

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for March 12, 2002 - Page 1 of 5**

- I. ROLL CALL:** This meeting was held in the City Council Chambers of Lewiston City Hall, was called to order at 7:06 p.m., and was chaired by Dennis Mason.
- **Members in Attendance:** Dennis Mason, Rob Robbins, Robert Connors, and Jeffrey Gosselin.
 - **Staff Present:** Gregory Mitchell, Director of Development; Lincoln Jeffers, Business Development Manager; James Lysen, Planning Director; David Sanborn, Planning Coordinator; and Doreen Christ, Administrative Secretary-Planning Division.
 - **Members Absent:** John Cole, Roger Lachapelle, and Kristine Kimball.
 - **Student Members Absent:** Ethan Chittim and Jen Robustelli.
 - **Others Present:** Special recognition was given to City Councilor Mark Paradis (Ward 6).

II. ADJUSTMENTS TO THE AGENDA: To add under New Business section of the agenda for the March 26, 2002 Planning Board Meeting, a Public Hearing on the CDBG FY2003 Requests for Funding.

III. CORRESPONDENCE: Distributed at this meeting was the "Overall Industrial Zone Amendments" dated March 8, 2002 to be discussed during the first Public Hearing scheduled on the agenda.

IV. PUBLIC HEARINGS: A. A Public Hearing on proposed amendments to the Industrial (I) Zoning District to better protect neighboring residential uses. David Sanborn read his memorandum dated March 8, 2002. Dennis Mason summarized this item, as follows: this change to the Industrial (I) Zoning District increases the minimum front yard from 20 feet to 25 and if it's abutting across the street from a residential zone, the front yard of 25 feet needs to be maintained as a buffer.

Public comments were, as follows:

- **Norm Lamie (234 Montello Street)** asked if the zoning regulations are different in Public Hearings C2 than B1 on the agenda listing. Dennis Mason responded that B1 proposes changing the zoning district of the Wal-Mart property from Rural Agricultural to the Industrial District. B2 proposes creating a 100 foot setback. C1 is the proposed Phase II rezoning beyond the cemetery to the landfill. C2 proposes those 100 foot restrictions on the Phase II rezoning.

The Public comment portion of this hearing was then closed and opened back up to the Board.

James Lysen commented that these changes will protect existing residential development.

The following motion was made.

MOTION: by **Jeffrey Gosselin**, seconded by **Rob Robbins** that the Planning Board sends a favorable recommendation to the City Council to approve the proposed amendments to the Industrial (I) District, as amended.

VOTED: 4-0.

Before continuing with the next two (2) Public Hearings for Phases I & II Rezoning and related Code Amendments, City Councilor Mark Paradis requested that the Planning Board recess this meeting until the arrival of Planning Board Member Roger Lachapelle. He felt that more members should be present, given the impact of this decision. At this point in time Planning Staff tried to locate Roger Lachapelle.

Out of sequence to the agenda and during this time-frame, the following items from the agenda were discussed.

II. ADJUSTMENTS TO THE AGENDA: The following motion was made.

MOTION: by **Robert Connors**, seconded by **Jeffrey Gosselin** that the original, regularly scheduled Planning Board Meeting be rescheduled for Tuesday, March 26, 2002, to include the Public Hearing on the CDBG Program FY2003 Requests for Funding.

VOTED: 4-0.

Also, as a reminder to the Planning Board Members, there is a Joint School Committee/Planning Board Meeting scheduled for Wednesday, March 27, 2002.

VI. READING OF THE MINUTES: Draft minutes from the February 26, 2002 Planning Board.

The following change was made to the minutes:

- On Page No. 2, first motion, change the order of the listing on the vote from, "4-1-1 (Lachapelle/Gosselin)" to read, "4-1-1 (Gosselin/Lachapelle)".

The following motion was made.

MOTION: by **Jeffrey Gosselin**, seconded by **Rob Robbins** to accept the Planning Board Minutes for February 26, 2002, as amended.

VOTED: 4-0.

