

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for March 28, 2000 - Page 1 of 12**

I. ROLL CALL:

This meeting was called to order at 7:07 p.m. and chaired by **Tom Peters**.

Members In Attendance: Muriel Minkowsky, Rob Robbins, Dennis Mason, Tom Peters, Lewis Zidle, and Mark Paradis.

Staff Present: James Lysen, Planning Director; James Fortune, Planning Coordinator; Gil Arsenault, Deputy Development Director; James Andrews, Community Development Director; Michael Myatt, Housing and Community Development Officer; Yvette Bedard, Administrative Assistant; and Doreen Asselin, Administrative Secretary.

Member Absent: John Cole.

II. READING OF THE MINUTES: *Draft of the Minutes from the 02/22/00 Planning Board Meeting.*

The following changes were made to the minutes, by Vice Chair **Dennis Mason**.

- On Page No. 5, last paragraph, second line, change the word "meet" to read, "met".
- On Page No. 8, first paragraph, third line from the bottom, delete the words, "Members for downtown re-zoning" and replace with the words, "for review".
- Also on Page No. 8, first paragraph after the motion and first sentence, change the word, "placed" to read, "passed".

There being no additional modifications, the following motion was then made.

MOTION: by **Dennis Mason**, seconded by **Muriel Minkowsky** to accept the Planning Board Meeting Minutes of February 22, 2000, as amended, and to place them on record.

VOTED: 3-0-2 (Paradis & Mason).

III. CORRESPONDENCE: *Letter from City Attorney Robert S. Hark to Planning Board Chair Tom Peters, concerning the revised Declaration of Easements, Covenants, and Restrictions (DECR) for the Bates Mill Complex Commercial Subdivision.*

This item also pertains to Topic No. VI. Other Business, A. New Business, Item No. 1 - *Review the revised Declaration of Easements, Covenants, and Restrictions for the Bates Mill Complex Commercial Subdivision and authorize the Planning Board Chair to sign the subdivision plan and related documents, as listed on the agenda.*

MOTION: by **Dennis Mason**, seconded by **Rob Robbins** to accept the above correspondence to be read under Item No. VI. Other Business - New Business.

VOTED: 5-0.

IV. PUBLIC HEARINGS:

A. *A proposal to amend the Official Zoning Map of the City of Lewiston by re-zoning the parcels on the west side of LaFayette Street (6 through 84 LaFayette Street) from the Neighborhood Conservation "A" (NCA) District to the Institutional Office (IO) District.*

and

B. *A proposal to amend the Official Zoning Map of the City of Lewiston by re-zoning 181 and 189 Russell Street from the Neighborhood Conservation "A" (NCA) District to the Office-Residential (OR) District.*

Tom Peters began these two (2) Public Hearings by stating that both Item Nos. A. and B. would be presented together and voted on separately. Jim Fortune then read both memorandums that he prepared and were dated for March 20, 2000. Jim Lysen re-iterated the relationship between the two (2) projects.

Item A. At the Planning Board Meeting of February 8, 2000, Bates College presented a proposal stating that they were interested in re-zoning three (3) parcels. Those three (3) parcels were 70, 80, and 84 LaFayette Street in which Bates College owns. At that same meeting, the Planning Board stated that they were interested in considering to re-zone all of the parcels on the west side of LaFayette Street. As a result of public notices mailed to the abutting property owners, the abutting property owners were concerned about potential access drives from LaFayette Street to St. Mary's campus or to Bates College. This is currently prohibited by ordinance. If this zoning was to change to IO, that would permit this to happen. A track and field project is proposed by Bates College to be located adjacent to this area, which could affect 84 LaFayette Street.

Item B. Also, at the Planning Board Meeting of February 8, 2000, a proposal presented by Central Maine Eye Care in reference to 181 and 189 Russell Street was presented in conjunction with the above proposal. Central Maine Eye Care is interested in re-zoning 181 Russell Street, where they are currently located, and 189 Russell Street, where they would like to expand.

Lewis Zidle arrived at this meeting at 7:14 p.m.

Present at this meeting were Bob Brem, Director of Physical Plant, and Mike Guston, both representatives from Bates College. Also present at this meeting was petitioner Dick Roy from Central Maine Eye Care.

Jim Lysen stated that this is a strictly residential district, which is zoned Neighborhood Conservation "A" (NCA) for both projects. The Office-Residential District (OR) is a transitional zone.

