

**CITY OF LEWISTON
PLANNING BOARD MEETING
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I. ROLL CALL:

This meeting was called to order at 7:09 P.M. and chaired by Harry Milliken.

Members in Attendance: Tom Peters, Denis Theriault, Harold Skelton, Harry Milliken, Lewis Zidle, and Mark Paradis.

Staff Present: Gil Arsenault (filling in for James Lysen), Dan Stevenson, and Doreen Asselin.

Others Present: Jim Andrews, John Bott, and Norm Beauparlant

II. READING OF THE MINUTES:

Minutes of August 18, 1998. Again, **Denis Theriault** stressed the need to get the minutes to him in a timely fashion. He stated that he would like to have them for review by the following Tuesday after the scheduled meeting.

MOTION: by **D. Theriault**, seconded by **H. Skelton** to table the minutes of August 18, 1998 to be placed on file and read at the appropriate time.

VOTE: 6-0.

There was another motion, as follows:

MOTION: by **D. Theriault**, seconded by **H. Skelton** that all further correspondence be sent by the Planning Secretary (**Denis Theriault**)

VOTE: 5-1 (Opposed - **H. Skelton**).

III. CORRESPONDENCE:

Correspondence consisting of the following:

Letter from Performance Technology, Inc. in reference to the proposed Private Court located on Ridge Road (Mapleridge Subdivision) dated 9/1/98.

Information on the Bates Mill Information Event scheduled for 9/9/98 at the Lewiston Middle School.

Revised Site Plan C100 (with a revision date of 9/2/98) and cover letter stating to include a loading dock on the north side of the existing building - F.R. LePage Bakery.

Homeowners's Assistance handout on **Dolard Gendron** - Gendron & Gendron, Inc. -10 Ridge Road (Mapleridge Subdivision).

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MOTION: by **D. Theriault**, seconded by **H. Skelton** to accept the above listed correspondence to be included in the Planning Board packet and place it on file to be read at the appropriate time.

VOTE: 6-0.

IV PUBLIC HEARING:

A. *Proposed Amendment to the Zoning and Land Use Code Concerning Modifications*

This item was presented by **Gil Arsenault**, since **Jim Lysen** was absent from this meeting.

The proposal to amend the modification standards regarding front setbacks and yards has been previously discussed with the Board of Appeals. A petition has been submitted. **H. Skelton** questioned why is this a good idea? This would allow non-conforming uses to continue rather than to come into conformity over time. **T. Peters** questioned revisiting the similar issue again? He stated that he would like to hear from the Board of Appeals on their process.

Bruce Damon - Member of Zoning Board of Appeals - stated that there are rationales for various setbacks. He went on to say that this proposed amendment provides an opportunity to encroach further. It gives property owners a chance to do something. There is a 25-30 percent modification allowed within the code. He stated that a historically significant building downtown should be allowed to rebuild. Code allows for a petition and you will be heard and get a public hearing, but it does not mean that you will prevail. He stated that petitions are a useful mechanism for debate. He feels that the front setbacks should remain. He thinks that there should be some terminology put into code so that it can be allowed for somebody to add on vertically. He also asked if vertical expansion would be allowed if it did not change the size of the building. **Bruce Damon** then stated that with a relaxation of the standards, it would just be making a case to hire attorneys to come in and that it would not be serving the best interests of the city. Encroaching towards sidewalks will stand out would give the wrong message to people coming from out of town. We want to make sure that the overall look is that somebody cares about the feel of the community. The streets need to be able to grow. Ensure that the development will occur in a good fashion.

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Arthur Montana - Also a Member of the Zoning Board of Appeals - stated that some buildings are zoned out and have been left in limbo because they cannot expand vertically. He feels that buildings built prior to the setback change should be able to expand. With variances, ordinances, etc. we do not want to encroach into right-of-ways. This would affect the trends of zoning. Any changes should be changes to meet the needs. This can also affect commercial too. **T. Peters** suggested the footprint of their encroachment should be the only way that they can expand. There should be some leniency on those that encroach.

Don Peterson (Representative from WCBB) - feels that this issue has gotten mixed in the process - WCBB. He stated that there has been significant progress for the last 2-3 years. WCBB chose two facilities in Maine, one being in Bangor and the other in Lewiston. He is asking for an expansion. He would like to increase the appropriateness of multiple buildings and make it more appealing. He does not want to expand any further now, he would just like to go up - vertical. He will have a 2-1/2 x 12 foot jog on the corner of his building, if the proposed changes are not passed. He stated that this would look "stupid". He would like to build the corner of the building in-line with the existing roofline. This would cause him to have an overhang of 14 inches. The ground level would then be 14 inches further out. He would like to have the roofline made into a wall. **H. Skelton** replied that this would be amending the ordinance to the city and that that is not the kind of zoning law we have. **Don Peterson** then asked, how specific does the language have to be to consider? **H. Milliken** mentioned that the changes to in-law apartments was passed and allowed. He then said of the overhang - instead of allowing modifications, allow existing structures to go vertical. This meeting was then turned over to the Board for some direction as to what to do.

