

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for January 6, 2003 - Page 1 of 5**

I. ROLL CALL: This meeting was held in the City Council Chambers, was called to order at 7:00 p.m., and was chaired by John Cole, Vice Chairman, until a vote for officers was taken.

- **Members in Attendance:** John Cole, Rob Robbins, Robert Connors, Jeffrey Gosselin, Roger Lachapelle, and Lucy Bisson.

- **Newly Appointed Members:** John Racine - Planning Board Member and both Jim Horn and Tom Truchon - Associate Planning Board Members.

- **Staff Present:** Gil Arseneault, Deputy Development Director; James Lysen, Planning Director; David Sanborn, Planning Coordinator, and Doreen Christ, Administrative Secretary - Planning Division.

- **Student Members Present:** Ethan Chittim and Wade Morgan (new Student Member).

IV. ADJUSTMENTS TO THE AGENDA: *The consensus of the Planning Board was to proceed first with Item No. III and then Item No. II on the agenda listing.*

III. ELECTION OF OFFICERS: James Lysen entertained motions for officers. The following motions were made to elect this years Planning Board officers.

Chairman

MOTION: by **Rob Robbins**, seconded by **Lucy Bisson** that the Planning Board elect John Cole as its Chairman.

VOTED: 6-0-1 (John Cole Abstained).

John Cole then assumed duties as Chairman and entertained motions for the following.

Vice Chairman

MOTION: by **Lucy Bisson**, seconded by **Jeffrey Gosselin** that the Planning Board elect Rob Robbins as its Vice Chairman.

VOTED: 5-0-2 (Rob Robbins and John Cole Abstained).

Secretary

MOTION: by **Robert Connors**, seconded by **Jeffrey Gosselin** that the Planning Board elect Lucy Bisson as its Secretary.

VOTED: 5-0-2 (Lucy Bisson and John Cole Abstained).

Wade Morgan (son of Steve Morgan, from ERA Worden Realty) was also introduced as the newest Student Member. His Planning Board packets are to be delivered to 260 South Avenue, Lewiston, Maine 04240.

Out of sequence to the agenda, the following item was heard.

II. REVIEW OF ADOPTION OF PLANNING BOARD RULES AND PROCEDURES

James Lysen presented this item and distributed the revised Planning Board Handbook at this meeting. The first item to be added appears on Page No. 1 under Item 4.05 Planning Board, Sub-Item (a) Appointments. This paragraph states the addition of the two (2) associate members of the Board, their voting rights, and that their initial terms are: One (1) associate member will serve four (4) years and one (1) for five (5) years. They shall serve in the place of a member who is absent, disqualified, or otherwise unable to participate when designated by the chairman to do so.

The next change was to the "Lewiston Planning Board Rules of Procedure" on Page No. 5, under Sub-Item 3. Meetings. An action needs to be taken on this item. It is proposed to change the regular Planning Board Meeting times from the second and fourth Tuesdays to the first and third Mondays. The following motion was made.

MOTION: by **Jeffrey Gosselin**, seconded by **Lucy Bisson** that Item No. 3. Meetings, Sub-Item A. of the “Lewiston Planning Board Rules of Procedure” reflect that the meeting date has been changed from the second and fourth Tuesdays to the first and third Monday of each month.

VOTED: 6-0-1 (Cole Abstained).

There is no regular scheduled third meeting for the months of January and February 2003, due to the holidays. There is a workshop scheduled for Monday, February 24, 2003. Richard Flewelling will be present at this workshop. There are a number of topics to discuss i.e. conflicts of interest, Roberts Rule of Order, etc. He mentioned that maybe some members of the community or members of other boards may want to participate in this workshop.

James Lysen continued with his proposed revisions. On Page No. 5, Item D, delete the first three (3) sentences. The last sentence shall now read, “Material related to both development and non-development review agenda items which are not included in the Planning Board packet may only be considered if agreed to by a majority vote of the Board.” James Lysen said that Staff would like more flexibility in what is placed in the packets. Sometimes it can be a very minor change. Packets are delivered on Friday and sometimes on Saturday. The Board can then choose to accept it at the meeting. Also, on Page No. 5, Item E. does not need to be acted on at this meeting. This item covers the order of business at all regular Planning Board Meetings. This will be determined after the streamlining provisions that are being drafted. There will no longer be a Pre-Application or Determination of Completeness Hearings. Staff will assume some of the responsibility in determining if the application is complete. This will be confirmed by the Planning Board. Then the project will go through review. It does not matter the scale of the project. If the applicant has their act together, meets the criteria established in the code, has enough review time for the departments to give feedback, then this would require just one (1) meeting. These are changes to the code and after a recommendation of the Planning Board, they will need to go to the City Council.

