

**CITY OF LEWISTON  
PLANNING BOARD MEETING  
MINUTES for February 28, 2005 - 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 7:02 p.m., and was chaired by Jeffrey Gosselin.

- **Members in Attendance:** Jeffrey Gosselin, Tom Peters, Roger Lachapelle, Jim Horn(arrived at 7:35), and Tom Truchon.

**Members Absent:** John Racine and Stephen Morgan.

**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 Absent:** Wade Morgan.

**II. ADJUSTMENTS TO THE AGENDA:** Items A and B were switched to hear the Deschaine Heights Subdivision proposal first.

**III. CORRESPONDENCE:** A. Staff Memorandum from David Hediger dated February 24, 2005, B. Letter from abutter David Rioux, and C. Additional comments from Public Services.

The following motion was made.

**MOTION:** by **Tom Peters**, seconded by **Roger Lachapelle** that the Planning Board accept the above correspondence, place it on record, and read at the appropriate time.

**VOTED:** 4-0.

**IV. HEARINGS:**

**A. A proposal to subdivide the 9.0-acre lot into one (1) commercial lot and 13 residential lots for the Deschaine Heights Subdivision at 1098 Sabattus Street.** Chairman Gosselin explained the requirement to have four (4) affirmative votes to constitute action by the Board and given that there are only four (4) members present for this hearing, all four (4) votes are required for an approval motion to carry. The Applicant was given the opportunity to table the item until more members are present, but chose to move forward with the hearing. David Hediger summarized his Staff Memorandum dated February 24, 2005. **David Camilla** with Land Use Consultants Inc. (LUC) provided additional information on the the proposal and introduced the applicant **David Deschaine** and **David Scott** from Land Use Consultants, Inc. (LUC). The development will have underground utilities and Lot 14 will remain undeveloped as open/recreational space protected by covenants in the Deed.

There were no comments by the Board at this time, therefore, the public portion was opened for those in favor. There was none. This item was then opened for those opposed or for general comments. **Mike Schade**, 330 Pond Road, stated that blasting for the commercial building in Phase 1 of the development has caused him to lose power and cracked plaster in his house. He found a loose wire and had it corrected by an electrician. He was not notified because he is more than 300 feet from the nearest point of Deschaine's property. Staff suggested that he speak to the Blasting Contractor about any damages to his property. There being no further comments, the public portion was then closed to the public and brought back to the Board.

The letter from Mr. Rioux was discussed. It was determined that the property dispute was a civil matter between the two (2) property owners and not to be decided by this board. Tom Peters pointed out that should the Board approve the project, the decision does not agree or disagree with the dispute about the property line, but recognizes that it is for the courts to decide. Tom Peters pointed out that Lot R3 has 73.47 feet of frontage and needs 75 feet to be a legal lot. David Scott, LUC said he would adjust the line enough to give all lots 75 feet of frontage.

The following motion was made.

**MOTION:** by **Tom Truchon**, seconded by **Roger Lachapelle** that the Planning Board determines the application for the Deschaine Heights Subdivision (subdividing of the 9.0-acre lot into one commercial lot and 13 residential lots) at 1098 Sabattus Street 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 David Deschaine, subject to the following conditions:

