

**CITY OF LEWISTON
PLANNING BOARD MEETING MINUTES
for March 12, 2008 – 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 5:30 p.m., and was chaired by Chairman Stephen Morgan.

- **Members in Attendance:** Stephen Morgan, Jim Horn, Ron Chartier, Denis Fortier, and Lucy Bisson. **Absent:** Jonathan Earle and Roger Philippon.

- **Associate Members Present:** David Vincent and Bruce Damon. **Absent:** None.

- **Staff Present:** David Hediger, City Planner and Doreen Christ, Administrative Secretary of Planning & Code Enforcement.

Both David Vincent and Bruce Damon were full-voting members for the entire meeting.

II. ADJUSTMENTS TO THE AGENDA: None.

III. CORRESPONDENCE: The following items were distributed at this meeting: 1. Correspondence regarding responses to City Staff questions dated March 10, 2008 from Michael Gotto of Sebago Technics to Stephen Morgan, City of Lewiston Planning Board regarding St. Mary's Regional Medical Center – Emergency Department Expansion at Sabattus Street and Campus Avenue; 2. Correspondence dated August 27, 1999 regarding St. Mary's, Lewiston; 3. Correspondence dated October 18, 2001 from Technical Services, Inc. regarding the Parking Lots for St. Mary's Regional Medical Center; 4. Correspondence dated October 19, 2001 from the City of Lewiston to the DEP regarding St. Mary's Regional Medical Center, Lewiston, Maine L-19939-19; 5. Correspondence dated May 15, 2002 from the State of Maine DEP regarding St. Mary's Regional Medical Center, #L-019939-19-A-D, Lewiston; 6. Correspondence dated June 27, 2003 regarding St. Mary's Regional Medical Center Parking Areas; 7. Correspondence dated July 31, 2003 regarding Sisters of Charity Health Care System (SOCHS) for the St. Mary's Regional Medical Center Parking Areas, 278 Sabattus Street and 100 Campus Avenue; and 8. Sheet 1, Land Title Survey dated February 2001.

Jim Horn arrived at 5:35 p.m.

The following motion was made.

MOTION: *by Lucy Bisson that the Planning Board accept the above items, place them on record, and read them at the appropriate time. Second by Ron Chartier.*

VOTED: 7-0 (Passed).

IV. HEARINGS:

A. *A proposal submitted by Sebago Technics, Inc. on behalf of the Sisters of Charity Health Systems, Inc. for expansion of the existing Emergency Department and reconfiguration of parking and access areas (St. Mary's Regional Medical Center) at 95 Campus Avenue.* David Hediger read his Staff Memorandum dated March 7, 2008 and made reference to the additional correspondence distributed at this meeting for which he requested Mike Gotto refer to during his presentation on this item.

This proposal is for an expansion of the Emergency Department at St. Mary's Regional Medical Center located at 95 Campus Avenue. Approximately 9,940 SF of the existing emergency department will be renovated and an additional 11,270 SF single-story building will be constructed to facilitate the improvements. There will be an additional 70 new parking spaces created off Sabattus Street. These improvements are proposed to be made in the area immediately adjacent to the rear property lines of the City Armory and Middle School. This site is located in the Industrial Office (IO) zoning district. The Planning Board last approved improvements at this site in 2003.

There were no concerns from the Police and Fire Departments. After several meetings with the School Department and the Public Works Department, St. Mary's has presented a proposal that meets the

requirements and best suites the development plans. The Dept. of Public Works stated in their memorandum dated February 25, 2008 (included in the Planning Board packets) that St. Mary's should acknowledge the need to provide barrier fencing that is high enough to prevent balls from flying into the parking lot, as well as to conduct vandalism maintenance on the wall. Also, they would like St. Mary's to provide the City of Lewiston with a hold-harmless agreement for vehicle and building damage incurred by footballs and other balls flying into the parking lot, as well as full maintenance to any and all fencing, retaining walls, and any other stationary amenities that are to be installed.

Present at this meeting were *Mike Gotto* and *Jan Wiegman*, from Sebago Technics, Inc. on behalf of the Sisters of Charity Health System, Inc. (SOCHS). Also present was *Mike Grimmer* from the SOCHS.

Mike Gotto made the following presentation to this Board. He first showed the existing Site Plan. He also showed the former location of Golder Street and the reconfiguration. They are looking to lease more area from the City of Lewiston. Mike Gotto showed the revised plan from what was distributed in the board packets. He showed the easement areas. There is a 26 foot separation from the football field. In 2003, the plan was approved and is now being brought back. There were a lot of concerns with the impervious areas. The total impervious area for these improvements is 16,295 SF. This project consists of 8.4 acres, which is under the 10-acre requirement for local review. There will be a two-way traffic flow off of Sabattus Street. The idea is to keep the existing area usable during construction. Mike Gotto stated that there is a significant grade change requiring a retaining wall. He said that they are trying to add green space as much as they can. They need the use of the City land, due to the movement of ambulances in and out of the area.

