

**CITY OF LEWISTON  
PLANNING BOARD MEETING  
MINUTES for June 11, 2002 - Page 1 of 5**

- I. ROLL CALL:** This meeting was held in the Third Floor Conference Room of Lewiston City Hall, was called to order at 7:32 p.m., and was chaired by Dennis Mason.
- **Members in Attendance:** Dennis Mason, John Cole, Rob Robbins, Roger Lachapelle, Kristine Kimball, Robert Connors, and Jeffrey Gosselin.
  - **Staff Present:** Lincoln Jeffers, Business Development Manager; James Lysen, Planning Director; David Sanborn, Planning Coordinator; and Doreen Christ, Administrative Secretary-Planning Division.
  - **Student Members Absent:** Ethan Chittim and Jen Robustelli.
- II. ADJUSTMENTS TO THE AGENDA:** None.
- III. CORRESPONDENCE:** Distributed at this meeting was correspondence from Robert F. Faunce, Land Use Planner, dated June 10, 2002 in regards to the College Green Subdivision.

**IV. PUBLIC HEARING: A Public Hearing on a citizen-initiated proposal to conditionally rezone property at 199 Crowley Road from the Office Service (OS) District to the Urban Enterprise (UE) District.** James Lysen read his memorandum dated June 5, 2002. Norman Jalbert had originally submitted a petition to rezone his property to the Rural Agricultural (R) District. This proposal received a disapproval recommendation. The City Council then referred this item back to this Board for a possible conditional rezoning. This Public Hearing is in regards to Norm Jalbert's new proposal to conditionally rezone his property to the Urban Enterprise (UE) District to allow him to construct a residential unit, towing service operation, and used car sales lot. This property must continue to be used commercially to keep this conditional rezoning agreement intact.

After reading of the memorandum James Lysen reviewed the conditions that were worked into the agreement on Page No. 2, Items (a) through (d). Some concerns that Staff had were, as follows. Since there may be an impact to the widening of Crowley Road in the future, Norm Jalbert has agreed to a set back a minimum of 100 feet, his building and accessory uses, from the Crowley Road Right-Of-Way. Also, there were concerns as to what this property may look like. The storage area for the vehicles will be property screened from Crowley Road and any neighboring residential properties. This will be in accordance with the Site Plan Review and Design Guidelines. Since this is a mixed-use structure, it will need to be reviewed by the Staff Review Committee.

**John Cole arrived at 7:40 p.m.**

James Lysen then reviewed Page Nos. 2-3, Items (e) through (l) of the Conditional Rezoning Agreement, which runs with the land, is a violation of the code, and contains the clause that if any party in possession or use of the property fails or refuses comply with any of the conditions imposed, any rezoning approved by the City in accordance with the conditions shall be of no force or effect and, in that event, any use of the property and any building or structures developed pursuant to the rezoning shall be immediately abated and brought into compliance with all applicable provisions of the Code with the same effect as if the rezoning had never occurred. Staff is comfortable with this proposal.

No amendment to the Comprehensive Plan is needed.

James Lysen, at Dennis Mason's request, reviewed the requirements for Conditional Rezoning, as listed in the code on Page CDA185, Item (3), Sub-Items a. through h.

There are two (2) types of rezonings, which are: Contract and Conditional.

There are unique aspects of this property. It is in close proximity to an automotive graveyard and is adjacent to Norm Jalbert's fathers property, which contains automobile graveyard.

**Norm Jalbert** was present at this meeting and commented that there will be a stockade fence. He also plans to leave a frontage of trees to hide the cars inside.

It was then asked, "how deep is the property?" Norm Jalbert commented 225 feet.

Norm Jalbert commented that he is the town's commissioner and that the vehicles need to be hidden.

In regards to Item (a) (2) or the ordinance, Rob Robbins suggested that the words, "shall be" be placed in front of the word, "limited". Norm Jalbert commented that his business is for automotive services, except repair. He does everything besides the repair work.

Dennis Mason stated that he finds that the change is consistent with the plan established in the re-zoned areas in the district. It is in conformance with the Comprehensive Plan. There is a need to try to provide access to the turnpike.

The following motion was made.

