

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for February 9, 1999 - Page 1 of 7**

I. ROLL CALL:

This meeting was called to order at 7:06 P.M. and chaired by Harry Milliken.

Members in Attendance: Dennis Mason, Harry Milliken, Lew Zidle, Mark Paradis, and John Cole.

Staff Present: James Lysen, Planning Director; Dan Stevenson, Planning Coordinator; Doreen Asselin, Administrative Secretary; and Gil Arsenault, Deputy Development Director.

Members Absent: Tom Peters and Rob Robbins.

II. CORRESPONDENCE: None presented.

III. PUBLIC HEARING:

Review of the Fiscal Year 2000 Lewiston Capital Improvement Program (LCIP) and forwarding of a recommendation to the City Council (continued from 1/26/99 meeting).

The memorandum prepared by Jim Lysen and dated 2/2/99 references the memorandum prepared by Planning Board Member and LCIP Committee Member Mark Paradis dated 1/30/99. Mark Paradis' memorandum references the Lisbon Street Fire Substation for LCIP FY 2000 and recommends that before approving any funds for the expansion of the existing fire substation, a feasibility study be conducted on the relocation of the station to a site that would better serve the City's exterior areas. All the Planning Board Members were in agreement with Mark Paradis' recommendation.

Also included in the packet was the Five Year Replacement Schedule (MG1). This was inadvertently left out of the LCIP, but will be included.

Jim Lysen then referred to the memorandum prepared by Steve Johnson, Superintendent of Solid Waste, addressing the need for an additional roll-off truck (see memorandum dated 2/4/99) per Planning Board request.

Also mentioned was that the cost amount on the front of Page III-15 (Fire Apparatus Replacement), FY 2000 be deleted. Since there were no additional comments or concerns relating to the LCIP from the Planning Board, the following motion was made.

MOTION: by Dennis Mason, seconded by John Cole to send a favorable recommendation to the City Council to adopt the Lewiston Capital Improvement Program (LCIP), as submitted, subject to the recommendation found in the memorandum dated 1/30/99 (see attached) from Planning Board and LCIP Committee Member Mark W. Paradis concerning the Lisbon Street Fire Sub-Station (see FY 2000 LCIP, Page III-17).

VOTED: 5-0.

IV. OTHER BUSINESS:

A. New Business:

1. *St. Mary's Hospital - Update on Campus Plan including the Proposed Women's Pavilion - Mark Johnson, SMRT.*

Ellen Belknap, representing SMRT on Mark Johnson's behalf, and Mike Grimmer, representing St. Mary's Hospital, presented this project. Ellen Belknap, referring to a site plan distributed earlier, said that this project is a Women's Center for St. Mary's Hospital. She mentioned that a new entrance from Sabattus Street with associated parking is being proposed to accommodate patient drop-off as well as parking for staff relocation at the hospital. She also stated that the building will be utilizing existing water, sewer, and electrical, however the facility will replace the current boiler to house a new one in a different location. Ellen Belknap stated that this project will be brought back to the Board in greater detail (March 1999). Dennis Mason had access management concerns on the traffic impact on Sabattus Street and stated that a traffic study analysis would be needed. Harry Milliken had concerns on the impact on the abutting residents resulting from the proposed relocation of the boiler plant. There being no citizens in attendance and no additional comments from the Board, this topic was then closed. No motion was taken, since this item will be brought back in March 1999.

2. *Review of Planning Board Rules, Procedures, and Jurisdiction:*
 - a. *Proposed Amendments to the Zoning and Land Use Code Concerning the Planning Board's Authority over District Regulations and Performance Standards - Robert S. Hark, City Attorney*

Jim Lysen read his memorandum dated 2/2/99, which references City Attorney, Bob Hark's, amendments dated 1/29/99. Bob Hark's amendments clarify that the Planning Board should have authority to consider the compliance with District Regulations and the Performance Standards in the Zoning and Land Use Code and are listed as follows:

Article XIII. It was first stated that the reference to Article XIII, should be changed to Article VII, Section 4, Power and Duties. Jim Lysen later stated that Bob Hark had the correct reference, which was Article XIII. This first provision adds to the duties of the Planning Board to include determination for review of major developments.