On Page No. 6, Item F. Protocol. This item pertains to the new associate members. Tom Truchon was voted in earlier this evening as a one (1), four-year member and Jim Horn as a one (1), five-year member. After their terms expire, each associate member will serve a five-year term. The associate members will be able to vote on a rotating basis and will serve in the place of a member who is absent, substantially tardy, recuses themselves, is disqualified, or otherwise unable to participate. Also, in the middle of Page No. 6, the word, “our” has been struck out and replaced with the words, “the Board’s”. The following motion was made.

MOTION: by **Jeffrey Gosselin**, seconded by **Robert Connors** that on Pages 5 and 6, Item 3, Sub-Items A., D., and F, the Planning Board accepts the changes, as submitted.

VOTED: 6-0-1 (John Cole Abstained).

On Page No. 7, Item 4. Notice., Sub-Item A., on all proposals to amend the code, including rezoning proposals, it is proposed that the legal advertisement be published in the newspaper at least two (2) times, with the first being six (6) days prior to the hearing, instead of seven (7) days and posted in the City building seven (7) days prior to the date of the hearing, instead of 14; and the second, the day of the hearing, so as to not hold back an application for a notice. In the past, the applicant used to send the abutter’s notice, now Planning Staff will be responsible. The public hearing notice shall be mailed seven (7) days prior to the date of the hearing to the owners of all property within or abutting the area. Also, to be included with the mailing for all rezoning proposals will be a map indicating the area affected along with the public notice. For a conditional or contract zoning, also included would be a copy of the proposed conditions and restrictions.

John Cole suggested to the Planning Board to move forward on the remaining agenda items and if it would be the consensus of the Board to come back to this item. All Board Members agreed and the following items were heard before continuing further on with this item.

V. CORRESPONDENCE: Distributed at this meeting were the letters from Kathleen Montejo, CMC, City Clerk dated January 2, 2003, and January 3, 2003 to both new Associate Planning Board Members Jim Horn and Tom Truchon in regards to the Mayor Larry Raymond’s appointment of them to the Planning Board. Also distributed was the Planning Board Handbook. The following motion was made.

MOTION: by **Rob Robbins**, seconded by **Lucy Bisson** to accept this correspondence and place it on file.

VOTED: 6-0-1 (John Cole Abstained).

VI. PRE-APPLICATION AND DETERMINATION OF COMPLETENESS HEARING: *Greg Amos has submitted an application for Pre-Application and Determination of Completeness on the creation of Mountain View Estates, a 9-lot single-family subdivision located at 69 Hogan Road, adjacent to Teakwood Knoll.* David Sanborn read his memorandum dated January 3, 2003. This property is located at 69 Hogan Road and is in the Suburban Residential (SR) District. This is a proposed nine-lot subdivision, called Mountain View Estates, which is on 20.4 acres of land. These proposed lots will not be serviced by public sewerage or water. Each lot will have a wastewater disposal system that meets the standards of the Maine State Plumbing Code. The minimum lot size required for these lots is 40,000 square feet with a minimum required road frontage of 125 feet. All these proposed lots meet these requirements. **Greg Amos**, the applicant, has doubled the rear setback from the required 15 feet to 30 feet to add additional buffering space to the abutting Thorncrag Bird Sanctuary. Greg Amos is not requesting any modifications or waivers for this project.

There were concerns from both the Public Works Department and Code Enforcement. These were included in the Planning Board packets. There were no concerns from either the Police or the Fire Department.