Paul Samson (143 Webster Street and City Councilor for Ward No. 5) was present at this meeting and was representing his constituents. He is concerned, along with his constituents, that this re-zoning would affect their homes. This would also affect the other side of LaFayette Street, i.e. traffic concerns. His constituents, in this area, are not in favor of re-zoning the parcels on the west side of LaFayette Street (6 through 84 LaFayette Street). They want this area to remain the same.

Dick Roy (Central Maine Eye Care) said that the re-zoning for 181 Russell Street would allow for Central Maine Eye Care to expand their existing building and the parking lot. 189 Russell Street would be for employee parking. They are proposing to tear down the existing building. He does not anticipate any additional traffic. Their number of patients will remain the same.

Bob Brem, from Bates College, said that with their proposal to re-zone 70, 80, and 84 LaFayette Street, he does not anticipate any increase in traffic either.

Both re-zonings should alleviate the existing parking problems being encountered currently. This should make it a safer area.

Dale Boucher (7 LaFayette Street) questioned the gravel piles. He asked if the piles will be turned into a track and softball field by Bates College. The response from Bates College's representatives was "Yes". Dale Boucher is more concerned with the re-zoning connected to the parcels on the west side of LaFayette Street. He is not in favor of this re-zoning.

Concern was also expressed as to 52 LaFayette Street. This property is owned by St. Mary's Hospital. Twenty (20) years ago, St. Mary's wanted to tear down the existing building and turn this property into a passageway to their parking lot. The concern expressed again was that this would increase the traffic flow and change the residential setting of this neighborhood.

Denis Theriault (21 Marguerette Street and former Planning Board Member) mentioned that this will fall under the Bates College Campus Plan. Any changes would have to come before both Planning Board and Development Review.

Again, residents in this area are concerned and worried about losing their residential character across the street (6-84 LaFayette Street). After the above comments and concerns, this item was closed to the public portion and the Planning Board made the following motions.

MOTION: by **Rob Robbins**, seconded by **Dennis Mason** to send a favorable recommendation to the City Council that the lots located at 70, 80, and 84 LaFayette Street be re-zoned from the Neighborhood Conservation "A" (NCA) District to the Institutional Office (IO) District.

VOTED: 6-0.

MOTION: by **Dennis Mason**, seconded by **Muriel Minkowsky** to send a favorable recommendation to the City Council that the properties at 181 and 189 Russell Street be re-zoned from the Neighborhood Conservation "A" (NCA) District to the Office Residential (OR) District.

VOTED: 6-0.

With the concerns expressed at this meeting and the fact that the Planning Board considered re-zoning all of the parcels on the west side of LaFayette Street, there was no motion made on the remaining property on LaFayette Street (6-84 LaFayette Street).

C. Fiscal Year 2001 Community Development Block Grant Funding.

Staff present and available for questions and comments were: James Andrews, Director of Community Development; Michael Myatt, Housing and Community Development Officer; and Yvette Bedard, Administrative Assistant to Community Development.

Tom Peters explained to the audience what was going to be accomplished at this meeting in regards to the recommendations on the CDBG funds. The Sub-Committee of the Planning Board is made up of two (2) people, as well as members of the staff and administration who all met in open sessions. Each proposal was reviewed and recommendations were made for each. At the last meeting, there were not sufficient funds to come anywhere near funding what was felt needed to be funded as far as the CDBG proposals went. As a group, it was recommended to reduce the Bates Mill project by \$25,000. This will be recommended by the Planning Board later on at this meeting. This was the only way to make the kinds of recommendations to fund these projects. If funding is restored by the City Council, then \$25,000 will have to be cut from other programs.

Tom Peters strongly urged that the petitioners attend the City Council Meetings and to make their voices heard there. He also said what was recommended at this Planning Board this evening, may not be the same as what may be recommended at the City Council Meetings. The City Council Meetings are scheduled for April 18, 2000 (acceptance of proposals) and May 2, 2000 (vote on action). This is coming to this Board as a motion from the Sub-Committee of the Planning Board.

Jim Andrews presented the City of Lewiston FY2001 Request For Funding Community Development Block Grant Proposal. He said that this process started back in November 1999 with a recommendation from the Planning Board to the City Council to go forward with this process. A committee met four (4) times on how to fund these projects. Each applicant should have a printout of all the allocations that were made. Over \$2 million has been requested. There is only \$1,278,000 to allocate this year. The U.S. Dept. of Housing and Urban Development determines what the funding is each year, based on certain demographics and population. Last year this process was

allocated at \$1,266,000. This year, it is up by \$12,000. The peak year for funding was in 1996 in which \$1,329,000 was received. There is a cap set on the amount of money to be funded. Jim Andrews reiterated on Public Service Agencies. Public Service Agencies are allocated by the City of Lewiston, which is unlike other communities. The focus is to make recommendations for an agency and work with administration and Community Development. There is a cap set by the U.S. Dept. of Housing and Urban Development on the amount of money that can be funded to Public Service Agencies.