T. Peters said that it is obvious that **Don Peterson** is doing all the rights things. Why can't we fashion and add a whole list of criteria to go by on specific projects? Why can't the staff fashion some of that. **T. Peters** said that he is in favor of WCBB staying in Lewiston.

If acted on, the modifications could be granted by 50 percent. The Planning Board could put on limitations. There could be a problem with situations like this, where there isn't anything to give up. More business people would take advantage of this. **H. Milliken** suggested vertical expansion of the existing footprint.

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Bruce Damon mentioned that original modifications were made and passed in July 1998. He feels that issues like this could go to just DRC or Staff, especially where the DRC is public and is held at 8:30 in the morning, thus avoiding the Staff's attendance at late night meetings, such as Planning Board meetings. The DRC or Staff have the ability and authority to act on those issues. **T. Peters** then replied that it is not as routine. The process should be user friendly. This is doing a service to the City. **Pauline Taylor**, Zoning Board of Appeals, asked about the different criteria at the 50 percent mark? **Gil Arsenault** responded that it is different criteria for 30 percent up. With respect to limitations - limit front issues to front issues only. **Gil Arsenault** stated that there is a greater demand for public entities. There is some pressure on WCBB's plans. **Don Peterson** said that he is in a bind. He said that this has been put before the Staff to address a legitimate concern. He said that he is in a timeline, but that this will not stop his project. He also said that he does not want the corner missing from this building. He will consider the process, but needs assistance and direction.

This meeting was then closed to the public. **D. Theriault** questioned whether there is any way legally that we can do this? **Gil Arsenault** responded with yes, it is legal. **H. Skelton** suggested the solution is architectural and to go back to the architect (Platz Associates) to make the existing fit the ordinance. He said that Platz Associates can handle this situation. **Steve Myers** of Platz Associates said they can accommodate architecturally. Also, that there should be an option to expand vertically within the existing footprint (base plan). **H. Skelton** then replied that this would cause people an extra expense to the building (vertical). He said he cannot vote favorably on the project. Need to make the project work. **T. Peters** mentioned grandfathering all those already encroaching. He also said WCBB does not have a problem and that this will be more expensive to be architecturally corrected. This is not going to affect life safety.

Need direction or a motion. - **T. Peters**. This motion then was to forward this discussion back to the Staff with input on modifications within existing footprint from the Board of Appeals and bring back to the next meeting.

MOTION: by **T. Peters**, seconded by **D. Theriault** to table and bring back to the next meeting.

VOTED: 5-1 (Opposed - **H. Skelton**).

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It was decided that the Board of Appeals will review the proposal language on the modification with a recommendation - positive or negative, which will be discussed at the next Board of Appeals meeting, which is scheduled for September 16, 1998..

V. REVIEW OF DEVELOPMENT PROPOSALS - FINAL HEARING

A. *Dolard Gendron - Gendron & Gendron, Inc. - 10 Ridge Road*

The memorandum covering this topic of discussion was read by **Dan Stevenson**.

Arthur Montana, of A.R.C.C. Land Surveyors, Inc. directed this discussion on behalf of Gendron & Gendron, Inc. Gendron & Gendron, Inc., specifically **Dolard Gendron**, has submitted plans for creating a Private Court 300 feet long to service three (3) house lots and to extend the city sewer and water.

Del Gendron is planning on building two (2) houses. He is giving his land to his children and would like to build before winter.

There were concerns on this project by both the Police and Fire Departments. The concern with the Police Department was whether the house lots referred to in this application would be developed in a timely fashion or as another cul-de-sac. The concern with the Fire Department was to provide a 50 foot radius at the outside curblines, instead of a 40 foot and that the minimum road width would be 25 feet, not 18 feet. The concern with the 40 foot turnaround would be the turning of trucks, such as fire trucks. By code, 50 feet is a major and 40 feet is for a minor.

D. Theriault asked if 50 feet would be a problem? **Art Montana** replied that it would not and that he would change this on the plans. The Public Works Department did not have any concerns, but did list some comments, which are: 1) the existing and proposed surface drainage needs to be shown on the plans; 2) the proposed water line services are inadequate, and 3) the developer must install and maintain adequate, permanent erosion control measures around the areas of the project.

