

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

AUGUSTA PLANNING BOARD MEETING

TUESDAY, JANUARY 8, 2013
AUGUSTA, MAINE

Proceedings of the Augusta Planning Board Meeting held
Tuesday, January 8, 2013, Augusta, Maine.

PROCEEDINGS

1
2 CHAIRMAN VOSE: I would like to welcome you all to
3 tonight's meeting. There will be a sign-up sheet going around
4 if you would like to sign in as well as a sheet at the podium
5 if you would like to receive a written copy of any decisions
6 made tonight. If you could all please take a moment either
7 turn off or silence your phones so we can avoid any
8 interruptions. The format tonight will be a public hearing.
9 If you speak could you please introduce yourself, address the
10 Board and be respectful. First we will hear from the City
11 staff then by the applicant. Those in favor, those against,
12 those not for nor against, and the applicant will have the
13 final say. At that point no further testimony will be heard
14 unless asked for. At this point we will start things off. The
15 first item on the agenda is Matt our city planner.

16 MATT NAZAR: And I'm going to turn it right back over to
17 you folks. First item on the agenda is -- first item on the
18 agenda is the election of 2013 Planning Board Chair, Vice Chair
19 and Secretary. And that is for you --

20 CHAIRMAN VOSE: --not in any particular order.

21 MATT: Excuse me?

22 CHAIRMAN VOSE: Do we start in any particular order?

23 MATT: No. It is completely up to you as to how you
24 guys nominate.

25 MALE SPEAKER: For Chair.

1 CHAIRMAN VOSE: No we move to the next item on the agenda
2 please.

3 MATT: Absolutely. The next item on the Planning Board's
4 agenda is item number 6. It is a public hearing. It's a major
5 development application of C.N. Brown Company to construct a
6 5100 square foot building that includes a convenience store, a
7 restaurant with drive-thru, and heating oil sales and delivery
8 office. It's 13 retail fueling pumps are also proposed. And
9 it's Assessor's Map 49, Lots 1 and 3 located off Riverside
10 Drive in the planned development or PD zoning district. You
11 see the site plan before you on, on the, on the screen. There
12 is a staff review that was completed for this application. It
13 is a, a major development. It is under review obviously for,
14 for site plan review or major development review. There is one
15 staff area of concern that is mentioned in the staff review
16 that's on the landscaping plan. There was a recommendation to
17 revise the buffer yard within 35 - within the 35 foot setback
18 to include at least seven evergreen or canopy trees in
19 accordance with the land use ordinance and for clarity that is
20 in this portion of, of the, of the site right on the front of
21 the site adjacent to Riverside Drive. It is a proposal as you
22 can see for a set of, of fueling islands up front or a fueling
23 station up front with a canopy covering this fueling island.
24 In addition to that there is a proposed convenience store with
25 a drive-thru - the drive-thru is at the southern side of the

1 building with a, a cuing lane that wraps around the building
2 and provides enough cuing of space on site so that it would
3 not, you know, should not interfere with offsite traffic flow.
4 It, it certainly meets the ordinance requirements with respect
5 to that. There is also another fueling island with canopy
6 here. I believe that that is diesel pumps and there is
7 additional parking and obviously site modifications that occur
8 all the way around the property in order to allow this
9 particular use to, to occur. The change - you certainly - I
10 would recommend that you have a conversation with the city
11 engineer with regard to this. There is a DOT traffic movement
12 permit that was required as a result of this application and
13 that was also in consultation with city engineer Lionel Cayer
14 and he could certainly talk to you about traffic issues. With
15 respect to, with respect to the site itself, just, just so
16 everybody is clear what the applicant is proposing to do is to
17 tear down the existing building and construct a new building.
18 They have provided, they have provided a, a rendering of the
19 elevation view of the building - of an elevation view of the
20 building. The top view that you see would be a view of the
21 front of the building. The middle view is a view of the back
22 of the building and the bottom view that you see there is a
23 view of the south side of the building with that little bump-
24 out area being the drive-thru window that folks would be, would
25 be accessing. So that is the, the basic architecture of the

1 building that the applicant is proposing to, to create. The
2 applicant is proposing buffering in accordance with the
3 ordinance with the exception of a conversation as I said about
4 the front buffer and I know that the applicant has more to say
5 about that front buffer when they come up and speak. With
6 respect to, with respect to water supply this is going to be
7 connected to the public water and also be connected to public
8 waste water. The storm drainage system the city engineer has
9 taken a look at. He believes is adequate that is being
10 proposed. With regard to resource protection and the
11 environment, all of the areas that the ordinance discusses with
12 regard to sensitive areas, air quality, water quality, sewage
13 and industrial waste and (inaudible) wetland, the applicant
14 meets the standards of the ordinance with respect to those.
15 With respect to performance standards, there may be some
16 question with regard to noise and I would recommend that, that
17 the, that the Planning Board has some conversation with
18 applicant about hours of operation with respect to that, that
19 particular issue. With regard to exterior lighting, the
20 lighting does meet the standards of the ordinance. They also
21 cutoff fixtures that the applicant is recommending - is
22 proposing around the exterior of the property. There is of
23 course canopy - under canopy lighting that is being proposed
24 and the lighting plan that the applicant has provided shows
25 that the under canopy lighting is in the 30, mid-30 lumens at

1 ground level which is the same basic level that the Planning
2 Board was looking at for the R.H. Foster property when you
3 folks approved that a number of years' back over at the
4 intersection of Coney Road and Eastern Avenue - has not been
5 built but we did a lot of research at that time as staff to try
6 and take a look at light levels underneath canopies and trying
7 to ensure that those weren't overly bright. It is still going
8 to be relatively bright underneath the canopy but it, it is
9 what is considered to be a, a moderate, a moderately low level
10 for your typical under canopy for gas - for fueling island
11 where you need to have folks being able to see what they're
12 doing with regard to, with regard to fuel pumps. And I don't
13 believe that there are actually any other items that I would
14 like to, to a - well actually let me talk one last item with
15 regard to signage. The applicant has not proposed what their
16 freestanding sign or has not indicated what their freestanding
17 sign will look like but they have indicated what they're,
18 they're wall signs would likely be, they haven't indicated who
19 they're going to be but in this particular drawing that is on
20 the screen right now, you can certainly see where they've
21 proposed tenant signage here and on this side as well proposed
22 tenant signage here so with respect to that they've given you
23 some idea of what the architecture of the building is going to
24 look like and how the signs are going to fit in with the
25 building itself. With regard to, with regard to a freestanding

1 sign, the applicant will obviously have to meet the standards
2 of the ordinance and the plan development district and
3 undoubtedly we'll see an application for that at some point in
4 the future. That will not come before the Planning Board but
5 would be presented directly to the code enforcement office.

6 CHAIRMAN VOSE: Okay. Any questions for Matt? I see
7 none. At this time I'd like to invite the applicant up.

8 TOM SAUCIER: Good evening. My name's Tom Saucier. I'm
9 the president of Site Design Associates, a consulting firm out
10 of Topsham, Maine and I put this application together for C.N.
11 Brown Company. Kevin Moore from C.N. Brown is here with me
12 tonight to field anything that I can't answer hopefully. This
13 is kind of a new system for me so I'm going to be a little slow
14 at it, but this is a plan of the overall property that's out
15 there right now. The development will take - I don't know if I
16 can use a laser pointer or just us

17 MATT: You can't use a laser pointer unfortunately, you'll
18 have to use the mouse.

19 TOM SAUCIER: As a 8.9 acre parcel located at 362
20 Riverside Drive, it's bounded by the Kennebec River to the
21 west, 201 to the east, and residential property to the north
22 and south. The majority of the site right now is undeveloped.
23 The development that we are proposing will take place primarily
24 in those areas that are currently developed which is the front
25 part here that's shaded in gray on Mike's plan. The property

1 is located in the PD or planned development district where the
2 uses we are proposed are permitted. Currently they have
3 heating oil sales office, a heating oil refueling delivery
4 fill-up system there, and a diesel pump that's open to the
5 public at this time. It's a key (inaudible) diesel pump so you
6 have to have keys to access it. There's three drives, three
7 drives on the site right now there's a 35 foot drive on the
8 south, southerly front edge the central frontage of 45 foot
9 drive and about a 65 foot drive on the northerly, northerly
10 frontage. The site as you can see is by railroad tracks.
11 There's 2.1 acres in the shore land zone on the west side of
12 the railroad tracks. The remainder of their property located
13 to the east of the tracks. All right. This is the site plan
14 as they are - as Matt said in the opening it's a proposed mixed
15 use development which again is permitted in the PD zone. It is
16 actually anticipated and encouraged in the PD zone. It's
17 approximately 5000 square foot building, 3850 will be C store,
18 approximately 400 will be heating oil office and 750 square
19 feet would be a drive-thru service operation. There will be no
20 indoor seating associated with that drive-thru. It'd just be a
21 drive-thru operation. See the access now would be we've
22 reduced the number of accesses to the site to two full movement
23 driveways - one to the north, one to the south. The southerly
24 one is 42 feet wide, the northerly one is 36 feet wide. Both
25 those access have been reviewed as part of DOT's traffic

1 movement permit and by the city engineering and they're
2 approved by DOT in the permit. Okay. Parking. The parking
3 required for this development was 33 parking spaces. We've
4 provided 33 auto parking spaces and four truck parking spaces
5 for the heating oil delivery trucks. We didn't count any of
6 the parking spaces under the canopy which in some communities
7 we can't and here we, we didn't do it, we provided the full
8 parking. Utilities as Matt said are going to be public.
9 Sanitary sewer we're going to hook into an existing service.
10 When they put the new water main up there last year they left a
11 service for us to tie into and a service box with power,
12 communications all right there on Route 201. All right now I
13 need the MDOT plan. Thank you. This needs to be rotated
14 counter clockwise.

15 CHAIRMAN VOSE: You can start while they -

16 TOM SAUCIER: Okay. Yeah, well. This is the plan that
17 was developed in consultation with MDOT as part of the traffic
18 movement permit process. Basically what they've required out
19 there to address the traffic, we're going to generate 303 trips
20 in the a.m. weekday peak hour, so MDOT has asked us to develop
21 a center two-way turn lane across the frontage of the site. We
22 developed this concept plan which is fine. It's upside down,
23 but with the tapers, it's a, it's a three lane setup. There'll
24 be four and five foot shoulders that also go through the area
25 that will require us to do some widening, some full depth

1 construction out there but it's to allow those left turns to
2 get in and out of this site without presenting a conflict out
3 on Route 201. As Matt said we provided the queuing space
4 onsite for the drive-thru window for both the city and DOT
5 requirements - both had different requirements but we have
6 plenty of queuing space on the site. This is landscape plan we
7 prepared for the site. Under the ordinance the site is bounded
8 by commercial property across the street, pretty for its entire
9 frontage. It's bounded to the north by a Maine State Housing
10 Authority property that as far as I can tell isn't abandoned
11 but it isn't used. To the south there's a residential
12 property. To the north and south we are required to provide C
13 buffers per the ordinance which is a 25 foot wide buffer which
14 we have done there and we've proposed 6-8 foot tall spruce
15 trees, specified bushy spruce trees, on each end of that site
16 to provide the screening and buffering. On the south side we
17 pulled the driveway away from the residential property to the
18 south and actually increased the buffer on that side over what
19 exists today and on the north side what we tried to do is
20 maintain what exists today so there's been a reduction in - or
21 an increase in the buffer size on the south side. As part of
22 the potential condition of approval or one potential condition
23 of approval in your package was that the planning staff was
24 that seven canopy trees be provided in the front buffer in
25 performance with the ordinance requirement. Now you should

1 have addressed this with Susan a little earlier but with the
2 holidays and everything we just didn't get to it and I had sent
3 her an email today but she was gone. But I'd just like to go
4 through it. I spoke with my landscape architect about this and
5 what exactly his thoughts were in what we are trying to
6 accomplish there and how seven canopy trees might be effective
7 there and might not be able to live there in fact. So the
8 required buffer is a 25 foot wide buffer for a C buffer and a
9 fifteen foot for A. It's not clear to us with the, with a
10 commercial space across the street whether it could be an A
11 buffer which is only 15 feet wide. In the ordinance section
12 5113 B2 suggests that there's flexibility in buffer
13 requirements provided that to the maximum extent possible an
14 equal or greater amount of buffer areas provided than would
15 otherwise be required. Our buffer that we're providing across
16 the site frontage is actually 50 fifty feet wide when compared
17 to 25 or 15 for the C or A buffers. The proposed design that
18 we have here uses 23 more deciduous shrubs than called for and
19 eight more evergreen shrubs that would be required in the C
20 buffer along the front and 39 more deciduous and 17 more
21 evergreen shrubs than is required for an A buffer along the
22 front. I've also proposed some Japanese tree lilacs which is a
23 medium size, the mature size will be 20 foot high 18 foot wide
24 flowering ornamental tree. And the way my landscape architect
25 describes that it is known as a very beautiful yet tough tree

1 which is able to tolerate and stay healthy (inaudible) street
2 parking lot conditions. We think this is a viable landscape
3 alternative for this buffer and that the proposed landscape has
4 been designed with additional design elements such as specimen
5 stones which he's included in there. There's slightly raised
6 curve plant bed which provides visual interest to the
7 landscape. The curb of the shrub bed responds to the location
8 of the facility sign and is a way to add depth and soften the
9 landscape island. The large specimen stones operated into
10 shrub planting which is made up of evergreen and deciduous
11 shrubs as well as perennial daylilies to provide interest in
12 all four seasons of the year. And the purpose of us requesting
13 this, you don't want to do canopy trees because we already drew
14 it this way, but we will be allowed to use an alternate design
15 instead of adhering strictly to the buffer requirements of
16 Section 511 to use the landscape in order to enhance a project
17 and we feel that our design accomplishes that. It is more of a
18 design that responds and enhances the finished product rather
19 than adhering to a somewhat arbitrary standard. In looking at
20 the existing conditions out there too it's - there's not a ton
21 of canopy trees along 201 or anything and we're really just
22 trying to dress this up and make it look nice. It's a huge
23 buffer, so I'm just asking that you consider that if we get to
24 the point where you're looking at that condition recommended by
25 staff. The remainder of the site, the green, the green areas

