

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for November 22, 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 7:04 p.m., and was chaired by Jeffrey Gosselin.

- **Members in Attendance:** Jeffrey Gosselin, Lucy Bisson, John Butler, Stephen Morgan, Tom Peters, and Roger Lachapelle.

Members Absent: Jim Horn, Tom Truchon, John Racine.

Staff Present: 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:

MOTION: by *Lucy Bisson*, seconded by *John Butler* to hear Other Business, Items A and B on the agenda first, due to the presence of representatives for those items.

VOTED: 6-0.

III. CORRESPONDENCE: Staff Memorandum from David Hediger, a copy of the R.F.P. for Urban Design Standards dated November 17, 2004, a letter from City Administrator James Bennett dated October 29, 2004, and Maine Real Estate and Development Association presentation package.

The following motion was made.

MOTION: by *Lucy Bisson*, seconded by *John Butler* that the correspondence be placed on file and read at the appropriate time.

VOTED: 6-0.

V. OTHER BUSINESS:

A. A request for a “*de minimis*” change to the application by *Fortin Home Construction, Inc.* on an amendment to the *Pond Ridge Acres Subdivision* to change “other land of *Lewiston Development Group*” to developable lots. David Hediger summarized his memorandum dated November 18, 2004 and explained problems with tracking “other land” within subdivisions. Flagging parcels that were approved as “other land” has been missed on three (3) properties in this subdivision. A fourth parcel of “other land” is being proposed for development. John Butler stated for clarification that one (1) of the lots being discussed is labeled Lot 35 on one (1) plan and Lot 42 on another. *Don Fortin*, Fortin Home Construction Inc., said that he would like the lot in question to be labeled Lot 40. Tom Peters asked what would happen if the Board did not approve these lots? Gil Arsenault explained that though the permits were issued on “other land” lots, the time to challenge the building permits has passed so the homes have a “clean bill of health.” This amendment will make the Subdivision Plan current.

The following motion was made.

MOTION: by *Steve Morgan*, seconded by *Tom Peters* that the Planning Board determines the application submitted by *Fortin Home Construction, Inc.* on their proposed amendment to the *Pond Ridge Acres Subdivision* be approved as a “*de minimis*” change, in accordance with Article XIII, Section 3 (k) of the City of Lewiston Zoning and Land Use Code.

VOTED: 6-0.

B. A request for a “de minimis” change to the application by Wal-Mart Stores East, LP on an amendment for a proposed temporary parking/storage area off Alfred Plourde Parkway. David Hediger summarized his memorandum dated November 18, 2004. Wal-Mart would like to create a temporary gravel parking lot for use during construction of the distribution center. The lot will be loamed and seeded over in the Fall of 2006 when construction is complete. The consensus of the Board was that the lot should be considered a “de minimis” change.

No motion was needed on this item.

IV. HEARINGS:

A. A proposed amendment to the definition of “frontage” as defined in Article II, Section 2 of the Zoning and Land Use Code of the City of Lewiston. David Hediger summarized his Staff Memorandum dated November 18, 2004 and showed a plan depicting a frontage R.O.W. Roger Lachapelle asked how multiple additional lots could be created. David Hediger explained that the R.O.W. provisions only allow for frontage of one (1) lot on the R.O.W. Chairman Gosselin asked if the additional lot would be brought to the attention of the Planning Board. Gil Arsenault explained that any additional lot including one (1) created using the R.O.W. provisions as part of a subdivision would be an amendment to a subdivision plan and require the approval of the Planning Board if originally approved by the Board. Chairman Gosselin asked if any property owner within the development could request this? David Hediger responded that anyone could do this provided that they can meet the Space and Bulk Standards for the district. Tom Peters asked if this could be done anywhere in the City? David Hediger responded that it can currently be done anywhere, except within a subdivision. Tom Peters is concerned that this type of “step transaction” could occur over time and allow a 12-lot subdivision to become a 24-lot subdivision, even if that was something that would not have been approved up front. Lucy Bisson is concerned that developers would avoid looking at some important issues such as phosphorus within the No Name Pond (N.N.P.) watershed. David Hediger explained that the same requirements would have to be met. John Butler asked if this could be used in Chestnut Hill Estates? David Hediger explained that the lot sizes are likely too small to divide the lots in that subdivision, the same is true about the Nye Subdivision.

The following motion was made.

MOTION: by **Tom Peters**, seconded by **John Butler** that the Planning Board send a favorable recommendation to the City Council on the amendment to the City of Lewiston’s Zoning and Land use Code concerning the definition of “frontage”.

VOTED: 6-0.

