

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for August 13, 2007 – Page 1 of 7**

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 Interim Chairman Tom Peters.

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

- **Associate Members Present:** Lucy Bisson and Denis Fortier. **Member Absent:** None.

- **Staff Present:** Lincoln Jeffers, Assistant to the City Administrator; James Andrews, Director of Economic and Community Development; David Hediger, City Planner; Mark McComas, Deputy Director of Economic and Community Development; and Doreen Christ, Administrative Secretary of Planning & Code Enforcement.

Both Associate Members were appointed as voting members, until the arrival of Ron Chartier.

II. ADJUSTMENTS TO THE AGENDA: None.

III. CORRESPONDENCE: The following items of correspondence were distributed at this meeting: 1. a letter from Woodbury Hill Professionals regarding responses to comments dated August 8, 2007, 2. a letter from Joy & Hamilton Architects, Inc. regarding Murphy Home Application, 1667 Main Street dated August 10, 2007, 3. a letter from Terradyn Consultants, L.L.C. regarding Doyon Avenue Subdivision: Review of Submission – Comment #9, 4. an e-mail from Jan Patterson, Public Services Department dated August 13, 2007 regarding Planning Board Memo for Murphy Home/Main Street, and 5. an e-mail from Jan Patterson, Public Services Department regarding comments on the Culinary Arts building on East Avenue.

The following motion was made.

MOTION: *by James Horn, that the Planning Board accept the above items, place them on record, and read them at the appropriate time. Second by Lucy Bisson.*

VOTED: 7-0 (Passed).

IV. HEARINGS:

A. A proposal submitted by Terradyn Consultants, LLC on behalf of John Raynes to extend Doyon Avenue and create a three- (3-) lot subdivision for single-family homes at 8 Doyon Avenue. David Hediger summarized his Staff Memorandum dated August 9, 2007.

Ron Chartier arrived at 5:37 p.m.

This proposal is to create a three- (3-) lot subdivision for single-family homes at 8 Doyon Avenue. This is a reconfiguration of lots (Lot Nos. 8, 11, 13, and 14) contained as part of the 1968 Jean Paul Doyon subdivision. This subdivision will be accessed via a proposed public court. This property is located in the Neighborhood Conservation “A” (NCA) zoning district.

A Neighborhood Meeting was previously held on May 15, 2007. Concerns expressed included drainage, wetland filing, and property boundary locations. The majority of the comments and concerns have been resolved to staff’s satisfaction, which is noted in Terradyn Consultants, L.L.C. response.

There were no concerns from the Police Department. Comments were included in the Planning Board Packets from Joline Jean, an abutting property owner, Jan Patterson, P.E., Project Engineer, Public Services Department, David Hediger, Planning & Code Enforcement to Jeff Amos, an answer of Planning Staff’s Question #9, an e-mail from David Hediger to J. Raynes at Terradyn Consultants, L.L.C., and the above listed item under Section III. Correspondence.

Present at this meeting were **Jeff Amos** from Terradyn Consultants, L.L.C. on behalf of **John Raynes** from Doyon Avenue, LLC, who was also present. Jeff Amos responded to Planning and Code Enforcement’s recommended conditions. He responded to Item Nos. 1-5, as follows: 1. An N.F.P.A. Tier I permit has been filed with the DEP and that they anticipated swift approval. 2. The note has been

placed on the subdivision plan. 3. They will comply with the plan being amended with the road labeled, "Doyon Avenue" 4. The applicant is agreeable to reconstruct a 12 foot driveway to intersect with the R.O.W. at an angle. 5. This has been put off until approval. The road will correct and stop the existing drainage problem.

The lots will be 10,000 square foot lots.

Lucy Bisson stated that a correction needed to be made to the subdivision plan. Reference needs to be changed from the plan reading "Donyon Avenue" in several places to read, "Doyon Avenue". David Hediger commented that there is less width of road required for a public court versus a public street. This portion of Doyon Avenue is being proposed as a public court. Access for this subdivision will be provided to only three (3) lots. The road will be 24', instead of the required 28' for a street.

Jeff Amos concluded his summary by stating that there is a groundwater issue. There will be an underdrain placed under the street to help dry out the area.

This item was then opened to the public for those in support or opposition.

Bob Drewal, 6 Doyon Avenue stated that seven feet of the back of his property is impacted by water. His sump pump is continually running.

It was stated that if this land is not developed in the next couple of years, they will still have a drainage problem.

John Raynes stated that he is willing to contribute to fix the problem with the "Drewals".

