

**CITY OF LEWISTON  
PLANNING BOARD MEETING  
MINUTES for September 11, 2006 – 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 7:02 p.m., and was chaired by Jeffrey Gosselin.

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

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

- **Staff Present:** Gildace 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:** Staff Memorandum dated September 7, 2006 prepared by David Hediger, City Planner.

**IV. HEARINGS:**

A. *A proposal from Marc N. Frenette on behalf of Dennis R. and Helene J. St. Hilaire (Big Den's Way) to construct a private road at 180 Dyer Road.*

The following motion was made.

**MOTION:** *by Tom Peters, second by Steve Morgan to waive the reading of the Staff Memorandum prepared by David Hediger, City Planner, dated September 7, 2006.*

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

The proposal is for the construction of a private road at 180 Dyer Road. Currently this area is used as a driveway and frontage right-of-way (R.O.W.) for two (2) single-family dwellings. The private road will be gravel with the exception of a 15 foot paved apron at its intersection with Dyer Road. Maintenance of this private road will be by the Lot Owners Association. The City will not maintain. This property is located in the Rural Agricultural (RA) District and will provide access to over 20 acres of land to be conveyed to the applicant's children.

There were no concerns from the Police and Fire Departments. Comments raised by Janice Patterson from the Public Services Department were included in the packets in her memorandum dated 08/25/2006.

Present at this meeting were *Marc N. Frenette* from Skelton, Taintor & Abbott on behalf of the applicant, *Dennis St. Hilaire*, who was also present.

This item was then opened to the public for those in support and then those in opposition of this project. There being none, this item was then brought back to the Board. Tom Peters asked Marc Frenette if he had any objections as to the condition of financial capacity. He responded with, "No". They will get a guarantee to the City. Tom Peters asked how the lot exemption for family members is monitored and suggested the Deeds for the proposed lots to subdivide exemptions for family members. Steve Morgan stated that this is on the real estate disclosure. The Board can require that the plan with a note be recorded. Marc Frenette stated that A.R.C.C. Land Surveyors had the survey plan recorded.

There being no further discussion by the Board, the following motion was made.

**MOTION:** *by Tom Peters, second by Steve Morgan that the Planning Board determines the application submitted by Marc N. Frenette on behalf of Dennis and Helene St. Hilaire to construct a private road at 180 Dyer to be complete; grants approval of the modification/waiver checklist; that this application meets all of the necessary approval criteria contained under Article XII, Section 18(2) of the Zoning and Land Use Code; and, grants approval to Dennis and Helene St. Hilaire, subject to the following conditions:*

1. All revisions and additional information as noted in Marc N. Frenette's letter dated September 5, 2006 be made and provided to Staff prior to the release of any signed mylars.
2. That a statement of financial and technical capacity is provided to either the Board or Staff's satisfaction prior to the release of any signed mylars.
3. A performance guarantee of 125% of the cost of improvements be provided prior to the road being constructed so that building permits may be issued or that no building permit be issued until the road is completed in accordance with the approved plans and accepted by the City.
4. That the Deeds for the lots being granted to family be recorded in such a fashion that, if a transfer of land occurs within five (5) years, subdivision approval may be required.

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

**B. A proposal from Technical Services, Inc. on behalf of Cash Energy, Inc. to construct a fuel oil distribution facility at 10 Gendron Drive.**

The following motion was made.

**MOTION:** by **Tom Peters**, second by **Steve Morgan** to waive the reading of the Staff Memorandum prepared by David Hediger, City Planner, dated September 7, 2006.

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

The proposal is to construct a fuel oil distribution facility at 10 Gendron Drive with two (2), 20,000-gallon underground storage tanks and associated equipment. This property is located in Industrial (I) District and consists of 4.59 acres of vacant land.

There were no concerns from the Police and Fire Departments. Comments raised by Janice Patterson from the Public Services Department were included in the packets in her memorandum dated 08/25/2006.

Present at this meeting was **Chris Branch** from Technical Services, Inc. on behalf of the applicant, Cash Energy, Inc. Also present was the owner of Cash Energy, Inc., **Les Thomas**.

Chris Branch made the presentation, including the concerns raised in Staff's Memorandum. He said that the plans have been revised.

The total amount of impervious area proposed for this lot is 15,000 SF. At the request of Janice Patterson from the Public Services Department, it shall be noted that this lot will use 15,000 SF of its allowable impervious, 90,000 SF, per the Gendron Park Phase II stormwater calculations. As per Chris Branch, this has not been added, but will be. The remaining area of this lot not being developed will be stabilized.

Jeff Gosselin commented that a number of site improvements have been made that deviate from the plan presented to the Board. Chris Branch said that a revised plan of the site improvements will be submitted or it will be brought into conformance. David Hediger said that a revised plan can be submitted as a "de minimus" change. In conclusion, Jeff Gosselin commented that this is where this project belongs.

This item was then opened to the public for those in support and then those in opposition of this project. There being none, this item was then brought back to the Board.

The following motion was made.

**MOTION:** by **Tom Truchon**, second by **Ron Chartier** that the Planning Board determines the application submitted by Technical Services, Inc. on behalf of Cash Energy, Inc. to construct a fuel oil distribution facility at 10 Gendron Drive 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 Cash Energy, Inc. subject to the following conditions:

1. The finished impervious area of this lot must be included in the stormwater design of Phase II of Gendron Business Park.

2. A note is added to the plan stating that this lot has used 15,000 SF of its allowable 90,000 SF impervious area per the Gendron Business Park Phase II stormwater calculations.
3. The site must be completed in accordance with the approved plans signed by the Board. Any deviations from the approved plan must either be corrected or submitted for consideration as either an amendment or “de minimus” change.

