

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for July 21, 2003 - Page 1 of 9**

I. ROLL CALL: This meeting was held in the City Council Chambers, was called to order at 7:00 p.m., and was chaired by John Cole.

- **Members in Attendance:** John Cole, Roger Lachapelle, Jeffrey Gosselin, Robert Connors, Lucy Bisson, John Racine, and Tom Truchon.

- **Members Absent:** Rob Robbins and James Horn.

- **Staff Present:** Gregory Mitchell, Assistant City Administrator/Development; Gil Arsenault, Director - Planning & Code Enforcement; David Hediger, City Planner; and Doreen Christ, Administrative Secretary - Planning & Code Enforcement.

- **Student Members Absent:** Ethan Chittim and Wade Morgan.

II. ADJUSTMENTS TO THE AGENDA: At John Cole's request, Item C. A hearing on a proposal submitted by Technical Services, Inc. on behalf of 1111 Lisbon Street Associates for a parking lot expansion at Lisbon and Martin Drive will be heard at Thursday's (July 24, 2003) Staff Review Committee Meeting to be held in the Third Floor Conference Room at 8:30 a.m. The streamlining ordinance became effective July 17, 2003 and as a result, projects involving more than 5,000 cubic yards of fill material are no longer subject to Planning Board approval. Therefore, the Planning Board no longer has jurisdiction over this particular matter and this is something that can be dealt with at the Planning Staff level. David Hediger stated that at the time this project was submitted to the Planning Board, Staff did not know when the streamlining date would be effective. The following motion was made.

MOTION: by **Lucy Bisson**, seconded by **Roger Lachapelle** that the Planning Board dispensed with agenda Item C, due to the Planning Board not having jurisdiction over this item.

VOTED: 7-0.

III. CORRESPONDENCE: The following items were distributed at this meeting: A. A letter from Stephen Roberge, P.E., SJR Engineering, Inc. to Mike Gotto dated July 18, 2003 regarding the parking lot expansion, Lisbon Street and Martin Drive, Lewiston stormwater analysis; B. St. Mary's Site Tabulations dated July 2003, two (2) Warranty Deeds dated 09/22/98, Release Deed dated 01/11/01, Warranty Deed dated 06/18/99, and Warranty Deed dated 08/28/98; and C. A memorandum from Gregory Mitchell, Assistant City Administrator/Development dated July 21, 2003 in regards to the Discovery Drive performance guarantee. The following motions were made.

MOTION: by **Lucy Bisson**, seconded by **Roger Lachapelle** that the Planning Board refer to Staff the correspondence pertaining to the application submitted for 1111 Lisbon Street Associates for a parking lot expansion at Lisbon and Martin Drive.

VOTED: 7-0.

MOTION: by **Lucy Bisson**, seconded by **Roger Lachapelle** to accept the other items, place them on record, and read them at the appropriate time.

VOTED: 7-0.

IV. HEARINGS:

A. A hearing on a minor amendment to the Site Layout Plan for W/S Lewiston Properties, LLC retail development at 27 East Avenue. David Hediger read this portion of his memorandum dated July 18, 2003. The property owner is proposing to create two (2) separate lots for each retail building, known as Retail A and Retail B. This is being proposed for financial reasons and to secure a tenant for the Retail B space. The Retail A space is currently occupied by Shaw's. Included in this application is the request for a modification of the side yard and setback requirements. Therefore, a maintenance agreement/easement between the two (2) properties needs to be provided and recorded in the Androscoggin Registry of Deeds. A survey plan is also needed. This item was heard at the last Planning Board Meeting (June 16, 2003) where it was tabled so that the applicant, W/S Lewiston Properties, LLC could provide a copy of the Maintenance Agreement and Easement with Covenants and Restrictions (ECR). This item is now being brought before this Board with the inclusion of the above requested documentation.

Present at this meeting were **John Corbett** of W/S Lewiston Properties, LLC, **Ronald Bissonnette** of Isaacson & Raymond, and **Doug Reynolds**, Engineer from Gorrill-Palmer.

Ron Bissonnette began his presentation by stating that the City of Lewiston Ordinance requires that a Maintenance Agreement be maintained by the owners of abutting properties. The only abutters affected are the two (2) lots. He said that the division lines have been provided by a licensed surveyor showing the reference on the plan as Lots 1 and 2. This will be changed to read Retail Parcel A and B.

John Cole said documentation that affects the use within the property is what was requested. He said that he has not had the opportunity to look at this lengthy documentation provided by Ron Bissonnette. He also said that Ron Bissonnette did a comprehensive and thorough job, however, he is not prepared to make a decision. This is a document that affects use within the property. This is a 25-page document, which is in very effective language and terms.

