

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for November 13, 2006 – Page 1 of 5**

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 Jeffrey Gosselin and Stephen Morgan.

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

- **Associate Members Present:** Tom Peters and Ron Chartier. **Associate Members 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: 1. Staff Memorandum from David Hediger, City Planner, dated November 9, 2006, 2. Responses from Technical Services, Inc. dated November 9, 2006 regarding Gendron Business Park Lots 1 and 2, and 3. A memorandum dated November 7, 2006 from Arthur Montana in regards to correspondence from Public Works regarding the sewer and water connection on Pond Road.

The following motion was made.

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

VOTED: 6-0 (Passed).

Both Jeffrey Gosselin and Tom Peters recused themselves from the Board, due to a conflict on Item IV. Hearings, Sub-Item A. Stephen Morgan was appointed to chair this item. It was then decided to hear Item IV. Hearings, Sub-Item C. first for more Board Members to arrive. Therefore, the following motion was made:

MOTION: by **Stephen Morgan** that the Planning Board hear Item IV. Hearings, Sub-Item C. first out of sequence to the agenda. Second by **Ron Chartier**.

VOTED: 4-0.

Both Jeffrey Gosselin and Tom Peters rejoined the Board. Jeffrey Gosselin chaired Item IV. Hearings, Sub-Item C.

IV. HEARINGS:

C. A proposal by A.R.C.C. Land Surveyors, Inc. on behalf of Anita Fournier Drake, personal representative of the Estate of Gerard Pelletier, to create a three- (3-) lot subdivision at 65 Grove Street. David Hediger read this portion of his Staff Memorandum. This request is to create a three- (3-) lot subdivision at 65 Grove Street. This lot is 37,270 square feet and currently contains a single-family dwelling. This property is in the Neighborhood Conservation "A" (NCA) zoning district. These lots will be serviced with City sewer and water. There are no wetlands located in this area. The applicant is proposing to limit driveway entrances to specific locations on Lot Nos. 2 and 3.

There were no concerns from any of the departments.

Present at this meeting were **Arthur Montana** from A.R.C.C. Land Surveyors on behalf of **Anita Fournier Drake**, a personal representative of the Estate of Gerard Pelletier, who was also present.

Arthur Montana made a brief presentation to this Board. The City of Lewiston, Director of Public Works has granted the waiver of the five- (5-) year moratorium of excavation in new pavement for this development. The waiver was granted for one (1) lot to be developed on the Grove Street side of the

property for one (1), single-family home to be connected to the municipal sewer, water, and drain system. There are two driveways proposed, which are limited to the areas shown on the Subdivision Plan on Pond Road.

There were no questions from the Board. This item was then opened to the public for those in support of the project other than the applicant. There were none, therefore, this item was opened to the public for those in opposition. **Bob Rodrigue**, 3 Donnelly Street, stated that he was concerned with the location of the driveways; however, he was okay after being shown the proposed locations. There being no further comments, the public portion of this item was then closed and brought back to the Planning Board for either further discussion or a motion. The following motion was made.

MOTION: *by Stephen Morgan that the Planning Board determines the application for the Estate of Gerard Pelletier (creation of a three-lot subdivision) at 65 Grove 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 Anita Fournier Drake, personal representative of the Estate of Gerard Pelletier. Second by Ron Chartier.*

VOTED: 6-0 (Passed).

Jeffrey Gosselin recused himself from the Board, due to a conflict on Item IV. Hearings, Sub-Item B. Stephen Morgan was appointed to chair this item.

Roger Philippon arrived at 5:45 p.m.

B. *A proposal submitted by Technical Services, Inc. on behalf of Gendron & Gendron, Inc. to construct a 58,090 SF commercial building at 2 & 6 Gendron Drive.* David Hediger read this portion of his Staff Memorandum dated November 9, 2006. This request is for the construction of a 58,090 SF commercial building at 2 & 6 Gendron Drive. This building will be a one- (1-) story structure designed to accommodate industrial, commercial, or warehousing uses. The 9.69 acre site is currently vacant. This property is located in the Industrial (I) zoning district. This site consists of approximately 3.86 acres of impervious area, therefore, it is being reviewed under the City's delegated review authority from the DEP. This area is included as part of a traffic movement permit previously approved by this Board. A 25 percent modification of the front yard from 25' to 18.75' needs to be granted. The total parking spaces will be 126. Staff is recommending that a Third Party verify the completed construction of the entire storm water design from a professional engineer before any Certificate of Occupancy is issued. This site is prone to erosion control issues and is to be graded with steep slopes toward the rear of the property abutting a wetland area.

Both the Police and Fire Departments had no concerns with this application. There were several concerns noted by both the Public Services Department and Planning & Code Enforcement which were addressed at this meeting.

