

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for November 14, 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, Stephen Morgan, Tom Truchon, and Jonathan Earle.
- S **Members Absent:** Roger Lachapelle, John Racine, and Jim Horn.
- S **Associate Member Present:** Tom Peters.
- S **Staff Present:** Phil Nadeau, Assistant City Administrator; Gil Arsenault, Director of Planning & Code Enforcement; David Hediger, City Planner; and Eric Cousens, Land Use Inspection Officer.

II. ADJUSTMENTS TO THE AGENDA: The following motion was made.

MOTION: *by Tom Peters, seconded by Jonathan Earle to hear Item IV. Hearings, Sub-Item D. A Proposal to amend Article II, Section 2 and Article XII, Section 16 of the Zoning and Land Use Code to allow changeable message signs first, out of sequence to the agenda listing.*

VOTED: 4-0 (Passed).

III. CORRESPONDENCE: Staff Memorandum from David Hediger, City Planner dated November 10, 2005. The following motion was made.

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

VOTED: 4-0 (Passed).

Out of sequence to the agenda Item IV. Hearings, Sub-Item D. was heard first.

IV. HEARINGS:

D. A proposal to amend Article II, Section 2 and Article XII, Section 16 of the Zoning and Land Use Code to allow changeable message signs. Eric Cousens summarized this portion of the Staff Memorandum dated November 10, 2005.

Present at this meeting was Phil Nadeau, Assistant City Administrator, who explained the reasons behind the proposal and concerns that came up during the amendment process. The proposed amendment would allow the following: 1. Hold times of as short as two (2) seconds for individual messages; 2. Numerical or text messages that change by traveling, scrolling, or fading to the next message frame; 3. Sign size and locations would continue to be limited by the current zoning requirements. Displays could comprise as much as 50 percent of the surface area of a changeable sign. The proposed amendment would not allow the following: 1. Animated, graphic, pictorial, or photographic images would continue to be prohibited and 2. Flashing or moving lights, other than the above methods of changing messages would continue to be prohibited. Tom Peters asked about square footage. Gil Arsenault confirmed that it would still be limited by the ordinance.

Helen Sebec, Lewiston Youth Advisory Committee (LYAC) President, explained the LYAC proposal. Distributed at this meeting was a photograph of the proposed changeable message sign for the Lewiston High School and Regional Technical Center.

Local control needs Section 11-A, Sub-Section D. to be changed to allow two (2), single-sided signs.

Tom Peters explained his concerns with an over-abundance of these signs on Lisbon Street with a two- (2-) second flash time. Phil Nadeau explained the limited likelihood of this being a problem, due to the costs of the signs.

LYAC suggested a 30 second or one- (1-) minute flash time. Eric Cousens suggested five (5) seconds to avoid flashing.

This item was then opened to the public. There was none. This item was then closed to the public and brought back to the Board for further discussion.

Tom Peters asked for input from the public.

City Councilor Norm Rousseau advocated for the five- (5-) seconds to serve the purpose, but to not flash. The Board then agreed to five (5) seconds and the following motion was made.

MOTION: *by Tom Peters, seconded by Stephen Morgan that the Planning Board, recommend for the City Council's consideration a proposed amendment to Article II, Section 2 and Article XII, Section 16 of the Zoning and Land Use Code with the following changes: The minimum display hold time be increased from two (2) seconds to five (5) seconds and that where permitted, not more than one (1) sign with two (2) changeable sides is allowed per lot of record or two (2) signs with one (1) changeable side per sign is allowed per lot of record.*

VOTED: *5-0 (Passed)*

The remaining items were heard in the order of their listing on the agenda.

A. A proposal for a four- (4-) lot residential subdivision located at 1046 Main Street (Blackberry Knoll Subdivision). David Hediger summarized this portion of his Staff Memorandum dated November 10, 2005. On behalf of **Robert Coulombe**, Associated Design Partners, has requested a continuation of this Public Hearing on the application to work with the City of Lewiston on the design of the proposed street, and for this item to be tabled to the December 12, 2005 Planning Board Meeting.

This item was then opened to the public. There was no public in attendance to comment, therefore the item was brought back to the board and the following motion was made.

MOTION: *by Stephen Morgan, seconded by Jonathan Earle that the Planning Board, at the request of Associated Design Partners, table this item until the December 12, 2005 Planning Board Meeting.*

VOTED: *5-0 (Passed).*

B. A proposal to develop a 19-lot, single-family lot cluster subdivision at 307 Cotton Road (Riverbend Commons). David Hediger summarized this portion of his Staff Memorandum dated November 10, 2005. Technical Services, Inc. has withdrawn their application for this development at this time to work with the City of Lewiston regarding lot size requirements. This item will be discussed under "Other Business", Sub-Item B. pertaining to lot size, net lot area, and sustained slopes.

