

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for June 25, 2002 - Page 1 of 8**

REVISED: JULY 30, 2002

I. ROLL CALL: This meeting was held in the City Council Chambers on the First Floor of Lewiston City Hall, was called to order at 7:02 p.m., and was chaired by Dennis Mason.

- **Members in Attendance:** Dennis Mason, Roger Lachapelle, Robert Connors, and Jeffrey Gosselin.
- **Members Absent:** John Cole, Rob Robbins, and Kristine Kimball.
- **Staff Present:** Chris Branch, Public Works Director; Lincoln Jeffers, Business Development Manager; Gil Arsenault, Deputy Development Director; James Lysen, Planning Director; David Sanborn, Planning Coordinator; and Doreen Christ, Administrative Secretary-Planning Division.
- **Student Members:** Ethan Chittim - Present and Jen Robustelli - Absent.
- **Others Present:** Robert Hark, City Attorney.

II. ADJUSTMENTS TO THE AGENDA: None.

III. CORRESPONDENCE: The following items of correspondence were distributed at this meeting:

1. Letter and Memorandum in regards to the Conservation Easement for Garcelon Bog dated June 24, 2002 from John B. Cole and
2. A letter in regards to Denis Jean, 103 Larrabee Road dated June 19, 2002 from *Theresa Deschaine* of Sunco Pump and Well Drilling, Inc.

MOTION: by *Jeffrey Gosselin*, seconded by *Robert Connors* to accept these items of correspondence, place them on record, and be read at the appropriate time.

VOTED: 4-0.

IV. PUBLIC HEARING: *Proposed Conservation Easement to be granted by the City of Lewiston to the Androscoggin Land Trust with respect to the Garcelon Bog property and a Proposed Ordinance to create the Garcelon Bog Advisory Committee.* James Lysen read his memorandum dated June 21, 2002.

Present at this meeting on behalf of this Public Hearing were: *Bonnie Lounsbury* of the Androscoggin Land Trust; *James Carignan*, former City Councilor and co-architect of the proposal; *Chris Branch*, Public Works Director; and *Robert Hark*, City Attorney.

James Lysen said that the City Council basically took action back in December of 2001 to form the committee, create the easement, and authorize the City Administrator to execute the agreement.

James Lysen explained the map presented to the Board and to the public on Garcelon Bog. The yellow areas depicted City-owned property. Some of this property is already protected with the Resource Conservation (RC) District, which limits development potential. Many of the conditions that are applied to the easement are consistent with what are found in the RC District. Thorncrag is also protected in the same zoning. It allows some things to be done, nature preserves, accessory uses to those, including parking. The white areas reflect private ownership. The City-owned land within the bog area will be subject to an easement that is being granted to the Androscoggin Land Trust. There are laws in the State of Maine that create a mechanism for disposing of property ownership, land, etc. from a non-profit to another that has similar goals and objectives. The issue of perpetuity is that most similar easements are granted in perpetuity. The City looks at other areas where wetland enhancement or expansions can be done, take credit for those, put them in a "wetland bank", and use those credits to help in development of other places in the City that are impacted by wetlands. For example there are areas in the industrial park where there is ledge or that are too wet to develop. The Department of Environmental Protection (DEP), Army Corp of Engineers, and the Environmental Protection Agency (E.P.A.) have mechanisms that allow you to trade off some other areas to help develop those areas. This would be monitored by that Advisory Committee. This is a new program in the state. This is done as an ad hoc-type of process. The white lines on the mapping are paper streets that have been laid out. The proposed bog connector, in the 1960's, went through the bog itself. James Lysen said that one of the things to approach the DEP and Army Corp about is for a credit for elimination of all the paper streets that are within the bog and the elimination of the major road system that

was going to go through the bog. James Lysen said that there have been no objections to the concept of the easement. This has been brought to this Board to fine tune the agreement and move it forward to either City Administrator James Bennett directly or the City Council.

