

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for March 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 5:30 p.m., and was chaired by Interim Chairman Tom Peters. Both Tom Peters and Ron Chartier have been appointed as full members, bringing the total board membership to the seven (7).

In Stephen Morgan's absence, John Racine did the following Roll Call:

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

- **Associate Members Present:** None. **Member Absent:** None.

- **Staff Present:** 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: The following item of correspondence was distributed at this meeting - a letter from Northeast Civil Solutions, Incorporated dated March 23, 2007 to David Hediger, City Planner, City of Lewiston regarding the Gloria Nye Subdivision.

The following motion was made:

MOTION: by *John Racine* that the Planning Board accept the above item, place it on record, and read it at the appropriate time. Second by *Ron Chartier*.

VOTED: 5-0 (Passed).

Out of sequence to the agenda listing, Item V. Other Business, Sub-Item A. was heard before Item IV. Hearing.

V. OTHER BUSINESS:

A. A proposed "de minimus change to Michaud Meadows (Fourth Revision), 50 McArthur Avenue. David Hediger briefly summarized this change and showed the location on the revised subdivision plan. He clarified, for the record, that this is the Sixth Revision, not the Fourth Revision.

The Woods are proposing to acquire 50 McArthur Avenue, which is a 60' x 118' parcel of land at 50 McArthur Avenue. Both of these lots contain single-family dwellings located in the Neighborhood Conservation "A" (NCA) District and shall remain conforming with respect to the space and bulk standards of the NCA zoning district, upon acquisition. The revised site plan contains notes explaining the reason for the amended plan.

This item was submitted to the Planning Board from *Arthur Montana* of A.R.C.C. Land Surveyors, Inc. on behalf of Edwin B. and Louise S. Woods of 54 McArthur Avenue. Present at this meeting were the applicants, *Edwin B.* and *Louise S. Woods* of which they had no additional comments or questions for the Board.

This item was opened to the public for those in support. There were none present besides the applicants. This item was then opened to those in opposition. There being none, the following motion was made.

MOTION: by *Ron Chartier* that the Planning Board approves the referenced Revision 6 to the Michaud Meadows Subdivision as a "de minimus" change in accordance with Article XIII, Section 3(k) of the Zoning and Land Use Code. Second by *Jim Horn*.

VOTED: 5-0 (Passed).

The remainder of the agenda items were presented in the order that that were listed.

See minutes of April 2, 2007.

IV. HEARING: *A proposal submitted by Sebago Technics, Inc. on behalf of Gendron Realty, LLC to construct a 13,225 square foot pharmacy with parking and access drives at the corner of Sabattus Street and East Avenue (446-456 Sabattus Street).* David Hediger read his Staff Memorandum dated March 21, 2007.

On Tuesday, March 20, 2007, a Neighborhood Meeting was held to provide property owners an opportunity to learn and ask questions about this development. Concerns were expressed with traffic from the development and overall traffic congestion along the section of East Avenue from Russell Street to Sabattus Street.

This proposal is to construct a 13,225 square foot pharmacy at the corner of Sabattus Street and East Avenue (446-456 Sabattus Street). The pharmacy will contain a drive-thru and the proposal is for 67 parking spaces. The present 1.38-acre site consists of five (5) properties, which are: 299 East Avenue, 3 and 9 Demi Circle, and 446 and 450 Sabattus Street. These five (5) properties currently contain two (2) single-family dwellings, two (2) vacant parcels, and a gas station. The site also includes the acquisition of a portion of non-developed land currently owned by the Bank of America located at 456 Sabattus Street. On December 11, 2006 the Planning Board conditionally rezoned these five (5) properties from the Community Business (CB) to the Urban Enterprise (UE) District to accommodate this development. At the time of the rezoning, the Planning Board included the condition that a full traffic and pedestrian study be conducted and brought back to this Board.

There were no concerns from the Police, Fire, and Public Services Departments. Planning & Code Enforcement Staff recommends approval of this development.