Jeffrey Gosselin had questions regarding the proposed use of Retail Parcel B.

John Cole asked the Board if this documentation should be referred to the City Attorney for review.

Ron Bissonnette said that Section 11 is the requirement and read the requirements to the Board. He said that in review authority, the petitioner shall be required to obtain a Maintenance Agreement from the owners of adjacent impacted properties, which are those properties immediately adjacent to the proposed improvements requiring the lease, and that in the reviewing authority's opinion shall be impacted due to construction, maintenance, stormwater runoff, snow, etc. All that is required is an agreement from the abutter. An easement has been obtained. Ron Bissonnette then referred to Sections 3.2, 3.3, 3.6, 3.7, and 4.0 of the "Declaration of Reciprocal Easements and Restrictions". Ron Bissonnette stated that the alternative could be to produce a small, one- (1-) page agreement.

Jeffrey Gosselin stated that the anchor tenant is Shaw's and that Shaw's is responsible for the bulk of the maintenance of the entire parcel. Whoever is located on the other parcel will be sharing the same road and will be there together.

John Corbett stated that S.R. Weiner is the owner of the property. This is being done for financial purposes only. They are trying to close on the loan.

Jeffrey Gosselin commented that this documentation does satisfy that there is some common arrangement.

Ron Bissonnette said that this is the same kind of situation as the Lewiston Mall. This will be one (1) lot with two (2) separate uses and two (2) separate buildings.

John Cole asked if Staff was satisfied with this document in its present form. Gil Arsenault commented that this fully complies with the Code. He also said that if this documentation is reviewed by the City Attorney, it would be at the developer's expense. This item was then opened for public input.

Mike Shostak (52 O'Connell Street - the property adjoining Shaw's on the east side) encourages that this be to protect the citizen's best interest. He asked, if this is meeting code. John Corbett stated that the only thing under review is what the Planning Board had already approved and that is the small parcel. The land cannot support another Shaw's, BJ's, etc. The land is landlocked by East Avenue, Martel School, the residential neighborhood, and O'Connell Street. This is for financial purposes and is just a division of the two (2) parcels.

Gregory Mitchell arrived at 7:25 p.m.

Mike Shostak asked, "Why can't the original plan be changed?" John Cole responded that there is nothing that can't be changed. He also said that if there are other proposals, use of the land, etc., they are not before this Board for this evening. This is just a minor amendment. One (1) measure needs to be dealt with one (1) at a time. The public session was then closed and turned back to the Planning Board for the following motion.

MOTION: *by Robert Connors, seconded by Lucy Bisson that the Planning Board find that the application for W/S Lewiston Properties, LLC retail development, 27 East Avenue meets all the necessary approval criteria contained under Article XII, Section 4 of the Zoning and Land Use Code and grants final approval to this application.*

VOTED: *6-0-1 (John Racine Abstained).*

B. A hearing on the St. James Place Subdivision, an 11-lot, single-family subdivision off Boston Avenue near Stevens and Adele Streets. David Hediger read this portion of his memorandum dated July 18, 2003. Included in the Planning Board packets were the revised plans. This item was last brought to the Planning Board on June 2, 2003. At that time the developer, St. James Builders, Inc. had requested and was granted a continuance for additional time to redesign the entrance to this proposed subdivision. In a legal opinion from the City Attorney, St. James Builders, Inc. was not able to use Hingham Street for access to this subdivision. Since then, St. James Builders, Inc. has purchased Paige and Michael Bernier's property (81 Stevens Street), in order to create an access to this

subdivision. They are proposing to demolish the house that is currently on this property. With this additional land purchase, St. James Builders, Inc. are changing their plans to have a 13-lot subdivision, instead of the original proposal for 11 lots. This land will be divided into a smaller house lot and the open space will be used for stormwater detention. The stormwater will be directed and detained on the smaller lot before draining to the City's existing stormwater system on Stevens Street.

At the second neighborhood meeting held (June 26, 2003) concerns were expressed by the neighbors as to the design and depth of the detention pond in controlling the drainage. Steve Blais, of Pinkham & Greer, indicated to the neighbors, at that time, that the current conditions of the neighborhood will not exceed or get any worse than they are now. The Beaudoins (12 Adele Street) expressed concerns with vegetation being removed from the lot abutting their property (Lot No. 6). Steve Blais indicated that they are willing to work with the Beaudoins in planting trees of their choice along the property line of Lot No. 6 to coincide along the same property line on the Beaudoins property.

