

CITY OF LEWISTON  
PLANNING BOARD MEETING  
MINUTES for May 24, 2010

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- I. **ROLL CALL:** The meeting was held in the City Council Chambers on the First Floor of City Hall and was called to order at 5:30 p.m. The meeting was chaired by Vice Chairperson, Bruce Damon.

**Members in Attendance:** Bruce Damon, Denis Fortier, Trinh Burpee, Paul Robinson, Eric Potvin,

**Members Absent:** Lucy Bisson and Kevin Morissette

**Associate Member Present:** Michael Marcotte and Elizabeth Dube

**Associate Member Absent:** None

**Staff Present:** David Hediger, City Planner, Gil Arsenault, Director of Planning & Code and Cathy Lekberg, Administrative Assistant, Economic & Community Development

Bruce Damon appointed Elizabeth Dube as a voting member for this meeting.

II. **ADJUSTMENT TO THE AGENDA:**

The following motion was made.

**MOTION:** by **Denis Fortier** to move **V.a of Other Business** as the first item of the Agenda. Second by **Paul Robinson**.

**VOTED:** 5-0 (Passed).

III. **CORRESPONDENCE:** None

V. **OTHER BUSINESS:**

- a. Survey Works, Inc. on behalf of Donald P. Dufour has submitted a de minimis change request to amend the Fireslate Place Subdivision. Specifically, the applicant is proposing to divide his Lot 1 at 6 Fireslate Place into two lots. The 6.4 acre lot is located in the Office Service (OS) District. Both proposed lots shall meet the space and bulk standards of said District.

David read the staff comments and James Corbin of Survey Works, Inc. presented to the Board a plan showing the proposed revisions. Bruce asked if there would be any new structures or impervious areas and James stated no. There was no public comment.

The following motion was made.

**MOTION:** by **Denis Fortier** to approve Survey Works, Incorporated request on behalf of Donald P. Dufour for an amendment to the Fireslate Place subdivision, Fourth Revision as a de

minimis change pursuant to Article XIII, Section 3(k) of the Zoning and Land Use Code. Second by **Paul Robinson**.

**VOTED:** 6-0 (Passed).

**VI. PUBLIC MEETING:**

- a. Application submitted by StoneyBrook Consultants, Inc. on behalf of Paris Farmer's Union to construct a 9,600 sq. ft. retail store and use of the existing 9,500 sq. ft. structure for accessory storage and warehousing at 671 Main Street.

David read the staff comments to the Board. Mike Gotto from Stoneybrook Consultants, Inc. presented plans to the Board. He showed the Board a site plan and explained where the warehouse building was and where the new building would be on the site. He stated they would be adding a loading dock to the warehouse building and that the design of the facility would make it easy for tractor trailer trucks to get in and out for deliveries. He stated they would be moving the dumpsters to the back of the facility. He stated that they have been working with one of the abutters of the facility, Mr. & Mrs. Pizzi. He stated the Pizzi's were concerned about the building location. Mike stated that there would be a fence along the property line, which would allow the Pizzi's to maintain that area and the ability to build a garage in that area if they wanted to.

Bruce asked if the area behind the retail building would be used for storage, and Mike stated it would be, but only for product such as picnic tables, hay feeders, etc. Bruce asked if there would be any bulk materials stored there, and Mike stated only items that can be picked up and carried by one or two employees. Bruce asked if there would be security lighting in that area and Mike stated yes and that the entire facility would be fenced in and gated. Betty asked if the store was selling similar items that Aubuchon Hardware sells, and Mike stated there would be some overlap in product, but this facility is agriculturally oriented. Betty asked if there was a need for that in this area, and Mike stated yes. He stated this new facility is replacing the store on Center Street, which was much smaller. Denis stated there was a letter from Dr. & Mrs. Stuart Cohen who live at 30 Buttonwood Lane. He stated they were concerned with the store products attracting rodents in the area, and Mike stated they do not have any problems with rodents because they maintain the facility properly and if they did have a problem, they have product to take care of it. Bruce asked about the impact on traffic in that area, and Mike stated their engineers would be looking into that. There may be the need for a traffic signal there, but nothing is planned right now. Mike stated the owner would be willing to help fund a study to see if a signal would be needed, but could not pay for the traffic signal. If a signal was needed, it could possibly be funded by state or federal funds. He stated the owner is willing to work with the City to help deal with safety issues. Bruce stated there was a blind spot on the southeasterly corner of Montello Street going toward Main Street. He asked if the trees and shrubs, etc. would be