Also present at this meeting was **Richard Trafton**, an attorney for the applicant from Trafton & Matzen. He said that once construction is done further down the road, the piping will be removed. They will continue to talk. This is a timing issue.

Bob Drewal would like the piping redirected.

Crystal Ward, 171 Montello Street, also stated concerns with drainage.

David Hediger commented that the situation should improve. There will be curbing. This is an existing condition and is a civil problem.

Richard Trafton stated that this is a 1968 subdivision and was previously approved by existing boards. Tom Peters encouraged all to work with each other.

Elisabeth Collins, 181 Montello Street, was concerned with waterflow and drainage.

There being no further comments, concerns, or questions from the public, this item was closed to the public and brought back to the Board. It was stated that if the drainage situation gets worse, the City will take a look at it. The following motion was made.

MOTION: *by Steve Morgan, that the Planning Board determines the application submitted by Terradyn Consultants, L.L.C. on behalf of John Raynes to extend Doyon Avenue and create a three- (3-) lot subdivision for single-family homes at 8 Doyon Avenue 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 and 5 of the Zoning and Land Use Code; and grants approval to John Raynes, subject to the following conditions:*

- 1. That no signed, approved plans are released until DEP approval is obtained.*
- 2. That a note is added to the plan that each Deed from the developer conveying a lot shown on the plan shall include a sketch plan, which clearly shows the suggested building envelopes of the lots and refers specifically to the approved subdivision plan and the note described in Note No. 8 on the site plan, and shall clearly detail all wetlands and other areas which cannot be altered without prior approval from the appropriate governmental agency.*
- 3. That the plan is amended with the road labeled, "Doyon Avenue".*
- 4. That the plan be amended to reflect the driveway entrance to 9 Doyon Avenue be reconstructed to intersect with the right-of-way at a right angle, 12 feet in width.*
- 5. A conditional agreement noted on the plans stating that no lot or parcel of land may be conveyed, and that no permit may be issued by the City for any building or other permanent structure within the development until the completion of the street*

*grading, paving, storm drainage, utilities, and other similar improvements, as specified in the plan; and the acceptance of any public improvements by the City within two (2) years from the date of the approval of the plan, as recorded on the plan and that the developer has the option to file a Performance Guarantee to the City's satisfaction in accordance with Article XIII, Section 12 of the Zoning and Land Use Code. Second by **Roger Philippon**.*

VOTED: 7-0 (Passed).

Taken out of sequence to the agenda listing was Item VI, Sub-Item B. This item was taken out of sequence as per Mayor Larry Gilbert's request to be heard, due to his attendance at a later commitment.

B. City acquisition of 69 Knox Street for a City park, the disposition of 245 Park Street, and the creation of a conservation easement at 61 Knox Street. Mayor Larry Gilbert

made the following presentation regarding 69 Knox Street. He distributed correspondence from Marc Mason, Treasurer of the Acme Social Club, dated August 13, 2007 regarding the vacant lot at 245 Park Street and his verbal offer to purchase. Larry Gilbert made reference to the previous pocket park on Maple Street. He commented that there is now a neighborhood without a park. He stated that both himself and City Councilor Norm Rousseau had previously signed a pledge for the return of equipment for the Maple Street park. Valuation in this area has increased. This would be a community advantage. His recommendation is for the City to sell 245 Park Street to Mark Mason, return equipment, and add to the Maple Street pocket park. He recommends that the Planning Board not approve this item, due to the increased valuation estimates. He feels that the City needs to trade lot-for-lot and then he would agree. He said if everything was equal, he would agree to the City's acquisition of 69 Knox Street for a City park. He further stated that it is the City Council's decision when it comes to numbers. Maple Street was used as a park. In conclusion, due to a lack of a straight trade, he does recommend not supporting this request and to send a negative recommendation to the City Council.

Item IV. Hearings, Sub-Items B & C were heard next in the order of their listing on the agenda.

B. A proposal submitted by Joy & Hamilton Architects, Inc. on behalf of John F. Murphy Homes, Inc. to subdivide one (1) lot into three (3) lots at 1667 Main Street and for one (1) of the lots to be developed with a five- (5-) unit multi-family dwelling. David Hediger summarized his Staff Memorandum dated August 9, 2007 and referred to the correspondence distributed at this meeting.

This proposal is to subdivide 1667 Main Street into three (3) lots and for one (1) of the lots to be developed into a five- (5-) unit multi-family dwelling. This is a 11.18 acre site and the property is located in the Office Residential (OR) zoning district.