1 will stay in place. Again, we're not encroaching much further
2 outside of the area that's already been developed. The
3 existing buildings right in this area right here will be in
4 behind the existing building with the new building again
5 increasing the buffers to the south and to the west is just -
6 once you get down over the slope, the slope is kind of grass,
7 so. Let's go quickly to the elevations. Oh, here we go again.
8 When you saw in the elevations, this a typical C.N. Brown
9 store. It's made up - the structure is white CMU block and red
10 (inaudible) metal roofing, red store front frames, fairly
11 typical of their operations. We did submit a lighting plan in
12 the package. The lighting will be LED lighting. There will be
13 wall mounted units at a height of 12 feet. There will be
14 lights under the canopy at height of 14½ feet and lights under
15 the diesel canopy at 15½ and pole mounted lights in the yard at
16 19 foot height. It's our understanding that all the lighting
17 that we design and presented does meet the ordinance
18 requirements out there. There is no light trespass according
19 to the ordinance and as Matt explained the lighting under the
20 canopy is in the area an average I think 26 or 27 lumens with a
21 high of 37 or something like that. A lot of these old gas
22 stations that you see around before they were subject to these
23 lighting standards and doing this right, some of them can be up
24 to 100 lumens underneath the canopy, so for 40 lumens really
25 pushing it down but that's the standard that everybody kind of

1 agreed to that's still safe to operate under there, but you
2 don't want to be much lower than that. From a storm water
3 perspective, we'll go back to the site plan. From a storm
4 water perspective, as I said we've primarily stayed in the
5 footprint of the existing site, the gravel areas, the building
6 areas. There is an increase of about 24,000 square feet of
7 impervious area on the entire site. That will require us to
8 file a permit by rule notification with Maine DEP. Pretty
9 routine process there. We're actually, from a storm water
10 perspective, we're reducing - our report show that we submitted
11 that we are reducing to the residential properties to the
12 north, the runoff rate. When we rebuild the site we're going
13 to keep a little bit in the gutter in the road that will run to
14 a catch basin to the south, not impacting it to the south at
15 all and the majority is going to go off the back of the site at
16 about the same rate it does now. We have level spreaders and
17 BMP's are incorporated into the site plan on the west side of
18 this site. The signage: We do have a goal post sign shown on
19 front. We do have some signs incorporated in the architecture.
20 I have some cards of a typical goal post sign that I can share
21 with you if you'd like. It has the Citgo side and LED price
22 signs for the gas and the diesel and whoever the tenant is for
23 the drive-thru, it would probably be a small placard for that
24 but it would all be within the, within the requirements of your
25 ordinance and we have to file a separate permit with the code

1 enforcement office for that. I guess that's my presentation we
2 submitted and there it is with our application and address each
3 performance standard point by point. The staff has been
4 through it and seemed to concur that hopefully we do meet the
5 performance standards of the ordinance and I will with that end
6 it.

7 CHAIRMAN VOSE: Any questions for the applicant? Pete?

8 PETE PARE: I've got a couple of questions. What are the
9 proposed hours of operation? Are your hours of operation for
10 your drive-thru different than the primary store or they
11 different?

12 TOM SAUCIER: No the proposed hours of operation are 24/7
13 for the entire facility except for the heating oil office. I
14 think that would have a more regular hours.

15 PETE PARE: So it's 24/7?

16 TOM SAUCIER: Yes.

17 PETE PARE: Okay as far as the canopy lights you made
18 reference to, you know, some of the older stations, how would
19 they compare and may not be a fair question but, how do they
20 compare to J&S Oil on Mt. Vernon Avenue? Can you compare with
21 that at all?

22 TOM SAUCIER: Unfortunately I can't. I don't know what
23 the, the lumens are underneath that one so I can't tell you
24 exactly what that one is.

25 CHAIRMAN VOSE: Any best guess that a reference point?

1 TOM SAUCIER: Nope.

2 PETE PARE: You'd think it'd be as bright as, I guess I'll
3 as the question that way.

4 TOM SAUCIER: I, like I said, I wouldn't hazard a guess
5 unfortunately. I really can't tell you exactly what those are.

6 PETE PARE: I ask because every time I drive there it goes
7 blinding, at least from my perspective they're blinding so
8 that's why I'm just curious.

9 CHAIRMAN VOSE: I don't think we're at a comparative
10 standpoint - I don't think we're going to get an answer on that
11 one. Matt?

12 MATT: Can I ask one question about the under canopy
13 lighting? I'm sure it's in your, in your application package
14 but I just, I don't recall that the type of under canopy
15 lighting is it a flush mount to the, to the essentially the
16 ceiling portion of the canopy or is it a drop mount with a
17 lens?

18 TOM SAUCIER: I believe it's a flush mount. It's LED
19 lighting with all the diodes. The most of them - I can't
20 remember how many counts those are but I believe it is flush
21 mount.

22 MATT: That, that and the reason I asked that for the, for
23 the Board's consideration is that the, the, the flush mount,
24 the mounts that are essentially built into the canopy and flush
25 with the ceiling of the - or the top of the canopy, do tend to

1 have a different effect. They don't spill light out the same
2 way that you do with the fixtures that are attached to the
3 underside of the canopy as I believe you have in the, the
4 current J&S down there. And it has a - that has a sort of
5 squared off lens, again that is a design not just to spill
6 light down but to spread it out as well which sort of furthers
7 the, the brightness effect that you get as you, as you pass by,
8 by that particular site on Mt. Vernon Avenue.

9 TOM SAUCIER: We would, we would have to confirm that but
10 these are LED recessed canopy luminaires is what we call them
11 and what we did is we gave our lighting consultant the
12 ordinance and the guidance that we were given by staff and said
13 here's what we have to meet and so we can confirm that, but.

14 CHAIRMAN VOSE: Any other questions for the applicant?

15 MATT: You may want to hear from the city engineer
16 (inaudible). That is next.

17 CHAIRMAN VOSE: (Inaudible). Thank you.

18 TOM SAUCIER: You're welcome.

19 CHAIRMAN VOSE: Lionel, could I invite you up to go over
20 any items you want to discuss?

21 LIONEL CAYER: Lionel Cayer, city engineer. Members of
22 the Augusta Planning Board, Mr. Chair. Obviously this project
23 when it came to my desk was, you know, the first thing that I
24 had to look at because I knew it was, was going to be the issue
25 with this project is traffic. This will generate a

1 considerable amount of traffic not only because it's a - the
2 amount of gas pumps with the store but also because the, the
3 drive-thru nature of the site. One thing in particular I had
4 to look at was the multiple entrances but because of the layout
5 of the site and the use of the site, two entrances here make
6 sense. It is a big improvement over what's there today. Yeah,
7 even the two entrances that are there are overall only about
8 half of what's out there today in total and then specifically
9 the 42 foot entrance. I did put a turning template on that
10 because I, I first, first review it looked like it was perhaps
11 oversized but to be able to bring in the, the trucks that would
12 be fueling the site, in order for them not to turn into
13 adjacent lanes out on the highway to be able to turn in or turn
14 out that 42 foot wide entrance is in fact required according to
15 the turning templates I put on the site plan. So I think the
16 engineer did a good job in designing the access points in and
17 out of the site. The, the requirement for the center turn lane
18 I think is, is a good application here for this, especially
19 where you have two entrance/exit locations for the site and
20 that gives more flexibility for the people turning into the
21 site and where they're turning in from and, and to be able to
22 escape the through traffic strain and, and not cause rear-end
23 collisions as people are trying to enter into the site. The
24 center turn lane also gives an opportunity for those exiting
25 the site to give them an escape after, after making a left turn

1 as, as, as they're waiting for - they might have a gap in one
2 direction but not the, not the, the other direction so it gives
3 them that escape area to turn into then merge into traffic at
4 that point. Not unlike the, the J&S Oil on Mt. Vernon Avenue
5 that was, that was in reference to earlier. So I think the
6 overall the - I think this site has been designed pretty well
7 based on what they had to work with for topography and, and I
8 did review the storm water plans and conclusions and I agree
9 with the findings that were made and the, and the storm water
10 methods for reducing the rate of runoff with the chosen use for
11 this site. I'd be happy to answer any other questions.

12 CHAIRMAN VOSE: Alison?

13 ALISON NICHOLS: How did you know? Lionel, I do have a
14 question for you. In looking at the drawing, we have two-way
15 traffic next to the drive-thru lane. So you've got the drive-
16 thru going around, you've got traffic coming in and in between
17 the two ins there's an out. Is, is that not a problem? I
18 mean, I, I'm sort of used to thinking people always go the same
19 way in and out.

20 LIONEL CAYER: So as they approach on that north side -
21 come around the north side of the building

22 ALISON NICHOLS: Correct.

23 LIONEL CAYER: You think there's a, a conflict of traffic
24 at what point as the-

25 ALISON NICHOLS: Well as they're going along the north

1 side, according to the arrows on the plan that I have, there is
2 immediately to the north of the drive-thru lane a lane that is
3 an egress lane back out to the road as well as a lane that is
4 drive-in to those parking places there on the very north side
5 of the property and I just wondered if that wasn't going to be
6 a lot of people going in different directions.

7 LIONEL CAYER: Yeah, you know, as, as I frequent a lot of
8 these drive-thrus typically the way they have them demarcated
9 with lines and arrows, typically keeps the people going through
10 the drive-thru, you know basically corralled into that area and
11 so as the other people are navigating the site in those, in
12 those same areas especially around the back, it's, it's usually
13 pretty clear where they can expect the drive-thru traffic to be
14 and where not to encroach. So I didn't really see that as a,
15 as any type of a red flag as I reviewed the site plan.

16 ALISON NICHOLS: Okay. I do have one more question. And
17 you think the line for the drive-thru access is long enough to
18 accommodate, I think it's 14 vehicles now that we need to be
19 able to have in that line without impacting the people going in
20 and out of the gas tank - the pump area?

21 LIONEL CAYER: I believe so, yes.

22 ALISON NICHOLS: Okay. Thanks.

23 CHAIRMAN VOSE: Any other questions for Lionel?

24 MATT: I do.

25 CHAIRMAN VOSE: Matt?

1 MATT: Lionel, is there any reason why we can't have like
2 what J&S has, an entrance on the north side and the exit on the
3 south?

4 LIONEL CAYER: Well the - if you look at the configuration
5 of the gas pumps. They're actually perpendicular to the, to
6 the road where in the case of J&S they're pretty much - your
7 travel is parallel with the adjacent roadway. So the reason it
8 worked pretty well with J&S is because of, you know, you could,
9 you could enter on one end of the site, drive straight,
10 straight into the, the gas pump area and queue up with other
11 vehicles there where this is, is really - the gas pumps are
12 configured, you know, 90 degrees from that configuration. So,
13 pretty work certainly. I mean, like you would have in that
14 case, you would have people depending on which side they're,
15 they're fueling on would either enter from the highway side on
16 the gas pump or have to come around the back side from the
17 store side and, and in that case you would have a lot more
18 conflicting traffic movements in that, in that type scenario.
19 So I think, I think this design is going to work pretty well
20 and it's, it's not unlike a lot of gas stations, with, with
21 this many fueling stations to have two entrance/exits because
22 of the volume of traffic coming in and out.

23 CHAIRMAN VOSE: Any other questions for Lionel? No?
24 Thank you.

25 LIONEL CAYER: You're welcome.

1 CHAIRMAN VOSE: At this time I'd like to invite anyone
2 who'd like to speak in favor of the proposed project.

3 GRETCHEN RIDINGS: Hi, my name is Gretchen Ridings and I
4 own the property to the north of the location and I heard him
5 say earlier that it was an abandoned HUD home so I just wanted
6 to clarify that it's not abandoned, it's under construction.

7 CHAIRMAN VOSE: Okay.

8 GRETCHEN VOSE: And I'm not opposed to the idea.

9 CHAIRMAN VOSE: Okay. Thank you. Any questions? No?
10 Thank you. Is there anyone else in the audience who'd like to
11 speak in favor of the proposal? I see none. Anyone who'd like
12 to speak against?

13 JOHN LIACOS: Ladies and gentleman of the jury,
14 (inaudible) Riverside Drive. I'm reminded of Hamlet's speech
15 on the castle wall. What you're asking us to do is to
16 sacrifice our quality of living. You're asking us to tolerate
17 more traffic, more lights. You're also asking us to accept by
18 decreasing our property values. I contacted several realtors
19 and they all had negative comments regarding the value of our
20 property, especially those, excuse me, whose property abuts
21 this proposal. I think this is an outrage that this is being
22 forced upon us - if it's been forced upon us. Looking at the
23 audience we're not young kids anymore. Where most of us are
24 retired. We have tolerate all of these things that - do any of
25 you live on Riverside Drive need this proposal? Probably not.

1 Thank you.

2 CHAIRMAN VOSE: Any questions? Sir, could you please
3 introduce yourself. Could you please just, your name in the
4 mic so we can have it for public record.

5 JOHN LIACOS: Oh my name, oh. My name is John Liacos.

6 CHAIRMAN VOSE: Thank you. Any questions? No? Anyone
7 else in the audience who'd like to speak against please?

8 LINDA SMEDBERG: Hi, my name is Linda Smedberg. I'm a
9 homeowner at 350 Riverside Drive which is two lots south of
10 this proposed project which is probably less than - my northern
11 property line is probably less than 100 feet from the south
12 property line of the proposed site. I purchased my home less
13 than two years' ago. I live with my 6-year-old son and I
14 wouldn't have purchased it if I knew that this was going to be
15 here. I apologize. Right now, the site as it is right now, it
16 was said that there is, is a refueling station for a delivery
17 truck that is true as far as public fueling I think, and the
18 office floor sales - it's minimal traffic, minimal noise.
19 Anybody that was driving past there that didn't live there
20 would probably assume that that site was actually vacant
21 because you very rarely see anybody there. I have noticed -
22 from where my house is I can see lights from the property now.
23 I have seen and heard the trucks that are refueling but it's
24 not constant noise, it's not, it's minimal because it's just
25 some, some service, some delivery trucks refueling and it's

1 just not that often I think in the evenings a little bit. But
2 you don't notice it too much. The commercial property across
3 the street from this lot is a business that is open I believe
4 mostly during the day hours, probably closer to around 5 - I
5 haven't been there. But also - I'm sorry - they're selling
6 antiques. Yeah. I haven't been in there but antiques. It's
7 minimal traffic there, you don't get the noise from that. My
8 concern, I mean, they're talking about six foot and eight foot
9 trees being cleaned up but they're 19 foot and there's nothing
10 shading - there's nothing that - no buffer that's going to
11 provide any, any relief from the lights that will be going
12 24/7. This is a 24/7 proposed operation and the noise and the
13 traffic and the people that it's going to bring. It's, it's -
14 there's no break. There's no break for a homeowner - I know
15 there's several homeowners in the area that feel (inaudible)
16 area. The property, it's, it's from the (inaudible) there's
17 several residential properties in between the two, several
18 after that and it's, it's and they're fairly close together.
19 They're small lots. My lot is one-third of an acre. I'm right
20 on the road and mostly the lots are the same, it's not -
21 they're not residences - homes that sit back and feel secluded
22 in any way, so we are going to be greatly exposed to this and
23 like this gentleman said here, lessens value of property and
24 lessens the quality of life that we would have (inaudible). I
25 don't think I have anything else.

