

**CITY OF LEWISTON  
PLANNING BOARD MEETING  
MINUTES for June 6, 2005 - 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 7:00 p.m., and was chaired by Jeffrey Gosselin.

- **Members in Attendance:** Jeffrey Gosselin, Roger Lachapelle, John Racine, Stephen Morgan, Tom Truchon, Jim Horn, and newest member Jonathan Earle.

**Staff Present:** Gil Arsenault, Director of Planning & Code Enforcement and David Hediger, City Planner.

**Associate Member Absent:** Tom Peters.

**II. ADJUSTMENTS TO THE AGENDA:** None.

**III. CORRESPONDENCE:** Staff memorandum dated June 2, 2005 from David Hediger, a letter from *Phil & Carol Rea* and a memorandum from *Lisa Brown*.

The following motion was made:

**Motion:** by *John Racine* to accept and place on file the staff memorandum, the letter from *Phil & Carol Rea* and the memorandum from *Lisa Brown*. Seconded by *Roger Lachapelle*.

**Voted:** 7-0 (Passed).

**IV. HEARINGS:**

**A. A petition to rezone a portion of the property at 444 Pleasant Street and 29 Mitchell Street Rear from the Industrial (I) District to the Highway Business (HB) District for purposes of possible future commercial development.** David Hediger read his Staff Memorandum.

Jeff Gosselin asked the petitioner to address the Board. *Robert Faunce*, Planner, working with Technical Services Incorporated (TSI) informed the Board that the following people are in attendance to represent the petition to rezone the property: *Mike Gotto*, of TSI, and *Kevin* and *Jim Lynch* of Pinette Funeral Homes. Mr. Faunce mentioned that this property is very optimal in that it is located immediately off the Maine Turnpike, and it is situated next to the Ramada Inn. This use will be very compatible with the residential uses located on Mitchell Street. Mr. Faunce stated that a Neighborhood Meeting was conducted on May 26, 2005 and that the neighbors supported the proposed plans to develop a portion of the Bilodeau property with a funeral home. He stated that the neighbors are concerned with the balance of the land to be retained by the Bilodeau's, currently zoned Industrial ("I") that will become Highway Business ("HB"). Mr. Faunce suggested that the rezoning be limited to the parcel of land to be developed with the funeral home. He equated this rezoning as an island being close to the main land. Gil Arsenault stated that it is his opinion that Mr. Faunce's suggestion, if acted upon, would result in spot zoning.

Mr. Faunce reviewed the proposed plans for the development of the funeral home. He stated that with the purchase of some additional land, the development could provide a 20' buffer versus the required 10' buffer for the HB district; however, he was not sure that the purchase of additional land would be possible.

Jim Lynch addressed the Board and reviewed the history of Pinette Funeral Home and how the use has changed a number of times over the years to meet the ever-changing needs of their customers. He said that the proposed location would allow families traveling to Lewiston to stay at the Ramada Inn and the Inn could provide space from larger functions that could not be provided in the new home. The direct access from the turnpike is very important for the out-of-town families and friends. Parking is also a major concern and this site would allow ample parking. Mr. Lynch stated that he has first refusal rights to purchase the land located to the left of his proposed site from the Bilodeau's.

Jeff Gosselin opened the hearing to the public for comments.

**David Peak** of 29 Mitchell Street supports the petition to allow the Pinette Funeral Home project to proceed. However, he has a major concern with the land to the left of the funeral home site. He does not want to have this property changed to HB. He stated that he wants a contingency placed on the rezoning whereby the land reverts to Industrial if the Lynch brothers do not purchase the property.

**Dan Gregoire** of 19 Mitchell Street supports the project. He stated that Dick Bilodeau has always lied to everyone, he has lied to the State and he can not be trusted. He reviewed past issues the neighbors have had with Mr. Bilodeau regarding tree removal and land filling activities that he said were illegal. Mr. Gregoire stated that if the Board does not limit the rezoning to the Pinette parcel he will fight tooth and nail against the matter.

David Hediger reviewed an e-mail submitted by **Councilor Mark Paradis** in support of the rezoning. **Joanne Gregoire**, 19 Mitchell Street asked what development could be supported to the rear of the land that Bilodeau will retain as this is wetland. Jeff Gosselin stated that it would be very difficult and costly to develop the wetlands, and given the location of the wetlands, a 50' buffer in effect would be provided regardless of the zoning. Mr. Gosselin stated that existing trees can be removed from a buffer area.