Present at this meeting were **Mike Gotto** and **Chris Branch** from Technical Services on behalf of from Gendron & Gendron, Inc. Mike Gotto made a brief presentation to this Board. Chris Branch addressed the items listed in the letter distributed to this Board at this meeting dated 11/09/2006. He referenced the 25 foot reduction and said that they are requesting to reduce the front yard to 18.75 feet. They have added a signature block with the 24 month expiration note to the Site Plan. The Topographical Plan has been revised to remove the loam pile. He said that they are requesting the lighting design being made a condition of approval, since it will take several weeks to get the design and then they will submit it as soon as possible. Two notes have been added to the Site Plan: 1. That a Third Party verify to the completed construction of the entire storm water design from a professional engineer prior to the issuance of any Certificate of Occupancy as a condition of approval. 2. No building or structure nor any use of land hereafter erected, moved, added to, or structurally altered nor any use of land which is intensified shall be permitted until the planning and code enforcement official has issued a Certificate of Occupancy, certifying that the completed building, structure, and/or use are in conformance with the terms of this Code, including, but not limited to the site improvement such as stormwater systems, erosion control and site stabilization, etc.

Chris Branch stated that a Permit-By-Rule is not needed by the D.E.P.

Stormwater quality and quantity conditions have been met. There was a typographic error on the invert out note, which is corrected. The pond will be stabilized. A berm is in place to divert water to the pond. This is temporary. The sewer needs to be lower than the elevation stub.

Tom Peters stated for the record that the square footage of the proposed commercial building is 58,090, instead of the 55,000 mentioned earlier in the presentation. Tom Peters asked what will replace the temporary berm? The response was "curbing". Tom Peters suggested that the lighting design come back before the Board to be reviewed later as an "Other Business" item on the agenda.

Mike Gotto asked if the City wants to see an actual Third Party as a condition on the plan. Tom Peters then asked, "Do we have a right to reject a Third Party?" Gil Arsenault responded with, "Yes". Tom Peters requested to place on the agenda, "A Discussion of Third Party Listing".

This item was then opened to the public for those in favor or those opposed. There were none, therefore, the public portion of this item was then closed and brought back to the Planning Board for either further discussion or a motion. The following motions were made.

MOTION: *by Tom Peters that the Planning Board determines the application for 2 & 6 (Lot Nos. 1 & 2) 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 & Gendron, Inc., subject to the following conditions:*

1. *That reference be made to all the concerns and notes listed in the Staff Memorandum prepared by David Hediger dated 11/09/2006.*
2. *That the lighting design be submitted for the Board's review.*

Second by Ron Chartier.

VOTED: 6-0 (Passed).

The above motion was amended to read:

MOTION: *by Tom Peters that the Planning Board determines the application for 2 & 6 (Lot Nos. 1 & 2) 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 & Gendron, Inc., subject to the following conditions:*

1. *That the applicant address all of the concerns to Staff's satisfaction noted in the Public Services memorandum dated November 8, 2006 from Jan Patterson to David Hediger.*
2. *That the applicant address all of the concerns to Staff's satisfaction, as noted in the Planning & Code Enforcement's e-mail dated November 8, 2006 from David Hediger to Mike Gotto.*
3. *That the Site Plan include the 24-month expiration language contained in Article XIII, Section 11 and that a signature block is provided for the Planning Board's signature.*
4. *That the lighting design be submitted for the Board's review.*

Second by Roger Philippon.

VOTED: 6-0 (Passed).

Both Jeffrey Gosselin and Tom Peters recused themselves from the Board, due to a conflict on Item IV. Hearings, Sub-Item A. Stephen Morgan was appointed to chair this item.

A. A petition to rezone the property at 417 Montello Street from the Neighborhood Conservation "A" (NCA) District to the Highway Business (HB) District in accordance with Article XVII, Section 5 of the Zoning and Land Use Code of the City of Lewiston. Specifically, the petitioner is requesting the above referenced zoning change in an effort to further develop the real estate at 802 Sabattus Street, owned by Stephen Roop, with commercial businesses, as permitted in the HB District.

David Hediger read his Staff Memorandum dated November 9, 2006. This item was tabled at the last regularly scheduled Planning Board Meeting held on October 23, 2006. The tabling of this item was so

that the petitioner, Stephen Roop and an abutting property owner, Gene Gregoire could reach an agreement in each party's interest. Staff continues to support the petitioner's request to rezone this area.

Present at this meeting were **Stephen Roop**, owner of Roopers, and **Eric Dube**, Project Engineer from Casco Bay Engineering. Eric Dube first presented lot coverage percentages and stated that the portion of land next to Gene Gregoire is needed for open space requirements.

