

CITY OF LEWISTON
PLANNING BOARD MEETING MINUTES
for June 9, 2008 – Page 1 of 3

I. ROLL CALL: This meeting was held in the City Council Chambers on the First Floor of City Hall, was called to order at 5:32 p.m., and was chaired by Chairman Stephen Morgan.

- **Members in Attendance:** Stephen Morgan, Ron Chartier, Jim Horn, Roger Philippon, Jonathan Earle, Lucy Bisson, and Denis Fortier. **Absent:** None.

- **Associate Members Present:** Bruce Damon. **Absent:** David Vincent.

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

II. ADJUSTMENTS TO THE AGENDA: None.

III. CORRESPONDENCE: None.

Correction: *A correction was made to both the Agenda and Staff Memorandum, pertaining to Item IV. Hearings, Sub-Item A. 800 cubic yards should be changed to read 3,000 cubic yards of topsoil.*

IV. HEARING:

A. *A public hearing to consider an application by the Sargent Corporation for a conditional use permit to remove approximately 3,000 cubic yards of topsoil stockpiled at 52 Cotton Road for use on municipal and Lewiston landfill projects.* David Hediger read his Staff Memorandum dated June 6, 2008. This application has been submitted by the Sargent Corporation on behalf of SSR, LLC to remove stockpiled loam from 52 Cotton Road. This property is currently vacant, is a 13.55 acre parcel, and is located in the Rural Agricultural (RA) zoning district. This request is for the removal of previously stockpiled earth material. A new conditional use permit is required since previous City permits have expired and this site has received development review approval in the past. David also said that he has not heard from Paul Boudreau, Director of Public Works, in regards to the first item listed on Page No. 2 of his Staff Memorandum regarding a performance guarantee that is posted for the repair of any damage resulting from site traffic.

There were no concerns from the Fire or Public Works Departments. Staff believes the applicant has addressed the appropriate conditional use, earth material removal, and development review criteria.

Present at this meeting was **Chip Laite**, Aggregate Resource Manager, of the Sargent Corporation on behalf of SSR, LLC. Chip Laite gave the following presentation to the Board. He stated that they are basically cleaning up the topsoil piles. This topsoil had been placed for a visual and noise buffer at the time. Removal is not just for City of Lewiston projects, but for other projects also. Temporary signage will be provided. The vehicles involved in the removal will be limited to 25 mph. Chip said that he does not anticipate any erosion. Crushed stone will be placed to minimize dust. He continued his presentation by saying that a minimum four inch layer of topsoil will be left. A four foot vegetation buffer will be left at 52 Cotton Road. The noise will be regulated by the DEP at 65 decibels and the City by 75 decibels.

This item was then opened to the public for those in favor and those in opposition to this project.

Elizabeth Record, 210 Dyer Road, was neither for or against this project. She did ask that when the removal was complete, if there will be a cover to provide some vegetation. The response was that there will be a four foot vegetation buffer placed and also four inches of topsoil will remain.

There, being no further public present, the public portion of this item was closed and turned back to the Planning Board for the following discussion. Steve Morgan asked why the Planning Board needed to approve this. David Hediger responded that because of past City permits having expired (1991 and 1994), the applicant needed to come before the Board for approval for a new conditional use permit.

The following motion was made.

MOTION: by **Ron Chartier**, that the Planning Board determines the application submitted by the Sargent Corporation on behalf of SSR, LLC for a conditional use permit to remove approximately 3,000 cubic yards of topsoil stockpiled at 52 Cotton Road for use on municipal and Lewiston landfill to be complete; grants approval of the modification/waiver checklist; that this application meets all of the necessary approval criteria contained under Article X, Section 3, Article XII, Section 5, and Article XIII, Section 4 of the Zoning and Land Use Code; and grants approval to the Sargent Corporation on behalf of SSR, LLC, subject to the following conditions raised by the Planning Board and Staff:

1. That the site plan is amended to note that the same conditions originally made by the Planning Board on May 15, 1991 and June 14, 1994 apply to this project.
2. That the conditional use permit requested is valid for a period of two years to be consistent with the two year expiration period of development review projects.

Before this motion passed, it was amended to include the following:

1. That Item No. 2 on the site plan listed under the May 15, 1991 approval conditions be removed, that being, "All earth material removed from the site can only be used with municipal and LAWPCA landfill sites.", allowing for the topsoil to be removed for any purpose.

Second by **Roger Philippon**.

VOTED: 7-0 (Passed).