There were no concerns from either the Police or the Fire Departments. Issues from Planning Staff include:

1. Submission of a revised Homeowner's Association document with details on restrictions and maintenance of open space areas.
2. Easements need to be provided as to access to the stormwater pipes and outfalls located on Lots 11, 13, and the open space adjacent to Stevens Street and an easement to access the detention pond for emergency purposes, only as related to stormwater drainage.
3. An updated construction schedule needs to be provided.
4. As a requirements from the Public Works Department, the cul-de-sac, designed at a six percent (6%) grade, not to exceed a three percent (3%) grade.
5. Notes shall be added to the plan to indicate that Lots 73-75 of the "Farwell Park Extension" subdivision and Lots 31-34 of the "Highland Terrace Section B" subdivision plan are being amended.
6. A note needs to be placed on the plan indicating that a performance guarantee will be provided.
7. A note needs to be added to the plan in reference to the 24-month expiration date for development and that all sewer, water, drainage, and lighting meets City standards.
8. The City Arborist, Steve Murch, has recommended that more than one variety of street trees be planted along the proposed street.

Present at this meeting were *Steve Blais* of Pinkham & Greer and *James Gurney* of St. James Builders, Inc. Steve Blais did a brief presentation to the Board since the last Planning Board Meeting. The plans have been modified to include the new access. There are 10,000 square feet of wetland alteration. His firm has met twice with the neighbors to address concerns. He stated that there are additional concerns from the neighbors with the drainage. The drainage calculations were included in the Planning Board packets. The dry pond area is now being referred to as the stormwater management facility. An 18-inch pipe will drain into the City system. This offsets the runoff from this project. Steve Blais explained that during a two- (2-) year storm, water stands about 1.3 feet and in four (4) hours it drains down to .3 feet. With a 25-years storm event, three (3) feet would take about four (4) hours to get back down to six inches (6") and in 7.5 hours, it would be down to three inches (3"). Another change made to the plan is the entire area will be graded. He explained that the roadway starts at about 2.5 percent, while as it goes up, it is steeper at an eight percent (8%) slope. He said that the Public Works Department would like the cul-de-sac at three percent (3%), but it does not fit into the scheme. He said he did not find in the code that this is required. He feels that this is a reasonable design, however, they can make three percent (3%) work. They are trying to stay with the existing contours as close as they can and to minimize wetland impacts. They will not be filling the wetlands unnecessarily. They are climbing up with the grade at eight percent (8%). When you get to the cul-de-sac, they are at grade at this area and then all of a sudden, you are shooting down, and digging out into the grade. This is in a cut situation and so are the homes. The driveways are sloped at six percent (6%). He said he does not like to see it any higher than that. At three percent (3%), the effect would be i.e. at the very highest point of the cul-de-sac, it would take it down to three feet (3'). Steve Blais stated that if six percent (6%) does not work, they will provide the three (3%) percent to the Public Works Department's satisfaction. Additional landscaping has been provided in the stormwater management area. He said that they will provide a Conditional Agreement. Steve Blais continued by saying that they would like to build a roadway and provide a binder course until the project is completed and then the final course will be applied when the homes are constructed. If this is agreeable, they would do a Conditional Agreement. If not, they will provide another performance bond. A couple of notes will be provided on the plans, as requested by David Hediger. Their attorney is in the process of revising the Homeowner's Association documentation that was requested by David Hediger. John Cole said that there is a need for a document that is agreeable to Steve Blais and that he is required to present the completed form that is part of the proposal. John Cole then stated that this application is not complete. The Homeowner's Association document needs to be complete and also address the restrictions and maintenance of open space. Another document also needs to be provided on the easements. An updated construction schedule is needed, since from the first submission in April, the project would have been almost complete. The question was asked if there is something in the code that the Public

Works Department can insist that the City require a 3 percent grade? David Hediger said that in the Code of Ordinances under Streets and Sidewalks it states that it is at the discretion of the Public Works Director to indicate what needs to be done. The three (3) percent is for maintenance purposes. John Cole stated that this project could be approved, subject to the developer being able to reach an agreement with Planning Staff and the Director of Public Works on the drainage. John Cole then referenced the performance guarantee, which is an assurance to the City that the developer has the means and that they will do what the developer has represented they will do in this subdivision. Steve Blais stated that a Performance Guarantee can be provided in a number of ways, one being in a Conditional Agreement, with which basically the developer cannot obtain a building permit until the road is constructed. This is how it ties into finishing the project. The Conditional Agreement was not presented to this Board during this meeting. Gil Arsenault said that the chairman of this Planning Board cannot sign until it is to the complete satisfaction of the Planning Staff. Jeff Gosselin asked Steve Blais if they are anticipating the complete development of these 13 lots and in what time-frame? Steve Blais stated that a time-frame to complete this subdivision will be provided on the plan in addition to the note regarding the 24-month approval. Steve Blais stated that the road will be put in as soon as they receive Planning Board approval on this project. The homes are taken care of with the note that will be added to the plan where plan approvals are only good for two (2) years. All the lots will have public sewer.

