

**City of Lewiston**  
**PLANNING BOARD MEETING**  
**Minutes of July 22, 1997**

**I. ROLL CALL**

The meeting was called to order at 7:05 PM.

Members Present: H. Milliken, D. Theriault, L. Zidle, M. Paradis, D. Jacques, H. Skelton

Members Absent: T. Peters

Staff Present: J. Lysen, G. Dycio, D. Ouellette

Also Present: Robert Hark, City Attorney

**II. READING OF THE MINUTES OF June 24, 1997**

**MOTION:** by H. Skelton, seconded by D. Theriault to accept the minutes of June 24, 1997 as written.

**VOTE:** Passed 6-0.

**III. CORRESPONDENCE**

1. Letter from Thomas P. Peters, II dated June 26, 1997 regarding paper streets.
2. Letter from Kelly Matzen, Esq. regarding North Atlantic Storage Company, Inc.

**MOTION:** by H. Skelton, seconded by D. Theriault to accept the above correspondence and be read at the appropriate time.

**VOTE:** Passed 6-0.

**IV. PUBLIC HEARING**

**Local Highway Law - Title 23 - Vacation of Paper Streets**

G. Dycio stated that Planning Board member Thomas Peters met on June 25th regarding the vacation of paper streets, as per Local Highway Law - Title 23 with representatives from Planning Staff, Public Works, City Administration, and the City Attorney. Mr. Peters' letter states that all of the participants in this meeting agreed as to how the City of Lewiston should proceed with respect to this law. Mr. Hark made a brief presentation to the members of the audience explaining the law on vacation of paper streets. He stated that as of September 29, 1997 if the City does nothing, all papers streets will be deemed by law to be vacated. He noted that this did not affect private rights, only public. He explained that the recommendation that staff came up with is that since there were so many paper streets in the City was to

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have citizens request from the board to vacate a particular street rather than have the Board look at all of the streets all at once. H. Milliken asked if the twenty year extension request should be recorded in the Registry of Deeds before the vacation deadline. R. Hark said that if the City Council simply adopts a resolution applying to all proposed unaccepted streets that have not been vacated at the time of the City Council action then that recording in the Registry will satisfy the statutory provision. H. Milliken asked if the City could vacate before twenty years were up. Mr. Hark answered yes.

**Norm Fontaine, Ridgeway Street** said he has had a house on a paper street for the past 39 years and asked if he would lose this street. R. Hark answered that if it is indeed a paper street that staff's recommendation would preserve its status. H. Milliken also added that if there was a home on a paper street it would seem to him that the City would not choose to vacate that street. R. Hark said the law allows another twenty years, or forty years in all. If nothing is done, it may become automatically vacated if the legislature does not do anything differently. An unidentified gentleman asked about the LD1851 law. Mr. Hark said the law did not clarify everything. He said someone still had to give proper notice to all abutters. **Arthur Chamberlain** reiterated staff's recommendation. H. Milliken agreed that staff's recommendation would give the Planning Board more time to review each street. **David Spencer, 313 Stetson Road** said he is paying taxes on Evelyn Street; however, when he went to get a permit he could not because he was told he had to wait until September, 1997. An unidentified woman accompanying Mr. Spencer said she claimed her rights and recorded an affidavit at the Registry of Deeds. H. Milliken said the street could be vacated now if he wanted. Mr. Hark explained the present procedure to vacate the street. **Dennis Robert** said he had a problem with the twenty year extension. He said the City had ten years to work on this already and asked why they were in the position to ask for an additional twenty. He asked why they couldn't simply ask for five more years and not twenty. Mr. Hark explained that the twenty year extension was the way the law was written, but that according to Mr. Peters' suggestion, the Board would review the streets every six months and make recommendations at that time. He said Mr. Peters' memo suggested that all of the streets would be completed within ten years.

**MOTION:** by H. Skelton, seconded by D. Theriault that the Planning Board hereby recommends that the City Council extend the vacating of proposed (paper) streets for an additional statutory provided period of twenty (20) years, beginning on September 29, 1997. The Board further recommends that the City of Lewiston develop a street vacation process consistent with the recommendations found in the letter of Planning Board Member Thomas P. Peters, II, dated June 27, 1997, and in the memo from Planning Coordinator George Dycio, Dated July 16, 1997.