Chris Branch explained why the Garcelon Bog is no longer needed for transportation alternatives. In the 1950's it was the original site of a highway going through Lewiston. The proposed route was to go through Garcelon Bog property backing out on to Webster Street. In the 1960's, this alternative was moved forward with additional studies on transportation network. In the early 1970's action was taken by the City to reserve the route from the Russell/Sabattus Street area all the way over to the turnpike exchange. That particular route was never moved forward. At one point a local resident who owned property and was encumbered by this route, went forward to begin legal action against the City. The City abandoned this route close to 20 years ago. However, back 20 years ago, the City was still concerned about the connection of the Maine Turnpike Route 196 area, up into Route 126 and over to Route 100. A viable route is needed to move traffic. There was no good way to get there. Options were looked at. There was a Public Advisory Committee formed. There were a number of area residents who were involved in that process. There was a long, drawn out two- (2-) year review of alternatives. Three (3) of the alternatives which were developed by the Public Advisory Committee impacted the Garcelon Bog in one way or another. The traffic computer model, which is maintained by the Androscoggin Transportation Resource Center (ATRC) (formerly known as LACTS), did not work. The Public Advisory Committee continued to move forward. Chris Branch said that he spoke with consultants regarding the viability of this project. Environmentally-damaging alternatives need to be looked at. Based on the recommendation from the environmental consultant (Parsons-Brinkerhoff), due to the wildlife habitat and wetlands in this area that would be impacted by these three (3) alternatives, there was no way to get this project permit. They gave a recommendation to the Public Advisory Committee that these three (3) alternatives be dropped because of that reality. The Public Advisory Committee then forwarded that recommendation to the City Council for action by the Public Works Department to approve the recommendation to eliminate those three (3) alternatives to the site. In December this went before the City Council. The City Council adopted that and eliminated the bog alternatives. At that time a recommendation was made for the City to look into establishing a conservation easement for Garcelon Bog. In conclusion, Chris Branch stated that the Garcelon Bog is a natural resource that the City needs to protect for generations to come. This area is pretty much surrounded by residential-type houses. If you wanted to build a road here, you would be taking at least 25 homes in order to do it. This would not be practical. Chris Branch said that the way the environmental rules are today, there is no way that any of the alternatives would have been constructed.

There were no questions from the Planning Board Members at this time and no questions from the public audience.

Bonnie Lounsbury then discussed the Androscoggin Land Trust. She distributed the Androscoggin Land Trust's mission and their decade anniversary newsletter for Winter 2001. This is a non-profit conservation organization and has been in existence for 11 years. Their mission is protecting, through land conservation and stewardship, the traditional landscapes, ecological integrity and outdoor experience in the Central Androscoggin River Valley region. There are currently 12 directors, six (6) of whom reside or work in Lewiston. Over the last 11 years, they have protected, in one form or another, either by conservation easements, long-term leases, or ownership of land about 2,000 acres of land in the Androscoggin County or the Androscoggin corridor. The Androscoggin Land Trust owns 30 acres of land in Auburn, next to Sherwood Heights School. They have been very active in the Lewiston-Auburn area. They were instrumental in developing trails along the river. They have worked over the years with the City with the downtown riverfront development.

The Garcelon Bog is really an extension of their efforts to look at Lewiston as a place that has extraordinary natural resources that are sometimes not recognized. The Garcelon Bog contains 160 acres. It has a wide variety of wetlands in it. About a year ago, in a two- (2-) hour walk, 24 species of birds were identified. Garcelon Bog is 1-1/2 miles from 80 percent of the people in the City of Lewiston. This area is within walking distance for most. The conservation easement will protect the Garcelon Bog in perpetuity. There are four (4) purposes to protect the bog, which are: 1. Preservation and enhancement of the natural values of the Garcelon Bog as a wetland ecosystem; 2. Preservation and enhancement of the value of Garcelon Bog as wildlife habitat; 3. Provide permanent wildlands in an urban community with limited large undeveloped areas; and 4. Provide for limited public use of Garcelon Bog for low impact non-commercial outdoor recreation, nature observation, environmental education and scientific study, consistent with its conservation values.

The Advisory Committee is set up for the day-to-day responsibilities to determine how the bog is to be managed. This committee is very important. This will be people from Lewiston who will be making decisions about how this land is managed in accordance to the preservation purpose.

