

**CITY OF LEWISTON  
PLANNING BOARD MEETING  
MINUTES for January 11, 2000 - Page 1 of 9**

**I. ROLL CALL:**

This meeting was called to order at 7:07 p.m. and chaired by Tom Peters.

**Members In Attendance:** John Cole, Tom Peters, Mark Paradis, and Dennis Mason.

**Staff Present:** James Lysen, Planning Director; James Fortune, Planning Coordinator; Gil Arsenault, Deputy Development Director; and Doreen Asselin, Administrative Assistant.

**Members Absent:** Lewis Zidle and Rob Robbins.

**II. ELECTION OF OFFICERS:**

*Chairperson*

**MOTION:** by Dennis Mason, seconded by John Cole that the Planning Board moves to nominate Tom Peters as Chairperson.

**VOTED:** 3-0-1 (Peters).

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*Vice Chairperson*

**MOTION:** by Mark Paradis, seconded by John Cole that the Planning Board moves to nominate Dennis Mason as Vice Chairperson.

**VOTED:** 3-0-1 (Mason).

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*Secretary*

**MOTION:** by Dennis Mason, seconded by John Cole that the Planning Board moves to nominate Mark Paradis as Secretary.

**VOTED:** 3-0-1 (Paradis).

**III. REVIEW AND ADOPTION OF PLANNING BOARD RULES AND PROCEDURES**

Enclosed in the Planning Board packets were the Planning Board Rules and Procedures, which are the same as last years.

Tom Peters mentioned that the Planning Board Meetings are scheduled for the second and fourth Tuesdays of each month with the meeting starting at 7:00 p.m. These are to remain the same.

Tom Peters made reference to Page No. 8, Section 3. Meetings, Paragraph C, where it states that a member who misses three (3) consecutive meetings without just cause, as approved by the Chairperson, shall be reported to the Mayor for an evaluation of his/her willingness to continue to serve on this Board. Tom Peters suggested that both Jim Lysen and Doreen Asselin keep track of this and if three (3) consecutive meetings are being missed by one (1) person, first bring this to the Planning Board Chairperson's attention (Tom Peters) for justification before this goes further from this Board.

In reference to Page No. 8, Section 3. Meetings, Paragraph D, Agenda Items. Tom Peters mentioned that the information submitted late or at the meetings does not need to be accepted. John Cole mentioned that we need to deal with this on a case-by-case basis. He said there needs to be some flexibility as to the critical nature of each item. It was agreed to amend Paragraph D, the last

sentence to read that it will be looked at on a case-by-case basis and, where appropriate, the Planning Board Members will accept it, but if they believe that it is inappropriate, it will not be accepted and maybe the matter may get continued because of that. Tom Peters requested that Jim Lysen make this change to reflect this.

Also, on Page No. 8, Section 3. Meeting, Paragraph E, Item No. 2. Reading of Minutes of Previous Meeting, instead of The Reading of the Minutes done previously last in the past, it clearly states that they shall be reviewed as Item No. 2 on the Agenda. Tom Peters suggested that this be re-worded that instead of the word “shall” to make it a suggested agenda protocol that could be modified by the Planning Board. This should be placed at the beginning of the Agenda and done at that time. Dennis Mason suggested that some language be put in this item that gives the Planning Board permission to re-order the Agenda. It was agreed to leave this item in as No. 2 on the Agenda.

Tom Peters then made reference to Section 404. Recorded or Live Broadcasts Authorized. He said that he is not sure when this will begin, but these meetings will be telecast live on Channel 9. They are permitted to do this. The School Board will be looking at a protocol and learning how Board Members might act, given that they are going to be on television and broadcast out there. Tom Peters asked if the Planning Board would be interested in a brief presentation as to things that the Planning Board might want to think about since they will have a camera directed at them. John Cole said that they have been doing this in Saco for the past two (2) years. This has been adopted in their rules and protocol. Tom Peters then asked that Jim Lysen get the address there and the contact person and he would then draft a letter and ship it to Lewiston’s Planning Board Staff to be placed on the City of Lewiston stationery and mailed to the City of Saco asking them to give our Planning Board a copy perhaps of what they have got. Tom Peters asked the Planning Board if they would like a presentation similar to the one that the School Department is getting. Tom Peters asked Jim Lysen to contact the School Department and find out who they use and see if he could get their name so that Tom Peters could get in touch with them. Tom Peters would like a one (1) hour presentation given to the Planning Board. Jim Lysen asked, “Is Cable making that commitment for all those meetings?” Tom Peters response was, “Yes”. Tom Peters then asked Jim Lysen to give Adelpia a call to make sure that they are definitely going to be doing this. The following motion was then made.