Present at this meeting were *Mike Gotto* and *Jan Wiegman* from Sebago Technics, Inc. on behalf of Gendron Realty, LLC. Mike Gotto had objections to the signage on Demi Circle and requested that Staff's Condition #2 (*Signs be shown on the plan and erected at the Demi Circle exit indicating "exit only" and either "no right turns" or "left turn only".*) be deleted and not included in the action, as listed in the Staff Memorandum. Mike Gotto stated that there will be full service entrance/exits for vehicles on Sabattus/Russell Streets and exits only on Demi Circle.

At this point in this presentation, there were no initial questions from the Planning Board, therefore, this item was then opened to the public for those in support. There being none, this item was then opened to the public for those in opposition, which were as follows.

Claudette Fournier (14 Wilson Street) had several concerns relating to traffic and truck traffic. She was especially concerned with traffic relating to not only this project and the impacted streets, but also in regards to Lafayette Street and Wilson Street to Russell Street. She stated that she gets blocked in on both ends of her street. This is a bad traffic pattern. Suggestions were made to add a turning lane at the Rite-Aid traffic light. Claudette Fournier would like to see that delivery trucks not come out on East Avenue at all.

Bill Woodhead (68 Madison Street, Auburn) commented that the traffic will only get worse in this area from other developments in Lewiston/Auburn. This project is not the cause of problems.

Tom Peters stated that the traffic needs to be addressed.

Mike Gotto commented that there will be a decrease in traffic with this development. They are reducing six (6) curb cuts to three (3). There are no high traffic accidents in this area. It was mentioned that traffic conditions could be brought to David Jones attention at Public Services. Both ATRC and AVCOG could look at turning lanes. Maybe traffic impact fees could be implemented.

It was suggested to refer to David Jones on signage to see if this could help regarding traffic at East Avenue, Russell Street, and Sabattus Street. Staff will contact David Jones.

Tom Peters suggested placing, "Do Not Block Intersection" signs at Wilson Street.

Mike Gotto distributed, at this meeting, a schematic plan, in regards to the screened dumpster location. He would like for this to be moved, instead of 18.75' from the Demi Circle R.O.W. to eight feet (8'). The dumpster will be screened.

Ron Chartier stated his concerns with the traffic on Sabattus Street/East Avenue. He commented that left turns are impossible in this area.

Tom Peters said that Russell and Sabattus Streets are slated to be worked on for traffic in 2008.

Jim Horn mentioned that traffic gets backed up when someone makes a right-hand turn onto East Avenue from Rite-Aid and then decides to take an immediate left onto Sabattus Street.

Tom Peters suggested that traffic can come back to the Planning Board in two years for modifications.

Mike Gotto stated that this proposed pharmacy will have similar deliveries as Rite-Aid. John Racine expressed concern that there is no receiving dock. There will be a receiving pad. Mike Gotto said that this is because there will be a delivery once a week and will require a large truck.

There being no further public input, this item was then brought back to the Board. There being no further discussion by the Board, the following suggestions were made for the motion. Gil Arsenault suggested that a traffic engineer be hired by the applicant to take a look at the site after a two (2) year review. Another suggestion was made by Tom Peters and is listed as Condition No. 5 in the motion.

The following motion was made.

MOTION: by **John Racine**, that the Planning Board determines the application submitted by Sebago Technics, Inc. on behalf of Gendron Realty, LLC to construct a 13,225 square foot pharmacy at the corner of Sabattus Street and East Avenue (446-456 Sabattus 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 Gendron Realty, LLC, subject to the following conditions:

1. That all of the items noted in Sebago Technics, Inc. response labeled, "Proposed Sabattus Street Pharmacy Response to Comments" dated March 21, 2007 are addressed prior to the release of any signed approved site plans.
2. That a note is added to the site plan making specific reference to the recorded conditional rezoning agreement.
3. That either the site plan or photometric plan be amended accordingly to reflect the number of light poles along the Sabattus Street side of the development.
4. That the plan is amended to show a screened dumpster location placed eight feet (8') from the Demi Circle R.O.W.
5. That the Planning Board, within two (2) years from the date the certificate of occupancy is issued, may review traffic movement from and into the site to the following streets - Sabattus Street, East Avenue, and Demi Circle and determine, within that time, if modifications or improvements may be made to improve traffic conditions, in which case the Planning Board reserves the right to do so as a condition to the granting of this development. Second by **Jim Horn**.

