

**CITY OF LEWISTON  
PLANNING BOARD MEETING  
MINUTES for September 30, 1999 - Page 1 of 14**

**I. ROLL CALL:**

This meeting was called to order at 7:03 p.m. and chaired by Harry Milliken.

**Members In Attendance:** John Cole, Tom Peters (also LMRC Member), Harry Milliken, Lewis Zidle, and Mark Paradis.

**LMRC Members In Attendance:** Colleen Lahey and Dick Metivier.

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

**Members Absent:** Rob Robbins and Dennis Mason.

**II. CORRESPONDENCE:** Letter from Joyce Bilodeau, Co-Chair of MDRTF, dated September 23, 1999 requesting a joint Planning Board/City Council presentation on the Downtown Master Plan.

At the request of Tom Peters, he suggested acting on this item under New Business at the end of this meeting.

The following additional correspondence were distributed at this meeting: A. Letter from Charles Kellogg, Project Manager, Bureau of Land and Water Quality, State of Maine Department of Environmental Protection (DEP) dated September 29, 1999 in reference to the DEP not Exercising Jurisdiction over the Application of Water's Edge Subdivision; B. Planning Board Project Review Form from Michel Lajoie, Fire Chief dated September 9, 1999 in regards to the Butler Brothers Project. C. Planning Board Project Review Forms from Bill Welch, Police Chief, dated September 20, 1999 and Michel Lajoie, Fire Chief dated September 23, 1999 in regards to the Butler Brothers Facility. D. Planning Board Project Review Forms from Bill Welch, Police Chief, and Michel Lajoie, Fire Chief dated September 27, 1999 in regards to the Revised Final Hearing - Bates Mill Subdivision. E. Planning Board Project Review Forms from Bill Welch, Police Chief, and Michel Lajoie, Fire Chief dated September 27, 1999 in regards to Bates Mill No. 3 Renovations, Phase I. F. Memorandum from Chris Branch, P.E., Director of Lewiston Public Works Department dated September 30, 1999 in regards to the Bridge over Cross Canal #1 at Mill Street. G. Memorandum from Chris Branch, P.E., Director of Lewiston Public Works Department dated September 30, 1999 in regards to the Bates Mill Complex Commercial Subdivision. H. Memorandum from Jim Fortune, Planning Coordinator dated September 29, 1999 in regards to Conditional Rezoning for 1046 Main Street. I. Petition for Conditional Rezoning - 1046 Main Street. J. Map showing location of 1046 Main Street. K. Faxed Correspondence from Planning Board Secretary, Dennis Mason, dated September 30, 1999 in regards to Planning Board Agenda for September 30, 1999 Meeting. L. Faxed Correspondence from Planning Board Secretary, Dennis Mason, dated September 30, 1999 in regards to Planning Board Agenda for September 30, 1999 Meeting. M. Correspondence from Thomas L. Gorrill, P.E., President, of Gorrill-Palmer Consulting Engineers, Inc. dated September 29, 1999 in regards to Bates Mill Expansion - Phase I, Response to Police Chief's Comments.

**MOTION:** by **Tom Peters**, seconded by **Lewis Zidle** to accept the above correspondence items, as submitted, and place them on record to be read at the appropriate time.

**VOTED:** 5-0.

*John Cole stepped down from the Planning Board.*

**III. PUBLIC HEARING -** *A proposal to amend Article XI, Section 14 of Appendix A, Zoning and Land Use Code of the Revised Code of Ordinances of the City of Lewiston to allow Veterinary Hospitals, Humane Society, and other Similar Facilities as a permitted use in the Urban Enterprise (UE) District.*

Jim Fortune read his memorandum dated September 23, 1999. In summary, at the September 9, 1999 Planning Board Meeting it was recommended by the Planning Board Members that the Planning Staff draft an amendment with minor changes to the language of the amendment. At the September 16, 1999 Planning Board Meeting, this language was reviewed and the petition by Mr. Charles Scheib was reviewed. The language in the amendment was changed from “*and other similar facilities*” to read “*and related facilities*”.

Tom Peters asked if this would be allowed in the downtown district? Jim Lysen responded that this would be allowed in just the UE District. He also said that this is a request to be moved up to the first Planning Board Meeting in October, which is scheduled for October 12, 1999. This item was opened to the public. Since there were no comments from the public, it was then turned back to the Planning Board for the following motion.

**MOTION:** by **Tom Peters**, seconded by **Mark Paradis** that the Planning Board send a favorable recommendation to the City Council on the proposal to amend Article XI, Section 14 of Appendix A, Zoning and Land Use Code of the Revised Code of Ordinances of the City of Lewiston to allow veterinary hospitals, Humane Society, and related facilities as a permitted use in the Urban Enterprise (UE) District.