This item was then opened to the public. There was no public in attendance to comment and no action was necessary on this item.

Jeffrey Gosselin recused himself on Item IV., Sub-Item C. and Tom Peters was appointed as Chairman of the Board for this item only.

C. To consider a petition from Blais Greenhouse, Inc. to amend the existing Conditional Rezoning Agreement for 539 Webster Street/315 Scribner Boulevard. David Hediger summarized this portion of his Staff Memorandum dated November 10, 2005.

The property located at 539 Webster Street is currently conditionally zoned in the Community Business (CB) District a distance of approximately 200 feet from the front property line along Webster Street. In 1993, the conditional rezoning became effective at the request of the proponent and was limited to a retail florist operation and accessory uses. The remaining land at 315 Scribner Boulevard was also conditionally rezoned from the Neighborhood Conservation "A" (NCA) District to the Rural Agricultural (RA) District for purposes of establishing a Christmas tree farm. The proposal now is to amend the Conditional Rezoning Agreement to expand the area conditionally zoned CB to allow the current use to

expand their operations, including floriculture and horticulture, storage of greenhouse supplies, vehicles/tractors, or other non-vegetative material. Also proposed is to abate the existing Conditional Rezoning Agreement for the RA zoning of 315 Scribner Boulevard and have that remaining land revert to the previous zoning designation of the NCA District with no conditions or restrictions, except those established by the City of Lewiston's Zoning and Land Use Code for said zoning district.

On November 2, 2005 there was a Neighborhood Meeting held to discuss this proposed Conditional Rezoning Agreement. At this meeting there was a concern regarding the proponent's use of the land reverting back to the NCA and its ability to be subdivided. Also, there was a concern about the current traffic conditions on Scribner Boulevard and how additional residential development may worsen the situation. Mike Blais had indicated, at this meeting, that he may build a couple of homes and may sell a large parcel for an additional two (2) homes.

Mike Blais, owner of Blais Greenhouse, Inc. was available at this meeting for questions and expanded the explanation and history of this project. The intention is for the CB District change is to create parking and one (1) new structure to accommodate his business and revert the RA District portion back to the NCA District, the underlying district.

Mike Blais explained the proposed buffers along the residential property lines.

Tom Peters asked for Staff's position on the Conditional Rezoning Agreement. David Hediger explained that Planning and Code Enforcement Staff supports the conditional rezoning, due to this historical use and zoning of the property.

The item was then opened to the public for those in support.

Sandy Gagnon-Fournier (329 Scribner Boulevard) stated that she is concerned about the parking lot that abuts her property and that she would like to see a fence for a buffer.

Tom Peters asked Staff what buffer is required by the Code in this situation. David Hediger responded that no buffer is required until development review is looked at for his parking lot. Then a fence or a staggered for of evergreens would be required.

There being no further public input for or against this item, it was then brought back to the Board for the following discussion. Tom Truchon clarified that buffers are not required until a project is proposed. Stephen Morgan asked Sandy Gagnon-Fournier about her preference. Her response was that she preferred a fence. Stephen Morgan asked about access from Scribner Boulevard. David Hediger confirmed this risk. Tom Peters noted that buffers will be required from development review. He also asked, "Does the Board want to recommend expansion of the CB District in the residence?" Stephen Morgan noted that it is along the existing business and people built around him knowing that the business is there.

There being no further discussion or comments, the following motion was made.

MOTION: *by Tom Truchon, seconded by Stephen Morgan that the Planning Board, recommend for the City Council's consideration an amendment to the existing conditional rezoning agreement for 539 Webster Street/315 Scribner Boulevard (Blais Greenhouse, Inc.) with the condition that a 10 foot wide buffer be along the Community Business (CB) zoned boundary of 329 Scribner Boulevard to either remain in it's natural vegetative condition, be replanted with at least two (2) rows of evergreen plantings, staggered six feet (6') on center, maintained to a height of no less than six feet (6') or contain opaque fencing a minimum of six feet (6') in height.*

VOTED: *4-0 (Passed).*

E. *A proposal to amend the Article XIII, Section 4 of the Zoning and Land Use Code to make the City's vehicular sight distance standards consistent with State standards.* David Hediger summarized this portion of his Staff Memorandum dated November 10, 2005.

