

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for March 3, 2003 - Page 1 of 5**

I. ROLL CALL: This meeting was held in the City Council Chambers, was called to order at 7:05 p.m., and was chaired by John Cole.

- **Members in Attendance:** John Cole, Rob Robbins, Jeffrey Gosselin, Lucy Bisson, John Racine, Jim Horn, and Tom Truchon.

- **Members Absent:** Robert Connors and Roger Lachapelle.

- **Staff Present:** James Bennett, City Administrator; Gregory Mitchell, Director of Development; James Lysen, Planning Director; and Doreen Christ, Administrative Secretary - Planning Division.

- **Student Member Present:** Wade Morgan. **Student Member Absent:** Ethan Chittim.

II. ADJUSTMENTS TO THE AGENDA: To place on the agenda and hear new item, "*East Avenue Shaw's Sound Report*" after Item IV., Final Hearing. James Lysen stated that the background information pertaining to this item has been distributed at this meeting and suggested that this item be heard after the Final Hearing.

III. CORRESPONDENCE: The following items were distributed at this meeting: A. A printed e-mail memorandum from Chris Branch, Public Works Director to David Hediger, Land Use Inspection Officer dated February 28, 2003 in regards to Darcy Drive; B. A printed e-mail from David Hediger, Land Use Inspection Officer to James Lysen, Planning Director dated March 3, 2003 in regards to Darcy Drive; C. A memorandum from David Hediger, Land Use Inspection Officer to James Lysen, Planning Director dated March 3, 2003 in regards to East Avenue Shaw's Sound Report; D. Correspondence dated February 27, 2003 from Randall LaClaire, Project Manager for Shaw's Supermarkets, Inc. in regards to the East Avenue Store Sound Report 2 by Cavanaugh Tocci Associates; E. Correspondence and attachments from Gregory C. Tocci, Cavanaugh Tocci Associates, Inc. to Randall LaClaire, RKL Construction Services dated February 24, 2003 in regards to Shaw's Supermarket, Lewiston; and F. Drawing No. SK-1, Sight-Line Sections, dated August 29, 2002.

MOTION: by *Jeffrey Gosselin*, seconded by *Lucy Bisson* to accept these items, place them on record, and read them at the appropriate time.

VOTED: 7-0.

IV. FINAL HEARING: *A proposed request for minor amendments to the Darcy Drive Subdivision off Grove Street near Gina and Mark Streets in Lewiston.* James Lysen read his memorandum dated February 28, 2003. A.R.C.C. Land Surveyors, Inc. on behalf of Maine Source (Bill Turner) is requesting a minor amendment/extension of approval for the development of the Darcy Drive Subdivision. This subdivision, located in the Neighborhood Conservation (NCA) District, consists of 28 lots, and a street that needs to be constructed. The project location is off of Grove Street near Gina and Mark Streets. This subdivision was originally approved on February 27, 1990, and a Phase Plan was subsequently approved on February 8, 1994. Both *Bill Turner* from Maine Source and *Arthur Montana* from A.R.C.C. Land Surveyors, Inc. were present at this meeting.

This project has no changes in street design or lot configurations. The only change being proposed is that the performance guarantee shall be a conditional agreement with the condition that all improvements within each phase be completed within two (2) years of the date of approval of the plan. If there are no improvements to a phase of the development within the two (2) years, the applicant must request an extension. The only issue remaining is concerning whether the waterline needs to be looped during Phase 2.

John Cole stated that, in his opinion, the application should be for re-approval of the subdivision, not a minor amendment. Bill Turner said that he has spoken with both *Chris Branch* and *Rick Burnham*. He would like to do the water in two (2) phases. Bill Turner said that he would like to start excavation as soon as possible.

Greg Mitchell arrived at 7:25 p.m.

John Cole stated that the approval will be covered by the Conditional Agreement.

This item was then opened for public input and comment.

Bill Coffin (47 Mark Street) asked if all the abutters were noticed. He was informed that they were indeed. He noted that the notice was for a two- (2-) year extension. It did not state a minor amendment.

The public portion was then closed and opened to the Planning Board for further discussion and a motion. Rob Robbins said that he would like the Board to table this item and to consider it a new subdivision. Lucy Bisson feels that this project should be determined complete at this time and scheduled for a Final Hearing, with the abutters being re-noticed.

John Racine agreed that the abutters should be re-noticed. It is extremely important to have the correct wording. The following motion was made.

MOTION: by **Lucy Bisson**, seconded by **John Racine** that the Planning Board determine that the application for the re-approval of the Darcy Drive Subdivision off Grove Street near Gina and Mark Streets to be complete and schedule it for a Final Hearing for the March 17, 2003 Planning Board Meeting.