Article V, Section 3. This amendment states that the Board of Appeals and the Planning Board have the same authority in reviewing a major development to determine that the proposed use is substantially similar to and compatible with permitted or conditional uses in that district.

Article VIII, Section 4. Under this amendment, no administrative appeal shall lie to the Board of Appeals from a determination of the Planning Board.

Article XIII, Section 4. In this amendment, the approval criteria adds in Paragraph v. and w. Paragraph v. is compliance with District Regulations and states that the applicant has established that the development will be consistent with the District Regulations of Article XI. Paragraph w. is design consistent with Performance Standards and states that the applicant has so designed the development as to make it probable that the development and its' use will comply with the Performance Standards of Article XII. The Planning Board has authority with this Performance Standard.

In this conversation, it was mentioned that there is a possibility of getting two (2) different conditions, but it is not likely. Bob Hark stated that if adopted, these issues should not rise again. Gil Arsenault said that the Planning Board can make the judgement call, if it is a permitted or a conditional use. Bob Hark then mentioned that these changes should have been made. He then said that the authority should be with the Planning Board. It was then agreed to bring this forward as a part of the package of Article XIII and that this should be passed on as soon as possible.

b. Article XIII, Development Review - Streamlining Process Update - Gil Arsenault

Gil Arsenault mentioned that there are no radical changes to this item. He stated that streamlining the development review process by having projects heard in one meeting instead of two would be more efficient. He also proposed that review of municipal projects be reviewed using the same standards as private development. He added that Staff should assume the responsibility of notifying abutters instead of the applicant, therefore maintaining control of the process while helping it run more smoothly. There was further discussion around thresholds regarding fill permits and it was mentioned that Performance Standards are needed to cover dust control, erosion, mudding of streets, etc.

This topic then moved forward with the review authority of the Planning Board's jurisdiction over Municipal Projects. Harry Milliken had concerns regarding intensification of use to a property and if there was a threshold to consider for the Development Review process. The following motion was then made.

MOTION: by Dennis Mason, seconded by Mark Paradis for Staff to prepare code amendments, in proper form, concerning the Planning Board's jurisdiction over municipal projects, as discussed; and the Planning Board's jurisdiction over district regulations including use determinations, and performance standards, based upon the recommendations from City Attorney, Bob Hark, and to schedule them all for a Public Hearing for February 23, 1999.

VOTED: 5-0.

In continuation of this conversation, Harry Milliken stated that the Planning Board should review both minor and major projects. He also said that the Planning Board reviews land use regulations for municipal projects. It was then agreed to get this to the Planning Board in the proper form and schedule it again for the next regular scheduled Planning Board meeting as a Public Hearing. Harry Milliken said the thresholds are to be part of the next phase. The following motion was made.

MOTION: by Dennis Mason, seconded by Mark Paradis to schedule the changes discussed on Municipal Review Authority and the authority of the Board to review certain projects with regard to certain criteria in the Code as provided by City Attorney, Bob Hark, for a Public Hearing on February 23, 1999.

VOTED: 5-0.

There was a brief discussion on getting project binders to the Planning Board Members on the Friday the week before the Friday that the Planning Board packets are delivered. Gil Arsenault also suggested that the Planning Board consider altering their schedule next year to have the Planning Board switch their schedule with the Board of Appeals to meet on Wednesdays. The Planning Board Members would then have an extra day to review their packets as well as reducing other conflicts.

