

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for June 30, 1998**

I. ROLL CALL:

Meeting Called to Order at 7:00 PM

Members Present: Tom Peters, Denis Theriault, Harold Skelton, Harry Milliken, and Mark Paradis

Members Absent: Lew Zidle.

Staff Present: James Lysen, Gil Arsenault, Greg Mitchell, and Doreen Asselin.

II. READING OF THE MINUTES:

The Minutes of June 9, 1998 were read at this meeting.

MOTION: by T. Peters , seconded by D. Theriault to accept the minutes of June 30, 1998 as written and place on file.

VOTE: 5-0.

III. CORRESPONDENCE:

- Letter from Frank Kelly regarding Fireslate Place.

MOTION: by Tom Peters, seconded by Harold Skelton to accept the above correspondence and to read it at the appropriate time.

VOTE: 5-0.

IV. PUBLIC HEARINGS:

Proposal to amend the Neighborhood Conservation "A" (NCA) district regulations to allow for the limited conversion of single-family dwellings into two-family dwellings.

The Staff's recommendations specifically were: No side entrances are allowed. Owner-occupancy to at least one (1) unit of the dwelling. H. Milliken questioned as to how they are related to in-law apartments. J. Lysen replied that the difference is in square footage. Rita Gagne (citizen) of 12 Richard Terrace, Lewiston mentioned that she needs additional footage than allowed under the in-law standards, which is limiting them. H. Skelton suggested that in NCA it can only be for a conversion. He also asked if one can build a new building and build an apartment to fit the NCA requirement. J. Lysen replied that the NCA allows a two-family, but only if it meets locational criteria. T. Peters stated that a two-family is not allowed, but there provision would allow one to make a

new single-family into a two-family. J.Lysen suggested incorporating language into the proposal and to freeze after it is effective and to limit this only to existing homes at the time of adoption. T. Peters replied that the building envelope would be the same if one just raised the roof for an addition.

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G. Arsenault (Code Enforcement) said that as it exists now, with the building envelope, that there is still a way around it. In-law apartments are only intended for families and are limited to 750 square feet. He suggested there is a need to increase it to perhaps 1,000 square feet.

Rita Gagne stated that she would like to put an addition on for her family and her in-laws. The existing square footage of her home is not adequate and she would like to add an in-law apartment (with the in-law apartment being on the lower level and her residence on the upper level). Her home is 28' x 46', with the current size of her ranch-style home being 1,280 sq. ft., but would like to turn her into a Garrison-style home, which would be less than 2,600 sq. ft. She wants her current single-family home to remain the appearance of a single-family home. Rita Gagne states that she has the support of her neighborhood. H. Milliken stated that we need to consider all of the City of Lewiston residents, not just her current neighborhood and, also, to take the egress laws into consideration.

T. Peters suggested expanding the square footage allowance for in-law apartments. Why re-zone the area because of square footage requirements? H. Milliken suggested doubling the sq. ft. of the existing footprint.

There were no additional comments from the public.

T. Peters suggested that is would be opening the doors to two-family (apartments) and he does not want to re-zone. He would like to see them double the footprint. J. Lysen added that there is no re-zoning involved with this project and that the proposal is looking to amend the NCA requirements for two-families.

H. Skelton is not concerned with doubling the footprint.

H. Milliken would like to modify the existing in-law apartment standard and stated that he thought it would be difficult to enforce the in-law standard by increasing the footprint and would like the in-law standard changed to an accessory unit. H. Skelton was in favor of the owner-occupied requirement with no restriction to family members.

In closing, T. Peters said he would like to have a proposal drafted to the above affect and have it brought back to the Planning Board with another meeting continuation.

MOTION: by T. Peters seconded by H. Milliken to table the proposal until the next scheduled meeting to be held on Tuesday, July 21, 1998, so staff can prepare various other options for the proposal.

VOTE: 5-0.

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2. Proposal to re-zone properties in the Hogan and Stetson Roads area from a Suburban Residential (SR) district to a Neighborhood Conservation "A" (NCA) district.

Packages of information were mailed to all impacted property owners. The Staff recommendation was read by J. Lysen.