VOTED: 7-0.

John Racine recused himself from the Board on the following item.

EAST AVENUE SHAW'S SOUND REPORT: As mentioned earlier and included under Section III. Correspondence, is a memorandum from David Hediger, Land Use Inspection Officer, correspondence with attachments from Randall K. LaClaire, Project Manager for Shaw's Supermarkets, Inc. (RKL Construction Services) regarding the Shaw's Supermarkets, Inc., East Avenue store sound report 2 by "Cavanaugh Tocci Associates", and Drawing SK-1, Sight-Line Sections. The drawing was prepared by Harriman Associates.

James Lysen stated that this item is being brought back to the Planning Board due to one of the conditions of approval concerning the impact from the rooftop units. There was not a final design at the time and the condition of approval was that the Planning Board would review and approve the rooftop units so that they would be properly screened to reduce sound and visibility.

RKL Construction Services references the report by Cavanaugh Tocci Associates, which addresses the sound issue in their report dated February 27, 2003 (as listed above). This sound report indicates that, "the project, as designed, meets all the sound requirements required by the City of Lewiston's Noise Ordinance".

James Lysen stated that it was requested that the visual impacts be shown and accepted on the plan. Drawing SK-1, prepared by Harriman Associates, shows the visual impacts from the rooftop units from Pleasant Street & O'Connell Street and Pleasant Street and Marston Street. Staff's finding is that the condition of approval with respect to the rooftop units has been met. This is the final component of the approval process. John Cole asked if the sound levels readings taken were based upon material knowledge of what the sound levels are based on the equipment on the building. James Lysen responded that the sound levels are based on actual units, actual distances, etc. Some design changes had to be done to accomplish those acceptable levels, such as the construction of a four-foot (4') building parapet in the back to help with the screening and sound reduction. The request for this Board is to review and approve this submission, based on Planning Staff's input.

MOTION: by **Jeffrey Gosselin**, seconded by **Lucy Bisson** that the Planning Board receive this information and that the information is sufficient and meets all the conditions of the approval.

VOTED: 6-0-1 (John Racine).

Also, out of sequence to the agenda and waiting for the arrival of City Administrator James Bennett, the following item was heard before the presentation. John Racine rejoined the Planning Board for the remainder of the agenda items.

VII. READING OF THE MINUTES: Reading of the minutes from the February 3, 2003 Planning Board Meeting.

MOTION: by **Lucy Bisson**, seconded by **John Racine** to accept the Planning Board Minutes for February 3, 2003, as amended.

VOTED: 6-0-1 (Rob Robbins Abstained).

At this point in the meeting, there was a ten minute recess from 7:50-8:00, until James Bennett's arrival.

V. JOINT PRESENTATION BY CITY ADMINISTRATOR JAMES BENNETT TO THE LEWISTON PLANNING BOARD AND LEWISTON HISTORIC PRESERVATION REVIEW BOARD CONCERNING THE PROPOSED CITY OF LEWISTON RESTRUCTURING PLAN. The Planning Board joined the audience for this presentation. James Bennett said that essentially, there are five (5) months before the end of the year. He said that there is no rush. Mr. Bennett said that he recommended to the City Council at their workshop to wait for the budget before making a decision on this. Thus, this gives people time to react and think about what is going on and give the City Council time. Mr. Bennett said that he does not anticipate any decision until April or May of this year. The City Council will make the final decision.

James Bennett stated, "Why are we looking at restructuring?" He stated that it is outcome-based. The process has been the same for the last decade. Ten percent (10%) of the work force has gone in the last few years. This may not be the right way to eliminate positions. The budget issues are unbelievable. Other communities are looking at layoffs and other reductions. The current situation is shown in the LCIP. He went on to mention that right now with the current investment in the sidewalk situation, it would take 750 years of reconstruction to complete. There are 80 miles of sidewalks in Lewiston. The water system has 100-year old watermains. The money that will need to be spent over the next decade for the watermains is unbelievable. \$1.8 million needs to be put back in the slush fund annually to maintain what we currently have. Last year the City was able to fund it from surplus. Once the surplus is spent, it is gone. In order to keep \$1.8 in the slush fund annually, this amounts to \$1.20 in the tax rate. People would not be prepared to do that in this community. James Bennett said that over the next 3-5 years, we need to be able to switch this around. Bates Mill has tens of millions of dollars that are unfunded contractual obligations that the taxpayers are obligated to pay. 80 percent of the budget is in fixed cost and personnel, if you keep the budget as it is right now. \$1.2 million is in supplies (i.e. gas, tires, office supplies). There is \$4.5 million in contractual services (i.e. sewer, electricity, water, utilities). There is not a whole lot of money floating around in those operations. Mr. Bennett stated that you cannot get this out of supplies. You might be able to cut back on cellular phones or pagers. You can however take away services, a reduction in programs, or become more creative to deliver essential services without the same labor costs.

