

**CITY OF LEWISTON**  
**PLANNING BOARD MEETING MINUTES**  
**for July 28, 2008 – Page 1 of 6**

**I. ROLL CALL:** This meeting was held in the City Council Chambers on the First Floor of City Hall, was called to order at 5:33 p.m., and was chaired by Chairman Stephen Morgan.

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

- **Associate Members Present:** Bruce Damon and Trinh Burpee. **Absent:** None.

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

After the Roll Call, Steve Morgan welcomed Trinh Burpee as the newest Assoc. P.B. Member.

**Associate Member Appointments.** *Both Bruce Damon and Trinh Burpee were appointed full voting members for the entire meeting.*

**II. ADJUSTMENTS TO THE AGENDA:** The following motion was made.

**MOTION:** *by Lucy Bisson that Item V. Other Business, Sub-Item A. A request for a two- (2-) year extension of approval for the Fritz Peterson Subdivision at 267 Central Avenue be heard first out of order of the agenda listing. Second by Denis Fortier.*

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

**III. CORRESPONDENCE:** None.

**V. OTHER BUSINESS:**

**A.** *A request for a two-year extension of approval for the Fritz Peterson Subdivision.* David Hediger briefly summarized his Staff Memorandum dated July 24, 2008. George C. Peterson and Taylor Engineering Associates have submitted a written request for an extension of their August 14, 2006 Planning Board approval for the Fritz Peterson Subdivision. This proposal was for a 12-lot, single-family home, cluster subdivision at 267 Central Avenue. All 12 lots shall be located off a new city street and will be serviced by city water and sewer. This property is located in the Neighborhood Conservation "A" (NCA) zoning district. David Hediger made reference to Conditions 5 and 6 of the previous August 14, 2006 approval. Conditions 1-4 of that approval have all been met. The property owner is not a developer, he is the seller of the property only.

Present at this meeting was **Norm Chamberlain** of Taylor Engineering Associates on behalf of George Peterson. Norm said that this is a request for extension of time only.

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 Lucy Bisson that the Planning Board grant a two- (2-) year extension of approval to George C. Peterson for a 12-lot, single-family home, cluster subdivision at 267 Central Avenue, extending the approval to expire on August 14, 2010, subject to Conditions 5 and 6 of the original approval, which are now numbered 1-2, as follows:*

1. *That no signed mylars be released until draft homeowners association documents have been reviewed to Staff's satisfaction. A note must be added to the plan referencing the association.*

2. *That a statement of financial and technical capacity is provided to either the Board or Staff's satisfaction prior to the release of any signed mylars. Second by*

*Denis Fortier.*

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

*The remainder of the agenda items were heard in the order of their listing.*

**IV. HEARINGS:**

A. *A public hearing for a proposal submitted by Danielson & Gonzalez on behalf of McDonald's USA, LLC for the construction of a 3,896 square foot McDonald's restaurant and associated drive-thru and parking facilities at 1035 Lisbon Street.* David Hediger read his Staff Memorandum dated July 24, 2008. This application has been submitted by Danielson & Gonzalez on behalf of McDonald's USA, LLC for the construction of a 3,896 square foot McDonald's restaurant and associated drive-thru and parking facilities at 1035 Lisbon Street. The restaurant will be located on 28,803 square feet of leased land from Shopping Plaza Associates, which consists of approximately 10.74 acres of land. This land is located in the Community Business (CB) zoning district. This project is subject to review by this Board, given the amount of additional traffic expected to be generated from the restaurant. Provided in the application was a traffic study by Gorrill-Palmer. HNTB, the City peer reviewer for traffic movement permits has reviewed the analysis.

There were no concerns from the Fire or Public Works Departments. Included in the Board packets were an e-mail from David Hediger, City Planner to Peter Hedrich dated June 11, 2008, comments from HNTB regarding the Traffic Engineering Peer Review dated July 16, 2008, a memorandum from David Hediger to Bohler Engineering dated July 17, 2008, comments from David Chick, Lewiston Police Dept. dated July 17, 2008, correspondence dated July 21, 2008 from Bohler Engineering regarding their response to a comment letter from the Dept. of Planning & Code Enforcement, and a response to Traffic Peer Review Comments from Gorrill-Palmer Consulting Engineers, Inc. dated July 21, 2008.

Present at this meeting were **Robert Danielson**, of Danielson & Gonzalez; **John Kucich**, Bohler Engineering; **David Hamilton**, Operations Manager of McDonald's USA, LLC; and **Randy Dunton**, of Gorrill-Palmer. Robert Danielson gave the following presentation.