3. *No Name Pond Watershed Management Plan Update - Jim Lysen*

Jim Lysen mentioned that he enclosed some pertinent pages from the pending grant contract that was executed by the City. Also, a request for matching funds of \$3,750 for a New England Board of Higher Education Intern for assistance in the Planning process, which will also be part of the CDBG FY 2000 Program review. A presentation will be made at the City Council meeting next week on three projects that are related to No Name Pond, which are: a) \$10,000 septic system grant; b) As listed on the LCIP, \$50,000 a year to acquire land in the No Name Pond Watershed; and c) the entering into an agreement with the Town of Greene. He requested direct representation from a Planning Board Member to be on the No Name Pond Committee. John Cole then volunteered as a member, but stated that he could not make the 2/24/99 meeting.

4. *Amendments to the Code Concerning Modifications (Scheduled for Public Hearing on 2/23/99 Meeting).*

Gil Arsenault said that this item was brought forward by Steve Myers of Platz Associates in a petition for WCBB. This would give the Board of Appeals/Planning Board the ability to reduce front/side setbacks to 50 percent. After a negative recommendation was then made to the City Council, Steve Myers withdrew this petition on 10-07-98. It was again presented to the Planning Board in an amended form that pertains to vertical expansion only - 50 percent setbacks, etc. This is being brought forward to recommend that this be scheduled for a Public Hearing.

This motion was already made at the previous Planning Board Meeting held on 1/26/99.

B. Old Business:

1. Comprehensive Plan Update:

The Comprehensive Plan Update will be brought forward in April 1999 with amendments, an update, and to bring this into conformance with the Master Plan. A grant has been offered for implementation from the State of Maine in the amount of \$9,375.00. Also, Harry Milliken requested a Master Plan update.

2. Planning Board Jurisdiction over Municipal Projects - Previously reviewed above.

3. Vacation/Preservation of Proposed (Paper) Streets.

Enclosed in the Planning Board packets is the action on affirming preservation streets by the City Council. Five (5) streets were recommended to be vacated, which were Brent Street, Cole Street, Cram Avenue, Dimsdale Street, and Evelyn Street. Ten streets should be recommended every six (6) months. The schedule calls for doing ten (10) more in March 1999. The next step in this process is to go before the City Council to look at the streets to be preserved. Harry Milliken suggested that reviewing the streets for preservation first may be a logical way to address the proposed (paper) streets issue.

4. West View Bluffs - The developer is currently addressing this item.

5. Board of Appeals, Staff Review Committee, Historic Preservation Board Meeting Schedules.

- Board of Appeals next meeting is 2/17/99 and they will be discussing two items on their agenda, which are: a) CMP - Florida Light & Power and b) modification language.
- The Staff Review Committee meeting held on 2/4/99 approved the proposal for a Chinese restaurant with a drive-through take-out window located at 260 East Avenue (next to Elizabeth Anne's)
- Historic Preservation Committee's next meeting is 2/25/99 and will be discussing the Kora Temple proposal for a three-story elevator shaft to provide handicap accessibility.

V. READING OF THE MINUTES:

A. Draft Minutes of January 26, 1999

The following changes were made to the draft minutes:

1. The second motion on Page No. 1 should be changed from Tom Peters, seconded by Rob Robbins to read, "*Rob Robbins, seconded by Dennis Mason*".
2. The motion on Page No. 3 should be changed from Dennis Mason, seconded by Tom Peters to read, "*Dennis Mason, seconded by Mark Paradis*".
3. The heading on Page No. 6 should be changed from January 21, 1999 to read, "January 26, 1999".

MOTION: by Dennis Mason, seconded by Mark Paradis to accept, as amended, the Minutes for January 26, 1999 and to place them file.

VOTED: 3-0-2 (Milliken and Zidle Abstained)
They were both absent from the 1/26/99 meeting.

VI. ADJOURNMENT

This meeting adjourned at 9:22 p.m.

MOTION: by Mark Paradis, seconded by John Cole to adjourn this meeting at 9:22 p.m.

VOTED: 5-0.

Respectfully submitted,

Dennis Mason, Secretary