

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for November 26, 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 Vice Chairman John Racine.

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

- **Associate Members Present:** Lucy Bisson. **Absent:** None.

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

*The Associate Member was a full Board Member during the entirety of this meeting.
After the Roll Call, Ron Chartier arrived.*

II. ADJUSTMENTS TO THE AGENDA: Revised Agenda – to add under Item VI. Other Business, Sub-Item B. Harry Milliken - Discussion Regarding Cluster Subdivision Provisions. The following motion was made:

MOTION: by **Roger Philippon** to revise the agenda by adding under Item VI. Other Business, Sub-Item B. Harry Milliken – Discussion Regarding Cluster Subdivision Provisions. Second by **Lucy Bisson**.

VOTED: 7-0 (Passed).

III. CORRESPONDENCE: The following items were distributed at this meeting: 1. Revised Agenda; 2. A financial capacity letter regarding Gard Crow – Apple Valley Estates – Paul M. Hunter dated November 19, 2007; 3. A letter from Paul C. Fournier regarding the attached recorded Right of First Refusal from Paul and Marie Rainey to Robert and Barbara Jennings on the Apple Valley Development dated November 20, 2007; 4. A letter from Daniel A. D’Auteuil, Jr. of Isaacson & Raymond regarding the correspondence from Paul C. Fournier on Apple Valley Estates, LLC dated November 21, 2007; 5. A copy of the Soil Test Result for Apple Valley Estates and a Sketch showing the location of the Test Pit; 6. A letter from Michael P. Morgan of Wells Fargo regarding Paul M. Hunter Relationship History dated November 26, 2007; 7. Comments from Janice E. Patterson, P.E., Project Engineer from the Dept. of Public Services dated November 19, 2007 regarding 10 Almond Avenue; 8. Response to Comments from Sebago Technics, Inc. on the Development Review – Chestnut Hill Estates – Subdivision Amendment dated November 26, 2007, and 9. Information regarding Cluster Subdivisions.

The following motion was made:

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

VOTED: 7-0 (Passed).

IV. ELECTION OF PLANNING BOARD CHAIRMAN: No election took place, however, the following motion was made to reschedule this item.

MOTION: by **Roger Philippon** to reschedule Item IV. Election of Planning Board Chairman, and that it be placed on the agenda for the first Planning Board Meeting in January 2008. Second by **Lucy Bisson**.

VOTED: 7-0 (Passed).

V. HEARINGS:

A. *A proposal submitted by Sebago Technics, Inc. on behalf of Gard Crow and the Apple Valley Golf Course, Inc. (Apple Valley Estates) for the development review of a planned community with 48 single-family, detached buildings and a recreation building located at 317 Pinewoods Road.*

David Hediger read his Staff Memorandum dated November 19, 2007.

This proposal is for the creation of a planned community with 48 single-family, detached buildings and a recreation building to be located at 317 Pinewoods Road. This application was submitted by Sebago Technics, Inc. on behalf of Gard Crow and the Apple Valley Golf Course, Inc.

This development is located on 98.05 acres and is located in the Rural Agricultural (RA) zoning district. The RA zoning district permits single-family, detached dwellings as a permitted use and mixed single-family residential developments as a conditional use. This application is similar to that of mixed, single-family residential developments, except that the homes are single-family, detached structures. This property is currently vacant and is wooded. This development will be serviced by three (3) streets.

This project is subject to a DEP stormwater permit for approximately 6.87 acres of new impervious area and a NRPA Tier 1 permit for 8,990 square feet of wetland alteration.

There were two previously held neighborhood meetings. One was held on June 6, 2007 and the other on August 21, 2007. Concerns expressed included increases in traffic, density of housing, effect on existing housing values, use of the recreation facility, and the proposed driving range. The driving range, however, is no longer being proposed for this development review.

The majority of the comments and concerns have been resolved to staff's satisfaction.

There were no concerns from the Police Department. Comments were included in the Planning Board packets from Paul Ouellette, Fire Department dated November 6, 2007; Janice Patterson, P.E. to David Hediger dated October 25, 2007; and from David Hediger, Planning & Code Enforcement to Sebago Technics, Inc. dated November 5, 2007.