Steve Blais said that protective measures are to keep the water as low as possible. This detention pond is out in the open and it is obvious. A fence would make it harder to rescue a child and within four (4) hours after a 25-year storm event, it would be down to six inches (6"). Jeffrey Gosselin referred back to the Performance Guarantee. Jeffrey Gosselin asked, "What type of Performance Guarantee is anticipated?" Steve Blais responded that they are anticipating the Conditional Agreement. A letter of credit would be needed for the final pavement of the roadway. Gil Arsenault said that as long as the street is serviceable and that there is adequate money to do the paving, this would not be an issue. The roadway would take 90 days to complete. He said that final paving does not necessarily need to occur within the 24-month period.

John Cole read from Code the information pertaining to a Performance Guarantee (Article XIII, Section 12). John Cole then asked Staff if the Conditional Agreement alone would suffice in this case to ensure the interests of the City are satisfied regarding this subdivision. Once approved is there a need to deal with financial forms of guarantee to ensure that there will be indeed money available to the City to complete the street or the things that have not been done? Gil Arsenault responded that a Conditional Agreement basically says that the street will be built out and this would be more than satisfactory. Once permits are pulled, a letter of credit or a performance bond for 125 percent cost of those improvements could be submitted. It would be another question as to how much time the Public Works Department would allow for that final coat to go down. The Public Works Department will be inspecting that job as they go on. John Cole said that there needs to be assurance that the public improvements will be made and that the project will not be left half done. At lot can happen in that time period. John Cole felt that there should be a Performance Guarantee. Jeff Gosselin agreed with John Cole that there should be some assurance to the City that the initial phase of what they are doing has to be complete. This item was then opened to the public for comments, questions, and input.

Ann Beaudoin (a resident owning property from the Adele Street side) had questions regarding Drawing C3. All drainage has been corrected. She asked how wide and how deep is the swale. The response was that it is one foot (1') deep and ten feet (10') wide and it is a gentle swale and does not carry much water. She also expressed concerns in that they are the only abutting property owners who are not being provided a buffer. She feels that St. James Builders, Inc. should be responsible in providing a buffer. The developer is improving that property. She wants the developer to consider their needs.

There was question if there would be a metal grate on the dry pond and if the dry pond would be protected? Steve Blais responded that it is not on the plan, but that it will be added and there will be a metal grate.

Timothy Smith (85 Stevens Street) expressed concerns that his property will be under water if a 25-year storm comes through. Who then would he complain to? John Cole's response was that the complaint would go to the City. He then asked when is the dry pond going to be completed? The response was that it needs to be completed when the road is finished. He said that there are a lot of open-ended questions on this project right now. He would like to see this done properly.

James Gauthier (67 Boston Avenue) questioned the buffer zone between the homes. He asked if the existing trees will be destroyed. The response was that buffers are not required between the homes. The trees on Lot No. 6 will be provided as a buffer. Because of the wetlands, the trees will remain in other areas. Trees will be planted on the rear of Lot No. 6 to match the trees on the other side. Steve Blais said that a buffer along the whole property would be a bit

of a burden.

Ann Beaudoin stated that there is no buffer shown behind Lot No. 6. This will all be clear cut. This item was then closed to the public and brought back to the Planning Board.

John Racine asked about the two (2) wetland areas and if this project can be approved without DEP approval. John Cole responded that it can be approved, subject to DEP approval. Gil Arsenault stated that this approval can be put on hold, if other approvals are not in place. An application has been submitted by St. James Builders, Inc. to fill in the wetland on the property. Gil Arsenault said that the project could be approved with the condition that the records are furnished and put in place. Steve Blais stated that a Tier 1 was submitted 30 days from Friday, July 18, 2003. The following motion was made.

