

**CITY OF LEWISTON
PLANNING BOARD MEETING
April 28, 1998**

I ROLL CALL

Meeting Called to Order at 7 PM in Meeting Room A - No VCR Recording Available.

Members Present: Harry Milliken, Harold Skelton, Denis Theriault, Mark Paradis, Lew Zidle.

Members Absent: Daniel Knowlton, Tom Peters

Staff Present: Jim Lysen, Gil Arsenault, Diane (Ouellette) Duplissis.

II READING OF THE MINUTES

Minutes of April 2, 1998 CDBG Public Hearing

Minutes of April 14, 1998

MOTION: by H. Skelton, seconded by D. Theriault to accept the minutes of April 2, 1998 as written and place on file.

VOTE: 4-0.

MOTION: by H. Skelton, seconded by D. Theriault to accept the minutes of April 14, 1998 as written and place on file.

VOTE: 4-0.

III CORRESPONDENCE

- March 17, 1998 memo from Gary Campbell regarding Proposed Setback Modification Amendment.
- April 27, 1998 letter from Attorney Ron Bissonnette regarding Mary and Tobin Streets.
- April 23, 1998 memo from Lewiston Police Department regarding vacation/ preservation of Brent Street.

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

VOTE: 4-0.

IV PRESENTATION

Presentation by Maritime & Northeast Pipeline, L.L.C. Concerning Natural Gas Pipeline Project. Juliette Brown, attorney for Verrill & Dana, and Gus McLaughlin, environmentalist for the pipeline project were present. Ms. Brown said Lewiston was on the preferred or southern route. She said the Federal Energy Regulatory Commission governs this project and have undertaken a comprehensive environmental review. There has been a draft environmental statement issued which reviews the routing and alternate routes. The northern alternate was not the original proposed route. The draft environmental impact statement by FERC recommended the northern

**CITY OF LEWISTON
PLANNING BOARD MEETING
April 28, 1998**

route; however, they are still in the process of reviewing comments. There will be timing issues to cross waterways, fisheries, etc. She went on to explain how people could submit comments for review, but because of the timing, there is no guarantee that it would be formally accepted. There are also state permits which certify that the project complies with state water quality standards. There is a seminar that starts on July 30 for several days in Augusta and more in Bangor. She informed the Board that this pipeline would start from Nova Scotia. She explained that they were not seeking approval from the Planning Board, but they were meeting with Planning Boards to find out if there were issues of concern. Regulatory agencies have been submitting comments to FERC on this issue. She said this was not a "done deal;" it has not been decided yet and will not be until FERC issues a final environmental statement. She was hoping to have the final environmental statement completed by early summer. Even though the deadline has passed, she encouraged board members to submit comments. Ms. Brown said the pipeline was all under ground and would have three feet of ground above it. There will be valves stationed according to flow studies and classification dictated by federal DOT. Ms. Brown said the only impact will be the cleared area over the pipeline. H. Milliken said he noticed the northern route would go through the industrial park. Ms. Brown and Mr. McLaughlin said they were looking at another route in order to avoid going through West View Bluff. Mr. McLaughlin said they would have to do a lot of blasting in the State of Maine. Construction will start May of 1999 and it will be in service in November of 1999. D. Theriault made the comment that the Public Works Director Chris Branch has been reviewing this, and asked if he had come up with any questions. J. Lysen said he had not heard anything from Chris. H. Milliken asked when they would approach people for easements. Ms. Brown said all impacted land owners have been notified and will negotiate this summer.

At this time Mr. Milliken opened the floor to the public. There were no comments.

Meeting recessed at 7:35 to move downstairs to city council chambers.

Meeting reconvened at 7:47 PM (with video)

Lew Zidle arrived.

V PUBLIC HEARINGS

Vacation/Preservation of Proposed (Paper) Streets

The following is a list of proposed (paper) streets before the Board for a recommendation as to whether or not the public rights associated with these streets should be vacated or preserved: Barron Avenue, Cole Street, Cram Avenue, Dexter Street, Dimsdale Street, Evelyn Street, Jeffrey Street, Nell Street, Ridgeway Street, Spencer Street, Tobin/Mary Street, Woodlawn Avenue, and Brent Street.