This meeting was first opened to the Planning Board for discussion. Planning Board Member Rob Robbins was on this Sub-Committee from the Planning Board. Since there were no comments or discussion, it was immediately opened to the audience. The following spoke at this meeting and were each given five (5) minutes to speak on behalf of their respective organizations.

Trinity Episcopal Church - Calvin Dube. *Calvin Dube is the Administrator. He said that this was founded 11 years ago. The amount requested was \$25,000. The Review Committee recommended funding for \$9,000. This program is a recipient of USDA food and prescription medication that is not covered by medicaid. They also provide housing and clothing. He said that 50 percent of his recipients have a form of deteriorating illness. They also serve inmates who are released from prison who are not easily accepted back into the community. Without this program many people would go without food, clothing, etc.*

The most important program is the Children and Mother's Program that provides diapers, formula, and clothing for infants. The other part of this program is that they serve 500 meals per week. They also give away food boxes, which they receive quarterly. This money pays his salary each year, which is \$18,200. He requested for \$25,000 to help pay for an Assistant Director position. If this position is eliminated, these people will have no place to go. He had requested a \$12,000 to \$15,000 increase.

Pine Street Social Center (Common Ties Mental Health Coalition) - Linda Twitchell. *Linda Twitchell is a member of the Pine Street Social Center. The amount requested was \$3,000. The Review Committee recommended \$1,000 for this program. This program provides Friday meals for people challenged with a mental illness. She read some comments provided to her about the meals that they serve. Members transfer their skills in this program. This is a very necessary program. They could use more funding to serve more people. They served 881 meals on Fridays so far this year. This program does all the shopping, prep work, and serving of these meals. The meals are served in a family atmosphere.*

Pathways Workplace Program - Joel Packer. *He first thanked the City Staff for their excellent proposal. He mentioned that Pathways Work Program received an award from HUD on being the best run programs in the country. Statistics show that over 70 percent of people with disabilities are still out of employment. This is a very necessary program. He said that, in the past, they have received money from the City of Lewiston for a \$10,000 level. This proposal is for \$5,000. The Workplace Program is down from \$14,000 to \$10,000. Their extended employment is jobs (good jobs, i.e., B.I.W., Geiger Brothers, and General Electric) for people with mental incapacibilities. They have a partnership with 35 major corporations. They have become dependent on this funding. He said that \$5,000 seems like a small amount to request and that is what he is requesting for the Workplace Program. Tom Peters agreed that this is a very worthwhile program.*

Tom Peters advised all the agencies representatives attending this meeting to become less dependent on these funds. These funds may not be available in the future.

(Economic Development) - Lewiston-Auburn Economic Growth Council (LAEGC) - Lucien Gosselin. Lucien Gosselin is the President of LAEGC. Under economic development, this organization has requested \$265,000. The Review Committee recommended no funding. They have received \$700,000 from FAME. This money is spent between both Lewiston and Auburn. There is \$350,000 left in the pool for the next 15 months. They will be in receipt of \$100,000 in interest over the course of the year in loan repayments. They have several applications pending that will take away this amount. Last year the City Council recommended \$25,000. Historically this has been funded through the CDBG funds. They will do the best they can with the resources provided. He is requesting this funding to help take care of defaults. This money can be re-generated and turned back into some capital.

Jim Andrews commented that this is based on how much program income is generated through there. This amount of money can be wiped out with one (1) or two (2) loans provided. This is a function of not enough money, a booming economy, and people coming for money to borrow from these programs. There is not enough money in these programs.

Androscoggin Head Start and Childcare - (Estelle Rubenstein). Their requested amount was \$78,216. The Review Committee recommended \$67,000. She said the people who come to their programs are subsidized by funds. For example, ten (10) hours of childcare and meals would cost \$17.00, which is six percent (6%) of their income, based on a weekly income of \$250.00, as opposed to paying for private childcare which is \$75.00 per week or 20 percent of their weekly income. She also had two (2) parents speak out in support of this program and the impact this program had on their lives - one has received a teaching degree from USM and the other will be graduating in May from the Lewiston-Auburn campus with a degree in Social Behavior Science and was just accepted to the graduate school at the University of New England in the Social Work Program with a concentration in Public Policy. Without this childcare provided to both of them, they could not have afforded to attend these colleges without this help.

