented this item. He said that in October 1997 the first Master Plan was presented to the public. There was also an addendum to the Master Plan. A scale is needed of the critical areas and redevelopment on a building-by-building basis. The first building to be developed was Storehouse No. 7 (Peoples Heritage Bank). Mill No. 3 is where another Peoples Heritage Bank is proposed to be located. In this proposed building, there will be another 250 employees. The next building to be developed will be tenant-driven. The Mill No. 3 Annex was structurally deteriorated and has been torn down. This gives an opportunity for a Courtyard. **Steve Myers** showed this area on his map. The focus is for entering Mill No. 2. Mill Nos. 2 and 3 are on three (3) levels. The three (3) levels are: A. Level with Mill Street; The Mill No. 2 entranceway; and An in-between area for a fountain. The Courtyard area will open up a new front entrance. A loading dock on the side will be taken down. There is a want for connection to the canals with walkways, etc. There is also a need for lots of pedestrian access and walkways.

The Lincoln Street parking lot needs a nice sidewalk and trees. There are two (2) main entrances. There is a need to look at the back areas, delivery, etc.

Reference was then made to the Traffic Impact Study. Mill Street will be resurfaced with a sidewalk next to it, etc.

As to parking, there is a need for 752 cars. The map presented will provide for 908 spaces. The lot at Chestnut and Lincoln Streets will get a new parking garage that will have 160 cars per level. There will be some parking lost along Lincoln Street because of the new landscaping.

Dennis Mason said that an access sign is needed. He then questioned, "What is the plan to pay for it?" **Steve Myers** responded that it will be paid for with bond issues. The proposed elevators will be paid for by the tenants. **Steve Myers** also said that stair towers will be put in. This meeting was then turned to the public for comments.

Marcel Morin (47 Walker Avenue) questioned whether we were, "talking about the entire complex?" **Greg Mitchell** stated that there will be redevelopment for parking. **Greg Mitchell** also said that the use for Mill No. 5 will not be addressed at this time.

Bob Gladu (485 Grove Street) - **Bob Gladu** had the following questions. "Why are we encouraging Peoples Heritage Bank to go to Mill No. 3 when we have tons of space?" "Why not relocate in the building that already has windows and a new roof?" **Steve Myers'** response was that Peoples Heritage Bank wants to be near to where it already is and that it is best to do a whole building at one time. The parking garage cannot be in the middle because of the Historic Preservation Commission. As far as access, several means of access are being planned to Lincoln Street. Mill Street is a public right-of-way. **Greg Mitchell** commented that it does meet public criteria. **Jim Lysen** said that it is being defined as a public easement and that there are a number of public easements. The loading areas will be removed. This will improve the access way. **Tom Peters** commented that the code applies to everybody as to the health, safety, and welfare of the City.

Bob Gladu questioned, "As to Building Nos. 1 and 2, what kind of a predicament will the City get into?" **Harry Milliken** suggested to go on with more of the presentation. The City has received the EDA money. **Steve Myers** said nothing will be done to adversely affect the buildings. The Executive Conference Building cannot be touched because of historic preservation. **Greg Mitchell** said that this is a factor worked into the purchase price. **Bob Gladu** then asked, "Is the entire mill complex listed under historic preservation on the national or state register?" **Jim Lysen** responded with, "No". **Bob Gladu** also said that 99 percent of the time you are allowed to do whatever you want. He suggested to not let the public think you cannot. You can pretty much do anything that you want.

\$1.8 Million was spent with historic preservation. There is no further money. This needs to stay consistent with very strict guidelines.

This item was then closed to the public and turned back to the Planning Board for further discussion. In closing, **Steve Myers** commented that there are a lot of concepts and ideas. The following motion was made.

MOTION: by **Rob Robbins**, seconded by **Mark Paradis** that the Planning Board recommend adoption of the Bates Mill Master Plan Update to the City Council.

VOTED: 6-0.

V. PRE-APPLICATION AND DETERMINATION OF COMPLETENESS HEARING - Bates Mill Complex - A Development Review Proposal by the Lewiston Mill Redevelopment Corporation (LMRC) to subdivide the Bates Mill Complex.

Jim Lysen read his memorandum dated September 13, 1999. He said that **Gregory Mitchell** on behalf of the LMRC has submitted an application to subdivide the Bates Mill Complex into five (5) lots. This project is within the Urban Enterprise (UE) District. The

City proposes to sell proposed Lot Nos. 2, 3, and 5 to the Bates Mill Limited Liability Corporation and, therefore, a subdivision is required prior to the sale. A traffic analysis of Mill No. 3 will be submitted and an overall traffic analysis for the entire complex is underway and will be submitted when completed. Information has been sent to the abutters. There are modifications to the existing standards to show the existing building. It was also noted, at this meeting, that only the Planning Board Chair signs plans. A note regarding the easements needs to be put on the plans, therefore, all right-of-ways and easements shall be shown on the plans. **Tom Peters** said that the exact locations of some easements need to be noted before the properties are sold. **Harry Milliken** commented that this is a buyer-beware situation. A spot check is being done on the notices. This item was turned to the public for comments.

Bob Gladu asked, “Are we boxing ourselves into Mill Nos. 1 and 2?” He said he is against being stuck in the corner or a piece of property that not marketable. He said that there is no access to this building. He does not want to City to be left with unrentable space. Our taxes are high enough. He does not want to be burdened to the City forever.