H. Milliken explained that this law was initiated by the state. J. Lysen said the law went into effect September 1997 to vacate paper streets. This law was created to eliminate the problems people had gaining utilization of this land. The law was basically put forward to ease a process. He explained that he found it had not eliminated very much and caused a few problems in the

**CITY OF LEWISTON
PLANNING BOARD MEETING
April 28, 1998**

interpretation. The City has easement on some of these paper streets. He explained to the audience that this was the first public meeting and still a learning process. He further explained that the Planning Board was a recommending board, and that they were only taking actions on the public rights – there were still private right issues that had to be addressed by the citizens later. Staff has received comments from public works and the police. Along with these, staff has asked the city attorney for a written protocol. Mr. Lysen then went on to explain the protocol written by Attorney Hark. Staff gave notice to abutters of the paper streets and explained that if the street was built and accepted, that was not the part of the street the city was looking at, it was only looking at the paper street portion. Mr. Lysen encouraged the public to voice their concerns this evening. He also explained that the city council would make the final decision. H. Milliken reiterated that the planning board was recommending to either vacate or preserve the public rights to the paper streets and was not dealing with the private rights.

Barron Street - A proposed extension between Sylvan and East Avenue. J. Lysen said Staff had received two requests to vacate this street. Public Works wants to keep the easement for the storm drainage, but had no objections to vacate. Police recommended to vacate. Lou Collette, 10 Sylvan Avenue Extension, has granted the city an easement. He said he has fifty feet in back and gave easement to the City for storm drainage easement.

MOTION: by H. Skelton, seconded by D. Theriault to send a favorable recommendation to the City Council to vacate the public rights of Barron Avenue subject to Lewiston Public Works Department receiving the necessary easements.

VOTE: 5-0

Brent Street: Off Sabattus Street near Old Greene Road intersection which runs from Sabattus Street to Montello. Public works said it could be vacated but needs to maintain sewer and storm drainage - police department recommended that it be vacated. Received phone call from abutting neighbor in rear, and he was also in favor of vacating this street. Steve Roop asked if there was an existing sewer line there now. D. Theriault said there was, but no water or gas lines. Bert St. Pierre, who is an abutting neighbor said to go ahead and vacate this street.

MOTION: by H. Skelton, seconded by L. Zidle to send a favorable recommendation to the City Council to vacate the public rights of Brent Street subject to Lewiston Public Works Department receiving the necessary easements.

VOTE: 5-0

Cole Street: Near intersection of Webber Avenue and Pleasant Street, runs from Meader - Public Works had no concerns with vacating - police also recommended to vacate. There were no comments from the audience.

**CITY OF LEWISTON
PLANNING BOARD MEETING
April 28, 1998**

MOTION: by H. Skelton, seconded by L. Zidle to send a favorable recommendation to the City Council to vacate the public rights of Cole Street subject to Lewiston Public Works Department receiving the necessary easements.

VOTE: 5-0.

Cram Avenue: Off South Temple and runs parallel to Ridgewood Avenue. Public Works and the Police Department had no concerns. H. Milliken asked about the last two hundred feet. J. Lysen said there was 265 and 245 that runs the back property line. Ron Jean, 27 Cram Avenue said he had no objections to vacating this street. He also said he did not receive notification and asked to be included on the mailing list next time. J. Lysen said that only the abutters were notified. Emile Rossignol asked if someone pays taxes on those paper streets. J. Lysen answered no because they were paper streets. Mr. Rossignol said he did not object to vacating this street.

MOTION: by H. Skelton, seconded by D. Theriault to send a favorable recommendation to the City Council to vacate the public rights of Cram Avenue subject to Lewiston Public Works Department receiving the necessary easements.

VOTE: 5-0.

Dexter Street - off Lisbon Street near Westminster Street - Industrial Park. Public Works said this street may be vacated, but it needed easement for sewer drainage. There are two petitioners; Robert Levesque and Donald Caron. Have not heard any objections from anyone else. H. Milliken asked if one side of Dexter Avenue had been investigated since it looked to him like the properties would be landlocked. Donald Caron said there would not be property that would be landlocked. He explained there was a stream on the street. H. Milliken asked commented if Dexter Street was vacated, then Winn Street would be dead end. Mr. Caron said there was a road there that the City maintains and they would not be landlocked. H. Milliken said staff will need to investigate this further. He said he did not think there was any part of Dexter Avenue accepted in the past. D. Theriault said the Board did not want to vacate if this is where they were getting their frontage.

MOTION: by D. Theriault, seconded by M. Paradis to table the decision on Dexter Street until staff returns with more information.