MOTION: *by Jeffrey Gosselin, seconded by John Racine that the Planning Board table the application by St. James Builders, Inc. for the proposed St. James Place Subdivision, subject to completion of the Subdivision Agreement, providing a Performance Guarantee and working out details with the Public Works Department regarding the grading.*

VOTED: *5-0-2 (Robert Connors and Lucy Bisson Abstained).*

At this point in the meeting, there was a three- (3-) minute recess from 8:30-8:33 p.m. before continuing with the remaining agenda items.

C. *A hearing on a proposal submitted by Technical Services, Inc. on behalf of 1111 Lisbon Street Associates for a parking lot expansion at Lisbon Street and Martin Drive.* This item has been placed on Thursday's (07/24/03) Staff Review Committee Meeting agenda due to the motion taken earlier this evening pertaining to Planning Board's jurisdiction over this project.

John Cole recused himself from the Board on the following item, due to the proximity to Bates College whom he represents, therefore Jeffrey Gosselin filled in as chairman.

D. *A hearing on the proposal submitted by Technical Services, Inc. on behalf of the Sisters of Charity Health Care System (SOCHS) for the St. Mary's Regional Medical Center Parking Areas, 278 Sabattus Street and 100 Campus Avenue.* David Hediger read this portion of his memorandum dated July 18, 2003. This application has been submitted by Technical Services, Inc. for two (2) parking lot expansions as part of St. Mary's Regional Medical Center's Master Plan. These expansions are to meet the current and future needs of the medical center and to try to alleviate some of the on-street parking occurring on surrounding streets in this area. These two (2) areas are located in the Institutional Office (IO) District.

Since their approval by this Board in 2001, SOCHS is proposing to demolish four (4) buildings and expand the existing parking lot on Sabattus Street by 32 spaces, for a total of 85 spaces. The new impervious area of this portion of the medical center will increase to .78, which does exceed the IO Districts standard of .75, however, SOCHS is requesting a modification of 25 percent to meet the needs of this proposed development and for future expansion and to increase the impervious area to a total of .8125. In order for the driveway and sidewalk to be constructed two feet (2') from the northeasterly property line abutting City-owned land, which is the Lewiston Middle School, a modification of greater than 50 percent of the side yard requirements must be requested. A survey plan of this area needs to be submitted. A maintenance agreement may also be required since the modification being requested is greater than 50 percent of the required 10 foot side yard requirement.

SOCHS is proposing to create 227 additional parking spaces at the 100 Campus Avenue location. This is proposed to be provided by expanding existing parking lot areas around the D'Youville Pavilion and Maison Marcotte. Also, additional parking will be created in the northeasterly corner of the property along Bates College in a wooden area. The total impervious area is proposed to be .61.

The City of Lewiston has delegated review authority from the DEP to review projects in excess of three (3) acres, but less than seven (7) acres of non-vegetated area. This project consists of 7.4, non-vegetated area. Mike Gotto, from Technical Services, Inc. has obtained written approval from the DEP to review these expansions up to a maximum impervious area of ten (10) acres. If this project is approved, the Planning Boards action needs to be submitted to the DEP within 14 days. The DEP will then have 30 days to notify the City of Lewiston and SOCHS if they have any issues or concerns.

An extension of the approval period has been requested for a period of five (5) years. The approval period is for 24-months.

There were no concerns from either the Police or the Fire Departments. The Public Works Departments concerns were in regards to improvements to drainage along Sabattus Street.

Mike Gotto of Technical Services, Inc. along with **Robert Faunce** were present at this meeting.

As mentioned earlier, Mike Gotto stated that a survey plan has been submitted as requested by Staff. Also included in distribution to this Board was the spreadsheet of total impervious area.

Bob Faunce made the presentation to the Board. This is a project of continuing improvements at the St. Mary's Medical Center. He briefly showed the Board Members what is proposed to be done. He showed the Board the locations on his map. Golder Street is a private street. One (1) of the problems at this intersection is the angle of this intersection, so in an effort to improve the entrance, improve that angle, and to increase parking capacity, Bob Faunce showed the location of five (5) buildings on Golder Street, of which four (4) are being demolished and one (1) is being retained. The entrance will be relocated and turned to 90 degrees. The temporary parking that was approved by this Board a year ago is being finalized to improve circulation and to turn as many 90 degree angles as possible. There will also be additional landscaping up front. There will be a net increase of 32 spaces on that side. There will be a net decrease of 300 square feet of impervious area, resulting in a reduction in stormwater flow. There are downstream problems off Sabattus Street. They have agreed to replace the existing 12-15 inch culvert with a 24 inch culvert.