Perpetuity means a conservation easement exists. This can be dissolved if there is no purpose anymore and the parties agree. Bonnie Lounsbury then referenced the correspondence from John Cole. Bonnie Lounsbury also referenced wetland banking and how it is accomplished. She then asked, "What makes a City live?" A City is a collection of people, who live and work there, and a place where people have to have green space. Without that, the City becomes a place that is no longer desirable.

Robert Connors stated that he would like to add to Bob Hark's definition of perpetuity. He also asked, "Who would make a decision as to whether or not it is appropriate to leave Garcelon Bog in perpetuity? Is this the City Council's decision or some other body?" **Bonnie Lounsbury** responded that is something that ultimately goes to court for a proceeding for a decision if the parties wanted to dissolve. Bonnie Lounsbury stated that she had a memo that was prepared by the General Council for Maine Associated Constructors. Bob Connors also asked, "Do you foresee some time in the future the developers of the bog area with trails, wooden structures, etc.?" Bonnie Lounsbury responded that maybe it is appropriate for some trails to have boardwalks.

This item was then opened to the public for comment.

James Carignan said that it is too costly and disruptive to build a road. A coalition was formed. They recommended to set this area aside in perpetuity for future generations as a green space in the City. Garcelon Bog will become an identifying quality to this community.

Robert Hark, City Attorney, said that perpetuity does mean forever. Perpetuity means the quality or state of continuing or lasting forever or for an unlimited time. One of the reasons for a conservation easement is that it protects something against the pressures of change. Robert Hark stated that the problem with the RC District is that the City has already made a determination to protect it. Essentially conservation easements is something that is stronger than is more prudent by nature. The whole concept is that this is going to be done on a permanent basis. Robert Hark said that you cannot foresee circumstances in 50 years whereby there might be an awful lot of pressure. What is unusual here is that usually a conservation easement is not in the middle of a city. He said that if you do not protect it for a long-term, you can leave it in the RC District. Robert Hark said that the decision tonight is one of a permanent nature. Robert Hark said that you could also say that there will be a second look again in 50 years or there will be a second look only if the City decides in 50 to take a second look. Robert Hark stated that he does not foresee environmental laws and regulations ever inviting development in this location. He said that his perception is that the choice of this Board is to recommend this easement or not.

Gil Arsenault arrived at 7:47 p.m.

Robert Hark said he does not foresee this going to probate court. It would not go to the City Council. The City could bring a proceeding to try to determine that it is no longer useful. The City could not, on its own, make that determination. In order for a transfer of title, it would have to be on record at the Registry of Deeds. Land trusts in Maine are, by and large, a general grantee.

The following were comments made from the public audience.

Ron Bissonnette (30 Kessington Terrace) asked if additional land could be preserved and credits made available to the developers? Chris Branch commented that mitigation can be done for credits. The D.E.P. may give credit for banking. James Lysen mentioned creation, enhancement, expansion of wetlands.

Chad Braswell (Davis Street) had a couple of questions regarding the wetland mitigation process already set forth by the Clean Water Act and federal law so that if you do build on wetlands in the industrial park they have the opportunity to either create wetlands on their property or make the trade. James Lysen said that it is quality and location of what is being mitigated. The City would like to control this. Development is pretty much limited. James Lysen stated that the issue brought up by Attorney Ron Bissonnette is a good one. There may be private associated land that if the City were to say that this would be a good place for wetlands, there may be adjacent areas of private ownership. James Lysen said that he does not see any problem of combining them. He does not feel that there needs to be a connection with this easement in order to do that. The City is looking to take advantage of this for our own purposes, but other wetlands could be banked. There are areas in this City that cannot be developed. James Lysen said that the City would like to control that area. Chad Braswell then referenced Item (f) on Page No. 2 of the Conservation Easement which states, "the Bog has served as a natural area for environmental education for elementary school

students and college students” and Item (k) on the same page, which states, “the Bog has been, is and may be in the future under development pressure for road and buildings construction that could severely affect its continued existence as a wetland complex with all the values associated with wetlands”. He asked if this wording should also apply to environmental education owners. Bonnie Lounsbury stated that “has been” means this is what has happened to date.

