

**CITY OF LEWISTON  
PLANNING BOARD MEETING  
MINUTES for February 26, 2007 – Page 1 of 4**

**I. ROLL CALL:** This meeting was held in the City Council Chambers on the First Floor of City Hall, was called to order at 5:34 p.m., and was chaired by Interim Chairman Tom Peters.

- **Members in Attendance:** Stephen Morgan, Jim Horn, Roger Philippon, and Jonathan Earle. **Absent:** John Racine.

- **Associate Members Present:** Tom Peters and Ron Chartier. **Associate Members Absent:** None.

- **Staff Present:** Lincoln Jeffers, Assistant to the City Administrator; Gil Arsenault, Director of Planning & Code Enforcement; David Hediger, City Planner; and Doreen Christ, Administrative Secretary of Planning & Code Enforcement.

**II. ADJUSTMENTS TO THE AGENDA:** None.

**III. CORRESPONDENCE:** None.

The following motion was made to change the sequence of the agenda items to be heard:

**MOTION:** by *Steve Morgan* to hear Item V. Other Business, Sub-Item A. Revised Site Layout Plan for Community Concepts, Inc. Office Building and Senior Housing at 240-250 Bates Street first and then the remainder of the agenda items, as they appear. Second by **Jim Horn**.

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

*Roger Philippon arrived at 5:37 p.m.*

**V. OTHER BUSINESS:**

**A. Revised Site Layout Plan for Community Concepts, Inc. Office Building and Senior Housing at 240-250 Bates Street (request for “De minimus” change).** David Hediger read his Staff Memorandum dated February 23, 2007.

This proposal has been submitted as a revision to the previously approved CCI office building and senior housing at 240-250 Bates Street, as a “de minimus” change. This project was previously approved (September 2005) for a three-story, 35,000 SF office building with a separate 30-unit elderly housing structure. A “de minimus” change was approved as Revision No. 1 (January 8, 2007) to address a number of the 2005 conditions of approval and also for changes in the design, due to building costs. This “de minimus” change is as Revision No. 2 and will slightly change the footprint of the senior housing design, due to building costs. This change will provide one additional parking space and reduce the impervious area by 408 SF. Stormwater runoff will be reduced. Also being requested, is for a two-year extension of approval dated 02/26/2007 with an expiration date of 02/26/2009.

Present at this meeting were **Mark Bergeron** from Pinkham & Greer and **Dennis Lajoie** from Community Concepts, Inc.

Mark Bergeron gave a brief summary to the Board. He distributed elevations (Drawings A-5 and A-15) of the Bates Street Senior Housing project at this meeting (exterior and the first floor plan). Tom Peters asked what zoning district this was located in and what uses are permitted. David Hediger said the property is located in the Downtown Residential (DR) zoning district and listed the permitted uses. Tom Peters asked what was the nearest zone that could cause problems for the elderly housing project? David Hediger responded with, “Centreville”- where drinking establishments are permitted. Gil Arsenault added that the siding will be cement board.

Lincoln Jeffers, Assistant to the City Administrator, commented that the City is in support and are glad to have the financing in order by the end of March 2007 and start construction in the spring. The office building will come next spring. Gil Arsenault said that this project has been reviewed and approved by the Historic Preservation Review Board and the State of Maine Preservation Commission.

This item was then opened to the public.

**Brian Banton**, 27 Spruce Street, questioned setbacks on property lines. He wanted to know how the placement of these buildings will affect the view corridor of this area. Mark Bergeron responded that it will not obscure the view and referenced the H.P.R.B.

There, being no further public comments, this item was then brought back to the Board for further discussion or a motion. The following motion was made.

**MOTION:** by **Steve Morgan**, that the Planning Board approves the proposed Revision No. 2 as a “de minimus” change in accordance with Article XIII, Section 3(k) of the Zoning and Land Use Code and grants the additional request for a two- (2-) year extension of approval with an expiration date of February 26, 2009. Second by **James Horn**.

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

#### **IV. HEARINGS:**

**A. A proposal submitted by Bohler Engineering on behalf of Wal-Mart Real Estate Business Trust to construct a 191,000 +/- square foot Wal-Mart retail store with associated parking, utilities, stormwater management facilities, etc. at 15 Challenger Drive.** David Hediger summarized his Staff Memorandum dated February 23, 2007.

