

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for September 12, 2005 - Page 1 of 5**

I. ROLL CALL: This meeting was held in the City Council Chambers on the First Floor of City Hall, was called to order at 7:04 p.m., and was chaired by Jeffrey Gosselin.

- **Members in Attendance:** Jeffrey Gosselin, Roger Lachapelle, John Racine, Tom Truchon (arrived at 7:15 PM), and Jonathan Earle.

S **Members Absent:** Stephen Morgan and Jim Horn.

S **Associate Member Absent:** Tom Peters.

S **Student Member Present:** Wade Morgan.

S **Staff Present:** Gil Arsenault, Director of Planning & Code Enforcement; David Hediger, City Planner; and Eric Cousens, Land Use Inspection Officer.

II. ADJUSTMENTS TO THE AGENDA: Motion passed to hear the Fieldings Oil proposal first.

III. CORRESPONDENCE: Staff Memorandum from David Hediger, City Planner dated September 8, 2005.

Tom Truchon arrived (7:15 PM).

IV. HEARINGS:

A. *A proposal to develop an oil and fuel distribution facility (Fielding's Oil Company, Inc.) at 9 Gendron Drive (Lot 6A).* David Hediger read this portion of his Staff Memorandum dated September 8, 2005. Jeffrey Gosselin recused himself. **Mike Gotto** from Technical Services, Inc., (TSI) was present and explained the site design and the need for a second access point. John Racine asked about the tank size. Mike Gotto explained that they would be similar to the existing Heutz Oil tanks in size.

This item was then opened to the public for those in favor. There was none. This item was then opened to those in opposition or for comments. There was none. This item was then brought back to the Board.

The following motion was made.

MOTION: *by John Racine, seconded by Roger Lachapelle that the Planning Board determines the application for Fielding's Oil Company, Inc.(to develop an oil and fuel distribution facility at 9 Gendron Drive (Lot 6A) to be complete; grants approval of the modification/waiver checklist; that this application meets all of the necessary approval criteria contained under Article XIII, Section 4 of the Zoning and Land Use Code; and grants approval to Fielding's Oil Company, Inc., subject to the following conditions:*

- 1. The erosion control details seen on the Topographic Site Plan labeled "Lewiston Office" are included on the SitePlan labeled "Phase 1-Lewiston Office" and that the Phase 2 plan is labeled as such.*
- 2. A note be added to the plan indicating that approval of the development shall expire after a period of 24 months if substantial development has not begun and that extensions of approval may be requested at least 60 days prior to the time of expiration.*

VOTED: 4-0 (Passed).

B. A proposal to construct an 11,764 square foot funeral home (Pinette Memorial Chapel) at 444 Pleasant Street. David Hediger read this portion of his Staff Memorandum dated September 8, 2005.

Chairman Gosselin recused himself due to working with the applicant in the past and appointed Roger Lachapelle as acting chairman. **Bob Faunce**, Planner, working for TSI, explained the traffic movement permit. Parking lot changes required smaller detention pond area, reduced wetland impacts and created a larger buffer with residential abutters. The site will be lower in elevation than abutting properties so headlights should not be a problem. The Landscaping Plan is almost ready, but plant species have not been identified. The applicant has no problems with the request for 6" of pavement on the shoulders, but prefers to work with Public Works to accomplish this instead of the Maine Department of Transportation (MDOT).

Mr. Bilodeau, the seller of the property, is aware this project will alter 19,000+ sf of wetlands and that any alteration of the wetlands on the piece of property that Mr. Bilodeau plans to retain may exceed the 20,000 sf DEP threshold for mitigation. If this occurs, mitigation and/or compensation may be required for all of the wetlands impacted, including the currently proposed alterations, if the remaining land of Mr. Bilodeau is to be developed.

Chairman Lachapelle opened the meeting to the public for those in favor. There was none. This item was then opened to the public for those in opposition or for general comments.

Dan Gregoire, 19 Mitchell Street, said that he is not opposed, but has concerns with a 10' setback and runoff. Mike Gotto and Bob Faunce explained cost challenges. Significant efforts have been made to accommodate neighbors, but the site still has to meet the property owner's needs and be economically feasible for the project to work.

David Peak, 29 Mitchell Street, likes the proposal, but sees the possible need for more trees to be planted in the buffer area. He suggested waiting until the site is developed and then determining where the trees will be necessary.

John Racine noted that Landscaping Plans will be provided soon and questioned whether or not the site across the street, also owned by Mr. Bilodeau, would also be developable. **Chris Branch**, from TSI, explained that it is approximately 14 acres and is mostly wet, but given its location it may be developed someday. John Racine asked about the creation of a full third lane instead of just building up the shoulder. Mike Gotto explained that the traffic does not warrant that level of improvement. The wide shoulder will allow thru-cars to pass turning traffic. Chris Branch explained that the third lane may be warranted someday if, for example, the 14 acre site across the street was developed for retail, but it is not warranted now.