Bruce Damon questioned the current easement agreement and stated that this has expired. Bruce Damon made reference to the correspondence distributed at this meeting dated March 10, 2008 which was the response from Sebago Technics to City staff questions. In particular, this item was listed as Item No. 7. This project is proposed to replace 25 parking spaces and to add seven (7) more in the Campus Avenue area. Mike Gotto responded that they are looking to re-negotiate the existing easement with new easements. The SOCHS needs to negotiate terms with the City for use of the land, which was previously approved in 2001. Mike Grimmer, on behalf of the SOCHS, explained that they cannot purchase the Middle School land. The City of Lewiston is not interested in selling at this time. Their interest is in leasing. SOCHS has been in several meetings with the City Administrator, Parks and Recreation, and the Lewiston School Department.

Jim Horn asked if the proposed retaining wall will be a permanent structure. The response was "Yes". Leon Levesque, from the Lewiston School Department, is involved with the negotiations. However, this has to be approved by the City Council, but needed to come before the Planning Board for review first.

Mike Gotto stated that he has a letter from the City Administrator to go forward with the application process. They are trying to work with everybody affected by the proposed easements.

This item was then opened to the public for those in support and those in opposition. There being no comments or concerns, the public portion of this meeting was then closed and brought back to the Planning Board.

David Hediger stated that the Planning Board could act in favor of the easement, however, the Planning Board may want to consider the sale of the easement area, too. Mike Gotto stated that the intent was to not come before either the Planning Board or City Council again after an agreement is reached. David Hediger stated that all acquisitions/dispositions of City property need to go to the City Administrator, then it goes before all the Department Heads and then to the Planning Board. Mike Grimmer stated that the right-of-first refusal is on the easement only, not the entire school property.

David Hediger referred to Item Nos. 5 and 10 in the correspondence from Sebago Technics to the Lewiston Planning Board dated March 10, 2008, which was the response to City staff questions. Item No. 5 refers to lighting. An acceptable lighting plan needs to be submitted to Staff's satisfaction. Item No. 10 refers to plans which should include detail of the wall type and height. Mike Gotto stated that

whatever the school accepts, the SOCHS will accept. David Hediger requested that the applicant supply a retaining wall design prior to issuing a building permit.

Reference was also made to Item No. 2 of the above described correspondence. This item refers to a conflict in the narrative with respect to existing acreage and impervious area and proposed impervious area and ratios. David Hediger commented that Staff is satisfied using the ratios acceptable to the State. In doing so, Mike Gotto said that he would prefer to use the prior information and continue to request a waiver to a new impervious surface ratio of .79.

Mike Gotto stated that in 2005, the stormwater system was put in place. Since then, all the grading for the proposed improvement has been designed to keep stormwater runoff flow toward the existing stormwater system on the SOCHS property.

The following motions were made.

MOTION: by **Lucy Bisson**, that the Planning Board, pursuant to Appendix A, Zoning and Land Use Code, Article VII, Section 4(h), send a favorable recommendation to the City Council for the Sisters of Charity Health System, Inc.'s (SOCHS) to use approximately 18,077 SF of City-owned land at 75 Central Avenue, including the existing and proposed easement areas; that consideration be given to the SOCHS to have the ability of right-of-first refusal on only the referenced easement areas; and that the City consider limiting the terms of the easements to no longer than ten (10) years. Second by **Ron Chartier**.

VOTED: 7-0 (Passed).

MOTION: by **Lucy Bisson**, that the Planning Board determines the application submitted by Sebago Technics, Inc. on behalf of the Sisters of Charity Health Systems, Inc. (SOCHS) for the expansion of the Emergency Department at St. Mary's Regional Medical Center located at 95 Campus 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 the Sisters of Charity Health Systems, Inc. (SOCHS), subject to the following conditions:

1. That no construction activity occurs until the DEP issues a stormwater permit.
2. That an easement is negotiated and approved by the City Council before any Site Plans are signed and released for an additional 18,077 SF of the Middle School property at 75 Central Avenue.
3. That no approved mylars are released until the applicant supply a lighting plan to Staff's satisfaction.
4. That the applicant supply a retaining wall design prior to issuing any building permits for the development. Second by **Denis Fortier**.

VOTED: 7-0 (Passed).