Robert Danielson stated that this is a replacement for the existing Lisbon Street McDonald's. He showed the location on his mapping. The site is currently 100 percent paved. They have tried to add landscaping where they could. They will improve the right-turn only onto Lisbon Street. Robert Danielson showed the sidewalk location. He made reference to landscaping and the pylon sign. He feels that adding trees will hinder the visibility to the site.

At this point in the presentation, Robert Danielson introduced John Kucich, who has been working closely with Planning Staff. John Kucich said he does not want to block visibility to the site with trees. John Kucich then spoke about the parking. The leased pad site has 32 parking spaces. Use of plaza parking will make up the difference in parking, since 87 of the existing parking spaces will be removed. A total of 104 parking spaces are needed to make up what the restaurant will generate. John stated that there is an additional 111 parking spaces proposed. He added that there will be plenty of parking from an operational standpoint.

Bruce Damon questioned left turns from Lisbon Street heading towards downtown. David Hamilton, Operations Manager of McDonald's USA, LLC responded that the center turn lane will handle this traffic. Bruce also question snow storm removal. David's response was that if it is not dealt with on site, it will be taken off-site. The conversation turned back to street trees. It was mentioned that normally street trees have a short life. You can have these trees without obstructing the signs. These trees will not have an impact on visibility. David also addressed low-lying shrubbery in regards to the multi-tenant sign. Denis Fortier commented that he is in favor of nice shrubbery. Robert Danielson referenced the steep slope along Lisbon Street. The Board could come up with a different condition for shrubs, instead of the street trees. The slope belongs to the landlord, which is Gendron & Gendron. McDonald's USA, LLC would need the landlords approval for shrubbery versus trees. David Hamilton then presented photographs to the Board showing the existing street trees.

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

A resident from Mary Street questioned if there was going to be fill coming to Mary Street. David Hediger responded that there will be no changes made toward Mary Street. McDonald's is all that is proposed for this area, however, there will be an increase in traffic.

The public portion of this item was closed and turned back to the Planning Board for further review. It was suggested to amend Condition No. 4 of the Staff Memorandum to be shrubs, instead of trees. It was then mentioned that the shrubs may not be visible from the street. Steve Morgan said he would like to leave it in the hands of somebody else. David Hediger then stated that Steve Murch, the City arborist had visited the site. His comments were included in the response to comments correspondence dated July 8, 2008 from Bohler Engineering. He stated that the two (2) existing street trees are in poor health. He had suggested removal and replacement of the street trees. Staff was also in agreement that three (3) street trees (minimum of 2.5 caliper) be planted, spaced 30'-50' beginning 50'-70' east of the existing ground sign. In conclusion, Bruce Damon suggested replacement of the two existing street trees and to do something (i.e. some ground shrubbery) with something lower down that will not affect the visibility of the sign.

The following motion was made.

**MOTION:** *by Lucy Bisson, that the Planning Board determines the application submitted by the Danielson & Gonzalez on behalf of McDonald's USA, LLC for the construction of a 3,896 square foot McDonald's restaurant and associated drive-thru and parking facilities at 1035 Lisbon 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 McDonald's USA, LLC, subject to the following conditions raised by the Planning Board and Staff:*

1. *That a revised Site Plan be provided to reflect those changes agreed upon in the Bohler Engineering letter dated July 21, 2008, specifically comments 3-6;*
2. *That pedestrian access to the site be improved by extending the existing Lisbon Street sidewalk to the proposed stop sign adjacent to the McDonald's entrance.*
3. *That a note be added to the plan stating that prior to issuance of a certificate of occupancy for the McDonald's, the addition of 111 parking spaces must be completed in accordance with the parking lot expansion plans dated May 20, 2008.*
4. *That two (2) street trees (minimum of 2.5 caliper) are planted in place of the existing distressed trees and that low-lying shrubbery be planted near the sign, thereby having no impediment on the visibility of the sign.*
5. *That no building permits be issued until a traffic movement permit has been issued by the City of Lewiston.*

