

City of Lewiston
PLANNING BOARD MEETING
Minutes of May 28, 1996

I. ROLL CALL

The meeting was called to order at 5:05PM

Members present: H. Milliken, H. Skelton, D. Theriault, D. Jacques, M. Goulet
Members late: T. Peters
Members absent: L. Zidle
Staff present: Gil Arsenault, Jim Andrews, J. Lysen, G. Dycio, C. Revell

II. READING OF THE MINUTES

MOTION: By Mr. Skelton, seconded by Mr. Theriault to accept the minutes of May 14, 1996 and place on file.

VOTE: Passed 5 - 0

III. CORRESPONDENCE

MOTION: By Mr. Skelton, seconded by Mr. Goulet to accept the following two pieces of correspondence and place on file:

- *Memo from J. Lysen to B. Mulready dtd 5/20/96 re: Webster Street Connector Project;
- *Town of Lisbon "Notice to Abutting Landowners" (FYI only)

VOTE: Passed 5 - 0

IV. REVIEW OF DEVELOPMENT PROPOSALS - FINAL HEARING

A. South Park - Revision #4 (Alfred Plourde Parkway)

Mr. Dycio informed the Board that, Gil Arsenault, on behalf of the South Park Development Corp., has submitted plans for a proposal to amend an approved industrial subdivision where lots # 18 & 19 will be reconfigured, lot # 17 will be eliminated, the easterly lot line of lot # 20 will be realigned, and the remaining land will be transferred to an abutter. As outlined under Article XIII, Section 3 (l)(7), the proposed amendment is defined as a minor amendment and therefore only requires one meeting before the Planning Board. Pursuant to Article XIII, Section 3 (h)(5), the applicant is requesting a modification and a number of non-applicable status requests to the application requirements listed under Section 3 (h)(1-4). Upon review of the requests Staff finds that, in our opinion, the requests are justified and recommends that the Board grant them. The Planning Staff has reviewed the revised plans and has no concerns with the plans at this time. Copies of the plans have been sent to the Fire, Police and Public Works Departments for their review and comments. Although Staff has not received any comments as of the date of this memo, Staff has talked to representatives from all three departments; Fire Department submitted comments stating that the reconfiguration of lot #20 will provide an improved second means of egress for the Fire Department. The Police Department had some minor confusion which was explained to their satisfaction; Public Works responded verbally stating that they had no concerns with the proposed plans. The Planning Staff has reviewed the proposed plans against the criteria

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outlined under Article XIII, Sections 4 & 5 of the Zoning and Land Use Code and finds that, in our opinion, the plans meet all of the applicable criteria. Therefore, the Planning Staff recommends that the Board grant final approval to the project.

Mr. Arsenault was present and gave the following history of the project.

- * Goddard Road - plans shows 66' on record, actually defined as 55' which will require Budget Business Machine, Dana Turner's lot to require revision.
- * Will see one new development in the near future for lot 19, slightly larger than 10,000 sq. ft. building. There will be some revisions across the street at the poor farm location and adjacent to City Pit.
- * Became a subdivision in December of 1985.
- * 1988 - Revision One redefined the parkway; rented lots 22 & 23; split lot 17 into lots 17 & 18.
- * 1990 - Revision Two eliminated 17, 18, 19, created 24, 25, and 26.
- * 1991 - Revision Three, which was not labeled R3, showed amended plan where 13A & 13B South Park where lot 13 was divided, location of R F Technologies and Morrissey.
- * 1996 - Revision Four before the Board tonight .

Mr. Arsenault closed by stating that the remaining land will be sold to Gendron & Gendron who will be moving out of their Lisbon Street location to this location. He then reviewed the revised map with the Board.

Though not a public hearing, Chairman Milliken recognized abutter **Mandy Droin, 72 Alfred Parkway**, who just requested clarification of a few minor points concerning the location of the amendment and was satisfied with Mr. Arsenault's responses.

MOTION: By Mr. Harold Skelton, seconded by Mr. David Jacques that the requested waivers of submission requirements by South Park be granted because of the size of the project and the circumstances of the site such requirements would not be applicable or would be an unnecessary burden upon the applicant and that such waivers do not adversely affect the abutting landowners or the general health, safety and welfare of the City.