1 CHAIRMAN VOSE: Any questions? Thank you. Anybody else
2 in the audience who'd like to speak against? Please.

3 ROSS BOUCHER: Hi you doing folks. My name is Ross
4 Boucher, this is my girlfriend Amanda Peters. We currently
5 live at 356 which is the southern side that everyone refers to.
6 We go a lot of nights being woken up by delivery trucks. The
7 buffer zone they're talking about the 19 foot lights shines in
8 our bedroom windows already. So, I currently work for the City
9 of Augusta. I'm one of the guys that plows for you. She's
10 home at night by herself at times for quite a few hours. I
11 have a list here that is quite long. I'm - my main thing is
12 property value, privacy because the buffer zone that they have,
13 the diesel fueling pumps on the edge of our lawn! And I sit
14 there and have barbecue and get to look at truckers sitting
15 there, you know, while our kids - 13-year-old kids running
16 around in the yard and play. Safety for our kids, for her
17 while I'm not home, lighting, hours. The drive-thru faces our
18 deck so I get to listen to ma and pa order their poppy fries or
19 whatever it's going to be. Construction hours, entrance.
20 There's basically on the corner of our lawn. I understand we
21 deal with what's there now. I drove truck for C.N. Brown
22 years' ago. I know what that property is like, I've worked off
23 it. Right now, it's basically vacant compared to what it used
24 to be. They talk about having an oil delivery office there.
25 There's no office there. You go up on Western Avenue or

1 wherever they are now.

2 AMANDA PETERS: (Inaudible).

3 ROSS BOUCHER: I mean I'm just - the concerns against it -
4 I'm sorry I understand people want to make a living. I
5 understand that 100 percent but this is not the place for this
6 type of business. I understand what she was saying, I
7 understand what he was saying.

8 AMANDA PETERS: My main concern is privacy and security.

9 ROSS BOUCHER: We already deal with truck drivers pulling
10 in there. She's trying to lay on the deck just to get some sun
11 in the back of the house - got guys over there that "ooo, ooo
12 what's" - you know. It's, it's already inappropriate the way
13 some of these guys act when they're in there. What's it going
14 to be at 2 o'clock in the morning and these people are drunk
15 leaving the bar and stuff like that. I know, I'm on these
16 roads at all hours. I know what's out there. I'm sure you
17 folks do too. I just - there's better places in Augusta for a
18 business like this. Riverside Drive - Black Stove Shop lot
19 business got quiet across the street. They are great. You
20 never hear a peep out of them over there. The tenants - I mean
21 there are people that live around there - very quiet, very good
22 people. This is just isn't the place for it.

23 AMANDA PETERS: And the City of Augusta, if you live
24 within a mile (inaudible) can't walk less of a - less pick-up
25 and stops for the buses so my son walks the Riverside Drive to

1 get to and from his bus stop every day.

2 ROSS BOUCHER: What basically what she's saying is traffic
3 is a major concern. We already worry about the kids getting
4 out there walking, walking across the street in the morning.
5 People don't care if a kids on the road. They fly by there at
6 60 miles an hour. I already know there's going to be numerous
7 accidents out there and her main concern - one of them is, you
8 know, the kids walking to the bus - what's going to happening
9 all hours, traffic in and out of there - they ain't going to be
10 looking for kids. I had a whole lot more other things to say
11 but I just can't really think of them at the moment.

12 CHAIRMAN VOSE: Thank you. Questions? No? Thank you.

13 FEMALE SPEAKER: My name is (inaudible). I'm (inaudible).
14 I live on Riverside Drive and right now the C.N. Brown lot is -
15 they closed at night so it's kind of quiet for us to reprieve
16 from all the traffic that we have to endure during the day.
17 Even when we go home we can't even turn into our driveway
18 without people zooming by you so this is going to increase a
19 lot more traffic and right now across the river we have to
20 endure the gravel pit early hours of opening and the only time
21 that we have a quiet time is in the evening and on the
22 weekends. But if the C.N. Brown - that this project go through
23 it's going to be 24/7 and just think that the noise we're going
24 to have. We're not going to have any peace or rest in the
25 evening or time at all so this is just asking too much of the

1 residents in the Riverside (inaudible) all the traffic noise
2 and - it just - I don't think it's good idea, so. Thank you.

3 CHAIRMAN VOSE: Questions? Thank you. Anyone in the
4 audience who'd like to speak against the proposal?

5 SYLVIA HUDSON: Hello. My name is Sylvia Hudson. I live
6 on the corner of Riverside Drive and Tracy Street at 375. It
7 is a fact that as we have moved into the neighborhood we
8 understood that as a neighborhood this was a planned
9 development and there was to be a cohesive combination of
10 commercial and residential but commercial that is so aggressive
11 that eventually it is going to overtake and kill the
12 residential. It's not what this development, this part of our
13 city is supposed to be like. And this project is going to do
14 exactly that. They liked that they installed about three
15 years' ago now saves me on my electricity bill because I don't
16 have to turn my kitchen light on anymore and the difference
17 from that corner to where they are that's just one light.
18 Hours of operation in a residential area that is predominantly
19 residential to be open 24/7 is not again addressing the area of
20 cohesiveness. It is killing our neighborhood. We have
21 concerns about the noise. We can all hear them pulling in
22 there now and it's basically a vacant unoccupied structure.
23 What is that going to be like at 3 o'clock in the morning with
24 three, four semis? Because how often do 13 pumps need to be
25 refilled? The turnout lane, is that going to be taking our

1 property to create that? Is the width of Riverside Drive going
2 to change? What happens to the big, huge beautiful evergreens
3 that I have at the corner of my property? Are those going to
4 be gone? No one has addressed that. Buffering. Buffering as
5 far as I'm concerned is pathetic because trees grow up. Now
6 you have air space, now you have exposure. What's there?
7 Little, puny one gallon bucket shrubs are not going to do it.
8 And also - so if you have this turnout lane and now on either
9 side you have one lane of traffic or is two going to be heading
10 north and one heading south and the turnout lane traverses off
11 of that? And then you have a school bus coming to a stop. Is
12 the traffic now backed up both sides of the road a complete
13 standstill has not been addressed. Will our children in the
14 neighborhood - there are school bus stops in the neighborhood -
15 that is always going to be in place. And I know at this point
16 there is no signage before you to look and with the new sign
17 ordered - I'm not sure if that will come before you, but
18 something to keep in mind, a typical interior door is 7 feet
19 tall - 6-7 feet - like you have right here in the corner. In
20 that area now they can put up a sign that's 25 feet tall. So
21 take your eye from the top of the door, go up another 7 and
22 then - and you're above the celestial window that's above us
23 and up there to get to 25 feet. What does a sign like that do
24 in a neighborhood? It's just not the right place. Thank you.

25 CHAIRMAN VOSE: Any questions? Thank you. Anyone else in

1 the audience who'd like to speak against?

2 SHANNON LOCSIN: My name is Shannon Locsin and I live at
3 342 Riverside Drive but Sanctuary Lane now and we for two or
4 three - for two years had to go through the construction to fix
5 the bridge which is quite a feat to endure. Frankly I watched
6 the windows rattle all day long and during that (inaudible)
7 there were trees that were cut down and exposed us and - I've
8 lived at that place probably the majority of my life except for
9 college years and I actually moved back and bought the house
10 that we own now and I live there with my daughter who's 7 and
11 plays with her son and to a lot of people who drive through it
12 doesn't look like a neighborhood. Grandma Fuller has been my
13 neighbor. She's 88. She's been there for 30 years. I go over
14 and take care of her dog. She does things for me. It doesn't
15 look like a community. It doesn't look like a neighborhood
16 because everybody's so busy driving through it. I know Mrs.
17 Gray across the way. I know the ladies that - who have the
18 great displays. This is a community and I'm so disappointed
19 that the choices to put anything (inaudible) and a fast food
20 restaurant? We have an obesity problem in Maine for our kids,
21 for our people! This is what our choice is? So we have - the
22 lighting has been addressed as a concern. We have the noise,
23 we have the traffic. My husband and I have an MS cycling team.
24 We ride up Riverside Drive. I'm not sure what a triple
25 configured lane is going to do because I know how confusing

1 people get there anyhow. We have people turning into the
2 Riverside Landis community and recently someone smashed into
3 someone else and pushed them further down. This is really kind
4 of a dangerous narrowing area. I can't imagine what 24/7 worth
5 of traffic of people going to (inaudible). I mean I
6 (inaudible) get a convenience stores: They're getting milk,
7 they're getting beer, they're getting whatever they need and
8 they're not really focused on our kids who are standing at bus
9 stops, who are crossing streets, people who are getting on
10 bikes. It's - I'm just really disappointed that this is, this
11 is what anyone would think is (inaudible) for that neighborhood
12 because it is a neighborhood and so, I'm here tonight to say I
13 don't support it and I really don't want to smell burgers or
14 anything because the wind comes down there. As it is we can
15 smell the fuel, you know, and whatever is going on and we are
16 also checking - oh has there been another spill? Because
17 sometimes things happen and they're paying attention because we
18 all kind of - we know each other and so I don't support this at
19 all.

20 CHAIRMAN VOSE: Any questions?

21 LINDA CONTI: I have one.

22 CHAIRMAN VOSE: Linda?

23 LINDA CONTI: Did you say there was an accident in that
24 area recently?

25 SHANNON LOCSIN: Not - I don't know how recently this

1 spill - there was a spill a while back - my mother could
2 probably address that better because it affected her
3 (inaudible).

4 LINDA CONTI: Was there a car accident?

5 SHANNON LOCSIN: There are car accidents frequently.

6 LINDA CONTI: Okay.

7 SHANNON LOCSIN: Frequently they are in turning lanes
8 because I think - I don't know what's happened recently. I was
9 riding by recently I think in the middle of our property now
10 there's a sign that says we convert 35 miles per hour, but
11 based on the speeds of the people go through there, they're
12 often going through at 55 and 45 miles an hour and sometimes we
13 have trucks jake-breaking, but I'm not sure where that starts
14 and this - I guess that would be my question is they're going
15 to address speed limits there as well as well as the concern of
16 widening because it's -

17 LINDA CONTI: Thank you.

18 CHAIRMAN VOSE: Any other questions? No? Thank you.

19 SU LOCSIN: My name is Su Locsin. I live, I lived at the
20 house that my daughter has bought from me. They moved back
21 from Connecticut and bought my house and came back to Maine
22 which I thought was a very wonderful thing and I have a
23 granddaughter who is almost 8 who lives in that house who walks
24 down (inaudible) Lane to visit me probably two or three times a
25 week. And I also used to work for the City of Augusta. I

1 taught her for 26 years. I am concerned because 15 years ago I
2 built a house down from Riverside Drive and it's (inaudible)
3 Sanctuary Lane. After the house was built and the well put in,
4 whatever, I discovered MBTE in my well. While I went to DEP
5 and they did some research for me and at the same time there
6 was a spill like I believe it was maybe a month - it was 15
7 years' ago. It was about a month before my well was drilled.
8 Well I had never built a house before and I didn't know you
9 were supposed to get the water tested. So to make a - I ended
10 up spending close to \$4,000, tested my water and doing the
11 things I need to do. I am south - if you look at the map I am
12 south of you all. I have five acres of land and I go directly
13 to (inaudible) and he was not concerned about - or I guess my
14 concerns is that if there was another oil spill I don't know if
15 my 15-year-old (inaudible) system reverse osmosis, whatever,
16 will take care of it. So a period of two or three years I
17 spent \$50.00 a month getting my stuff tested. At one point the
18 State took over and paid for the testing of my water. I know
19 that MBTE is a carcinogen and I am just hoping that the period
20 of time before I (inaudible) is nothing to cause me to have
21 cancer from it. (Inaudible) other than that has been a very
22 good neighbor but I have to say I agree with all of these
23 people that are here. There is a neighborhood there. It
24 doesn't look like it because it's linear, but it's still a
25 neighborhood. When my kids were little we used to walk up the

1 drive and they'd walk to visit their friends. But I am very
2 concerned (inaudible) landscaping like she mentioned. The
3 light pollution around but I'd kind of like to know if there is
4 any way that there are - could be promises made to residents
5 that notification of oil spills and whatever - I'm concerned
6 about air pollution because of all those cars. Okay like 14
7 cars pulling in plus the other things and traffic safety is - I
8 don't know what would or any studies done by the police
9 department or do you have stats on how many accidents have
10 happened? Because I know that there have been several on
11 Riverside Drive and we are directly across from Central Lane is
12 directly across from Riverside Mobile Home Park and I don't
13 know - I think there are 80 or more units in there, I don't
14 know. But I know that the school bus - 'cause the kids that go
15 there go to both Hussey School and Farrington. They congregate
16 there to get picked up and the traffic issue is a big thing.
17 The light pollution is if only shrubs put there isn't going to
18 cut it because people that are directly across - he is
19 (inaudible) in saying that there where Black Stove Shop used to
20 be, but the other houses are within probably 12 feet of where
21 there the frontage is. On the other side of the street there
22 are houses that go all the way down to where Riverside Mobile
23 Home Park cuts in on - I wonder if that's called Sparrow Drive.
24 But I'm concerned about pollution, (inaudible) pollution and
25 the MBTE containment because they have not yet found a way of