B. A public hearing to consider an amendment to Appendix A, Article XII, Section 4 of the Zoning and Land Use Code regarding the adoption of performance standards relative to wireless communication facilities. David Hediger briefly summarized this item. In the fall of 2007, the Lewiston-Auburn 9-1-1 made a request to this Board for the Board to initiate an amendment to the Zoning and Land Use Code relative to wireless communication facilities. In their request, 9-1-1 has indicated with the continuing growth of wireless communication facilities (WCF's) that there is a potential for unintended interference with public safety communications, as well as the potential for avoidable visual impacts in the community. Currently, the City of Auburn has a very similar ordinance.

Present at this meeting were **Andrew D'Eramo**, Director of the Lewiston-Auburn 9-1-1 and also **Terry Delano**. The following presentation was made. They have had several requests to add to their 9-1-1 towers and to add new towers. Andy D'Eramo said they are putting together guidelines so if there are requests, in the future, that they come before the Planning Board.

Terry Delano said that he is hoping, in the future, the wording will address any issues. Most of their grant money has been spent resolving issues and drafting an ordinance. This should prevent problems from happening in the future.

This proposed ordinance contains similar language as Auburn's. This would remove the B.O.A. process, encourages co-locations, and requires Planning Board approvals.

This item was then opened to the public for further comments or a discussion. There being no public audience present, this item was brought back to the Planning Board and the following was discussed.

Bruce Damon asked, "How many Public Safety locations are in Lewiston?" Terry Delano responded with, "four (4) locations". Bruce Damon also asked, "Are you going to do an overlay map of the locations?" The response was, "Yes". Everything done to date has been done with grant money. It was suggested that on Page No. 2 of the proposed ordinance, Item (d). Administrative Procedures, to change the wording in the last sentence by deleting the words, "*closer than*" and replacing with the words, "*up to a*"....

There, being no further discussion, the following motion was made.

MOTION: by **Ron Chartier**, that the Planning Board, pursuant to Appendix A, Zoning and Land Use Code, Article XVII, Section 5, send a favorable recommendation to the City Council to adopt Lewiston-Auburn 9-1-1's request to adopt Article XII, Section 4, performance standards relative to wireless communication facilities. Second by **Lucy Bisson**.

VOTED: 7-0 (Passed).

C. A public hearing to consider an amendment to Appendix A, Article XII, Section 16 of the Zoning and Land Use Code to allow the placement of political signs in street right-of-ways. David Hediger briefly summarized this item. At the January 29, 2008 City Council meeting, City Councilors directed Staff to prepare this amendment for the Board to consider. This amendment would allow the placement of political signs in street right-of-ways and shall allow these political signs to be erected six (6) weeks prior to an election, primary, or referendum and to be removed not later than one (1) week thereafter. Any political signs located outside the right-of-way will be prohibited on City-owned property, which includes schools, parks, cemeteries, and municipally-owned buildings.

This item was then opened to the public for further comments or a discussion. The Planning Board discussed whether signs creating sight distance issues would be removed. The answer was, "Yes". The Planning Board suggested imposing fees on violators. There being no further discussion, the following motion was made.

MOTION: by **Ron Chartier**, that the Planning Board, pursuant to Appendix A, Zoning and Land Use Code, Article XVII, Section 5, send a favorable recommendation to the City Council to adopt the amendment to Article XII, Section 16, allowing the placement of political signs in street right-of-ways with the recommendation that the City Council consider imposing a fine or penalty on violations of the ordinance. Second by **Lucy Bisson**.

VOTED: 6-1 (Passed) (Bruce Damon Opposed).

V. OTHER BUSINESS: *Any other business Planning Board members may have relating to the duties of the Lewiston Planning Board.* None.

VI. OLD BUSINESS:

A. A proposed amendment to Appendix A, Zoning and Land Use Code, regarding Delegated Review Authority for Stormwater Management. David Hediger stated that this is okay with the DEP. A Public Hearing will be scheduled in April 2008.

B. A discussion regarding Urban Design Standards. No update.

C. Lewiston-Auburn Consolidation. David Hediger stated that both he and Gil Arsenault met with David Gilbriath and Eric Cousens from Auburn last week.

D. Zoning and Land Use Updates, including zoning matrix, SR districts, and open space provisions. No update.

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

MOTION: by **Jim Horn** that the Planning Board adjourn this meeting at 7:20 p.m. Second by **Ron Chartier**.

VOTED: 7-0 (Passed).

Respectfully submitted,

Lucy Bisson, Planning Board Secretary

DMC:dmc\C:\MyDocuments\Planbrd\Minutes\PB031208Min.doc

The City of Lewiston does not discriminate against or exclude individuals from its municipal facilities, and/or in the delivery of its programs, activities and services based on an individual person's ethnic origin, color, religion, gender, sexual orientation, age, physical or mental disability, veteran status, or inability to speak English. For more information about this policy, contact or call Compliance Officer Mike Paradis at (V) 207-513-3140, (TTY) 207-513-3007, or email mparadis@ci.lewiston.me.us.