**VOTED:** 4-0.

**IV. FINAL HEARINGS:**

A. *A proposal by A.R.C.C. Land Surveyors, Inc. to amend the plan of lots for the Water’s Edge Subdivision by splitting Lot No. 27 and deeding portions thereof to the abutting landowners of Lot Nos. 1 and 2 in the Water’s Edge Subdivision on Water’s Edge Drive.*

Jim Lysen summarized the memorandum prepared by Jim Fortune dated September 21, 1999. He said that Gile R. Albert, who is the owner of Lot No. 2, has submitted plans to amend the Water’s Edge Subdivision by splitting Lot No. 27 and adding portions thereof to Lot Nos. 1 and 2. Since this project is greater than 20 acres, but less than 100, it is also being reviewed under Lewiston’s Municipal Review of Development granted by the DEP. No new lots are being created, in fact one is being eliminated. Jim Lysen made reference to the above correspondence dated September 29, 1999, which was from the State of Maine DEP that states that the DEP will not be exercising jurisdiction over this application. Jim Lysen said that this application meets all the approval criteria in Article XIII, Sections 4 and 5. Art Montana gave a very brief presentation and described Lot Nos. 1 and 2 on the map he presented at this meeting. The property is common ownership. There were no concerns from the Police, Fire, and Public Works Departments. Tom Peters asked if there were any unusual modifications or waivers to this project? The response from Jim Lysen was “No, most things, due to the nature of this project, were not applicable”.

This item was then opened to the public for questions or comments. Since there were none, it was then turned back to the Planning Board for further discussion or motions. The following motions were made.

**MOTION:** by **Tom Peters**, seconded by **John Cole** to grant the necessary modification and waivers, as presented, and determine the application for the Water’s Edge Subdivision to be complete.

**VOTED:** 4-0.

**MOTION:** by **Tom Peters**, seconded by **Mark Paradis** that the application for the Water’s Edge Subdivision meets all the approval criteria under Article XIII, Sections 4 and 5, and that final approval be granted to the amendment of the Water’s Edge Subdivision on Water’s Edge Drive as modified.

**VOTED:** 4-0.

After the above motion was made, Harry Milliken stated that the above motion should reflect that this is subject to the lots actually being deeded to the abutting landowners. He went on to say that the lot is being subdivided and this lot is a non-conforming lot, based on the fact that they are going to be deeded over to the abutting landowners. Jim Lysen also said that this is included on the plans.

**MOTION:** by **Tom Peters**, seconded by **Mark Paradis** that the above motion be modified to include that subject to the lots actually being deeded to the abutting landowners.

**VOTED:** 4-0.

*John Cole remained stepped down from the Planning Board on the following item.*

*The next item presented was out of sequence on the agenda, but was also being presented by Art Montana of A.R.C.C. Land Surveyors, Inc. This item was Item No. 2 listed under the Other Business, New Business heading, as follows:*

**V. OTHER BUSINESS:**

A. New Business:

- 2. *Review of a Petition from George Schott to Conditionally Re-Zone the front portion of 1046 Main Street (formerly R.J. Pelletier Lawn and Garden Center) from Neighborhood Conservation “A” (NCA) District to Highway Business (HB) District and schedule for a Public Hearing.*

Jim Fortune read his memorandum dated September 29, 1999. George Schott is requesting the Planning Board to schedule a Public Hearing for a conditional rezoning proposed for a portion of 1046 Main Street, which is in the Neighborhood Conservation “A” (NCA) District. Mr. Schott would like the front part of the property to be conditionally rezoned as Highway Business (HB) subject to certain limitations and restrictions. Included in the Planning Board packets was a statement concerning the proposed conditional rezoning and conformance with the Comprehensive Plan, along with a list of suggested permitted uses - some with restrictions. Distributed at this meeting, in addition to the memorandum, were the petition and a location map of the lot proposed for rezoning.

Arthur Montana said that Scott Lynch is an abutting neighbor and is satisfied. He also stated that George Schott would like the zoning to be more general so that any business would be able to go in this area. He would like to use this area to store vehicles for resale, not to junk.

This item is part of the Downtown Master Plan, which is being presented to the Planning Board at 6:00 on Tuesday, October 12, 1999. The following motion was made.

**MOTION:** by **Tom Peters**, seconded by **Lewis Zidle** that the Planning Board move to schedule the conditional rezoning for 1046 Main Street for the next Planning Board Meeting scheduled for Tuesday, October 12, 1999.

