

**CITY OF LEWISTON  
PLANNING BOARD MEETING  
MINUTES for August 22, 2000 - Page 1 of 10**

- I. ROLL CALL:** This meeting was called to order at 7:05 p.m. and chaired by Tom Peters.
- **Members In Attendance:** Muriel Minkowsky, Dennis Mason, Tom Peters, Lewis Zidle, and Mark Paradis.
  - **Staff Present:** James Lysen, Planning Director; James Fortune, Planning Coordinator; and Doreen Asselin, Administrative Secretary.
  - **Members Absent:** John Cole and Rob Robbins.
  - **Staff Absent:** Gil Arsenault.

- II. READING OF THE MINUTES:** *Draft of the Minutes from the June 13, 2000, June 27, 2000, and July 25, 2000 Planning Board Meetings.* Due to the amount of items on the agenda, Tom Peters suggested reviewing the minutes later in the evening after the other items are covered.

- III. CORRESPONDENCE:** The following motion was made on these items of correspondence:
- A. A revision of a revision of Article XV, Significant Buildings and Structures, of the Zoning and Land Use Code, by adopting demolition delay provisions (dated 08/22/00);
  - B. Planning Board Project Review Form from *Michael Lajoie*, Fire Chief, on the Chestnut Hill Estates, Subdivision Re-approval; and
  - C. A memorandum dated 08/18/00 in regards to the Chestnut Hill Estates Subdivision from Deputy Fire Chief *James D. Morin*.

**MOTION:** by **Dennis Mason**, seconded by **Muriel Minkowsky** that the Planning Board place the above items of correspondence on file to be read at the appropriate time.

**VOTED:** 5-0.

**IV. PUBLIC HEARINGS:**

- A. Continue Public Hearing on a proposal to amend Article XV, Significant Buildings and Structures, of the Zoning and Land Use Code, by adopting Demolition Delay Provisions (Continued from the July 25, 2000 Planning Board Meeting).** This item is a continuation from the Planning Board Public Meeting of July 25, 2000. Jim Lysen presented this item. Also present at this meeting were *Fredda Wolf, Doug Hodgkin, and Marilyn Hirshler* from the Historic Preservation Review Board, *Eric Hirshler*, and *Phil Isaacson*.

Jim Lysen mentioned that most of the changes are minor and are reflected in his memorandum dated August 14, 2000. He then made reference to the two (2) new sections - Section 7, Buildings and structures listed on the National Register but not designated locally as significant under Section 6; and Section 8, Other important buildings and structures, which includes the "Lewiston Mill System District".

Other changes made to Article XV, Significant Buildings and Districts, were to correct typographical errors and the address listing.

On Page No. 1, Board means, "the historic preservation review board as enabled by and described in this article and any amendments and/or additions thereto".

On Page Nos. 2 and 3 the word, "historical" has been changed to read, "historic".

On Page No. 6, fourth sentence the words, "at its discretion" have been added.

On Page No. 7, appearance, including signage.

On Page No. 12, Item 2 - decapitalized city, historic preservation review board, and the lewiston historic commission throughout the document, consistent with other portions of the Code.

On Page No. 13, Waivers - Added a new section b. allowing the board to find that the goals and objectives of the demolition delay can be achieved in less than 90 days. Jim Lysen suggested that this gets incorporated into the Proposal.

The rest of the changes were additional changes or historic names, i.e. on Page 16, 145 Lisbon Street (The Manufacturing National Bank Building); 215 Lisbon Street (Monroe Building/Savings Bank Block) - added both names to the listing; on Page 17, Section 7, the first paragraph before the listing shall read, "The

following are those properties that are listed on the National Register of historic places but who's owners have chosen not to nominate them to be designated locally as significant, and therefore, are only subject to the demolition delay provisions of this ordinance." Also on Page No. 17, Section 8, the first paragraph before the listing shall read, "The following have been designated as contributing structures or complexes within the Lewiston Mill System District and are only subject to the demolition delay provisions of this ordinance." On Page No. 18, Section b. in the first paragraph before the listing and after the word, "Index", add the words, "and are only subject to demolition delay provisions of this ordinance." Also on Page No. 18 there was a correction of addresses, as follows: 2-4 Lisbon Street (Central Hall) and 5-11 Lisbon Street (The Gateway Building) and on Page No. 19, 385 Lisbon Street (Palange Building) and 387-389 Lisbon Street (S.B.S. Lithuanian Hall).