Catholic Charities of Maine/Fellowship House and Search - (Earl "Buck" Avant). Buck Avant is the Program Director and Acting Clinical Director for Catholic Charities of Maine/Fellowship House. The requested amount was \$12,100. The Review Committee recommended \$9,000 for the Fellowship House and for the Search Program. Buck Avant expressed gratitude for the funding that they have received.

Some programs have submitted more than one (1) project. It was felt that the funding could be looked at as a whole, or, as opposed to getting into a number of projects, which there is no limit that any particular organization could present. This can be worked out with both administration and Jim Andrews. Jim Andrews said that this can be looked at administratively or before going to City Council. Tom Peters suggested and recommended that the funding can be split up as to which program to put it in. He also said that by doing this this way, it is less likely to be cut.

Advocates for Children/Healthy Families And. - (Lori Gramlich). She said that this is a prevention-raised program, which collaborates with 11 other agencies in Lewiston. They have served 149 families in the past six (6) months. They provide parent education and support until a child reaches five (5) years old. Lori said she appreciates the funding that they have received in the past. Their requested amount is \$5,000. The Review Committee recommended no funding. Tamara Williamson, the Parent Resource Coordinator, was also present and said that their program targets families in the Lewiston area. They experienced a 74 percent increase in the number of families that they are working with in the Lewiston area from the period of February 1999 through February 2000. They are doing more targeting and moving the programs out where they are needed. Their two (2) requests were combined as one (1) number. They service all of Androscoggin County. 70% are in the targeted area (downtown) for CDBG funding.

Child Health Center-Big Brothers/Big Sisters-Mentoring Program - (Roy Gedat and Julie Hart). Present at this meeting was Roy Gedat who works out of the Norway Office and is Program Director for the Child Health Center and Julie Hart from the Bethel Office who is Program Director of Big Brothers/Big Sisters. They had presented four (4) separate proposals - Big Brothers/Big Sisters Conditional Matching, Big Brothers/Big Sisters Mentoring, Child Health Center and Parent Place, and Child Health Center and Kid's Korner Program. Roy Gedat said that they really appreciate the support from the City of Lewiston. Julie Hart said that they were really excited last summer to receive a grant to hire a part-time Mentoring Coordinator just for the Lewiston schools. They had 50 matches just in Lewiston children. This is a school year program and they are matched in school.

Multi-Purpose Center After School Program and the Summer Program - (Joline Bonaitis and Jean Strout). The amount requested was for \$14,082. The Review Committee recommended \$17,582. Both Joline Bonaitis, Coordinator for the Multi-Purpose Center, and Jean Strout, Recreation Coordinator, were present at this meeting. Joline Bonaitis made reference to combining moneys and mentioned that they do run a summer program as well. She said they are concerned with the summer program, since the amount requested was for \$3,500 and the amount recommended by the Review Committee was for no funding. They are in need of an additional \$2,076.00 more above the allocation to provide funding for a college student in work study, director's aides, and a reading supervisor.

Androscoggin Home Health/Lewiston Home Care - (Laurie Winsor). This organization provides both clinical and non-clinical services to low-income residents of Lewiston. 70 percent are because of their older status and their health care needs which allow them to remain safe and in the comfort of their home. This program allows the recipients to maintain households with adequate nutrition. This is a non-profit home care and hospice provider. Because of their commitment to community service, they do provide care regardless of the ability to pay. They are able to do this because of the generosity of individual donors, community support, and donations such as from the United Way. They provide care for both insured and under-insured. They also use the support that the City of Lewiston provides them in a local match to their home making program. This support has helped them provide for 1,200 low income Lewiston residents with 5,200 clinical visits including home health aides, medical and social workers, physical therapy, occupational therapy, speech therapy, as well as visits by the parent educators and homemaking staff. The amount requested was \$32,693. The Review Committee has recommended \$17,000.

Salvation Army - (Jon Bennett). Jon Bennett is with the Lewiston/Auburn Salvation Army. He has served in this community for the past four (4) years. He said that he is looking for a one-time "piece of the pie". He is trying to replace a 1995 Dodge Ram, which is a 15-passenger van. They currently have ten (10) different agencies utilizing their facility at Park Street. He would like to set up a partnership between the City of Lewiston and the City of Auburn and the Salvation Army to replace this aging vehicle and maintain the ability to provide transportation to the number of services and programs that are offered to people of all ages from children to senior citizens. One of the programs is taking seniors out on shopping trips, instead of taking a taxi and they can all go together with a group. "To them this is a big thing." In children programs throughout the summer, the kids are taken everyday to Range Pond, various state parks, etc. Safety is No. 1. The Salvation Army stands ready to provide over 1/3 of the cost of replacement with the trade-in. He is seeking \$6,000 from both communities with the Salvation Army contributing the remainder. This is a six-year investment, not a one-year investment. The amount requested was \$6,000. The Review Committee recommended \$1,000.