Chad Braswell also asked if the terms should be defined in this Agreement in regards to further down on Page No. 2 under Conservation Purposes, Item (1) *retaining, restoring or protecting natural, scenic or open space values of the Protected Property*. Robert Hark stated that most of the Conservation Purposes are intended to be a restriction. He stated that we do have the protection of the Advisory Committee. In his closing statement, he said that he is excited about the whole project.

Louise Ongley (Russell Street). The way it is set up on agenda, it implies that after you grant the easement to the Androscoggin Land Trust, that the City will set up an ordinance to create the Advisory Committee. Louise Ongley asked, “Is the Advisory Committee actually going to be a City Committee or a Land Trust Committee? “ If it is a Land Trust Committee, than it does not seem that the City should be writing an ordinance. Dennis Mason said that the Advisory Committee is a City Committee. Robert Hark said that he does not anticipate that the City Administrator would actually sign the Conservation Easement before the City Council has actually adopted the ordinance creating the Advisory Committee. The ordinance has been drafted to provide for the creation of the Advisory Committee and it probably would not make much sense to sign the easement until that exists.

Jan Phillips recommended going beyond the 25 years for the term of the easement.

Susan Hayward, a steward for Thorncrag Bird Sanctuary. Thorncrag is the highest point in the City of an important part of the watershed. Garcelon Bog, in its present state, does an extraordinary job of regulating a drop of water, much better than any other Public Works project. She commended the City and the Androscoggin Land Trust for saving this and creating a space here that works because of its natural condition. In terms of the watershed, this is a very important step that is being taken.

Dennis Mason referenced paper streets. They are not excluded as part of the conservation easement. Robert Hark said that he received a legal description from A.R.C.C. Land Surveyors, Inc. and said that he assumes that they were excluded because they are dedicated paper streets. There may be some efforts for credit for vacating a street in the future. Chris Branch said that once they are vacated they would be discontinued. Bonnie Lounsbury said that protection of the Garcelon Bog would be up to the Advisory Committee.

Louise Ongley mentioned perpetuity and watershed. If a bog is not surrounded by City-scape, it naturally goes through landscape changes over perpetuity. The landscaping changes can revert the area, especially with forests coming in. This can revert very fast. She is concerned with what impact this may have long-term on how you construct and divert the water away from it. Robert Hark said that this area is largely developed on all sides. Robert Hark said he does not foresee any major changes in that. If anything were to happen, it might mean that the sewer separation automatically enhances drainage into the wetland. Chris Branch said that the City does not have money floating around to do that anyway. The standard engineering practice is to go directly to the bog. The response was that water is not going to be redirected. What would be redirected has already been done, i.e. Jepson Brook. Chris Branch said that if anything was developed in that area, it would increase the amount of runoff in the bog, rather than decrease.

The following motion was made.

MOTION: by **Roger Lachapelle**, seconded by **Robert Connors** that the Planning Board sends a favorable recommendation to the City Council and the City Administrator to sign and approve the conservation easement with respect to the Garcelon Bog property by the City of Lewiston to the Androscoggin Lane Trust and for the creation of the Garcelon Bog Advisory Committee.

VOTED: 4-0.

V. FINAL HEARING: *Final Hearing on a Subdivision 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.* **Bob Faunce** stated that two (2) weeks ago, at the June 11, 2002 Planning Board Meeting, action was taken and this project was determined to be complete, the modification/waiver request forms were granted, and then it was scheduled for this Final Hearing.

ditches. There is no curbing on College Street. A sidewalk waiver has been requested so that all the lot owners will be able to use a ten foot (10') wide access easement to walk to the common area along Stetson Brook. A note has been added to the Site Plan indicating that Orono Lane is a private court and that access to Lot Nos. 7 and 8 is provided by a private court, that there will be no City garbage collection on the private court, and that Orono Lane may be maintained as a gravel road. Requested language has been added to the Deeds. The owners of Lot Nos. 7 and 8 will be responsible for constructing Orono Lane. The three (3) proposed phases of development are shown on the plan. A typical cross-section for Orono Lane has been added to the detail sheet. The crossing of the 100-year flood zone has been redesigned to include two (2) culverts. The 75 foot shoreland zone has been added as a note. The temporary turnaround has been relocated to provide sufficient frontage for Lot No. 4. The road will be completed in several phases. A performance bond will be posted which is satisfactory to the City.