John Cole stated that it is the Planning Board's job to express their concerns on their significant piece of the puzzle which will have a great impact on the Planning Board and that is with the elimination of the Planning Director's position and where the Planning Board fits in the overall scheme of things with the City of Lewiston government. We acknowledge that economic development is a priority for the City of Lewiston. The economic development department and planning process has to work effectively and hand-in-hand. This has occurred and has occurred very well. John Cole then referenced the Wal*Mart and Shaw's projects. He stated that the Planning Staff serves the Planning Board very well. He said another imperative has been the balancing of economic development with the need for citizens who are being displaced, the neighborhood being impacted by the kind of change that is occurring, etc. John Cole stated that the end product is very well managed, the issues have been resolved, and that there is very little left for the Planning Board or Council to do. Mr. Cole stated he is concerned that separating of economic development and planning into two (2) parts and de-emphasizing planning, that some of the energy will be lost that is so effective in making things happen with this Board over the past several years. John Cole does not feel that eliminating a top senior person, such as James Lysen, is going to be beneficial to the City.

James Bennett stated that in looking at other labor reductions, there can be no reductions in the Fire Department. Currently, their staffing level is unacceptable. There is a 7-8 minute response time. The Police Department has a number of police officers that are funded with federal money. That department is also untouchable. Therefore, reduction in staffing comes back to the Public Works Department and City Hall. The Finance, Development, and Public Works Departments have most of the impacts. His proposal is a restructure which reduces premium paid employees with management responsibilities. At this point in his presentation, James Bennett distributed his memorandum dated February 27, 2003 regarding some of the numbers discussed at Tuesdays meeting, the existing structure, and proposed changes.

Fredda Wolf, who currently serves on the following three (3) boards: 1. Historic Preservation Review Board; 2. Downtown Advisory Board; and 3. Empower Lewiston! is concerned with eliminating quality people. She stated that there is a need for integration of planning and economic development. Again, she stated that she was extremely concerned with the cutting of top people. She commented that both Gregory Mitchell and James Lysen do a great job. She said that she understands that this is a very difficult decision, but does not agree with the restructuring of development.

James Bennett said that all of his recommendations do not compromise development - how we get there will be different. This is all part of the process. He then went over the proposed development structure by describing the existing structure first and then the proposed changes. The changes include having two (2) divisions within development, which are: 1. Planning and Code Enforcement (6 employees) and 2. Economic and Community Development (4 employees). There will also be a Third Floor Staff Pool consisting of three (3) staff members. Peter

Parker, the Planning Assistant, will move into the Management Information Services Department. The Director of Development will be elevated to Assistant City Administrator. One clerical staff position will be eliminated and the Planning Director position is also proposed to be eliminated. A City Planner position will replace the Planning Coordinator's position and will be elevated beyond where it is now and someone will be hired. James Bennett also stated that Gil Arsenault, the Deputy Development Director, has a planning background. With the elimination of the Planning Director's position and the elevated City Planner position, the overall difference between the two (2) would be \$15,000. Based on this proposal, the Bates Mill, in the next 4-6 weeks, will not have the day-to-day oversight, which was previously provided by the Director of Development, who is being elevated into the Assistant City Administrator's position. Gregory Mitchell's time will then be freed up so that he can work on something else. This will streamline the development process. He will be a non-municipal manager in the City Administrator's office. Gregory Mitchell will be reporting to the City Administrator.

Jeffrey Gosselin stated that the Planning Board's biggest concern is with the planning process. James Lysen has been expertly guiding the Planning Board for some time.

James Bennett said if the proposed structure does not go through, the City Council will eliminate the Planning Coordinator's position, which has been, at times, a training ground in the past and the salary range was approximately \$37,000-\$45,000 with another \$15,000-\$18,000 in benefits. Jeffrey Gosselin said that there is a tremendous value to James Lysen's history and background. In essence, James Bennett said that there is a \$15,000- \$20,000 difference between the two (2) positions (new City Planner and the current Planning Director). Mr. Cole stated that James Lysen has a background in engineering and has experience and is involved in Comprehensive Planning. This is will be a great loss to the Planning Board. Ms. Wolf stated there is a value and need in stability in the planning process and staffing the Historic Preservation Review Board. James Bennett stated that this is not a loss or a complete knockout. A lot of time has been spent in training.

