

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for October 20, 2003 - Page 1 of 5**

- I. ROLL CALL:** This meeting was held in the City Council Chambers, was called to order at 7:03 p.m., and was chaired by John Cole.
- **Members in Attendance:** John Cole, Jeffrey Gosselin , Lucy Bisson, John Racine, William Horn, and Tom Truchon.
 - **Members Absent:** Rob Robbins and Roger Lachapelle.
 - **Staff Present:** Gil Arsenault, Director - Planning & Code Enforcement; David Hediger, City Planner; Eric Cousens, Land Use Inspection Officer; and Doreen Christ, Administrative Secretary - Planning & Code Enforcement.
 - **Student Member Absent:** Wade Morgan.

II. ADJUSTMENTS TO THE AGENDA: None.

III. CORRESPONDENCE: None.

Both John Cole and Jeffrey Gosselin recused themselves from the Planning Board. This item was chaired by Lucy Bisson.

IV. HEARINGS:

A. A proposed minor amendment to a major project involving the creation of additional parking and a 1,832 square foot addition for United Ambulance at 192 Russell Street. David Hediger read his memorandum dated October 16, 2003. This item was submitted by Joy & Hamilton Architects. In their submission, United Ambulance is proposing to construct a 1,320 SF building to be used as a garage/maintenance shop and a 512 SF addition to connect the shop with the existing garage and office building. This proposal also calls for an additional 20 parking spaces. This property is approximately 4.5 acres and is zoned Office Residential (OR). Stormwater will sheet flow from the new parking area over a newly graded, vegetated area and discharge to the rear of the property into Jepson Brook. Traffic flow is anticipated at 70 vehicles per hour, therefore, a traffic scoping session is not required.

There were no concerns from the Public Services, Police, and Fire Departments. Code Enforcement is requesting that lighting be installed for the new parking area and that this be shown on the plan. The plan shall also show an additional grading contour. A construction schedule is also requested.

Jason Potter was present at this meeting from Woodbury Hill Professionals and on behalf of United Ambulance. He briefly outlined this proposal. He said that they are proposing to put in another building to better service the vehicles that United Ambulance has. In doing this, United Ambulance is losing some parking spaces that they have. United Ambulance wants to create a new parking area, which will not only replace the parking spaces that are lost, but it will also add a few more than they have now. John Racine asked, "What is on the area where the new parking is proposed to be?" Jason Potter responded that it is a lawn area. John Racine then asked, "What is the new shop going to be used for?" Jason Potter responded that the new shop will be to maintain the equipment and vehicles. Jason Potter continued his presentation by saying that drainage will go to Jepson Brook. The existing lights are shown on the plan. There will be one (1) existing light that will be upgraded to a flood light, another light will be added to the existing building, and another new pole will be added to each side of the parking lot. This will be shown on the plan. David Hediger said that this is adequate lighting and that this will be part of the conditions of approval. John Racine asked if there is an existing re-fueling station now? Jason Potter responded with, "Yes" and that they would like to move it to a new location that is more convenient. Where it is located now, it blocks half the road. The new location is shown on the plan.

This item was opened to the public for comments. There was no public audience, therefore, this item was turned back to the Planning Board and the following motion was made.

MOTION: by **Thomas Truchon**, seconded by **John Racine** that the application to create additional parking and a 1,832 SF addition for United Ambulance at 192 Russell Street meets all the applicable criteria contained under Article XIII, Section 4 of the Zoning and Land Use Code, subject to the lighting being added to the plan and a new revised plan submitted; determines that the application is complete; and grants approval to the modification/waiver checklist.

VOTED: 4-0.

Both John Cole and Jeffrey Gosselin rejoined the Planning Board for the remainder of the agenda items. John Cole also chaired the remainder of the items.