**VOTED:** 4-0.

*The remaining items on the agenda were presented in sequence.*

**IV. FINAL HEARINGS:**

- B. *A proposal by The Sheridan Corporation on behalf of Butler Brothers to construct a 48,900 square foot warehouse and an attached 5,000 square foot office with related parking and driveways at 2001 Lisbon Road (Revised from 09/03/99 Revision Submittal).*

Jim Fortune read his memorandum dated September 23, 1999. This application has been submitted with final revisions to the development review application for a 53,900-square foot warehouse and office facility at 2001 Lisbon Road. The developer has eliminated Phase II, the 21,000 square foot future expansion, from the current proposal. On September 9, 1999, the Planning Board held a pre-application and determination of completeness hearing on this project. The waivers were granted and the application was determined to be complete and then the project was scheduled for this final hearing. Both the Police and Fire Departments had no concerns with this project. The Public Works Department expressed a concern that the South Lisbon Road should be dead-ended as part of the project, to minimize the number of T intersections in that area. Since the last Planning Board Meeting, the stormwater calculations were changed due to the elimination of Phase II. No revisions were made to the stormwater system. Dyer Road will be maintained as a second means of access and will be limited to passenger car and emergency service vehicles only. Truck traffic will be prohibited from using the Dyer Road entrance. The DEP has issued a Tier 1 Permit for this project and the Army Corps of Engineers action is pending. The Revised Site Plan shows the number of parking spaces being reduced from 50 to 58, due to the elimination of Phase II. One (1) tree would need to be removed from the conservation easement, which will be replanted by Butler Brothers. Reference was then made to the memorandum prepared by Chris Branch of the Public Works Departments.

There were no concerns from the Police and Fire Departments. The concern with the Public Works Department was that South Lisbon Road should be dead-ended as part of the project to minimize the number of "T" intersections in that area, as mentioned above.

Ken Lamoreaux reiterated highlights. He mentioned that since Phase II is no longer included as part of this application, that the Phase I building has been moved a few feet south. The road on Dyer Road has been re-looked at. There is only one (1) tree that needs to be removed and replanted (as previously mentioned). He said that all the utilities enter from Lisbon Road. There will be no excavation. He commended the City and Public Works Officials on the stormwater plan. All the stormwater drains to one area. He said that the site will be revisited with the City Engineer. There will be a meeting on-site as to what tree will be removed and replanted. Harry Milliken then asked, "Who makes decisions as to

what goes - the arborist, etc.?" Jim Lysen responded that decisions are made with the City Engineer. This item was then opened to the public for questions or comments.

**Ed Buschman** (Resident of Dyer Road) - He said he welcomes Butler Brothers to the area. He hopes that the driveway will stay for emergency purposes only. He thinks that this can all be done well.

**Jack Simmons** (Resident of Dyer Road) - He gave an historic perspective of documents. He said that in 1987 the land had to be re-zoned, if Mr. Cronin wanted to re-zone his property. He said that the Dyer Road residents care about their homes. They do not want any commercial infringement on Dyer Road. They want Dyer Road to be protected. He said that this is the Planning Board's determination to the citizens. The Planning Board can take this into determination. He said that in the Agreement (included in the Planning Board packets), on Page No. 4, it states that they are allowed to have one (1) emergency exit. He said that the applicant (Butler Brothers) is asking to include automobile traffic. The residents of Dyer Road do not want automobile traffic to enter Dyer Road. He said the obligation of the Planning Board is to the citizens. He also said that the language is clear as to interpretation. The development review standards are adequate. The side Agreement was with Mr. Cronin and the neighbors, not with the City. Exhibit C in the first application refers to Page 2, dated 8/18/87. He said that Page 4, Sub-Paragraph (a) is what the neighborhood wants. This is a zoning issue. He wants the Agreement to be part of what is approved. He then wanted on Page 4, Sub-Paragraph (b) to be explained. This is a different issue and is not an issue. **Jack Simmons** said that he represents his wife and himself. He is speaking for the neighborhood in an entrust capacity.

**Susan Oram** (Attorney for Butler Brothers) - She said that the Agreement that Jack Simmons mentioned is a private agreement that should not be enforced. She feels that the project should be approved to the standards set forth. The application is complete. It is not the Planning Board's job to enforce or interpret that agreement. She also said that there is nothing in the ordinance that says for emergency purposes only. She feels that the Agreement is not binding on the Planning Board.

**Dave Fischer** (19 Dyer Road) - He said that Page 2 is in compliance with the Agreement. There is no statement for vehicular traffic. As to the Casey & Godfrey Report, he said the interpretation should be minimal. He also asked, "Why, with 21 +/- employees, do Butler Brothers feel it a necessity for traffic on Dyer Road?"

**Phyllis St. Laurent** (89 Dyer Road) - She stated that there is a sign that is posted that says no trucks with a certain weight limit right where this entrance is going to go on Dyer Road. She feels that with Butler Brothers presence, this is just a way of creeping in on the residents.