Greg Amos, the applicant was present at this meeting along with his brother, **Jeff Amos**, a Professional Engineer and Project Manager from Sebago Technics. Jeff Amos touched on the comments made from **Dan Goyette** and **David Hediger** (included in the packets). As mentioned above there were seven (7) comments from Dan Goyette and **Matt Callahan**, Project Engineers, from the Public Works Department. Jeff Amos stated that these comments, with the exception of No. 7 are all drafting details, they have all been noted, and will be addressed with the final submittal. Jeff Amos addressed the specific reference to the comment regarding that the developer must provide permanent open space within the subdivision in accordance with Article XIII, Section 4(s) of the Zoning and Land Use Code with 50 percent of the open space suitable for active recreation, accessible for all the lots and referenced within the bylaws and declaration of covenants and restrictions. The open space requirement is more suited towards developments of higher density. Jeff Amos stated that in the original submittal there was a ten (10) foot pedestrian easement going up to the southeastern property line. Jeff Amos stated that City Staff, a few months ago, approved Amos Court, which contained a two- (2-) lot development. James Lysen stated that this was using the right-of-way provisions. Jeff Amos continued by saying that these two (2) lots are now being split up into nine (9) lots. The smallest of these lots is 1.1 acres of land. The largest lot will be 1.8 acres. These lots contain a lot of open space. Jeff Amos said that they are proposing to widen the proposed ten (10) foot easement to 22 or 25 feet to give 10,000-12,000 square feet of open space for use as a walking trail. He stated that street lighting will be provided at the street entrance and turnaround. Jeff Amos said that the note pertaining to Sheet 2 of 7, should state, "*Amos Court is proposed to be a private gravel road and will not be accepted by the City of Lewiston.*" The note currently reads, "until it meets public road standards". He said that they are requesting that something of similar verbage be allowed on the plan, that in time if something happens with the neighboring land, the road does come to City standard, that it can go through the City process and become a City road. There was a comment contained on both memorandums, that being the request for an additional four (4) inches of gravel, over the 16 inch subbase, bringing it to 20 inches. He stated that this will happen. James Lysen stated that a minimum of 15 feet of paved apron is required to protect the side of the road. There is no direct tie into Thorncrag. There is a lot of open space in the back. James Lysen said that he has no problem with a permanent walking trail. There is no motorized vehicles or bicycles allowed in Thorncrag. John Cole asked if there is any fencing between these lots and Thorncrag. Jeff Amos responded with, "No, there is not any fencing, however, there are rock walls from three (3) to four (4) feet high.

This item was then opened to the public. Since there was no public audience, this item was then turned back to the Planning Board. James Lysen stated that this is a Pre-Application and Determination Hearing and it is being requested to be scheduled for a Final Hearing in February 2003. James Lysen stated that the final application should resolve all stated issues. Gil Arsenault stated in regards to a City street, he wants to make it clear that that there is no expectation that this will become a City street. He said that he does not want any citizen to buy into this development thinking that this will become a City street. There will be no trash collection, etc. He stated that they are trying to protect the City and he said to take note that further on the agenda are proposed amendments to street standards and earth removal activities standards.

John Cole questioned the adequacy of water supply and the correspondence included in the packets from James Bisson of Affordable Well Drilling in Topsham, Maine dated December 18, 2002, of which there is no signature. James Lysen stated that he would like to see this letter re-phrased and signed as well. The testing should indicate similar water in other places within the subdivision. However, he also said he does not expect wells drilled for each lot. John Cole stated that he wants to see qualifications and a license number from Affordable Well Drilling.

This item was then turned back to the Planning Board for debate and discussion. Jeffrey Gosselin asked if the approval would need to be submitted and done within 24 months, otherwise would this then need to come back to this Board? James Lysen responded that the private improvements would need to be done. James Lysen stated that the letter and Affordable Well Drilling's qualification need to be submitted.

The following motion was made.

MOTION: by **Roger Lachapelle**, seconded by **Lucy Bisson** that the Planning Board determines the application for Mountain View Estates, 69 Hogan Road to be complete, subject to the requirements that have been discussed at this meeting and schedule this item for a Final Hearing to be held on February 3, 2003.

VOTED: 6-0-1 (John Cole Abstained).

II. Review of Adoption of Planning Board Rules and Procedures was then continued at this point in the meeting. On Page No. 8, it is proposed that the Planning Staff will notify the abutting and affected property owners and that the Planning Director can designate to have someone act on his behalf. The word "affected" shall be defined to mean any property not sharing a common physical boundary but upon whom the proposed development would have impact, as determined by the Planning Director or designee. Rob Robbins asked if anyone at all was concerned that that may make that a subjective test. He stated that this is giving the Planning Director the discretion to make that determination and doesn't this leave open some potential exposure if there is an abutter after-the-fact who feels like his or her property was not being affected? John Cole said that he would like to see the determination, in writing, from the Planning Director. Notification to the abutters has been made easier, due to the GIS System. John Cole also said to James Lysen that if he determines that there are no other affected properties, that he would like to see this determination in writing. Discretion would need to be used. James Lysen stated that he would be glad to report out their findings.