Present at this meeting were *Dan D'Auteuil, Jr.*, Attorney from Isaacson & Raymond, *Mike Gotto* and *Jan Wiegman, P.E.* from Sebago Technics, Inc. on behalf of *Gard Crow* (also present) of the Apple Valley Golf Course, Inc. Mike Gotto gave the following presentation to the Board. Mike stated that they have been working on this project for a long time. He showed the site location on his mapping to the Board. More green space is being provided. He then showed the Conceptual Subdivision Plan to show the different scenarios considered. He said that the golf course parking lot has been added to the plan. There is 3,700 feet of roadway. This development is one (1) unit less than that which is allowed. State approvals are needed. They are proposing a number of trail networks throughout this planned community. All three (3) roads are public roads.

During this presentation Lucy Bisson questioned if this proposal will require two (2) motions. The response was, "Yes, one finding the project is substantially similar to permitted uses and the other for development review."

Mike Gotto continued his presentation by saying that they are trying to keep having it at a certain level and type that is suitable for this area. Dan D'Auteuil, Jr. added that any home improvements would need to go before the homeowners association.

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

Harry Milliken, 6 Judith Street, said that he had no objections to this project. He was mainly present, at this meeting, for the discussion regarding cluster subdivision provisions, however, he asked if the wetlands and slope were accounted for in the calculations. Mike Gotto responded that wetlands and slope were discounted. This is a planned community development with single-family, detached units. Harry Milliken referenced Article XIII, Section 8 of the Zoning and Land Use Code. He asked if any storage is proposed. Mike Gotto responded that storage will be with the residents in their garages and basements.

This item was then closed briefly to the public and brought back to the Board for questions. Roger Philippon asked about prohibiting outside storage. Dan D'Auteuil, Jr. stated that an accessory shed may not be allowed.

This item was again re-opened up to the public. **Denis Theriault**, 21 Marguerette Street, asked, “Can a condominium association vote to supercede the covenants, etc.?” **Tom Peters**, 937 Main Street, stated that if covenants are in the Deed and on the plans, it would need to come back to the Board, if changed. David Hediger said that the City is not responsible for enforcing covenants, etc.

Elizabeth Dube, 121 Montello Street, asked, “Is trash/recycling going to be available?” Mike Gotto responded with, “Yes, these are City streets”.

Article XIII, Section 4 of the Zoning and Land Use Code lists all the restrictions.

There being no further questions or comments, the public portion was then closed and the following motions were made.

MOTION: by **Lucy Bisson** that the Planning Board determines that this proposed development is substantially similar to and compatible with permitted or conditional uses in the Rural Agricultural (RA) zoning district and that it meets all the applicable criteria contained under Article V, Section 3(g) of the Zoning and Land Use Code. Second by **Ron Chartier**.

VOTED: 7-0 (Passed).

MOTION: by **Lucy Bisson**, that the Planning Board determines the application submitted by Sebago Technics, Inc. on behalf of Gard Crow and the Apple Valley Golf Course, Inc. for development review of a planned community with 48 single-family, detached buildings and a recreation building at 317 Pinewoods Road 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, Sections 4, 5, and 8 of the Zoning and Land Use Code; and grants approval to Gard Crow and the Apple Valley Golf Course, Inc., subject to the following concerns and conditions raised by Staff:

1. That no signed, approved plans are released by the City until DEP approval is obtained for purposes of stormwater, wetland alterations, and the City’s delegated review.
2. That the conditional use permit be valid for a period of two (2) years to be consistent with the development review expiration of two (2) years.
3. That the notes on Sheets 3, 4, and 5 with respect to the homeowners association being responsible for the stormwater management system are amended to read that, “The stormwater management system not associated with the roadway accepted by the city shall be maintained by the developer/homeowners association”.
4. That a note be added to the plan 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, unless a performance guarantee is provided to the City’s satisfaction, per Article XII, Section. 12.
5. That a note be added to the plan indicating that the use of the recreation building must be associated with the homeowner’s association and residential development.
6. That the declaration of covenants be amended to be consistent with City standards, as follows: Article 2, definition of “master development plan” referenced to Lewiston City Clerk should be replaced with Department of Planning and Code Enforcement; and that Article 4, Section 4.11 should note the building activity must commence within six (6) months of a building permit being issued, versus the one (1) year referenced. Second by **Roger Philippon**.