Jim Lysen made reference to Eric Dudley's (of the Lewiston Public Works Department) memorandum dated September 14, 1999 in regards to the Butler Brothers Dyer Road Entrance. In that memorandum, they recommend that only one (1) entrance be maintained on Lisbon Road and that the entrance on Dyer Road should be utilized. Only passenger car and emergency vehicle traffic should be allowed to use this entrance. No truck traffic

should be allowed through this entrance, since Dyer Road has not been constructed to support truck traffic. Also, in order for a safe sight distance from this intersection, the trees should be trimmed along Dyer Road. There shall be a note placed on the plan for passenger vehicles only. Phyllis St. Laurent feels that Dyer Road cannot handle the truck traffic. Tom Peters commented that there is no logical place to put a third entrance. One (1) entrance would be sufficient. Jim Lysen said that there is a proposal for a second means of access, which is not a code requirement. The Fire Department has requested a second means of access of 24 feet. Twenty feet is the minimum. The road surface would need to be maintained by the City.

**Phyllis St. Laurent** asked, "What's going to happen to the agricultural area?" The outer limits are for hunting. She questioned if this would be remaining the same. She said that Dyer Road is the last road to be plowed. This is very dangerous to have an entrance at this location. She ended her conversation stating that she opposes this project.

**Andre Bonneau** - Expressed concern and disappointment that the Agreement is being changed. Enforcement of the Agreement is not the Planning Board's job. Would like for the Planning Board to help keep the Agreement.

**Jack Simmons** suggested that this is an incomplete package. He said that the applicant should be rejected from lack of information.

**Patti Johnson** (73 Dyer Road) - She questioned, "What is the need for a second entrance?" "Why is this necessary?" Harry Milliken said that curb cuts causes dangerous accesses. It is necessary to eliminate as many accesses as you can on major highways. She also questioned, "Why is it necessary for employees to exit on Dyer Road and not Lisbon Road?"

**Pat Butler** (President of Butler Brothers) - He stated that there were a lot of problems with the site. He said the main entrance is on Lisbon Road. Dyer Road is an emergency exit only for employees.

**Mary Bonneau** (67 Dyer Road) - She asked, "If there are only 20 employees, why is there a need for 50 parking spaces?" Jim Lysen responded that 58 spaces were required by code, but compromised to 50.

**Ken Lamoreaux** (The Sheridan Corporation) - Ken Lamoreaux stated that the fire emergency access is needed for the left side of the building.

**Dave Fischer** again mentioned vehicular traffic and suggested having a gated lock installed.

**Pat Butler** stated that Dyer Road will be paved in order to be plowed.

**Bob Gladu** said that he was not at the Planning Board on this issue, but commented that these people are the best people to be there. They are God sent. He said that the people on Dyer Road are taking this out of proportion.

After the above comments and questions from the public, this meeting was then turned back to the Planning Board for further discussion.

Lewis Zidle questioned Ken Lamoreaux as to “How far is the nearest house to the future site of Butler Brothers?” Ken Lamoreaux’ response to this was 200 feet.

Tom Peters said that the road width would be 20 feet if gated. If not gated, the road width would be 24 feet. He also said that paving is appropriate and that this should not be locked or gated for emergency purposes. Harry Milliken agreed with Tom Peters that it should be paved and maintained, but not gated. He said that locks and gates can be a problem. Dyer Road will be used for emergency access only and enforced through the neighbors, the applicant, and code. The following motion was made.

**MOTION:** by **Tom Peters**, seconded by **Mark Paradis** that the application for Butler Brothers meets all the approval criteria under Article XIII, Section 4 and further that the Planning Board grants final approval to this project, subject to the following:

1. That an entrance off of Dyer Road be allowed to be constructed not to exceed 24 feet, it is to be paved, used for emergency purposes only, and that it not be locked.
2. That Butler Brothers and the developer work with the City Engineer so that the minimum number of trees be removed and only for purposes of making sure that there is site for coming in or exiting on the Dyer Road.
3. Be subject to the Army Corps of Engineers for wetland delineation
4. That the limitations be described and noted on the plans.

**VOTED:** 4-0.

*At this point in the meeting there was a brief recess from 8:30-8:45 P.M.*

*John Cole rejoined the Planning Board.*

- C. *A proposal by the Lewiston Mill Redevelopment Corporation (LMRC) to subdivide the Bates Mill Complex into five (5) lots.*

Jim Lysen read the memorandum prepared by Jim Fortune dated September 23, 1999. This project is in the Urban Enterprise (UE) District and totals 9.8 acres. The City is proposing to sell Lot Nos. 2, 3, and 5 to the Bates Mill Limited Liability Corporation. The Planning Board raised two (2) issues with regard to the Subdivision Plan. They are: 1. Participation in “Lot Owner’s Association” to deal with issues of ongoing maintenance, easements, etc. and 2. Provide a note on the subdivision plan that makes the sale of lots contingent upon the necessary easements, restrictions, covenants, etc. This note has been placed on the subdivision plan, which deals with these two (2) above issues.