B. A proposed amendment to the definition of “automobile graveyard” as defined in Article II, Section 2 of the Zoning and Land Use Code of the City of Lewiston. David Hediger summarized his Staff Memorandum dated November 18, 2004. Eric Cousens explained the changes proposed to be consistent with state law changes.

The following motion was made.

MOTION: by **John Butler**, seconded by **Lucy Bisson** that the Planning Board send a favorable recommendation to the City Council on the amendment to the City of Lewiston’s Zoning and Land use Code concerning the definition of “automobile graveyard”.

VOTED: 6-0.

C. A proposed amendment pertaining to power and duties of the Planning Board, contained in Article VII, Section 4 of the Zoning and Land Use Code of the City of Lewiston. David Hediger summarized his Staff Memorandum dated November 18, 2004. Chairman Gosselin stated that he considered this a financial decision that was not entirely planning related, and that projects proposed for any land impacted by an acquisition or disposition of property would be reviewed by the Board during development review. John Butler stated that development review will no longer be necessary if 4(f) is changed, as proposed. David Hediger explained that development review will still be necessary and important. Chairman Gosselin explained that the Board will still review projects to see that they meet the required standards. Tom Peters said that the Board is unnecessary if all that they do is see that projects meet the required standards; Staff can determine that. Chairman Gosselin stated that the City Council still has to review and decide these issues regardless of the Planning Board's recommendation. Chairman Gosselin does not see that the Planning Board review of this type of transaction makes a big difference in the process and the City Administrator and City Council should be able to act on this. Gil Arsenault explained that the Council reviews these in executive session and generally has decisions made prior to the official action. Steve Morgan explained that he took the Planning Board position with the expectation that he may be called upon to meet on short notice and that he would do his best to make himself available for this type of time-sensitive decision. Tom Peters explained that he participated in executive sessions during his last Planning Board term for issues like this and he feels that the City Administrator is attempting to further limit the people that review his decisions. Staff must understand that the Board is part of the Planning process. The City could sell City Hall or the Library, if this passes, without Planning Board review. Mr. Peters stated that the Board should make themselves available for executive session, but not dissolve or diminish their duties.

The following motion was made.

MOTION: *by Tom Peters, seconded by Lucy Bisson that the Planning Board send an unfavorable recommendation to the City Council on the amendment to the City of Lewiston's Zoning and Land Use Code pertaining to the power and duties of the Planning Board.*

VOTED: *5-1 (Jeffrey Gosselin voted in opposition to the motion).*

V. OTHER BUSINESS:

C. A discussion on proposed urban design standards. David Hediger summarized his Staff comments and explained that the goal is to have a representative from each relevant Board, including the Planning Board, Downtown Advisory Board (D.A.B.), Historic Preservation Review Board (H.P.R.B.), etc. for meetings and discussions regarding these standards.

D. A discussion on the December 2004 Planning Board schedule. Chairman Gosselin suggested eliminating the December 27, 2004 meeting due to the holidays. The general consensus was to meet on December 13th and confirm the above at that time as long as there were no time-sensitive projects that need to be heard in December.

E. A discussion on next years Planning Board schedule and vacancies. Lucy Bisson's term is up in December 2004 and the recent redistricting of wards has changed her from Ward 2 to Ward 4 and there are two (2) other Ward 4 members already. Tom Peters, Lucy Bisson and Chairman Gosselin asked if it was possible to keep Lucy on the Board as an Associate Member. Staff thought that it was not, but will check the state statute.

F. Any other business the Planning Board Members may have relating to the duties of the Board. The Board has been asked questions about the Heritage Initiative and does not have answers. This puts them in an awkward position. They feel they were asked to make an "on the spot" decision and now the Council has all winter to think and gather more information and input before they have to act. The

Board may limit their motions in the future to a limited amount of time to avoid being put on the spot unnecessarily, as they feel it was in this case.

VI. READING OF THE MINUTES: *Reading of the Draft Minutes for September 27, 2004 and October 25, 2004.* Lucy Bisson provided Staff with an amended version of each set of minutes. There were minor corrections.

The following motion was made.

MOTION: by **Lucy Bisson**, seconded by **John Butler** that the Planning Board accept the Planning Board Minutes dated September 27, 2004 and October 25, 2004, as amended.

VOTED: 6-0.

VII. ADJOURNMENT: This meeting adjourned at 8:30 p.m. The next regularly scheduled Planning Board Meeting is for Monday, December 13, 2004.

Respectfully submitted,

Roger Lachapelle,
Planning Board Member & Secretary

DMC:dmc

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