

CITY OF LEWISTON
SPECIAL PLANNING BOARD MEETING
MINUTES for April 2, 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 5:07 p.m., and was chaired by Interim Chairman Tom Peters.

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

- **Associate Members Present:** Lucy Bisson and Denis Fortier. **Member 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: Correspondence from Shawn K. Bell from Gosselin, Dubord & Bell, P.A. regarding Sabattus Street/East Avenue Pharmacy dated March 30, 2007.

The following motion was made.

MOTION: by **Roger Philippon** that the Planning Board accept the above item, place it on record, and read it at the appropriate time. *Seconded by Jim Horn.*

VOTED: 5-0 (Passed).

Ron Chartier arrived at 5:10 p.m.

Motion was made to reconsider by the Planning Board and passed unanimously.

IV. HEARING: *To reconsider 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 29, 2007.

This item was previously presented at the March 26, 2007 board meeting.

Sebago Technics, Inc. on behalf of Gendron Realty, LLC has requested that the approval taken by the Planning Board on this application be reconsidered by the Board, specifically Condition No. 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.”*

Sebago Technics, Inc. stated that Condition No. 5 has stalled this development, due to the applicant’s uncertainty of not knowing what modifications or improvements may be requested of them within the two (2) year period or what the associated costs may be.

Present at this meeting were **Mike Gotto** from Sebago Technics, Inc. on behalf of Gendron Realty, LLC and **Shawn Bell** from Gosselin, Dubord & Bell, P.A. Mike Gotto made a brief presentation to the Board.

Mike Gotto requested that Condition No. 5 of the action taken at the Planning Board Meeting for March 26, 2007 be removed and that the other four (4) conditions remain. He said that he had felt comfortable with traffic, but forgot about the tenant. The action taken was very distressing to the applicant - Gendron Realty, LLC. It was stated to look to ATRC for a better study or maybe work with traffic impact fees.

This item was 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.

Shawn Bell, Attorney for Gendron Realty, LLC said that he was very concerned with the traffic; however, they meet the ordinance.

Ron Chartier asked, "What is the best avenue for traffic?" This is where the previous Condition No. 5 came from.

Donna Lebrun, 312 East Avenue, stated that it is very difficult getting out of her driveway. Mike Gotto said that trucks will enter from Sabattus Street and will exit only off Demi Circle. Donna Lebrun was also concerned with the safety of children in this area. Mike Gotto stated that Demi Circle will remain the same width with no sidewalks. They will be reconstructing the sidewalk along East Avenue. The structure of the road will be rebuilt, i.e. pavement, etc. on Demi Circle.

Claudette Fournier, 14 Wilson Street, said that her issue is not with Demi Circle, it is with entering/exiting Wilson Street. She can not pull out of Wilson Street and would be satisfied with placement of a sign. Tom Peters responded and agreed to a sign stating, "Do No Block Intersection" at East Avenue and Wilson Street.

Ann Woodhead, owner of 299 East Avenue and a resident of 68 Madison Street, Auburn stated that she had moved to 299 East Avenue in 1972. This is a major thoroughfare. Traffic was an issue then. If this development is not approved, it will send a negative message to developers. She stated that nobody wants to open a business with restrictions on it. Currently, half of the development at this intersection is closed down i.e. the former Movie Gallery and the gas station across the street. She commented that this would be a real shame to put this restriction on the pharmacy.

Donna Lebrun commented that the numbers are up to your interpretation. She agreed that businesses are needed in the area, but feels that public input is needed as to what is going to happen in the neighborhood.

Tom Peters stated that the two- (2-) year plan would give some flexibility.

Shawn Bell stated that the applicant followed all the steps involved as to what is required in the ordinance.

This item was then closed to the public and brought back to the Planning Board. Staff is recommending the Board move to have the item reconsidered.

Concerns from the Board were, as follows. Associate member Lucy Bisson said that she used to live at this intersection and said that she understands the public concerns. Associate member Denis Fortier said that they need to base their decision on the information provided. Steve Morgan mentioned the diversion of traffic in regards to the Lewiston Wal-Mart project. Jim Horn stated that in regards to signs – they do not mean anything and it will not work. Vehicles will still block the intersections, whether it is posted or not. Tom Peters suggested to put in a left-turn only lane on East Avenue at Sabattus Street. This would move the through traffic more quickly and reduce the stacking. There is enough room to put in two (2) lanes at the intersection of East Avenue and Sabattus Street.