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

**C. A proposal from Technical Services, Inc. on behalf of Lewiston Crushed Stone Company, Inc. (Brier Park 2) for a four- (4-) lot, single-family subdivision on Marguerette Street.**

The following motion was made.

**MOTION:** by **Tom Peters**, second by **Steve Morgan** to waive the reading of the Staff Memorandum prepared by David Hediger, City Planner dated September 7, 2006.

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

The proposal is to develop a four- (4-) lot, single-family subdivision on Marguerette Street. The four (4) lots will be subdivided from 11.99 acres remaining of the Brier Park Subdivision that was first approved in 1981. These 11.99 acres are split-zoned between the Neighborhood Conservation “A” (NCA) and Suburban Residential (SR) zoning districts. All the lots will have frontage off Marguerette Street and will be serviced by city water and sewer. Lot No. 1 is largely a wetland area since it is part of Garcelon Bog and is likely undevelopable, however, additional permits may be necessary before issuing a building permit.

There were no concerns from the Police, Fire, and Public Services Departments.

Present at this meeting was **Chris Branch** from Technical Services, Inc. (T.S.I.) on behalf of the applicant, **Lewiston Crushed Stone Company, Inc.**. Also present was **Denis Theriault**, an abutting property owner.

Chris Branch stated that T.S.I. has worked closely with Jones Associates and the City of Lewiston and that a note has been added to the plan on the setback area for shoreland zoning (scrubs, swamps, forest, and wetland). Chris Branch showed the location of the flood plain line, which is shown in the same way as it is on the FEMA maps. A note is requested by Staff to be placed on the plan that Lot No. 1 needs to be developed with flood standards. Tom Peters stated that you cannot build within the 75 foot setback on Lot No. 1.

City Councilor for Ward 4, Ron Jean was present on this item. He commented that under his impression, this is all wetland area. Chris Branch stated that the driveway crossing of Lot 1 may be in the wetland area. Ron Jean expressed concern that there will be problems with the foundations. Chris Branch stated that there should not be a problem. David Hediger commented that T.S.I. plans are more accurate than the City’s mapping in showing wetlands and shoreland zoning. Ron Jean commented that whoever buys Lot No. 1 is buying mostly wetland.

This item was then opened to the public.

**Denis Theriault, 21 Marguerette Street** wanted to know where the homes would be located on Lot 1. Chris Branch stated there is no proposed location for a home on this lot and that there is no intent to place a road there. Gil Arsenaault stated that at 4,300 SF of wetlands may be filled as a matter-of-right. Denis Theriault commented that he is not part of this subdivision or Brier Park 1 and there are no covenants on his property. Jeff Gosselin said that Denis Theriault is regarded as an “out parcel” from this subdivision. Denis Theriault expressed concerns with the developability of the northwest portion of Lot 1. The Board and applicant agreed to place a condition on the plan stating this portion of Lot 1 may not be developed, unless an amended plan is approved by the Planning Board. There were no further comments.

The following motion was made.

**MOTION:** by **Steve Morgan**, second by **John Racine** that the Planning Board determines the application submitted by Technical Services, Inc. on behalf of Lewiston Crushed Stone Company, Inc. for a four- (4-) lot, single-family subdivision (Brier Park 2) on Marguerette 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, Sections 4 and 5 of the Zoning and Land Use Code; and, grants approval to Lewiston Crushed Stone Company, Inc. subject to the following conditions:

1. All revisions and additional information as noted in Technical Services, Inc. letter dated September 5, 2006 be made and provided to Staff prior to the release of any signed mylars.
2. The Site Plan reflects the approximate location of the 75 foot shoreland zoning building setback on Lot No. 1.
3. A condition is added to the plan stating that "structures on any lot in this subdivision having any portion of its land within a special flood hazard area (Lot No. 1), is to be constructed in accordance with Article XIV, Section 6 of Lewiston's Zoning and Land Use Code, that such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest and that the City of Lewiston may enforce any violation of the construction requirement and the fact shall also be included in the deed or any other document previously described
4. A condition added to the Site Plan that the northwesterly portion of Lot 1 adjacent to 21 Marguerette Street is not developable, unless an amended plan is approved by the Planning Board.

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

**V. OTHER BUSINESS:** Any other business Planning Board Members may have relating to the duties of the City of Lewiston Planning Board. None.

**VI. OLD BUSINESS:**

**A. Open space amendment tabled to September 25, 2006.** David Hediger stated that this item will be included in the workshop being scheduled for Monday, September 25, 2006.

**B. Policy and procedures regarding project amendments and associate members.** David Hediger did not have any update.

**VII. READING OF THE MINUTES: Draft Meeting Minutes for August 14, 2006.** The following motion was made:

**MOTION:** by **Steve Morgan**, second by **Jonathan Earle** that the Planning Board accept the Planning Board Minutes dated August 14, 2006, as submitted.

**VOTED:** 4-0 (Passed) (Jonathan Earle and Tom Peters were absent at the last meeting).

David Hediger reminded the Board Members that there is only one (1) meeting scheduled for October 2006. The regularly scheduled meeting is for October 23, 2006. There may be a need for a Special Meeting, since Lincoln Jeffers, Assistant to the City Administrator, has mentioned that the Exit 80 Retail project may come forward in October 2006.

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

**MOTION:** by **Steve Morgan**, second by **Ron Chartier** that this meeting adjourn at 8:00 p.m.

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

Respectfully submitted,

Steven Morgan, Planning Board Secretary

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