At the 100 Campus Avenue location, they are expanding parking, adding a number of parking spaces, widening the entrance off Campus Avenue to include more spaces, and are reconfiguring this whole area for several reasons, including an increase in the number of parking spaces and the underground stormwater storage. Land is at a premium so they are placing the stormwater underground. There is now more capacity than what they need to accommodate the extra 1.43 acres of impervious area. They are adding spaces there and they are discontinuing the exit and adding more parking spaces there also. Except for the access to the small isolated lot, the entire Maison Marcotte D'Youville Pavilion facility will operate with two (2) points of access. The total increase in parking spaces is 275. The goal is to get the parking off the streets and onto Campus Avenue. A five-year approval period is being requested, since this project will take more than two (2) years to complete and is a lot of work. These will be built as SOCHS generates the funds to do it. Bob Faunce showed the Board the main entrance to the D'Youville Pavilion. At this point in the conversation, Lucy Bisson asked Mike Gotto to correct the spelling of D'Youville Pavilion and Maison Marcotte Nursing Home on the plans that he submitted. Mike Gotto explained that the 100 Campus Avenue parking expansion will be started first with the detention system. There is more work to be done at this location. This item was then opened to the public.

Pam Wichroski, AIA (representing Bates College) asked about the stormwater study. Drainage is based on existing flow today. The drainage has been reviewed by the Public Works Department. Pam Wichroski stated that her engineers need to review the study that was prepared by SJR Engineering, Inc. This is all included in a two inch (2") binder. Pam Wichroski then requested a copy of the drainage study. Staff will accommodate her. This item was then closed to the public and opened back up to the Planning Board.

It was then asked if the Planning Board has the ability to keep the language at any other time for a two- (2-) year period. It was stated to keep the two- (2-) year period and then if they are not complete, SOCHS can come back. The Code is clear. They could be given the two (2) years with an amendment to five (5) years, then this would then come back to the Board as a "de minimus" change. In closing this discussion, it was stated that the DEP has 30 days to respond. This item was opened to the public. There was no public audience, therefore it was turned back to the Planning Board for the following motion.

MOTION: *by Lucy Bisson, seconded by Roger Lachapelle that the Planning Board find that the application for the Sisters of Charity Health Care System (SOCHS) for the St. Mary's Regional Medical Center parking areas at 278 Sabattus Street and 100 Campus Avenue is complete; grants approval, subject to receiving DEP approval, and approves the request for a 25 percent modification concerning the increase of the maximum impervious surface ratio from .75 to .78, as recommended by Staff.*

VOTED: 6-0-1 (John Cole Abstained).

John Cole rejoined the Board and chaired the remainder of the agenda items.

Both John Racine and Jeffrey Gosselin recused themselves from the Board on the following item.

E. A hearing on a proposal submitted by Technical Services, Inc. on behalf of Gendron & Gendron, Inc. to develop a seven- (7-) lot commercial subdivision (Plourde Business Park) on the Alfred A. Plourde Parkway. David Hediger read this portion of his memorandum dated July 18, 2003. This subdivision is

located in an industrial zone and is owned by Gendron & Gendron, Inc. and includes the construction of a new 1,900 foot long public street, to be known as Discovery Drive. This street will be constructed by the City of Lewiston. The construction of this street was negotiated as part of the Wal-Mart development and creation of the TIF district. This road will provide access to all seven (7) lots. Access to the lots from River Road is prohibited. The City will apply for a wetland alteration permit with the DEP for construction of the street upon this approval. This subdivision includes the proposal to fill and grade all of the proposed lots to a finished contour that makes the sites marketable for development. There are no projects for individual lots being proposed at this time. Any future development to occur on these lots will be subject to development review. These lots will have City water, sewer, and three- (3-) phase power. As part of this development, a sewer pump station is proposed. There is a need for a performance guarantee (included in the distribution for tonight, is the correspondence from Gregory Mitchell which serves as a performance guarantee for this project). Staff is requesting that the lot of land labeled on the Site Plan as, "Remaining Land of Gendron & Gendron, Inc." be numbered as Lot No. 8, since it is a new lot being created. The amount and type of traffic to be generated depends upon the type of development to occur. A traffic study is being prepared. Gendron & Gendron, Inc. is proposing street construction and grading to be completed in two (2) phases: Phase 1 - 1,250 feet of street to be constructed to service Lots 1-6 and Phase 2 the additional 650 feet of street. This should be completed within the two- (2-) year period, however Technical Services, Inc. is requesting a five- (5-) year period. Both the Police and Public Works Departments had no concerns. The Fire Department has requested that the existing hydrant located along the existing section of Alfred A. Plourde Parkway be relocated to an area near the entrance of the subdivision, as well as additional hydrants in the subdivision.