This proposal is to construct a 191,000 +/- SF, free-standing superstore, which is a Wal-Mart retail store with associated parking. This is a 37.44 acre site. The land is currently undeveloped and is located in the Urban Enterprise (UE) zoning district. This development will need a full site law permit from the DEP, since the project exceeds the City’s delegated review authority because of the size of the project.

There were no concerns from the Police and Fire Departments. The concerns expressed by Planning and Code Enforcement and the Dept. of Public Services have been resolved and are contained in the Planning Board packets distributed to Board Members.

Present at this meeting were **John Kucich** and **Don Grover** from Bohler Engineering on behalf of Wal-Mart Real Estate Business Trust; **Joan Fortin**, Esq., from Bernstein, Shur, Sawyer & Nelson; **Jeremiah Bartlett** and **Tom Gorrill** from Gorrill-Palmer Consulting Engineers, Inc.; and **Mike Gotto** from Sebago Technics.

Tom Peters asked if this is a permitted by use right in this area? David Hediger responded with “Yes”. Tom Peters then asked who is monitoring the signal installation at the southbound ramps? David Hediger responded that they are working with Gorrill-Palmer. Tom Peters commented that the ultimate decision will be with the City.

John Kucich and Don Grover presented the site plan. All access will be through Challenger Drive. This Wal-Mart will house groceries, general merchandise, and a garden center. Loading will be in the rear. The landscaping exceeds City requirements. The snow will be piled up in remote portions of the parking lot. Wal-Mart will maintain Challenger Drive, a private road. Some features and enhancements to the building have been created to satisfy the City, i.e. the materials, colors, and textures are different than the other Wal-Marts.

Jeremiah Bartlett and Tom Gorrill presented traffic through a powerpoint presentation. The three (3) topics of discussion were: 1. Trip Generation, 2. Off-Site Improvements, and 3. Status of Reviews. Trip ends to and from the site were presented. Off-Site Improvements include: Installation of a traffic signal, construction of three (3) exit lanes, two entering lanes, signal modification improvements, the widening of four lanes to the bridge, aligning of the MTA southbound ramps, monitoring an intersection for a signal six months after opening, adjusting alignment of the ramp, etc. Status of Review includes: Peer review, the comment letter by the Maine Turnpike Authority, and the Neighborhood Meeting, where concerns were expressed with the traffic on Goddard Road. There is 22,000 square feet of additional retail for the property proposed and the calculations for this were included in the traffic presentation. This addition would be placed on one of the out lots. There are \$2 million in traffic improvements. These changes will be paid by the developer.

This item was then opened first to the public for those in support. There were none present. This item was then opened to the public for those in opposition.

**Therese Roux**, 39 Goddard Road, was concerned about 18-wheelers on Goddard Road. Her request was for placement of signs stating that no 18-wheelers be allowed on Goddard Road. The response to her request was that Goddard Road cannot be posted because of federal funding and designation of the road. **Lucy Ann Fournier** expressed traffic concerns. It was suggested that the constituents contact City Councilor Mark Paradis.

**Frank Begert**, was present on behalf of his mom, **Muriel Begert**, who resides at 23 River Road. His concerns were with traffic and environmental issues with the stream on this property. It was stated that environmental issues get reviewed by the State of Maine DEP.

**Chris Neagle**, attorney for T.D. Banknorth, stated that T.D. Banknorth supports this project and that it has been great working with the City staff and developers. However, he suggested relocating a shared utility pole that is the bank's primary power source and was concerned with blasting. Chris Neagle distributed his suggestion of a condition to the approval to Board Members and Staff. He stated that they do not want to be adversely affected by vibration. He also suggested relocating the power pole to eliminate the chance of it getting hit.

**Brian Banton**, 27 Spruce Street, said that he is concerned with public safety and the traffic on Alfred A. Plourde Parkway. He referenced the fate of the downtown and questioned why not redevelop the existing structures, i.e. Bates Mill No. 5. He stated that very little of the Comprehensive Plan has been implemented and stated that it is time to revisit the Comprehensive Plan. Tom Peters said that the Comprehensive Plan is reviewed every 10 years. Brian Banton expressed concerns with the public process, questioned bicycle paths and if there were provisions for buses. The response was that five foot travel shoulders have been provided for bicycle paths and that AVCOG has been contacted in regards to bus routes.