VOTE: 5-0

Dimsdale Street: J. Lysen said Public Works had no concerns with vacating this street, but the Police Department had some reservations about relinquishing the City's option of constructing this through street between Webber Avenue and Reservoir Avenue. LPD's Sgt. Dan Pelletier stated in his memo, that should the City go ahead and build this street, the accompanying sewer

**CITY OF LEWISTON
PLANNING BOARD MEETING
April 28, 1998**

system would not likely take care of Mr. Olehowski's water run off problem. It was the Police Department's recommendation to deny this request for vacation, but permit Mr. Olehowski to utilize the land in the interim subject to City Engineer's approval. Gerard St. Laurent, said he owns apartments and has no access from Dimsdale. The water bill comes to Dimsdale, yet city taxes is on Webster; CMP uses Dimsdale. He said he purchased these apartments thirteen years ago and Dimsdale is the only access they have to get to those apartments.

MOTION: by D. Theriault, seconded by M. Paradis to table the decision on Dimsdale Street to allow Staff to check with Public Works with regards to the issue for sewage and frontage. Staff is also instructed to check on easements for Northern Utilities.

VOTE: 5-0.

G Arsenault noted that prior to 1987, citizens could build on paper streets.

Evelyn Street: - between Stetson and Hogan Road area. Public Works and the Police Department had no concerns. David Spencer, 213 Stetson said he wants the portion between lot 29 and 50 on the Stetson Road side vacated. He said this will not harm any of the lots in the rear; they will not be landlocked. H. Milliken asked if he wanted to leave the part from Nell Street opened. Mr. Spencer said yes. Peter and Elise Loizier, 303 Stetson, abuts the Spencers and are looking to vacate, at a minimum, the length of their property line. They would like the entire street, but do not know who owns one of the last properties on this paper street. H. Milliken said there were four 100 x 100 lots. Mr. Spencer pointed out Lot 52 to the Board. The Board held a discussion in front with the lot owners present to have them better understand the issues and get their input.

D. Theriault said he did not see a problem with vacating this portion of Evelyn Street. He is going along with Public Work's suggestions.

MOTION: by D. Theriault, seconded by M. Paradis to send a favorable recommendation to the City Council to vacate the public rights of Evelyn Street subject to Lewiston Public Works Department receiving the necessary easements.

VOTE: 5-0

Jeffrey Street: Near Pleasant, Lisbon, and Scribner area. Public Works said the street could be vacated, but needed easement for sewer. The Police Department had no concerns. Mr. Chamberlain has put in a request to preserve this street. Mr. Arthur Chamberlain, wants to retain rights through there because he had the land surveyed and graveled. H. Milliken said if this is preserved, then the public rights would be preserved. Mr. Chamberlain said he wants to preserve the back of his property. H. Milliken asked if there would be any property landlocked

**CITY OF LEWISTON
PLANNING BOARD MEETING
April 28, 1998**

on the opposite side of Jeffrey Street. Mr. Chamberlain said he had no problem with vacating the rest of the street, but wants twenty feet preserved. The Board said they would either vacate the whole street or preserve the whole street -- not portions. Lorraine Vaillancourt, 15 Nash Street asked the Board to preserve the paper street so Mr. Chamberlain would have his right-of-way and no one would be affected.

MOTION: by H. Skelton, seconded by L. Zidle to preserve the public rights of Jeffrey Street.

VOTE: 5-0.

Nell Street: Stetson Hogan Road area. Has request from Mr. Chamberlain to preserve his rights. Public Works said there was a new home built at the end. The board is also dealing with George Street on this. D. Theriault asked if George Street was built up. Mr. Chamberlain said no. H. Milliken asked if anyone was notified for George Street. J. Lysen said he didn't know for sure. Joline Richard, 20 Nell Street said she received notification for George and Nell. Mr. Chamberlain said he owns most of the lots on George and also received notification.

MOTION: by D. Theriault, seconded by M. Paradis to preserve the public rights of Nell and George Street.

VOTE: 5-0.

Ridgeway Street: Off Boston Avenue in between Stevens Street and Pearl Street. Public Works said the street currently serves as a driveway for a multi-family dwelling. Norm Fontaine of 64 Ridgeway Street requested to preserve this street. He said if this is closed, then he will need a helicopter to get to his house. The house has been there since 1922. D. Theriault said he noticed a utility shed on that land, asked Mr. Fontaine where the paper street was from there. Mr. Fontaine said the street started twelve feet to the left of the shed. Lot is on lot 64, shed is on lot 66. The Board held a discussion in front of the room with the Mr. Fontaine and another gentleman to discuss further issues.

MOTION: by H. Skelton, seconded by L. Zidle to preserve the public rights of Ridgeway Street.

VOTE: 5-0.