**MOTION:** by John Cole, seconded by Dennis Mason to accept the above changes to the Planning Board Rules and Procedures.

**VOTED:** 4-0.

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**MOTION:** by John Cole, seconded by Dennis Mason to adopt the Planning Board Rules and Procedures, as amended.

**VOTED:** 4-0.

*Out of sequence to this agenda, but according to the Planning Board Rules and Procedures the following item was presented next.*

**VII. READING OF THE MINUTES:**

*Draft Minutes of Planning Board Meeting Held on December 14, 1999.*

The following change was made to the Planning Board Minutes held on 12/14/99. On Page No. 2 in the motion, the last sentence, the date shall be changed from “*January 11, 1999*” to read “*January 25, 2000*”. The following motion was made.

**MOTION:** by John Cole, seconded by Dennis Mason to adopt the Planning Board Meeting Minutes of December 14, 1999, as amended, and place them on file.

**VOTED:** 4-0.

**IV. CORRESPONDENCE:**

A. *Letter from Peter C. Fackler, Vice President for Financial Affairs and Treasurer of Bates College dated December 20, 1999.*

B. *Letter and Consent to Representation from Shawn K. Bell, Bonneau & Geismar, in reference to Robert H. Dinan/Bob’s Discount dated January 4, 2000.*

**MOTION:** by Mark Paradis, seconded by Dennis Mason to accept the above correspondence and place it on file to be read at the appropriate time.

**VOTED:** 4-0.

After this motion, Tom Peters said that in respect to Item B., it is his feeling that anytime a licensed attorney in Maine is saying that he is representing someone, as a petitioner or respondent, he does not personally need a letter from that client saying they are authorizing. He will accept the attorney’s representation.

In addition, the following correspondence were distributed at this meeting:

A. Planning Board Project Review Form from the Fire Department, on the Harley’s-R-US - “Diminimus” Change to Approved Site Plan, 839 Main Street dated January 6, 2000.

B. Planning Board Project Review Form from Chris Branch, Public Works Director, on the Harley’s R-Us - “Diminimus” Change to Approved Site Plan, 839 Main Street dated January 11, 2000.

C. Letter to James Fortune, Planning Coordinator, from Arthur W. Montana, of A.R.C.C. Land Surveyors, Inc. in Reference to Harley’s-R-US dated December 27, 1999.

D. Diagram of 16 Wellman Street.

E. Memorandum Prepared by James Fortune, Planning Coordinator, in Reference to the Update on the Proposed Amendment to the Zoning and Land Use Code Concerning Lot Layout and Configuration dated January 7, 2000.

**MOTION:** by Dennis Mason, seconded by Mark Paradis to place the above correspondence on file to be read at the appropriate time.

**VOTED:** 4-0.

**V. PUBLIC HEARINGS:**

- A. *A Proposal on a Petition Submitted to Re-zone the Coca-Cola Property at 1750 Lisbon Street from the Industrial (I) District to the Highway Business (HB) District.*

Jim Fortune, the Planning Coordinator, read the memorandum that he prepared and is dated for January 3, 2000.

In summary, this re-zoning was brought by a petition for a 13.9 acre parcel located at 1750 Lisbon Street. The property was previously used as a warehouse and distribution center by Coca-Cola of Northern New England (built in 1977), but has been vacant since October 1999. The applicant, Mr. Robert Dinan, has petitioned the City to amend the official zoning map of the City of Lewiston by placing this property, currently zoned Industrial (I) District, in the Highway Business (HB) District. This petition has been signed by at least (10) City of Lewiston Residents. The applicant's representative, Bonneau and Geismar has submitted the documentation to redevelop the property as a warehouse and distribution facility with an office and retail space for Bob's Discount Store. The current Industrial zoning would allow the warehouse and distribution component with an accessory office, but does not allow the retail use.