This item requires two actions: 1. To consider the applicant's request to subdivide the 11.18 acres parcel into three (3) lots and 2. if approved by the Board, consider the applicant's request for a five- (5-) unit, multi-family structure on one (1) of the subdivided lots.

There were no concerns from the Police Department. Comments were included in the Planning Board Packets from Peter Morrell, Fire Department, Jan Patterson, P.E., Public Services Department, and David Hediger, Planning & Code Enforcement to Bill Hamilton from Joy & Hamilton Architects, Inc.

Present at this meeting were **Bill Hamilton** and **Jason Potter** from Joy & Hamilton Architects, Inc. on behalf of John F. Murphy Homes, Inc.

Tom Peters commented that this area is considered commercial. Bill Hamilton referenced the easement. The easement cannot be granted at this time, however, it is available.

All the issues with Joy & Hamilton have been resolved.

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. There being none, this item was brought back to the Planning Board. Ron Chartier brought to the Board's attention that there was an error on Page No. 2 on the tank. There being no further discussion, the following separate motions were made.

MOTION: by **Roger Philippon** that the Planning Board grants approval to John F. Murphy Homes, Inc. on the creation of a 3-lot subdivision at 1667 Main Street, subject to the following conditions:

1. Amend the subdivision plan to show the easement associated with Lot No. 2 for access to Lot No. 1.
2. Add a note to the subdivision plan referencing the above mentioned easements.
3. Amend Note 1 on the subdivision plan eliminating reference to dwellings.

Second by **Steven Morgan**.

VOTED: 7-0 (Passed).

MOTION: by **Roger Philippon** that the Planning Board determines the application submitted by Joy & Hamilton Architects, Inc. on behalf of John F. Murphy Homes, Inc. to subdivide 1667 Main Street into three (3) lots and for one (1) of the lots to be developed with a five- (5-) unit multi-family dwelling 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 and 5 of the Zoning and Land Use Code; and grants approval to John F. Murphy Homes, Inc., for the development of a five- (5-) unit, multi-family dwelling on Lot 1 of the subdivision at 1667 Main Street. Second by **Jim Horn**.

VOTED: 7-0 (Passed).

C. A proposal submitted by Harriman Associates on behalf of the City of Lewiston – School Department to construct a new, single-story, 10,500 SF Culinary Arts education building and 19 added, paved parking spaces at 156 East Avenue. David Hediger summarized his Staff Memorandum dated August 9, 2007.

This proposal is to construct a new, single-story, 10,500 square foot culinary arts education building and 19 additional, paved parking spaces at 156 East Avenue. This property is the Franklin Pasture and includes the Lewiston High School, Marcotte Park, and the Multi-Purpose Center. This is a 110 acre parcel and is split-zoned in the Institutional Office (IO) and Office Residential (OR) district

There were no concerns from the Fire Department.

Present at this meeting were **Frank Crabtree**, Civil Engineer, from Harriman Associates and **Don Cannan**, Director of Tech Center from the City of Lewiston – School Department. Don Cannan explained the importance of this building. He stated that this is a very successful program. This project will showcase education.

Tom Peters stated that he was concerned with parking. Don Cannan said that parking issue studies were done. Parking is available along the existing football field. He stated that he does not expect parking to be an issue. The second semester of the school year has more of an issue with parking. The only issue with parking is during the football season. There are eight (8) games with only four (4) of them being home games. Frank Crabtree mentioned that a traffic study sheet was included in the application. This sheet included a maximum of 50 cars in off-peak hours. Don Cannan said that at full capacity there would be 50 students with two (2) instructors. The proposed culinary arts education building will seat 150 people for lunch.

This item was then opened to the public for those in support or opposition.

Paul Samson, City Councilor, stated that he fully supports this, however, he questioned handicapped parking. Tom Peters asked, “Are you going to reserve spots for 11:00-1:00 p.m.?” Frank Crabtree responded that two (2), handicapped spaces will be placed in front. Don Cannan said that he is willing to reserve parking.

There being no further comments, concerns, or questions from the public, this item was closed to the public and brought back to the Board. David Hediger stated that site law projects are beyond our approval. All projects are amendments. The school is on the level with the EPA. The following motion was made.