Again, **Mike Gotto** from Technical Services, Inc. along with **Bob Faunce** were present on behalf of Gendron & Gendron, Inc. The pavement depths will exceed City limits. The existing location was shown on the map to the Board. This subdivision includes 43 acres of land. The lots will range from 3.8 to 16.55. A house lot will be part of this development. It was mentioned that these plans have been in Chris Branch's hands for a couple of days. This item was then opened to the public.

Mark Paradis (City Councilor and a resident of **144 River Road**) asked if the house will remain. The response was, "Yes".

Norm Lamie (**234 Montello Street** and brother of Lorraine Roberge, who has property in this area) asked if a buffer is identified on the plan. The response was, "No". There are proposals for it. He then asked, "Where is this intended to go?" The response was that it could be a dead end or a loop from Apple or Ferry Roads. He mentioned gravity and that another pump station is needed.

As mentioned earlier, Staff recommends that the remaining land of Gendron & Gendron be labeled as Lot No. 8. Mike Gotto stated that he is totally against this. It was mentioned that a note could be placed on the plan as to no further development. Mike Gotto thinks that there will be further development there. Gil Arsenault said that Lot No. 8 is certainly a lot, which is being created as a part of this subdivision. This needs to be divided by subdivision law. The land should not be deemed outside a subdivision. Bob Faunce referred to Condition 1. Mark Paradis asked the Board to explain where is Lot No. 8. Mike Gotto stated that he is not sure of where it is. All the lots are owned by Gendron & Gendron, Inc. Gendron & Gendron, Inc. has the right, title, and interest. He stated that he is not sure if it is all common ownership.

Bob Faunce asked the Board for his proposed wording, which is as follows: "*Future division or development of the remaining land of Gendron & Gendron, Inc. (Deed reference Book 3538, Page 79) shall be subject to additional review and approval by the Lewiston Planning Board*". This wording was okay to Staff. Again Gil Arsenault said he was concerned with the land left over and stated that it is a lot. John Cole said that they are not waiving the City's right as to jurisdiction to Lot No. 8. It was then asked if Bob Faunce's wording should be subject to an opinion from the City Attorney. The following motion was then made.

MOTION: *by Lucy Bisson, seconded by Roger Lachapelle that the Planning Board find the application to develop a seven- (7-) lot commercial subdivision (Plourde Business Park) off the Alfred A. Plourde Parkway as complete; grant approval of the modification/waiver checklist; that the application meets all the necessary approval criteria contained under Article XIII, Sections 4 and 5 of the Zoning and Land Use Code, subject to the following condition: That a note be added on the Site Plan stating, "Future division or development of the remaining land of Gendron & Gendron, Inc. (Deed reference Book 3538, Page 79) shall be subject to additional review and approval by the Lewiston Planning Board." This note will be subject to the City Attorney's review as to compliance with state law.*

VOTED: *5-0-2 (John Racine and Jeffrey Gosselin Abstained).*

After the above motion was made, Gil Arsenault made reference to Lincoln Jeffers correspondence included in the Planning Board packets.

The City needs to make a commitment as to a Performance Guarantee in regards to Gregory Mitchell's statement. It was then asked if Discovery Drive can be looked at as a Public Works project. It was agreed that Bob Faunce's language shall be reviewed by the City Attorney. Mark Paradis said that the City Council has already approved Discovery Drive. This was included in the Wal-Mart process.

Both John Racine and Jeffrey Gosselin rejoined the Planning Board on the remainder of the agenda items.

V. OTHER BUSINESS:

A. *Disposition on the following City-acquired properties: a. 24 Walnut Street; b. 117 Googin Street; 33-67 Stillman Street; 41 Lessard Street; and 64 No Name Pond Road.* City Administrator James Bennett forwarded the above requests to James Andrews, Director of Economic and Community Development for disposition. James Andrews then forwarded these requests to the appropriate City departments to provide recommendations to this Board as to what actions should be taken. These actions will then be forwarded back to the City Administrator for his review and recommendation to the City Council. This is just a recommendation from the Planning Board. Included in the packets was documentation entitled, "Procedures for the acquisition/purchase, sale, transfer or liquidation of land or other real property".

- **24 WALNUT STREET**: This is a 35 x 62' vacant lot, located in the DR District. James Bennett is recommending that this lot be given to the "Lots to Gardens" program, sponsored by SOCHS. Both the Planning & Code Enforcement and Economic & Community Development Departments recommends that if this property is not used by the "Lots to Gardens" program, it will revert back to the City. It was agreed to first notify the abutters before disposing of this property. The following motion was made.

