

**CITY OF LEWISTON  
PLANNING BOARD MEETING  
MINUTES for January 26, 2004 - Page 1 of 5**

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

- **Members in Attendance:** Jeffrey Gosselin, Lucy Bisson, John Racine, Tom Truchon, Jim Horn, John Butler, and Stephen Morgan.

- **Members Absent:** Roger Lachapelle.

- **Newly Appointed Members:** Jim Horn - Planning Board Member and both John Butler and Stephen Morgan - Associate Planning Board Members.

- **Staff Present:** Gil Arsenaault, Director - Planning & Code Enforcement; David Hediger, City Planner; Eric Cousens, Land Use Inspection Officer; and Lincoln Jeffers, Deputy Director of Economic and Community Development.

- **Student Member Present:** Wade Morgan.

**II. ELECTION OF OFFICERS: *Election of Secretary.***

The following motion was made to elect this years Planning Board Secretary.

**Secretary**

**MOTION:** by *Lucy Bisson*, seconded by *Stephen Morgan* that the Planning Board elect Roger Lachapelle as its Secretary.

**VOTED:** 7-0.

**III. ADJUSTMENTS TO THE AGENDA:** The following motion was made to hear Section VI. Other Business, New Business, Sub-Item A. Update on the Cultural Learning Center Project.

**MOTION:** by *Lucy Bisson*, seconded by *Tom Truchon* to hear Section VI. Other Business, New Business, Sub-Item A. Update on the Cultural Learning Center Project, as the first item to be heard before the Hearings.

**VOTED:** 7-0.

**IV. CORRESPONDENCE:** The following items were distributed at this meeting: A. Comments from Sarah E. Conroy of 31 Stevens Street dated January 26, 2004 and Nadine Brochu and Dennis Bellmore, owners and residents of 15 Malo Street in regards to the Conditional Rezoning hearing of 121 East Avenue, 6 & 8 Malo Street and B. The Public Notice to the abutters and Listing of the Abutters in regards to the Foss Road Business Park Subdivision. The following motion was made.

**MOTION:** by *Lucy Bisson*, seconded by *John Butler* that the Planning Board accept these items, place them on record, and read them at the appropriate time.

**VOTED:** 7/0.

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

**VI. OTHER BUSINESS:**

**New Business:**

A. *Update on the Cultural Learning Center Project.* Phillip Isaacson on behalf of the Lewiston Public Library and Cultural Learning Center Project described the proposed renovations and funding for the proposed improvement at the library.

*The following items were heard according to the agenda listing.*

**V. HEARINGS:**

**A. A proposed minor amendment to construct a 48,000 SF, one-story warehouse at 25 Forrestal Street.** Chairman Gosselin introduced the project and requested that staff comments be read. David Hediger read the staff comments. Ken Lamoreaux, The Sheridan Corporation, presented the project. He indicated that the driveway slope is 5% maximum vs. the 6% to 8% mentioned in the staff comments. The increased square footage from 42,000 SF to 48,000 SF does not impact any more wetlands than previously approved. Ken Lamoreaux stated that they expect DEP and Army Corp. of Engineers approval by March 1, 2004.

Chairman Gosselin opened the meeting to the public, no one spoke in favor or against, therefore the public portion was closed. A brief discussion by the board followed.

The following motion was made.

**MOTION:** *by Lucy Bisson, seconded by John Racine that the application to construct a 48,000 SF, one-story warehouse at 25 Forrestal Street meets all the necessary approval criteria contained under Article XIII, Section 4 of the Zoning and Land Use Code; determines that the application is complete; grants approval to the modification/waiver checklist; and grants approval of this project to the Lewiston Development Corporation, subject to the condition that the applicant must have the required DEP and Army Corp. of Engineers approval.*

**VOTED:** 7-0.

**B. A proposed amendment to the Foss Road Business Park Subdivision (Second Revision).** Chairman Gosselin asked for staff comments. David Hediger read the staff comments. Ken Lamoreaux, The Sheridan Corporation described the need for the revision to get a buildable lot with adequate parking. The public portion was opened and Mike Bolduc, 11 Franklin Street, Lisbon, Maine explained that he owns property north of the Foss Road Subdivision and was concerned that his Right-Of-Way (R.O.W.) would be impacted. Ken Lamoreaux determined the location of Mr. Bolduc's property and stated that the ROW would not be impacted. A board discussion followed. Chairman Gosselin asked who would maintain water and sewer lines after the discontinuance of a portion of Foss Road? Ken Lamoreaux responded that it would be the responsibility of the property owner to the property line.

The following motions were made.