In regards to *Dan Goyette's* comments, Bob Faunce stated that the plans now include a "T" turnaround, the requirement to extend a water main into the site has been waived by the Public Works Department, the six foot (6') crown has been added, and the culverts now have 36 inches of cover.

Dennis Mason commented on a note from the last meeting about adding conditions on the sale of lots per Article 12, Section A4. James Lysen stated that the conditional agreement that is on the plan sets the rule, that is, 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.

Bob Faunce stated that Note 12 has been placed on the plan, which reads, "*No permits may be issued by the Division of Code Enforcement for any building or other permanent structure within this development until a performance guarantee has been provided or until the completion of street grading, paving, storm drainage, utilities, and other similar improvements as specified on the Plans: and the acceptance of any public improvements by the City.*" Bob Faunce also stated that the wording can be changed to read, "*no lots or permits may be issued.*"

There, being no further questions or comments, the following motion was made.

MOTION: *by Robert Connors, seconded by Jeffrey Gosselin that the Subdivision 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 meets all the necessary approval criteria under Article XIII, Sections 4 and 5 of the Zoning and Land Use Code; and that the Planning Board grants final approval subject to MDEP approval concerning the Wetland and Site Location Permits; and Note 12 amended.*

VOTED: 4-0.

VI. PRE-APPLICATION AND DETERMINATION OF COMPLETENESS HEARING: *Pre-Application and Determination of Completeness Hearing on a Subdivision Application by Denis Jean to develop his property located at 18 Larrabee Road into a five (5) lot single-family residential subdivision.*

David Sanborn read his memorandum dated June 20, 2002. *Denis Jean* is proposing to develop his property at 18 Larrabee Road into a five- (5-) lot, single-family residential subdivision. His property is located in the Medium Density Residential (MDR) District.

As stated in the Staff Memorandum and distributed at this meeting was a letter (listed under Item III. Correspondence above) from *Theresa Deschaine* of Sunco Pump & Well Drilling, Inc. stating there is an ample amount of water supply for four (4) more new lots.

Dennis Mason brought up the two (2) questions by Staff, which were the purpose of Lot No. 5 and a little buffer strip to the Main Street side of the property. Denis Jean said that he is proposing to retain Lot No. 5 for a single-family home for himself. There is an odd-shaped strip of land along the western side of the proposed subdivision. Denis Jean said that according to the pins and usage, it looked like those were part of the lots on Main Street, which are the abutters. But when surveyed and determined by the deeds, the lots off Main Street were at least 200 feet back on Main Street. James Lysen said that technically, there are sheds built on his property. James Lysen stated that deed ing the land to the abutters would be the easiest way.

Dennis Mason stated that the bank may have difficulty with the financing of Lot No. 4, if there are other structures on the land that do not belong to the property owner. Denis Jean asked if that would be addressed by moving the property line over. Dennis Mason responded that it would make the plans smoother. Dennis Mason stated that

a note shall be included that Lot No. 5 will be used as a single-family home. Denis Jean will work with Staff on the correct wording of this. This shall be retained as the fifth lot by the owner and that this should be noted on the plan.

James Lysen said that there are no real public improvements on the property right now. It was mentioned that

erosion control measures shall be put in place. There is a significant grade between Lot Nos. 4 and 2 - upwards of 20 feet. Dennis Mason said that he was concerned with extensive runoff on the land belonging to the owners of Lot No. 3. He would like to avoid creating issues with the neighbors. Gil Arsenault said that if he were the developer and he was lower than his neighbor, he would want to be mindful of creating a slight swale. Gil Arsenault said that this is a good point, but it is not any different than with any other development. The following motion was made.