Jim Lysen made reference to the two (2) memorandums that were prepared by Chris Branch of the Public Works Department regarding the Bridge over Cross Canal #1 at Mill Street and the Bates Mill Complex Commercial Subdivision. Both memorandums were dated for September 30, 1999. In the memorandum regarding the Bridge over Cross Canal #1 at Mill Street he is suggesting that the City invest in installing a completely new deck on the bridge. He also stated that this bridge is safe for truck and pedestrian traffic. In the memorandum

regarding Bates Mill Complex Commercial Subdivision he states that the width of Hines Alley, which begins on Lincoln Street and goes toward the concrete silos, is shown on the plan as 30 feet, the actual width in this area is 50 feet. Other issues that he covered in his memorandum pertain to utility easements. Easements are needed for a 10 inch sprinkler which provides services throughout the complex and is currently owned by the LMRC, an 8 inch sprinkler for the steam plant which is currently owned by both the LMRC and the City of Lewiston, a sewer on the section of Hines Alley being proposed for discontinuance, and the final easement in regards to a sewer on Lot No. 5 which runs within the old portion of Hines Alley, which was discontinued and a section of which runs from in front of Mill No. 7, across the parking lot to Lincoln Street.

There were no concerns from the Police and Public Works Departments. Jim Lysen also mentioned the memorandum prepared by Deputy Chief James D. Morin regarding Development Review/Sub-Division and Master Plan Review Bates Mill dated September 15, 1999. In this memorandum he listed three (3) concerns, as follows: 1. Mill No. 5 is required to be on a separate fire alarm system and control panel, which currently occupies one of the zones in the control panel; 2. The Fire Department needs access to the building. The current layout does not provide clear access detail. He is requesting that scaled drawings be submitted for further review. 3. Repair or replace the existing bridge over Cross Canal #1.

Steve Myers gave a presentation on this topic. He also stated that the note had been placed on the revised plan. He said that every lot owner has to abide by an easement. Arrangements will be made to allow for certain utilities. He said that the planned Courtyard will be a benefit to everybody using the complex. The City will use this area for musical productions. Anybody using the Courtyard area will need to get permission from the Owner of Lot No. 1, which is the City. The canals will be addressed in "ECR" documents. An "ECR" will make allowances (i.e. repairs in a certain location). There are no easements of the canal on the south side. Any obligations with selling of the canals is up to Florida Powers responsibility. This meeting was then opened to the public.

**Bob Gladu** (We The People and a resident of 485 Grove Street) - He stated that this is a bad plan even if he is the only person against this.

**Peter Bragdon** (FPL Energy, Inc.) - FPL Energy, Inc. owns ten feet of the canal system on both sides and has acquired an easement for the RR bridge of the alley. The City has acquired an easement. Dick Metivier said he is not sure if it was acquired from the RR. The alley will be turned into a public way. He then questioned, "Do we have the right to acquire a right-of-way to the City?"

**Bob Gladu** stated that Mr. Roy brought the RR property behind his mill. Gilford Transportation controls the RR. This meeting was then turned back to the Planning Board.

An ECR will cover the statement for division of a subdivision. Greg Mitchell said that adequate provisions have been set forth. The largest parcel remaining is Lot No. 1. Additional parking will be needed in the future. It was then questioned when will the first draft be available. Parking will be in the form of surface parking. A plan needs to come back

before recording of documents. This needs to be placed on the mylars. It was then questioned, “How long to do that?” Greg Mitchell responded with, “Weeks”. The sale cannot take place until the documents are completed. This is an action to sell property.

**Bob Gladu** said that he felt that everything was being rushed through and pursued without documentation. The following motion was made.