D. Public Hearings for Highway Business (HB) District Amendments:

1. Public Hearing on a proposal by Donald Toussaint to amend the Zoning and Land Use Code by adding mixed-use structures as a permitted use in the Highway Business (HB) District; and

2. Public Hearing on a proposal requiring mixed-use structures in the Highway Business (HB) District to involve the adaptive reuse of an existing building. James Lysen read the memorandum prepared by David Sanborn dated March 8, 2002. Donald Toussaint was not present at this meeting. Dennis Mason said that mixed-use structures are allowed in the Community Business (CB) District. Dennis Mason commented that he has concerns with allowing mixed-use structures in the Highway Business (HB) District. He said, in his opinion, he does not envision this being a good use of a space to have multi-family apartments combined with a commercial development. There were no additional comments from the Planning Board, therefore this item was opened to the public. Since there was no public comment, this item was closed to the public and brought back to the Planning Board. James Lysen stated that both the Highway Business (HB) and Community Business (CB) Districts are very similar and that he felt that this makes sense.

The following motion was made.

MOTION: by **Robert Connors**, seconded by **Rob Robbins** that the Planning Board sends a favorable recommendation to the City Council that the Highway Business (HB) Zoning District be modified to allow mixed-use structures involving the adaptive reuse of an existing building.

VOTED: 4-0.

After Planning Staff discovered that Roger Lachapelle had another commitment, the remaining Public Hearings (Items B. and C. on the agenda) were discussed in the order that they were placed on the agenda. Dennis Mason then opened the following Public Hearings:

B. Public Hearings for Phase I Rezoning and related Code Amendments:

1. Public Hearing on Phase I of a rezoning of property located on the east side of River Road (290 River Road to 324 River Road) from the Rural Agricultural (RA) District to the Industrial (I) District in conjunction with the proposed Wal-Mart Distribution Center; and

2. Public Hearing on proposed amendments to the Industrial (I) Zoning District, Additional standards, in conjunction with Phase I. James Lysen read his memorandum dated March 8, 2002. This rezoning includes two (2) properties owned by Gendron & Gendron, Inc. and the City-owned Quaker Cemetery. Lincoln Jeffers made a presentation to the Board. Lincoln Jeffers stated that there is already a fair amount of buffering - 280 feet from the Babb property and 360 feet from the Racine property. There will be a very minimal impact from Phase I. Phase I consists of a front setback of 100 feet with minimum front yard for all uses of 50 feet. This item was then opened to the public and the following concerns were expressed:

- **John Racine (289 River Road)** questioned the section titled, "Reasons for the proposed amendments" and the wording of "non-compatible" residential uses. Dennis Mason responded that this wording pertains to adjacent uses that are not compatible. John Racine also questioned repositioning Wal-Mart so as to not relocate Alfred Plourde Parkway. Dennis Mason responded that particular designs are needed to fit the project. John Racine then asked, "Why can't the truck entrance be moved?" Lincoln Jeffers stated that 18 trucks need to be stacked. At this point in the discussion, Lincoln Jeffers mentioned the DEP Meeting scheduled for 6:30 p.m. on March 27, 2002. He said that all the property owners will be notified of this meeting. Both elevations and complete drawings will be available at the DEP Meeting. John Racine said that he is asking for another 150 feet, for a total of 250 setback/yard. We have investments that need to be protected. He also said, "We want Wal-Mart, just give us a little bit more".

- **Peter Grenier** asked, "What are the chances for a 500 foot buffer?". He stated that the neighbors need protection. Dennis Mason stated that the minimum front setback of 100 feet with minimum front yards of 50 feet should protect neighboring properties.

- **Norm Lamie** questioned front yard requirements. He asked if this applies to River Road and Alfred Plourde Parkway. Dennis Mason responded that it applies to both. Norm Lamie then mentioned that the truck entrance proposed for 18 stacked trucks needs to be kept as far away from the residences as possible.

- **Lorraine Roberge (299 River Road)** said she is concerned with changes to her property. Dennis Mason responded that there will be no changes to her property. She also agreed with John Racine that the language in the amendment (pertaining to non-compatible residential uses) is poorly worded. She also does not feel that the Alfred Plourde Parkway needs to be relocated. She said that she was in support of the U.S. Postal Service locating there. She said that Wal-Mart and the City should be more concerned for its residents.

Greg Mitchell stated that there are some benefits in relocating the parkway. He also stated that if more property was assembled, the project could have developed without moving Alfred Plourde Parkway.

- **Bonnie Babb (287 River Road)** agreed with City Councilor Mark Paradis in saying that more Planning Board Members should be voting, not just four (4) members.

- **Cain Gideon (359 River Road)** asked if the Planning Boards authority was limited regarding the extent of setbacks and yards in the amendment. The Planning Board can vote in Additional Standards.