**VOTE:** Passed 6-0.

H. Milliken asked if staff had come up with a number of paper streets. G. Dycio said he thought there were approximately two hundred. H. Milliken said he would like a number so that he could get an idea

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to forward along to the City Council. H. Milliken stressed that an accurate count would be needed in the near future. D. Theriault suggested that T. Peters' eight points be permanently part of the minutes.

Mr. Peters' eight points are as follows:

"1) Send a favorable recommendation to the City Council to extend the deadline on all paper streets for an additional statutory provided period of twenty (20) years;

2) Along with the above recommendation, require planning staff to develop a form so individuals can request a review of any paper street for vacating consideration (we can vacate any paper street during the twenty (20) year extension);

3) Planning staff should be instructed to begin the process of reviewing all paper streets, using some systematic approach they can develop, e.g. by ward, location or otherwise;

4) Whenever staff has found ten (10) paper streets they recommend to be vacated or every six months (6), whichever comes first (even if less than ten (10) streets, they are to present the matter to the Planning Board after proper notice. Hearings on those streets should be held with a recommendation thereafter to City Council;

5) Any individual who completes the form requesting a street be vacated will have that street added to the list and the request will be addressed within the six (6) month period (i.e. at the next hearing on paper streets);

6) All paper streets the Planning Board recommends be vacated (whether unilaterally or by completion of the form by a citizen) will be at the initiation of the Planning Board thereby negating filing fees by individuals. Any streets we [the Planning Board] do not recommend be vacated can still come before planning, but it will be considered a citizen petition requiring the filing fee;

7) Staff should also be required to give us [Planning Board] updates, the frequency decided by the Board, we [Planning Board] are aware of their progress during each six (6) month period. If at the end of any six month period no streets have been found to recommend vacating, then the names of at least ten (10) streets should be listed as 'not to be vacated by Planning Board initiative.' In this manner, we [Planning Board] will systematically have reviewed all streets in an orderly fashion well before the twenty (20) years. At ten (1) streets every six (6) months (therefore, at least twenty (20) per year) then the project should be completed within ten (10) years. If the staff does more than ten (10) each six months, the project could be completed much sooner.

8) I would also recommend the Board require staff to compile a list of all paper streets (this project to be completed within thirty (30) days) so we have our initial list and from that list we can eventually cover them all. Should others be found as we proceed, they could be added to the list."

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H. Milliken said that this matter will be heard at the next City Council meeting scheduled for August 12, 1997.

**V. REVIEW OF DEVELOPMENT PROPOSALS - FINAL HEARING**

Central Maine Medical Center - High Street and Hammond Street Improvements

Frank Crabtree, of Harriman Associates, on behalf of Central Maine Medical Center, submitted revised plans for a proposal to amend a previously approved plan where the width of High Street would be reduced from thirty three (33) feet to twenty six (26) feet, four (4) previously approved traffic islands be deleted, and the circular drive between #10 and #12 High Street be revised to only one curb cut. The amendment also included the creation of a paved and landscaped parking lot on the west side of Hammond Street, between Main Street and Lowell Street. (This project was tabled from the June 24th meeting).

Pursuant to Article XIII, Section 3 (h)(5), the applicant requested a number of modifications and non applicable status requests to the application requirements listed under Section 3 (h)(1 4). Upon review of the requests, Staff found the requests were justified and recommended that the Board grant them. With respect to the Planning Board's request for a Traffic Analysis, the applicant retained the services of a traffic engineer to review the proposed changes to the width of High Street and submitted their report.

Copies of the original plans were submitted to the Police, Fire and Public Works Departments for their review and comments. Upon review of the plans, the Police and Fire Departments had no concerns. The Public Works Department had some minor concerns, most of which centered around the new parking lot off Hammond Street. The applicant has since addressed these concerns. The revised plans now indicate a revised travel way that is twenty-six (26) feet in width, and in discussing this minor change with representatives from the Police and Fire Departments indicated that neither department had any concerns with the additional two (2) feet of travel width. The additional comments from the Public Works Department addressed this change.

Therefore, the Planning Staff recommended that the Planning Board grant final approval to the project.

H. Skelton said he would not partake in any discussions nor vote on this issue because his firm represents Central Maine Medical Center.

H. Milliken asked about snow removal. Mr. Horton from CMMC said that if snow would be a problem for people's safety crossing the street, that the hospital would assist Public Works. However, he stated he did not want to take responsibility for all snow removal but would be happy to work with the City any way he could. H. Milliken asked if the hospital was going to ask to vacate this street. Mr. Horton said no.