This ordinance has now been corrected and dated for August 22, 2000.

This item was then opened up to the Board. Dennis Mason referenced 311-315 Lisbon Street as to historic significance. Tom Peters again suggested deleting the words, "of development", which were repeated in the sentence on Page No. 4, Item (e).

On Page No. 11, Item d.1.a., add the word, "or" and then delete Items d.1.b. and c. and change as Item d.1.b. to read, "The building or structure, or important portions and features thereof has been determined by the Division of Code Enforcement to represent an immediate hazard to the public health or safety, which hazard can not be abated by reasonable measures."

Tom Peters suggested that on Page No. 1 under Section 1(a) add the end of that paragraph to add the following wording. "This article shall apply to all properties falling within the definition of significant buildings and structures and shall apply to municipally-owned or acquired properties as well as privately-owned properties."

This item was then opened to the public, and when no one chose to speak, it was closed and brought back to the Planning Board.

Dennis Mason made reference to Section 5, Certificates of appropriateness on Page No. 7 and Item d.1.b. as to when is it a non-contributing building? Jim Lysen said that it is not subject to a certificate of appropriateness. Tom Peters suggested striking this. Doug Hodgkin said that if you remove even non-contributing buildings, you create an empty space. Jim Lysen agreed to strike this language and delete Item d.1.b. A non-contributing building is not covered in this ordinance. The following motion was made.

**MOTION:** by Dennis Mason, seconded by Mark Paradis that the Planning Board sends the recommendation to the City Council that they approve the amendments to Article XV, Significant Buildings and Structures, of the Zoning and Land Use Code, by adopting demolition delay provisions, as amended.

**VOTED:** 5-0.

**B. Public Hearing on a proposal to conditionally rezone 115 Campus Avenue from the Neighborhood Conservation "A" (NCA) District to the Office Residential (OR) District.**

Jim Fortune read the memorandum that he prepared and was dated for August 15, 2000. He said that Staff feels that the use of the property as a professional office is workable within the scope of the zoning and land use code and that there would be little or no impact on neighboring properties. This item was previously listed on the July 25, 2000 Planning Board Agenda, but due to the heavy agenda for that meeting and the late adjournment, the Board did not get to this item. This item is now presented as a Public Hearing.

The request meets all the requirements and appropriate notices have been sent to abutting property owners and in the local newspaper.

Dominick Iannotti was present. He made a very brief presentation. He would like to house his private practice. He does not want to change the structure. He would like to add parking.

In reference to the memorandum prepared by Jim Fortune and dated July 19, 2000, the reason for this proposal is to allow Dominick Iannotti to utilize his property for a professional office. Currently both he and his wife reside at 115 Campus Avenue and maintain the property as a single-family resident. Their counseling services are conducted at another location in Auburn. Dominick Iannotti would like to move the practice to 115 Campus Avenue, at which time he and his wife would move their residence to another location and

maintain the Campus Avenue property as a professional office. The property is bordered by single-family and multi-family residences on the left side and at the rear and by Dairy Joy on the right side and a pharmacy directly across the street. Staff has calculated that a professional office use would require five (5) parking spaces. Currently the property has two (2) parking spaces, but could accommodate up to four (4) spaces if the fence were moved back. This configuration would require stacking of vehicles and would necessitate the loss of a portion of the side yard. **Dominick Iannotti** has stated that he would be able to secure an agreement with the neighboring property owner (Dairy Joy) to use one (1) or more parking spaces on that lot. This would then bring the total available parking spaces for the professional office use to five (5).