Next, Shawn Bell, from Bonneau & Geismar, was present on behalf of the applicant, Mr. Robert Dinan and did the following presentation. He said that there are currently 50 parking spaces. In his application, he is proposing 97 parking spaces, with 62 on one side and 35 on the other. This will bring new jobs to this area.

Jim Lysen mentioned that there may be potential use with the railroad court. He said that Robert Dinan may be able to take advantage in the future for the rail system.

The Highway Business (HB) District lines most of Lisbon Street. Tom Peters asked, "Is this an acceptable change for the Planning Board Staff?" The response was "Yes".

Tom Peters also noted that the re-zoning form was presented as a conditional re-zoning form. This should have been submitted as a standard re-zoning form. Tom Peters then requested that Jim Fortune standardize this form. Gil Arsenault commented that this project will need to go to Development Review after City Council. Since there were no further comments, the following motion was made.

**MOTION:** by Dennis Mason, seconded by John Cole that the Planning Board recommends to the City Council that the property at 1750 Lisbon Street be re-zoned from the Industrial (I) District to the Highway Business (HB) District.

**VOTED:** 4-0.

After this motion, Jim Lysen mentioned that this item may go to the City Council as soon as January 18, 2000.

- B.** *A Proposal on a Petition to Amend Article XI, Section 10, to Allow Self-Storage Facilities as a Conditional Use in the Highway Business (HB) District.*

Jim Fortune read the memorandum that he prepared and was dated for January 4, 2000. In summary, Gary Boilard is requesting a change to Article XI, Section 10 of the Lewiston Zoning and Land Use Code by amending (d) conditional uses in the Highway Business (HB) District to add self-storage facilities. The Planning Board recently rejected allowing this type of use in the Community Business District. Currently, there are only two (2) zoning districts where self-storage facilities are allowed, which are the UE and OS Districts.

All the requisite ten (10) Lewiston City Residents have been verified by the City Clerk's office. This is a conditional use. Jim Lysen showed on the Zoning Map - City of Lewiston, where there are currently self-storage facilities.

Tom Peters noted that this notice was published in the Lewiston Sun-Journal. Only one (1) person was present at this meeting and that was the petitioner, Gary Boilard.

In reference to the Merrow Street facility, this is grandfathered. Most of these types of facilities have been grandfathered. Tom Peters said that he would not like to see this type of facility to be located at a main artery.

Gary Boilard said that there is not a lot of land to do this type of facility that is available in Lewiston. He needs high visibility and access to it. He currently has an option to purchase this property. He said that there is a need for this. He also said that it is not advisable to place this in the downtown area. This type of facility needs to be regulated. Tom Peters said that this cannot be visible from Lisbon Street. Gary Boilard agreed that he could do buffers. John Cole suggested taking a look at the City of Biddeford. Their self-storage facility is tastefully done.

**MOTION:** by John Cole, seconded by Tom Peters that the Planning Board moves to table this Proposal on a Petition to Amend Article XI, Section 10, to allow Self-Storage Facilities as a Conditional Use in the Highway Business (HB) District until more Planning Board Members are present for a fair hearing and to re-schedule and continue this Public Hearing for the February 8, 2000 Planning Board Meeting.

**VOTED:** 4-0.

After the above motion, the following comments were made. A general agreement is needed as to screening. Tom Peters said that this does not need to be limited to the Highway Business (HB) District. Gary Boilard commented that it is not economically feasible, if he does not have high visibility. This needs to be put in a main arterial. Gary Boilard said that he does not have a problem with buffering or the placement of trees to obscure the view. Tom Peters suggested that the Planning Board Staff get in contact with the City of Portland, to see what to do with the appearance of storage facilities. Dennis Mason said that design standards are needed. Tom Peters then said that Gary Boilard needs to meet with the Planning Board Staff to come up with some architectural ideas concerning visibility.

***John Cole stepped down from the Planning Board on this item.***

**VI. OTHER BUSINESS:**

A. New Business:

6. Review a "Diminimus Change" to the Approved Site Plan for Harley's-R-US, 839 Main Street, to add a 350 SF Boiler Room and a 1,280 SF Impervious Area for Future Parking Needs. Jim Fortune summarized the Planning Board Project Review Form from Chris Branch, the Public Works Director, dated January 11, 2000. Public Works has no problem with the boiler room addition as long as it does not exceed the impervious surface of the house that was demolished.