(Neighborhood Improvements) - Lewiston High School-Challenge Ropes Course - (Denis Theriault, Assistant LHS Principal Roger Lachapelle, Student at LHS Mark Moreau, and Reggie Plourde). Denis Theriault said that this is a high-low ropes course at the Lewiston High School.

Since this is Reggie Plourde's speciality, he presented this item. This high-low ropes course would greatly enhance the curriculum offerings to over 1,300 students at LHS. Also collaborating with other agencies throughout the City, would enable this to be offered to other organizations on an asking basis. The law enforcement and high school staff would implement the high ropes course. It has been used successfully across the country to reduce behavior problem students, increase attendance, alcohol and drug rehabilitation, law enforcement, etc. It will enhance the opportunities for the youth of Lewiston and it would make a big difference. Roger Lachapelle said that this is not just going to be used as a course, Boy Scouts of America has an interest in this. One of the goals is to develop a program for students and adults in the community to work together and offer them opportunities to be used by businesses. This program not only builds self-esteem and team work, but these programs are also used by corporations to develop their own teams within their organization. This would touch every aspect in this community. Mark Moreau said that this program will help all the students at LHS work together as a team, show unity, team concept, and just getting to know each other along with the freshmen. This would help introduce the higher students to the freshmen and this is a long term great development. This is a one-time request. Denis Theriault said that this will be built by volunteers and part of Project Adventure (a professional company). This is a large collaborative effort between the LHS, the police and fire departments, parks and recreation, etc. Outward Bound has this program. This builds team community and spirit. This will attract corporations to come to Lewiston. This, once built, will be maintained by businesses. The school department will be supervising. When school ends, it will be turned over to the Lewiston Recreation Department. The location will be at the LHS between the tennis courts and the existing high school (same spot as the auditorium was requested to be in). It will be a very visible to the general public. The elements are outside. Money is needed to get this going. The amount requested was \$20,000. The Review Committee has recommended \$20,000.

St. Martin de Porres Residence - (Brother Richard). This program is for homeless men and women. They are very appreciative of the funding in the past in the future. They are busier than ever. There is a large waiting list. They work through referrals. People come to them for referrals. They have ten (10) individuals with them. Two (2) of them are going for their GED with Adult Ed. They try to network with other agencies. The funding will not always be there. They do get some of their funding from donors. Their guests are very talented. They have artists, musicians, and writers. He would like to market what their guests are doing, such as art work, writing, etc. This would help them in regaining their self worth. They are trying to find ways of not coming for funding. The amount requested is \$6,000. The Review Committee recommended \$1,000.

After hearing from the above 13 agencies, this meeting was then closed to the Public Hearing and turned back to the Planning Board for a motion. Then following motion then took place.

MOTION: by Mark Paradis, seconded by Dennis Mason to send a favorable recommendation to the City Council on the FY2001 Request for Funding Community Block Grant (CDBG) Program to reduce the contingency allocation by \$5,000.00 and to put \$5,000.00 more into the following public service agencies: 1. Pathways Workplace Program - \$1,000.00; 2. Multi-Purpose Center - \$1,000.00; 3. Advocates for Children - \$1,000.00; and 4. The Salvation Army - \$2,000.00.

VOTED: 6-0.

After this discussion, there was a five- (5-) minute recess.

- D. *A proposal to conditionally re-zone the property at 1434 Sabattus Street from the Highway Business (HB) District to the Office Service (OS) District, to allow for the development of a self-storage facility.*

Tom Peters requested that the memorandum prepared by Jim Fortune be waived and that James Lysen give an overview of this project. An agreement with the applicant shows the conditions that he is willing to impose on himself. This is near the end of neighboring properties on Sabattus Street. Some conditions have already been added. The agreement also included a number of standard conditions that are included on all Conditional Zoning Agreements. Whatever passes runs with the land. If the proponent abates the use, it reverts back to original zone. It is recorded in the reporters office as an official zoning agreement. This item will need to come back to development review. Gary Boilard, the petitioner, was present at this meeting. This building is well over \$5,000 SF, so it will be coming back to the Planning Board for review. The issues have been looked at, as stated by Tom Peters. This building is proposed to be across from BJ's Ice Cream. Dennis Mason asked, "What is currently on the property?" Gary Boilard responded that the property is vacant and the abutting property is vacant also. It is almost on the Sabattus town line. It is the fifth property before the Sabattus town line. It will be opposite Uncle Moe's Restaurant. There are two (2) houses on the left side, but not directly and no houses on the right. There is a lot of commercial businesses on this street.