Dan Gregoire, complained of prior work on the property in question. He said there is a history of cutting trees, filling without approvals etc. Staff dealt with these concerns at the time that they occurred. John Racine explained that at this time, we are looking at the project in front of us, not the property history.

The following motion was made.

MOTION: *by Tom Truchon, seconded by John Racine that the Planning Board determines the application for the Pinette Memorial Chapel (for the construction of an 11,764 SF funeral home at 444 Pleasant to be complete; grants approval of the modification/waiver checklist; that this application meets all of the necessary approval criteria contained under Article XIII, Section 4 of the Zoning and Land Use Code; and grants approval to Gendron & Gendron, Inc., subject to the following conditions:*

1. That a traffic movement permit be issued, including that the shoulder of Alfred A Plourde Parkway be constructed to a total thickness of 6" for a distance determined agreed upon by the City and the applicant.
2. That no Certificate of Occupancy be issued until the necessary road improvements have been completed to the City's satisfaction.
3. That a Landscaping Plan be provided showing street trees planted every 30' -50' along Alfred Plourde Parkway and opaque fencing/barrier or a staggered row of evergreen plantings be installed along the property.

VOTED: 4-0(Passed).

C. A proposal to construct a 50-seat, 2,950 square foot restaurant (Tim Horton's Restaurant) with drive-thru at 736 Sabattus Street. David Hediger read this portion of his Staff Memorandum dated September 8, 2005. **Chris Branch**, TSI, **Sean Gilbert**, Tim Hortons, **Jeremiah Bartlett**, Traffic Engineer, were present to explain the project. Chris Branch explained the site elevations and proposed turning lanes on Stevens Street. A dumpster will be screened and a walkway was added to the front of the building. A handicap parking space was also moved closer to the front door. Trees will be planted along Stanley Street, as per code requirements. Trees will be limited on Sabattus for the sign visibility. **Mike Gotto**, TSI, explained the grading easement with abutting property. Chris Branch explained traffic concerns and the need to prohibit parking from Stanley Street to accommodate the turning lane. Jeremiah Bartlett, Traffic Engineer, explained that a center, two-way left turn lane (CTWLTL) should only be used in longer stretches of road and not in this case.

The Board needs to determine if the project will create unreasonable congestion or unsafe conditions. The Board will do so, based on the City's engineering consultant and the project engineers.

This item was then opened to the public for those in favor.

Ken Daigle, owner of Little Joe's on the opposite corner of Sabattus and Stevens Streets, supports the project, but opposes the no parking restriction on Stevens Street. Parking has been available for 40 years.

David Hediger, City Planner, explained the option of monitoring traffic for a year to see if improvements are necessary. This is common for the DOT.

This item was then closed to the public and brought back to the Board for the following motion.

MOTION: by **John Racine**, seconded by **Roger Lachapelle** that the Planning Board determines the application for Tim Horton's Restaurant (for the construction of a 50-seat, 2,950 SF restaurant with a drive-thru) at 736 Sabattus Street to be complete; grants approval of the modification/waiver checklist; that this application meets all of the necessary approval criteria contained under Article XIII, Section 4 of the Zoning and Land Use Code; and grants approval to The THD Group, subject to the following conditions:

1. That a Traffic Movement Permit be issued, including the construction of a left and right turn lane on Stanley Street, that "no parking signs" be installed along the length of the new right turn lane.
2. That no Certificate of Occupancy be issued until the necessary road improvements have been completed to the City's satisfaction.
3. That documentation be provided referencing the mutual agreement with Dostie waiving the required buffer and that the grading easement language is provided.

VOTED: 5-0(Passed).

D. A proposal to construct a three- (3-) story, 35,000 +/- square foot office building and a 30-unit elderly housing building (Community Concepts, Inc.) at 250 Bates Street (the former St. Dominic School site). David Hediger read this portion of his Staff Memorandum dated September 8, 2005. **Mark Bergeron**, Pinkham and Greer summarized the proposal. David Hediger explained that the former school required more parking than the proposed use so the required parking is grandfathered. Gil Arsenault explained the historic structure exemption for parking if they were to reuse the existing building. A parking easement is being drafted as shown on the plan. Chairman Gosselin and John Racine

asked about HPRB approvals for new buildings. Gil Arsenault, Director of Planning and Code Enforcement, explained that it is required, due to the location within the Kennedy Park Historic District.

The following motion was made.