**Lori Morin** said that her property abuts the back of **Dominick Iannotti's** property. She would like to see this area left as "NCA". There are 11 kids in the neighborhood. She also mentioned buffers. She is against this. If this does get approved, she would like natural landscaping as buffers. She wants to see this area left as family-oriented. Jim Lysen responded to Lori Morin that a buffer would need to occur and that this will require development review. Tom Peters reiterated that if this gets approved by both the Planning Board and the City Council, this would need to go through development review.

**Lori Morin** said that she also has an issue with the hours of operation. If there are limited uses, this would have limited impacts to the surrounding neighborhood.

**Gerard Parent** asked, "Where is the line drawn?" He is basically concerned with this becoming a commercial area and made reference to Dairy Joy, the Medicine Shoppe, etc. This is currently a residential area.

**Ms. Janelle (123 Campus Avenue)**. She made reference to home occupations. It was explained that in a single-family home, you are allowed a home child care with six (6) plus two (2) kids. In a home occupation, you cannot sell anything. There is a number of conditions. Home occupations are currently allowed in this area. The zoning can revert backwards, if the property is sold.

**Dominick Iannotti** is not changing the appearance of the building. He mentioned that his core hours of operation would be from 8:00 a.m. to 5:00 p.m., five (5) days per week.

**Mr. Janelle (123 Campus Avenue)**. Mr. Janelle said that he owns a house next door. He has three (3) tenants, each with a vehicle. He is concerned with his parking. He said that Campus Avenue is loaded up with parking. He would like to City to redirect businesses to commercial areas.

**Dominick Iannotti** said that he would be willing to modify his hours of operation from that stated in his proposal. He would be willing to have his hours of operation changed to 8:00 a.m. to 5:00 p.m., six (6) days per week (Monday through Saturday) and to have this stated on the agreement. Parking will need to be addressed by development review. Buffering is required.

**Lori Morin** said that she does not have a problem with his hours of operation (staying open until 10:00 p.m.) and was in agreement with **Gerard Parent** who stated, "Why ruin a residential neighborhood when there is plenty of other commercial areas available?" **Lori Morin** mentioned again that she wants this area to remain "NCA" and not be changed to "OR".

**Mr. Janelle** said that he is not concerned with buffering itself. His main concern is with Dairy Joy (in the future) buying this property and expanding their operation. **Gerard Parent** said that he was also in agreement with **Mr. Janelle**.

This item was then closed to the public and brought back to the Planning Board for a discussion. Dennis Mason made reference to CDA 123 of the Zoning and Land Use Code. Jim Lysen interpreted this code and said that this does not deserve straight OR zoning. This use is presently allowed under the NCA. It is a transition from uses and makes it a unique situation. Mr. Iannotti does not want to have to live there. Mark Paradis said that he would like to see the parking arrangement with Dairy Joy and that no more than (2) counselors at one time integrated into the agreement. The following motion was then made.

**MOTION:** by **Mark Paradis**, seconded by **Muriel Minkowsky** that the Planning Board sends a favorable recommendation to the City Council to conditionally rezone the property at 115 Campus Avenue, from the Neighborhood Conservation "A" (NCA) District to the Office Residential (OR), subject to the proposed Conditional Zoning Agreement and the following additional conditions:

1. Limiting the use to no more than two (2), professional therapists at any one time;
2. A written agreement satisfactory to the City of Lewiston for at least three (3) additional off-site parking spaces;
3. Hours of operation being between 8:00 a.m. to 5:00 p.m., Monday through Saturday; and
4. That when the project goes through the required Development Review process, that special attention be given to buffering and parking.

