

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for October 29, 2002 - Page 1 of 3**

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 7:00 p.m., and was chaired by Dennis Mason.

- **Members in Attendance:** Dennis Mason, John Cole, Rob Robbins, Robert Connors, and Jeffrey Gosselin.

- **Staff Present:** Lincoln Jeffers, Business Development Manager; James Lysen, Planning Director; James Andrews, Community Development Director; David Sanborn, Planning Coordinator; and Doreen Christ, Administrative Secretary-Planning Division.

II. ADJUSTMENTS TO THE AGENDA: Add under Other Business, Sub-Item F., Update on No Name Pond Amendments and move up Sub-Item C., Planning Board Member participation in the LCIP/CDBG process.

III. CORRESPONDENCE: Distributed at this meeting was An Ordinance Pertaining to Protection of the No Name Pond Watershed dated October 1, 2002 and Proposed Amendment - October 24, 2002 on An Ordinance Pertaining to Protection of the No Name Pond Watershed.

IV. FINAL HEARING: *Proposed fill project by Wallace and Isabelle Howe located at 102 Merrill Road, to add approximately 5,000 cubic yards of fill onto their property to make the land more usable.*

The Planning Board waived the reading of David Sanborn's memorandum dated October 25, 2002. Reference was made to David Hediger's memorandum dated October 21, 2002. One of David Hediger's comments was that the Site Plan should contain a disclaimer from A.R.C.C. Land Surveyors, Inc. that indicates that the preparation of the Site Plan for purposes of the fill project was prepared by Wallace Howe and not A.R.C.C. Land Surveyors, Inc. There is a wetland area shown on the mapping, which is small enough that it does not require D.E.P. approval.

Both *Wallace and Isabelle Howe* were present at this meeting. There were no questions or comments from the Planning Board, therefore, the following motion was made.

MOTION: *by Robert Connors, seconded by Jeffrey Gosselin that the Planning Board grant the waiver/modifications, as requested; that this fill project by Wallace and Isabelle Howe, 102 Merrill Road meets all the applicable criteria under Article XIII, Section 4 of the Zoning and Land Use Code; and grant final approval to this project.*

VOTED: 4-0 (*John Cole was absent at the time this vote was made*).

V. OTHER BUSINESS:

A. Randall Road Estates "De minimus" change. James Lysen read his memorandum dated October 25, 2002. He showed a larger view of the project. *Marc Blais* was present at this meeting.

This item was brought to the Planning Board to request that one (1) of the two (2) "rights-of-way" to the rear land of Marc Blais' current Lot No. 3 be added to his lot in order for him to add an addition or garage to his house. Jeffrey Gosselin said that there is no need for this ROW, since there is one (1) further down. James Lysen stated that there is additional frontage down Randall Road. These lots were created and amended a couple of times back in the late 1980's.

John Cole arrived at 7:12 p.m.

After further discussion, the following motion was made.

MOTION: *by Jeffrey Gosselin, seconded by Rob Robbins that the Planning Board determines the Randall Road Estates Amendment to be of a "de minimus" nature; that it meets all the applicable review criteria under Article XIII, Sections 4 and 5; and authorizes the Planning Board Chair to sign the revised mylar.*

VOTED: 4-0.

C. Planning Board Member Participation in the LCIP/CDBG Process. At the last Planning Board Meeting (10/08/02), Jeffrey Gosselin had agreed to sit in on the LCIP Review Committee. James Lysen stated that it no longer looks like this committee will be formed. James Bennett prefers direct presentations from the Department Heads. This process used to be both citizen participation and Staff. At the City Council Workshop tonight is a new strategic plan to help guide the Departments to get their projects prioritized. The City Charter still requires that the LCIP goes to the City Council, Planning Board, Finance Committee, and Mayor on January 15, 2003. James Bennett will make a presentation to the Planning Board. This is a process with a streamline approach.

James Andrews presented the CDBG process. The CDBG is a funding source including social service agencies. The CDBG process was streamlined 3-4 years ago and it is being looked at to streamline it again. The Citizen Participation Plan's new process will remove the Planning Board from the CDBG process and go through the CDBG Committee with the hearings, and then it will be forwarded to the City Council. There will be no recommending committee. The Consolidation Plan will still be brought forward because it is a planning document and is changed every five (5) years. Any amendments would need to be brought to the Planning Board also. The Planning Board will no longer be involved with the committee process or recommending on a yearly process for the block grant funding. The CDBG projects or requests, except for the social service agencies are always part of the LCIP. The CDBG Committee will include City Council Members and social service agencies. Dennis Mason suggested to include Empower Lewiston! in this process. James Andrews said that he will be bringing forward recommendations and changes in the Citizen Participation Plan to be voted on and then take it to the City Council for their approval.

B. Martin Drive Sewer Extension Proposal. The Planning Board waived the reading of the memorandum prepared by James Lysen dated October 25, 2002. Instead, James Lysen showed the Planning Board a graphic display of the back portion of Martin Drive, which is the undeveloped area and gave a brief presentation. Included in the packets was the Sanitary Sewer Assessment Policy.

This item was brought to the Planning Board at the request of the City Council. The City Council, at their September 3, 2002 Meeting, requested a review and recommendation from this Board. The policy asks for the Public Works Department to provide cost estimates and designs. The estimated cost is \$168,000.

James Lysen said that the road is in place and is maintained by the City. The subdivision is approved. The only thing left to do is water and sewer. Of the seven (7) lots impacted by the extension, only one (1) has a home and is currently served by a septic system. Five (5) of the lots are owned by Robert and Faye Brickel, who also own the adjacent developed property at 40 Martin Drive, which has public sewer. The final lot is owned by CMP (Lot No. 47) and is in the middle of the development.