**MOTION:** by **Rob Robbins**, seconded by **John Cole** that the Planning Board finds that the petition to conditionally rezone property at 199 Crowley Road from the Office Service (OS) District to the Urban Enterprise (UE) District meets all the necessary criteria for a conditional rezoning, and sends a favorable recommendation to the City Council on the rezoning proposal, subject to the Conditional Rezoning Agreement, as amended.

**VOTED:** 6-0-1 (Mason Abstained).

This item is scheduled to go before the City Council on Tuesday, June 18, 2002.

#### **V. PRE-APPLICATION AND DETERMINATION OF COMPLETENESS HEARING:**

***A Pre-Application and Determination of Completeness Hearing on a subdivision application to develop Lot Nos. 1 and 2C of Stetson Commons Development into College Green, an eight- (8-) lot, single-family residential subdivision, located on the east side of College Road, north of Stetson Road.*** Bob Faunce, a local Land Use Planner, was present at this meeting. This project will be developed in three (3) phases: A. Phase I - Includes the first 550 feet of Bowdoin Drive and a temporary turnaround; B. Phase II - Completes Bowdoin Drive to the cul-de-sac and will serve Lot Nos. 1-4; and C. Phase III - Includes Orono Lane, which will serve Lot Nos. 7 and 8.

Robert Faunce distributed at this meeting his correspondence dated June 10, 2002 in regards to staff comments on the College Green Subdivision. He briefly went over his responses to Staff comments. He said that Bowdoin Drive, a proposed public road, is designed with ditches, which preclude curbing, and that College Street has no curbing to merge with. A sidewalk waiver is requested. All lot owners will be able to use a 10 foot wide access easement to walk to the common area along Stetson Brook. The common area is 2,000 feet along the brook. Bowdoin Drive will have 28 feet of pavement, but will serve only six (6) lots. Orono Lane is a private 30-foot right-of-way. He stated that this should be maintained as a private road, due to the cost difference between meeting the standards for a private vs. a public street. The owners of Lot Nos. 7 and 8 will be responsible for construction of Orono Lane. This has been added to the Subdivision Plan. The turnaround entrance shows a turnaround at the end of Bowdoin Drive. This temporary turnaround has been relocated to provide sufficient frontage for Lot No. 4. The plans have been revised to show this. In the Zoning and Land Use Code, the requirement for pavement is three inches (3") - two inches of which is base course and one inch of surface course. In the City Street Ordinance, Chapter 66, the requirement is two inches (2"). The road is designed to the higher standard of the Zoning and Lane Use Code.

Bob Faunce stated that everything requested has been provided and the plans are currently being revised. The street lighting will need to be at the cul-de-sac, as requested by David Hediger and has been added. This application will need to be forwarded to the Department of Environmental Protection because of the sidewalk. A NRPA permit is required. There are some wetlands. James Lysen said that he does not anticipate any problems with the DEP. There is a basis for waiving performance standards - post performance standards or building everything before the permits. This should be noted on the drawing. Dennis Mason stated that a separate DEP approval for the crossing will be needed.

James Lysen referenced Page CDA 165, Section 12 (a), Item (4) of Appendix A - Zoning and Land Use Code where it states that the agreement shall be conditioned upon the completion of all such improvements within two (2) years from the date of the approval of the plan. This should be stated on the plan. There were no further questions or comments. The following motion was made.

**MOTION:** by **John Cole**, seconded by **Rob Robbins** that the Planning Board determines the application to develop Lots 1 and 2C of Stetson Commons Development into College Green, an eight (8) lot, single-family residential subdivision, located on the east side of College Road, north of Stetson Road to be complete; grants the modification/waiver request forms; and schedules it for a Final Hearing on June 25, 2002.

**VOTED:** 7-0.

*Due to Robert Faunce being present on the aforementioned item and out of sequence to the agenda listing, the following item was dealt with next.*

**VI. OTHER BUSINESS:**

**B. *Love That Car Wash Too - 741 Main Street - De Minimus Change.*** Again, this item was presented by Robert Faunce. Dennis Mason stated that the only change being made to the Site Plan was that a lubrication bay is to be added to the two- (2-) bay car wash, which was previously approved by the Planning Board at the October 23, 2001 Meeting. This addition will expand the building from 36' x 46' to 36' x 50'. This is for a motorcycle lube bay. A maintenance agreement has been discussed with and is agreeable to the abutter, Lewiston Milling, Inc. because of the structure being within two feet (2') of the rear property line. This change will reduce the rear landscape buffer by about two feet (2'). To make up for this reduction, the buffers in front of the entrance and exit pads will be increased by an equal amount. The total area of greenspace will remain the same. In conclusion, it was stated that a maintenance agreement will need to be submitted before the building permit is issued. The following action was taken.