*Second by Bruce Damon.*

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

**B.** *A request from Sebago Technics on behalf of the Randall Road Corporation for a "de minimus" change amendment to Chestnut Hill Estates for Phases B and C of "The Bluffs" consisting of 27 condominium units, pursuant to Appendix A, Article XIII, Section 3(k).* David Hediger read his Staff Memorandum dated July 24, 2008. Sebago Technics, on behalf of the Randall Road Corporation has submitted a "de minimus" change amendment to Chestnut Hill Estates for Phases B and C of "The Bluffs" consisting of 27 condominium units on Lot No. 18. This property is located in the Low Density Residential (LDR) zoning district and was originally approved in 1988. The 1988 approval consisted of 15 single-family house lots and 130 housing units. A subdivision amendment was approved on November 26, 2007 which consisted of splitting one lot into two lots, therefore, allowing for 65 dwelling units on Lot No. 18 and the existing 32 condominium units on Lot No. 17. On December 10, 2007 a "de minimus" change amendment was made for the construction of Phase A of "The Bluffs" consisting of 22

condominium units of townhouse-style buildings, as attached, single-family structures on Lot No. 18. Currently Phase A is under construction. Randall Road Corporation is now requesting a similar request for Phases B and C. Phase B consists of 13 condominium units in a seven-unit building and a six-unit building. Phase C will consist of 14 condominium units in an eight-unit and a six-unit building. The construction type is the same as in Phase A. Phase A, B, and C (in completion) will consist of a total of 49 units.

There were no comments from the Public Works Department. Both Planning and Code Enforcements comments were included in the Board packets. Also included in the packets were the response to comments from Sebago Technics dated July 22, 2008.

Present at this meeting was **Chris Branch**, Senior Project Manager of Sebago Technics, on behalf of the Randall Road Corporation. Chris Branch gave the following presentation. First he showed the location of the project to Board members. He showed Phase A (four buildings were approved and are currently under construction). Phase B will add two (2) structures and Phase C will also add two (2) structures. There will be a total of 27 condominium units, which will be townhouse-style units. All these units will be two- (2-) bedroom. There were a lot of concerns brought forward from the original approval. There will be a 50 foot buffer along the street. A stormwater control pond is located on Lot No. 17 and is designed to accommodate 314,070 square feet of impervious area for the entire development. Phase B will add 26,610 square feet of new impervious area to the property and Phase C will add 21,072 square feet. The pond can be converted on Lot No. 17 to a wet pond and then another added. A recreation trail will need to be provided. There is a 25 percent open space requirement. The total open space required for Phase B is 25,972 square feet and for Phase C is 25,444 square feet. The total open space provided for Phase B is 44,072 square feet and Phase C is 42,087 square feet. The total area of Phase B is 67,486 square feet and Phase C is 62,574 square feet. Construction will begin in the late fall of 2008 and will be completed in 2009. Everything will depend on the market conditions.

David Vincent questioned who is requiring the recreation area? David Hediger stated that the recreation area is part of the City code.

The turnaround for Phase A needs to be done for Phase A before Phase B can be started. The client, Rick Tonoli, is currently out of the country. Chris stated that the owner is not in favor of a Performance Guarantee for maintaining the developments parking. Rick Tonoli is a private developer, not a general contractor. Chris reverted back to the walking trail and stated that it will be bark mulch. He also stated that no fencing has been proposed around the recreation area. There will be a 2:1 slope - loamed and seeded.

David Hediger commented that before Rick Tonoli can receive a Certificate of Occupancy, all of the Phase A improvements need to be done and in compliance. The same is true for Phases B and C.

Chris said that the general contractor is LochBid and S&R is doing the landscaping work.

David Hediger stated that, in the past, Rick Tonoli has previously given a Letter of Credit, as a Performance Guarantee.

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

**Shirley Daigle** (11 Macadamia Lane) was concerned with the entrance and the increase of traffic near her house. Chris Branch stated that this had been the only entrance proposed for all phases. The level of use has not intensified since the 1988 approval. Shirley then asked about a tree buffer. She thought there would be greater privacy. David Hediger said that a buffer just needs to be a vegetated area with or without trees. Shirley commented that the vacant lot on the corner of Macadamia Lane and Almond Avenue is flooded 90 percent of the time.

**Elizabeth Dube**, City Councilor for Ward 6 was present. She commented that constituents complain the drainage is very bad and the developer is very hard to get in contact with, and that many units are vacant.

Chris Branch stated that the condos on Lot No. 17 are all sold. 16 more are proposed to be developed as Phase D. Chris Branch also said that there is a 65 space parking garage proposed. The garages will be 11' x 24' in dimension. The owner is planning to rent these units. The rent will be \$1,200.00 for an 800 square foot unit.

***Lucy Bisson exited this meeting at 7:00 p.m.***

***Emily Ellis*** (111 Pond Road) agreed with Elizabeth Dube that drainage is a problem. The water level is very significant at the intersection of Almond Avenue and Macadamia Lane. She also commented that there is a vacant home located on Macadamia Lane that the deck has collapsed. She asked, whose responsibility is it to make this safe. She said that this development is leaving a lot to be desired.

David Hediger commented that the puddling issues could be brought to Public Works attention again.