MOTION: by **Steve Morgan**, that the Planning Board determines the application submitted by Harriman Associates on behalf of the City of Lewiston – School Department to construct a new, single-story, 10,500 SF Culinary Arts education building and 19 added, paved

parking spaces at 156 East Avenue 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 and Article XIII, Section 4 of the Zoning and Land Use Code; and grants approval to the City of Lewiston – School Department, subject to the following conditions:

- 1. That no signed, approved plans are released until the DEP approval is obtained.*
- 2. That a note is added to the plan stating that due to parking limitations, the City of Lewiston – School Department must schedule functions at the culinary arts building for times when there are no major sporting events on campus.*
- 3. That the site data block of Sheet C100 is amended to reflect the correct number of current and proposed parking spaces.*
- 4. Prior to a Certificate of Occupancy being issued, written verification by a professional engineer be provided to the City confirming the stormwater system has been constructed in accordance with the approved plan of the City. This must be noted on the plan as a condition of approval.*
- 5. That a standard detail must be provided for the retaining wall.*
- 6. That a standard detail must be provided for the masonry screening proposed around the dumpster.*
- 7. That the Board grant a conditional use permit valid for two (2) years to be consistent with the development review expiration of two (2) years. Upon doing so, the applicant should amend the note to indicate that the conditional use permit for the project is valid for two (2) years from the date of approval.*
- 8. That 20 parking spaces, including two (2) spaces for handicapped parking, be reserved from 11:00-1:00 p.m. with signage, for luncheon patrons. This shall be delineated and noted on the site plan. Second by **Denis Fortier**.*

VOTED: 7-0 (Passed).

Out of sequence to the agenda listing, Item VI. Other Business, Sub-Item B. was continued from the previous discussion with Mayor Larry Gilbert and then Sub-Item A. followed.

A brief summary of this item was provided to the Board.

This parcel is owned by Constance Rousseau. On July 17, 2007, the City Council authorized Staff to enter into negotiations to acquire 69 Knox Street. The following terms have been agreed to: 1. That the City will acquire the property located at 69 Knox Street, 2. Constance Rousseau will receive the City-owned property located at 245 Park Street, plus \$15,000, and 3. Constance Rousseau will donate \$10,000 towards the purchase and installation of new equipment and amenities for the new downtown pocket park. Staff recommends the granting of a perpetual conservation easement to Lots to Gardens for the City-owned property located at 61 Knox Street, which is immediately adjacent to 69 Knox Street. This easement will contain “reverter” language that will return the lot to City control in the event that it ceases to be used as a community garden by Lots to Gardens.

This item was then opened directly to the public for those in support or opposition.

The City has not officially seen the correspondence from Marc Mason.

Dan Gregoire was present and wants a fair trade. He would like to see the money go where it should go. He does not want to see it sold for a profit.

Tom Peters stated that you cannot go by values. Jim Andrews said that this is a recommendation by a downtown group to be on 69 Knox Street, as a close second choice, instead of Maple Street. The deal that was negotiated is before the Planning Board now. This park cannot go back to Maple Street. Maple Street is more valuable for the City.

This property can be taken by eminent domain.

Lucy Bisson said she recommends that the park be at 69 Knox Street with the Lots-To-Garden property next door. She feels this would be an ideal location. The Board agreed. Lincoln Jeffers stated that the City is trying to be more strategic.

245 Park Street is not a place to keep. There is no objective for the City to convey. The City encourages and agrees to acquire 69 Knox Street for a park. The City agrees with the sale and acquisition and to whom and how it acquires for 245 Park Street to leave to the City. It is not up to the Planning Board to discuss numbers.

The following motions were made.

MOTION: by **Tom Peters** that the Planning Board send a favorable recommendation to the City Council for the city to acquire the property located at 69 Knox Street for use as a public park. Second by **Ron Chartier**.

VOTED: 7-0 (Passed).

MOTION: by **Steve Morgan** that the Planning Board send a favorable recommendation to the City Council for the disposition of 245 Park Street and to whom and for how much the property be sold for be left to the discretion of the City Council. Second by **Denis Fortier**.

VOTED: 6-0-1 (Passed – Philippon Opposed).

MOTION: by **Steve Morgan** that the Planning Board send a favorable recommendation to the City Council on the creation of a conservation easement at 61 Knox Street. Second by **Roger Philippon**.

VOTED: 7-0 (Passed).

A. City disposition of 279 and 283 Bates Street to Deep Cove II, LLC for the development of 20 units of affordable senior housing.

Deep Cove II, LLC is a Portland-based firm, who are interested in developing a new senior housing facility in or near the downtown Lewiston area. This chosen site is located in the Downtown Residential (DR) zoning district. This site consists of three (3) vacant parcels, which are 279 and 283 Bates Street and 38 Knox Street. Deep Cove II, LLC has entered into a purchase and sale agreement, which expires on June 30, 2008, with the owner of 38 Knox Street. The parcels on Bates Street are owned by the City of Lewiston. Deep Cove II, LLC has offered the City \$150,000 for these two (2) parcels. This project is proposed to consist of 18, 1-bedroom and two (2), 2-bedroom units. There will be an affordable housing TIF to write down the operational costs on the project.