**MOTION:** by Tom Peters, seconded by Mark Paradis that the application regarding the subdivision of the Bates Mill Complex into five (5) lots meets all the approval criteria and standards under Article XIII, Sections 4 and 5 and that the Planning Board grants final approval of the Bates Mill Complex Commercial Subdivision, subject to the following:

1. That the Subdivision Plan be amended to include the easterly boundary line of the subdivision along the upper canal; a note be included that Mill Street will be designated as a public easement; that the portion of Hines Alley which begins on Lincoln Street be shown properly as 50 feet; that the proposed Courtyard area be labeled on the plan; and all these amendments be reflected on the mylar to be submitted for signature by the Planning Board Chair;
2. That the issues raised in the memo from Public Works Director Chris Branch dated September 30, 1999 concerning utility easements be adequately addressed prior to the sale of lots;
3. That the issues raised in the Project Review Form dated September 27, 1999 from the Fire Department concerning the need to maintain access for all fire protection features within the complex be adequately addressed;
4. That the City explore the addition of a lead, left-turn traffic signal at the westerly approach of Canal Street/Chestnut Street intersection;
5. That each of the lots within the Bates Mill Subdivision is subject to the terms and conditions of the “Declaration of Covenants, Easements and Restrictions of the Bates Mill Subdivision” and ownership of a lot requires members in the Lot Owners Association; and
6. That the Planning Board review and approve the “Declaration of Covenants, Easements, and Restrictions of the Bates Mill Complex Subdivision” and the Lot Owners Association documents prior to the sale of Lots 2, 3, and 5.

**VOTED:** 5-0.

D. *A development review proposal by the Lewiston Mill Redevelopment Corporation (LMRC) for the redevelopment of Bates Mill No. 3.*

Jim Lysen read the memorandum prepared by Jim Fortune dated September 23, 1999. This approval was to be based on the same ECR’s included above. The Fire Department had the following issues, which were included on the Planning Board Project Review Form dated September 27, 1999: 1. Mill No. 3, under separate ownership, will be required to install a separate fire alarm system. 2. The party wall in Mill No. 3 and Mill No. 4 must be two- (2-) hour fire separation with one- (1-) hour fire rated doors, and 3. The sprinkler system is to be a separate system from the rest of the structure. If approved this gets conveyed by the petitioner to the third party. Tom Peters asked, “Does the petitioner need to come back?” Jim Lysen responded that this goes with the development of Mill No. 3.

Steve Myers gave a presentation. This is a continuation of mill development. This includes the rehabilitation of 90,000 square feet of Mill No. 3. All new windows have been installed, lead paint has been removed, etc. There will be three (3) stair towers and an elevator. Peoples Heritage Bank will occupy the top three (3) levels. Mill No. 3 will

have its own sprinkler system. Water and sewer will come in from Mill Street. The new end wall will serve as the new entrance to the southern part of the building. The Courtyard will be where the Mill No. 3 Annex was once located. There is a 30 foot wide area where emergency vehicles will be able to enter. The question was raised as to what is happening to the first floor? The response was, "Nothing". The elevator will be in the vestibule. There will be two (2) elevators and a stair tower. There is an alleyway between two (2) sections of Mill No. 3. The question was asked as to when this would be developed. The response was that half will be built. There will be fire and safety alarms in the first floor. This item was opened to the public.

**Bob Gladu** said he feels that the City is being boxed in for a bad deal. He said the whole thing is a financial disaster to the City. He said that in reference to the \$4.5 Million garage, the City will not get anything back from this. His final quote was, "This is impossible". There being no further comments from the public, the item was turned back to the Planning Board for the following motion.

**MOTION:** by John Cole, seconded by Tom Peters that the Planning Board determines the application for redevelopment of Mill No. 3 to be complete and that the application meets all the approval criteria under Article XIII, Section 4 and grants final approval of this project subject to the following conditions:

1. That the Bates Mill Commercial Subdivision Plan be amended as approved by the Planning Board and the "Declaration of Covenants, Easements, and Restrictions of the Bates Mill Subdivision" be reviewed and approved by the Planning Board prior to the sale of Lot No. 2;
2. That Mill No. 3 will require separate fire alarm and sprinkler systems and the party wall between Mill Nos. 3 and 4 must have a two- (2-) hour fire separation with one- (1-) hour fire-rated doors.
3. That the City explore the addition of a lead, left-turn traffic signal at the westerly approach of the Canal Street/Chestnut Street intersection.

**VOTED:** 5-0.

**IV. OTHER BUSINESS:**

A. New Business:

1. *A land disposition recommendation to the Lewiston City Council on the sale of Bates Mill #3, #6 and #7.*

Jim Lysen read the memorandum prepared by Jim Fortune dated September 23, 1999. Enclosed in the Planning Board packets along with this memorandum were the Proposal for the purchase of Mills #3, #6 and #7 from the Bates Mill LLC dated August 4, 1999 and a Proposal to Peoples Heritage Bank from the LMRC for a lease agreement.

There is one minor change to the proposal for the purchase of Mills #3, #6 and #7, in that Hines Alley is no longer proposed for discontinuance for the entire length between Chestnut Street and Cross Canal #1. Portions of Hines Alley will remain as indicated on the earlier subdivision proposal.