Dan Gregorie informed the Board that the State (Maine Department of Transportation) will allow only one (1) curb cut to this property to support one (1) business. Gil Arsenault stated that Plourde Parkway is a limited access highway and that not more than one (1) curb cut will be allowed on the Bilodeau property; however, more than one (1) business can use the driveway opening. Mike Gotto stated that the driveway location is inconsistent with the State plans and the State installed the driveway opening.

Jeff Gosselin closed the public portion of the hearing.

Jim Horn asked why the property is split zoned? David Hediger stated that prior to Plourde Parkway this land was connected to the industrial park which is zoned Industrial.

Tom Truchon asked how much of the land that will be retained by Bilodeau that is able to be developed. Mike Gotto said that approximately 1.5 acres will be available for development. He said that the rear portion of the lot is wetland and it could cost \$100,000 to \$125,000 per acre to develop, given mitigation, permitting, etc.

The following motion was made.

**MOTION:** *by Tom Truchon that the Planning Board recommends to the City Council the rezoning of 444 Pleasant Street and 29 Mitchell Street Rear from the Industrial (I) District to the Highway Business (HB) District for purposes of possible future commercial development. Seconded by John Racine.*

**VOTED:** 7-0 (Passed).

**B.** *A petition to rezone the property at 1045 Main Street from the Medium Density Residential (MDR) District to the Highway Business (HB) District for purposes of possible future commercial development.* Jeff Gosselin recused himself and Roger Lachapelle assumed the Chair. David Hediger read his Staff Memorandum.

Roger Lachapelle asked if **George Schott** would like to address the Board. Mr. Schott said that he had no comments; however, he would be pleased to answer any questions.

Roger Lachapelle opened the hearing to the public.

**Dale Dow** of 1079 Main Street stated that she is in attendance and that she has no comments.

The public portion of the hearing was closed by Roger Lachapelle.

John Racine asked if Mr. Schott has any plans for the property. Mr. Schott said that he plans to construct a 40,000 square foot retail building this year on the existing lot located to the northern end of the property near Bruce Pinette's home.

David Hediger stated that the rezoning will eliminate a split zone lot, a goal that the Board has discussed and embraced.

The following motion was made.

**MOTION:** *by Steve Morgan that the Planning Board recommends to the City Council the rezoning of 1045 Main Street from the Medium Density Residential (MDR) District to the Highway Business (HB) District for purposes of possible future commercial development. Seconded by John Racine.*

**VOTED:** *6-0 (Passed).*

**C.** *A petition to Conditionally Rezone the property owned by Norman & Kathy Jalbert at 193 Crowley Road from the Office Service (OS) District to the Urban Enterprise (UE) District to allow the sale of used automobiles and the ability to operate an automobile garage.*

David Hediger read his Staff Memorandum.

Jeff Gosselin invited **Norm Jalbert** to present his petition to the Board. Mr. Jalbert indicated that in order to meet State requirements, he needs to construct a new garage with an auto lift to drain fluids from vehicles. He cannot get a lift in the existing garage as it is too small. In addition, the garage is very deteriorated and should be removed.

David Hediger stated that in addition to the junk yard and car sales aspects, Mr. Jalbert also proposes to operate an auto repair facility open to the public.

Tom Truchon asked how Staff deemed the changes to result in the intensification of the junkyard operation. David Hediger stated that the junkyard has seen very little activity during the time that Norm's father owned and operated the facility. An improved garage will allow greater numbers of vehicles to be processed and thereby will result in greater activity in the junk yard.

Jeff Gosselin opened the hearing to the public

**Clifton Smith**, 185 Crowley Road spoke in favor of the petition and stated that he believes that Mr. Jalbert will clean the property of an existing mess. He also stated that he has lived at this address for forty years.

Mr. Jalbert presented a letter from a **Mrs. Lombardi** who is in support of the petition.

David Hediger read an e-mail from Councilor Mark Paradis. Mr. Paradis is not in support of the petition in view of the number of residential properties in the area. He stated that if the Board was inclined to send a favorable recommendation to the Council, then additional conditions could be added to better protect the neighborhood. He also felt that the change could limit other development opportunities from occurring in the area.

Jeff Gosselin closed the public portion of the hearing.