V. OTHER BUSINESS: **A. A request for a two-year extension of approval for the Gayton Estates Subdivision.** David Hediger briefly summarized his Staff Memorandum dated June 6, 2008. Calvin & Judith Hunter of CLH & Son, Inc. have submitted a written request for an extension of their August 14, 2006 Planning Board approval for the Gayton Estates Subdivision within the 60 days requirement from expiration. The proposal was for an eight-lot, single-family subdivision at 207-209 Gayton Road. The property is located in the Rural Agricultural (RA) zoning district and is 16.53 acres in size. All the proposed eight lots will be located off a new city street and will be serviced by private wells and septic systems.

This item was then opened to the public for those in favor and those in opposition to this project. There, being no public present, the public portion of this item was closed and turned back to the Planning Board. Planning Staff have recommended approval of the two-year extension.

The following motion was made.

MOTION: by **Roger Philippon** that the Planning Board grant a two- (2-) year extension of approval to Calvin & Judith Hunter of CLH & Son, Inc. for an eight- (8-) lot, single-family subdivision (Gayton Estates Subdivision) located at 207-209 Gayton Road, extending the approval to expire on August 14, 2010. Second by **Lucy Bisson**.

VOTED: 7-0 (Passed).

B. Any other business Planning Board members may have relating to the duties of the Lewiston Planning Board.

Meetings. David Hediger made reference to the Planning Board Handbook, Rules of Procedure, Item 3. Meetings. He stated that no new items shall be heard after 9:00 p.m., with the meetings adjourning at 9:30 p.m. **City Council Update.** David Hediger updated the Board, stating that at the last City Council meeting, the City Council voted 5-2 not to approve the Conditional Rezoning for Dan & Brenda Cote. This item, therefore, has failed and is now dead. Also, David made reference to the disposition of 86 Gayton Road regarding the acquisition and disposition of properties. **Joint CC/PB Workshops.** David Hediger said that the City Council would like a joint City Council/Planning Board Workshop regarding the Bates College Master Plan and parking and also to discuss the Oak Park neighborhood. David stated, also, that there could be a separate workshop scheduled on the listing of City

properties. **Board Member Vacancy.** Ron Chartier said that he has accepted a computer systems position with the Lewiston Police Department, therefore, this will be his last meeting as a Planning Board Member. His start date is June 23, 2008, therefore, leaving a vacancy on the Planning Board for a full member. **Grant.** Jim Horn suggested writing a grant for HUD money for low-income families. His suggestion was to build for next to nothing (cheap) to provide new homes, instead of making property into vacant parking lots. **Upcoming Urban Impaired Stream Meetings (Hart Brook and Jepson Brook).** David Hediger made reference to the e-mail from David Jones that he forwarded to the Board Members and Staff. There are three (3) meetings scheduled in June 2008 regarding streams in Lewiston that the Maine DEP has classified as "Urban Impaired". These meetings are to discuss and get public input. A suggestion was made that Jepson Brook needs to be removed from the listing. **Development Review.** Jim Horn at Leon Levesque's request suggested considering the size of the schools when making decisions on housing developments. This is a hardship with the school department, i.e. considering the size of the school and overcrowding. It was suggested to place the School Department on the Review Form for review for such projects. David Hediger agreed that housing developments do have an impact on schools. **McDonald's.** David Hediger stated that he met with the developers for McDonald's (1035 Lisbon Street) today. He said that they will need a Traffic Movement Permit.

VI. OLD BUSINESS:

A. A discussion about permitted uses and storefront appearances in the Centreville (CV) zoning district. No update.

B. A proposed amendment to Appendix A, Zoning and Land Use Code, regarding Delegated Review Authority for Stormwater Management. David Hediger stated that a delegated review ordinance for stormwater management has been drafted. David suggested a joint meeting between the Cities of Lewiston and Auburn. Jonathan Earle made reference to non-point sources. Also suggested by David, was another joint presentation between both cities regarding amending the shoreland zoning standards.

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

D. Lewiston-Auburn Consolidation. No update.

E. Zoning and Land Use Updates, including zoning matrix, SR districts, and open space provisions. David Hediger said that he will be meeting with Bob Faunce on open space provisions.

VII. MINUTES: Draft Meeting Minutes for Planning Board Meetings held on April 23, 2008 and May 14, 2008. These minutes were not available for review or approval at this meeting, therefore, no motion was made.

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

MOTION: by **Roger Philippon** that the Planning Board adjourn this meeting at 6:25 p.m. Second by **Denis Fortier.**

VOTED: 7-0 (Passed).

Respectfully submitted,

Lucy Bisson, Planning Board Secretary

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