MOTION: by **Tom Truchon**, seconded by **Jonathan Earle** that the Planning Board determines the application for Community Concepts, Inc. (for the construction of a three-story, 35,000 SF office building and a 30-unit elderly housing building at 250 Bates Street (the former St. Dominic school site to be complete; grants approval of the modification/waiver checklist; that this application meets all of the necessary approval criteria contained under Article XIII, Section 4 of the Zoning and Land Use Code; and grants approval to Community Concepts, Inc., subject to the following conditions:

1. A Certificate of Appropriateness is obtained from the Historic Preservation Review Board for the appearance of the office building and elderly housing.
2. Drainage improvements are revised to the satisfaction of Public Services.
3. Additional street trees are planted along Blake Street, every 30'-50'.
4. The Site Plan is revised to show the elderly housing lot meeting the lot area per dwelling unit requirements contained in Article XI, Section 9(e) of the Zoning and Land Use Code.
5. A note be added to the plan indicating that approval of the development shall expire after a period of 24 months if substantial development has not begun and that extensions of approval may be requested at least 60 days prior to the time of expiration.

VOTED: 5-0 (Passed).

E. A proposal to add a parking lot for 22 vehicles and to renovate the existing building (Cassiel's Skin Care) from a mixed use to a professional building to perform electrology, skin care, make-up manicures and pedicures, and massage treatments at 71 East Avenue. David Hediger read this portion of his Staff Memorandum dated September 8, 2005. **Diane Dubois** explained changes from prior approvals due to the acquisition of an abutting property.

The following motion was made.

MOTION: by **John Racine**, seconded by **Tom Truchon** that the Planning Board determines the application for Cassiel's Skin Care (to add a parking lot for 22 vehicles and to renovate the existing building from a mixed use to a professional building to perform electrology, skin care, make-up manicures and pedicures, and massage treatments at 71 East Avenue to be complete; grants approval of the modification/waiver checklist; that this application meets all of the necessary approval criteria contained under Article XIII, Section 4 of the Zoning and Land Use Code; and grants approval to Diane & Don Dubois, subject to the following conditions:

1. Pursuant to Article X, Section 5 of the aforementioned code, staff recommends that the conditional use permit be valid for two years to be consistent with the development review approval period of two years.
2. A note be added to the plan indicating that approval of the development shall expire after a period of 24 months if substantial development has not begun and that extensions of approval may be requested at least 60 days prior to the time of expiration.
3. The plan be revised to provide a minimum aisle width of 22' and that any revised drainage improvements be reviewed to the satisfaction of Public Services.
4. Any handicap spaces provided by dimensioned in accordance with ADA requirements.
5. Lighting must be shown on the site plan and must be shielded and directed away from abutting properties.

VOTED: 5-0 (Passed).

V. OTHER BUSINESS:

A. *A petition to amend the City of Lewiston sign ordinance to allow signs to project over the sidewalk in the Riverfront zoning district on properties with frontage on Main Street and to allow projecting signs to extend a maximum height of forty (40) feet in the Riverfront and Centreville zoning districts.* David Hediger explained the proposal. **Vince Lobozzo** explained the need for the double-sided sign to be seen from both directions on Main Street.

The following motion was made.

MOTION: *by Roger Lachapelle, seconded by Tom Truchon that the Planning Board recommends for the City Council's consideration the proposed amendment to Article XII, Section 16(c)(2)(a)(1)(iii) of the Zoning and Land Use Code to allow signs to project over the sidewalk in the Riverfront zoning district on properties with frontage on Main Street and to change the maximum sign height from 25 feet to 40 feet (not-to-exceed the height of a flat roof or the eaves of any other type of roof on the structure to which it is attached) in the Centreville and Riverfront zoning districts.*

VOTED: 5-0 (Passed).

B. *De minimus Change Request: Sparetime Recreation Subdivision.* David Hediger explained the request. The Board determined the change was de minimis in nature in accordance with Appendix A, Article XIII, Section 3(k).

VOTED: 5-0 (Passed).

C. *De minimus Change Request: Chestnut Hill Estates Subdivision.* David Hediger explained the request. Chairman Gosselin recused himself. The Board determined the change was de minimis in nature in accordance with Appendix A, Article XIII, Section 3(k).

VOTED: 4-0-1 (Passed).

D. *Discussion regarding traffic impact fees.* David Hediger explained the City Council requirement to restripe a portion of Lisbon Street.

E. *Any other business Planning Board Members may have relating to the duties of the City of Lewiston Planning Board.* None.

VI. READING OF THE MINUTES: Reading of the Draft Minutes for June 27, 2005, July 18, 2005, and August 8, 2005 Planning Board Meetings.

The following motion was made:

MOTION: *by Roger Lachapelle, seconded by John Racine that the Planning Board table the acceptance of the Planning Board Meeting Minutes for June 27, 2005, July 18, 2005, and August 8, 200, as submitted.*

VOTED: 5-0 (Passed).

The following motion was made to adjourn this meeting.

MOTION: *by Tom Truchon, seconded by John Racine to adjourn this meeting.*

VOTED: 5-0 (Passed).

VII. ADJOURNMENT: This meeting adjourned at 9:52 p.m. The next regularly scheduled Planning Board Meeting is for Monday, September 26, 2005.

Respectfully submitted,

Stephen Morgan,
Planning Board Member & Secretary

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