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**MOTION:** by D. Jacques, seconded by L. Zidle that the requested waivers of submission requirements by Central Maine Medical Center 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:** 5 - 0 - 1 (H. Skelton abstained)

**MOTION:** by D. Jacques, seconded by L. Zidle that the Board find the application of Central Maine Medical Center meets all of the approval criteria under Article XIII, Section 4, and further that the Board grant final approval to the project.

**VOTE:** 5 - 0 - 1 (H. Skelton abstained)

**VI. OTHER BUSINESS**

A. New Business

1. Proposed Amendment to the Zoning and Land Use Code.

a) Review of a proposal to amend the Official Zoning Map of the City of Lewiston where a portion of the property located at 49-51 Hamel Road would be rezoned from an Office-Service (OS) District to a Rural Agricultural (RA) District, and schedule a Public Hearing.

Pat Zubiato, on behalf of Jacqueline Guay, submitted a petition for a proposal to amend the Zoning and Land Use Code where a portion of the property located at 49-51 Hamel Road would be rezoned from Office-Service (OS) District to Rural Agricultural (RA) District.

Ms. Zubiato initiated the rezoning process by submitting a citizens petition, as outlined under Article XVII, Section 5 (b)(1)(b) of the Zoning and Land Use Code. The petition form was submitted to the City Clerk's office for review and confirmation of the signatures. The petition was returned verifying that at least ten (10) of the signatures were valid.

The Planning Staff reviewed the proposal amendment and found that the amendment is in proper form. Staff recommended that the Board review the proposed amendment and, if it is found to be in proper form, schedule the proposal for a Public Hearing at the next available Planning Board meeting (August 19th).

D. Theriault asked if this was in conformance with the Comprehensive Plan. G. Dycio said that Ms. Zubiato's land was residential and that the City changed the zoning and now she wanted it back to the way it was originally. G. Dycio said that it would be in conformance with the Comprehensive Plan.

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**MOTION:** by H. Skelton, seconded by D. Theriault to schedule this matter for a public hearing on August 19, 1997.

**VOTE:** Vote 6-0.

b) Review of a proposal to amend the performance standards relative to signage for campus-type environments such as the hospitals and schools of higher education.

Jeff Hutchinson, Land Use Inspector submitted a proposal to amend the performance standard relative to signage for campus-type environments. The City has been working both with Central Maine Medical Center and Bates College to come up with a solution to their signage problems.

Staff recommended that the Board review the proposal, and if it finds it in proper form and are willing to initiate it on behalf of Staff, to schedule it for a Public Hearing for the August 19, 1997 meeting.

J. Lysen said that Central Maine Medical Center was willing to pay for the cost of this proposal even though staff initiated it. D. Theriault asked if this would include the Bates Mill complex. J. Lysen said it would. D. Theriault asked if signage wasn't reviewed through development review process. J. Lysen answered yes, and that typically when they ask for a permit, it has to meet performance standard. He also pointed out that Bates College has only one sign and has frontage on several streets.

**MOTION:** by D. Theriault, seconded by D. Jacques to schedule this matter for public hearing August 19, 1997.

**VOTE:** Vote: 6-0.

2. Recommendation for sale of city owned property.

Review of a request from Paul Gosselin, Executive Director of United Ambulance Service to purchase a portion of city owned property located at 348 East Avenue, and forward a recommendation to City Council.

Paul Gosselin, Executive Director of United Ambulance Service, submitted a request to purchase a portion of City Owned property located behind 192 Russell Street. The actual property address is 348 East Avenue. United Ambulance is interested in purchasing a portion of this property for future expansion of their use.

As outlined under Policy #38 of the City of Lewiston Policy Manual, Department Heads were sent a memo requesting their comments regarding the proposal. The only major concern with the request came from the Public Works Director who stated that the City must retain at least fifty (50) feet of land area between the existing fence along Jepson Brook and the new property line to be determined as part of the sale, or an easement be drafted from United Ambulance to the City for maintenance and repair of the Jepson Brook project. The Fire Chief had no concerns.

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The Planning Staff recommended that the Board review the proposed request and the department head responses, discuss the Public Works Director's concerns with the petitioner, and forward a recommendation to the Land Committee/City Council accordingly.