VOTED: 7-0 (Passed).

B. A request submitted by Sebago Technics, Inc. on behalf of the Randall Road Corporation to consider a subdivision amendment (Revision 1) to the Chestnut Hill Estates Subdivision located at 10 Almond Avenue to split Lot No. 17 into two (2) lots (Lot Nos. 17 and 18). David Hediger read his Staff Memorandum dated November 19, 2007.

The request is to consider a subdivision amendment (Revision 1) to the Chestnut Hill Estates Subdivision to split Lot No. 17 into two (2) lots (Lot Nos. 17 and 18) located at 10 Almond Avenue. No development is proposed as part of this request. This amendment is being requested for financing the future development of Lot No. 18. This proposed split will reconfigure Lot No. 17 to include the existing 32 condominiums and 6.01 acres and the remaining land will then become Lot No. 18. 65 units could be allowed to be developed on Lot No. 18.

This parcel is 18.4 acres and is located in the Low Density Residential (LDR) zoning district.

There were no concerns from the Dept. of Public Services. Comments were included in the Planning Board packets from Paul Ouellette, Fire Department dated November 19, 2007.

Present at this meeting was **Mike Gotto** from Sebago Technics, Inc. on behalf of the Randall Road Corporation. He said that Items 1-3 listed in David Hediger's Staff Memorandum have all been addressed. Mike Gotto said that they are trying to do the financing part only. The driveway access points are a carry over from the original project. There will be two access points on Lot No. 17 and one on Lot No. 18.

At this point in the presentation, there were no questions from the Board, therefore, this item was then opened to the public for those in support and those in opposition.

Susan Lagueux, 7 Macadamia Lane, asked if the zoning was changing. David Hediger responded, "No – it will remain the Low Density Residential (LDR) zoning district.

Keith Allen, Almond Avenue (owner of property on Lot No. 16), asked, "How can you transfer land out of condominiums to a private developer?" Mike Gotto responded that the Condominium Association allowed for some of the land to change. This is ownership by Randall Road Associates (Rick Tonoli). The units are proposed to be rental units. This will be declared as a condo project and it will be rented out. David Hediger stated that this will change the configuration of the Phases, not the number of units. Harry Milliken pointed out that there is no recreation land area. A recreation facility is required. Harry Milliken asked, "Is there room for a recreation facility on Lot No. 18?" Mike Gotto responded that the previous approval was in 1988. A common area was approved earlier and is currently a vacant lot, however, there is no recreational facility. Lot 18 will be recorded in the Deed to use the common area. Mike Gotto said that if the lot is split, it is still conforming. Lot No. 17 already meets the density criteria.

The public portion was then closed and the following motion was made.

MOTION: *by Lucy Bisson that the Planning Board determined the application submitted by Sebago Technics, Inc. on behalf of Randall Road Corporation to consider a subdivision amendment (Revision 1) to the Chestnut Hill Estates Subdivision located at 10 Almond Avenue to split Lot No. 17 into two (2) lots (Lot Nos. 17 and 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 and 5 of the Zoning and Land Use Code; and grants approval to the Randall Road Corporation, subject to the following concern and condition raised by Staff:*

1. *That a notation be made on the plan as to "open space" being available on Macadamia Lane, referred to as "common area" for use by all lots in the Chestnut Hill Estates Subdivision.*

Second by Roger Philippon.

VOTED: 7-0 (Passed).

C. To consider a request for a "de minimis" change as an amendment to the Chestnut Hill Estates Subdivision located at 10 Almond Avenue on Phase A of "The Bluffs" (Lot No. 18). Phase A of "The Bluffs" consists of 22 condominium units of townhouse-style buildings as "attached, single-family structures". This will include two (2), four- (4-) unit buildings; one (1), six- (6-) unit building; and one (1), eight- (8-) unit building. David Hediger summarized this request.

This request has been submitted by Sebago Technics, Inc. on behalf of the Randall Road Corporation for a “de minimis” change as an amendment to the previously approved plan to the Chestnut Hill Estates Subdivision located at 10 Almond Avenue, Phase A of “The Bluffs” (Lot No. 18). “The Bluffs” consists of 22 condominium units of townhouse-style buildings as “attached, single-family structures”. This request will include two (2), four- (4-) unit buildings; one (1), six- (6-) unit building; and one (1), eight- (8-) unit building. Lot No. 18, however, has the capacity for 65 housing units.