Jeff Gosselin stated that the current zoning is akin to land banking in view of the fact that the utilities are not in place to support commercial development and, therefore, such is not likely to occur. He said that it does not appear to be appropriate to have UE surrounded by OS; however, he is somewhat indifferent to the request. Jim Horn agrees in that he considers the change to be minor, but he does not feel that it is appropriate to create new incompatible uses.

Greg Mitchell reviewed the six (6) options for downtown turnpike connections and he discussed the growth potential of Exit 80. He stated that the six (6) options are within a ten- (10-) year plan for the Maine Turnpike Authority (MTA); Greg would like to see a five- (5-) year window/plan for the downtown connectors. He said that the plans for a turnpike connection to serve the Crowley Road area is beyond the ten- (10-) year MTA plan.

The following motion was made:

**MOTION:** *by John Racine that the Planning Board not recommend to the City Council to conditionally rezone 193 Crowley Road from the Office Service (OS) District to the Urban Enterprise (UE) District to allow the sale of used automobiles and the ability to operate an automobile repair garage. Seconded by Jim Horn.*

**VOTED:** *4-0-3 (Passed - abstentions by Steve Morgan, Tom Truchon, and Roger Lachapelle).*

**V. OTHER BUSINESS:**

**A. Recommendations for City Acquisition of 250 Bates Street (the former St. Dominic Regional High School).** David Hediger read his Staff Memorandum.

Greg Mitchell briefly identified the services provided by Community Concepts Incorporated (CCI) and stated that they were scheduled to construct a new office complex in the Southern Gateway, one (1) block into the Heritage Initiative area from Lisbon Street. It was recently determined the best site for CCI is the St Dom's site at 250 Bates Street.

Jim Horn asked why the City should spend approximately one million dollars towards the cost of an office complex for CCI. He asked if this was a taxable facility; he also questioned why the City is paying to purchase and demolish a dangerous building. Greg Mitchell stated that CCI is tax exempt; however, they will be making payments of approximately \$83,000 per year in lieu of taxes. These payments over a twenty (20) year period will re-pay the bond to be used to finance our acquisition and demolition costs. It will not cost the City any money to have CCI construct a multi-million dollar office complex that will house up to 100 employees providing services to area that is in need. The payment in lieu of taxes will continue after the bond has been repaid.

Greg Mitchell also mentioned that CCI has plans to construct 20 to 30 elderly housing units at some future date.

The following motion was made:

**MOTION:** by **Roger Lachapelle** that the Planning Board send a favorable recommendation to the City Council to acquire 250 Bates Street (the former St. Dominic Regional High School). Seconded by **Tom Truchon**.

**VOTED:** 7-0 (Passed).

**B. Recommendations for City Acquisition of 193 Blake Street.** David Hediger read his Staff Memorandum.

Greg Mitchell stated that this property is also proposed for purchase to support the CCI project. The City owns the adjacent 195 Blake Street property to be conveyed to CCI to support their office complex.

The following motion was made:

**MOTION:** by **Roger Lachapelle** that the Planning Board send a favorable recommendation to the City Council to acquire 193 Blake Street. Seconded by **Tom Truchon**.

**VOTED:** 7-0 (Passed).

**C. Any other business the Planning Board Members may have relating to the duties of the Board.** David Hediger mentioned the 180 day moratorium that was recently passed to prevent methadone clinics from establishing within the City. This will give the City the opportunity to evaluate such clinics and our regulations for such clinics. Roger Lachapelle stated that he worked for the Discovery House in South Portland. Discovery House is a for-profit company that operates a number of methadone clinics. He said that many of the people being served by the South Portland Clinic are taking methadone, as a result of taking opiates prescribed by their physicians.

Gil Arsenault indicated that he has had discussions with **George Courbron** of Survey Works and Mr. Courbron would like to eliminate a required 30' buffer shown on the plan of West View Bluffs. The buffer is located on three (3) lots and provides no protection for the three (3) lots, nor does it offer any protection for any other lot in the development. The buffer is to the Central Maine Power Company electrical transmission corridor. The consensus of the Board is that a formal request and a Public Hearing will be necessary to amend the plan.

**VI. READING OF THE MINUTES: Reading of the Draft Minutes for May 9, 2005.** These minutes were not available at this meeting, therefore, no motion was made.

**VII. ADJOURNMENT:** This meeting adjourned at 9:40 p.m. The next regularly scheduled Planning Board Meeting is for Monday, June 20, 2005.

Respectfully submitted,

Stephen Morgan,  
Planning Board Member & Secretary

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