There was no audience present to speak on this item besides the petitioner, so it was turned back to the Planning Board for discussion and a motion.

Dennis Mason questioned Staff on the definition [Item (A)], "The use of subject premises will consist of exterior, individual self-storage units." Dennis felt that this definition was very vague and could include what was talked about in prior meetings, such as railroad cars, containers off of ships, etc. Jim Lysen responded that this will be a building structure with a pitched roof. Tom Peters suggested that instead of including pictures, this can be tailored specifically to that type of building. Jim Lysen suggested putting this in a narrative sentence. Gary Boilard said that this will definitely be a building, the doors will be accessed from the exterior, not as a warehouse type. Tom Peters said that sometimes it would be helpful putting down what it can't be, but excluding storage cars, etc. The modification will be as follows: The use of subject premises will consist of a storage building, exterior-accessed, individual self-storage units, but not to include trailer trucks, dumpsters, etc.

This is what the applicant is re-zoning for (self-storage facility). Jim Lysen said that this is what Gary Boilard wants and that is what we are re-zoning for. Jim Lysen said that the agreement could be amended further down the road if the use was changed.

Gary Boilard explained what the self-storage facilities would look like. He said that it will consist of three (3) buildings. The right side and the left side running down will be solid. All the doors will be in between the buildings. The following motion was made.

MOTION: by Rob Robbins, seconded by Lewis Zidle to send a favorable recommendation to the City Council to conditionally re-zone 1434 Sabattus Street from Highway Business (HB) District to the Office Service (OS) District, with the condition that the building can be modified and for Staff to modify the language contained in the Conditional Re-Zoning Agreement specially so that it excludes trailer trucks, dumpsters, etc. of self-storage facilities, but includes the type of building as presented to the Planning Board in previous meetings.

VOTED: 6-0.

V. FINAL HEARINGS:

- A. *A Final Hearing on a site plan to develop a 9,400 square foot office building at the Lewiston Raceway Development, 36 Mollison Way.*

Both Jim Day (applicant), and Arthur Montana (representative) were present at this meeting. The proposed building will hold both the Maine Department of Motor Vehicles offices and the offices for the State Worker's Compensation Board. This development will include both Lot Nos. 12 and 13 in the Spare-Time Subdivision. This development will be located in the Community Business (CB) District. Access will be from both Mollison Way and Pacific Street. This project requires only one (1) meeting for approval since it is part of a commercial subdivision that was approved by the Planning Board before 1972.

Jim Lysen indicated on the map present at this meeting the parking layout. This development is located directly across from Medaphis.

There were no concerns from the Police, Fire, and Public Works Departments. There being no questions from the Board, the following motion was made.

MOTION: by Dennis Mason, seconded by Muriel Minkowsky that the Planning Board determines the application for 36 Mollison Way, Lewiston Raceway Development to be complete; that it meets all the approval criteria under Article XII, Section 4 of the Zoning and Land Use Code; and to grant final approval to this project.

VOTED: 6-0.

Rob Robbins stepped down from the Planning Board on this item.

- B. *A Final Hearing on the amendment to an approved site plan for Bob's Discount at 1750 Lisbon Street, to add a retail store and additional parking to the existing warehouse facility.*

Shawn Bell, Esq. on behalf of Robert Dinan was present at this meeting and did a presentation. What is proposed is to take the existing building and have 26,000 square feet of warehousing and retail at 12,513 square feet. One (1) of the issues, as noted on the comment sheets, had to do with the traffic impact study, which was done by Deluca-Hoffman (Randy Duncan was present at this meeting). One (1) of the biggest things that can out from the traffic study was widening of the radii for curb cuts. The entrance will be widened to allow for easier access for vehicles coming in and out. Both Public Works and LACTS wanted this widening. What was proposed was a 25 foot radius, which takes care of that issue. It was requested that lighting be designated on the plans. There is lighting around the entire building. It was requested that a curb be put in around the propane tanks around the parking area. This is shown on the plan. It was suggested that if the railroad was re-activated, this project would then come back to the Planning Board for review.