B. A proposal to repeal Appendix A, Zoning and Land Use Code, Article XII, Section 15, Rural Access Standards. David Hediger read his memorandum dated October 16, 2003. This item was tabled at the last Planning Board Meeting of October 6, 2003 as a result of Roger Richard's request since his representative, Leo Larochelle was not present at that meeting. This item was initiated by the City Council at their September 23, 2003 Meeting at the request of Roger Richard to repeal Appendix A, Zoning and Land Use Code, Article XII, Section 15, Rural Access Standards. This has been brought to this Board for review. The intention of Rural Access Standards is to maintain future traffic capacity and rural visual environment of specific rural roads in Lewiston. These standards add considerable costs to the development of residential subdivisions, to the extent that development can become cost prohibitive. These standards require property owners to construct public and private streets for purposes of obtaining frontage. With the elimination of these standards, it would allow residential development in Lewiston on existing roads with adequate traffic capacity serviced by existing utilities and services.

David Hediger showed the streets affected on his mapping to the Planning Board, which were highlighted in green. These highlighted roads are the only roads subject to the Rural Access Standards. These roads include College Street, Stetson Road, Old Greene Road, Pond Road, Randall Road (between Pond Road and Grove Street and the intersection of Randall Road and Grove Street), all of Ferry Road in the Rural Agricultural (RA) District, and all of Dyer Road in the Rural Agricultural (RA) District. John Cole asked if there was any particular reason why these roads were chosen? Gil Arsenault responded that this is lost to history, therefore, it is not known.

Bob Faunce arrived at 7:15 p.m.

Both ***Roger Richard*** and ***Leo Larochelle*** were present at this meeting and explained their position to the Planning Board. Roger Richard is the developer of the Water's Edge Subdivision and the parcel he referenced contains 70 acres of land. He is working to help develop these properties. These standards do not allow owners on Old Greene road to sell lots with frontage as part of a subdivision. If you are an owner of a subdivision, you are only allowed to sell one (1) lot every five (5) years. Roger Richard said that the property that he is developing was purchased by the owner from the owner's dad. With this ordinance, a road would need to be built. You would need to go a 1,000 feet of road before you reach the land that may be suitable for a few house lots and it would cost \$150,000.00 to build because you would have to cross a series of wetlands. When zoned, they did not take into consideration the type of land available. Roger Richard said he just completed a road in the Waters Edge Subdivision that will be paved tomorrow. Homes in this subdivision are now being taxed with an average of \$5,500.00-\$6,000.00 each. Three (3) new homes are now being built. There are six (6) to seven (7) new homes proposed for Old Greene Road. The City of Lewiston now maintains Old Greene Road. There are other roads i.e. Cotton Road that are in the same zone, but are not affected by this ordinance. Roger Richards commented that Lewiston needs housing and this ordinance prevents growth.

Leo Larochelle stated that he has been working several years with Roger Richard. He brought up three (3) perspectives that are important. When looking at this property, he said he looked at potential access locations for a road. From a feasibility standpoint, this was not economically feasible. Leo Larochelle was a former Public Works Director. He said that by adding roads for a similar number of houses would increase maintenance that the City of Lewiston would have to provide to new residents that could otherwise be served by an existing roadway. The third item Leo Larochelle mentioned was that he has lived on Dyer Road for 32 years. He said that if this ordinance had existing the way it is right now, he could not have subdivided his property back then and develop it. They have maintained very good rural character. Again, if this ordinance was in effect back then, the beautiful homes that exist today would not have been possible with this ordinance. He said he could have come in for a waiver and maybe a waiver would have been granted. John Cole read from the ordinance, which says that any residential lot created after the effective date of this code, which is a part of the subdivision shall have its required road frontage on an accepted City street or public easement or on a private road that has been reviewed and approved as part of a residential subdivision, pursuant to Article XIII of the code, since January 9, 1988, other than the rural roads, which are identified above, unless the Planning Board determines that conditions particular to a parcel justify a waiver in this requirement. A waiver shall be granted only if there will be no further subdivisions of the parcel and one (1) of the following conditions are met. There is too little road frontage to allow a reasonable creation of a new way or the physical condition of the parcel does not permit access to creation of a way. He continued by going on to say that the purpose of the Rural Access Standard is to maintain the future traffic capacity and rural visual environment of rural roads which are playing an increasingly important role in the City's growing network as growth and development occur in outlying areas of the City.