**VOTED:** 4-1 (Mason).

*There was a five- (5-) minute recess from 8:30-8:35 p.m.*

**V. FINAL HEARINGS:**

*The following items were presented out of sequence to the agenda.*

**C. Determination of Completeness and Final Hearing concerning a fill project at the Stetson Brook Mobile Home Park, Lessard Street.** **Art Montana** on behalf of **Robert Foss**, of Stetson Brook Estates, requested that this item be tabled for at least 30 days or 30 days from now until the next meeting thereafter.

**A. Final Hearing concerning a request to extend the approval of the Chestnut Hill Estates Subdivision to August 2002.** **Robert Faunce** was present on behalf of **Richard B. Tonoli**. This was brought to the Planning Board as a request for an extension of Chestnut Hill Estates Subdivision's Planning Board approval. It is requested that the approval be extended for an additional two (2) years. The extension is permitted under Article 13, Section 11 of the code. The original approval for this project occurred in 1988, with the most recent extension granted in June 1998. The current extension expires on August 28, 2000.

There were no concerns from both the Police and Public Works Departments. The Fire Department has requested a modification to the approved Site Plan. Due to changes in equipment since 1988, the Fire Chief is asking that the driveway access and fire lanes between the townhouse buildings be increased from 20 to 24 feet.

Planning Board Staff feels the request for an extension on the approval for the Chestnut Hill Estates Subdivision meets the criteria and, therefore, requests an extension to August 28, 2002.

**Bob Faunce** said that currently this area is not economically developable.

**Dan Dumont** expressed concern with one of the exits on the plan that goes from his driveway. He is mainly concerned about the rise on the hill. If a car is coming up over the rise, he said he needs to step on it to get out of his driveway. This could be a problem and may be a safety issue.

**Bob Faunce** then showed on the plan where **Dan Dumont's** house is located, which is the second house up on Randall Road. This road was sited here because at the time there was a development across the street, which was the Dr. Raymond Cedarview Project and the Planning Board wanted those streets lined up and there is also a detention pond. The rise meets the minimum site distances. The Fire Department will require two (2) points of access.

**Bob Faunce** said that in order to develop this project, utilities are going to be constructed down Randall Road. It is likely then that Randall Road will be reduced. It is very unlikely that this property is going to be developed exactly the way it is, which consists of single-family homes, duplexes, four plexes, six and eight plexes. If development occurs there, there would be changes and this would need to come before the Planning Board for review. Dr. Raymond is ill and that is one (1) reason why this approval has expired and another reason is that 2000 lot prices are not significantly higher than 1988. Richard Tonoli has been keeping the approvals viable on this so that he can develop this. A lot of time and effort has been put in this.

Tom Peters said that it is not economically viable at this time. Jim Lysen said that if this is re-approved and developed, as shown, no zoning has changed in this area since that time.

Dennis Mason then referred to the letter from Deputy Chief **James D. Morin** of the Fire Department dated August 18, 2000. In this letter, it states that Mr. Morin has reviewed the plans for the first time and has identified an issue with the width of the proposed access roads to the townhouse-type buildings. **Bob Faunce** said that Mr. Morin is speaking about the private ways into these buildings, which will be maintained as private roads. The plans show a 20 foot wide road. In his letter, he states that it is necessary for the Fire Department to have wider access to buildings particularly since the downsizing of the Fire Department. Also the introduction of larger diameter hose prohibits driving over the hose when it is charged, therefore adequate road widths need to be maintained to allow the fire trucks and other emergency vehicles to pass by each other when necessary. The Fire Chief requires a 24-foot minimum wide road throughout the development so that the Fire Department can perform their service. Jim Lysen said that they are looking for the ability to have two (2) vehicles pass one another and that 24 feet functionally makes more sense. The code needs to be brought up to date on that. Jim Lysen said that they have agreed to start up the process to begin that. He went on to say that they have talked about the sprinkler systems in residential units, etc. This definitely starts the process. This should not affect this development.