A note has been placed on the plan concerning the Maine Central Railroad. The only other issue dealt with drainage. There is a catch basin, a storage tank, and piping down to drainage which is now shown on the plan. The last remaining request was from the Fire Department and they requested an alarm system with a notification to the Fire Department in advance.

Also present at this meeting was Patrick Clark, a professional engineer, from Land Use Consultants (LUC). He was available to answer questions.

Lighting was discussed. Muriel Minkowsky said that she had a concern with lighting. She would like to see lighting at the entrance. Pat Clark re-iterated what Shawn Bell said earlier and that was that lighting is around the entire building. Retail hours of operation for this business will either be from 9:00-5:00 p.m. or 9:00-8:00 p.m. On the street (Lisbon Street) side, the lighting is the responsibility of the City. Dennis Mason mentioned that there is no parking lot lighting. Pat Clark suggested making lighting a condition of approval. Gil Arsenault mentioned that an easement could be obtained from Public Works on lighting. Jim Lysen mentioned that maybe the wattage in the bulb could be increased. Pat Clark mentioned that all the street poles have lights. He indicated this on the

photographs that he had brought to the meeting. Muriel Minkowsky said "fine" to the project, if there is more lighting and if this is not an issue to other people.

Jim Lysen mentioned the street sign has been placed on the property. The Coca-Cola sign will be coming down. It is presently located in a right-of-way. Gil Arsenault said that this is not permitted. The Bob's Discount sign needs to be relocated. This sign sets back too far from the street. Jim Lysen said that it needs to be an on-premise sign.

The public portion of this meeting was then closed and turned back to the Planning Board for a motion.

MOTION: by Mark Paradis, seconded by Muriel Minkowsky that the Planning Board determines the application and site plan for Bob's Discount located at 1750 Lisbon Street to be complete and grants final approval, subject to the conditions as they were presented.

VOTED: 5-0-1 (Abstained - Robbins).

Rob Robbins stepped back up to the Planning Board

- C. *A Final Hearing on an amendment to an approved site plan for Dion Distributors at 75 Westminster Street, to add new loading docks for the existing warehouse facility.*

On behalf of Dion Distributors, Denis Lemieux, Project Architect from Harriman Associates, was present at this meeting. There was no audience available on this item. Tom Peters asked to have the reading of the memo waived.

This item was brought to the Planning Board to request approval to amend the site plan for Dion Distributors' warehouse and distribution center located at 75 Westminster Street. This is strictly for site work only. This building was originally designed in 1987. In 1991, this project was brought to the Planning Board to build this loading dock. Dion Distributors is now proposing to add a 10 x 60 foot loading dock adjacent to the existing loading dock on the north side (Forrestal Street) of the existing building. Also, an additional paved area for truck parking and internal circulation is also proposed for the loading dock area. The loading dock area is for receiving only. All maneuverability will be done on site. This proposed addition will accommodate a new tenant for the upper floor of the existing building. Dion Distributors are planning to move most of their operations to the first floor and maintain their offices in a portion of the second floor.

Denis Lemieux made reference to the revised plan (Drawing Sheet Nos. 2 of 4 and 3 of 4). The changes made to this plan included shortening the guard rail at the entrance to the detention pond so that plowing can occur more easily, rip-rapping the entrance of the slope to the detention pond to eliminate potential erosion problems, and addition of another proposed catch basin that ties into the storm drain system.

Police, Fire, and Public Works reviewed this proposal. The only recommendation was from the Fire Department and that was that the Fire Department sprinkler connection (a 4" Stortz) should be relocated from the office side of the building to the existing loading dock on the north side along Forrestal Street.

MOTION: by Rob Robbins, seconded by Mark Paradis that the application and site plan for Dion Distributors at 75 Westminster Street is determined to be complete and grant final approval to this project with the single condition that the applicant relocate the Fire Department sprinkler connection from the office side of the building's existing loading dock on the left side along Forrester Street with the connection to be a 4" Stortz.

This motion was then amended to read:

by Rob Robbins, seconded by Mark Paradis that the application and site plan for Dion Distributors at 75 Westminster Street is determined to be complete and grant final approval to this project with the single condition that the relocation take place upon Phase II of the development, as outlined.

VOTED: 6-0.

After this motion was made, it was requested that a building permit be requested during Phase II.