1 getting it out of wells or getting it out of the ground. And
2 if they have storm drainage it just kind of sends it off into
3 the field, it goes down into the aquifer where my well is. So
4 that is a concern that I have. I am the only one that is on a
5 sewer and - not on sewer and no on - whatever - on the drive.
6 And I am down, I'm 50 feet from Two Mile Stream and 150 from
7 the river. And I don't want my property values to go down
8 because of light, noise and/or pollution. And I'm curious
9 about how many more tanks they're going to put in because if
10 you have that much more (inaudible) that's using it - right now
11 as I said it's an abandoned building because there's black mold
12 in it so they don't have an office in there. They might be
13 using - a space there but they're not using it. They're
14 working out of Western Avenue, they have an office there. So,
15 I'm - it's basically like I said it's an abandoned space that
16 trucks come in and out but that's - but it's not used a third
17 of what - I mean 24/7. When it first was proposed I didn't
18 realize it was 24/7. I said we could live with that if it's
19 like reasonable hours. Like 10 o'clock or something like that.
20 But the thought of 24/7 - the light, the noise, the traffic,
21 the pollution, it just, it just doesn't make sense to me. That
22 - I think that's too much and like she said, it has to be a
23 reasonable plan. 24/7 in an area that has had nothing for the
24 last two or three years because they had to close the building
25 down. That to me does not seem reasonable. And I am concerned

1 about that. And it's how many - I'd like to know how many more
2 tanks are going to put in and I also question the security of
3 the tanks because along that stream coming down from
4 (inaudible) Canada there is a fault line and anyone that
5 experienced the earthquakes - (inaudible) I bought earthquake
6 insurance on my new house because I had cracks on 342 Riverside
7 Drive in my foundation. It's on a fault line. As a matter of
8 fact when they were building the new bridge, the 113 exit, I
9 spoke with some of the DOT people and said are you aware if you
10 went and researched it you could find that it comes right
11 straight down. So my house on 342 - well it's 3 Sanctuary Lane
12 now is on a fault line and indeed so is this because it is
13 coming straight down. So, how much more - what are they going
14 to do about storm drainage and how does this multiply the
15 pollutions that could happen if there are 13 pumps and each
16 pump has four on it or only two and how many more tanks are
17 they going to have? So how many chances more of that? I mean
18 they had a spill before - by the company - oil guys. Now all
19 of the fuel they had which was heating oil had MBTE in it. But
20 that little bit managed to pollute my well over three years.
21 So, I think there's a lot to be thinking about and I pay very
22 good taxes to the City of Augusta for my wonderful five acres
23 of land which bordered the river and Two Mile Stream and I
24 really don't want to see - I have no problem with business, I
25 think it's important and I have no problem tolerating them

1 before even after the well incident because they're good
2 neighbors generally. But I think this is asking way too much
3 as the people in the neighborhood and the taxpayers of Augusta
4 to suck it up and put with it because someone wants to expand a
5 business. So, it's just a lot and I'm sorry I didn't - I meant
6 by - my computer was down today and I was going to type my list
7 of concerns up to give to everyone and if you would like I will
8 do that and submit it to the City tomorrow if that would help.

9 CHAIRMAN VOSE: Questions? Matt?

10 MATT: I, I'm just curious if you would be in favor at all
11 of any variation of this project.

12 SU LOCSIN: I could live with a smaller, absolutely
13 without a question so I'm necessarily answering you Matt, is
14 the footprint of the building. How much for the (inaudible)
15 how much bigger is this than what was already there? Because
16 even when it was just the office, the other half at one point -
17 because I've been there 35 years - at one point there was a
18 feed store that was there too. I don't remember what the name
19 of it was. It was an Agway. It was an Agway that was there
20 before and they used to also - once a year they had free wash
21 your dog get the fleas off thing and different things like
22 that. But there was a seed store and that had small amounts of
23 traffic but it wasn't - it was not 24/7, it was not fast food,
24 it was not beer and cigarettes. If you want beer and
25 cigarettes go down to where 113 comes down.

1 MATT: If I could just follow-up. So - I'm just trying to
2 listen to what you're saying and - I'm wondering if there were
3 no drive-thru component and no 24/7 feature if you may be in
4 favor of a convenience store with gas pumps.

5 SU LOCSN: I could probably live with that and I think
6 some of them - if it was - if it's 24/7 I would say is what -
7 it just puts everybody over the edge and I don't think any of
8 these people - you work for the State, I mean I don't think any
9 of these people are anti-business, it's just we want to have
10 our community which if you're in the middle - and I know when I
11 bought the house in 1978 I knew - or '77 actually - I knew it
12 was zoned, it was mixed. That didn't bother me. I had lived
13 in Portland and before I had a house in South Portland, but I
14 think you're right. I think that some modifications with, you
15 know, without the drive-thru, etc., etc. and is smaller, I
16 think that things that could be done that would it make it
17 acceptable to the rest of us.

18 CHAIRMAN VOSE: Any other questions? Matt?

19 MATT: I just going to say the one thing you had
20 (inaudible) asked was whether or not the Planning Board needed
21 your comments typed up and handed to them. I guess if you
22 stated everything that you feel you need to state, then it will
23 be recorded in the minutes and I think we'll be all set and you
24 don't need to do that. If you would like to state more
25 certainly we can make sure that the Board gets it.

1 SU LOCSIN: Okay. Well future spills, the size, the
2 security of the tanks, also maybe even - one of the things was
3 the notification of spills because it took me probably a month
4 to go to get into DEP and into talk to them about what had
5 happened. Traffic safety, air pollution, light pollution. I
6 think that about covers it. Storm water plan And I think
7 that's it.

8 CHAIRMAN VOSE: Thank you.

9 SU LOCSIN: Thank you.

10 CHAIRMAN VOSE: Is there anyone else in the audience who
11 would like to speak against the proposal?

12 RUBY SKILLINGS: My name is Ruby Skillings and I live
13 a couple of houses down across the street from Jim Brown. For
14 a while, oh a couple years' ago the trailer trucks route was on
15 Riverside Drive only because they couldn't go on the
16 Interstate. They changed the ruling so now we have less
17 traffic. We still do have (inaudible) coming through our road
18 during the night which still rattles dishes, still rattles the
19 things on my shelves and things. I do have a problem with the
20 snow pile removal over C.N. Brown. 2:15 the other morning
21 they're out there snowplowing which they drive, drop the blade,
22 push, drive, drop the blade - we work so it's very difficult to
23 be up while they're plowing. I know that there's some plows
24 that do go by our home which is gone. I mean you hear it come
25 back of course but it's not that constant little area that

1 there is now. If the area is increased then you would have a
2 lot more snowplowing, removal, whatnot. Even if they reduce
3 the size of the store it's still going to have the traffic
4 that's going to be still moving, still going. There's going to
5 be a lot of just overall business that do not abide by the
6 speed limits at all. We've had animals being hit out front.
7 We're standing beside the cars while they are trying to be
8 rescued. They keep zooming right by - it's like no one cares,
9 they just keep going. So, those are my concerns.

10 CHAIRMAN VOSE: Thank you. Any questions? Thank you.
11 Let me get through and see if everybody that's wanted to speak.
12 Please.

13 EVERETT BARNARD: Thank you. I'm Everett Barnard. I'm at
14 380 Riverside Drive. My wife and I we've lived there for many
15 years - I think 45 now. And my property line, my property line
16 between the south and C.N. Brown runs from the highway all the
17 way down to the river except for the abandoned house there
18 that's about 100 feet (inaudible). So most of the property -
19 our property on that south side of our property which
20 (inaudible) C.N. Brown. It's rather adjacent to that. Without
21 introduction it will be noisy. Not many trucks going down or
22 cars going down - just traveling is fine. If you have a
23 vehicle stopped somewhere down (inaudible) C.N. Brown back the
24 traffic up. You'll notice the trucks stop (inaudible) - big
25 heavy trucks make noise when they stop, so the concern that we

1 have is that it's going to be a lot of noise getting these
2 heavy trucks stopped (inaudible) or shifting back up
3 (inaudible) when they come out and where they (inaudible). So
4 that's one of our concerns. I think I can support the fact
5 that it will be noisy. (Inaudible) if it was the other thing
6 I'm not sure that that would be a problem I know C.N. Brown at
7 one time had a light over there that shined in our bedroom. So
8 it's possible that you could have lighting that would interfere
9 with the lights on our property. One thing I wanted to bring
10 up it's not really a community thing it's more between myself
11 and C.N. Brown I guess. Over the years that oil (inaudible)
12 that this is being put on is one-fifth. They filled that area
13 over the years two or three times and as a result of that it
14 caused damage from their property onto mine (inaudible) in two
15 places: One at the top of the hill and the other was down
16 (inaudible) of the hill and there's not a lot of water. This
17 only happens in the spring perhaps when the ground is froze and
18 then it rains so forth. It doesn't (inaudible) a lot of
19 problems although I do use our property (inaudible) on the bank
20 I have a field (inaudible) which I (inaudible) and there's some
21 hardwood in there to the railroad track. So and I do use that
22 property and like to continue to have that property (inaudible)
23 agriculture roots. So it's nice to have that property. So
24 (inaudible) and I think the bank it slope is very steep and the
25 fill that they put in down to the property line - if you can

1 see (inaudible) hump there that comes over to my line where the
2 water comes down goes around the hump (inaudible) - it doesn't
3 go around, it just keeps on going out through (inaudible).

4 CHAIRMAN VOSE: Yeah, we can't do anything here about the
5 existing situation. (Inaudible)

6 EVERETT BARNARD: (Inaudible) but if you change your
7 (inaudible) around the facility (inaudible) water goes around
8 onto my property (inaudible). I guess (inaudible). I think
9 other than that I pretty much support everything that's been
10 said: The noise issue, the lighting issue and the traffic.
11 There is a lot of accidents (inaudible) I've seen a lot of
12 accidents. They - one time they took one (inaudible). One
13 time they come down through my driveway run across my potato
14 fields and back out onto the road. Another time a car came
15 down, turned around and backed into my post (inaudible) there's
16 accidents there and there is I think (inaudible).

17 CHAIRMAN VOSE: Questions? Thank you. I just want to
18 take a moment to put a reminder out that on our agenda we don't
19 open any new items that haven't been started prior to after
20 10:00 p.m. so if anyone is here for any of the future items, I
21 want to give everyone a chance to speak but anybody here for
22 future items, if it's not started prior to 10 p.m. will be
23 tabled to a date certain meeting afterwards. Just to make
24 people aware. Is there anyone else in the audience who would
25 like to speak against? Please.

1 MALE SPEAKER: Ladies and gentleman, a passing thought. I
2 would ask you to keep in mind the old Abanaki expression about
3 let me walk a mile in my friend's moccasins before I pass
4 judgment. I've heard a lot of complaints and concerns from us
5 but put yourself in our shoes. Put yourself where we live. We
6 have (inaudible) we would have to (inaudible) should these
7 proposals get passed. That's (inaudible) I'm asking. Please
8 don't rush to judgment. Thank you.

9 CHAIRMAN VOSE: Thank you. Anyone else against the
10 project builder to speak? See none. Anyone neither for nor
11 against that would like to speak?

12 CECIL MADISION: Cecil Munson. I'm here representing
13 constituent who called so I will act in my capacity as City
14 Counselor. The person who called me said I would never rebuilt
15 my house on that site had I known this was going to happen.
16 This person lost a house to a speeder who was reckless who came
17 down Riverside Drive, went through some trees, missed all the
18 trees and hit his house and burned the house down. And that's
19 just a couple of stories - that's a couple of houses up from
20 this proposed project. So these folks are not kidding you when
21 they say that's a traffic situation that's dangerous and now
22 you're going to introduce semi-trucks, lots of additional
23 traffic, the 45 mile an hour speed limit is a 45 mile an hour
24 speed limit not adhered to very often by very many people. We
25 know that and the fact that in the past the city council asked

1 for a speed reduction from the corner of Linwood and out just
2 past the Jellison operation. Maine DOT deferred and said no,
3 we will not do that. Now we're going to put a three lane thing
4 in there. We're going to keep it at 45 and someone else said
5 this is a narrowing down. Actually that's not going to stop
6 them. If history is any guide they'll continue to speed right
7 through there. I think that the danger is that there will be
8 an increased accident rate. Now (inaudible) - I want to go
9 back to a number of points. I start with this because there
10 are so many good points that have been made by these good
11 people. If you've been out there, the school buses stop - we
12 have a large, large group that come out of the mobile home park
13 and they board the bus. They also do at Brookside and Linwood
14 and further on down to the north. In the wintertime the road
15 begins to narrow and the kids don't have a place to walk so
16 they're out more on the road. Speed is still there. I, you
17 know, if you, if you were to prove this I sincerely would
18 demand that you ask that the applicant to go to the MDOT and
19 ask for a reduction in speed. The city council tried it and
20 they refused. That was before all of this started. But I
21 don't see a response to say, oh we'll just leave the speed
22 limit as it is and we'll put this in. Dangerous. Very
23 dangerous. Children are walking out on the streets, school
24 buses are stopped. The road is in terrible condition. They
25 put in a new water line and the lady said her dishes shake and

1 rattle. Of course it shakes and rattles because the road is
2 like this all the way down where they repaired the, the road.
3 It's not a good situation. I want to go back to point by
4 point. First of all on Riverside Drive - now it is a mixed use
5 and it was addressed that it should be a complementary mixed
6 use. It's not envisioned to be wholesale commercial. If you
7 go out Riverside Drive at night, there are no 24/7's out there.
8 From the connector point where that Irving station is to the
9 (inaudible) line there are no other 24/7 operations going on
10 out there. What they're suggesting now is to reintroduce a
11 24/7 operation in a neighborhood and it is a neighborhood. It's
12 a nice neighborhood. There's a lot of nice houses there. Nice
13 people there. Their property values are going to go down. We
14 know that. We know that based on the fact that if you do
15 introduce something like this in a neighborhood it will impact
16 their values of their homes. So there's a safety issue,
17 there's a value issue, there's also - I think it's responsible
18 issue on the part of the city to protect those neighbors.
19 People say Augusta is not a place to come and live. There's
20 nice houses, they keep them up excellent, excellent care. I
21 just think it's irresponsible to introduce a 24/7 operation.
22 I'm speaking on behalf of a couple of constituents who chose
23 not to speak tonight. But I personally feel that you really
24 need to be very careful moving forward on this. Now light
25 invasion. If you have a drive-thru the cars sweep with their

1 headlights around through the area and it was pointed out that
2 they're going to put a few trees in there. But the car lights
3 are going to sweep right around through all of the houses that
4 are in the neighborhood and as they're coming out they're going
5 to sweep that too. So that really is - the buffering to me is
6 the side buffering is a real - this is the gateway to the city.
7 We talk about gateways to the city as being very important. We
8 have - you have in the past insisted on something other than
9 the corporate standard when you approve something on those
10 gateways. There was auto repair parts place on Civic Center
11 Drive. They came in with a corporate standard. You said it was
12 not good enough, it has to be something different. You have a
13 Red Roof, you've got kind of a corporate standard there. This
14 is a gateway. This is what people see when they come into
15 town. So I'm suggesting to you - I don't care about the
16 corporate standard, it should - if you're going to have to do -
17 if you do this make sure that it blends in and it doesn't just
18 glare because that Red Roof and all the rest of it to me is not
19 an appropriate kind of presentation in the gateway. I know
20 they like to build the corporate centers cheap. But maybe
21 that's irresponsible. Now there was no discussion about Maine
22 goal post white. My understanding is in the (inaudible)
23 correct me if I'm wrong, I believe they're allowed 200 square
24 foot sign which would be a 10x20 illuminated sign out on the
25 street. I'm sure that's going to present quite a bit of glare.