Arthur Montana gave a brief overview. He said that the amendment consists of a new 350 square foot boiler room attached to the southerly side of the building and a 1,280 square foot impervious area that will be credited towards any new paved area within the Harley's-R-US parcel which can be used within the next 20 years. The first time this was brought to Planning Board review was for the boiler room, which was not on the original plan. The second time was for the house, which was 1,280 square feet. George Schott would like to use this area toward future paving needs anywhere on the property. The net new impervious area is 930 square feet. It is grandfathered up to one (1) year. Gil Arsenault said that George Schott, the developer, can add development. There is plenty of potential for development review, George Schott just needs to come before Planning Board review. Gil Arsenault also stated that it is not good practice to give credit to the future. Tom Peters then mentioned that this should be grandfathered up until the last member present on this item from this Planning Board's term is up, which is the end of 2003. George Schott would have to bring this item to the Planning Board when there is at least one (1) member from this present Planning Board remaining. They would have to go through the same site review procedure.

Jim Lysen said he does not think that George Schott wants to pave this area. There is no need to pave where he does not want to pave. Jim Lysen said that setbacks can be reduced by 30 feet. Gil Arsenault added that in the HB District setbacks can be reduced by 20 feet and in the CB District by 15 feet. Jim Lysen also said that Public Works has not required a drainage plan yet for the whole site. There being nobody present from the public, the following motion was made.

**MOTION:** by Dennis Mason, seconded by Mark Paradis that the Planning Board consider the changes brought before the Planning Board as "Diminimus"; allow the Planning Board's Chair to sign the plan; the changes were considered "Diminimus" and follows that there be a 350 foot boiler room as shown to us on the plan; that there are four (4) parking spaces in the building known as Alice's Attic; that the plans show a 20 foot front yard where there used to be a house; that the Planning Board will allow credit for the impervious surface of 930 square feet or up to 930 square feet which can be used at any point in time until 12/31/03 (this shall appear on the plan as a condition), at which time it will tentatively expire; and that any other changes to the plan be brought back to the Planning Board.

**VOTED:** 3-0-1 (Cole).

*John Cole rejoined the Planning Board*

2. *Review a Proposal on a Petition to Conditionally Re-zone the Property at 16 Wellman Street from the Neighborhood Conservation "A" (NCA) District to the Office Service (OS) District and to Consider Scheduling for a Public Hearing.*

Jim Fortune read his memorandum dated January 4, 2000. John R. Bolduc is requesting the Planning Board's consideration of his proposal to conditionally re-zone the property at 16 Wellman Street. This property has been leased and used for cold storage in the past, but it has been vacant for many years.

John Bolduc was present at this meeting. John Bolduc would like redevelop the property subject to the use regulations and standards for the Office Service (OS) District. He wishes to use the building for office and construction material storage. John Bolduc said that he would need time to notify the abutters. He is requesting that a Public Hearing be scheduled. The following motion was made.

**MOTION:** by Dennis Mason, seconded by John Cole that the Planning Board moves to schedule the Petition to Conditionally Re-zone the Property at 16 Wellman Street from the Neighborhood Conservation "A" (NCA) District to Office Service (OS) District for a Public Hearing at the Planning Board Meeting scheduled for February 8, 2000.

**VOTED:** 4-0.

Before Item No. 3 was presented, Jim Lysen stated that Chris Branch, from Lewiston Public Works, said that he needed two (2) members from the Planning Board to represent the Eastside Corridor and the Grove Street and Sabattus Street Connector at the City Council Meeting. Tom Peters suggested maybe contacting a former ex-member of the Planning Board. There are going to be two (2) separate committees meeting on January 25, 2000. Tom Peters said that he would see if Harry Milliken could get involved with Grove Street and Sabattus Street Connector. John Cole will get involved with the Bog Project. If Harry Milliken cannot attend to represent the Grove Street and Sabattus Street Connector, then Dennis Mason will.

Also mentioned, was a reminder that the February 22, 2000 Planning Board Meeting will begin at 6:00 p.m. with a tour of the Bill Johnson medical building.