Gil Arsenault said that essentially what they are speaking to is that rather than having a curb cut every 200 feet, you have one (1) road going in and frontage from that one (1) road. Also, there is a 50 foot setback requirement for the

houses.

Leo Larochelle said that due to the nature of the rural roads and where they are located, most of the traffic is generated from the residents themselves. The costs associated with roads are not worth it.

Gil Arsenault referenced Laura's Hilltop Subdivision as an example of rural access roads. He said if real estate values were higher, it would justify these standards.

Leo Larochelle stated that if the road requirement was eliminated, this would help promote development in these areas.

John Cole asked that if we eliminate the road requirement, are we encouraging development of lots along these roadways in a way that might preclude development of land in the rear?" Gil Arsenault responded that he does not think that is the case. Leo Larochelle responded that this may help to enhance or promote it. John Cole suggested getting rid of this ordinance and to bring it back at a later date if need be. Other questions from Board Members included the following comments. Jeff Gosselin asked what is the reason for the particular roads chosen? Lucy Bisson said that the lots will not be all the way in. She said there would still be the availability of the back land to be developed, if at some point they decide to put in a road. Jim Horn said that we could get into landlocking land if this is totally repealed. He suggested taking a step back and looking at this on an individual basis. He said that his thoughts are that there was an intent and purpose for having this standard put in place. Leo Larochelle said that the Planning Board has a say as to if a subdivision is landlocked when coming to the Planning Board. Lucy Bisson said that the Planning Board has the final say as to what can be allowed or not.

Staff favors this repeal and recognizes the value of it. David Hediger commented that the intent is good, but it is not done right. What you could see is that development could be piece mealed over time in allowing this to occur. There, being no further comments or concerns, the following motion was made.

MOTION: by **Lucy Bisson**, seconded by **Thomas Truchon** that the Planning Board send a favorable recommendation to the City Council that Appendix A of the Zoning and Land Use Code, Article XII, Section 15, Rural Access Standards, be repealed in its entirety.

VOTED: 5-0.

C. A proposed amendment to Appendix A, Zoning and Land Use Code, to allow the separate conveyance of attached principal residential structures. David Hediger read his memorandum dated October 16, 2003. A petition has been provided by John Egan and Robert Faunce for this proposed amendment. Coastal Enterprises, Inc. (CEI) is proposing this amendment to allow the separate conveyance of attached principal residential structures in the Downtown Residential (DR) District. Currently, the code prohibits the division of a residential lot with two (2) attached principal structures that results in the newly created lots not having at least 50 feet of frontage and a lot size less than the established minimum for that use in that particular district. This proposed amendment would allow said lots to be divided with approval from the Staff Review Committee (SRC) with the following conditions: 1. Structures constructed before 12/09/87; 2. One (1) dwelling unit shall be owner-occupied; 3. Needs to adhere to the space and bulk standards in that particular zone; 4. The applicant needs to provide any easements required; and 5. A Standard Boundary Survey needs to be provided by the applicant, which shows the location of each building and the boundaries of each lot.

Present at this meeting were **John Egan**, Housing Developer for Coastal Enterprises, Inc., **Robert Faunce**, and **Mike Gotto** from Technical Services, Inc.

Robert Faunce gave a brief presentation. There is a lack of owner-occupied housing. CEI, rather than tear down buildings, would like to make the buildings more attractive and current. Each building needs to be on its own discrete piece of land. There are a number of lots in the downtown in the downtown residential area, Neighborhood Conservation "B" (NCB) District that have double principal structures (four story in front and four story in the back). Some are separate buildings, constructed at separate times, that are connected by a common wall. All access is separate with one (1) central wall. It is difficult for owner-occupancy. In order to make them suitable for owner-occupancy, they need to be separated. What they would like to do is have the option of having two (2) principal structures to be able to divide that lot so that each one of those principal structures has its own discrete lot. Each one (1) of those buildings would have an owner-occupant. The way the interest rates are today and the way that this is financed, the mortgage for the entire building is being paid by the owner-occupant. CEI is making an investment. The financing is there. He said that they want the American dream. You have your own lot and your own building. Robert Faunce showed his plans to the Planning Board. He showed the location of Park Street, Speaker's Market, and right next door is 35-37 Spruce Street, which has two (2) buildings each and each have a separate basement. There are two (2) doors. The only thing these buildings share is a common wall. They are proposing four (4) cross easements. There is no physical change other than the apartments are being rehabilitated.