The public comment portion was closed and opened back up to the Board for discussion.

Greg Mitchell said that there is a point of compromise. A 100-foot minimum front setback and 100-foot yard could be established.

It was then suggested to delay this until the next meeting, however, Chairman Dennis Mason, said he was against tabling this issue. He said he does not want to draw things out more than they need to be. The following motion was made.

MOTION: by **Robert Connors**, seconded by **Rob Robbins** that the Planning Board sends a favorable recommendation to the City Council:

1. That the property located on the East Side of River Road (290 River Road to 324 River Road) be rezoned from the Rural Agricultural (RA) to the Industrial (I) District;
2. That Article XI, District Regulations, Section 15, Industrial (I) District, Additional Standards be amended, as presented to the Planning Board, except that the minimum front yard shall be increased to 100 feet; and
3. That this recommendation is in conformance with the Comprehensive Plan, as submitted.

VOTED: 4-0.

C. Public Hearings for Phase II Rezoning and related Code Amendments:

1. **Public Hearing on Phase II of a rezoning of property located on the east side of River Road (326 River Road to the City of Lewiston Solid Waste Transfer Facility) from the Rural Agricultural (RA) District to the Industrial (I) District; and**

2. **Public Hearing on proposed amendments to the Industrial (I) Zoning District, Additional standards, in conjunction with Phase II.** James Lysen summarized his memorandum dated March 8, 2002. The limitation of access onto River Road is the only difference and is included within the Additional standards. Phase II calls for a minimum front setback of 100 feet and a minimum front yard of 50 feet. With the Additional standards being proposed, only one (1) new commercial access point will be allowed along this frontage, and that access must be created somewhere along the properties from 380 River Road south to the City of Lewiston Solid Waste Transfer Facility. This item was opened to the Public. The following comments were made.

- **Phil Bray (399 River Road)** distributed photographs to the Board. He said his choice is to not have this area rezoned. The bias is to protect the Industrial zone. He said he sees politicians with dollar signs in their eyes. He said, how soon can he expect to see a driveway in his front yard. This is very personal. How much is his property going to be worth? He said what are the visions of what this is going to look like.

It was mentioned that there is a need for developable land. It was at this point in the conversation that the proposed 50 foot minimum front yard be increased to 100 feet to provide additional protection for the neighbors.

- **Robert Cote (393 River Road)** stated that this development will ruin the whole neighborhood for a small piece of land.

- **Lorraine Roberge** questioned the one (1) access road and if there can be curb cuts. It was mentioned that a new access cannot be created, other than from the Truchon property. It was mentioned to change the wording in Item (2) (c). from “commercial access” to read “vehicular access”. The best place to put the access road is on the Truchon property. Greg Mitchell said that they are trying to look at it from a balanced standpoint.

- **Mark Paradis (City Councilor and resident of 144 River Road)** asked, “Are we rezoning the same as Phase I. The response was that Phase II concerns further up the roadway onto River Road (326 River Road to the City of Lewiston Solid Waste Transfer Facility). Greg Mitchell stated that the 100 foot building and landscape setbacks are the same as Phase I.

- **Cain Gideon (359 River Road)** asked how many lots will that service. The response was 38 acres.

- **Peter Grenier (401 River Road)** said he wants maximum protection and that they all deserve it.

The public portion was then closed. This item was turned back to the Planning Board and the following motion was made.

MOTION: by **Jeffrey Gosselin**, seconded by **Robert Connors** that the Planning Board sends a favorable recommendation to the City Council:

1. That the property located on the East Side of River Road (326-424 River Road to the City of Lewiston Solid Waste Transfer Facility) be rezoned from the Rural Agricultural (RA) to the Industrial (I) District;
2. That Article XI, District Regulations, Section 15, Industrial (I) District, Additional Standards be amended, as presented to the Planning Board; except that the minimum front yard be increased to 100 feet and to change the wording from "commercial access" to read "vehicular access"; and
3. That the Planning Board finds that this recommendation is in conformance with the Comprehensive Plan, as submitted.

VOTED: 4-0.

In closing, this item will go before the City Council on Tuesday, March 19, 2002.

VII. ADJOURNMENT: This meeting adjourned at 10:35 p.m. The next regularly scheduled meeting is Tuesday, March 26, 2002.

Respectfully submitted,

Kristine Kimball, Planning Board Member & Secretary

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