

CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for September 10, 2012

- 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.

Members in Attendance: Lucy Bisson, Bruce Damon, Kevin Morissette, Trinh Burpee, and Paul Robinson

Members Absent: Eric Potvin and Walter Hill

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

Lucy appointed Sandra Marquis as full voting member for this meeting.

- II. **ADJUSTMENT TO THE AGENDA:** Repeal of Article XIII, Section 14. Additional standards for large-scale retail development.

The following motion was made:

MOTION: by **Trinh Burpee** to accept the addition of the Repeal of Article XIII, Section 14. Additional standards for large scale retail development.
Second by **Sandra Marquis**.

VOTED: 5-0 (Passed)

- III. **CORRESPONDENCE:** None

- IV. **PUBLIC HEARINGS:**

An application submitted by Sebago Technics, Inc. on behalf of Cumberland Farms, LLC to consider an application. to construct a 4,513 s.f. convenience store with four fuel dispensers at 753-793 Sabattus Street.

David read staff comments to the Board.

Chris Branch of Sebago Technics, Inc. explained the project and showed the Board renderings and photographs of the existing Cumberland Farms and the new store to be constructed.

He told the Board that one of the storm drains would have to be changed to a 10" pipe instead of 8" like the others.

Lucy asked if the old gas pumps would be removed and Chris stated they are required to remove them if they abandon the site.

Bruce asked if the drainage from the site would be to the Garcelon bog and Chris showed him on the site plan where it would be directed, ultimately draining into the bog.

Bruce asked if the overhead power would be underground and Chris said yes. Bruce also asked if there would be street trees and would there be an issue with sight lines and Chris stated there would be trees and there would be no issue.

Bruce asked what the speed limit is in that area and Chris said 35 mph. He asked about gas deliveries and would that impact traffic circulation and Chris said that the deliveries will be done when there is less traffic, probably at night.

Trinh asked if the convenience store deliveries would be on a daily or weekly basis and Chris said they would be twice a week usually between 1:00 and 3:00 p.m. in the afternoon.

Paul Robinson and Michael Marcotte arrived at the meeting at 5:55 p.m.

Lucy appointed Michael as a full voting member.

Kevin asked about signage and David stated that sign area has been reduced and meets their ordinance requirements but it also must meet DOT's requirements. The applicant is working with DOT to have the signs location approved.

Michael asked how many buildings were going to be torn down and Chris said there would be four.

Bruce asked what would happen to the existing building and Chris said it probably would be sold. He did not know if the building would be torn down.

Public Comment – None

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 IX, Section 3(9) and (10) and Article XIII, Section 4 of the Zoning and Land Use Code and to grant approval to Cumberland Farms, Inc. to construct a 4,513 s.f. convenience store with four fuel dispensers at 753-793 Sabattus Street subject to the following conditions noted in the plan:

1. 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.
2. No building permit be issued until revised site plans have been provided noting the following:
 - Sheet 3 is revised to show a 6' high vinyl fence to be installed along the easterly property line from Sabattus

Street to the proposed dumpster location and retaining wall.

- Sheet 5 is revised with SD1, SD2, SD3 and SD4 to be 8" diameter pipes. SD5 to be increased to 10".
3. Fuel deliveries from the west shall be restricted from entering the site using Wildwood Drive entrance due to the insufficient curb radius at Sabattus Street and Wildwood Drive.
 4. Fuel tanker trucks shall be restricted from making deliveries during the AM and PM peak traffic hours. These restricted times are from 6:30 AM to 8:30 AM and 4:30 PM to 6:30 PM.

Second by **Sandra Marquis**.

VOTED: 6-0-1 (Passed)
Michael Marcotte Abstained

V. OTHER BUSINESS:

- a) De minimis change request: Greyhound Service at J&S Oil, 1103 Lisbon Street.

David read staff comments to the Board.

David Latulippe stated that Greyhound Bus Service came to J&S and requested to have buses leave from their business because they wanted to be closer to the turnpike. He stated that it would be a fairly low increase in traffic.

Paul stated at first he was concerned about the traffic impact, but spoke with David Hediger about the details and is less concerned.

Trinh asked if the entrances would be impacted by these buses coming in and out and David Latulippe stated it will not cause a problem. David Hediger explained to the Board how the buses would maneuver through the site.

Trinh asked if there would be a ticket box and David Latulippe stated it would be in the convenience store purchased through the clerk.

Kevin asked about overnight parking for bus passengers and David Latulippe stated passengers would have to be dropped off and there would be no overnight parking.