Bob Faunce read Article V, Section 3, Sub-section (w). This is in the downtown zoning district. Robert Faunce then proposed some new language to the amendment. There will be one (1) unit in each dwelling that will be owner-occupied.

This will have no affect on the exterior of the buildings. They are trying to keep the number of units at four (4) and below. There will not be any common elements. Lucy Bisson commented that there will be a lot of weird-shaped lots from these units to accommodate buildings in the back.

Jeffrey Gosselin mentioned a common entry to several buildings with a Lot Owner's Association. John Cole asked, "What is the purpose and why is this part of our ordinance?" Gil Arsenault said that the intent is to not end of with lots smaller than what the requirement is for minimum lot size. This deviates from that trend. Owner-occupancy is a great impact to the downtown. John Egan responded that the purpose is to renovate older, less than average condition properties and to create home ownership opportunity. Coastal Enterprises, Inc. is tightly constrained as to what they can do. One way to alleviate a little of that is to provide an ownership vehicle so that the owner then can do improvements to the inside of their building and also create a chance for people to take pride in their neighborhood and be accountable. He said that his focus is to create more ownership in a neighborhood that has seen its ownership rate drop to near zero. They were able to find a building that can be renovated on a small enough economic scale so that it can be turned around into a two (2) or three (3) or four (4) ownership property. One (1) of the standards is that one (1) unit in each of the structures needs to be owner-occupied. They are trying to make the property as much as a check box as they can and not have the lender to have to go through a number of steps in order to quality the home buyer and then also have to go through a number of hoops in order to quality the building. 35 & 37 Spruce Street will each be sold each separately as an owner-occupied duplex. The first three (3) floors of each of those buildings have been renovated.

Jeffrey Gosselin asked, "What would happen if one (1) unit is destroyed by fire?" Gil Arsenault mentioned that the building could be built in conformance with the space and bulk standards. In respect to a non-conforming structure, you have to meet setbacks, however if you have a building that is smaller and could not meet setbacks, you could possibly obtain a variance. The side setback requirements could be reduced to zero. Gil Arsenault said there is tremendous flexibility in the code. The City is actually pretty user-friendly. John Cole asked, "What is the estimated age of the properties in the community to be affected by this proposal?" Bob Faunce responded with buildings in the 1930's-1940's all the way back to the turn of the Century. Gil Arsenault stated that they do not want to take down any more buildings than is necessary. John Cole asked, "Would the City be promoting retention of obsolete buildings?" Gil Arsenault said he is not sure if they are encourages or discourages this. Gil Arsenault stated this is a very limited opportunity being opened.

Bob Faunce said that the St. Mary's housing project is a good example. Bob Faunce stated that this meets an entirely different need and it is heavily subsidized.

John Cole asked, "Is there a demand for this type of property that people would be willing to purchase as owner-occupied? John Egan responded with, "Yes". John Egan referenced a loan program called "New Neighbors". This brings owner-occupancy to higher density downtown areas where there are multi-units. The NCB is more owner-occupancy. John Egan stated that they have a landlord training class that they offer.

At this point in the discussion, John Cole referred to Paragraph (w) and suggested changing the wording to read, "*The applicant shall assure implementation of any easements...*". To have the reciprocal easements of the property to be met, he stated that the City would want to insist on this. Mike Gotto said that the applicant could prepare the deed in the easement language agreement and provide that as part of the applicant process. This would be like a Lot Owner's Association. John Cole said that there is a need to be careful to put restrictive covenants on properties. Gil Arsenault said that owner-occupancy needs to be limited. John Cole also stated that this is not an assurance that it will be there permanently.