VOTE: Passed 5 - 0

MOTION: By Mr. Harold Skelton, seconded by Mr. Dennis Theriault that the application of South Park meets all of the approval criteria under Article XIII, Section 4 and Article XIII, Section 5, and further that the Board grant final approval to the project.

VOTE: Passed 5 - 0

V. OTHER BUSINESS

- A. C.D.B.G. - Review of City's policy and procedures regarding reporting requirements, and presentation of recommended policy changes

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Community Development Director Jim Andrews informed the Board that, due to ever changing landscape regarding requirements of the U.S. Department of Housing and Urban Development (HUD), the City of Lewiston Policies and Procedures regarding the CDBG Program must be updated. Recently, the Consolidated Plan has replaced the Comprehensive Housing Affordability Strategy (CHAS) as the required document for receiving funds for the CDBG Program. The 1994 Consolidated Plan as prepared by the City and approved by City Council on April 18, 1995 is the driving document behind the City's HUD CDBG funding. This is a Five year strategy the City prepared and requires an Action Plan on an annual basis. These Action Plans are based on the yearly budget recommendations and final approval by Council. The City is no longer required to produce either an annual or semi annual Grantee Performance Report. HUD's long range plan is to have all reports, including amendments, updates, budget adjustments accomplished through a nation-wide computer network system. Staff is recommending that Policies No. 12, 13 & 14 Community Development be consolidated into one policy which will be the Five Year Consolidated Plan with yearly Action Plans leaving in the requirements of going through Planning Board and City Council. Mr. Andrews closed by noting that with the budget put forth this year he also had to put in some maps showing different areas of the City. HUD then called to request that the maps be changed to reflect different data due to the fact the HUD is upgrading their system continuously. The eventual intent is for all information to be computerized and then submitted to Manchester, New Hampshire and Washington, DC simultaneously via the Internet.

Chairman Milliken requested monthly updates from Mr. Andrews regarding the consolidated plan. Mr. Lysen noted that the Comp Plan will attempt to integrate CDBG and LCIP programs. Milliken then referenced a letter received from J. Gregory Shea, Executive Director of Tri-County Mental Health Services thanking the Planning Board for their endeavors with regards to CDBG funding.

B. Review of tax acquired properties for proposed disposition, and review of private property for proposed acquisition

The Planning Staff has been approached by three individuals with requests to purchase City-owned property, or sell to the City land which they own. Four (4) properties are being considered at this time; two are City-owned while the other two are owned privately. Pauline Cadrin, who lives at 344 East Avenue, has expressed interest in purchasing property located at 344 East Avenue (Rear) from the City (see attached plans and letter). As an abutter she is interested in purchasing this property and restoring it "to a usable condition". The Planning Staff suggests that if the recommendation is to sell the property to Mrs. Cadrin then a stipulation should be added to the recommendation that the City property and her property be incorporated into one deed so that the property is then considered one lot and cannot be sold separately.

Pat Crowell, who owns property located at 182 Blake Street, has expressed interest in purchasing property located at 186 Blake Street. As the owner of an abutting lot she is interested in purchasing this property and using it for off-street parking associated with 182 Blake Street (see attached plans and letter). The Planning Staff suggests that if the recommendation is to sell the property to Mrs. Crowell then a stipulation should be added to the recommendation that the creation of off-street parking be done in conformance with the standards set forth in the Zoning and Land Use Code, specifically the standards regarding

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parking stall and aisle width dimensions, and required yard areas in the Neighborhood Conservation "B" (NCB) District.