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Two inches (2") is the adequate for the waterline, but the Public Works Department said that the waterline must be extended using six inch (6") pipe. **Art Montana** will have **Leo LaRochelle** check on this. Ridge Road is a paper street. Paper streets are in review right now. This is zoned as a NCA. Lot Nos. 57, 58, and 59 will go to **Gendron's** daughter. This packet is bound by the Homeowner's Assoc. document (this was handed out at the Planning Board meeting, which was issued to **Art Montana** earlier in the day). **H. Milliken** would like a motion passed that the Homeowner's Assoc. document be read before approval and said that the Staff has not reviewed it. **T. Peters** stated that the Homeowner's Assoc. document has been submitted to the Secretary of State. **T. Peters** stated that with this packet, it is just lawyers speeding up the process.

This discussion was then opened up to the public for comments. There was only one citizen (**Heidi**), who lives on the other side of the bottom lot. Her concern was for what has been done for erosion. She mentioned that some excavation work has already been done, such as grubbing work. **Gil Arsenault** did mention that there should have been no grubbing work done before this Planning Board meeting or without a building permit. It was determined that **Heidi** would not be impacted and that this project will not cause drainage. This discussion was then turned back to the Board for a motion or a recommendation.

MOTION: by **T. Peters**, seconded by **H. Skelton** to approve the submitted waivers and the final application as applicable to Article 13, Section 4.

VOTED: 6-0.

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After this motion, **H. Milliken** then stressed his concern again on the Homeowner's Assoc. documents that was handed out prior to this meeting. He explained that he is not against this project, but that he needs to review and read through the Homeowner's Assoc. documents before he feels comfortable in voting on this project. **T. Peters** explained that this procedure does not apply to all subdivisions and again it is just a procedure used to speed up the process, since the **Gendron's** would like to put in two (2) houses before the winter season. **D. Theriault** also stated that any further information that is not included in the packet to make the application complete should not be approved, and, furthermore, any correspondence handed out at the Planning Board meeting will not be approved, since it is stated so specifically in their code book. The following is the motion for this item.

H. Milliken abstained, since he would like to review the Homeowner's Assoc. documents.

MOTION: by **D. Theriault**, seconded by **H. Skelton** for final approval on the modifications to the subdivision with respect to the request sent from the Fire Department referencing the size of the street (provide a 50' radius, instead of 40' and minimum road width from 25' to 18').

VOTED: 5-1 (Opposed - **H. Milliken**)

B. *F.R. LePage Bakery - Cedar Street*

The memorandum covering this topic of discussion was read by **Dan Stevenson**.

Stephan G. Myers of Platz Associates directed this discussion on behalf of F.R. LePage Bakery who has submitted plans for the construction of a 12,200 square foot (29x421) addition to the existing 103,575 square foot building.

Stephan Myers went on to describe the existing outline/footprint of the building. There is no problem with drainage, since the drainage will be going to the same places as before. He explained that there is plenty of room to maneuver trucks.

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He explained that in his cover letter and the revised Site Plan C100 (revised September 2, 1998) the project is amended to include a loading dock on the north end of the existing building. The cover letter and revised Site Plan C100 were handed out prior to this meeting. The mylar submitted needs to be signed. According to the waiver submitted by Police Department, they had no concerns with this. As of this meeting, no waivers or comments/concerns were submitted or included in this packet from the Fire Department or the Public Works Department.

However, there was a concern presented as to the use of the Cedar Street side of the building for the loading area as to how it would affect the Fire Department's access to the fire hydrant and the sprinkler system. **Dan Stevenson** will get in touch with the Fire Department for their input and follow up with the findings. The following motion was then made.

MOTION: by **D. Theriault**, seconded by **H. Skelton** that this project be approved with a signature being placed on the mylar, and submission of the waivers from both the Fire Department (concerning turnaround) and the Public Works Department (concerning erosion) stating that they have no concerns/comments to this final application as applicable to Article 13, Section 4.

VOTED: 6-0 (Passed).

VI. OTHER BUSINESS:

A. New Business:

1. *Workshop - Proposed Central Maine Medical Center (CMMC) Heliport*

This meeting was turned over to **John Fields**, who is the Vice President for Central Maine Medical Center.

John Fields introduced Ames Engineering as the firm involved in the design of the heliport pad. **John Fields** also stated that the State of Maine is the only state now in the nation that currently does not have this service. This venture is with Central Maine Medical Center, now named as a Trauma Center, combining efforts with Eastern Maine Medical Center in Bangor, Maine and Maine Medical Center in Portland, Maine. With this venture, there would be helicopter service out of Lewiston and another in Bangor, Maine.