The following actions were made.

MOTION: by **Roger Philippon** that the Planning Board reconsiders the application 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). Seconded by **Jim Horn**.

VOTE: 6-0 (Passed).

MOTION: by **Roger Philippon** that the Planning Board, upon reconsidering the application determined it to be complete, to have met all the applicable criteria contained under Article XIII, Section 4 of the Zoning and Land Use Code, and granted 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 referenece 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 the screened dumpster location placed eight feet (8') from the Demi Circle R.O.W.
5. That delivery trucks enter the site from Sabattus Street and exit onto Demi Circle.
6. That a sign be posted at the intersection of East Avenue and Wilson Street to read, "Do Not Block Intersection". (Please coordinate the type and placement of the sign with Public Works.) *Seconded by Ron Chartier.*

VOTED: 4-1-1 (Passed). (Jim Horn Opposed and Steve Morgan Abstained, due to not being in attendance for the public hearing on March 26, 2007).

MOTION: by **Roger Philippon** that the Planning Board requests the City Council and the Androscoggin Transportation Resource Center (ATRC), to designate funding for studies and improvements for the section of East Avenue from Russell Street to Sabattus Street, stressing that existing conditions of major arterials, such as East Avenue, are negatively impacting the ability of existing and new developments to obtain permits and that consideration be given to implementing impact fee's or other mechanisms to assist in funding road and intersection improvements and to consider a dedicated left-turn lane southbound on East Avenue at its intersection with Sabattus Street. *Seconded by Ron Chartier.*

VOTED: 5-0-1 (Passed). (Steve Morgan Abstained, due to not being in attendance for the public hearing on March 26, 2007).

V. OTHER BUSINESS:

A. Acquisition of 15 Lincoln Street and 34 Water Street. Tom Peters summarized the acquisitions.

This item was brought to the Board at the request of the City to acquire the property at 15 Lincoln Street and 34 Water Street. The total acquisition price for both properties is \$750,000.00. Once acquired, the City is proposing to construct the Water Street CSO project.

Present at this meeting were **Lincoln Jeffers**, Assistant to the City Administrator, and **Jeff Beaulé**, Engineer, from the Public Services Department. Lincoln Jeffers presented this item to the Board. Jeff Beaulé added to the presentation. Lincoln Jeffers stated that the City will have an easement under Lincoln Street. Jeff Beaulé commented that the existing sewerline was originally put in 1850. Lincoln Jeffers said that with the Cleanwater Act, this project will save the City \$15 million, rather than through the stormwater separation process. This will ultimately go to the waste treatment plant.

Tom Peters questioned the \$750,000 acquisition fee. He said that he checked with the Assessing Department and valuation, as of April 2007, was much lower with 15 Lincoln Street being \$448,000 and 34 Water Street at \$67,200. The acquisition price is over the value of the properties. Lincoln Jeffers responded that this is based on the income stream of the current tenants at both locations. There will be \$175,000 in demolition costs and another \$20,000 in relocation expenses. The negotiation price is \$750,000.00. This is needed for the CSO.

Jeff Beaulé stated that this is a two- (2-) year project and will be completed by the end of FY2008.

There was no public present for this item and in order to have a complete total board vote of seven members, Lucy Bisson was appointed a voting member for this item.

The following motion was made.

MOTION: by **Tom Peters** that the Planning Board send a favorable recommendation to the City Council to acquire the property located at 15 Lincoln Street and 34 Water Street for \$750,000 or less, as negotiated by the City for the construction of the Water Street CSO project. *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. There is a Planning Board Workshop scheduled for Monday, April 9, 2007, instead of the regularly scheduled Planning Board Meeting. This workshop will begin at 5:30 p.m. There will be a light meal provided.

VII. READING OF THE MINUTES: *Draft Meeting Minutes for Planning Board Meeting held on March 26, 2007.* The minutes were not distributed at this meeting, therefore, no action was taken.

VIII. ADJOURNMENT: This meeting adjourned at 5:55 p.m.

Respectfully submitted,

Steven Morgan, Planning Board Secretary

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