

**CITY OF LEWISTON  
PLANNING BOARD MEETING  
MINUTES for September 27, 2004 - Page 1 of 4**

- I. ROLL CALL:** This meeting was held in the City Council Chambers on the First Floor of City Hall, was called to order at 7:01 p.m., and was chaired by Jeffrey Gosselin.
- **Members in Attendance:**, Jeffrey Gosselin, Lucy Bisson, John Racine, Tom Truchon, Jim Horn, John Butler, Stephen Morgan, and Thomas Peters.
  - Members Absent:** Roger Lachapelle
  - Staff Present:** James Bennett, City Administrator; Gil Arsenault, Director of Planning & Code Enforcement; David Hediger, City Planner; and Eric Cousens, Land Use Inspection Officer.
  - **Student Member Present:** Wade Morgan.

**II. ADJUSTMENTS TO THE AGENDA:** One (1) additional item in Section V. Other Business.

**III. CORRESPONDENCE:** Emergency Vehicles of Maine approval letter and 9/13/04 meeting minutes.

The following motion was made.

**MOTION:** by *Lucy Bisson*, seconded by *Steve Morgan* that the above correspondence and Staff comments be placed on file and read at the appropriate time.

**VOTED:** 7-0.

*Wade Morgan joined the Board.*

**IV. HEARINGS:**

**A.** *A proposal to increase the size of the Southern Gateway Development District described as the area bounded by the beginning of the intersection of Canal Street and Adams Avenue, along Adams Avenue to Bartlett Street, along Bartlett Street to Pine Street, along Pine Street to Park Street, along Park Street to Chestnut Street, along Chestnut Street to Canal Street, and along Canal Street the point of beginning.* David Hediger summarized his Staff Memorandum dated September 23, 2004. Jim Bennett explained the existing district and its successes and the proposed expansion and its goals. The proposal is to increase the district area by eleven (11) additional blocks, 1% of the total area of the public utility served portion of the community. Mr. Bennett went over the census statistics for the area including high tenant turnover, 15% of the city's police calls in the past five (5) years, and 37% of properties have been delinquent on property taxes. The southern gateway has driven property values up nearly 70%, not down as has been suggested. Future review of specific projects will be required by the Planning Board and/or City Council.

This item was then opened to the public in support. There was none. This item was then opened to the public in opposition or for general comment. *Mark Schlauderback*, Auburn resident and Calvary Knight Missionary was concerned with human costs of our actions, including eminent domain.

*Susan*, a Bates Street resident said that low rents within the district are all that she can afford and she is concerned that the rents will rise higher than the fixed income.

*Dot Treadwell*, a lifetime resident and Empower Lewiston affiliate is concerned that low income tenants will be forced out.

The public portion was then closed and brought back to the Board.

John Butler asked about rising rents in general, with or without the district. Jim Bennett explained that there has been a significant rise in local rents that will likely continue for a while, with or without the district. John Butler stated that the City can take property by eminent domain for a road. Jim Bennett explained that the City does already have that ability.

Steve Morgan explained that he has seen many proposals and ideas over the years and it is only a possibility.

Chairman Gosselin supports the goals of the initiative.

John Racine said that the Board's job is to improve or enhance development and simply recommend for or against the district expansion to the council.

Steve Morgan, stated the eminent domain ability already exists for roads, parks and public uses.

Jim Bennett explained that with the district, eminent domain ability is expanded only to include the goals of the district.

Tom Peters applauds the City officials for addressing this area, but feels that the rules we already have are enough and we don't need more to accomplish our goals. Decreasing crime, code violations, and repairing sidewalks will increase values. Crime cannot be eliminated.

Jim Bennett corrected Mr. Peters and explained that the goal regarding crime is to decrease it significantly, elimination was never suggested as a possibility. The broad approach of the district is needed to attract investment. There will still be many public hearings down the road if the ideas become plans.

The following motion was made.

**MOTION:** by **John Butler**, seconded by **Lucy Bisson** that the Planning Board sends a favorable recommendation for the City Council's consideration, the proposed expansion of the Southern Gateway Development District boundaries.

**VOTED:** 6-1 (Opposed - Steve Morgan).

**B. A proposal to subdivide the existing 9.5 acre parcel into five (5) lots for single-family dwellings and a private road for the Gloria Nye Development at 191 Dyer Road.** David Hediger summarized his Staff Memorandum dated September 23, 2004. **Rick Valentine** of Survey Works was attending for **Charles Nye**. He provided two (2) letters from local well drillers, speaking to adequate water supply.

Lucy Bisson asked about wetlands on the lots. David Hediger explained the wetland locations .

This item was then opened to the public in favor. There was none. This item was then opened to the public in opposition.

**Tim Mynahan**, 173 Dyer Road, spoke to a state geologist and was told that wells in glacial till often impact neighboring property's wells. If wells in the area start going dry, what recourse do abutters have? He is also concerned about drainage. Many wells are 200, 300, even 700 feet deep before hitting water in this area.