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John Fields then introduced **Dr. Larry Hopperstead**, who is the Chief Surgeon at Central Maine Medical Center. According to **Larry Hopperstead**, he stated that there are approximately 1,000 residents a year, when time is of the essence, who could be using this service in the State of Maine, as a form of rapid transport, instead of motor vehicle transport. He explained that this is not a search and rescue operation. The helicopter would be transporting patients from hospital to hospital and that this would be a state-wide service between Lewiston and Bangor, Maine. This helicopter service, called LifeFlight of Maine, consists of a high speed unit (180 mph). This would be a critical link to the trauma centers. The attending physician would be the person to determine which trauma center the patient would best be serviced by.

John Fields then stated that patients would be dispatched from the hospital location to the trauma center to best service them, therefore, if there were no calls, the helicopter would stay at the landing pad.

D. Theriault questioned the decibel level. **D. Theriault** did state that his wife is the nursing supervisor at St. Mary's Hospital, but that he does not have any financial interest in this hospital. **H. Milliken** did ask **D. Theriault** whether he could make an unbiased decision on this subject. **D. Theriault** responded with "yes", he could make a decision. His concerns were to keep in line with the comprehensive plan and adequate services to the community. Also, during this discussion, **H. Skelton** mentioned that he could not comment on this discussion, since his law firm represents CMMC.

Ames Engineering's representative explained their feasibility study being with one (1) rooftop location and four (4) ground locations. In ground locations, one being in front of the emergency area, the front parking lot, and the parking lot across from High Street. The parking lot across from High Street was determined to be the best location. This is where the patients would be transported from the landing pad across High Street to the emergency room in about 90 seconds. There are some site limitations. This would require some degree of parking lot configuration. The raised landing area is 60' x 60'. This is proposed to be used on a 24-hour basis. There will be amber (low wattage) lighting. After the helicopter shuts down there will be two (2) flood lights. Ramps are proposed to assist the patients from the helicopter. The right-of-way is on High Street. The stretcher will negotiate street crossing. Street crossing is a factor for the rooftop. Trees may need to be negotiated.

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There will be removal of trees or treetops in order to maneuver the helicopter. With this is the proposal for two, new additional crosswalks. There is also a proposal for manually operating traffic lights on High Street.

D. Theriault stated that the helicopter will throw everything all over the place.

H. Milliken questioned if there will be any wind barriers near the location of the heliport? Ames Engineering's representative did mention that there will be rotor wash or wind created (40-50 mph winds) from this. Central Maine Medical Center will be responsible for keeping the heliport pad clean.

John Fields mentioned that at the next scheduled Planning Board meeting the helicopter pilot will be present to address any concerns and to answer questions.

Ames Engineering proceeded on with this discussion. He stated that the hover type landing is from 12-15 feet. There will be no vehicular traffic across the pad. The wind velocity will be presented at the next meeting with the helicopter pilot being present.

The primary approach of the helicopter to Central Maine Medical Center (CMMC) will be on the northside by flying along the river and railroad tracks, which would minimize flight time over populated areas. This is a good safety approach. The helicopter will not be flying in bad weather. The pilot will have the final say on weather determination to safely complete a mission.

D. Theriault questioned what would happen if there was a power failure on the helicopter, due to the tight, compact sight? He also questioned what are the provisions to get the aircraft out of sight? This is FAA certified and will be going by the FAA guidelines.

It was also stated that the critical phase is in take-off and landing.

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D. Theriault questioned regulations on parking and obstructions in the heliport area. **John Fields**, the Vice President of CMMC, went on to say that there is a wide enough safety zone. Ames Engineering also mentioned that it will be necessary to remove one (1) tree, then the safety zone will be free of obstructions. The area will be landscaped to compensate for the loss of this tree.

John Fields also mentioned that a Request For Proposal went out to ten (10) vendors in the country who had been in business for five (5) years. Keystone Helicopter Service has been hired. They lease helicopters directly and supply the pilots to operate the helicopters.

D. Theriault mentioned that he would like a demonstration of a landing. **John Fields**, Vice President of CMMC, said that the demonstration would be unlikely because it would not give a true impression of the impact of flights because the landing pad has not yet been constructed.

This meeting was then turned to the public. Only two citizens (**Dave** and **Bob Gauvin**) spoke against this project. They are both brothers, one resides in Lewiston, and are landlords with over 30 units. **Dave Gauvin** is a resident of Brewer, Maine. His concerns were with noise levels and that the safety issues can be very dangerous. He stated that he will not be able to keep tenants in his apartments. He stated that there have been no provisions to break sounds (sound barriers like what are used at some airports). He was concerned with the Planning Division, since he never received a notice of a public hearing. **H. Milliken** responded that he should keep in touch with staff, such as **Gil Arsenault** of Code Enforcement. **H. Milliken** also responded that this is only a workshop session and that is the reason for not receiving a notice.