David Hediger asked the Board if the ordinance could include the words, "*detached principal residential structures*" under Section 3. General Provisions, Sub-section (w)(4). The following motion was then made.

MOTION: *by Lucy Bisson, seconded by Jeffrey Gosselin that the Planning Board send a favorable recommendation to the City Council to amend Appendix A of the Zoning and Land Use Code, Article V, Section 3(w) and Article XIII, Section 3 to allow the separate conveyance of attached principal residential structures to include the following language: On Page 1, Section 3. General Provisions, Sub-section (w) to include "detached principal residential structures", and Sub-section (w) (4) to "The applicant shall assure implementation of any easements..."*

VOTED: 5-0.

D. A proposed amendment to Appendix A, Zoning and Land Use Code, Article XI, Section 6, Neighborhood Conservation "A" (NCA) Zoning District Regulation and Article XII, Section 20, Child Care Facility Standards. David Hediger briefly outlined his memorandum. At the October 6, 2003 Planning Board Meeting, it was voted unanimously to initiate this amendment. This initiation was brought upon by unnecessary duplication of services between the State Department of Human Services and the City inspection efforts. The numbers proposed in this amendment are now consistent with the state, which has been changed from 16 years of age to 13 years of age. A notification to the abutters is not required. Previously the Neighborhood Conservation "A" (NCA) District was the only residential zone in Lewiston that limited the number of children at a family day care home to 6+2 children. This can now go up to 12. All other zones can already do this. Also included in this proposed amendment was that a minimum of 75 square feet of outdoor play area be provided per child and that fencing be installed around this area.

John Cole mentioned that this was really a good job and that a lot of effort was put into this matter. The following motion was made.

MOTION: by **Lucy Bisson**, seconded by **Thomas Truchon** that the Planning Board send a favorable recommendation to the City Council to amend Appendix A of the Zoning and Land Use Code, Article II, Section 2, Definitions; Article XI, Section 6, Neighborhood Conservation "A" (NCA) Zoning District Regulation; and Article XII, Section 20, Child Care Facility Standards.

VOTED: 5-0.

V. OTHER BUSINESS:

A. Acquisition of 327 Lisbon Street. Gil Arsenault presented this item. This property is currently owned by the South End Social Club. On June 27, 2003, the City Council voted to condemn this property. The club has since relocated this establishment to 311-315 Lisbon Street. The owners of this property do not have the resources to pay for the demolition. In order to have clear title to this building and to avoid the special tax assessment, the City is proposing to purchase this building for \$1. By this purchase, this gives greater flexibility and the City will have the Warranty Deed to the property. This building would then be taken down before November 1, 2003. It will remain an empty lot. The following motion was made.

MOTION: by **Lucy Bisson**, seconded by **Jeffrey Gosselin** that the Planning Board send a favorable recommendation to the City Council to acquire 327 Lisbon Street (South End Social Club).

VOTED: 5-0.

VI. READING OF THE MINUTES: Reading of the minutes from the October 6, 2003 Planning Board Meeting. There were no changes made to the minutes, therefore, the following motion was made.

MOTION: by **Thomas Truchon**, seconded by **Lucy Bisson** that the Planning Board accept the Planning Board Minutes for October 6, 2003, as presented.

VOTED: 5-0.

Before adjournment was made, there were several suggestions provided for potential, new Planning Board Members. Those suggestions included Dan D'Auteuil, Jr., Shawn Bell, and Mark Parquette. Jim Horn suggested Tony Ferguson and Lucy Bisson suggested Andrew Choate.

VII. ADJOURNMENT: This meeting adjourned at 8:48 p.m. The next regularly scheduled Planning Board Meeting is for Monday, November 3, 2003.

Respectfully submitted,

Lucy A. Bisson, Planning Board Member & Secretary

DMC:dmc

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