**MOTION:** *by Robert Connors, seconded by Roger Lachapelle that the Planning Board authorizes the Planning Board Chairman to sign the revised mylar on Love That Car Wash Too, 741 Main Street, as the changes are de minimus.*

**VOTED:** 7-0.

*The remainder of the items were discussed in accordance with the agenda listing.*

**VI. OTHER BUSINESS:**

**A. *Garcelon Bog Conservation Easement and Advisory Committee Establishment.*** This item was presented by James Lysen. Bonnie Lounsbury from the Androscoggin Land Trust was present. He stated that it was not necessary for Chris Branch from the Public Works Department or Bob Hark the City Attorney to be present at this meeting. James Lysen stated that he would like to provide better public input on this issue. City Council said that a road cannot be put through Garcelon Bog and this area should be preserved in its natural state and to make sure that nothing else will go through there or be proposed. Back in December of 2001, the City Council accepted the elimination of the Bog alternative and approved the concept of the Conservation Easement, establishment of the Advisory Committee, and the City Administrator was authorized execute the necessary documents, which are included in the Planning Board packets. Again, James Lysen said that this is worthy of a larger public discussion. He suggested that this be scheduled for a Public Meeting, not necessarily a Public Hearing. James Lysen stated that he hopes that the media will do coverage on this item. He also said that this is a great initiative. It is consistent with the Comprehensive and Recreation Plans. Reference sheets were also placed in the Planning Board packets. James Lysen said that he has spoken with City Attorney Robert Hark about the amendment concerning the utilization of the bog perhaps as wetland mitigation. The immediate areas within the bog that are currently not wetlands or wetlands that could be enhanced that could be used to offset the areas within the industrial park that are wet and could be filled. There is also a parcel near the No Name Pond which has similar potential and will also be brought to the Planning Board on June 25, 2002. There is an initiative that has worked in Westbrook, Maine, which City Administrator James Bennett is familiar with. This has been created and is called the Maine Wetland Bank, which takes credits and markets them. Some of the wetlands have sold for a trade off in as much as \$100,000 an acre.

Jeff Gosselin asked, "What will this public meeting achieve?" James Lysen said that the committee is a good thing to form. He wants Chris Branch to be present at the next meeting to discuss how this will impact the transportation system in the City.

James Lysen said that Garcelon Bog is a 100-acre bog in the middle of the City. There could be better access to it. The preservation of the bog is very important. He would like to see this bog protected properly. James Lysen stated that he does not anticipate this to be a controversial item.

**Bonnie Lounsbury (Androscoggin Land Trust)** commented that the real opportunity is that the City is talking about preserving this area. One-half to two-thirds of this land is City-owned. She stated that there are very few Cities that have the willpower to be in the forefront. Bonnie Lounsbury agreed with James Lysen that there should be a public meeting, since there are a number of issues. The Advisory Committee was formed to

overcome some of the potential problems. Two (2) people who live in the area served on the Advisory Board. The vast majority of Lewiston's population lives within one mile of Garcelon Bog.

Dennis Mason commented that this area is completely surrounded by private property and is very inaccessible. He then asked, "What could there be for public access?" Bonnie Lounsbury responded that access might have to be by foot or bicycles with parking at a remote location. Bonnie Lounsbury said that the most popular located is that at the Russell Street Extension. There is a little turnaround with room for 3-4 cars. Access points would need to be looked at. This is why the Advisory Committee is needed, to look into these items. It is possible to walk from Farwell School.

James Lysen stated that Garcelon Bog is in the Resource Conservation (RC) District.