Dave Gauvin also mentioned that in the CMMC bulletin, it states that this is a "done deal" and that is why he is looking to staff for some direction.

Bob Gauvin questioned, "has the hospital received a Certificate of Need to do this?" **John Fields** responded with "no". **Bob Gauvin** said that his tenants will leave and he will then be put out of business.

D. Theriault then stated that this is specifically listed as a permitted use in this zone.

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Gil Arsenault said this is an accessory use and it is customary with medical facilities across the nation. Staff will be preparing to make a presentation on this issue for the next scheduled Planning Board meeting, which is scheduled for Tuesday, September 22, 1998. **H. Milliken** responded that he respects **Gil Arsenault's** above opinion.

There are two (2) issues - one is to clarify the zoning issue and the other is a site plan. Look at other zoned areas in definition. **Gil Arsenault** will speak to the City Attorney. He replied that there may be case law associated with this issue. **H. Milliken** stated that he respect's **Gil Arsenault's** opinion not only on this issue, but just about any issue.

2. *Recommendation to the City Council on the Sale of Property at 148 Bartlett Street*

This discussion was presented by **Jim Andrews**. He mentioned that the above property has gone through foreclosure (Ste. Croix Regional Federal Credit Union). This property has been earmarked for acquisition and demolition. The City, if purchasing, would absorb the taxes owed, would be responsible for the cost of demolition, and for the removal of the asbestos siding. He is recommending to the City of Lewiston to purchase this property. The Housing Opportunity Zone is part of the plan and process. **H. Milliken** recommended that **Jim Andrews** research a type of plan of purchasing the property. He said he needed direction before spending taxpayers money. He stated that there are 30 days to respond. Hopefully he would get a response. **T. Peters** then mentioned there was a similar issue at the last Planning Board meeting, which went in the same direction. **T. Peters** said that the City should not buy a plan without a plan.

MOTION: by **D. Theriault**, seconded by **H. Skelton** to table the request for application.

VOTED: 6-0 (Passed).

3. *Request for Subdivision Review - Fireslate Place Subdivision - Hamel Road*

This discussion was presented by **Norm Beuparlant**. This is a request for a subdivision review by the Planning Board. A substantial amount of tires were removed. He requests help in determining what is needed to be done.

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Harold Skelton then dismissed himself from this meeting at 10:30 p.m.

The Staff needs to review the individual lots that stand alone to make sure they meet individual lot size. There may be some issues on the rear setbacks. **Gil Arsenault** replied that there are a number of issues at hand. Lot No. 4 has 55 feet of frontage. Used for parking. Parking is not a permitted use and you could not put a building on that strip of land. You cannot subdivide it and make it a non-conforming use.

D. Theriault questioned whether part of sale was cleaned up by the DEP? He is looking for a letter from the DEP confirming that it is fine. In the letter he needs to know what hazard was adequately addressed and where is the letter. He mentioned that you only need the letter to protect themselves. Norm Beauparlant will provide a letter from the DEP.

4. *Empowerment Zone/Enterprise Community (EZ/EC) - Presentation of Preliminary Recommendation from Sub-committees*

The rest of this Agenda, including Item No. 4 above, will need to be presented at the next Planning Board meeting, which is scheduled for September 22, 1998.

This item was to be presented by **John Bott**. He briefly mentioned that if the City's application process to become a federal Empowerment Zone was approved, the City would net \$40 million in over ten (10) year and that this application is due on October 9, 1998.

B. Old Business:

1. *Proposed Amendment to the Zoning and Land Use Code Concerning Stormwater Management and Erosion Sedimentation Control*

To be discussed at the next scheduled Planning Board meeting.

2. *Comprehensive Plan Update:*

To be discussed at the next scheduled Planning Board meeting.

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It was also brought up as to the recommendation of the Lewiston Parking Study. This was only a Draft Study presented at the last Planning Board meeting held on 8/18/98. Awaiting comments back from the Lewiston Police Department to make a recommendation on the Final Draft before it goes to the City Council. The Board is waiting for a Final Draft.

V. ADJOURNMENT:

This Planning Board meeting adjourned at 10:50 P.M.

MOTION: by **D. Theriault**, seconded by **L. Zidle** to adjourn this meeting.

VOTED: 5-0 (Skelton dismissed earlier).

Respectfully submitted,

Denis Theriault
Secretary

DMA:dma

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