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.

Bruce Damon said that he was concerned with the drainage. David Hediger responded the drainage will be directed to the detention pond.

The following motion was made.

**MOTION:** *by David Vincent, that the Planning Board determines the application submitted by Sebago Technics on behalf of the Randall Road Corporation for a “de minimus” change amendment to the Chestnut Hill Estates Subdivision located on Tourmaline Drive (formerly 10 Almond Avenue) for Phases B and C of “The Bluffs” (Lot No. 18 to be complete; grants approval of the modification/waiver checklist; that this application meets all of the necessary approval criteria contained under Article XIII, Sections 4, 5, and 8 of the Zoning and Land Use Code; and grants approval to the Randall Road Corporation, subject to the following condition raised by the Planning Board and Staff: That the applicant must clarify and note on the plan who shall own, control, and maintain open space and recreation space, as per Article XIII, Sections 4, 5, & 8. Second by Denis Fortier.*

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

**C.** *A proposed amendment to the City of Lewiston’s Zoning and Land Use Code, Appendix A, Article XI, Section 20 and Article XIII, Sections 2 and 4, pertaining to stormwater management and obtaining delegated review authority from the Maine Department of Environmental Protection.* David Hediger read his Staff Memorandum dated July 24, 2008. December 27, 2007 was the DEP deadline to adopt regulations, however, the MDEP has provided the City additional time, due in part to further revisions being made at the state level and Staff’s ongoing dialogue with DEP regarding the new regulations. The current ordinance focused on quantity. In order for a municipality to maintain its delegated review authority with respect to the Site Law, the new stormwater regulations must also be adopted. The local, City level can process applications quicker than the DEP. He said we will still have our own standards for quantity. Quality standards will also need to be looked at. This is all state regulations. David continued by saying that the City will be able to review all projects, unless they exceed the seven-acre threshold. The state can still opt (or intervene) projects 3-7 acres in size.

Gil Arsenault commented with this authority, this saves developers time and money. This will increase more work for planning and a lot more work for Public Works. Gil also stated that the City can require a peer reviewer to make sure everything is being constructed. Public Works could also hire out for peer review services.

This item was opened to the public. Chris Branch commented that this is an extreme advantage to both the Cities of Auburn and Lewiston for development, from an economic development standpoint. This will reduce time for approvals. There being no public audience, this item was then turned back to the Planning Board.

The following motion was made.

**MOTION:** by **Denis Fortier** that the Planning Board send a favorable recommendation to the City Council for their consideration to amend the City of Lewiston Zoning and Land Use Code, Appendix A, Article XI, Section 20 and Article XIII, Sections 2 and 4 pertaining to stormwater management and obtaining delegated review authority from the Maine Department of Environmental Protection. Second by **David Vincent**.

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

**V. OTHER BUSINESS:**

**B. Any other business Planning Board members may have relating to the duties of the Lewiston Planning Board. CCC #3371 regarding the Intersection of Strawberry Avenue and Main Street.** Bruce Damon made reference to the e-mail forwarded to the Board members for discussion. Angela Richards complaint was concerning traffic congestion at this location and is requesting a traffic light at the intersection of Strawberry Avenue and Main Street. During this brief discussion, suggestions made were that maybe the Montello Street extension could be opened up or removal of the signal light from the Marketplace Mall location. **Russell Street Corridor.** The Russell Street corridor could be done in two (2) phases – College/Russell Streets and Russell Street/Central Avenue, depending on available funding. It was asked if there is any relation between this and Bates College and if it could be combined with the work session for Bates College and the downtown, which is scheduled for an August 11, 2008. This is a workshop meeting between this Board and the City Council. **Upcoming Meetings.** Joint City Council/Planning Board Workshop scheduled for Monday, August 11, 2008 regarding Bates College and the downtown. The next regularly scheduled Planning Board meeting is Monday, August 25, 2008.

**VI. OLD BUSINESS:**

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

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

**C. Lewiston-Auburn Consolidation.** No update.

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

**VII. MINUTES: Draft Meeting Minutes for Planning Board Meetings held on April 23, 2008, May 14, 2008, May 28, 2008, and June 9, 2008.** The following motion was made.

**MOTION:** by **Denis Fortier** that the Planning Board approve the minutes for April 23, 2008, May 14, 2008, May 28, 2008, and June 9, 2008, as submitted. Second by **David Vincent**.

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

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

**MOTION:** by **Bruce Damon** that the Planning Board adjourn this meeting at 7:50 p.m. Second by **Denis Fortier**.

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

Respectfully submitted,

Lucy Bisson, Planning Board Secretary

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