Tom Peters said that there are two (2) issues: a. The sale being appropriate with the Master Plan and b. question on the economics of the sale.

Harry Milliken said that a year ago he was opposed to the sale of the mill. Since then the City has kept everybody informed this year and has learned a lot as to how to develop. This should be discussed if the sale is appropriate with the Master Plan.

Jim Lysen then introduced Dick Metivier and Gregory Mitchell who gave a presentation. This was broken up into an economics portion and deals with how is it consistent with the Comprehensive Plan. This is adaptive reuse of buildings. This plan is entirely consistent with the Comprehensive Plan. Jim Lysen made reference to the Downtown Master Plan. Tom Peters said that it is obvious that it is consistent with the Master Plan.

Dick Metivier said that the original intentions were to develop Mill No. 3. This required a substantial investment. This also required parking requirements. The project was greater than the resources available. This presently gives Lewiston with an opportunity. The proposal is for the sale of Mills #3, #6 and #7. The purchase price for Mills #3 and #6 is \$700,000.00. The purchase price for Mill #7 is \$1,300,000.00. It is also required to develop Parcel No. 1 (Debrun Lot) as part of this Agreement. Parcel No. 1 is an integral part to this acquisition and if the City fails or refuses to close within one (1) year, the Developer can move to take whatever action is reasonably appropriate to acquire any properties that comprise the Parcel No. 1 area and shall have the right to set off its costs against the \$250,000.00 purchase price. The City has acquired all but Lincoln Street to be developed as a parking lot from Chestnut Street to Cross Canal. This parking lot will house 450 parking spaces. Mill No. 7 will be conveyed in two (2) years after the close of Mills #3 and #6 at \$1.3 Million. The revenues generated have been from Peoples Heritage Bank. The Mill #3 redevelopment will be recouped by the City. \$3.8 Million is in private investment. All monies will be recouped in addition to the \$700,000.00. The dollars are going into the actual construction of the mill garage. The City will be reimbursed as to what has been put into it. The second part of the transaction is that leverages are upwards of \$12 Million in private investment. Tom Peters asked, "Is there any problem with clear title?" Dick Metivier said that there is one (1) property not developed in Parcel No. 1. This one property is not being acquired. The City will continue to negotiate with that party to gain control. Hines Alley will be discontinued and then proceed with action. The City will never pay more than \$250,000.00 for this property. The terms and conditions can be further outlined. Harry Milliken then asked, "Is reimbursement in writing?" The response was that part of the joint agreement will allow this transaction.

Jim Lysen then cited some paragraphs from the Lewiston Comprehensive Plan, as follows:

Page 21, Paragraph 2 - *To identify and enhance the positive aspects of the Downtown.*

Page 22, Goals, Policies, Strategies - Downtown, Item No. 1 - *Stimulate and maintain vital business investment in the Downtown area; Item No. 4* - *Promote preservation of important historic buildings that define the character of the Downtown area; and Item No. 7* - *Encourage adaptive, mixed-reuse of buildings, including housing, with a continued focus*

*on the revitalization of our historic mill buildings.*

*Page 55, Goals, Policies, Strategies - Historic Preservation, Goal No. 1 - Continue to recognize, preserve, and protect the visual, architectural, cultural, historical and archeological resources that contribute to and define the unique character of the City.*

*Page 121, Land Use - Commercial Development (Third Paragraph, Last Sentence) - Recent adaptive re-use of our commercial buildings downtown have been quite successful in commercial development and should be encouraged along with other in-town areas through zoning standards and financial incentives.*

*Page 125, Land Use Issues, Item No. 19 - Encourage adaptive reuse of downtown commercial buildings, including mills, and implement recommendations of Downtown Development District Preservation Plan and Downtown Action Plan.*

*Page 126, Land Use Issues, Item No. 33 - Actively pursue the acquisition and demolition, if desirable, of properties adjacent to the Bates Mill Complex to help facilitate the adaptive reuse and redevelopment of the complex.*

*Page 133, Policy 3 (Long Range Planning), Strategies: A. Provide incentives for adaptive reuse of buildings or infill construction.*

The redevelopment of the Bates Mill Complex is part of the Master Plan. This item was then opened to the public.

**Lucien Gosselin (LAEGC)** - Lucien Gosselin said that a substantial amount of investment will be made by the tenants themselves. \$700,000.00 of Mills #3 and #6 will be turned back to the Courtyard. \$250,000.00 has been earmarked for garage development.