Dennis Mason asked, "Is this going to be serviced by public water and sewer?" **Bob Faunce** responded that this would be the developers cost.

**Dan Dumont** said that there is a huge Pine tree right where the pin to his property is. He said that his driveway is just on the inside of that. **Dan Dumont's** concern is that he does not want a sign to be placed at his entrance. He said that his neighbor has the same issue with that. **Bob Faunce** said that this will likely come back within the next two (2) years. **Dan Dumont** then asked if he will be notified of any changes?" **Bob Faunce** and **James Lysen** both responded with, "Yes". He said he bought his house a year ago and does not want 145 apartments across the street from him.

Tom Peters referenced the letter from **Bob Faunce** dated July 12, 2000 requesting the extension to August 28, 2002. The code requires that this be asked for 60 days in advance of expiration. The expiration is August 28, 2000. **Bob Faunce** said that this has been done every two (2) years. Dennis Mason referenced CDA164 of the Zoning and Land Use Code, Section 1 in the bracket. Dennis Mason then asked, "How long is 24 months after the date of approval. Tom Peters then said that they did not receive the request during the correct time period. **Bob Faunce** then responded that the Planning Board received the request on July 12, 2000. Tom Peters then re-iterated and said that the request is not filed within the correct time period - correct?" Jim Fortune responded, "No". Tom Peters then asked, "Do we have leeway to be able to grant this request without the correct time frame?" Jim Lysen responded that basically the only change that is being requested is the change in the conditions of approval, which is a minor amendment that takes only one (1) meeting and that is the expiration of approval. Tom Peters said that the Planning Board does not have the authority to grant this and that it is void, since it was not filed in the correct time frame. **Bob Faunce** said that you cannot pro-actively say that something is void. There is a 60-day window that has never been applied before. **Bob Faunce** said that the Plan has not expired. Jim Lysen also said that the Plan has not changed and that this was brought to the Planning Board before the approval expired.. The 60-day language has been provided to get things in on time and to timely schedule, such as to notices, etc. The 60 days is the administrative time to accomplish and cover these items.

**Bob Faunce** said that the applicant will notify the Planning Board and abutters regarding improvements proposed to Randall Road. The improvements to Randall Road are primarily water, sewer, and road. The issue of site appearance shall be addressed. **Dan Dumont** said that he wants some kind of guarantee that he will be invited back to protest anything and notified of any changes. Tom Peters said that he would like **Dan Dumont's** concern included in the motion. The following motion was made.

**MOTION:** by **Tom Peters**, seconded by **Dennis Mason** that the Planning Board grants the extension to August 28, 2002 with the understanding that if, in fact it comes to fruition before the requested expiration date, that a notice will be given on issues with site, road, and the road changes in a discussion to include the neighborhood.

**VOTED:** 5-0.

It is also noted that after the motion was made that *Dan Dumont's* realtor never informed him of this situation.

Tom Peters mentioned to Jim Fortune that in his Staff Memorandum dated August 15, 2000 that the date just above the Actions Necessary should be changed from, "August 29, 2000" to read, "August 28, 2002".

**B. *Determination of Completeness and Final Hearing concerning a Site Plan for LePage Bakeries to expand the loading dock facilities at their Cedar Street manufacturing plant.***

At the request of LePage Bakeries, Inc, this item was tabled until the next Planning Board Meeting which is scheduled for Tuesday, September 12, 2000.

**VI. OTHER BUSINESS:**

**A. New Business:**

**I. *Review a proposal to rezone 40 Mountain Avenue from the Neighborhood Conservation "A" District to the Institutional Office (IO) District and possibly schedule it for a Pubic Hearing.*** James Fortune summarized his memorandum dated August 15, 2000. Bates College is requesting that the Planning Board schedule a Public Hearing on this item for the September 12, 2000 Meeting. Since a presentation has been scheduled for this same meeting with Bates College, Staff would like to coordinate this item to accommodate Bates College as well as interested residents.