This parcel is 12.4 acres, is vacant, and is located in the Low Density Residential (LDR) zoning district.

Comments were included in the Planning Board packets from Paul Ouellette, Fire Department dated November 19, 2007, Janice E. Patterson, P.E., Project Engineer, Dept. of Public Services dated November 19, 2007, and David Hediger, City Planner to Sebago Technics dated November 15, 2007. David Hediger said that all of Staff’s concerns have been addressed.

Present at this meeting was **Chris Branch** from Sebago Technics, Inc. on behalf of the Randall Road Corporation. Chris Branch gave the following presentation to the Board. He said that this is a redesign of the 1988 approval. It is similar, but different. 65 units will remain, however, this request is for 22 units. Buffering will be maintained. A 24 foot drive has been installed. Also installed has been an eight (8) inch water drain, a fire hydrant, and a turn-a-round. Modifications will be done to the detention pond. Chris Branch stated that the market conditions have changed and the proposed 22 condominium units of townhouse-style buildings, “attached single-family structures” will be 14 feet wide, 2 bedroom, modular units built in Oxford, Maine and will be placed on slabs. Chris Branch stated that this is a condo project. Rick Tonoli’s intent is to rent these.

David Hediger referred to Comment No. 9 in the Response to Comments dated September 26, 2007 in regards to a Performance Guarantee/bank letter to cover the costs of remaining site improvements in order to obtain a certificate of occupancy for units constructed in Phase A. A letter of credit will be needed from Mr. Tonoli.

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

Keith Allen would like to have his lot (Lot No. 16) cleaned up with respect to exposed soil and stockpiled. Tom Peters made reference to a performance guarantee and asked about one being requested before. The response was, “No”. He said that a performance guarantee should be added and that the first problem should be fixed before dealing with the new one. Lot No. 16 is not complete. Denis Theriault also said that the previous project should be cleaned up and then move on to the next project. Harry Milliken said that a recreation facility should be defined. He also said that a conceptual plan of the Phases is needed. Chris Branch commented that Lot No. 18 has space for usable “open space”. Again, Harry Milliken stated that there should be a dedicated recreational facility. There is plenty of room for open space and a recreational facility. He also stated that it should be noted on the plan.

Susan Lagueux, 7 Macadamia Lane, said that a portion of Lot 18 is a triangular gully. She was concerned that the space be usable space.

Bob Daigle, 11 Macadamia Lane asked, “Why is there a 50 foot buffer from wooded area to wooded area? Could this be used for a recreational area? Chris Branch said that there is a landscaping plan for Lot No. 18. It was stated that fifty feet on the back is required by code.

Lori Michaud, 297 Randall Road, stated concerns with water. She said that the catch basin keeps getting closed on Randall Road. Chris Branch commented that Lot No. 18 has a piping system installed underground.

Tom Peters commented that this request is not a “de minimis” change. He said that another plan needs to be submitted.

Keith Allen is requesting a 50 foot buffer along Lot No. 16.

Bob Daigle asked, “Why can’t we upgrade?” Mike Gotto said that they are trying to upgrade this project to address past concerns.

David Gudas, 6 Raymond Avenue, stated that the performance of this individual developer (Rick Tonoli) is dismal.

The public portion was then closed and this item was brought back to the Planning Board for further discussion. Steve Morgan said that there needs to be an increase in the bond and performance guarantee. Roger Philippon said that a note needs to be added on erosion control. Lot No. 16 needs to be loamed and seeded and stabilized, however, this cannot be done until spring. It was stated that prior to a certificate of occupancy being issued, improvements should be completed for Lot No. 16. Mike Gotto commented that they are planning to do stabilization and erosion control to Lot No. 16. A bond could be posted until spring for Lot No. 16, since the winter season is upon us now. Suggestions included that the site could be stabilized with vegetation and it could be required to be done by a certain date. A performance guarantee could then be done on Lot No. 18. David Hediger said that he would prefer a letter of credit, actually two (2) letters of credit – one for Lot Nos. 16 and 17 and another for Lot No. 18. John Racine asked if the area designated on the map as open usable space could be used for Lot No. 18. Fifty percent open space is suitable for recreational use. One (1) of the suggestions made was that a Performance Guarantee could be issued, excluding a bond, for soil erosion and stabilization of Lot Nos. 16 and 17 and for 18, prior to a Certificate of Occupancy (this does not include loaming and seeding).