1 Am I correct on the 200 square feet?

2 CHAIRMAN VOSE: Yes. And I - the, the ordinance allows up
3 to 200 square feet. Just for correction though I'm not a code
4 enforcement officer.

5 CECIL MUNSON: Thank you. The traffic engineer said that
6 there was a considerable amount of traffic that would be
7 generated by this and they gave the numbers. I heard
8 (inaudible) going to have trucks fueling at night? As they're
9 pulling out heading north it was mentioned about gear shifting
10 at 3 o'clock in the morning. You know you're going to hear
11 trucks shifting up and going down Riverside Drive. I live at
12 the corner of Riverside Drive and Lipman Road and I can attest
13 to the fact that there's a lot of truck shifting going on as a
14 result of what happens down at the bottom of the hill they come
15 up that hill. I guess you kind of get used to it but you still
16 hear it (inaudible). But that is a lot closer - they are a lot
17 closer. The people that are directly across or next to it are
18 within earshot of all that stuff that's going on in terms of
19 with engines going up and shifting and to get out of there. So
20 I think that that also is a problem in terms - and I, you know,
21 the staff said address the noise issues. I didn't hear a whole
22 lot from you all about addressing the noise issues. Well I
23 think you need to be very careful about this because it is a
24 noisy operation. So just for that purpose I just want to make
25 sure that you're aware of the fact that I didn't hear a lot.

1 CHAIRMAN VOSE: We haven't deliberated yet as well

2 CECIL MUNSON: What?

3 CHAIRMAN VOSE: We haven't deliberated yet as well.

4 CECIL MUNSON: Okay. Thank you. I hope you do.

5 CHAIRMAN VOSE: Thanks. Okay.

6 CECIL MUNSON: Ms. Hudson said that - and she was well on
7 the point she said "cohesive combination of mixed use is
8 understood out there" and if this an aggressive project. This
9 is not cohesive. This is (inaudible). This is in your face
10 project and people just (inaudible) next to it. Very, very
11 different from what we envision out there as a mixed use. I'll
12 give you an example. I - personal example - I live across the
13 street from what was a tin building. It was an ugly tin
14 building. They put it up before zoning. The contractor who
15 had bought the property is busy putting up what looks to be
16 like a very nice (inaudible). He's using brick. He's using
17 good siding. He's put on a kind of a fancy roof thing, he's
18 got all kinds of decorative windows, it's going to be his
19 office. That's the kind of cohesive mixed use that we would
20 look for. Thank you. Now the hours of operation. As I said
21 before there's no other operation on Riverside Drive that's
22 24/7. Just is not (inaudible) one that's closest to that would
23 be the Irving station which is on the corner of the connector
24 and Riverside Drive which is to me an appropriate place for
25 that kind of activity to be, not in a neighborhood. Let's see

1 I need to go through - hang on a second - I've got notes. I
2 don't know about the aquifer, that was an interesting concept.
3 I don't know whether or not there is a fault line there but if
4 there is and if those factors are in, I think that that has to
5 be a concern because there will be runoff from that operation
6 for the (inaudible) service which will be greatly expanded from
7 where it is now. Let's see, let me go back through and make
8 sure I've covered everything. Yeah, the diesel trucks. If
9 this is going to be a convenience store and it's going to be
10 24/7 we're going to have diesel trucks parked there overnight,
11 place to stop, gas up, pull off to the side, park the truck and
12 idle all night. Is this what we have envisioned for this
13 property? It happens further up the street. I've had problems
14 with that so I'm sensitive to that but the question is whether
15 or not this is truck stop operation, where to the trucks stay
16 overnight? Do they stay on the property or do they just
17 gassing up then moving on? Oh there was one, we - the signage.
18 Is it envisioned that you will have the dancing lights, that
19 you will have the message board that comes on every four
20 seconds (inaudible) with different messages? Well in
21 summation, simply stated there are very many safety issues -
22 there are young children out there, there's a speed issue. I
23 don't care what, what MDOT and what the engineers say about
24 that, there is a problem! That needs to be reduced - if you're
25 going to do this it has to be reduced to 35 miles an hour. At

1 least 150 feet further up to the north from where it is now and
2 where we had wanted to be which was at the edge of, edge of
3 Jellison's property. Another 150 feet at least to the north
4 and some way to say the signage up the road that there's a
5 reduced sign in the speed zone ahead. Really concerned about
6 the children in there. I have been a little (inaudible). This
7 just makes, this just makes it worse. Thank you.

8 CHAIRMAN VOSE: Any questions for Councilman Munson? No.
9 I have one, I guess, question or point I'd like to discuss. I
10 think we've just completed I think my sixth year here on the
11 Planning Board and hopefully will be reappointed by council in
12 (inaudible).

13 CECIL MUNSON: (Inaudible).

14 CHAIRMAN VOSE: Now, one of the early projects that we
15 took on, at least when I got onto the Board was the issue of
16 somebody wanted to open a pool table shop on Riverside Drive
17 and they weren't allowed to do so. And the Planning Board
18 voted against changing zones multiple times and the council
19 really felt that it was not what they were looking for but the
20 Board at the time of voting felt that that zone was that zone
21 based on a comprehensive plan to discourage this type of
22 business from expanding down Riverside Drive and the message
23 that we received back - at least I feel received back was that
24 they were okay with business expanding down Riverside Drive and
25 therefore the zoning should be changed so that we're not

1 sending a message that we don't want development down that
2 road. That PD2 was hatched out of that - Plan Development 2
3 which had stricter guidelines.

4 CECIL MUNSON: Well, yes.

5 CHAIRMAN VOSE: When that took place the Board discussed,
6 well maybe we want to take PD2 and start expanding it down to
7 make those stricter guidelines in place for future development
8 because it was more strict and their response was well no PD is
9 fine, we'd like to encourage this type of development down PD.
10 I, I, I here respect everything everybody is saying and I, I
11 take it to heart everybody's concerns and I have no, I guess,
12 questions - I don't know how the, the voting will go tonight.
13 But I guess I do have a concern knowing how the neighbors feel
14 about this area and what I've heard tonight that we have a
15 system in place that's not consistent with what I guess we want
16 our future development to be and depending on how we vote
17 tonight, if, if this is the case I think it's going to warrant
18 some Planning Board discussion about what the zoning in that
19 area is because PD does encourage this type of development and
20 the message that we have received is that that is our future
21 plan.

22 CECIL MUNSON: I appreciate that. I also when they said
23 PD2 going further than this I thought that that was a good
24 idea. We didn't get out in front of it fast enough for this
25 project. But think we can get the message from the residents

1 that this is, this is a real intrusive impact on their lives.

2 CHAIRMAN VOSE: I get the message. I'm more referring to
3 the ordinances and the zoning that we have to go by when we're
4 making our decision.

5 CECIL MUNSON: I understand that you have to go by that
6 but I also implore on you to at least listen to what they're
7 saying. I'm speaking as a city counselor on behalf of a couple
8 of constituents okay?

9 CHAIRMAN VOSE: I, I agree and respect that. I'm bringing
10 a concern from the Board to a city councilor that might warrant
11 conversation at future Planning Board meetings and possibly
12 council.

13 CECIL MUNSON: We should have this discussion.

14 CHAIRMAN VOSE: Thank you.

15 CECIL MUNSON: I, I'd like that discussion.

16 CHAIRMAN VOSE: Any other questions? No? Thank you. Is
17 there anyone who'd like to speak neither for nor against but
18 would like to speak?

19 MALE SPEAKER: I just want to say, you know, you're
20 talking about the business, the pool table and stuff like that.
21 I happen to know him, he's one of my very good friends.
22 Comparing that business to this business is - it, it
23 (inaudible).

24 CHAIRMAN VOSE: For clarity it wasn't, it wasn't
25 comparing. We - the Planning Board has a set of ordinance and

1 laws that we can make decisions based off of and council helps
2 shape those and it had really very little reference to what
3 decision might take place tonight but the message that we had
4 previously received was that that type of development was to be
5 encouraged - maybe not 24/7, maybe not (inaudible) in the way
6 it was set up, maybe not 13 pumps and everything. There's a
7 very big neighborhood compatibility clause that the Board takes
8 very seriously that will be discussed I'm sure in detail when
9 this all gets through, but it is the direction that we had
10 previously been given and I'm not comparing Steve's business to
11 a gas station, but we had a very clear dividing line from a
12 zoning standpoint is that there is a strip of land that was
13 zoned a certain way based on the comprehensive plan to
14 discourage business or large, high intense use business
15 developing up Riverside Drive and, and that was changed and it
16 was changed for a reason, and I just - it's a - maybe it's an
17 unintended consequence but it is a consequence that I think
18 needs to be discussed at future meetings that - I mean we're
19 hearing your concerns and I'm agreeing with you but if the
20 neighbors don't want to see this type of business - not, not
21 the pool table business, but gas station, high density/high
22 use/high volume business expand up Riverside Drive that we as a
23 Board might need to take it up as a separate item to look at
24 the zoning of that area and whether it fits what we thought it
25 did.

1 MALE SPEAKER: Just one thing I want to add: I grew up on
2 Civic Center Drive and look what happened to that neighborhood.
3 It's gone. There's nothing there. Just business after
4 business. And I've already seen it happen on one nice little
5 beautiful neighborhood and I can already starting to see it
6 happening on this one with this proposal, so. Thank you.

7 CHAIRMAN VOSE: Thank you. Is there not any new items on
8 anything that we haven't heard testimony on so far? Okay.
9 Please. Just for the record could you introduce yourself again
10 please.

11 SYLVIA HUDSON: Sorry. I'm just wondering where we have a
12 whole neighborhood -

13 CHAIRMAN VOSE: Could you introduce yourself again for the
14 record.

15 SYLVIA HUDSON: Sylvia Hudson, 375 Riverside Drive.

16 CHAIRMAN VOSE: Thank you.

17 SYLVIA HUDSON: On the (inaudible) although I haven't
18 spoken to my neighbors, we all seem to be in a great deal of
19 cohesive thought, can it not be that the Planning Board put in
20 effect their six month moratorium and the neighborhood and the
21 Planning Board meet and see what we can do about changing what,
22 what - all those things that have been spoken about tonight.

23 CHAIRMAN VOSE: I don't believe the Planning Board can
24 institute a moratorium, the city council could.

25 SYLVIA HUDSON: So we'd have to go to the -

1 CHAIRMAN VOSE: We can only approve or deny a project with
2 or without restrictions or conditions. City council is the
3 only one that could actually put a moratorium on any new
4 development in any (inaudible) area.

5 SYLVIA HUDSON: Okay. So that would be our step would be
6 to do that.

7 CHAIRMAN VOSE: It would be to talk to your city councilor
8 and if, if they could bring it to council.

9 SYLVIA HUDSON: All right. Okay. Thank you. Cecil,
10 where are you?

11 CHAIRMAN VOSE: Thank you. Is there anyone else in the
12 audience who'd like to speak neither for nor against? Please,
13 into the mic and introduce yourself again for record.

14 SHANNON LOCSIN: Shannon Locsin. I just wanted a point of
15 clarification - even Irving's which is a big, monolithic,
16 aggressive, hey come get your gas here - they're not open
17 'cause I work nights and they're not open 24/7, they're off in
18 their own little parcel, so just think about that, 'cause if
19 you don't need one there, why do we need one further out? You
20 know, they're a stone's throw away.

21 CHAIRMAN VOSE: Thank you. Anyone else neither for nor
22 against that would like to speak? I see none. I'd like to
23 invite the applicant back up for the final say.

24 FEMALE SPEAKER: Mr. Chairman. Can I request that before
25 we hear from the applicant again that we be given a five minute

1 break?

2 CHAIRMAN VOSE: Yes. We'll take a five minute recess. We
3 will reconvene at 9:30. I'd like to welcome you all back from
4 the brief break, that everybody please take their seat and
5 resume to a quiet decibel. We had closed - before we broke we,
6 we had closed the section of the public testimony and at this
7 point the applicant has no final say in this.