VOTED: 5-0 (Passed).

V. OTHER BUSINESS:

B. A proposed "de minimus" change to the Water's Edge Subdivision (Subdivision Plan – Eighth Revision), No Name Pond Road/Water's Edge Drive. David Hediger briefly summarized this change. On October 23, 2006, the Board discussed a proposed revision with the applicant. In reference to correspondence by the applicant and Staff's review of the phosphorus assessment for the Water's Edge Subdivision, it appears that sewage disposal systems, in addition to water supply wells, may be located outside of the building envelopes provided that clearing and soil disturbance are minimized. Staff's opinion is that the Fontaine's may locate their proposed septic system outside the building envelope on Lot #20 pending that a revised subdivision plan be provided, that Note 11(a) be amended to state water supply wells "and sewage disposal systems" may be located outside of the building envelopes provided that clearing and soil disturbance are minimized, a note be added to the plan stating the purpose and reason of this latest revised plan, and that a revised plan must be signed by the Planning Board and recorded at the Androscoggin Registry of Deeds.

Present at this meeting was **Roger Richard**, the developer on behalf of **Brenda and Claude Fontaine**.

The revision with modifications was shown to the Board. A note has been added on the septic system and the plan is now current. David Hediger stated that a letter will go out to the abutters reminding them of the subdivision conditions.

Roger Richard made reference to Lot 27. He wants to change the building envelope. It was suggested by the Board that if there are any additional changes to the plan, it will need to be come back before this Board, as Revision No. 9. Otherwise, a revision at this time would hold up the Fontaine's on their certificate of occupancy. In conclusion, it was decided to proceed with the letter to the property owners and come back again before this Board, as Revision No. 9, as to Lot 27.

This item was opened to the public for those in support. There were none present. This item was then opened to those in opposition. There being none, the following motion was made.

MOTION: by **Tom Peters** that the Board approves the Eighth Revision to the Water's Edge Subdivision as a "de minimus" change in accordance with Article XIII, Section 3(k) of the Zoning and Land Use Code. Second by **Jonathan Earle**.

VOTED: 5-0 (Passed).

C. A proposed "de minimus" change to the South Road Self Storage Facility. This item was not reviewed at this meeting, due to the applicant not being present and no available information.

D. Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board. David Hediger referenced the letter distributed at this meeting regarding the Gloria Nye Subdivision. This subdivision contains a private road. Revision 1 reflects conditions of construction, including easements on Lots 4 and 5. Notes from the originally approved plan have been included on the Revision 1 plan. David Hediger requested that this be treated as a "de minimus" change and the following motion was made:

MOTION: by **Tom Peters** that the Planning Board approves Revision 1 to the Gloria Nye Subdivision as a "de minimus" change in accordance with Article XIII, Section 3(k) of the Zoning and Land Use Code. Second by **Jim Horn**.

VOTED: 5-0 (Passed).

Workshop. David Hediger will send out an e-mail to members as to the next workshop.

Deer Ridge Subdivision. This is a proposed 27-lot subdivision and will likely come before this Board at the meeting to be held on April 9, 2007 or possibly on April 23, 2007.

VI. OLD BUSINESS: Policy and procedures regarding project amendments and associate members. There are two (2) new associate members who still need to be sworn in – they are: Lucy Bisson and Denis Fortier. Also a vote is needed on the Chairman, Vice Chairman, and Secretary. David Hediger said that he has revisions to the Planning Board Handbook FY2007 and that he will be submitting.

VII. READING OF THE MINUTES: Draft Meeting Minutes for Planning Board Meetings held on February 26, 2007 and March 5, 2007 and Draft Meeting Minutes for Planning Board Workshop held on March 12, 2007. The following motion was made:

MOTION: by **Tom Peters** that the Planning Board accept the Minutes for the Planning Board Meetings held on February 26, 2007 and March 5, 2007 and the Minutes for the Planning Board Workshop held on March 12, 2007, as submitted. Second by **Ron Chartier**.

VOTED: 5-0 (Passed).

VIII. ADJOURNMENT: This meeting adjourned at 6:43 p.m.

Respectfully submitted,

Thomas Peters Planning Board Chairman

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