Spencer Street: Off Grove Street. Public Works said it may be vacated, but will need easement for sewer. The Police Department recommended that it be preserved. Mr. Robert Tremblay of 136 Grove Street said he wanted it preserved. H. Milliken said there were some house there that did not have frontage on Grove Street. J. Lysen said a portion of Spencer Street is used as an access. Mr. Tremblay said Spencer Street was the only right-of-way to his land if he should decide to sell it. J. Lysen said he spoke with the Boisverts. They were not able to attend, but felt

**CITY OF LEWISTON
PLANNING BOARD MEETING
April 28, 1998**

the owner had another access to the property and wanted to access 25 feet. Mr. Tremblay said some people asked if they could use his driveway, but the bank did not accept this when it came to financing; they needed their own right-of-way.

MOTION: by H. Skelton, seconded by M. Paradis to preserve the public rights of Spencer Street.

VOTE: 5-0.

Tobin/Mary Street: Off Martin Drive and existing Mary Street. The Police Department said it would not be recommended as a city street because of the topography. Public Works Director Chris Branch, in his written comments, said that there was a sewer main on Tobin Street which has an easement and also a sewer on Mary Street. There is also a land easement on Mary Street. In addition, he stated a storm drain easement will be needed on Mary Street. These streets also have some potential for recreational use and also noted that there currently exists a walkway on Mary Street. Mr. Branch stated that as long as the necessary easements were retained, this street may be vacated, however, considering the number of easements already in place or needed and the current use by area citizens, it may make no sense to vacate these streets. Mr. St. Hilaire wants to vacate, and Mr. Payne wants to preserve. Attorney Ron Bissonnette said the first portion of Martin Drive is a paper street on a plan. In addition to it being a paper street on a plan, the City acquired a fee simple interest from Mrs. Bolduc back in 1966.

Mr. Bissonnette explained the rights of the owners. The City owned part of the street by fee simple interest and therefore the law does not apply to this portion. Mr. Payne of 18 Morning Side Street hired TSI to survey some of the parcels. Attorney Bissonnette said the statute specifies recorded plans (that would list paper streets), yet there are no plans in the Registry of Deeds, therefore, Attorney Bissonnette concluded that Mr. Payne owns this land by fee simple interest. Attorney Bissonnette further said that the Board is not authorized by statute to do anything to this. D. Theriault said no action from the Board would preserve things as they are. Ralph Pinette, 29 Martin Drive said pavement was put on Mary Street by the previous owner. He said he supports his neighbor so he can put up a garage. Ron Bissonnette, said the property is not subject to that statute, and making no recommendation is the right thing to do because it is not a paper street. The Board can only deal with streets that are recorded in the Registry of Deeds. He pointed out that the lots had to be sold with specific mention to the a plan that was registered in the Registry of Deeds in order to qualify for a "paper street." None of the lots sold near this street ever referred to a plan recorded in the Registry of Deeds, therefore it was Mr. Bissonnette's opinion that the Board could not make a recommendation on this matter. Dwight Payne said he received a letter from the City of Lewiston in 1996 where they recommended that it not fall into the public sector. He said the easement of roughly 700 feet of sewer line shows 85 feet as opposed to 95 feet. He would prefer to retain private easement. The City has a catch basin and sewer line there. H. Milliken said he had no problem with vacating as long as there was private easement. D. Theriault said he wanted Public Works to review this again and look into Mr. Pinette's concerns. He said he did not feel comfortable and is inclined to table this at

**CITY OF LEWISTON
PLANNING BOARD MEETING
April 28, 1998**

this time. Dan St. Hilaire, 17 Martin Drive, abutter to Mr. Pinette, said he did not understand what the issue would be since it is completely unusable land and Mr. Pinette has clear access in the other way. Mr. St. Hilaire said he did not have any desire to put up fences, his only goal was to gain additional footage to put up a two car garage. He wants only 95 feet of the street vacated. D. Theriault said he wanted this tabled because he wants Public Works to look at this to get a clear picture of this. Mr. St. Hilaire said this issue should have been researched prior to this meeting. D. Theriault said the Board got as much information as possible from staff, but these things were bound to come up. To table this is not to lengthen the process, but to get a clear understanding of the issue. Mr. Payne said there was one lot landlocked and he purchased it. H. Milliken agreed with D. Theriault that they needed more information.

MOTION: by D. Theriault, seconded by H. Skelton to table vacation/preservation of Mary Street Extension and Tobin Street and to have Staff contact Public Works and highlight the areas the Board is concerned with.

VOTE: 5-0.

This matter will be brought up May 12th. Paper streets will be put at the top of the agenda.