D. Theriault said the code seemed to maintain thirty (30') feet right of way. G. Dycio said Chris Branch was looking for fifty (50') or an additional twenty (20') feet. D. Theriault said he had no problem with the fifty (50') foot easement.

**MOTION:** by H. Skelton, seconded by D. Jacques to send a favorable recommendation to City Council concerning the sale of land located at 348 East Avenue to United Ambulance bearing in mind Public Work Director Chris Branch's recommendation for a fifty (50') foot easement.

**VOTE:** Passed 6-0.

D. Theriault asked if the bicycle path along Jepson Brook on the LCIP will be affected by this. J. Lysen answered no. H. Milliken noted that the procedure for the sale or acquisition of land was wrong. D. Theriault said Planning Board should have its own policy. He noted that the Planning Board should be allowed to see the same information that the Land Committee receives. He also said he wanted to draft Planning Board's own guidelines and procedures to forward to City Council.

H. Milliken said that he and D. Theriault would get together to re-write a new procedure and bring this up at the next Planning Board meeting to forward to the City Council. The procedure before the Board tonight was incorrect in that it said the recommendation from Planning Board is forwarded to the Land Committee and Mr. Milliken and Mr. Theriault feel it should say it is forwarded to the City Council because that is how the Code is written.

3. Main Street Access Analysis - LACTS Review and discussion of the LACTS report and possible scheduling of a workshop on August 19, 1997.

J. Lysen wants LACTS and Mike Paradis to go through some of the recommendations and schedule a public hearing later. It was suggested that two workshops be held with the first workshop on August 19, 1997 at 6 PM.

**MOTION:** by H. Skelton, seconded by D. Jacques to schedule the Main Street Access Analysis for a workshop on August 19, 1997 at 6 PM.

**VOTE:** Vote 6-0.

4. Wallace School

The Board needed to make its formal recommendation for the disposition of the Wallace School.

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**MOTION:** by H. Skelton, seconded by M. Paradis to send a favorable recommendation to City Council for the sale of Wallace School including the stipulation of first refusal for the City of Lewiston.

**VOTE:** Passed 6-0.

B. Old Business

1. Proposed Amendment to the Zoning and Land Use Code  
Proposal to amend the *Frontage* definition for developed lots of record containing multiple parcels with frontage on opposing streets. This proposal is not being initiated by a citizen's petition.

**MOTION:** by H. Skelton, seconded by D. Jacques to schedule this matter for a public hearing on August 19, 1997.

**VOTE:** Passed 6-0.

2. Discussion of Proposed Policy on Application Fees with Respect to both City Council and Planning Board initiated Zoning and Land Use Code Amendments.

Review of the proposed policy as recommended by the Board indicated that minor revisions to the Amendment might be in order. First the first sentence uses the word "may" rather than the suggested "must." Second, the last sentence in the first paragraph mentions "citizen of Lewiston" and "citizens." It is suggested that "individual, group or entity" be substituted in place of "citizens." Staff recommended these changes and asked the Board to reconsider their original vote of June 24th, amend the proposal and forward a new recommendation to the City council.

**MOTION:** by H. Skelton, seconded by M. Paradis to reconsider the vote of June 24, 1997 in light of the changes suggested by staff.

**VOTE** Passed 6-0

**MOTION:** by H. Skelton, seconded by L. Zidle to send a favorable recommendation to City Council with the above referenced changes to the Policy on Application Fees.

**VOTE** Passed 6-0

3. Urban Enterprise (UE) District Within the Downtown Area.

J. Lysen said there was nothing to report at this time.



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H. Milliken asked if anyone had heard anything about a joint meeting with the Board of Appeals. J. Lysen responded that he had not, but said he would pass this information to the Board of Appeal on behalf of the Planning Board to set up a joint workshop.

D. Theriault asked about the Comprehensive Plan. J. Lysen assured him that the State would have it shortly. D. Theriault also thanked staff and Board Member Tom Peters for a job well done regarding paper streets. He also suggested that the Board send a letter to the Roys from North Atlantic Storage thanking them for their cooperation with a carbon to K. Matzen and Dick Trafton.

**VII. ADJOURNMENT**

**MOTION:** by D. Theriault, seconded by H. Skelton to adjourn.

**VOTE:** 6-0.

Meeting adjourned at 9:10 PM

Respectfully submitted,

Denis Theriault  
Secretary

dlo