MOTION: *by Roger Lachapelle, seconded by Lucy Bisson that the Planning Board send a recommendation to the City Council to dispose of the City-owned property at 24 Walnut Street by first notifying the abutters to give them first choice and then to otherwise put the property out to bid.*

VOTED: 7-0.

- **117 GOOGIN STREET**: This is a 75 x 100' vacant lot, located in the NCA District. Half of this property is a wetland, making it not developable. Director of Public Services Chris Branch recommends that a 20 foot easement be obtained to maintain an existing sewer line abutting the property. The walkway to Pettingill School could be closed off. The following motion was made.

MOTION: *by John Cole, seconded by Lucy Bisson that the Planning Board send a recommendation to the City Council to approve the sale of the City-owned property at 117 Googin Street provided that this does not interfere with any uses of that property or the adjoining property so school children can get to and from Pettingill School and that a 20 foot easement be obtained to maintain the existing sewer line abutting the property.*

VOTED: 7-0.

- **33-67 STILLMAN STREET**: This is an 145 x 430 vacant lot in the SR District. This property abuts the former Montello Street reservoir. City and the Public Works Department concur that this property be retained until the City is certain the land would not be needed for future water service improvements associated with the former reservoir. The following motion was made.

MOTION: *by Jeffrey Gosselin, seconded by Lucy Bisson that the Planning Board send a recommendation to the City Council to not dispose of the City-owned property at 33-67 Stillman Street.*

VOTED: 7-0.

- ***41 LESSARD STREET:*** This is a 100 x 200' vacant parcel located in the SR District. Lessard Street provides access to the Stetson Brook Mobile Home Park and is not a private or City-accepted street. This lot has no frontage and is not a buildable lot. The following motion was made.

MOTION: by ***Roger Lachapelle***, seconded by ***Lucy Bisson*** that the Planning Board send a recommendation to the City Council to sell the City-owned property at 41 Lessard Street.

VOTED: 6-0-1 (*Jeffrey Gosselin Abstained*).

- ***64 NO NAME POND ROAD:*** This is an old-shaped lot, located in the RA District. There is an abandoned, dilapidated, single-family home on this property. City Departments agree with Chris Branch that this property should be retained due to its proximity to the pond.

MOTION: by ***Jeffrey Gosselin***, seconded by ***Roger Lachapelle*** that the Planning Board send a recommendation to the City Council to retain the property at 64 No Name Pond Road.

VOTED: 7-0.

B. Any other business Planning Board Members may have relating to the duties of the City of Lewiston Planning Board. None.

VI. READING OF THE MINUTES: *Reading of the minutes from the June 16, 2003 Planning Board Meeting.*

The following changes were made by Lucy Bisson: On Page No. 1 under Item IV. Final Hearings: Sub-Item A, second line of title of project, remove the space in the word shown as, "Societ y" to read, "Society". On Page No. 4 under Item V. Public Hearings, Sub-Item B. fifth paragraph, first line, delete the word, "be" and replace it with the word, "to". On Page No. 5, first paragraph, line three, delete the words, "it all into" and replace with the word, "together". Also, in the fourth paragraph, delete the word, "Collins" and replace it throughout that item with the word, "Cowan". Under Sub-Item A on Page No. 5 second line delete the word, "is" and replace it with the word, "it". Also under that same Sub-Item, paragraph three, fourth line place a space after the words, "in-ground" and before the word, "or". The following motion was made.

MOTION: by ***Lucy Bisson***, seconded by ***Roger Lachapelle*** that the Planning Board accept the Planning Board Minutes for June 16, 2003 with the changes and as proposed.

VOTED: 7-0.

"De minimus change" to the Hodgkins Subdivision - Before adjournment, but not mentioned under Item B. above, David Hediger mentioned the Hodgkins Subdivision, which was brought to Staff's attention today, 07/21/2003. There is a "de minimus" change to the Michaud Meadows subdivision. The change is in the lot lines, which are moving. The lot size remains adequate. Staff feels that this plan still needs the Chairmans signature, since it is a recorded document. David Hediger showed the Board the new property line. This item was brought to this Board to keep the Board informed and is part of the streamlining process.

VII. ADJOURNMENT: No action was taken on adjournment, however, this meeting adjourned at 10:00 p.m. The next meeting is scheduled for August 18, 2003.

Respectfully submitted,

Lucy A. Bisson, Planning Board Member and Secretary

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