J. Lysen showed the re-zoning limits on a map of the area. The minimum lot size is 40,000 square feet without sewer. NCA is 20,000 square feet. Frontage would be reduced from 125 feet to 75 feet. This needs input from the public in this area. Accessory structures were looked at, which are not a problem. The City has been investigating whether SR areas have been inappropriately zoned. The City has already re-zoned from SR to NCA on Sabattus Street. Recommendations from the comprehensive plan - one to look at all SR areas. Typical of SR are large lots 40,000 square feet - suburban unsewered. The lot size is reduced by half with availability by sewer.

H. Milliken requested use differences in the zone, which he listed:

SR & NCA district, single-family detached dwellings allowed.

NCA single-family detached dwellings are not allowed.

Two-family not allowed in SR.

Multi-family not allowed in SR, but are in NCA.

Two-family's cannot be built in this area.

NCA requirement: five (5) acres for single-family cluster.

SR -10 acres for single-family cluster.

NCA single family cluster = 5,000 square foot lot.

The streets are shorter, less expensive, and affordable in cluster.

Housing on city sewer (50x100' lot).

Mixed resident/mobile homes on individual lots are not allowed.

In-law apartments are not allowed in a SR, but are in an NCA.

Farm dwellings/lodging/boarding housing not allowed on either.

Agriculture not allowed in either.

Forest management allowed.

Six (6) children are allowed in a child care setting. Group care is allowed with the same restrictions.

Accessory uses - same in both.

Airports are not allowed in either.

The major difference is the minimum lot size and frontage.

SR with detached single-family without sewer - 40,000 square feet.

NCA - 20,000 square feet (100x200' lot size).

SR - 125 foot minimum frontage, NCA with 75' of frontage on a public street.

The front setback for a SR is 25', 20 feet for NCA.

Side setback is 15 feet for SR, NCA is 10 feet.

It now can be reduced by 25 percent by Staff, stated by T. Peters.

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Summarized memo prepared by P. Parker was read by J. Lysen on this particular item.

The area in question contains 46 single-family homes. No one can create either two-family or multi-family within the area, if re-zoned to NCA due to locational criteria.

There are 41 undeveloped lots. There are 37 lots on proposed streets. 83 of the lots are non-conforming. 85-lots are non-conforming, due to lot areas. Sewer extension with no zoning change would still leave 79 lots not conforming.

J. Lysen mentioned that the Stetson Commons Development pump station was proposed in 1992. It has expired and needs a whole new proposal. Unlikelihood of sewer. The Bonneau option no longer exists. It was also mentioned that in 1992 there were 64 people opposed to the sewer extension out of 152. Back then there were drainage problems and a need for septic system replacement. Petitioner was opposed at that time. The public does not want their taxes to go up.

H. Skelton questioned, "how does property become conforming?" J. Lysen stated that 83 are currently not conforming. If re-zoned, 81 with respect to frontage would become conforming. 85 currently not conforming with respect to lot area. They would all become conforming with re-zoning.

Meeting was then turned to the public for comments.

1. Daniel & Nancy Bouillard (citizen) are in opposition to changing.
2. David Spencer (citizen) was questioning where is west boundary/north boundary? Taxes - how will mine be affected?

T. Peters pointed out that the dotted line is the boundary line spoken about contiguous with Stetson Road. J. Lysen mentioned that the existing zone line is there. The value of properties should not be affected. T. Peters did mention that mobile home parks are not allowed. David Spencer said that he is concerned about there being a doubling of the population.

H. Milliken stated that the existing lots are already 100x100' lots. If changed to an NCA, you would need 100x200' lots without sewer.

David Spencer would like to see a soils analysis performed to see if the septic system

would work.

G. Arsenault stated that a building permit would be required.

Karen Asselin (citizen) of Lemay Avenue, Lewiston stated that they do not need a development in this area and that she is not in support of a change.

Gary Smith (citizen) of Lemay Avenue, Lewiston does not want to see a cluster created and does not want to see buildings on lots on Nell/George Streets.

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Gil Arsenault did state that you do need frontage on a street and that a right-of-way could be put in.

Lori Brooks (citizen), 37 Lemay Avenue, Lewiston was concerned that there would be a huge change in the neighborhood and does not want it changed to an NCA.

Lorraine Bowie (petitioner), 140 Hogan Road, Lewiston has a large lot with no intentions to build. She wants the lot left as it. She would like to move from 140 Hogan Road to 136 Hogan Road. Her concern is that the City of Lewiston will not let her sell her front property.

Gil Arsenault's response was that she could sell as a matter-of-right and still keep the farmhouse. With the lot between the farmhouse and the house, there is an ability to refigure the land. It would take surveying and legal work.