James Lysen said that if it is a minor project and they expect a significant amount of public input, then it would be bumped up to the Planning Board (i.e. Thorncrag Bird Sanctuary). Planning Staff can handle "de minimus" changes. However, if these changes involve a subdivision, it would need to be reported to the Planning Board Chair to see whether this would need to come to the Board or not. James Lysen stated that they are looking for flexibility for projects.

John Cole noted on Page No. 7 under Item No. 4. Notice, that there were two (2) Sub-Item A's. This shall be re-alphabetized. John Cole also suggested that the word, "abutting" gets added under Sub-Item B. to read, "Abutting and Affected" property owners. The streamlining amendment has not been adopted, therefore, no action is required on this item. These changes are being taken under advisement for the time being.

VII. OTHER BUSINESS:

A. Proposed Development Review streamlining. James Lysen stated that the streamlining proposal is 14 pages in length. This item will be brought to other departments, i.e. the Staff Review Committee, the Police, Fire, and Public Works Departments and also they will be meeting with other department heads and the City Administrator to take a look at this. The private road standards may be covered also. James Lysen stated that at the end of this month, there will be a joint meeting with the development community, including the consultants, developers, etc. to look at the streamlining provisions. Also, James Lysen stated they may review private notifications at the same time. At the third meeting, there will be a proposal, which the Planning Board will receive prior to the meeting. Changes made to this draft will be taken up at the February 3, 2003 Meeting. Lucy Bisson noted that on Page No. 12, the reference to 30-A M.R.S.A., the "A" shall be italicized the second time it appears.

The major focus is streamlining the meetings so that projects all go to one development review meeting only.

A minor project needs a conditional use permit and goes through the Board of Appeals (for approval) and the Staff Review Committee (for development review). New subdivisions and law changes go through the Planning Board. Fill projects from 1,000-5,000 cubic yards goes to the SRC. Projects over 5,000 go through the Planning Board. Staff is proposing anything less than 5,000 cubic yards can be done without a hearing. The current process was created in 1988. Other communities were looked at, i.e. South Portland, Bangor, Augusta, and Auburn for their reviews. Auburn is doing Staff Review on a lot more square footage.

Gil Arsenault stated that the intent is to try to save everybody time and not delay projects.

On Page Nos. 13-14, Sub-Item (k), "A report of all approved "de minimus changes will be submitted to the Planning Board or Staff Review Committee, as appropriate at their next available meeting." This item is being added to the proposal. James Lysen stated that Staff wants to keep the Planning Board informed as to "de minimus" changes. James Lysen stated that early in his career, many amendments were done as "as-built" changes without Planning Board approval or notification. Then the Board felt that they wanted to be involved in all changes. Jeffrey Gosselin stated that some items could be reviewed under the "Other Business" item on the agenda and some items may not need a formal process.

This item will come back to the Planning Board to report the changes, theory, and to brief the Planning Board.

B. Proposed amendments to street standards and earth removal activities standards. The

Planning Staff is preparing a proposal to create performance standards for such projects. This item is expected to be held as a Public Hearing at the next Planning Board Meeting on February 3, 2003.

C. Proposed Planning Board Workshop February 24, 2003, sponsored by the Maine Municipal Association. As mentioned earlier, Richard Flewelling, Staff Attorney at the MMA will be present to conduct this workshop, which was postponed last year.

D. Any other business Planning Board Members may have relating to the duties of the City of Lewiston Planning Board. None.

VIII. READING OF THE MINUTES: Reading of the minutes from the December 17, 2002 Planning Board Meeting. The following changes were made by Lucy Bisson. On Page No. 4, Item VI. Other Business, Sub-Item A. Maine Affordable Housing Network, eighth line, the word , “*medium*” shall be changed to read, “*median*”. In the same paragraph, eleventh line, delete the “*s*” on the word, “*hospital*”. Also in the same paragraph, fourteenth line, delete the word, “*they*” and replace it with the following: “*the Maine Affordable Housing Network*”. Under Sub-Item B. fifth line, delete the commas before and after the words, “*of which*”. The following motion was made.

MOTION: by **Lucy Bisson**, seconded by **Jeffrey Gosselin** that the Planning Board adopt the Planning Board Minutes of December 17, 2002, as amended.

VOTED: 5-0-2 (*John Cole and Rob Robbins Abstained*).

IX. ADJOURNMENT: There was no vote or action taken on adjournment. This meeting ended at 8:20 p.m. The next regular Planning Board Meeting is scheduled for Monday, February 3, 2003.

Respectfully submitted,

Lucy A. Bisson, Planning Board Member and Secretary

DMC:dmc

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