MOTION: by **Jeffrey Gosselin**, seconded by **Robert Connors** that the Planning Board grants the necessary waivers and modifications; determines the subdivision application by **Denis Jean**, 18 Larrabee Road to be complete; and schedules it for a Final Hearing at the July 23, 2002 Planning Board Meeting.

VOTED: 4-0.

VII. OTHER BUSINESS:

A. No Name Pond Watershed Management Association recommendations. James Lysen read his memorandum dated June 21, 2002. The actions necessary include the endorsement of the three- (3-) year monitoring program, the \$50,000 annual funding of the NNP Watershed Management Plan, and support of the acquisition of environmentally-sensitive land around the pond, including the Hallowell parcel, which has been offered for sale to the City of Lewiston. James Lysen made reference to the letter, including in the Planning Board packets, from Albert Curran, President of the NNPWMA. Al Curran's letter prioritizes strategies identified in the Watershed Management Plan and makes recommendations on implementation. James Lysen read the recommendations to the Board.

Present at this meeting were: **Roger Richard**, **Jeanne Raymond**, and **Thomas Hallowell**. James Lysen mentioned that he had spoken to Al Curran and stated that he could not attend, however, he endorsed all of Staff's recommendations.

James Lysen went over the phosphorus pollution reducing strategies and phosphorus pollution monitoring and management activities. Some of the strategies include: 1. Recommending to the City to fund and conduct a watershed-wide septic system survey and improvement plan, 2. Recommend to the City to install a milfoil advisory sign at the north end of the pond, and 3. The creation of a Web page linkage. Activities include: 1. A favorable endorsement of the proposal and funding of the monitoring plan, 2. To submit a grant to the MDEP for implementing the watershed for next year, 3. Retaining City-owned property, and 4. That the City explore acquisition of property on the northeastern side of the pond and begin to prepare a plan to best serve the recreational and educational needs of the City.

Included on the map enclosed in the Planning Board packets were both the Hallowell and McMorro properties. The McMorro property is another possibility for acquisition. As mentioned earlier, **Thomas Hallowell** was present on behalf of his property. Both, the Curran and Langelier properties, have been offered for possible septic system creation.

James Lysen stated that milfoil is a major issue and recommends for the City to install milfoil advisory signs, provide access to the pond, and create a Web page linkage for the No Name Pond. Other recommendations are that research and implementation on Best Management Practices (BMP's) for sanding and salting roads be conducted by the Public Works Department, that the City install both trash signage and a public restroom facility at the quasi-public beach area, and that the City do research on snowmobile activities and related environmental regulations and enforcement.

Again, James Lysen stated that he would like the monitoring and assessment proposal endorsed. Included in the Planning Board packets was this proposal entitled, "No Name Pond Water Quality Monitoring and Assessment Proposal" prepared by Scott Williams. This proposal covers a three- (3-) year lake monitoring period. Scott Williams is also proposing to interpret the data and provide an annual summary report of findings to both the City of Lewiston and the No Name Pond Association. The No Name Pond Association has endorsed this. This will be brought to the City Administrator and City Council. Besides Scott Williams proposal, as mentioned above, other activities listed in Al Curran's correspondence includes the City applying for federal and state grants. James Lysen said that there are grants available for communities who have created a Watershed Management Plan. James Lysen said that Staff would like to work next year with the association to create an implementation grant on phosphorus control.

Dennis Mason mentioned that the some of the points are fairly detailed and that the recommendations go beyond what the Planning Board historically has dealt with i.e. the "trash" signage, telling the Public Works Department what to do with their roads, milfoil, etc. Dennis Mason also stated that he is not ready to tell the City to acquire

property, without a purpose, need, or requirement. He thinks that this will create more problems. James Lysen said that most of the recommendations say, "to explore". Thomas Hallowell has recently offered for sale his property to the City that he no longer needs. This will be a formal presentation on July 23, 2002. The acquisitions may not cost the City. He then mentioned trading off of development rights or just like the Garcelon Bog area, where the property cannot be developed, due to wetlands.

Action on the recommendations will be made at the July 23, 2002 Planning Board Meeting.