removed. Mike stated that the plants could be pushed back and be limited to ground plantings. Eric asked what the average delivery schedule, was and Mike stated they have a couple of tractor trailer trucks entering a week. Bruce asked about the propane tank, and Mike stated this was a refill station for their customers only.

#### **PUBLIC COMMENTS:**

Margo Frazier of 17 Montello Street stated she was against the project. She was concerned about the rodent control issue, and also the traffic signal was a great concern to her. She was concerned that if a traffic signal were put in, there would be more and more traffic turning onto Montello Street. She stated this was a residential area where people are walking. She suggested if a light had to be put in, to put some type of speed bumps on Montello Street. She asked what other deliveries would be made other than the tractor trailer trucks, and Mike stated that there would be 8 to 16 box truck deliveries per week. He stated the hours of business were Monday through Friday, 7:30 a.m. to 6:00 p.m., Saturday, 7:30 p.m. to 4:00 p.m. and Sunday, 8:30 a.m. to 3:00 p.m. Margo stated that the store on Center Street was cluttered and products were everywhere. Mike stated the new warehouse would address this problem.

Bruce stated that her points were heard and well-taken.

#### **Public Comments Closed.**

Denis questioned whether the other traffic signal up the road at the Marketplace Mall should be there and, Mike stated that the light may not meet warrants and possibly could be removed.

David stated that if warrants show a need for a traffic signal, funding could come from the Federal Government, but there is no guarantee funding will be provided. He stated the goal would be to get a pot of money to have a study done and then seek funding for the installation of a light, if warranted. Bruce asked that waiting for a study could delay the project and David stated the study would not, but requiring the applicant to install a signal would..

The following motion was made.

**MOTION:** by **Denis Fortier** to accept that the application submitted by Stoneybrook Consultants is complete and meets all of the necessary criteria contained in the Zoning and Land Use Code, including Article XIII, Section 4 of the Zoning and Land Use Code and to grant approval to Paris Farmer's Union to construct a 9,600 sq. ft. retail store and use of the existing 9,500 sq. ft. structure for accessory storage and warehousing at 671 Main Street with the following conditions:

- 1) Any remaining concerns of Public Services are addressed to the City's satisfaction prior to any approved plans being signed or released by the city.
- 2). The applicant provides the City adequate funding to cover the cost of HNTB's review of the warrant analysis and the preliminary design of the signal, if required. No approved plans shall be released or permits shall be issued until said funds are received from the applicant.

Second by **Paul Robinson**.

**VOTED:** 6-0 (Passed).

Michael Marcotte arrived at the meeting at 6:20 p.m. and was appointed as voting member for this meeting.

- b.** Application submitted by TRC Engineers, LLC on behalf of Central Maine Power Company for the Maine Power Reliability Program (MPRP) in Lewiston. This project involves proposed power transmission upgrades along existing transmission corridors in Lewiston

Bruce stated to the Board and the public that the new substation will not be discussed at this meeting, and will be brought before the Board at a subsequent hearing.

David read the staff comments to the Board. Bud Newell of TRC Engineers presented to the Board various maps and plans showing where the upgrades will occur. He explained where the new substation would be. He stated that the Maine Public Utility Commission has approved the project with the exception of one line. He stated that CMP has not done any upgrades since 1977, and the load has shifted from winter peak load to summer peak loan. Utility companies need to upgrade to meet reliability requirements. The Lewiston corridors will have typical ranges for pole heights. He stated typical range heights are used but in some places pole heights will need to be lower or higher depending on the terrain. He stated they have to maintain a certain clearance from the ground. He stated that some poles would be steel, not wooden. He stated that the advantage to using a single pole structure instead of a 2-pole h-frame structure is that the lines can be compacted together and provide would more clearance from existing conductors. Bruce asked if he had a diagram of this, and Bud stated yes. Using a single-pole and not an h-frame allows for adequate buffers.