*John Cole stepped down from the Planning Board on this item.*

3. *Review a Proposal by the Lewiston Planning Board to Re-zone the Lots on the West Side of LaFayette Street from Neighborhood Conservation "A" (NCA) District to the Institutional Office (IO) District and Consider Scheduling for a Public Hearing.*

At the December 14, 1999 Planning Board Meeting, Bates College said that they were interested in rezoning three (3) parcels (70, 80, and 84 LaFayette Street). The Planning Board, at that time, was interested in rezoning all of the western side of LaFayette Street, not just the three (3) parcels owned by Bates College. Bates

College officials indicated that as long as the property could be rezoned no later than Spring 2000, it would not negatively impact their construction schedule.

There were no objections to looking at the whole street. This will be brought back to the Planning Board in proper form at the February 8, 2000 Planning Board Meeting. All Planning Board Members agreed to have this item moved to the February 22, 2000 Planning Board Meeting. This will be scheduled for a Public Hearing on that date.

***John Cole rejoined the Planning Board.***

***B. Old Business:***

1. *City's Acquisition/Disposition Process.* Jim Lysen said that from his interpretation of City Attorney, Robert Hark's letter in reference to the Pilsbury Building that the City still has the ability to purchase land even if the land changes hands. There are only 10-15 days left remaining. Tom Peters said that he has alerted Greg Mitchell. This will be appearing on the LCIP. The Planning Board needs to know about acquisition/disposition of land, not just tax-acquired properties. There was also the question if Speaker's Variety was tax-acquired by the City. Jim Lysen is to look into this.
2. *John F. Murphy Homes, Inc. - Consistency of the Zoning and Land Use Code with the Federal Fair Housing Act.* This issue has been resolved.
3. *Supreme Judicial Court of Maine Decision Concerning Rena W. Perkins, et. al. v. the Town of Ogunquit and Robert W. Scanlon, Jr. Concerning Planning Board Jurisdiction.* Need an opinion. Place on the agenda for April 11, 2000.
4. *No Name Pond Watershed Plan Update.* The next meeting is on Wednesday, January 19, 2000 at the Multi-Purpose center. There will be a late spring presentation on N.N.P.
5. *An Ordinance Pertaining to Front Setbacks in the Downtown Business District.* Arch./Historic Preservation to participate and to get representation from the Board. Jim Lysen said that space and bulk standards and design review needs to be dealt with. Tom Peters said that he will contact Jim Lysen to come up with a plan to meet with other groups. Dennis Mason would like to get the M.D.R.T.F. involved in this. Tom Peters said that he will be contacting Joyce Bilodeau.
6. *Comprehensive Plan Update.* The Downtown Master Plan was adopted. The land use regulations need to be fine-tuned. The John F. Murphy Homes, Inc. issue needs to be included in this. This will be put on the agenda for March 28, 2000. The completion date is scheduled for March 28, 2000. Access management is a component of traffic management. This item shall be moved down on the agenda to Item No. 9 and be included as traffic management standards.



7. *Board of Appeals, Staff Review Committee, Historic Preservation Review Board meeting Schedules.* Bruce Damon is the new Chairperson for the B.O.A. In reference to Historic Preservation, at the last meeting, approved recommendation of amendments for demolition delay. This will need a code amendment. Notice is a 120-day period. This will need an opinion from City Attorney Bob Hark. This issue was taken off the agenda, but will be placed back on. The Historic Preservation Committee will be seeking the legal opinion from City Attorney **Robert Hark** (in the form of a letter) on the proposal before the amendments are put forward at a Public Hearing before the Planning Board. Once this opinion arrives, it shall be forwarded on to Planning Board Chairperson **Tom Peters** and then this item will be placed back on the agenda. **Jim Lysen** made reference to his letter to **William Livengood** from the MMA dated February 8, 2000 along with the amendment and a full section of the code. **Tom Peters** asked **Jim Lysen** to hold off on forwarding this letter to the Planning Board Members, until this item is put back on the agenda.

The next Planning Board meeting is scheduled for Tuesday, January 25, 2000 at 5:00 p.m.

**VIII. ADJOURNMENT:**

The following motion was made to adjourn.

**MOTION:** by **John Cole**, seconded by **Mark Paradis** to adjourn this meeting at 9:20 p.m.

**VOTED:** 4-0.

Respectfully submitted,

Mark Paradis, Secretary

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