Jeanne Raymond stated that she is concerned with the public beach area being a quasi beach area. She would like the City to have some control of it. Jeanne Raymond also mentioned milfoil. She stated that it can come in on a boat into the cove. She would like the Planning Board to consider some of these issues. She also requested help in posting of signs. Her closing statement was that this is the only body of freshwater available.

Dennis Mason said that the City needs to deal with access issues. He said that he does not have a problem with the recommendations. Dennis Mason feels that the Planning Board is being asked to look at the nitty-gritty of running the City.

Roger Lachapelle stated that he was in support of the recommendations.

The following motion was made.

MOTION: by **Robert Connors**, seconded by **Jeffrey Gosselin** that the Planning Board forward a favorable recommendation to the City Council affirming all the No Name Pond Watershed Management Association (NNPWMA) recommendations that were put forth in the memorandum to the Planning Board and for Staff to prepare the necessary changes to the Zoning and Land Use Code concerning single-lot development phosphorus standards.

VOTED: 4-0.

Ethan Chittim left this meeting at 9:15 p.m.

B. Proposed Amendment to the Zoning and Land Use Code concerning Adult Business and Adult Amusement definitions and amendment to permitted and conditional uses in the Centreville & Mill Districts. James Lysen read his memorandum dated June 21, 2002 and presented this item. This item was presented to the Planning Board for information and public input. The proposed amendments will be ready for the Public Hearing for July 23, 2002. The created standards will be mailed as a draft on July 12, 2002. James Lysen asked, "Do we want places in the City for Adult Amusement Establishments?" Do we want to outlaw them? James Lysen made reference to Additional Locational Criteria. James Lysen said that back when the Neighborhood Conservation "A" (NCA) standards were created, we really have to replicate what is existing in that neighborhood. They are permitted, but need to meet Additional Location Criteria. James Lysen said if you really want to restrict them, his concern is if you are going to eliminate them from the downtown, where do you want them? Do they impact residential areas? He said locational criteria should speak to proximity, not just to each other, but churches, schools, and the residential neighborhood.

Jeffrey Gosselin asked, what drove this to come this way. Dennis Mason responded that there is a tattoo parlor that opened up on Lisbon Street on the block near the Courthouse Plaza.

Louise Ongley was present at this meeting. She asked, "How does a tattoo parlor constitute an adult entertainment?" The response was that there are limitations because of age. This is permitted to adults eighteen years of age or older. This makes it an adult business establishment. This pertains to any place that has limitations because of age.

Jeffrey Gosselin feels that the Planning Board could be sticking their feet into a big mess. There should be a place for everything.

James Lysen said that the Downtown Advisory Board (D.A.B.) is trying to change the image of the downtown. This is a good thing. He commented that there is no easy solution.

Jeffrey Gosselin said he feels that he is not sure if he can support this. This is violating first amendment rights.

James Lysen commented that by July 23, 2002 there will be new definitions and consistency with state law and state and local licensing as well.

Dennis Mason said that the City needs design standards in the downtown.

Jeffrey Gosselin feels that this should be a referendum item and the public's perception of this.

There was no action required on this item. This was brought to this Board for input and will be in final form for a Public Hearing on July 23, 2002.

C. Any other business Planning Board Members or others may have relating to the duties of the City of Lewiston Planning Board. Included in the Planning Board packets was the item entitled, "The Ten Fundamental Responsibilities of a Non-Profit Board". Dennis Mason said that he would encourage the Planning Board Members to keep this item in their Planning Board books. This applies not only to the Planning Board, but to other boards as well.

VIII. READING OF THE MINUTES: *Reading of the minutes from the June 11, 2002 Planning Board Meeting.* There were no changes or revisions, therefore, the following motion was made.

MOTION: by **Roger Lachapelle**, seconded by **Jeffrey Gosselin** to accept the Planning Board Minutes for June 11, 2002, as presented.

VOTED: 4-0.

IX. ADJOURNMENT: This meeting adjourned at 9:30 p.m. The next Planning Board Meeting is scheduled for July 23, 2002.

Respectfully submitted,

Dennis R. Mason
Planning Board Chair

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