John Cole stated that there is a great deal to be said for a senior position in knowing the Comprehensive Planing and working with the zoning ordinance. The City has one of the most-sophisticated zoning ordinances in the state. The City has been very well served by James Lysen i.e. in getting the D.E.P.'s dedicated review authority. John Cole said that this is a relatively small amount of savings and suggested that James Bennett make savings elsewhere. John Cole stated that the Planning Board operates as an engine of economic development. He said that the quality of what the Planning Board gets from Planning Staff is superb and that they need that kind of level of service. John Cole said that he is not persuaded that the elimination of a top senior level position is in the City's best interest.

James Bennett stated that this has been a 3-4 month process. Every department head participated. The competing views have been recognized.

John Cole said that there are competing views within this department. They have been very effectively reconciled. If you eliminate the senior person out of the planning side, you tilt and can go in the wrong direction. This department is a customer-oriented department. Customers come to this department to reconcile their concerns. John Cole used new Planning Board Member John Racine as an example in his dealing with the Wal*Mart project. He experienced a very positive experience on the customer-service side.

James Bennett said that he is not looking to replace a Planning Coordinator or anyone that has been in that role for the last couple of years. He said he is looking to hire someone with similar skills and experience. James Lysen can go ahead and apply for this position. James Bennett stated that he is not looking for someone straight out of college. John Cole said to James Bennett that he does not think it is worth \$15,000 to sacrifice 15 years of experience and knowledge of the Comprehensive Plan and zoning ordinance.

Fredda Wolf commented on the image of Lewiston. She said she wants to be in a community that is challenging. She wants employees to come and stay. The better a job is, the more chance an employee will stay.

James Bennett stated that this is as far as we can go without cutting services. The big cost includes debt service, which includes fringe benefits. There is a \$5.4 million increase in wages and benefits this with no perceivable growth that we are going to pay for that. James Bennett said that these are the real numbers. He said that there have been layoffs every spring for the last three (3) years. The new savings are not compromisable - \$100,000 in water service and \$550,000 in municipal.

James Bennett stated that he has asked the City Council to wait for the budget which will be submitted within the next two (2) to three (3) weeks. He said that these are the changes that he recommends as to policy and restructuring. Other departments have similar concerns. The City Council and the citizens have final decisions. The City Council decisions will be implemented. He feels that the biggest thing the City Council will be looking at is the size of the budget. John Cole stated that this is really up to the community.

The severance package will honor the years of service by employees to the community. James Bennett said that this package is either all or nothing.

Rick Morris (Historic Preservation Review Board) said that the new structure is de-emphasizing planning. The structure of planning needs to be part of the community. This is short-changing planning. A new position will not have the expertise to accomplish the many important balancing acts. The point is valid to balance the budget, but so isn't the value of somebody here for a long time with vast experience and know-how?

Rob Robbins indicated that there is substantial value in retaining a Planning Director with James Lysen's breath of experience in planning and institutional memory. He suggested the City may be able to save \$15,000 in some other manner. James Bennett stated that this is not just his plan.

John Cole wants James Bennett to rethink this, with the difference only amounting to \$15,000. James Bennett suggested that the Planning Board express their views to the City Council. This item will not be re-visited by the City Council until the budget is received; therefore, the Planning Board has up to April 2003 to comment on this plan.

James Bennett stated that as long as it is part of the ordinance, the Historic Preservation Review Board will be staffed.

James Bennett's presentation ended at 9:19 p.m. After this presentation, the Planning Board discussed this item further. John Cole invited James Lysen to discuss his own functions to the Board, as a rebuttal to what James Bennett had to say. Mr. Lysen asked if and when would this be appropriate? James Lysen said what is important is to make sure that Planning is valued. There are a lot of valuable goals that are often conflicting. There is a need to have staffing to the Boards. The Planning Board is also responsible as the keeper of the Comprehensive Plan.

James Bennett does not want to pay the Planning Director for managerial responsibilities. The difference is \$15,000. John Cole suggested James Lysen do a write up on an alternative point of view. James Lysen said he believes that the quality of an employee is significant. March 25, 2003 is a City Council Workshop on the budget. April 1, 2003 is a City Council Meeting.

Jeffrey Gosselin commented that the savings is not as significant as first thought. The next agenda shall include an item from James Lysen on his views for restructuring.

The streamlining issue has been tabled from the March 4, 2003 City Council Meeting to the March 18, 2003 Meeting.

VI. OTHER BUSINESS: *Any other business Planning Board Members may have relating to the duties of the City of Lewiston Planning Board.* None.

VIII. ADJOURNMENT: The following motion was made to adjourn:

MOTION: by **Lucy Bisson**, seconded by **Rob Robbins** to adjourn this meeting at 9:40 p.m.

VOTED: 7-0.

The next regularly scheduled Planning Board Meeting is Monday, March 17, 2003.

Respectfully submitted,

Lucy A. Bisson
Planning Board Member and Secretary

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