Woodlawn Avenue: Off Webster opposite Webber Avenue. Public Works comments said it could be vacated, but could cause a frontage problem for the house that uses it as a driveway. Police Department has no concerns. Staff received a request from the Coutures to vacate. H. Milliken said if they vacate Woodlawn, then there is no access to one of the back streets. He said the Board needed to take a look at Bingham Street. Edward St. Clair, 333 Webster Street, wants it vacated because he needs to expand his bathroom and does not have ten feet for the expansion. He said the back lots can still be accessed through another way. He further stated that he did not have a problem with giving them the driveway so that they can have access to their home and their property. Edmund Joncas of Woodlawn Avenue said this was his only way in and out and he owns five lots. He stated the problem was that the lot is set back and if the two front properties (paper streets) were ever turned over to the people who abut it, then this would leave him without a right-of-way. Mr. St. Clair approached the Board and discussed more specific issues.

D. Theriault suggested to table this because property owners of the adjoining streets were not notified.

MOTION: By H. Skelton, seconded by D. Theriault to table vacation/preservation of Woodlawn Avenue and have staff research as far as proper notification and direction.

VOTE: 5-0.

**CITY OF LEWISTON
PLANNING BOARD MEETING
April 28, 1998**

WATER'S EDGE:

J. Lysen said he received a hand carried declaration of covenant regarding Water's Edge. Water's Edge has submitted some changes to their deed restrictions and a home owner association and J. Lysen asked for clarification. He said changes can be made by staff or Planning Board. D. Theriault said he wanted the changes made by Planning Board. Nothing further was discussed and will be brought up on May 12.

VI OTHER BUSINESS

A. New Business:

1. West View Bluffs - Revision V - West View Drive
Presentation of research material concerning prior approvals and agreements for the maintenance of the private road and other common areas and infrastructure. Public Hearing was tabled to May 12, 1998 meeting.

2. Report and discussion on the Urban Enterprise District and allowed uses within the downtown area and possible creation of a "Downtown Redevelopment District."

J. Lysen said he wanted feedback from the Board on the proposed Downtown Redevelopment District. H. Milliken said that before the Board can recommend anything, he would like to know if the City Council is supporting a convention center at the Bates Mill. Mr. Milliken said it should be looked at periodically, but can't do more without direction from the City Council on this.

3. Access Management – Discussion of the development of standards to improve efficiency of streets in Lewiston.

H. Milliken said that at the last City Council meeting, he suggested the City have a better access management. City Council directed J. Lysen to start working on access management. Booklets were handed to the Planning Board and it was suggested to possibly have a workshop with City Council in June.

B. Old Business:

1. Modification Code Amendment to be scheduled for Public Hearing for May 12, 1998 meeting. Not discussed this evening.
2. Review and discussion of the applicability of the Bates Mill Complex/Municipal Buildings & Facilities for Development Review. (Continued from 2-24-98) Not discussed this evening.
3. Update on the status of property located at 18 Fireslate Place. (10-14-97)

**CITY OF LEWISTON
PLANNING BOARD MEETING
April 28, 1998**

D. Theriault asked if there was a problem for the Planning Board to write a letter to DEP. H. Milliken said Norm Beauparlant was supposed to get a letter from DEP and asked Diane to write a letter to Norm for an update.

4. Comprehensive Plan Update:
 - a) Development of a Work Plan for the implementation of the Comprehensive Plan. (8-19-97)
 - b) Review and discussion of amendments to the Comprehensive Plan to respond to the review comments from the State. (8-19-97 & 11-25-97)

D. Theriault asked about the comp plan update. J. Lysen said he has not had time to put that together yet. D. Theriault said he researched and found on page three of the comp plan that the old plan is still part of the new plan. He would like this item carried under old business.

5. Discussion concerning required changes to Zoning and Land Use Code to keep DEP Site Location Delegated Review authority (3-24-98). Not discussed this evening.
6. Update on the proposed MDOT improvements on Sabattus Street between Campus Avenue and the Maine Family Credit Union. (11-25-97) No discussions this evening.
7. Development Review Streamling. Not discussed this evening.

D. Theriault asked about the proposed Heliport for CMMC. J. Lysen said he read the article in the newspaper, but there has not been any formal request from the City.

H. Milliken said he made a presentation to the City Council regarding CDBG with Jim Andrews – said he would be at next Tuesday’s meeting.

VII ADJOURNMENT

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

VOTE: 5-0.

Meeting adjourned at 10 PM.

Respectfully submitted,

Denis Theriault
Secretary
dd