

CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for July 28, 2014

- I. **ROLL CALL:** The meeting was held in the City Council Chambers on the first floor of City Hall and was called to order at 5:30 p.m. Chairperson, Bruce Damon, chaired the meeting.

Members in Attendance: Bruce Damon, Kevin Morissette, Walter Hill, Sandra Marquis, Paul Madore and Michael Marcotte

Associate Member Present: Pauline Gudas & Matthew Mastrogiacomo

Staff Present: David Hediger, City Planner

- II. **ADJUSTMENT TO THE AGENDA:** None

- III. **CORRESPONDENCE:** Email from Dave Jones to Gil Arsenault and David Hediger dated July 28, 2014 regarding Bates College.

Pauline was appointed full voting member for this meeting.

- IV. **PUBLIC HEARINGS:**

- a) An application submitted by Taylor Engineering Associates on behalf of Chelsea Market Realty, LLC for the construction of a 6,387 sf restaurant to be built on the existing foundation with an additional 826 sf addition at 750 Sabattus Street.

The following motion was made:

MOTION: by **Michael Marcotte** to consider an application submitted by Taylor Engineering Associates on behalf of Chelsea Market Realty, LLC for the construction of a 6,387 sf restaurant to be built on the existing foundation with an additional 826 sf addition at 750 Sabattus Street. Second by **Paul Madore**.

VOTED: 7-0 (Passed).

Bruce Haskell of Taylor Engineering summarized the project.

There were questions from the Board about nonconformance, construction type and design standards, green space and parking.

The following motion was made:

MOTION: by **Paul Madore** finds that the application meets all of the necessary criteria contained in the Zoning and Land Use Code, including Article XIII, Section 4 of the Zoning and Land Use Code and grants approval to Chelsea Market Realty, LLC for the construction of a 6,387 sf restaurant at 750 Sabattus Street to the following condition:

1. All site improvements must be completed in accordance with the approved plan prior the issuance of a certificate of occupancy.

Second by **Michael Marcotte**.

VOTED: 7-0 (Passed).

- b) An application submitted by Ann Beha Architects on behalf of Bates College for the construction of two new residence halls with a campus store and mail facility at 55 & 65 Campus Avenue.

The following motion was made:

MOTION: by **Walter Hill** to consider an application submitted by AnnBeha Architects on behalf of Bates College for the construction of two new residence halls with a campus store and mail facility at 55 & 65 Campus Avenue. Second by **Kevin Morissette**.

VOTED: 7-0 (Passed).

Pam Wichroski of Bates College summarized the project and the construction schedule.

Philip Chen of AnnBeha Architects addressed development review criteria.

Tom Gorrill of Gorrill-Palmer addressed parking, traffic and pedestrian criteria.

Jan Wiegman of Wright-Pierce Engineering addressed the stormwater design and areas where easements are needed.

Pam said she was all set with the conditions recommended in staff's memo dated July 24, 2014; however, she was looking to modify conditions 7 (a) and (b).

Pam explained parking lot designations and clarified that "restricted" means eliminated student parking in specific areas.

Paul expressed concerns with establishing parking committee and existing parking issues.

Walter was concerned with why Bates does not force staff to park on site. He also was looking for a legal opinion as to whether employers can enforce on-site parking as a requirement of employment.

Matthew raised question about Bates ability to enforce parking on a public street, suggesting it may be the city's problem.

Michael wanted to keep conditions 7 (a) and (b) as written. He was also not a fan of closing Franklin Street. He also had questions about stormwater fees and maintenance.

Sandra suggested tying staff parking to employment.

Pauline said City needs to address the problem and look at limiting and posting parking for on-street spaces or establish resident permit parking on City streets.

Pam stated that sharrows will be striped on Campus Ave for bicycles; Central will remain unstriped at this time.

Public Comment

Jennifer Laurendeau, part owner of 117 Nichols Street expressed concerns with the drainage and would like a condition added that there shall be no adverse impact from drainage to abutters. She also requested an independent review of the stormwater design. The Board encouraged her to provide a memo to City Council at their next meeting which will be held on August 12, 2014.

Public Comment Closed

The following motion was made:

MOTION: by **Walter Hill** finds that the application meets all of the necessary criteria contained in the Zoning and Land Use Code, including Article XIII, Section 4 of the Zoning and Land Use Code and grants approval to Bates College for the construction of two 4-story residence halls that will provide 250-beds, the campus store and mail/print facilities at 55 and 65 Campus Avenue subject to the conditions recommended in staff's memorandum dated July 24, 2014, including an amendment to condition 7 (a) requiring all students (and employees to the extent permitted by law) that are issued parking permits to park in college lots only. Second by **Paul Madore**.

Mike expressed concerns with the inability to discuss or amend other conditions as the motion made was for approval of the entire application. Walter and Paul agreed to withdraw the motion due to desire to discuss each condition.

The following motion was made:

MOTION: by **Walter Hill** to amend Condition 7(a) as noted in staff's memorandum dated July 24, 2014 that Bates must demonstrate to the City staff by October 31, 2014 their recommended parking policy changes have been implemented, including requiring all students (and employees to the extent permitted by law) that are issued parking permits to park in College lots only. Second by **Paul Madore**.