John Cole asked, "How did the City come to acquire this property?" Bonnie Lounsbury commented that this property came about by a number of properties that were tax-acquired. Most of this property, however, was owned by the Garcelon family and this is where its name came from. John Cole also agreed that a public meeting is needed. John Cole said that this is a piece of land if properly treated could be reconfigured so that it could be developed. It may not be ideal to develop and it may be very costly to develop. This may be something susceptible to being developed. He stated that he keeps hearing that the Cities of Lewiston and Auburn are running out of an inventory of developable land. Public recognition is needed for this area. John Cole stated that a conscientious determination needs to be done to determine if that is what the City wants to do. This property, in future years, may satisfy the need for potential land. He feels that consideration should be given as to limiting the duration of the easement or perhaps considering other ways in which the land might be revived at some point for other uses that would be appropriate. John Cole said that he is in support of this and he thinks it is a great idea. At the same time, he feels that the future needs to be looked at as well.

In closing, Bonnie Lounsbury said that, according to the Eastside Corridor Public Advisory Committee, a road will never go through there due to environmental concerns of eliminating the alternative that went through the bog. The cost would be cost-prohibitive. Bonnie Lounsbury commented that this is all wetlands.

The following motion was made.

**MOTION:** by **Robert Connors**, seconded by **Roger Lachapelle** to schedule the Garcelon Bog Conservation Easement for a Public Meeting on June 25, 2002.

**VOTED:** 7-0.

After the above motion took place, the following was discussed. The proper language for wetland banking is needed. Staff will work with City Attorney Robert Hark to create acceptable amendment language for the easement. Protection for the wetland banking needs to be permanent.

Jeff Gosselin stated that the transportation impacts are a very good idea. Somebody from Staff is needed to present this. It was mentioned that Chris Branch needs to be present at the next meeting to address transportation impacts and concerns with access and the public.

John Cole stated that someone from the City ought to address the question of whether this ought to be a perpetual easement or limited to terms duration. This should be either perpetual or non-perpetual. He is thinking of long-term.

It was suggested that City Staff, Chris Branch, and Bonnie Lounsbury need to be present at the next meeting.

Also, Bonnie Lounsbury will be present at the next meeting to explain what an easement is and what the land trust does.

**C. Any other business Planning Board Members or others may have relating to the duties of the City of Lewiston Planning Board.**

**Planning Board Summer Schedule:** The City Council's summer schedule is for July 16, 2002 and August 20, 2002, therefore, the Planning Board voted on the following for their summer schedule. The following motion was made.

**MOTION:** by **Jeffrey Gosselin**, seconded by **Robert Robbins** to schedule Planning Board's summer schedule for Tuesday, July 23, 2002, and Tuesday, August 13, 2002.

**VOTED:** 7-0.

**Highlights to Future Meetings:**

At the July 23, 2002 Planning Board Meeting, the Adult Business Establishments will be placed on the agenda. It was also mentioned that the Wal-Mart project will require two (2) meetings, which will involve the August 13, 2002 and September 10, 2002 Meetings.

**Future Absences:**

Rob Robbins stated that he will not be available from the week of June 22, 2002 through to the third week in July 2002, however he would like his materials held.

John Cole will also not be in attendance for the June 25, 2002 Planning Board Meeting, as well. Robert Connors stated that he may not be present for the August 13, 2002 Meeting.

**VII. READING OF THE MINUTES:** *Reading of the minutes from the May 28, 2002 Planning Board Meeting.* The following changes were made to the minutes by Dennis Mason: On Page No. 1, the paragraph after the motion, beginning of the second line, remove the word "tax-", on Page No. 3, the motion, end of eighth line, change the word, "expense" to read, "expanses", and On Page No. 5, Item D, second paragraph, beginning of fourth line, change the word, "preview" to read, "purview". The following change was made by Robert Connors: Under the Item V. FINAL HEARINGS, Sub-Item A. change the references made to "Isadore Shapiro" to read, "Ester Shapiro".

The following motion was made.

**MOTION:** by **Jeffrey Gosselin**, seconded by **Robert Robbins** to accept the Planning Board Minutes for the May 28, 2002 Planning Board Meeting, as amended.

**VOTED:** 4-0-3 (Roger Lachapelle, Kristine Kimball, and Robert Connors - Absent from 05/28/02 Planning Board Meeting).

**VIII. ADJOURNMENT:** This meeting adjourned at 8:50 p.m.

Respectfully submitted,

Dennis R. Mason  
Planning Board Chairman

DMC:dmc  
C:\MyDocuments\Planbrd\Minutes\PB061102MIN.wpd