This item was opened to the public for those in favor. There was none. This item was then opened to the public for those in opposition, which were as follows. **Turmenne Murielle**, 407 Montello Street, **Gene Gregoire**, 411 Montello Street, **Jeannine Vachon**, 415 Montello Street, and **Priscilla Pelletier**, 416 Montello Street all want it to remain residential. Gene Gregoire still has concerns with the rezoning and is 100 percent against it. Jeannine Vachon is still concerned with the proposed placement of the driveway. Tom Truchon mentioned that the Planning Board is making a recommendation and then Mr. Hediger explained that if the rezoning is approved, Mr. Roop would need development review approval for site improvements and then this item will need to go before the City Council twice – for a first and second reading. The public portion of this hearing was closed and brought back to the Planning Board.

The following motion was made.

MOTION: *by Roger Philippon that the Planning Board sends a favorable recommendation to the City Council for their consideration of the petition by Stephen Roop to rezone 417 Montello Street from the Neighborhood Conservation "A" (NCA) District to the Highway Business (HB) District. Second by Jonathan Earle.*

VOTED: *5-0 (Passed).*

Both Jeffrey Gosselin and Tom Peters rejoined the Board. Jeffrey Gosselin chaired the remainder of the agenda items.

V. OTHER BUSINESS:

A. *A request for a one- (1-) year extension of approval for Phase I of the Nature Center at Thorncrag (Stanton Bird Club).* David Hediger briefly summarized this portion of his Staff Memorandum dated November 9, 2006. This item was previously approved for the construction of a Nature Center, parking area, and related improvements back on December 13, 2004. This request, by Four Points Associates on behalf of the Stanton Bird Club, is for a one- (1-) year extension. This request is to provide the Stanton Bird Club more time to seek fundraising in support of the construction of the proposed facility. Extensions on conditional uses do not exceed one (1) year. Staff requests that this one-year extension be granted from the date of the original expiration, which would be December 13, 2006.

Present at this meeting was **Donald Dostie** from Four Points Associates, who made a very brief presentation. Also present were **Tom Robustelli** and **Susan Hayward** (President of the Stanton Bird Club).

Tom Peters asked Staff why is this a Conditional Use Permit? Gil Arsenault responded that the use is considered a conditional use in this district. Tom Peters then asked, "Is another one- (1-) year extension available?" David Hediger responded that it must be approved one- (1-) year at a time.

This item was then opened to the public for those first in support and then in opposition. There were none. The public portion of this item was then closed and brought back to the Planning Board for the following motion.

MOTION: *by Stephen Morgan that the Planning Board grant a one- (1-) year extension of approval beginning December 13, 2006 for Phase I (construction of the Nature Center, parking area, and related improvements) at Thorncrag (Stanton Bird Club, 354 Montello Street. Second by Tom Peters.*

VOTED: *7-0 (Passed).*

B. *Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board.* The remaining meetings for this year are: Monday, November 27, 2006 (regular meeting or a workshop) and Monday, December 11, 2006. It was agreed by all that the 5:30 meeting time is a great time for meetings.

VI. OLD BUSINESS: *Policy and procedures regarding project amendments and associate members.* Jeffrey Gosselin commented that more rezonings will be coming up. These should be brought up at workshops. David Hediger stated that the developers want to know what the standards are prior to submittal. Suggestions were made for medium-sized lots with buffers.

New officers are needed for 2007. The terms are expiring for both Jeffrey Gosselin and Tom Truchon. John Racine will be coming back to the Board soon. There can be two (2) members from each ward.

VII. READING OF THE MINUTES: *Draft Meeting Minutes for October 23, 2006.* The following motion was made:

MOTION: *by Stephen Morgan that the Planning Board accept the Planning Board Minutes dated October 23, 2006, as submitted. Second by Roger Philippon.*

VOTED: *7-0 (Passed).*

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

MOTION: *by Ron Chartier, to adjourn this meeting at 6:43 p.m. Second by Tom Truchon.*

VOTED: *7-0 (Passed).*

Respectfully submitted,

Steven Morgan, Planning Board Secretary

DMC:dmc\C:\MyDocuments\Planbrd\Minutes\PB111306Min.doc

The City of Lewiston does not discriminate against or exclude individuals from its municipal facilities, and/or in the delivery of its programs, activities and services based on an individual person's ethnic origin, color, religion, gender, sexual orientation, age, physical or mental disability veteran status, or inability to speak English. For more information about this policy, contact or call Compliance Officer Mike Paradis at (V) 207-784-5753, (TTY) 207-784-5999, or email mparadis@ci.lewiston.me.us.