Lincoln Jeffers provided a brief summary. There is a TIF being created. They will pay fuel taxes and be reimbursed. Senior projects have a 90-year deed restriction that will keep them as affordable housing.

Jim Hatch from Deep Cove II, LLC was present at this meeting. There will be some tax revenue from this.

This is an appropriate place for elderly housing. A floor plan of the senior housing project will be presented at the September 10, 2007 Planning Board Meeting. There was also a brief discussion on parking lots to support commercial parking and it was suggested to place this as an item on the agenda for the September 10, 2007 Planning Board Meeting under “Old Business”.

The following motion was made.

MOTION: by **Ron Chartier** that the Planning Board send a favorable recommendation to the City Council for the disposition of 279 and 283 Bates Street to Deep Cove II, LLC for the development of 20 units of affordable, senior housing. Second by **Denis Fortier**.

VOTED: 7-0 (Passed).

Also out of sequence to the agenda listing, was the order that the items were heard.

VII. READING OF THE MINUTES: Draft Meeting Minutes for Planning Board Meeting held on June 11, 2007 and Planning Board Workshop held on July 9, 2007.

The following changes were made to the Draft Meeting Minutes for the Planning Board Meeting held on June 11, 2007: On Page No. 2, first paragraph, third sentence, delete the word, “thorough way” and replace with the word, “thruway”. Also on Page No. 2, under the heading “**Zoning Matrix**”, delete the word, “matrix’s” and replace with the word, “matrices”.

The following motion was made.

MOTION: by **Lucy Bisson** that the Planning Board accept the Minutes for the Planning Board Meeting held on June 11, 2007, as amended. Second by **Roger Philippon**.

VOTED: 7-0 (Passed).

The following changes were made to the Draft Planning Board Workshop held on July 9, 2007: On Page No. 2, 13th paragraph, third line, add a "C" to the word listed as "lubhouses" to read, "Clubhouses". On Page No. 3, 4th paragraph, third line, change the word, "coincide" to read, "coexist". Also on Page No. 3, 11th paragraph, change the spelling of "Ron Charter" to read, "Ron Chartier". On Page No. 4, first paragraph, first sentence, delete the second word, "no" and replace with the word, "regarding". Also on Page No. 4, 5th paragraph, delete the word, "done" and replace with the word, "re-evaluated".

The following motion was made.

MOTION: by **Lucy Bisson** that the Planning Board accept the Minutes for the Planning Board Workshop held on July 9, 2007, as amended. Second by **Tom Peters**.

VOTED: 7-0 (Passed).

Watershed Correspondence. David Hediger made reference to the watershed correspondence received from the Lake Auburn Watershed Neighborhood Association (LAWNA) to Tom Peters. It was stated that this would protect our drinking sources – municipalities are on one side/property owners would be on another side. This is a zoning and land use issue for Auburn.

C. A discussion regarding City of Lewiston Design Guidelines. Staff is recommending adoption of these guidelines reducing the area impacted by standards to the Centreville, (CV), Mill (M), and Riverfront (RF) zoning districts and to eliminate existing residential structures from being subject to the guidelines. This document will be used just as guidelines, to be shared with developers of commercial projects and new residential developments in these limited areas.

Guidelines are mandatory. Tom Peters wants it to be guidelines. David Hediger would like it to start out as guidelines and then have them become mandatory. This item was brought to the Planning Board to send a favorable recommendation to the City Council on their adoption. There was no action taken. It was decided to set up a summary with bulleted items and to schedule another workshop.

D. Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board. David Hediger mentioned that Pettingill School's application will be coming before this Board at their next meeting. He also mentioned that there may be a workshop before the next meeting.

V. OLD BUSINESS: Lewiston-Auburn Consolidation. Staff provided the following update to the Board. The Joint Downtown Master Plan got tabled. There are 16 people on that committee. There will be a need for a Planning Board Member to be on that Board. It was mentioned that if there was a Planning Board Member from Auburn, then there would need to be one from Lewiston. Planning & Code Enforcement is the first division on the list for consolidation. In closing, it was stated that there are benefits to consolidation.

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

MOTION: by **Steve Morgan** that the Planning Board adjourn this meeting at 7:53 p.m. Second by **Jim Horn**.

VOTED: 7-0 (Passed).

Respectfully submitted,

Steven Morgan, Planning Board Secretary

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