

CITY OF LEWISTON  
PLANNING BOARD MEETING  
MINUTES for February 13, 2012

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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, Lucy Bisson, chaired the meeting.

II. **Members in Attendance:** Lucy Bisson, Bruce Damon, Kevin Morissette, Paul Robinson and Walter Hill

**Members Absent:** Trinh Burpee and Eric Potvin

**Associate Member Present:** Michael Marcotte and Sandra Marquis

**Staff Present:** David Hediger, City Planner, Gil Arsenault, Director of Planning & Code and Cathy Lekberg, Administrative Assistant, Economic & Community Development

III. **ADJUSTMENT TO THE AGENDA:** None

IV. **CORRESPONDENCE:** Two emails from Peter Poulin and one email from Tom Robustelli.

**MOTION:** by **Bruce Damon** to accept emails from Peter Poulin and Tom Robustelli. Second by **Sandra Marquis**.

**VOTED:** 7-0 (**Passed**).

Michael Marcotte and Sandra Marquis were appointed full members for this meeting.

V. **PUBLIC HEARINGS:**

a. Consider an application submitted by J & S Oil Company, Inc. for the construction of a gas station, convenience store, and manual and automatic car wash facility at 1075-1103 Lisbon Street.

David Hediger read staff comments to the Board.

David Latulippe stated he represented J & S Oil Company and explained that they are planning on constructing a gas station, convenience store and a manual and automatic car wash at the lots located at 1075-1103 Lisbon Street. He also introduced Jim Coffin and stated if the Board had any questions regarding the site plan, Jim would be able to answer any questions they had.

David Latulippe stated that their neighbors, Peter and Susan Poulin who own the office building adjacent to this property had some issues with the entering and exiting of their building. He also stated that the Poulins have requested some vegetation included on the plan to help buffer the large hill that abuts

their property and they have incorporated that into their plan to accommodate them.

David Latulippe stated that Tom Robustelli, another neighbor expressed concerns regarding the entering and exiting at this location. He explained that given the peak hour trips of the convenience store and carwash and the exit only location of the automatic carwash, traffic conditions should not be made worse for the neighbors. David explained traffic from the carwash is somewhat self-regulated by the wash cycle for vehicles.

Michael asked if there would be an increase in traffic in this area or is the traffic already existing and David Latulippe stated there may be a slight increase of traffic.

Bruce asked about the combined sewer overflow and if something would be done about this and David Latulippe stated the site has two catch basins and they will be capping those off so no additional flow goes into the CSO.

Sandy asked about the dog wash and how this worked and David Latulippe stated it was a large area where small and larger dogs could be easily washed.

Paul asked if any of the existing buildings would remain and David Latulippe stated that all existing buildings would be removed and new structures would be constructed. Paul asked about snow removal and David Latulippe stated they would plow it to a certain area and have it hauled off if too much snow accumulates.

Paul asked about the hours of operation and would that affect the CPA office next door, David Latulippe stated it would not.

Paul asked if they plan to have a restaurant inside the convenience store and David Latulippe stated they plan on having an Amatos inside the convenience store but there would be no drive-thru and that people would have to enter the store to order food.

Bruce stated that the McDonald's down the road had a right turn only onto Lisbon Street. He asked if this should be required at the site. David Hediger stated that the right turn only was already existing and it had been discussed with J & S Oil and found it not to be necessary given the main exit was at a signalized intersection.

Kevin asked about the tanker trucks and where they would enter and exit. David Latulippe stated there that they would enter through the main entrance, Martin Drive would not be used.

Paul asked if the car wash tunnel would be manned and David Latulippe stated yes.

Lucy commented that there were many gas station and car washes on this street and asked if this would make the older stores go under and David Hediger stated he did not know.

Bruce asked if there would be any changes to the number of lanes and also would there be restriping in that area and David Hediger stated no but signal heads would be added to control the main access to the site.

Lucy suggested for the automatic car wash exit to have an arrow pointing to the right to the signaled access instead of one going straight to Lisbon Street and David Latulippe stated he agreed that providing vehicular direction to the public was important.

Lucy opened the item to the public and there were no comments.  
Lucy closed the item to the public.

Kevin stated that he thought this was a good project but there were already four gas stations and a car wash on that street. He questioned whether or not they need another gas station in this area.

Michael asked if there would be any TIF money used for this project and David Latulippe stated this was privately funded and taxes will be paid on this property.

Paul agreed with Kevin that there were many gas stations and a car wash on this street but he stated the market will sort that out and that there will be a lot of competition.