**Rene Mynahan**, 173 Dyer Road, questions well drillers opinion when an educated geologist says otherwise.

City Councilor Mark Paradis stated that we need the development, but neighbors have valid concerns. The well water issue has not been addressed and he asked what about runoff? Who is responsible if wells start going dry?

**Cecilia Treworgy**, Dyer Road, asked will there be single- or multi-family housing? The zoning does not allow multi-family and there will be covenants in the deeds for home type and size.

David Hediger explained that the developer has the power to restrict the use of the lots through covenants, Rick Valentine said that the owner will prohibit mobile homes and require homes to be larger than 1,500 square feet.

**Anadette Mynahan**, 173 Dyer Road asked if this is the final plan for the development? If the stormwater is being revised, then residents should have a chance to voice concerns before it is approved. What about NRPA permits?

David Hediger explained that there are no impacts to the resource proposed.

The following motion was made.

**MOTION:** by **John Butler**, seconded by **Lucy Bisson** that the Planning Board determines the application to create two (2) lots and a frontage ROW, shown as Phase I of the five (5) lot subdivision at 191 Dyer Road, the "Gloria Nye Development" to be complete; grants approval of the modification/waiver checklist; that this application meets all of the necessary approval criteria contained under Article XIII, Sections 4 and 5 of the Zoning and Land Use Code; and grants approval to Charles Nye to construct the frontage ROW and create one additional lot, subject to the following conditions recommended by Staff:

1. City staff concerns shall be satisfied.

**VOTED:** 7-0.

**The Planning Board will need more information to review Phase II of the development. Therefore, the matter was tabled to the next meeting.**

C. A proposal to develop a 5,000 square foot commercial building for use as a day spa and wellness center (Cassiel's Skin Care) at 81 East Avenue Rear. David Hediger read his Staff Memorandum dated September 23, 2004.

Tom Truchon asked what a body treatment was. **Dianne Dubois**, business owner, explained that it is a sea salt treatment.

This item was then opened to public for those in favor.

**Bert Michaud**, 81 East Ave, stated that he and his tenants are anxious to see the project.

This item was then opened to the public for those in opposition.

**John Fortin**, Janelle Street, said there is an existing entrance onto Janelle Street that he would like to see closed. David Hediger explained abutters phone calls. **Jason Potter**, engineer for the project, addressed all of Staff's concerns. There will be lights facing downward under the entryway. The property owner agreed to encourage customers and employees to use the East Ave entrance/exit and discourage the use of the Janelle Street access through signage.

This item was then closed to the public.

John Racine asked if Janelle Street access will be gated. Dianne Dubois said that she will discourage its use, but the gate will be open as it always has been.

The following motion was made.

**MOTION:** by **Steve Morgan**, seconded by **Lucy Bisson** that the Planning Board determines the application to develop a 5,000 square foot commercial building for use as a day spa and wellness center (Cassiel's Skin Care) at 81 East Avenue Rear to be complete; grants approval of the modification/waiver checklist; finds that the day spa and wellness center is not substantially similar to and compatible to a beauty salon pursuant to Article V, Section 3(g) of the Zoning and Land Use Code; that this application meets all of the necessary approval criteria contained under Article X, Section 3 and Article XIII, Section 4 of the Zoning and Land Use Code; and grants development review approval and a Conditional Use Permit to Diane Dubois, subject to the following conditions recommended by Staff:

1. Signage be placed to discourage use of Janelle Street access.

**VOTED:** 7-0.

**V. OTHER BUSINESS:**

A. A request by **Wally & Isabella Howe** for a two- (2-) year extension of their previously approved fill site located at 102 Merrill Road. David Hediger read his Staff Memorandum dated September 23, 2004.

The following motion was made.

**MOTION:** by **Tom Truchon**, seconded by **Lucy Bisson** that the Planning Board grant a two-(2-) year extension of approval for a fill site at 102 Merrill Road.

**VOTED:** 7-0.

**B.** *Any other business the Planning Board Members may have relating to the duties of the Board.* Brookside view estates was discussed. Dan Hebert would like to expand the lot sizes. Lucy Bisson suggested that the Board accept this as a diminimus change and the Board agreed, subject to Staff approval.

**VII. ADJOURNMENT:** This meeting adjourned at 9:10 p.m. The next regularly scheduled Planning Board Meeting is scheduled for Monday, October 25, 2004.

Respectfully submitted,

Roger Lachapelle,  
Planning Board Member & Secretary

DMC:dmc

C:\MyDocuments\Planbrd\Minutes\PB092704MIN.wpd

The City of Lewiston does not discriminate against or exclude individuals from its municipal facilities, and/or in the delivery of its programs, activities and services based on an individual person's ethnic origin, color, religion, sex, age, physical or mental disability, veteran status, or inability to speak English. For more information about this policy, contact or call Compliance Officer Mike Paradis at (V) 207-784-5753, (TTY) 207-784-5999, or email [mparadis@ci.lewiston.me.us](mailto:mparadis@ci.lewiston.me.us).