8 TOM SAUCIER: Okay. Got plans here. I should come back
9 (inaudible) I'm not sure I need them anyway. I'm trying to
10 summarize the comments I heard. There's a common theme on a
11 couple of them. We did have an abutter to the north that
12 didn't object to the project which was good. We have the
13 abutter directly to the south which did for a couple of
14 reasons. There's discussion about traffic. Obviously this
15 project will generate more traffic at this site. We've
16 projected 303 trips in the a.m. weekday peak hour. The purpose
17 of spending probably \$150,000-200,000 on the highway
18 improvements is to mitigate the impacts of that increased
19 traffic. As part of that mitigation project there will be 4-5
20 foot shoulders added to that road as well. The two-way traffic
21 - the center two-way traffic circulation, essentially there was
22 a question about that. The middle lane is for (inaudible)

23 CHAIRMAN VOSE: I think they're going to rotate it for
24 you.

25 TOM SAUCIER: (Inaudible). It's a center lane that's 12

1 feet wide. There's two 12 foot travel lanes on each side of
2 that. When you come into the project

3 CHAIRMAN VOSE: You going to keep rotating to the right.

4 TOM SAUCIER: One way or the other I don't care.

5 CHAIRMAN VOSE: One more.

6 TOM SAUCIER: Thank you. (Inaudible).

7 CHAIRMAN VOSE: Can you zoom in on that?

8 TOM SAUCIER: Yes.

9 CHAIRMAN VOSE: She's got it. I think they'll take it.

10 TOM SAUCIER: So when you approach the project in the
11 south along Riverside Drive. The center lane would (inaudible)
12 you out. This is called a taper. A taper lane. It pushes the
13 traffic out and then allows the traffic to move to the center
14 lane and make a left turn into one of these entrances. Same
15 thing coming from northbound, well actually it's not
16 (inaudible) coming from northbound because you're just making a
17 right turn into either one of these entrances. For the
18 business across the street they can use this to access the
19 business. The outside lanes are both through lanes: One is
20 northbound, one's southbound. Just prior to the project that I
21 said there'd be 4-5 foot shoulders added to this road. At this
22 point we don't believe there will be any taking required to
23 construct this center two-way turn lane. There is a question
24 about the circulation on the north end of the building in this
25 area. This area right here. In the drive-thru lanes if any

1 have been through these facilities you know that drive-thru
2 lanes are pretty well marked, probably a little bit of signage,
3 very clear where the drive-thru people are to be. We don't
4 expect a lot of traffic around behind the building on the
5 outside lanes but we did provide a 24 foot aisle there because
6 there are parking spaces on the north side of the site that are
7 designed and built there to make sure we conform with the
8 ordinance requirements for parking. We don't expect there will
9 be high turnover spaces. The high turnover spaces will be in
10 front of the store. So we think this will work fine. We have
11 done this at other locations. There's a question about -
12 there's some comments about a lot of crashes out here and
13 accidents and things like that and there's a high crash
14 location at Riverside Drive and Route 3 which is identified by
15 MDOT as a high crash location. There are none specifically at
16 the entrances to this site. There is a reference in the
17 accident reports that say that the stretch of road from Tracy
18 to Two Mile Brook - there's a couple of locations along there
19 that are high crash locations. We heard that this type of
20 development isn't good and they don't like the zoning. The
21 development is in conformance with the zoning that's out there
22 now and it meets most of the criteria. The MTBE in the well -
23 that was 15 years' ago you say. We don't have any knowledge of
24 that. As far as the question regarding the tanks: There will
25 be two new underground tanks installed - 20,000 gallon tanks.

1 The existing underground tanks out there will remain. All new
2 piping will be installed, double-walled monitored piping will
3 be installed through all of the tanks - the existing and the
4 proposed tanks as part of this project. I should address that
5 to you. There's a question regarding the number of fueling
6 positions at each pump: There's one on each side of the pump
7 so with the 5 islands that's 10 fueling positions on each side
8 of the pump and there's 3 fueling positions under the diesel
9 canopy. The size of the new building compared to the old -
10 it's about the same for scale purposes. If you go out there
11 and look at the existing building, the new one will be about
12 the same size. It'll actually be set out much further back
13 than the existing one, probably another 75 feet from the front
14 of the existing one to the back to the front of the new one.
15 Regarding the plowing operations and noise at night - I don't
16 think there's too much we can do about that. The plow guys
17 come when they come. The abutter to the north -

18 CHAIRMAN VOSE: On that item I think they're referring to
19 the plowing on, on the property. Obviously understandable I
20 would expect that during a storm. You got to get the snow as
21 its falling. But I think, you know, there's a certain level of
22 consideration for the hours. I mean, crews are available at
23 certain time but -

24 TOM SAUCIER: Right.

25 CHAIRMAN VOSE: more the point. I just - it probably does

1 need to be done but when it needs to be done.

2 TOM SAUCIER: Right.

3 CHAIRMAN VOSE: With consideration.

4 TOM SAUCIER: The abutter to the north discussed a couple
5 concerns. One of them was drainage. Actually the drainage
6 area to the north would be reduced as part of this project. So
7 you said it wasn't much of an impact anyway but it was in the
8 spring on frozen ground. We actually have reduced the drainage
9 area: The storm water runs off to the north will be reduced as
10 part of this project and runoff will to be redirected to our
11 property under the central back portion as part of what we've
12 done out there for the drainage design. School bus stops: I
13 heard a couple of people mention them. I really didn't catch
14 what the concern was. With the center two-way turn lane all
15 traffic is required to stop just as it is out there now.
16 Traffic in both directions must stop. The speed limit
17 reduction that we heard suggested. That has to come from the
18 city. I understand you tried it once out there or somebody has
19 somewhere but that can't come from us. We can ask for that all
20 we want. The headlight issue sweeping all the houses within
21 the neighborhood. I think there will be houses - a house to
22 the south that might be impacted by headlights and a house to
23 the north. We could install some fencing to assist with that
24 and be willing to do that. The lighting on the site. I heard
25 a lot tonight about the existing lighting being shining in

1 people's windows and just being in general a nuisance. The new
2 lights, that won't happen. The new lights are designed in
3 accordance with the latest standards. They are dark sky
4 friendly lights. They will be aimed properly. They'll be
5 cutoff fixtures, so the lighting issue - there won't be light
6 shining in people's windows as a result of this project. One
7 thing about the traffic - another thing in the traffic
8 analysis. 303 trips is what we projected at the site entrances
9 on the weekday at peak hour. 70% of that traffic is already on
10 the road, 70% of the traffic that will visit this facility -
11 that's based upon similar facilities. Study after study after
12 study. This was not a destination per se. Most of the traffic
13 is on the road so you have trucks on the road, you have cars on
14 the road, they will be another 30% according to projections
15 that will be new trips. I think I touched on everything. I'd
16 just like to say this is a project that's permitted in the PD
17 zone. It's designated as the city's growth area. Is targeted
18 for this type of development and we do have some performance
19 standards we have to go by. That's what we hope we did with
20 this plan.

21 CHAIRMAN VOSE: Questions for the applicant?

22 LINDA CONTI: Yeah I have one. Do you plan on having any
23 outside speaker noise?

24 TOM SAUCIER: There is a menu board behind the building
25 that would be projected out that way that's usually how those

1 operations work.

2 CHAIRMAN VOSE: Any other questions? Pete?

3 PETE PARE: I'm, I'm sure we've heard the - you know all
4 the comments regarding the 24/7 operation. Is that cast in
5 concrete that 24/7 from a business plan perspective?

6 TOM SAUCIER: I am a consultant. I have Kevin Moore from
7 C.N. Brown speak to that.

8 KEVIN MOORE: (Inaudible).

9 TOM SAUCIER: He would - that's the plan at this time is
10 his response.

11 CHAIRMAN VOSE: Matt.

12 MATT: You had mentioned this, what is the commercial fast
13 food place that's going to be going in? Is it Dunkin Donuts?

14 TOM SAUCIER: There hasn't been a tenant the projections
15 for traffic were based upon a Dunkin Donuts - they're kind of -
16 same as the one on Western Avenue. Trick generation scenario
17 per se but there is no tenant that signed up for that space
18 yet.

19 MATT: (Inaudible).

20 CHAIRMAN VOSE: I'm going to go back to (inaudible) kind of
21 a question to Matt as well as the applicant. We've talked many
22 times about the noise that can come out of pump stations. We
23 cannot tell them that they can't have speakers on the pumps
24 because by law they have to correct?

25 MATT NAZAR: That is correct. Yes.

1 CHAIRMAN VOSE: But, as far as playing or any other
2 announcements on there, we can or cannot restrict?

3 MATT NAZAR: I think that the Board certainly has the
4 latitude within the neighborhood compatibility standard of the
5 ordinance to restrict that if it believes that it's necessary
6 in order to achieve neighborhood compatibility.

7 CHAIRMAN VOSE: Good. Any other questions for the
8 applicant?

9 MATT POULIOT: You mentioned there'd be no takings as a
10 result of the third lane. Is that because the - and this is
11 going to be expanded - is that within the right of ways? That
12 (inaudible) -

13 CHAIRMAN VOSE: Correct.

14 MATT POULIOT: the current way it is designed?

15 CHAIRMAN VOSE: Yeah.

16 MATT POULIOT: Okay. So there was one woman who added
17 concern that one of her trees would be taken down. Has any of
18 that been looked into?

19 MATT NAZAR: That has not at this time, no.

20 MATT POULIOT: And the question whether it's in the State
21 right of way or on her land and -

22 MATT NAZAR: Right.

23 TOM SAUCIER: (Inaudible). No. There's been no details
24 designed. This is the way we have it designed.

25 CHAIRMAN VOSE: In kind of going back to a point Matt had

1 made about the 24/7, you know some of the concerns that, that
2 are coming up have a lot to do with the 24/7 people at night:
3 The safety of their homes, their proximity of where they are,
4 being convenient store it is going to be selling beer, people
5 that are going out on the roads after as well as the concern
6 of, of the drive-thru aspect, the people going in and out
7 quick, sweeping headlights. There are things you can do to
8 restrict that but, you know, from a drive-thru perspective
9 might not be as appropriate in that area as others. I'm sure
10 it's going to come up at some point in the discussions as far
11 as the options but I, I, I think that there are things that
12 could mitigate some of the issues and so while 24/7 is in I
13 guess the game plan, just be aware that neighborhood
14 compatibility is going to be a concern of what we are
15 discussing and we do have relay with our decision making based
16 on neighborhood compatibility.

17 TOM SAUCIER: Understood.

18 CHAIRMAN VOSE: And Matt, would you mind going over the
19 definition of PD.

20 MATT NAZAR: About planned development district? Yes,
21 certainly. I can read for, for you the purpose of the planned
22 development district. This is found in Section 3.6.1.5 and
23 it's subsection 1 under purpose. "The plan development
24 district is the City's growth area. Increased development
25 pressure is occurring and is expected to persist. It is the

1 area with the greatest potential for the third bridge
2 location." This was created prior to third bridge actually
3 being constructed. "Except as allowed within the requirements
4 of the convention zoning process table clustered development is
5 required whenever land is subdivided or intensely developed in
6 this area. Subdividers must submit master plans for the layout
7 and use of the entire landholdings when filing an application."
8 That wouldn't apply in this case, this isn't a subdivision
9 that's being requested. "Commercial and industrial uses are
10 intended to be concentrated in single or mixed use centers or
11 parks to ensure the most efficient provision of services and
12 minimize the impacts on residential and environmentally
13 sensitive areas and on the city's and state's roadway system.
14 Site (inaudible) capacity analysis applies." That's the
15 general purpose of the district.

16 CHAIRMAN VOSE: Any other questions for the applicant?

17 MATT POULIOT: I do actually. Is the gentleman that's
18 here with you, is he one of the principals of the company?

19 TOM SAUCIER: He the representative of C.N. Brown is here.

20 MATT POULIOT: Okay. Would you mind coming up sir?

21 KEVIN MOORE: Hi my name is Kevin Moore. I'm with C.N.
22 Brown Company. I'm the maintenance supervisor for that
23 company.

24 MATT POULIOT: Okay.

25 CHAIRMAN VOSE: Yeah, could you speak into the mic please.

1 KEVIN MOORE: Sorry. I'm Kevin Moore with C.N. Brown
2 Company. I'm the maintenance supervisor.

3 MATT POULIOT: Maintenance supervisor. Okay. So you
4 probably won't be able to answer this question, but regarding
5 the 24 hours a day and the willingness of your company, it
6 sounds - you'd mentioned that it was set in stone on that
7 issue. I can foresee us going down the road of not allowing
8 24/7 if an operation at all and it would be nice to know - and
9 maybe it will be part of our tabling, but they give you no
10 inclination at all if, if that, if there would be any
11 flexibility there?

12 KEVIN MOORE: Well basically when build these that's what
13 we go for the 24/7.

14 MATT POULIOT: Right.

15 KEVIN MOORE: That's, that's our main. So what, what I
16 could do, I mean, I'm pretty sure they're going to at least
17 have to be open till midnight, they're going to be open early
18 in the morning for the, for the morning traffic I would think.
19 So, I mean, if you - worst case I could take it back to him,
20 you know, close at 12-5 or something like that. (Inaudible)
21 you said and I'll take it back to them; that's all I can do. I
22 can't speak for the President of C.N. Brown Company.

23 MATT POULIOT: Yeah I know you can't. Thank you.

24 KEVIN MOORE: Sorry.

25 CHAIRMAN VOSE: I think a good comparative gauge for that

1 would be Irving on the corner of Route 3 and Riverside. For
2 their location their hours are actually fairly limited. I've
3 got to go past there often for work and they're not open at
4 times, so. Any further questions for the applicant? I see
5 none. We will close this section of the public hearing and
6 open it to Planning Board discussion. Any questions for Matt
7 or Lionel before we continue? No?

8 LINDA CONTI: Well I can tell why I can - I would like to
9 make a motion that based on the testimony that I have heard
10 here tonight that we find that the current proposal is not -
11 does not meet all of the criteria in that it is not compatible.
12 The current proposal as it currently stands is not compatible
13 with the neighborhood.

14 DELAINE NYE: I'll second that.

15 CHAIRMAN VOSE: So you would make a motion to deny the
16 application?

17 LINDA CONTI: I, I would make a motion to say what they
18 proposed today does not meet that element of the criteria and,
19 you know, I don't know whether we want to have and then just
20 let them come back to us and maybe that was one way to do it.
21 Or we could talk about what kind of conditions we would approve
22 it under but.

23 CHAIRMAN VOSE: And that's where I was about to go about
24 myself, waiting to see what the Board wants to do.

25 LINDA CONTI: But first we need to find that the current,

1 the current proposal doesn't meet the standard and then, I mean
2 I would guess I would say based on the discussions that I've
3 heard tonight, that's the kind of things that I would be
4 looking for to meet the standard would be things like no drive-
5 thru, no outside speakers, limited hours of operation, limit to
6 say 6-6 and those are the kinds of things that I would be
7 looking at in order to bring it into compatibility. And this
8 isn't like a neighborhood gas station, this is like a truck
9 stop in the middle of the neighborhood. So, I mean, we have
10 to, we have to try and make it

11 CHAIRMAN VOSE: I'm just going to ask from, from public
12 comment standpoint -

13 LINDA CONTI: That's my motion.

14 CHAIRMAN VOSE: Please let us get through the deliberation
15 side. Thank you.

16 LINDA CONTI: But I don't think we can impose those kinds
17 of conditions on them. I think they would have to come back to
18 us with another proposal. I think all we have to do is say
19 that the proposal that we have before us has problems meeting
20 the standard based on the testimony we've heard from the
21 neighborhood today.

22 CHAIRMAN VOSE: And from, from the public's perspective
23 that might not understand, you know, why based on those
24 conditions that it's not being outright denied would be that
25 based on it being the plan development district and the

1 ordinance that we have that governs that. Is that - this is a,
2 an approved use for that area. The Planning Board's role in
3 this is to determine how to best fit that into that zone.