The purpose of this rezoning from the Neighborhood Conservation "A" District to the Institutional Office (IO) District is to allow Bates College to establish a five-room guest house at 40 Mountain Avenue for individuals and families that visit Bates College. Guests would be able to stay either short-term or long-term depending on the nature of their visit. The City of Lewiston Code defines this as a tourist home. In addition to these five rooms, the guest house would have common areas in the house, including a living room, sitting rooms, a dining room and kitchen. The existing driveway can handle up to six parking spaces. The City Clerk's Office verified the petition requiring 10 signatures of residents who are 18 years or older.

**Bob Bremm (Director of Physical Plant - Bates College)** presented the following. He said that Bates College has owned this building (40 Mountain Avenue) for quite some time and would like to convert it from a residential home to a guest house. They do not expect any more than five groups of people there at one time. They would like to have this ready by June 2001.

**Phil Isaacson (2 Benson Avenue)** expressed his concerns. He said that the neighborhood would be in support of this use when the fundamental issues are resolved. He thinks of this as spot zoning. He mentioned that Bates College should get together with the City Council, neighbors, etc. to develop a comprehensive solution. He went on to say that parking has reached a critical max. Parking is extraordinarily bad in this area. He feels that Bates College is not conscientious about parking. He said that in March and October you cannot see from the sun. It is very hard to get out on to Main Street. The municipal government, neighbors, and Bates College all need to get involved to straighten out the parking situation in this area. Mountain Avenue is a problem street to travel on. In the Industrial Office (IO) District you can do anything you want there.

This is the last little neighborhood on this side of Russell Street. This will be "infecting" this neighborhood. He suggests clearing up the parking and some other zone besides the "IO" District. His final comment was that there are other options.

At this point in the discussion, Tom Peters mentioned the meeting between the Bates College President, Planning Board Staff, and neighbors that took place on Monday, August 21, 2000. He said that Bates College was very receptive to the issues that were risen at this meeting. Tom Peters suggests seeking conditional rezoning. Notices will need to be sent.

**Bob Bremms** said that Bates College would be receptive to seeking a conditional rezoning. Jim Lysen then mentioned that a notice will be sent to the abutting neighbors and to maybe go the extra step and go out further into the neighborhood, to include that kind of neighborhood, with the notice. If this is going to be a conditional rezoning, the Conditional Rezoning Agreement (contract)

needs to go out and be included with the notice.

**Victor Trodella** (*Architect on this project from Trodella Project Management representing Bates College*) said he needs to get a feel from the Planning Board on the parking of five cars on this lot. He said that it is the intention that this lot will be used for five parking spaces. Each guest will have the maximum of one (1) car in the lot. Tom Peters said that the concern of the neighborhood residents is that they do not want the street filled with cars. **Victor Trodella** mentioned that they would like to keep 40 Mountain Avenue to appear as residential as much as possible. He said that Bates College would like as little black top as possible on this site. They would like to keep parking at a minimum. **Bob Bremm** added that this is meant to be a stay-over place.

This item will be coming back to the Planning Board on September 26, 2000 for a Public Hearing on the rezoning. On September 12, 2000 Bates College will be attending the Planning Board Meeting and is listed on the agenda to do a presentation of their Campus/Master Plan. Jim Lysen said that he would like to schedule this for development review the same evening, subject to the rezoning going through. Dennis Mason asked Jim Lysen, "if he is suggesting that the Planning Board do development review after the approval of the conditional rezoning?" Jim Lysen responded with "Yes, so that it is accomplished at the same meeting and then the neighbors can come through the zoning and just make sure that development review is consistent with the neighborhood." This would be subject to the City Council's approval on the rezoning. The following motion was made.