**MOTION:** *by Lucy Bisson, seconded by Tom Truchon that the application on the proposed amendment to the Foss Road Business Park (Second Revision) meets all the necessary approval criteria contained under Article XIII, Sections 4 and 5 of the Zoning and Land Use Code; determines that the application is complete; grants approval to the modification/waiver checklist; and grants approval of this project to the Lewiston Development Corporation, subject to the following conditions:*

- 1. Either a performance guarantee for the street improvements to Foss Road and the new cul-de-sac is provided to the City's satisfaction or an agreement is made with public works for continued limited maintenance of the discontinued portion of Foss Road until Lot 7-A is developed (this must be noted on the Site Plan).*
- 2. A note shall be added to the Site Plan indicating that approval of the development plan shall expire after a period of 24 months after the date of approval, if substantial development has not begun.*

**VOTED:** 6-0-1 (Jim Horn Abstained).

**MOTION:** by **Lucy Bisson**, seconded by **John Racine** that the Planning Board send a favorable recommendation to the City Council to discontinue 540 +/- feet of the westerly portion of Foss Road to accommodate the amendment to the Foss Road Business Park Subdivision (Second Revision).

**VOTED:** 7-0.

**C.** **A proposed Conditional Rezoning of 121 East Avenue, 6 & 8 Malo Street from the Office Residential (OR) and Neighborhood Conservation "A" (NCA) Districts to the Community Business (CB) District.** Chairman Gosselin asked that staff comments be read. David Hediger read the staff comments and corrected the public notice to exclude 101 East Avenue as it is not part of the proposal. Lincoln Jeffers was given the opportunity to speak. He explained the location and property description with some help from Tim Dubuc. The property is currently split between the Office Residential (OR) and Neighborhood Conservation "A" (NCA) zoning districts and the petitioner is seeking a conditional rezoning of the entire property to the Community Business (CB) District to include those uses currently permitted in the OR and hotels, motels, inns, and eating and drinking establishments. He then stated that a restaurant would be located at the front of the property. Mr. Jeffers stated that "Mom and Dad's Guest House" has been located there for a number of years. He then referenced the zone comparison table attached to the memorandum from Lincoln Jeffers to the Planning Board dated January 22, 2004. Mr. Jeffers then stated that the need for rezoning is evident in the fact that the City is already looking at the zoning along the East Avenue corridor to change residentially zoned areas to more business oriented zones. The applicant is looking for a limited rezoning of the Dionne property. Mr. Jeffers then explained that the biggest issues that came up at the Neighborhood Meeting were traffic concerns on Malo Street, buffers to residential properties, and negative impacts to existing home values. Some attendees at the Neighborhood Meeting spoke in favor of the rezoning and project as a whole and recognize that East Avenue has been and is changing.

Tim Dubuc spoke to the board as a representative of the project. He stated that he is simply looking to add hotels, motels, inns, and restaurants to the list of uses already permitted in the OR district. Chairman Gosselin explained that his feeling is that the Planning Board and City Council need to take a comprehensive look at zoning along this corridor.

Stephen Morgan asked Mr. Dubuc how many homes views will be blocked if a hotel was located there? Mr. Dubuc stated that four would be blocked. John Butler asked how the tabling of this would impact Mr. Dubuc's time frame. Mr. Dubuc stated that it is down to the wire and this matter has been continued in the past. Chairman Gosselin corrected Mr. Dubuc by explaining that this is the first time that the rezoning has been an official agenda item. The public portion of the meeting was opened and the following comments were heard from concerned citizens.

**Yvette Silva**, 832 College Road stated that her mother told her that 60 years ago there were 8 major hotels in Lewiston and now look at how few there are. The city needs to progress and grow and this is a step in the right direction.

**Pamela Morin**, 86 Grove Street, Sabattus, Maine explained that her mother, Mrs. Dionne is the owner of the property in question and it is time to see this type of growth in the city. There is already traffic at the guest house and it is not causing problems.

**Rick Dubuc**, 121 East Avenue stated that neighbors cannot see East Avenue as it is and that the project will support other local businesses, sports teams, etc.

**Dianne Dubois**, 71 East Ave, recently met the Dubucs and has no ties to them, but she is very excited about the project.

**Leo Baillargeon**, 29 Pearl Street, stated that he currently has a view of St. Peters Church from his windows and has fought the Dubucs for the past 20 years to preserve that. Project after project never get done. There are piles of dirt on the small lot next door from him that have been there for over a year. He then distributed pictures of the view from his home to the board.

**Jeff Keene**, 53 Stevens Street, stated that traffic this past summer was up from years past due to portions of Webster Street being closed and cars were speeding down the side streets. The hotel would bring speeding traffic to side streets.

**Angela Lavertue**, 23 Pearl Street, stated that as many as 1500 children live in the neighborhood and she has a daycare at her home. She does not want to risk the childrens safety by welcoming child molesters and drug dealers into the neighborhood hotel. Parking could be 10 feet from her lot line. She has spoken to a realtor to see if the hotel would hurt her property value and the first thing the realtor said was "would you want to move in next door to a hotel?"

**Mark Lavertue**, 23 Pearl Street, husband of last speaker, has serious concerns with a drinking establishment, due to the traffic and 1300 high school students getting out of school across the street daily. Most other schools are not close to drinking establishments.

**Rick Grenier**, 15 Pearl Street, stated that he does not have a view but does have peace and quiet to lose. He also has a 6 year old that plays in the neighborhood and increased traffic will make it dangerous. He also will likely lose value in his home.