4 MATT NAZAR: This is - it is a permitted use in the
5 planned development district rather than a conditional use.
6 The conditional use criteria that are identified in Section
7 6.3.4 of the ordinance are viewed a bit differently and are
8 used a bit differently for permitted uses. They're used as a
9 guide for the Planning Board typically to identify strategies
10 or other methods of implementation that could create a
11 compatible use. Typically if a use is a conditional use, it
12 would lead you more towards the possibility that it could be
13 denied based on those, those conditional use criteria. If it's
14 a permitted use the underlying assumption based on City Council
15 having made it a conditional use is that it is on its face, to
16 a certain extent, compatible with the district. It may need
17 some conditions in order to make it city compatible with its
18 neighboring uses and that's certainly where those conditional
19 use criteria come into play. But it is - excuse me, sorry. It
20 is a permitted use in the district. So I think that, I think
21 what I've, I've heard from Linda Conti make a motion on it and
22 Ms. Nye has also, I believe, seconded it, was to make a finding
23 at this point that, that the use as presented, the proposal as
24 presented is not compatible with its, with its - with the
25 district - with its neighbors - with the neighboring area.

1 That would then lead you to talking about exactly what you have
2 started to talk about which would be some of the things that
3 might make it compatible.

4 CHAIRMAN VOSE: Now, with, with a motion on the table and
5 a second, we can still, in our deliberation, make verbal
6 suggestions as far as the things that we're looking for as far
7 as fixes go. (Inaudible) just to reiterate is that the Board
8 cannot deny the project but can say that it's not compatible
9 with the neighborhood and these are conditions we feel that
10 would put it into compliance.

11 MATT NAZAR: I wouldn't recommend that the Board go down -
12 do denial - make a denial for a use that is permitted unless
13 the applicant is completely unable to meet conditions of
14 approval that, that you would believe would be appropriate to
15 make it compatible. Really what I would recommend that the
16 Board - pardon me, I'm awfully sorry. What the Board do is
17 that the Board have a conversation at is - as part of its
18 deliberations that would give both the applicant and the
19 residents, and staff frankly, some understanding of the types
20 of things that might move the project like this towards
21 compatibility so that everybody has some idea of the target
22 that they're aiming for.

23 LINDA CONTI: So what are we doing? We're not voting on
24 my motion?

25 MATT NAZAR: Oh you got a motion and a second, I think you

1 have to vote on that.

2 CHAIRMAN VOSE: (Inaudible) motion, we have a second.
3 What Matt said is that versus the way you present is that you
4 to - you have a motion and we have a finding that based on the
5 material that's submitted it's not compatible with the
6 neighborhood. And so you have a piece of - are application
7 that doesn't fit our criteria. And so we have a second. Our
8 job now is to discuss compatibility issues and the applicant
9 will have to go back and, you know, we can try hammer it out.
10 But my suggestion would be to, to discuss the things that we
11 don't feel are compatible and make a recommendation that we
12 table this to another meeting. Give them time to go back, talk
13 about it with their, with their office and figure out if they
14 can meet these standards.

15 MATT NAZAR: And you can do that either as part of the
16 discretion prior to a vote on the finding or you could make the
17 finding and then discuss it after the vote. But you - I think
18 you - unless -

19 LINDA CONTI: Okay then. Well let's vote on the motion.

20 MATT NAZAR: (Inaudible) need to vote one way or another.

21 CHAIRMAN VOSE: So we have a motion and we have a second.

22 Do we need any other further discussion on the motion?

23 Female board speaker: Yes. Would you clarify exactly
24 what the motion is that we're voting on.

25 CHAIRMAN VOSE: The motion is that the application does

1 not meet neighborhood compatibility.

2 MATT NAZAR: As a finding.

3 CHAIRMAN VOSE: Correct. In our findings of fact Linda is
4 stating that the application as presented does not meet the
5 neighborhood compatibility standard.

6 MALE BOARD SPEAKER: Corey. (Inaudible) clarifying that
7 we're not denying though through this motion because we can't
8 deny and after this - well we could but it would be a pretty
9 slippery slope. So, after this then we're going to deliberate
10 and discuss what the applicant can do to possibly come into
11 more in line with what needs to happen in this neighborhood to
12 go into development.

13 CHAIRMAN VOSE: Yes. And talking aloud a lot here trying
14 to make sure that everybody here and people that are watching
15 on TV understand the - both the requirements and what the
16 expectations are for what should be a future meeting which
17 everybody will be notified of and can come back for testimony
18 and review of what will be presented potentially. Delaine?

19 DELAINE NYE: I submit that as we get in to discussions
20 the reason why Linda Conti made this motion why I seconded it
21 will be revealed to the applicant and I think by us having a
22 normal discussion and deliberation we'll all have a better
23 understanding - better feel for how we want to approach this.
24 I think we need to talk like we always do after a motion.

25 CHAIRMAN VOSE: So we have a motion, we have a second.

1 Further discussion? I see none. Please vote. Eight in favor.
2 Motion passes. So -

3 LINDA CONTI: And now we have to discuss what we're going
4 to do about it I guess.

5 CHAIRMAN VOSE: Correct.

6 FEMALE BOARD MEMBER: (Inaudible).

7 CHAIRMAN VOSE: Do you want - well yeah, let's make a
8 point of business. If there's anybody here for any of the
9 other items around the agenda tonight, it is 10 p.m. and we
10 will not be starting any new business. Before we get into
11 discussion I will take motions to table the remaining items.
12 Is there room in the meeting in two weeks?

13 MATT NAZAR: I don't know what we have on the agenda two
14 weeks from today.

15 FEMALE SPEAKER: I'm not aware of anything.

16 MATT NAZAR: We're clear.

17 CHAIRMAN VOSE: Okay. So I would go in order as they
18 appeared on the agenda for the next meeting. The upcoming
19 items - the last two items on the agenda.

20 LINDA CONTI: Okay.

21 DELAINE NYE: Mr. Chair, I move that item number 7 on our
22 agenda: The public hearing regarding rezoning application of
23 Point Lookout Partners for Pike Street and item number 8: The
24 public hearing minor development application of United Growth
25 Capital Management located on Civic Center Drive and item

1 number 9 the continued public hearing on the Eastside rezoning
2 the northern segment of the study area Cony Street to Cushnoc
3 Crossing Bridge and Bangor Street to the Kennebec River. The
4 postponed to our next meeting. This will be January -

5 CHAIRMAN VOSE: 22nd.

6 DELAINE NYE: 22nd.

7 CHAIRMAN VOSE: With the motion do we have a second?

8 MALE BOARD SPEAKER: I second.

9 CHAIRMAN VOSE: Further discussion?

10 MATT NAZAR: Just for clarification those - those will be
11 heard in order at 7 o'clock on the 27th here - 22nd here in the
12 same room.

13 CHAIRMAN VOSE: In the order that they are on the agenda
14 tonight. Further discussion? I see none. Please vote. Eight
15 in favor. Items tabled. After all that Linda and you reach -

16 LINDA CONTI: (Inaudible).

17 CHAIRMAN VOSE: All right now. Getting back to the
18 conversation about the reasons that the Board made the decision
19 that it did. I think the neighborhood was clear and I heard
20 Board members fairly clear about the hours of operation being a
21 concern. I personally from my perspective 6-6 is unrealistic
22 but I think that there is a reasonable hour frame in there.

23 MALE BOARD SPEAKER: What time do you go to work in the
24 morning?

25 CHAIRMAN VOSE: Sometimes early (inaudible). We - I think

1 7 on some days, 6 on others is the way that Irving is. I, you
2 know - it, it, it's smack dab in the middle of a lot of, a lot
3 of houses. It has to be respectful to the fact that if it
4 wants to operate business it's needs to be respectful to what's
5 surrounding. And, you, know, I would say based on what we've
6 discussed and given that we have other gas stations in the area
7 that have limited hours, I think they need to go back and
8 discuss it with their management team what a reasonable hours
9 of operation are for them.

10 LINDA CONTI: Well for me it's not midnight.

11 CHAIRMAN VOSE: I agree with that.

12 MATT POULIOT: I think though that one, one way that we
13 could probably cut these discussions pretty short is to
14 determine if they can do it anything less than a 24/7 operation
15 because I think it's pretty evident that, that really can't
16 happen here. Unless there's some law that we're not familiar
17 with that requires us to allow them to do whatever as part of
18 their business plan. I think that it, it couldn't be answered
19 this evening by the applicant whether or not they could do
20 anything less than that. And I think that that should be one
21 thing that really is a make or break in terms of (inaudible) -

22 CHAIRMAN VOSE: (Inaudible) but limited hours of operation
23 and other items on applications before. Legally we have that
24 ability especially in terms of neighbor compatibility.

25 MATT POULIOT: Right. And I thought so, so that's what

1 I'm saying is rather than getting into this really long list of
2 things - I guess we could in case. I would be really - and
3 maybe we should but it would just be really nice to know.

4 LINDA CONTI: What I think that Matt is saying is if they
5 withdraw (inaudible) told they can't do it 24/7 then they have
6 the decision whether to come up with an alternate plan or just
7 to abandon the (inaudible).

8 CHAIRMAN VOSE: That is correct. The applicant at this
9 point based on suggestions that we make, if it doesn't fit
10 their business model they may decide not to move forward.

11 ALISON NICHOLS: To say (inaudible) though. Let's assume
12 they're willing to work with us on the hours and let's give
13 them some other ideas so that we don't have several meetings
14 going back and forth. The other things that we found
15 problematic, that the audience found problematic - one thing
16 that Council Munson brought up - and he is absolutely right -
17 on the gateways to the City we have to be very, very careful
18 about the kinds of buildings that have gone in there and quite
19 frankly one of the buildings that we encourage to go back and
20 give us another design from another one of their buildings
21 someplace else but nonetheless it was - was it the AutoZone?

22 MALE BOARD SPEAKER: Advanced.

23 ALISON NICHOLS: Advanced Auto out on Route 27 and their
24 design looked very much like yours. It was red. It had red
25 across the top with big yellow letters on it. I think we need

1 to come up with an exterior design that is more compatible with
2 the housing and the neighbors that are around there. So that
3 would be my suggestion. Something that they could look at as
4 well.

5 CHAIRMAN VOSE: Being from - I think you said you're from
6 Topsham, I know when you get off the highway there there's some
7 gas stations that are designed similar that maybe might have
8 fit in better as brick where they are but are designed more to
9 fit closer to a neighborhood with the clapboard and other
10 materials on the exterior. Which I think the point is to not
11 look like a big brick building in the middle of vinyl-sided
12 houses. Just stands out like a sore thumb. Going back to the
13 hours. Can we finish on hours?

14 DELAINE NYE: If you wish.

15 CHAIRMAN VOSE: Knowing that we, we can make a suggestion
16 from, from the people that are here. Thinking about the amount
17 of traffic that you see outside at 6 a.m. and again at 9/10
18 p.m. I know even at the Route 3, closer to where I live,
19 corner of Riverside and then Route 3, that gas station slows
20 tremendously at those hours. The, the traffic's not there. I
21 think a 6-10 hour is fair especially versus 24/7 and definitely
22 not midnight. Based on Route 3/Riverside being fairly slow I
23 would think it is as well. Other Board members might feel
24 still to be stricter with that but that's my suggestion from an
25 hours standpoint that I think is reasonable to all. And, and

1 to that point thinking about, again they said 70% of the
2 business they think they're going to get is people that are on
3 the road already. Depending on what they have there, people
4 might go out of their way but it is generally think about the
5 traffic you're going to be seeing, you know, at those hours of,
6 of the day. Delaine.

7 DELAINE NYE: You know even if we and the applicant can
8 work something out in terms of the hours of the operation, it's
9 not going to change the fact that this is going to be a huge
10 operation. Even if their business is closed during a window of
11 time during the night, it's not going to change the fact that
12 during the day because of the size of this operation, there is
13 going to be a lot of traffic there and a lot of noise. Those
14 children are still out there getting ready for school and
15 coming home from school. Hours of operation won't change that
16 a bit. The noise from big trucks and so forth coming in and
17 leaving, the lights. I mean even if, if they don't open until
18 6 o'clock in the morning, you know, there's a good part of the
19 year that it's dark during that time and there's still going to
20 be lights sweeping, there's still going to be noise and the
21 same with (inaudible) evening hours. Many of these people
22 work. Those that don't have jobs, many of them are retired,
23 they still want to go to bed at a reasonable time and get some
24 sleep. I think this operation is just simply too big for that
25 location and I think that, that if the operation is scaled down

1 it's going to solve a lot of these people's concerns and it's
2 going to fit into that location a lot more appropriately so.

3 CHAIRMAN VOSE: Thank you. Matt?

4 MATT POULIOT: I just, I agree with what you're saying.
5 I'd just like to just remind Board members that we - and I
6 think the last year it approved an application for an
7 establishment on outer Civic Center Drive which is also a
8 gateway into Augusta, and they tore down that building which is
9 surrounded also by residential homes and put up a new structure
10 and it's beautiful. And a lot of those residents when I was
11 out there, you know, with people in that area had said how much
12 they liked the new store. So I know change is difficult at
13 times and I'm not saying that this is the ideal project by any
14 means, but I just would like to put that out there for
15 discussion's sake, you know, we have recently had a very
16 similar project in a very similar neighborhood on a state, you
17 know, maintained highway surrounded by residential properties
18 that has and was a huge success in my opinion anyway. So I
19 just wanted to mention that.

20 CHAIRMAN VOSE: Briefly on the school bus stop you can
21 call the school bus coordinators to request changes in your bus
22 stops. My wife happens to be on the school board and has
23 researched that for many people about the pickup locations,
24 safety of corners and other issues. And it doesn't always work
25 out for everybody but you absolutely have the right to petition

1 a change in your bus stop. Even at bottom of Two Hills we have
2 two little kids that go up all winter long with no sidewalks so
3 I completely feel your pain as far as that's concerned. They
4 may not make the change but especially if this moves forward I
5 would encourage you to reach out to them to request a change in
6 bus stops. As far as buffering goes, whether it be fencing,
7 thick shrubs - you know going to the (inaudible) side of
8 things, you want buffers to prevent the light from spilling
9 out. The trees with, you know, stem -

10 ALISON: Deciduous?

11 CHAIRMAN VOSE: I'm not a tree person so thank you Alison.

12 ALISON: The one with the leaves on top -

13 CHAIRMAN VOSE: Yes, the one with the leaves on top and
14 the big trunk, those don't block much. Good for birds to sit
15 in but don't shade you or - they do shade you but they don't
16 block light trespass, they don't catch a lot of noise, but the
17 shrubs tend to do a better job and so I would encourage taller,
18 hardy, thick shrubs that will block the neighbors. Fencing is
19 not a bad idea. I think that if you're going to come with
20 fencing, come with specifics, not, you know, two post fencing,
21 but fencing that will both not be a eyesore to the neighbors
22 but serve both purposes. Anybody else want to add anything on?