Richard Martel, who owns property located at 18 & 20 Ann Street, has expressed interest in "donating" these two lots, identified as lots # 90 & 91 on the Eagle Realty Corp. subdivision plan, to the City. Mr. Martel purchased these two properties, along with other properties, from Roland Landry in January of 1993. Subsequent to purchasing these lots Mr. Martel found that they are not buildable due to environmental constraints. The Planning Staff recommends that the Planning Board not recommend accepting these two lots, but rather suggest to Mr. Martel that he attempt to sell these lots to abutting land owners who may wish to add on to their existing property. In Staff's opinion, the land has little value to the City. In conclusion, the Planning Staff recommends that the Planning Board forward a recommendation to the City Council to sell property located at 344 East Avenue (Rear) and 186 Blake Street, and further that the Planning Board forward a recommendation to the City Council not to accept the properties located at 18 & 20 Ann Street. The Assessing Department has established a fair market value for the properties under consideration for purchase. In June of 1995 Joe Grube, Chief Assessor estimated the property at 344 East Avenue rear to be \$5,500.00; 182 Blake Street at \$2,000.00. The Fire Department has no concerns over the acquisition or disposition of these properties. Verbal contact with the City Treasurer regarding the Martel properties reveals they have no value to the City. This was also the consensus of the Recreation Department. Ms. Pat Crowell was the only interested party attending this evening's meeting.

General discussion ensued with Ms. Crowell at which time it was established that she wishes to blacktop the 186 Blake Street property and use as rental parking space.

MOTION: By Mr. Skelton, seconded by Mr. Theriault to send a favorable recommendation to the City Council regarding the sale of properties at 344 East Avenue (rear) and 186 Blake Street. Furthermore, with respect to the 344 East Avenue property, that such property be offered to the highest bidder who is an abutter with a preference that the lot be combined into single ownership; and with respect to the 186 Blake Street property, that any parking lot created on the lot meet all the applicable criteria as put forth in the Zoning and Land Use Code.

VOTE: Passed 6 - 0

Regarding Ann Street, general discussion ensued in which it was determined that this property cannot be developed due to Shoreland Zoning regulations. Mr. Martel paid \$50,000.00 for five lots as a package deal and at that time they were approved as buildable lots. Over time however due to drainage status of lots has changed. It was pointed out that Shoreland Zoning regulations were published in the paper when changed but no specific notice to owners was issued.

MOTION: By Mr. Theriault, seconded by Mr. Jacques to send a negative recommendation to the City Council regarding the purchasing of 18 & 20 Ann Street (lots #90 & #91 Eagle Realty Corp. subdivision plan) from Richard Martel as they do not appear to have much value to the City of Lewiston.

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VOTE: Passed 5 - 0 - 1 (Mr. Skelton abstained)

C. Comp Plan Update

Mr. Lysen reviewed the list of Comp Plan Update committee members distributed at the start of this evening's meeting. It was then questioned how or who made appointments to the subcommittees. Mr. Lysen stated that the Downtown Study Committee was formed by the City Council President and former Development Director; The No Name Pond Committee was formed as an outgrowth of the Kids as Planners initiative and a project with Androscoggin Soil and Water Conservation District. Like the Comp Plan subcommittees, Mr. Lysen noted that these are ad hoc advisory committees with no formal power and at this point in time, most of all the subcommittees are complete in their studies. It was mentioned that the Comp Plan was originally formed via volunteers responding to radio and newspaper advertising and the subcommittees were borne of this original formation. Mayor Jenkins also submitted names for consideration.

It was noted that Bob Stone of Kingsfield Savings Bank is interested in serving on the Economic sub committee.

It was noted that Mr. Lysen will now be meeting weekly with the Comp Plan Committee and will be prepared to update the Board at the next Planning Board meeting of June 11th.

The proposed changes to the timber harvesting ordinances will be on the June 11th agenda.

Portions of the Comp Plan will be mailed to the Board as it is completed for their review. More Further details will be available at the Comp Plan meeting scheduled for tomorrow night, Wednesday, May 29th.

In response to a question from Mr. Goulet, Mr. Lysen will research the Comp Plan process to consider allowing office space in the Industrial Zoning District.

Attendance at the ITV seminar was reviewed by Mr. Theriault and Mr. Milliken. Mr. Theriault circulated typed copies of information received at the last meeting noting free legal services available to municipalities through the Maine Municipal Association. The service is also available free to Planning Board members regarding city issues.

Mr. Arsenaault distributed information from the Chamber of Commerce regarding the Business Venture Program and advised that training sessions on how to conduct surveys will be held by the Chamber starting in June.

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VI. ADJOURNMENT

MOTION: By Mr. Goulet, seconded by Mr. Skelton to adjourn the meeting at 5:58PM.

VOTE: Passed 6 - 0

Respectfully submitted,

Marc Goulet
Secretary