The following motion was made:

**MOTION:** by **Bruce Damon** to find that the application meets all of the necessary criteria contained in the Zoning and Land Use Code, including Article XIII, Sections 4 and 15 of the Zoning and Land Use Code and to grant approval to J & S Oil Company, LLC for the construction of a gas station, convenience store, and manual and automatic car wash facility at 1075-1103 Lisbon Street subject to any concerns raised by the Planning Board or staff and including the following conditions:

1. No certificate of occupancy is issued for this development until written verification has been provided by the applicants traffic engineer that all traffic related improvement have been completed in accordance with the developments traffic movement permit.
2. No certificate of occupancy is issued for this development until written verification by a professional engineer is provided to the city that all storm water improvements have been completed in accordance with the approved plan.

3. No certificates of occupancy be issued for this development until a performance guarantee be provided to the city's satisfaction in accordance with Article XIII, Section 15(e)(3) of the Zoning and Land Use Code.
4. Weekly erosion control inspections and reports must be provided to the city during development of the site

Second by **Sandy Marquis**.

**VOTED: 7-0 (Passed)**

- b. To provide a recommendation to the City Council on the FY 2013 Lewiston Capital Improvement Program as per Article VII, Section 4(e) of the Zoning and Land Use Code of the City of Lewiston.

Heather Hunter stated that she does not have a presentation for the Board because this has been done already, at the Joint Council Meeting, with the Finance Committee and Planning Board. She stated she would be happy to entertain any questions from the Board members.

Bruce commented that he was glad to see the School Committee was participating in the LCIP this year. He stated they have not been providing us with a total look at what was happening as far as the City was concerned. He stated there were a couple of items that were skeptical. The one that he had the biggest problem with is the big vehicle truck wash. He stated there are a limited number of big vehicles and buses to wash and to try and divide this between Auburn and Lewiston would be difficult. He stated this would better be served in the private sector.

Heather stated this is actually being proposed as part of the Transit Committee request and they are looking at having a local match as there is about a half a million dollars of federal funds to build the facility. She stated use of the facility would include the Transit Committee, Lewiston Public Works, Auburn Public Works, Auburn Water District, Water Pollution Control Authority will have the ability to utilize this facility. She stated the issue now is when washing the trucks off there is a EPA regulation that the City is not exactly following This will bring us in compliance with that regulation.

Michael asked if the amount for the vehicle wash station is \$100,000 and Heather stated that the vehicle wash facility on Page 9, it is half a million dollars for federal/state, \$62,000 for Auburn's match and \$62,500 for Lewiston's match. Michael stated we should be taking advantages of matching wherever we can and that goes for the School Department as well. He stated he agreed that the School Department should participate in the LCIP process but he hopes that does not mean they are going to rely on the Lewiston taxpayers to fund those large projects.

The following motion was made:

**MOTION:** by **Sandy Marquis** pursuant to Article VII, Section 4(e) of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration the adoption of the FY 2013 Lewiston Capital Improvement

Program, subject to any concerns raised by the Planning Board or staff. Second by **Walter Hill**.

**VOTED: 7-0 (Passed)**

- c. To provide a recommendation to the City Council on a proposed amendment to the in-law apartment standards per Article II, Section 2 and XII, Section 11 of the Zoning and Land Use Code of the City of Lewiston. Said proposed amendment specifies a maximum square footage allowed and provides additional performance standards.

Lucy stated that she had a minor change to the language in Section 11, #1 in-law should have apartments after like all of the other language.

Michael asked if there was a provision for having two in-law apartments for one property and David stated that could not be done; that would create a multifamily dwelling be definition. Mike asked who would be policing this and Gil stated that it is on the honor system and that is why the recordation provision is critical.

Bruce stated that there should be a provision for abandoning an in-law apartment and the apartment should be removed if nobody is living there. Gil stated that if it is not used for an in-law apartment, it should be used as part of the single family home.

The following motion was made:

**MOTION:** by **Walter Hill** pursuant to Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration a proposal to amend the in-law apartment standards found in Article II, Definitions, Section 2, and Article XII, Performance Standards, Section 11 of the Zoning and Land Use Code of the City of Lewiston. Second by **Paul Robinson**.

**VOTED: 6-1 (Passed)**  
**Opposed – Michael Marcotte**

Michael stated that we should not be regulating this aspect of family life especially when there is so many variables going on in the community and economy right now and no one is policing it. Gil asked Michael if he was suggesting we just go ahead and allow two family dwellings. We make it difficult to do two family dwellings. Michael stated he knows of one residence in Lewiston and he is sure it is happening everywhere where violations exist.