**Joan Fortin**, Esq. from Bernstein, Shur, Sawyer & Nelson stated that Wal-Mart is very concerned with being a good neighbor. Concrete barriers or guardrails could be added to protect the pole. Wal-Mart will continue to work with the abutter - T.D. Banknorth; however, does not want permission from an abutter to develop. Chris Neagle stated that the blasting impacts have not been addressed. In conclusion, it was agreed that the applicant will try to work with T.D. Banknorth in resolving these concerns.

**Matt**, who is a resident of Greene, Maine, but works at 238 Goddard Road (Local Union 567 Building Corporation), also expressed concerns with the public process. There needs to be more public input right from the beginning. He then distributed to Board Members and Staff a fact sheet entitled, "Key Studies on Big-Box Retail". He mentioned projections on increased costs on health and wage benefit levels. He commented that there is no concrete data, in hand, on existing businesses, fiscal impacts, the tax base, etc. It was mentioned to take the time to do a comprehensive impact study. Tom Peters said that these arguments are not in the Planning Board's jurisdiction. Gil Arsenault stated that the public has been properly notified on several occasions for the past two (2) years on this project.

**Monique Paris**, 146 Bartlett Street, stated that she understands the role of the Planning Board. She said that she and her husband moved here from Baltimore and purchased a home to try to make a difference to this area. There is severe poverty all around them. The working poor are getting poorer. She asked that the Board think about the impacts of such stores.

The public portion of this hearing was closed and then brought back to the Board for further discussion, deliberation, or a motion. Roger Philippon said that the Board needs to keep integrity to the process. This item has been brought to this Board and meets the requirements of the Zoning and Land Use Code. Ron Chartier made reference to the T.D. Banknorth issue and asked, "How would this be followed up with?" Tom Peters responded to ask Wal-Mart to follow through. This can be added as a condition to communicate. The issue of placement of signs was brought up. Roger Philippon suggested placing limitations on the size of a sign. Staff explained what is permitted by code. It was agreed by Board Members that signage should not be a problem.

The following motion was made.

**MOTION:** by **Roger Philippon** that the Planning Board determines the application submitted by Bohler Engineering on behalf of Wal-Mart Real Estate Business Trust to construct a 191,000 +/- square foot Wal-Mart retail store with associated parking at 15 Challenger 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 Wal-Mart Real Estate Business Trust, subject to the following conditions:

1. That DEP approval is obtained prior to commencing any site activity related to this development,
2. That a traffic movement permit be issued to the satisfaction of staff, the MDOT, and the City's peer reviewer for traffic.
3. That the applicant shall try to make an effort to work with T.D. Banknorth to develop a reasonable approach to protect the banks power source and address the banks concern to not have their operations adversely affected by blasting.
4. That the I-95 southbound on/off ramp at the Alfred A. Plourde Parkway intersection shall be monitored for signalization by the applicant, or their representative, six (6) months after a certificate of occupancy is issued by the City to determine whether the installation of a signal is necessary. If necessary, the cost for the signal and installation shall be at the expense of the developer. Second by **Steven Morgan**.

**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.** David Hediger stated that he has contacted James Bennett as to a presentation to the Board Members on the FY2008 LCIP. On February 22, 2007 he said that he e-mailed Board Members as to their availability for a meeting on Monday, March 5, 2008, at 5:30 p.m. to provide a recommendation to the City Council. David Hediger will send confirmation of this date to Board Members.

Tom Peters said that a workshop is necessary to set priorities, since the City is growing so fast. Studies need to be done as to traffic counts, how to pay for improvements, fast-tracking, etc.

David Hediger made reference to the zoning matrix. He suggested wrapping it up and getting it done. He will schedule a workshop to have something to present.

**VI. OLD BUSINESS: Policy and procedures regarding project amendments and associate members.** This item is in regards to Associate Members roles on participation. This is to be placed in the Policy and Procedures. This item is a result of a Maine Municipal Association (MMA) workshop. It was agreed that Associate Members can participate, but cannot vote, unless there is a conflict.

**VII. READING OF THE MINUTES: Draft Meeting Minutes for Planning Board Meeting held on February 12, 2007.**

The following motion was made:

**MOTION:** by **Steve Morgan** that the Planning Board accept the Minutes for the Planning Board Meeting held on February 12, 2007, as submitted. Second by **James Horn**.

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

**VIII. ADJOURNMENT:** No motion was made, no vote was taken, however; this meeting adjourned at 7:54 p.m.

Respectfully submitted,

Steven Morgan, Planning Board Secretary

DMC:dmc\C:\MyDocuments\Planbrd\Minutes\PB022607Min.doc