Mike Gotto stated that they will provide the square footage per unit for area designated, on the map, as usable space for Lot No. 18. David Hediger responded that that square footage is 500 square feet per unit.

The following motion was made.

MOTION: by **Roger Philippon** that the hearing request for a “*de minimis*” change as an amendment to the Chestnut Hill Estates Subdivision located at 10 Almond Avenue on Phase A of “*The Bluffs*” (Lot No. 18) be continued for more clarification to the next regularly scheduled Planning Board Meeting on Monday, December 10, 2007. Second by **Lucy Bisson**.

VOTED: 7-0 (Passed).

Roger Philippon left this meeting at 7:55 p.m.

VI. OTHER BUSINESS:

A. A request for a one- (1-) year extension of approval for Phase II construction of a Nature Center at the Thorncrag Bird Sanctuary, 354 Montello Street. Mike Gotto from Sebago Technics, Inc. on behalf of the Stanton Bird Club, briefly summarized this item. This request is for a one- (1-) year extension of approval of the Conditional Use Permit for construction of a Nature Center at the Thorncrag Bird Sanctuary (Phases I and II) from December 13, 2007 to December 13, 2008. To date, the parking lot has been completed and is in use. A suspended walkway and gazebo needs to be constructed to complete the Phase 1 work activity. The Nature Center has been set for Phase 2 construction. Due to insufficient funding, this extension is being requested for another year.

Also present at this meeting was **Susan Hayward** from the Stanton Bird Club.

There, being no public present, the following motion was made.

MOTION: by **Ron Chartier** that the Planning Board grant the requested one- (1-) year extension of the conditional use permit for Phases I and II to the Thorncrag Bird Sanctuary (Stanton Bird Club) at 354 Montello Street. Second by **Denis Fortier**.

VOTED: 6-0 (Passed).

B. A discussion regarding Cluster Subdivision Provisions. This item was brought to the Planning Board at the request of Harry Milliken, former Planning Board Member and Chairman.

Harry Milliken referenced an article entitled, “The Cluster Subdivision”. He stated that Lewiston’s “open space” is very vague. Definitions need to be reviewed. The requirement is in the code today. He said that he would like the Planning Board to make a motion to start working on this and cleaning some points up. He said he would like both Staff and the Planning Board to start reviewing and cleaning up issues. At this point in his discussion he distributed a printout of Appendix A – Zoning and Land Use Code, Section 7. Additional standards for single-family cluster developments and Section 8. Additional standards for multi-unit residential development. Harry Milliken offered his time and

assistance. The suggestion was made to also see if Bob Faunce could also be involved. Mike Gotto volunteered his time also.

C. *A discussion on Urban Design Standards.* No update.

D. *Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board.* None, however, the next regularly scheduled Planning Board Meeting will be held on Monday, December 10, 2007. Chestnut Hill Estates Subdivision will be placed on the agenda first and then there will be a workshop to follow for Urban Design Standards and Open Space Standards. David Hediger said that he will send Harry Milliken an e-mail of the meeting.

VII. OLD BUSINESS:

A. *Lewiston-Auburn Consolidation.* Still discussing with administration.

B. *A proposed amendment to adopt a Wireless Communications Facilities ordinance.* There was no update other than this item will need to be discussed.

C. *Park Street Moratorium on Drinking Establishments.* No update.

VIII. READING OF THE MINUTES: *Draft Meeting Minutes for Public Meeting/Workshop held on October 15, 2007.* There were no changes and no action taken at this meeting since the minutes were not distributed or reviewed at this time. These will be included on the next Planning Board Agenda for December 10, 2007.

IX. ADJOURNMENT: This meeting adjourned at 8:25 p.m. No action was taken.

Respectfully submitted,

Steven Morgan, Planning Board Secretary

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