Betty stated there were concerns at an earlier meeting she attended in another town about excessive clearing of vegetation. If trees were cut, it would be too late to fix. David stated at that point, they could suspend the project and make them replant vegetation. Gil stated that the property owners are the first line of defense if too much clearing is done. CMP will have to flag trees so property owners will see what is being cut. Bud stated that CMP has requirements they have to follow. If owners feel this

is a problem, it can be discussed with the City and CMP. Bud stated that there are danger trees that have to be cut down because they will likely fall on the power lines. He stated that Burns & McDonald have a database with all of the information as to what will be cut and where and if there are any issues, the information can be pulled and discussed with property owners and the City. He stated every part of the project is on this system.

Bruce suggested putting in a stipulation to have a 3<sup>rd</sup> party inspector if owners have questions, they can contact their hotline or municipal staff. Bruce also had concerns about the 7-day notice of clearing trees to abutters. He stated that the survey crews should be flagging trees sooner and giving a longer notification period to abutters. This would give people time to react to what is being cleared. He stated a 30-day notice would be better.

#### **PUBLIC COMMENTS:**

George Schott from Greene, who owns property near Larrabee Road asked about the new substation and Bud stated that will be discussed at a later meeting. George asked about the downtown Lewiston upgrade and has it been shelved and Bud stated the 115 kV line is on hold right now. George asked to be shown where the lines were coming from Greene and Livermore and Bud showed him where they were on the map. George asked how big the Larrabee Road substation will be and would there just be existing lines coming to the station. Bud stated the substation is approximately 16 acres and existing and new lines will be coming from the new substation. George stated he had no objections to the project.

Roger Castonguay of 10 Brookside Drive stated there were men from Lucas Trees on his property looking to cut trees. He stated he was worried about his property and did not want his trees cut. Bruce asked if the trees they were cutting were danger trees, and Roger stated that it was a healthy tree they wanted to cut. Bud stated that it was not standard practice to cut healthy trees. Roger asked if his trees were cut, would he be compensated, and [Suzanne Bussiere, Customer Service Advisor, CMP, Lewiston](#) stated that CMP does not compensate for trees that are cut, but realizes that Roger is very passionate about his trees, and offered to have Roger meet with their arborist at his property and discuss each and every tree. She offered to get his telephone number and schedule a meeting. Roger asked if the new lines along Brookside Drive will be the same size lines, and Bud stated they would remain the same.

Michael Parent of 156 Old Webster Road wanted to know where the poles were being placed and Bud showed him on the map. Michael stated he also owns 194 Old Webster Road and on May 15<sup>th</sup> he stated there were guys in his wetlands on ATVs cutting softwood. He stated that if CMP is using subcontractors to do their work, these subcontractors should give notice to the owner that they are crossing their land. They should not be

there without giving notice. Bud stated that contractors have to create access roads to do the work. He stated they will have environmental consultants go out ahead of time and walk the roads to find access and usually they make contact with the property owners. Hopefully this will resolve this problem. He stated that CMP wants to do this right. An environmental inspector will be on the job and also a DEP inspector. Michael stated that they should make sure the property owners are protected. Bruce asked what the timeframe was for corridors in Lewiston, and Bud referenced the construction schedule in Exhibit 8 of the application.

### **Public Comment Closed.**

Betty asked if the two-year extension was automatic and Denis stated you couldn't just stop the project. David stated that the ordinance lists that they could request an extension prior to expiration. Bruce stated that it would be good to meet with CMP in two years to discuss how the project is progressing. Gil stated the project should be substantially complete in two years and not receiving an extension is unlikely. Betty stated it would be a good idea for them to come back with a progress report. Paul stated he did not think this would be the end of emotions from abutters. He supports Bruce on CMP providing a 30-day notice on clearing of vegetation. Bud stated that corridor known as Segment 14 from Green would be difficult to give 30-day notice but would be feasible for all other segments. Denis suggested incorporating the applicants draft findings of facts and conclusions as part of the motion. David suggested amending #3 on page 12 of said document to address the 30 days and segment 14.