Chris Branch's response to the City Council's request was that it was not in the best interest of the sewer rate payers and should be denied. Combining some lots and the subdivision of the large lot at 58 Martin Drive for additional lots, could provide options.

This is a beautiful location and it has good potential for housing. This area has undeveloped for over 30 years. Martin Drive is one (1), large cul-de-sac. The frontage lots are narrow, however, there could be some combining of those lots. It is up to the City Council to make the policy decision. James Lysen said that the impacted players would need to cover half the cost, based on frontage.

Dennis Mason stated his concern that someday there may be a train or even a freight train coming down through this area and he does not think somebody would want to pay \$130,000 for a home that abuts a railroad track. Dennis Mason said that the Planning Board is being asked, "Does this make sense to the City to support development?" James Lysen said that septic systems could be developed on this site.

There are compelling reasons on both sides. Rob Robbins said that there are several reasons why lots have not been developed, and that maybe they are difficult to develop. After further discussion, the following motion was made.

MOTION: *by Jeffrey Gosselin, seconded by John Cole that the Planning Board finds that there is not a compelling reason, at this time, to recommend to the City of Lewiston to proceed with the extension of the sewer line in this area, due to concerns of costs, limited development potential and proximity of the lots to the Maine Central Railroad line.*

VOTED: 5-0.

D. Proposed Stetson Brook Mobile Home Park Rezoning (scheduled for the November 19, 2002 Planning Board Meeting). This item was brought to this meeting to update the Planning Board and schedule this item for a Public Hearing at the November 19, 2002 Planning Board Meeting. The City is in receipt of a petition to place a Mobile Home Park Overlay District on the portion of Stetson Brook Mobile Home Park property that is currently in the Community Business (CB) District without the overlay.

E. Any Other Business Planning Board Members may have relating to the duties of the City of Lewiston Planning Board. In regards to Planning Board Members, James Lysen stated that he has a meeting tomorrow with Mayor Larry Raymond concerning Planning Board vacancies, and will let Dennis Mason know the outcome.

The following item was not on the agenda listing, but was presented as an update to this Board.

F. Update on No Name Pond Amendments. James Lysen said that during the second reading of the amendment, some public raised concerns about the impact of the requirement for 24" of soil to limiting factor. This ordinance was modeled after Lake Auburn's standards, which is 36 inches. This was kind of a compromise. Still, the question was asked, "How many lots are impacted within No Name Pond?" James Lysen responded that a soils evaluation would need to be done on all those lots to make that determination. James Lysen stated that he did some research and contacted the State Evaluator, **J. Hardcastle** and came up with a proposal. There were four (4) parties at the City Council Meeting who were concerned about this specific issue. James Lysen said that he was instructed to work with them. He said he came up with a proposal and e-mailed it to them. At last night's meeting, in conjunction with the Watershed Association Meeting, all of those people showed up and looked at the proposal. This shifts the focus from buildability of a lot to performance standards of a septic system design. A suggestion that Mr. Hardcastle says that if you can add more treatment area within the individual septic system, you have a much better chance of not having septic systems impact the pond.

The other issue that came up was to enforce the existing and new standards throughout the watershed. The whole community septic system was an outgrowth of what if we do to enforce septic system standards. People would need to move out. Politically this was not something looked at as a right direction. A request was made to do a septic system survey to see if septic systems were operating properly. The area focused at was the shoreland zone. Roger Richard provided some area for the community septic system on his subdivision. Al Curran has said he has constructed a new system on his rear property. He has said he would allow access easements for people to create systems on the upland area of his property. In the area of the camps the same thing can be created there. The small community grant program may provide some financial assistance to do that. James Lysen said it is hoped that a Comprehensive Septic System Study will happen this spring. Renee Bernier has been instrumental in bringing the community together to focus on the water quality issues and eventually water recreational issues.

Comments made from Planning Board Members and Staff included the following. Gil Arsenault suggested deleting the word, "current". John Cole agreed, but suggested replacing it with the word, "applicable". John Cole said that current is at the present time, i.e., "as amended from time-to-time. In closing, James Lysen said that this item is scheduled for the November 12, 2002 City Council Meeting. There is no recommendation required. This was brought to the Planning Board for input.

VI. READING OF THE MINUTES: Reading of the minutes from the October 8, 2002 Planning Board Meeting. The following changes were made by Dennis Mason. A. On Page 1, Item IV. Public Hearings, Sub-Item A. 2nd. sentence, delete the word, "are", and replace it with the word, "is". In the same paragraph on the 6th. line, change the word, "need", to read, "needs". B. On Page 2, Item V. Other Business, Sub-Item B. 3rd. paragraph, 6th. line, change the whole sentence to read, "This also relates to the Franco Heritage Center in the old St. Mary's Church and some of the work being coordinated there." C. On Page 3, 3rd. paragraph, first and only sentence, delete the word, "he" after Chris Branch's name. Also on Page 3, Sub-Item B., 2nd. paragraph, 6th. line, delete the words, "a aerial photography", to read, "an aerial photograph". In the same paragraph, line 12, delete the word, "mapping" and replace it with the word, "map". D. On Page 4, 4th. paragraph, 3rd. line, delete the word, "does". Also, in the same paragraph, 5th. line, change "Libbey Street", to read, "Libby Avenue" and on line 9, delete the word, "will".

The following motion was made.

MOTION: by **John Cole**, seconded by **Jeffrey Gosselin** to approve the October 8, 2002 Minutes, as amended.

VOTED: 5-0.

VII. ADJOURNMENT: This meeting adjourned at 8:08 p.m. The next Planning Board Meeting is scheduled for Tuesday, November 19, 2002 and the meeting in December is scheduled for Tuesday, December 17, 2002.

Respectfully submitted,

Dennis R. Mason, Planning Board Chair

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