VI. OTHER BUSINESS:

A. New Business:

1. *Review the revised Declaration of Easements, Covenants, and Restrictions (DECR) for the Bates Mill Complex Commercial Subdivision and authorize the Planning Board Chair to sign the subdivision plan and related documents.*

Enclosed in the Planning Board packets was the letter from City Attorney Robert S. Hark concerning the issues raised by the Planning Board at their meeting of February 22, 2000. The only concern was that the City retain rights to veto power. Robert Hark recommends that the Planning Board approve the DECR for the Bates Mill Complex Commercial Subdivision as proposed and sign the mylar. In the response from Robert S. Hark dated March 8, 2000, he is willing to let the Board sign off. Tom Peters said that eventually the LMRC will be getting out of business and this property will be sold to a developer. Rob Robbins commented that it is very rare for a declarant to maintain veto power after conveyance of all the subdivision lots in which the declarant holds an interest. Based on the comments by City Attorney Robert S. Hark, the Planning Board Staff is recommending that the Planning Board approve the DECR, as proposed, and to authorize the Chair to sign the mylar. Dennis Mason expressed concern about subdividing of the lot. Since there were no further comments, the following motion was made.

MOTION: by Rob Robbins, seconded by Mark Paradis to send a favorable recommendation to the City Council to approve the Declaration of Easements, Covenants, and Restrictions (DECR) for the Bates Mill Complex and to authorize the Planning Board Chair to sign the Subdivision Plan.

VOTED: 5-0-1 (Opposed - Mason).

2. *Approve "diminimus" change to the site plan for Diamond Phoenix, 90 Alfred Plourde Parkway, and authorize the Chair to sign mylar.*

Ken Lamoreaux of The Sheridan Corporation on behalf of Diamond Phoenix submitted an "as-built" plan showing "diminimus" changes to the site plan that was approved by the Planning Board on January 5, 1999. Ken Lamoreaux was not present at this meeting, however, he enclosed a memorandum which outlines the changes that were made on site during the construction of the 104,375 square foot manufacturing facility (enclosed in the Planning Board packets). There were no issues from Planning Board Staff, the Police Department, or the Public Works Department. There were no comments submitted from the Fire Department. There was no audience present at this meeting on this topic. The following motion was made.

MOTION: by Dennis Mason, seconded by Rob Robbins that the Planning Board determines the "As-Built" Plan for the approved Site Plan for Diamond Phoenix of a "diminimus" nature and authorize the Planning Board Chair to sign the mylar accordingly.

VOTED: 6-0.

3. *Review proposed minor amendments proposed by staff to the Shoreland Area Standards, Article XII, Section 2 of the Zoning and Land Use Code and schedule a Public Hearing.*

On September 16, 1999 the Planning Board reviewed and favorably recommended to the City Council amendments of the shoreland area standards. These amendments made the City's standards consistent with the State's. On September 21, 1999, the City Council approved the amendments. After review of the new supplement for Lewiston's Code of Ordinances, an error was found in Appendix A, Article XII, Section 2(r)(2) addressing the clearing of vegetation for development. The information regarding the amount of vegetation that may be removed in a shoreland zone, as indicated under Section 2(r)(a)(1) through (5) was to have come after Section 2(r)(2)(b).

The Ordinance Pertaining to Shoreland Zoning Regulations (three pages) that is now being presented to the Board is just a housekeeping issue. In summary, what appeared on Page No. 1 as overstruck Item Nos. 1 and 2, should have appeared on Page Nos. 2 and 3. Gil Arsenault said that if you read the standards, it does not make sense. Again, he said this was just a housekeeping issue. This item was brought to the Board to be scheduled for a Public Hearing. The following motion was made.

MOTION: by Dennis Mason, seconded by Rob Robbins that the Proposed Minor Amendments to the Shoreland Area Standards, Article XII, Section 2 of the Zoning and Land Use Code be scheduled for a Public Hearing on April 11, 2000.

VOTED: 6-0.

The next Planning Board Meeting is scheduled for Tuesday, April 11, 2000, in the City Council Chambers.

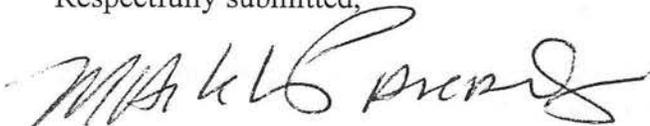
VII. ADJOURNMENT:

The following motion was made to adjourn.

MOTION: by Tom Peters, seconded by Dennis Mason to adjourn this meeting at 10:12 p.m.

VOTED: 6-0.

Respectfully submitted,



Mark Paradis, Secretary

DMA:dma

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