The following motion was made.

**MOTION:** by **Denis Fortier** to accept that the application submitted by TRC Engineers is complete and meets all of the necessary criteria contained in the Zoning and Land Use Code, including Article X, Conditional Uses, Article XI, District Regulations, Article XII, Performance Standards, Article XIII, Development Review and Standards and to grant approval to Central Maine Power for the Maine Power Reliability Program (MPRP) in Lewiston subject to the following condition:

To amend and accept the findings of facts and conclusion titled "City of Lewiston, Maine, Planning Board, and Decision Regarding the Central Maine Power Company's Application for Electric Transmission Line Work". Specifically, the amendment is on page 12, number 3 such that CMP will provide written notice of any clearing be provided to the City and direct abutters of the transmission line corridor where clearing is to occur. Said notice must be made at least thirty (30) days prior to any clearing activity and said clearing activity must occur within 45

days (weather permitting) of said notice, with the exception of Line Segment 14 from Greene. Areas in which buffers or vegetation are to remain (specifically those areas pursuant to the TIF agreement and Article XI, Sections 12 and 14) must be clearly delineated in the field for both the applicant and abutting property owners to know exactly what vegetation will be removed and be maintained.

Second by **Paul Robinson**.

**VOTED:** 7-0 (Passed).

**V. OTHER BUSINESS:**

- b. Discussion regarding the regulation of marijuana dispensaries.

The City Council adopted a moratorium on marijuana dispensaries and associated primary caregivers on February 2, 2010, which became effective March 4, 2010 and expires July 21, 2010. At this time, staff is looking for guidance from the Board as to how such facilities may be regulated in Lewiston. Copies of the state law and rules regulating such facilities will be provided for the Board's review. Upon receiving the Board's suggestions, staff will prepare language for the Board's consideration at a public hearing at which a recommendation would then be forwarded for the City Council's consideration.

Gil stated that a vote in November would allow people to use marijuana for medicinal purposes. There will be one dispensary for the Franklin, Oxford and Androscoggin Counties. We need to amend the Zoning & Land Use Code to allow one dispensary in the community. The dispensary can grow marijuana on the premises or can use an alternate place as well. The law states that it would have a 500-foot set back from any school. The law states one per district and eight in the State of Maine. Primary caregivers also need to be regulated similar to home occupations. Trinh stated that a dispensary would smell terrible. Gil stated also they do not want multi-family dwellings to allow caregivers. Paul asked if the dispensary falls under zoning as a clinic. Gil stated it its specific use as a medical marijuana dispensary. Bruce stated it should not be allowed in Lewiston, and Gil stated we need to allow at least one in Lewiston. Bruce suggested that no one should be allowed to grow it. They should get it from drug seizures. Gil stated the States wants to have controlled growing environment. Eric stated there must be some precedent in other states like California, and Gil stated that California is way out of control. Trinh stated there would have to be security from break-ins, etc. Gil stated it would be regulated locally and security would be needed. David stated they are not looking for any action just for guidance. Bruce stated that a dispensary should be like a pharmacy with controlled regulation. Bruce asked if a license will be issued, and Gil stated yes.

- c. Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board. None.

**VI. READING OF MINUTES:**

Draft Meeting Minutes for May 10, 2010. The following motion was made.

**MOTION:** by **Denis Fortier** to approve the May 10, 2010 minutes as presented. Second by **Elizabeth Dube**.

**VOTED:** 6-0-1(Passed, Paul Robinson abstained)

**VII. ADJOURNMENT:** The following motion was made to adjourn.

**MOTION:** by **Denis Fortier** that this meeting adjourn at 8:20 p.m. Second by **Eric Potvin**.

**VOTED:** 7-0 (Passed).

The next regularly scheduled meeting is for Monday, June 12, 2010, at 5:30 p.m.

Respectfully Submitted:

Denis E. Fortier, Secretary