- d. To provide a recommendation to the City Council on a proposed amendment pertaining to performance standards for community gardens per Article II, Section 2 and XII, Section 4 of the Zoning and Land Use Code of the City of Lewiston.

Lucy stated she had a question on No. 10 of the language. It says it shall be the responsibility of the property owner that uses a lot or a portion thereof as

a community garden that meets the above-referenced performance standards; what if it is a City lot? David stated that the City would draft a lease agreement for the community garden on, like that on Knox Street, and that is the time where the organization needs to hold someone responsible for the garden. David stated that instead of putting in language specific for the City, he attempted to address it to any property that potentially is leased to someone or the City leasing it to someone.

Lucy stated that she would like have a permit issued to anyone who wants to create a public garden. She stated it does not have to have a fee associated with it and at least someone could be contacted if there was a problem with the lot. Gil stated that a use permit is required when creating a public garden and this would be their permit and language can be added to make that clear. Bruce stated that rules and regulations should be attached to this permit for the person to abide by.

The following motion was made:

**MOTION:** by **Bruce Damon** pursuant to Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration a proposal to amend Article II, Definitions, Section 2; Article XI, District Regulations, Sections 5, 9, 13, 17; and Article XII, Performance Standards, Section 4 of the Zoning and Land Use Code of the City of Lewiston to allow community gardens to be located in any zoning district with the exception of the Resource Conservation district and to establish performance standards regulating said use.  
Second by **Sandy Marquis**.

**VOTED:** **6-1 (Passed)**  
**Opposed – Michael Marcotte**

Michael stated he still had financial heartburn from the tomato park on Pine Street

**VI. OTHER BUSINESS:**

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

Lucy asked about the zoning matrix and David stated that he has not worked on it since he passed out the draft matrix. Lucy stated this item would have to be discussed at a later meeting.

Bruce asked about DEP and if Lewiston/Auburn were going to have their delegated authority revoked and David stated that was wrong. David explained why.

Bruce asked if the Turnpike Authority has purchased the Chalet Motel and David stated yes. David stated he spoke to them today and they are ready to

demolish the whole building. He stated they will bring them through the Staff Review Committee because it is not necessarily a major project because all they are doing is knocking the building down and they have not decided whether they will loam and seed or pave over the area. They are working on a site plan to restripe it and put new surface lighting out there. He stated he told them he does want info with respect to traffic because making lefts in and out there is not going to be a good situation. He stated they are not proposing any improvements at this point with respect to traffic. He stated it would come before the Board if it requires a traffic movement permit. Gil stated we will not go to the Planning Board for minor project but if this is something that the Board would like to weigh in on we could bring it before the Board.

Bruce stated that the park and ride parking lot is crowded. The whole reconfiguration of Exit 80 is been proposed but none of that has actually come forward yet and we talked about the larger of the two parking lot rides will have to be relocated, moved or removed. It is great there is going to be a new lot it is just unfortunate it is not a little bit more proximate to the exit. He stated he does not know how if you are on Alfred Plourde Parkway you ever going to be able to get to that location without creating a tremendous amount of criss crossing traffic across from Gendron's Mobil.

Bruce stated that every street project in Lewiston should come before the Planning Board and he stated he would like to make a motion to this.

The following motion was made:

**MOTION:** by **Sandy Marquis** requiring the MTA site improvements proposed for the Chalet property receive development review approval from the Planning Board. Second by **Michael Marcotte**.  
**VOTED:** 7-0 (Passed)

**MOTION:** by **Bruce Damon** to discuss at a joint workshop with Auburn Planning Board whether the Planning Board should adopt a City policy to review all street projects in Lewiston. Second by **Walter Hill**.  
**VOTED:** 7-0 (Passed)

**VII. READING OF MINUTES:** Adoption of the January 23, 2012 Planning Board Minutes.

The following motion was made:

**MOTION:** by **Bruce Damon** to accept the January 23, 2012 Planning Board Minutes as presented. Second by **Kevin Morissette**.  
**VOTED:** 7-0 (Passed)

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

**MOTION:** by **Paul Robinson** that this meeting adjourns at 7:20 p.m. Second  
by **Walter Hill**.

**VOTED:** 7-0 (Passed).

The next regularly scheduled meeting is for Monday, February 27, 2012 at  
5:30 p.m.

Respectfully Submitted:

*Paul Robinson* *ell*

Paul Robinson, Secretary