At the request of the Board, Staff prepared an amendment to the City of Lewiston's sight distance standards (included in the Planning Board packets). This proposed amendment makes the City of

Lewiston's sight distance standards consistent with the State of Maine Department of Transportation (MDOT) standards. The following motion was made.

MOTION: by **Tom Peters**, seconded by **Tom Truchon** that the Planning Board, recommend for the City Council's consideration a proposed amendment to Article XIII, Section 4(c) of the Zoning and Land Use Code to make the City's vehicular sight distance standards consistent with State MDOT standards.

VOTED: 5-0 (Passed).

V. OTHER BUSINESS:

A. Discontinuance of a portion of Shawmut Street. This item was presented by David Hediger. This request is for a discontinuance of a 100 foot section of Shawmut Street to support the Colisee project to swap a portion of real estate with Mr. and Mrs. Toussaint located at 130 Howe Street. The City is looking to discontinue its rights in this 100 foot section of Shawmut Street. This portion of the Shawmut Street extension is located at the end of the street and was never paved. The area requested for discontinuance is being used to provide parking and landscaping for the Colisee. The land swap, as outlined in the Purchase and Sales Agreement, is between Mr. and Mrs. Toussaint and the Community Facility Corporation (CFC), therefore, the private rights of the street shall revert to the abutters (CFC and the Toussaint's) to the centerline of this section of street. This item does not require an action from either the Planning Board or the City Council. The requested action is for the discontinuance of the 100 foot section of Shawmut Street and, therefore, the following motion was made.

MOTION: by **Tom Truchon**, seconded by **Jeffrey Gosselin** that the Planning Board, recommend for the City Council's consideration the discontinuance of a 100 foot section located at the end of Shawmut Street.

VOTED: 4-0-1 (Jeffrey Gosselin Abstained) (Passed).

B. A discussion regarding a proposed amendment to minimum lot size, net lot area, and sustained slopes. David Hediger explained this item to the Board, along with **Mike Gotto** from Technical Services, Inc. This item includes the Riverbend Commons Subdivision and the implications of administering the Code's requirements for minimum lot size, net lot area, and sustained slopes for the proposed development and other zoning districts. A 60,000 square foot lot makes sense with a 20,000 square foot net lot area. The following motion was made.

MOTION: by **Jeffrey Gosselin**, seconded by **Tom Peters** to direct both Planning Board Staff and Technical Services, Inc. to draft a proposal regarding amendments to the space and bulk regulations and definition sections of the Zoning and Land Use Code.

VOTED: 5-0 (Passed).

C. A discussion regarding 24 Forrestal Street, Extension of Approval. David Hediger explained this item to the Board. The approval of this project expires on January 26, 2005. The extension of this deadline must be requested 60 days prior to the date of expiration, which is by November 28, 2005. This item will be scheduled on the agenda for the November 28, 2005 Planning Board Meeting. Planning Staff would like to advise the applicant of any specific requests of the Board in advance of this meeting. Jeffrey Gosselin requested a memorandum from Staff explaining any issues.

D. A discussion regarding new stormwater regulations and City delegated review or stormwater permits. David Hediger explained this item to the Board. Enclosed in the Planning Board packets was an updated chart regarding Chapter 500 Stormwater Regulations Information on recent State law changes administered by the DEP and their impact on the City's review of projects.

E. A discussion regarding the Historic Preservation Review Board's proposed Frye Street Historic District. Gil Arsenault explained the proposal. The proposal is for the Frye Street Historic District. A Neighborhood Meeting was scheduled at the last Historic Preservation Review Board meeting held on Thursday, November 3, 2005. The Neighborhood Meeting has been scheduled and will be held on Thursday, December 8, 2005.

F. December 2005 Planning Board schedule. There is only one (1) meeting planned for the month of December, that being Monday, December 12, 2005. The previously scheduled meeting for December 26, 2005 will be cancelled, due to the Christmas holiday.

G. Any other business Planning Board Members may have relating to the duties of the City of Lewiston Planning Board. There was a brief discussion at to the vacant positions on the Planning Board. David Hediger will be providing Board Members a new list of members, including their wards.

VI. ADJOURNMENT: This meeting adjourned at approximately 9:15 p.m. There was no motion made to adjourn. The next regularly scheduled Planning Board Meeting is for Monday, November 28, 2005.

Respectfully submitted,

Stephen Morgan,
Planning Board Member & Secretary

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