VOTED: 6-0-1 (Passed)
Bruce Damon Abstained

The following motion was made:

MOTION: by **Michael Marcotte** to add as a condition of approval that the Planning Board encourages and recommends to the City Council not to approve Bates College request for the closure of Franklin Street limited to pedestrian access and emergency vehicle access and that the street continues to be used and maintained as a city accepted street. Second by **Kevin Morissette**.

VOTED: **5-2 (Passed; Walter Hill and Bruce Damon opposed)**

The following motion was made:

MOTION: by **Kevin Morissette** finds that the application meets all of the necessary criteria contained in the Zoning and Land Use Code, including Article XIII, Section 4 of the Zoning and Land Use Code and grants approval to Bates College for the construction of two 4-story residence halls that will provide 250-beds, the campus store and mail/print facilities at 55 and 65 Campus Avenue subject to the following conditions:

1. Prior to a certificate of occupancy being issued, documentation regarding the maintenance and upkeep of the stormwater system pursuant to Lewiston MS4 stormwater requirement contained in Article XII, Section 15e(3) must be recorded in the Androscoggin Registry of Deeds.
2. No building permits will be issued and no site activity shall commence until the stormwater design has been reviewed to staff's satisfaction.
3. No certificate of occupancy shall be issued for this development until written verification by a professional engineer is provided to the city that all stormwater improvements have been completed in accordance with the approved plan.
4. No building permits will be issued and no site activity shall commence until the City and Bates secure easements for utilities, sidewalks, and street closings.
5. No building permits will be issued and no site activity shall commence until the City Council approves of the proposed bike/pedestrian striping and approval to eliminate on street parking and post no parking signs in select areas along city streets.
6. Within 12 months of the date of issuance of the certificate of occupancy, Bates College will submit and report their findings on the parking conditions in the vicinity of this project at 55 and 65 Campus Avenue to City staff and the Planning Board.
7. Bates must demonstrate to the City staff by October 31, 2014 their recommended parking policy changes have been implemented, including:

- a) Requiring all students (and employees to the extent permitted by law) that are issued parking permits to park in college lots only or risk forfeiture of parking privileges.
 - b) Requiring any student bringing a vehicle to Bates College regardless of whether or not they have obtained a Bates College Parking Permit must register with security for the fall 2014 semester.
 - c) Working with the Lewiston Police Department to identify students who park on street in violation of the policy discussed above who are not tenants of off campus housing.
 - d) Updating the parking section of the Campus Security Webpage to consolidate Parking Policy and Information.
 - e) Creating a dedicated parking map that is easily accessible on Bates.edu
 - f) Eliminating student parking in the Smith, Olin and Bardwell lots where it is currently allowed.
 - g) Providing additional information and evidence clearly showing student, staff, and faculty parking lots.
 - h) Providing evidence that the transportation committee has been created.
8. If development has not occurred as defined within the scope of the Zoning and Land Use Code within two years, development review approval shall expire, pursuant to Article XIII, Section 11. This must be noted on the site plan.
9. That the Planning Board encourages and recommends to the City Council not to approve Bates College request for the closure of Franklin Street limited to pedestrian access and emergency vehicle access and that the street continues to be used and maintained as a city accepted street.

Second by **Sandra Marquis.**

VOTED: 6-1 (Passed)

Walter Hill Opposed

V. OTHER BUSINESS:

- a) Request for recommendation on the acquisition of 114-118 Bartlett Street

Michael expressed concern with holding onto the property indefinitely.

The following motion was made:

MOTION: by **Michael Marcotte** pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council for the acquisition of 114 and 118 Bartlett Street and recommend the properties are marketed with the intent the Planning Board will provide a recommendation on the disposition of prior to any sale. Second by **Walter Hill**.

VOTED: 7-0 (Passed).

- b) Executive Session to discuss real estate negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City pursuant to 1 M.R.S.A. § 405(6)(E):

The following motion was made:

MOTION: by **Pauline Gudas** that the Planning Board go into executive session pursuant to 1 M.R.S.A. § 405(6)(C) to discuss real estate negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Second by **Sandra Marquis**.

VOTED: 7-0 (Passed).

- c) Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board.

Bruce would like the Comprehensive Plan Committee to meet and discuss the process of distributing the plan for public comments.

Paul was concerned with appearance of Family Dollar. Board discussed how form based codes or designs standards may have helped.

- VI. **READING OF MINUTES:** Adoption of the June 9, 2014 and July 14, 2014 draft minutes.

The following motion was made:

MOTION: by **Michael Marcotte** to accept the June 9, 2014 as presented. Second by **Walter Hill**.

VOTED: 7-0 (Passed).

- VII. ADJOURNMENT:** The following motion was made to adjourn.
MOTION: by **Walter Hill** that this meeting adjourns at 10:20 p.m. Second by **Sandra Marquis**.
VOTED: **7-0 (Passed)**.

The next regularly scheduled meeting is for Monday, August 11, 2014 at 5:30 p.m.

Respectfully Submitted:

Walter Hill

Walter Hill, Secretary *CLL*