1. The commercial lot may extend from the HB district into the NCA District by not more than 30', as per Appendix A, Article IV, Section 3(b) of the Zoning and Land Use Code and the plan shall show the measured setback of the proposed structure and paved area to the property line and zoning district boundary.
2. The applicant shall provide the minimum net lot area for each lot on the Site Plan, less the wetland areas to ensure each residential lot has at least 7,500 square feet of buildable area, in accordance with Article V, Section 3(h) of the aforementioned code.
3. A note will be added to the Site Plan indicating the specific amount of wetland alterations that may occur on Lots R1 and R2 without a permit from the M.D.E.P.
4. The grade of the street for the first 100' shall be a 3% slope and the rest of the road shall not exceed a slope of 8%.
5. The applicant indicated that street lights will be installed at the proposed street's intersection with Sabattus Street, the commercial building lots driveway entrance, and at the cul-de-sac and the street lighting be shall be shown on the Site Plan in these locations.
6. A note shall be added to the plan referring to David Deschaine's ownership of the open space and that the area is to remain permanently as open space.
7. A note shall be added to the plan referring to any easements being granted to the City for purposes of maintaining the detention pond and necessary utilities.
8. The applicant will provide a letter from a lending institution indicating that Mr. Deschaine has the financial capacity to complete this project, prior to any building permits being issued.
9. A note shall be added to the plan, indicating that no lot or parcel of land may be conveyed, and that no permit may be issued by the Planning and Code Enforcement Department for any building or other permanent structure within the development (with the exception of the commercial building in Phase I, which was approved with access from a private driveway) until the completion of the street grading, paving, storm drainage, utilities, and other similar improvements as specified on the approved plan, and the acceptance of any public improvements by the City. The agreement shall be conditioned upon the completion of all such improvements within 2 years from the date of approval of the Plan, as recorded on the Plan.
10. The following note shall be added to the Plan: Approval of the development plan and any Building Permit issued for development within the scope of this code shall expire after a period of 24-months after the date of approval if substantial development has not begun. Requests for extensions must be made at least 60 days prior to the time of expiration.
11. The Site Plan shall be amended so all lots have the minimum required frontage of 75', with the exception of those lots on the cul-de-sac, which may reduce their frontage by no more than 25%.

12. *Revised mylar Site Plans shall be submitted to Staff addressing the concerns noted above.*

**VOTED:** 4-0.

**B. *FY2006 Lewiston Capital Improvement Program (LCIP).*** Jim Horn arrived. This item was presented by City Administrator, James Bennett. Mr. Bennett explained the city assets as of June 30, 2004 and that it is estimated to take 1.8 million dollars annually to maintain the current asset level. Investing more can improve the current holdings and less will allow deterioration and defer costs to the future.

Discussion on airport funding and contractual obligations for parking in the Bates Mill area followed. Jim Horn asked about combined sewer overflows and Mr. Bennett explained the process of separating storm and sewer drainage infrastructure. Progress is being made, but at the current rate of separation, Mr. Bennett said that it is unlikely that the systems will be completely separated in his lifetime.

The Colisee discussion followed. The facility needs 24-36 events per year to break even and that did not happen this year, largely due to construction. Money will be set aside to cover potential losses next year.

The following motion was made.

**MOTION:** *by Tom Peters, seconded by Jim Horn that the Planning Board send a favorable recommendation to the City Council on the FY2006 Lewiston Capital Improvement Program (LCIP).*

**VOTED:** 5-0.

**V. *OTHER BUSINESS:***

**A. *A request for an extension of approval for the Greater Androscoggin Humane Society at 55 Strawberry Avenue.*** Chairman Gosselin introduced the proposal. David Hediger explained the request further. There are no changes from the original request.

The following motion was made.

**MOTION:** *by Roger Lachapelle, seconded by Tom Peters that the Planning Board grant a two-(2-) year extension to the Greater Androscoggin Humane Society for construction of their new facility at 55 Strawberry Avenue*

**VOTED:** 5-0.

**B. *Any other business the Planning Board Members may have relating to the duties of the Board.*** There was a discussion on filling vacant seats on the Board and an explanation of the City Council's actions on the United Ambulance proposals from the last meeting.

**VI. *READING OF THE MINUTES: Reading of the Draft Minutes for January 24, 2005 and February 14, 2005.***

The following motion was made.

**MOTION:** *by Jim Horn, seconded by Tom Truchon that the Planning Board table the Planning Board Minutes dated January 24, 2005 and February 14, 2005 to the next meeting due to the secretary's absence.*

**VOTED:** 5-0.

**VII. ADJOURNMENT:** This meeting adjourned at 8:40 p.m. The next regularly scheduled Planning Board Meeting is for Monday, March 28, 2005.

Respectfully submitted,

Roger Lachapelle,  
Planning Board Member and Vice Chairman acting as Secretary  
in Stephen Morgan's absence.

DMC:dmc

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