23 DELAINE NYE: Yes. Questions that were asked. Is it
24 possible that any trucks or other vehicles will be staying
25 overnight? Any change in message board signs? I guess we've

1 talked about snow removal. Speed limits. It sounds like
2 nothing can be done about that.

3 MATT POULIOT: Certainly the City always has the right to
4 petition DOT. We - the - I - you can - we can certainly go
5 back and ask, especially as this area continues to develop, it
6 may be more of a reason for the DOT to look at speed limits
7 again.

8 DELAINE NYE: But it can't be done before you make a
9 decision about this?

10 MATT POULIOT: NO. No.

11 DELAINE NYE: Too bad.

12 MATT POULIOT: Yeah.

13 DELAINE NYE: Also the question is there an aquifer on the
14 left side of this property? This lady's concern about her
15 well. If runoff is directed toward the river, if there is an
16 aquifer - I mean we know that there's gravel all along the
17 riverbank and to the (inaudible). I believe, correct me if I'm
18 wrong, but I believe that it's either gravel or sand. Soil is
19 typical of an aquifer, you know, so my question is if there is
20 an aquifer there I think we should know about it because at a
21 place where the plan is to have a lot of vehicles and trucks
22 fueling, certainly there's going to be some spilling of
23 petroleum products onto that surface and if it's directed
24 toward the back it's going to go into somebody's well for sure,
25 you know, which is a (inaudible) factor about whether this

1 project is compatible in the neighborhood. So I think it
2 behooves us to do our homework.

3 CHAIRMAN VOSE: Matt, as far as what Delaine is talking
4 about right now with their DEP permit, as far as putting tanks
5 into the ground, do they have what - when they're applying for
6 their permit does that come into consideration with what,
7 what's underneath?

8 MATT NAZAR: I'd have to take a - have a conversation with
9 DEP. Now certainly DEP has, has licensing regulations with
10 regard to any tanks that are buried and standards that are
11 required. With regard to those tanks with respect to water
12 table and aquifer, it sounds to me as though - I'm not sure
13 100% how many wells there are out there but it sounds as though
14 there's one with everybody else being on public water. I'd
15 have to do some additional research on that with respect to
16 DEP.

17 DELAINE NYE: The two issues here though: There is the,
18 the underground tanks. But this also - the surface runoff from
19 the pavement that's directed toward the back.

20 CHAIRMAN VOSE: Yeah. I think the, the question there
21 would be that if DEP provides them with a permit, did they
22 consider whether there's an aquifer underneath.

23 MATT NAZAR: I will make sure that we do some additional
24 research on that.

25 CHAIRMAN VOSE: Anything else Delaine?

1 DELAINE NYE: No. Thank you.

2 CHAIRMAN VOSE: Matt?

3 MATT POULIOT: I'd also like to know from the applicant if
4 they would be interested in moving forward with the project if
5 there were not - I'm sure it's going to be Dunkin Donuts.
6 That's what they have at their Western Avenue location. So if
7 there weren't a Dunkin Donuts - I mean I can see this being
8 conceivable convenience store 6-9 maybe at night, scaling back
9 on the pumps, no Dunkin Donuts, no 24/7. I mean it's further
10 out on Riverside Drive there's one. I don't know what the name
11 of that market is. It seems to fit in okay. It's pretty much
12 across the street from Cecil's house (inaudible).

13 MATT NAZAR: And, and to just further clarity, when you
14 say no Dunkin Donuts you mean no drive-thru?

15 MATT POULIOT: No drive-thru (inaudible).

16 MATT NAZAR: Meaning, meaning, yeah regardless of who it
17 is but no drive-thru.

18 CHAIRMAN VOSE: (Inaudible) locations where there is a
19 Dunkin Donuts inside and no drive-thru.

20 MATT POULIOT: Right. That's, that is certainly the case
21 at some of their (inaudible). There is a the drive-thru but
22 there's still a, a coffee and doughnuts whether it's Dunkin
23 Donuts or not but a coffee and doughnuts sales available inside
24 the building.

25 CHAIRMAN VOSE: Anything else?

1 LINDA CONTI: Yeah, I have just a couple of things. I
2 think that any, any business that has speakers outside needs to
3 have speakers with adjustable volume so that they can be turned
4 down and can be found to meet all of the requirements of the
5 ordinance easily. And the other thing is lights in the canopy
6 at night don't need to be nearly as bright. We need to have
7 those adjustable as well. We've requested that of other
8 people. Those can be made to be adjustable.

9 CHAIRMAN VOSE: Typical with the LED (inaudible).

10 MATT NAZAR: And, and, and just, just for clarity, looking
11 at their cut sheets that were provided, the LEDs that are, are
12 proposed are dimmable based on the cut sheets. They do state
13 right on cut sheet that it is a dimmable light. And with
14 respect to noise, when you say speakers are you talking about
15 the speakers at the, at the pumps or the speakers that might be
16 on a drive-thru if there was one?

17 DELAINE NYE: Either.

18 MATT NAZAR: If they're speakers.

19 DELAINE NYE: If (inaudible) speakers.

20 MATT NAZAR: Okay. And the reason, and the reason I
21 mentioned that is because with respect to the drive-thru
22 speaker, there is a standard in our noise ordinance that was,
23 was placed there that says that the speaker for a drive-thru
24 should not be audible at property line of the business. So
25 with the fact that there's a speaker there, you should not be

1 able to hear it. A person with normal hearing should not be
2 able to hear it at the property line. Its intended to be
3 turned only to a volume that is - that provides the business
4 the ability to communicate with the individual in the vehicle
5 not, not the neighbors.

6 MATT POULIOT: Can, can I ask Lionel a question?

7 MATT NAZAR: Yes.

8 MATT POULIOT: Lionel, the trip counts done by DOT and the
9 entrance permit that was based on the fact that there would be
10 a drive-thru correct? So -

11 LIONEL CAYER: (Inaudible).

12 MATT POULIOT: would it be safe to assume that if that
13 were removed that, that turning lane may not be required? No
14 additional widening of the road?

15 LIONEL CAYER: I, I really couldn't say because even
16 without the drive-thru obviously a gas station with end fueling
17 stations still would generate considerable amount of traffic.
18 What the DOT would or not require for that, it's a crap shoot
19 at this point.

20 CHAIRMAN VOSE: Any other items? Pete?

21 PETE PARE: Corey, back to the hours of operation. You
22 know when I heard Matt's point, you know, whether or not
23 they're even flexible on less than 24/7 that might just answer
24 the question. But I mean in fairness to the applicant if
25 they're going to go back - I mean do we as a, as a group at

1 least in theory agree to 6-10 as being reasonable hours? Now
2 what not I'm comparing that to is the station - I don't know
3 what it is but the one on Route 17 - I mean I'm trying to get
4 a, a picture in my mind of this type of operation that's in a
5 neighborhood-type, similar type neighborhood. It may not be an
6 exact type neighborhood, but that station that's on Route 17 on
7 the way to Togus, the one on the right-hand side, definitely
8 borders a neighborhood, borders a neighborhood the east,
9 neighborhood to the west, across the street and, and on the
10 back side, on the south side. I mean I live at Mayfair so I'm
11 very familiar with that. I believe that operation runs 6-10.
12 It may be 6-9 but I, I'm thinking it's 6-10. It's in a like
13 area, because, I mean, in theory do we agree on 6-10 because if
14 they go back and have a conversation, somebody does come back
15 and say yeah we could live with that then he comes here and
16 we're, we're divided and somebody's saying, well I really was
17 thinking 6-6. I think we need in fairness to both sides have
18 them leave here tonight with an understanding of what, what
19 might be acceptable to us. So I know you proposed - I was
20 actually thinking 6-10 when you said 6-10, so.

21 MATT NAZAR: For folks - just, just for familiarity. For
22 folks that may not be familiar, the station you're talking
23 about it's on Eastern Avenue - if you're headed towards Togus
24 it's before you get to Cony Road. And it is a Shell/Circle K.
25 So as I said it's on the right side.

1 MATT POULIOT: I'm sorry. And the station I was referring
2 to was the Damon's Quick Stop that we approved this past year
3 and they tore down North Augusta Market.

4 MATT NAZAR: North August Market right.

5 MATT POULIOT: And put up the Damon's.

6 CHAIRMAN VOSE: Just from the Board's perspective this 6-
7 10 sounds fair.

8 LINDA CONTI: I think for me it sounds fair if we get as
9 Delaine requested a scaled down proposal. If we have the
10 existing 13 pumps and, you know, big building and drive-thru
11 and all that then I would say that 6-10 - 10 would be too late.
12 It should be earlier in the evening when families are home in
13 their houses that it should be closed.

14 CHAIRMAN VOSE: Any other items?

15 STEVE DUMONT: Yeah, I think one of the things that C.N.
16 Brown could do is they should meet with the neighbors and find
17 out what their real concerns are and then it would be better
18 off for everybody else. We've had that before. We've had a
19 lot of people upset over a project and when both sides get
20 together they can come up with a good solution.

21 MALE SPEAKER: Agreed.

22 CHAIRMAN VOSE: And, you know, that, that is kind of -
23 Matt's made the point - you made the point - we have had some
24 success stories with things that might have been originally
25 opposed that have gone in and kind of met the best of the

1 ability and in the end result people have been happy. Change
2 is hard. We have requirements that we have to, to go by as
3 well and from the applicant and the neighborhood it may be a
4 good idea at some point as you go back it kind of - your
5 guidelines from your company as far as what you guys can live
6 with might be worth discussing before coming back. I don't
7 know how to organize that but there will be a sign-up sheet
8 going around. Matt will have the neighborhood info so I'm sure
9 if you talk to Matt that he might be able to point you in that
10 direction.

11 MATT NAZAR: Well we absolutely have the ability to
12 identify - and we did with respect to abutters. We've got an
13 abutters list and that would be the place that I would start
14 because I wouldn't necessarily assume that everybody who has a
15 concern is here this evening. So I would suggest that if there
16 were going to be discussions with neighbors that it be
17 inclusive of, of everybody who is considered an abutter in this
18 case.

19 CHAIRMAN VOSE: Good. Delaine.

20 DELAINE NYE: I'd just like to add - well I agree with you
21 Steve, I, I think it is wonderful that all of these people are
22 here and that they have been very candid with us. I think
23 that's an extremely important part of the public process and I
24 encourage people to come back if or when we hear this again
25 because we need to hear from all of you.

1 MALE SPEAKER: Agreed.

2 CHAIRMAN VOSE: It's tough to speak. I've been there
3 speaking to council before. I appreciate and respect how hard
4 it is to get up and kind of get out of what may be your comfort
5 zone so thank you for coming out on both ends.

6 MALE SPEAKER: (In background). Thank you for listening.

7 CHAIRMAN VOSE: Any other concerns? No? We will close
8 this item. Do you want to table it?

9 MALE SPEAKER: Oh yes. I (inaudible).

10 CHAIRMAN VOSE: To be fair to the applicant to find out
11 how long they think they'll need.

12 MATT NAZAR: That would be, that would - yes I would
13 suggest having at least a quick conversation to see how long
14 they think it will be before they could come back with
15 something (inaudible).

16 CHAIRMAN VOSE: We have meetings on the second and fourth
17 Tuesday of every month. Next meeting we discussed earlier is
18 the 22nd. The have three items that are currently on that
19 agenda. If you think you can get it in - do we have time for
20 notice?

21 MATT NAZAR: Well notice could be this - a tabling motion
22 would be, would be notice. That would -

23 CHAIRMAN VOSE: (Inaudible) need four weeks or let's say
24 two cycles.

25 MATT NAZAR: And we'd need just so, just so that everybody

1 understands, if it's, if it's two weeks from now we'd need
2 material a week before the meeting. If it's four weeks from
3 now we'd still need material a week before the meeting so that
4 gives you three weeks. You are having a meeting, you could
5 just retable it.

6 CHAIRMAN VOSE: Okay. So take a motion to table this
7 item.

8 FEMALE BOARD SPEAKER: To a date certain?

9 CHAIRMAN VOSE: Yes, that would be my recommendation to a
10 date certain.

11 DELAINE NYE: Well, I move that we table this to our next
12 Planning Board meeting which is January -

13 CHAIRMAN VOSE: 22nd.

14 DELAINE NYE: 22nd.

15 MALE BOARD SPEAKER: What number on the agenda, third
16 after the first two (inaudible)?

17 CHAIRMAN VOSE: I, I would put it third before Eastside
18 zoning myself.

19 MALE BOARD SPEAKER: Are there any other items on the
20 agenda (inaudible)?

21 MATT NAZAR: The only two items that we have on the agenda
22 right now are the two you folks already postponed to that
23 meeting. One of them is another application for a project and
24 then the other one - the second one that you postponed was the
25 Eastside rezoning. So are you saying the two projects first

1 and then the Eastside -

2 CHAIRMAN VOSE: Two items and then the third was the
3 Eastside rezoning. And so I'm suggesting that we put it in
4 there on the agenda.

5 FEMALE BOARD SPEAKER: There was something from Pike
6 Street, something from Civic Center Drive.

7 MATT NAZAR: Oh I'm sorry, yes, thank you. I forgot about
8 the Pike Street one. Yes, okay. So, you would, you would
9 suggest that the last item on the, on the agenda be the
10 Eastside rezoning, this be the third. (Inaudible).

11 CHAIRMAN VOSE: (Inaudible).

12 LINDA CONTI: (Inaudible) my motion.

13 CHAIRMAN VOSE: We have a motion, do we have a second?

14 ALISON NICHOLS: I'll second.

15 CHAIRMAN VOSE: Second by Alison. Further discussion? I
16 see none. Please vote. Eight in favor. Motion passes. Thank
17 you all.

18 (End of meeting)

19

20

21

22

23

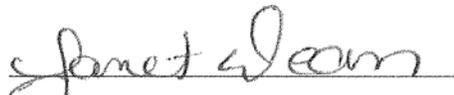
24

25

C E R T I F I C A T E

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I hereby certify that this is a true and accurate transcript of the proceedings, which have been recorded in this matter on the aforementioned hearing date.


Janet Dean, Transcriber