T. Peters mentioned that the house is 39,000 sq. ft. and that it cannot be subdivided. She could add land to 140 Hogan Road by taking 75' from one and adding to another. He also stated that there would be no need to re-zone.

H. Milliken suggested Mrs. Bowie work with the Staff to clarify the issue.

Out of the public's response, all 25 citizens, other than Mrs. Bowie, were against the re-zoning. J.Lysen said that there are options to pursue and recommended that this go back to the Board for recommendation to the City Council. T. Peters did state that this can be accomplished without re-zoning and suggested discussing with Kelly.

MOTION: by T. Peters seconded by D. Theriault to send an unfavorable recommendation to the City Council on the proposal. Furthermore, to request that the initiation be withdrawn by the City Council and that Planning Staff work with the Bowie's to resolve their issues without a re-zoning.

VOTE: 4-1 (Skelton)

3. Proposal to re-zone the properties on East Avenue between Greene Street and Sabattus Street (216-256 East Avenue) from a Neighborhood Conservation “A” (NCA) district to an Office-Residential (OR) district.

Memorandum was read by J. Lysen. From the June 9, 1998 meeting it was decided to initiate the proposal on behalf of the Verraults and to have a Public Hearing and make a recommendation to the City Council. Asked if any questions from the Board. No questions and no additional comments from the Board. Turned back to Board for motion. Then there was a discussion on all three (3) of these re-zoning issues.

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J. Lysen said the reduced proposal was an attempt to eliminate opposition from some City Councilors on this re-zoning.

H. Milliken stated that this would be the last time for this, that this does not make sense. Access Management needs to pass in the future to control traffic along one arteries. The City Council does not want the area re-zoned. He is not going along with this now. J. Lysen said that there was a 4-3 vote at the last council meeting.

D. Theriault - 69 signatures indicate a need to look at the whole corridor again.

T. Peters agreed that the whole thing should be done. (Restate request for re-zoning - motion on floor.) It was a negative recommendation to the City Council with regard to re-stating positive recommendations in the original request.

MOTION: By T. Peters seconded by D. Theriault to send an unfavorable recommendation to the City Council on the proposal and to re-affirm the Planning Board’s earlier recommendation to re-zone the larger area of East Avenue between Webster Street and Sabattus Street.

VOTE: 5-0.

V. REVIEW OF DEVELOPMENT PROPOSALS - FINAL HEARING:

1. New Business:

QSA Optical - Arthur Montana of ARCC Land Surveyors on behalf of Gendron & Gendron

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has submitted revised plans (with changes to the attention line and details) and a letter written by Kevin Gagnon, which was not included in the packet. J. Lysen discussed calculations and stated that they satisfied requirements. They were formerly at the Lewiston Raceway Complex and are moving to new building - Lot No. 18 of Gendron Lot.

H. Milliken - William Welch concern was on Goddard Road. A traffic study would be needed. J. Lysen said that an impact study was done at the original subdivision. Goddard Road residents are complaining. Speed is an issue.

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They suggested that the City of Lewiston send an impact study to the Police Department.

Motion of waivers.

MOTION: by D. Theriault , seconded by M. Paradis to approve waivers/ Modification, as submitted..

VOTE: 5-0.

MOTION: by D. Theriault, seconded by M. Paradis that all applicable requirements have been met in the application and to grant final approval.

VOTE: 5-0.

Chestnut Hill Estates Development - Bob Faunce has requested to extend the expiration date an additional 24-month period. No changes to project.

H. Milliken questioned whether Plans would be required for approval. J. Lysen responded with getting mylars for approval. The expiration date is August 28th. Condition of approval for extension of date. H. Milliken - get set of plans on second time for approval. Good for two (2) years. Already reviewed four (4) times. It is up to current codes. No codes have changed. H. Milliken responded with setting a ten-year limit with very other year getting a set of plans. T. Peters - five- (5-) year time period to finish. H. Milliken - let staff work on this. Gil Arsenault responded that the project has been out for a substantial period of time. Owner interested in whether to get renewal or not. H. Milliken - grant extension subject to Public Work's review.

MOTION: by T. Peters, seconded by Mark Paradis to grant extension subject to Public Work's review and approval until August 28, 2000.

VOTE: 5-0.

THERE WAS A FIVE MINUTE RECESS BEFORE THE BATES MILL DISCUSSION