Bruce said his opinion was that this was poor public policy to allow this. He knows that he cannot stop this from happening but thought it was self-serving for the Greyhound Bus Service. David Hediger stated that he did not disagree with Bruce but stated that Greyhound has been talking about this for about a year and they are trying to reduce their costs by relocating from the Oak Street bus station where they currently pay rent.

Paul asked what the legal relationship was between J & S Oil and Greyhound and David Latulippe stated that J & S Oil is Greyhound's agent.

Michael agreed with Bruce and asked if any neighbors were notified and David Hediger stated because it was a de minimis change, they did not need to notify abutters, but if the board desired a public meeting could be scheduled. Michael suggested moving Greyhound to the Chalet/MTA park and ride lot. Lucy stated there was no building there for shelter.

Trinh asked if the bus schedule was set or could this change and David Latulippe stated it may change slightly. Trinh said she was concerned about Martin Drive and the neighbors being disturbed late at night.

Paul asked if Greyhound would leave Lewiston if this does not happen and David Latulippe stated he could not answer that for Greyhound.

Michael asked if J & S Oil is a 24 hours station and David Latulippe stated they close around 10:00 or 11:00 p.m.

Kevin asked if the zoning districts allows this and David Hediger stated yes.

Sandra asked if Greyhound has a contract to be at the parking garage and Lucy stated she believes their lease will be up soon and that is why they want to move.

Public Comment - None

The following motion was made:

MOTION: by **Paul Robinson** to find that the request of J & S Oil Company, LLC to amend the traffic movement permit (TMP) for their gas station, convenience store, and manual and automatic car wash facility at 1103 Lisbon Street to include Greyhound bus service as a de minimis change pursuant to Article XIII, Section 3(k) of the Zoning and Land Use Code and that an amended TMP be issued. Second by **Trinh Burpee**.

VOTED: **4-1-2 (Passed)**
Abstained – Kevin Morrisette and Bruce Damon
Opposed – Michael Marcotte

b) Discussion regarding recreation/open space district.

There was some concern with Board members that this was being presented while the City is looking to update its comprehensive plan. David explained administration asked staff to draft a new district in-part to support efforts and recommendations of the Riverfront Master Plan.

The Board decided to table this item until a workshop is scheduled for further discussion, requesting a list and map of parks and properties that may be considered

Paul Robinson left the meeting at 6:45 p.m.

- c) Repeal of Article XIII, Section 14. Additional standards for large-scale retail development.

Lincoln Jeffers explained that state law has changed in that communities no longer have to regulate the economic impacts of large scale retail development. When the law was initially approved, the City adopted language to make that review process less onerous. Now that the state law no longer applies, staff is looking to remove the existing local regulations in effort to assist developers who want to develop in Lewiston.

The following motion was made:

MOTION: by **Bruce Damon** to initiate a public hearing to repeal Article XIII, Section 14. Additional standards for large-scale retail development. Second by **Trinh Burpee**.

VOTED: 6-0 (Passed)

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

Michael asked who was paying for the trees that were taken down at Pettingil School and should that have gone before the Planning Board. David stated that it did not have to. Bruce said it should have gone before the Forestry Committee and Gil stated he would bring that up to Ed Barrett.

David stated that the RFP for the Comprehensive Plan went out today. He told the Board to keep in mind that the Planning Board can serve on the selection committee but told them that these meetings would be during the day if they were interested in serving.

Michael stated that three members of the planning board will be on that committee.

VI. READING OF MINUTES: Adoption of the August 27, 2012 Planning Board Minutes.

The following motion was made:

MOTION: by **Bruce Damon** to accept the August 27, 2012 Planning Board Minutes as presented. Second by **Sandra Marquis**.

VOTED: 5-0-1 (Passed)
Michael Marcotte Abstained

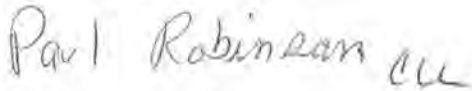
VII. ADJOURNMENT: The following motion was made to adjourn.

MOTION: by **Kevin Morissette** that this meeting adjourns at 7:30 p.m.
Second by **Bruce Damon**.

VOTED: **6-0 (Passed).**

The next regularly scheduled meeting is for Monday, September 24, 2012 at 5:30 p.m.

Respectfully Submitted:

A handwritten signature in cursive script that reads "Paul Robinson" followed by a stylized flourish.

Paul Robinson, Secretary