**Janet Packard**, 9 Pearl Street, liked the neighborhood, moved there recently, and opposes the drinking establishment.

**Sandra Wagner**, 21 Pearl Street, said she was told at the neighborhood meeting that there is need for hotel rooms because hotels in the area are at 75-80% capacity. She called around to area hotels and found that they are only at 40-60% capacity on average for the past year. She opposes the hotel and drinking establishment.

**Ken Wagner**, 21 Pearl Street, a resident since 1982. He feels that the hotel will depreciate his 30 year investment into his home's value, while a residential subdivision of 100k+ plus homes would increase home values in the neighborhood. Taxes will go up regardless of the hotel.

**Karen Kay**, 19 Malo Street feels that the NCA District portion should not be rezoned and should remain NCA as a buffer for the residential properties.

**Bob Peters**, on behalf of his mother who lives at 3 Malo Street, stated that he thinks that the existing residential line should stay and also has concerns about a drinking establishment being located so close to a school.

**Barbara Fournier**, 18 Malo Street, is not entirely against the project, but the neighborhood impacts could be bad. There are no sidewalks on Malo Street and the local kids play in the street. The hill on Malo Street gets very icy in the winter and people avoid it by going through Pearl Street and other residential streets. Traffic could increase dramatically and if she loses her view she will just move.

**Lucy Keneverous**, 18 Malo Street, runs a daycare at 18 Malo and is concerned that Malo Street will become a busy street and people will no longer want their kids at a daycare on a busy street near a major hotel.

The public portion of this meeting was closed. At this time, Chairman Gosselin asked that a motion be made to accept the following items of correspondence:

1. Letter from Sarah Conroy,
2. Letter from Nadine Brochu and Denis Bellmore, and
3. Pictures from Leo Baillargeon.

**MOTION:** by **Lucy Bisson**, seconded by **John Butler** that the Planning Board accept these items, place them on record, and read them at the appropriate time.

**VOTED:** 7-0.

A board discussion followed. John Butler recommended tabling the matter after the board's discussion. Chairman Gosselin stated that this is a conditional rezoning and not development review at this time. The project will have to go through development review so this is not the final step and the board will see this again, even after a Conditional Rezoning. The board hears and understands the neighbors concerns,

but at the same time the City is evolving and now has many destinations. East Avenue is a unique, four- (4-) lane road and existing standards allow office buildings that would block the view just as the hotel would. Lucy Bisson is concerned about the "island" residence at East Avenue in the middle of the project and would prefer to table the matter until after the board has discussed zoning with the City Council (scheduled for January 27, 2004). Stephen Morgan asked if the property in the middle at East Avenue is a single-family home and how does tabling affect Mr. Dubuc's deadlines? The property is a single-family home and Mr. Dubuc stated that it is make it or break it time and they are competing with Auburn. This site is better than the Auburn site with the exception of the zoning. David Hediger stated that the current standards could allow up to a 52 foot high office building with a height modification. John Racine said that he recently experienced a similar situation near his home and thinks that more time and information is necessary to make a decision. Jim Horn feels the item should be continued.

The following motion was made.

**MOTION:** by **John Butler**, seconded by **Lucy Bisson** that the proposal to Conditionally Rezone 121 East Avenue, 6 & 8 Malo Street from the Office Residential (OR) and Neighborhood Conservation "A" (NCA) Districts to the Community Business (CB) District be continued to the February 9, 2004 Planning Board Meeting.

**VOTED:** 7-0.

**VI. OTHER BUSINESS:**

**New Business:**

**B. Discussion on the Joint Planning Board/City Council Workshop.** (David Hediger stated that a light meal will be available at 5:30 pm tomorrow and discussion will start at 6:00 p.m.

**C. FY2005 Lewiston Capital Improvement Program (LCIP).** The LCIP was distributed to the Planning Board Members. James Bennett will present this in February or March.

**Old Business: Any other business Planning Board Members may have relating to the duties of the City of Lewiston Planning Board.** None.

**VII. READING OF THE MINUTES: Reading of the minutes from the January 12, 2004 Planning Board Meeting.**

**MOTION:** by **Lucy Bisson**, seconded by **Tom Truchon** that the Planning Board accept the Planning Board Minutes for January 12, 2004, with the following minor changes:

1. Move the "VOTED" for the vote to elect J. Gosselin as Chairman to below the motion by J. Horn on Page No. 1 and
2. On Page No. 3, Condition 1 for Item B's approval, change the word, "staff" to read, "staff".

**VOTED:** 5-0-2 (The new members abstained).

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

**MOTION:** by **Lucy Bisson**, seconded by **Chairman Gosselin** to adjourn this meeting at 8:50 p.m.

**VOTED:** 7-0.

The next regular scheduled Planning Board Meeting is for Monday, February 9, 2004.

Respectfully submitted,

Lucy Bisson  
City of Lewiston - Planning Board Member and Secretary

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