Harry Milliken said that nobody is going to have parking at their doorstep. This is part of the Master Plan, to include ease of access to Building Nos. 1 and 2. **Harry Milliken** did say that people do not want to walk. This is the same problem as in town. The parking garage is maxed out. **Tom Peters** agreed with **Harry Milliken** that there is definitely a problem with parking. **Bob Gladu** wanted to know how much spaces had been rented to date. **Tom Peters** said the figures are available. **Greg Mitchell** said that a parking study has been done for the entire downtown. At the request of **Tom Peters**, **Greg Mitchell** will make the parking figures available to **Bob Gladu**. With that, **Tom Peters** said that this parking issue has not been resolved. **Bob Gladu** suggested looking at this before you move the subdivision. **Harry Milliken** requested that **Bob Gladu** get a copy of the parking study and a copy of the Mayor’s Downtown Renaissance Task Force (MDRTF) study.

Greg Mitchell said he chooses at this time not to discuss a separation of Mill Nos. 1 and 2. He said to incorporate the revisions into future plans.

As to the Chestnut Street and Lincoln Street parking garage, this will house 250 spaces to Peoples Heritage Bank. This will be maintained under municipal ownership. **Jim Lysen** then went over the meeting schedule. It was suggested to place acquisition/disposition of property on the next agenda.

MOTION: by **Tom Peters**, seconded by **Dennis Mason** to accept the waiver/modification form, as submitted.

VOTED: 6-0.

MOTION: by **Tom Peters**, seconded by **Rob Robbins** that the Planning Board determines that the application for subdividing the Bates Mill Complex into five (5) lots is determined to be complete; to schedule the Bates Mill Complex Subdivision for a Final Hearing on Thursday, September 30, 1999; with the understanding that staff will work with the petitioner to add to the plans those items that were mentioned to delineate, demolish, and a note regarding the easement maintenance obligations, right-of-ways, etc. and any other conditions or suggestions related to this project.

VOTED: 5-0-1 (Mason Opposed).

After this motion was made, **Dennis Mason** asked, "Does the easement or public right-of-way of Mill Street end at the bridge or is it designed to continue?" "Are we accepting it then as a right-of-way?" **Jim Lysen** responded that this goes all the way to Main Street. This has been accepted as an alley. At the end of this discussion, **Bob Gladu** asked if the Franklin Company owned the streets. He said that this cannot be subdivided, if it is not owned.

VI. OTHER BUSINESS:

A. New Business:

1. *Reconsideration of Action taken by the Planning Board at the 9/9/99 Meeting Concerning Amendments to the Shoreland Area Standards.*

Distributed at this Planning Board Meeting was a memorandum prepared by **Jim Fortune, Planning Coordinator**, dated September 15, 1999 in regards to reconsideration of a previous decision by the Planning Board. A vote is needed to reconsider. The following motion was made.

MOTION: by **Tom Peters**, seconded by **Mark Paradis** to reconsider the action taken by the Planning Board at the September 9, 1999 meeting concerning amendments to the Shoreland Area Standards.

VOTED: 5-0-1 (Milliken Abstained - Not Present).

After Staff's reconsideration of **Dennis Mason's** suggestion of language, Staff has looked into this and that segment was the only area that a variance could not be granted. The Planning Board decided that it would be better to have clean language available to them. Basically, the only change was to eliminate the clause that says that you cannot vary the standards of 25 feet for private roads. The rest of the proposal remains the same. **Dennis Mason** then said that he agrees with the move to reconsider the previous amendment and that he accepts the amended changes.

David Hediger said that these area standards make it more consistent with the States' requirements. The changes made are more restrictive than the State's standards, which are down to the minimum. **Jim Lysen** said that the standards need to be applied around ponds and streams. The following motion was made.

MOTION: by **John Cole**, seconded by **Mark Paradis** to adopt the amendment to incorporate the new change recommended by the Planning Board Staff to the Shoreline Area Standards.

VOTED: 4-1-1 (Mason - Opposed/Milliken - Abstained).

Dennis Mason cannot accept the changes. He does not think the minimum standards should be set to 25 feet. He said he agrees with the variance. He does not agree with going down to the state's level with all the other changes.

John Cole stepped down from the Planning Board on this item.

2. *Review of a Proposal to Add Veterinary Hospital and Related Facilities as a Permitted Use within the Urban Enterprise (UE) District and Possible Scheduling of a Public Hearing.*

Allan Hahnel, of Hahnel Brothers Company, was present at this meeting. He said that they would like to see the facility operational before Christmas. Harry Milliken suggested scheduling this item as the last item as a Public Hearing with the 10:30 p.m. rule. He explained that the following items were already scheduled for the Thursday, September 30, 1999 Planning Board Meeting, as follows: a. Water's Edge, Butler Brothers, the Bates Mill Subdivision, and acquisition/disposition. Harry Milliken also said that the applicants for the 9/30/99 Planning Board Meeting should be notified that there will be only four (4) voting members present at that meeting. John Cole will be stepping down from the Butler Brothers project, Dennis Mason will not be at that meeting, and Rob Robbins will also not be at this meeting. The following motion was made.

MOTION: by Tom Peters, seconded by Dennis Mason for the Planning Board to reschedule the above item under New Business, Item No. 2 for the Thursday, September 30, 1999 Planning Board Meeting.

VOTED: 6-0.

VI. READING OF THE MINUTES:

A. *Draft Minutes of Planning Board Meeting held on August 31, 1999.*

MOTION: by Dennis Mason, seconded by Mark Paradis to approve the Planning Board Minutes of August 31, 1999, as submitted and place them on file.

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

VII. ADJOURNMENT:

The following motion was made to adjourn.

MOTION: by Dennis Mason, seconded by Rob Robbins to adjourn this Planning Board Meeting at 9:45 p.m.

VOTED: 6-0.

Respectfully submitted,

Dennis Mason, Secretary

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