**Bob Gladu (We The People)** - He said that he has not been posted on the doings of the Planning Board. He asked, "Why are plans being approved on a time schedule?" Many questions have not been answered here. Everything is a done deal. Why waste time at meetings. He asked, "Is there a reason why this needs to be done in a hurry?" Tom Peters responded by saying that there is a major tenant coming into the Bates Mill. The Bates Mill will leverage the money. Harry Milliken said that it is a longer process than it appears to be. Bob Gladu asked, "How much credit has Mr. Platz earned to date?" Dick Metivier responded with \$410,000.00. He also said that after the sale of Mill #7, Tom Platz would have an opportunity, based on square footage of Mills #3, #6 and #7. Bob Gladu then asked, "Why are we being kept in the dark?" Greg Mitchell said that this has gone back and forth several times since August 4, 1998. On September 3, 1999, the LMRC took action. Greg Mitchell also stated that the action sheet from the Planning Board will be part of the document that is sent to the City Council. Bob Gladu does not feel this is a good deal for the City. Dick Metivier said that Mill #7 will be conveyed 24 months from now. The market value is without that lease.

**Mr. Marcotte** said that in the Proposal for Purchase of Mills #3, #6 and #7, Bates Mill Complex between the Bates Mill LLC and the City of Lewiston on Page No. 4, Item J - *The Developer shall be given two (2) seats on the Lewiston Mill Redevelopment Corporation Board.* Mr. Marcotte said that this is a conflict of interest.

Dick Metivier said that this is to add to have some voice on the LMRC with no voting power.

Harry Milliken then asked, "How many members are there on the Board? Dick Metivier responded with, "eleven". Tom Peters said that a part-owner should have some say on the project. John Cole also said that he did not feel this to be a conflict of interest.

Dick Metivier said that the remainder of the Joint Agreement will remain in tact from the rest of the facility.

Reference was then made to Dennis Mason's correspondence (distributed at this meeting) and dated September 30, 1999. His concerns were: 1. Does the sale price of Mills #3 and #6 return all investments to the City? 2. The relevant acquisition, demolition, and parking lot development costs are higher than the \$250,000.00 sale price. 3. The City is committing itself to selling part of Parcel #1 that it does not yet own. 4. How is cost determined? 5. There are no upward limits on the number of spaces that the City could be required to create. 5. The revenue from these spaces will not cover debt service, not to mention operation and maintenance costs. 6. Were environmental indemnities part of the original contract with the Bates Mill LLC? 7. Is the City Council committing the City to subsidizing the operation of this parking garage for the next 25 years? 8. Were environmental indemnities part of the original agreement with the Bates Mill LLC? 9. How much time does the Developer have to wait before they can demand the payment? The response to this question was that it can occur at the time of closing of Mill No. 7.

Harry Milliken then said that we need to move forward with the mill. We need to get money into the mill and we need to get this off our hands. The City of Lewiston is not developers. Tom Peters said that the City of Lewiston is not in the development business. Tom Peters then said that he supports this project wholeheartedly. This is the right time and a good deal. The City is turning around.

The following motion then was made.

**MOTION:** by John Cole, seconded by Tom Peters that the Planning Board finds that the proposed sale of Bates Mill Subdivision Lot Nos. 2, 3, and 5 is consistent with the Comprehensive Plan and the Draft Downtown Master Plan, and is economically reasonable, and to favorably recommend to the City Council the sale of these lots subject to the following:

1. Appropriate documentation from the City of expenditures and reimbursements concerning the subject properties to their date of sale.
2. That the conditions of approval be placed on the Bates Mill Subdivision be met prior to the sale.

**VOTED:** 5-0.

**VI. READING OF THE MINUTES:**

- A. *Draft Minutes of Planning Board Meeting Held on September 9, 1999.*
- B. *Draft Minutes of Planning Board Meeting Held on September 16, 1999.*

**MOTION:** by Lewis Zidle, seconded by Tom Peters for the Planning Board Minutes of September 9, 1999 and September 16, 1999 be review at the appropriate time and hour.

**VOTED:** 5-0.

Before adjournment took place, the correspondence item listed on this meetings agenda was presented. The City Council has a meeting scheduled for Tuesday, October 12, 1999 at 7:00 p.m. In Joyce Bilodeau's correspondence she is requesting that a joint Planning Board/City Council presentation on the final Downtown Master Plan be scheduled for October 12, 1999 before the City Council Meeting. The following motion was made on her correspondence.

**MOTION:** by Lewis Zidle, seconded by Tom Peters to schedule a joint Planning Board/City Council presentation on the final Downtown Master Plan for Tuesday, October 12, 1999 at 6:00 p.m. in the City Council Chambers.

**VOTED:** 5-0.

**VII. ADJOURNMENT:**

The following motion was made to adjourn.

**MOTION:** by John Cole, seconded by Lewis Zidle to adjourn this meeting at 11:00 p.m.

**VOTED:** 5-0.

Respectfully submitted,

Dennis Mason, Secretary