**MOTION:** by **Dennis Mason**, seconded by **Muriel Minkowsky** to schedule the Conditional Rezoning of 40 Mountain Avenue from the Neighborhood Conservation "A" (NCA) District to the Industrial Office (IO) District for a Public Hearing on the September 26, 2000 Planning Board Meeting.

**VOTED:** 5-0.

2. **Review a proposal to rezone a portion of 1365 Sabattus Street from the Highway Business (HB) District to the Low Density Residential (LDR) District and possibly schedule it for a Public Hearing.** Jim Fortune summarized the memorandum that he prepared and was dated August 17, 2000. The owner, **Rose Driscoll** (*Maureen Turcotte*, who is representing the owner was present at this meeting), of 1365 Sabattus Street is requesting the Planning Board to schedule a Public Hearing on a proposal to rezone the rear half of the property, with frontage on Old Chadbourne Road, from the Highway Business (HB) District to the Low Density Residential (LDR) District. The purpose of this request is so that a new home can be built on the rear portion of the property, which is currently zoned "HB". The intent is to divide the property roughly in half. The front portion, with the existing home, would remain within the "HB" District and would be sold. The owner would then build another home on the rear portion of the property with its frontage and access off Old Chadbourne Road. A slightly larger portion of the existing lot would go with the rear lot proposed for rezoning. Both lots will have on-site septic systems. When divided, both lots will meet the applicable lot dimension requirements in the Code. Both properties will also meet the requirements for the applicable zoning district, as to frontage. The lot with frontage on Sabattus Street will retain the current 175 feet plus/minus of frontage, with 150 feet being required in the "HB" and the lot with frontage on Old Chadbourne Road will have 211 feet plus or minus, with 100 feet being required in the "LDR" District.

Dennis Mason asked, "If he owned a Highway Business (HB) zoned lot that is empty, he could not build a single-family dwelling on it?" James Fortune response was, "You cannot".

**MOTION:** by **Dennis Mason**, seconded by **Muriel Minkowsky** to schedule a Public Hearing for the September 12, 2000 Planning Board Meeting to rezone the rear portion of 1365 Sabattus Street from the Highway Business (HB) District to the Low Density Residential (LDR) District.

**VOTED:** 5-0.

*Status of New Representative to the LMRC - Tom Peters mentioned that the LMRC just held their annual meeting for the new year. He said that this is the appropriate time to officially appoint Dennis Mason to the LMRC Board, as the new voting member, replacing himself. The following motion was made.*

**MOTION:** by **Mark Paradis**, seconded by **Lewis Zidle** to officially appoint Dennis Mason to the LMRC Board, as the new voting member.

**VOTED:** 5-0.

*Tom Peters then requested that Jim Lysen draft a letter from the Planning Board as to this official action taken.*

**4. *Review the proposed property acquisition/disposition policy and possibly make a recommendation to the City Council (continued from the 06/13/00 and 06/2700 Planning Board Meetings).*** Tom Peters skipped review of this item stating there is still more work to be done on it.

**3. *Review the modifications to the recommended amendments with respect to the downtown rezoning initiative concerning residential design standards.*** This item was presented by James Lysen. First he mentioned his memorandum dated August 10, 2000 that was delivered in an early mailing. Enclosed along with this memorandum were: a. A letter dated August 8, 2000 from Mr. Don Harward, President of Bates College; b. A letter dated August 4, 2000 from Mr. Don Harward, President of Bates College; and c. An Ordinance Pertaining to Downtown Rezoning (final copy). This rezoning proposal received a 6-0 vote in favor at the August 15, 2000 City Council Meeting and is scheduled for a second reading at the September 5, 2000 City Council Meeting.

Jim Lysen said that this proposal is now more restrictive than it has been. This basically has created design standards new residential construction. Jim Lysen referenced Section 22 on Page No. 18 of the ordinance. He said that this is a whole new section and that it has relatively broad guidelines. This has to do with new residential construction in both the Riverfront (RF) and Downtown-Residential (DR) Districts.

Dennis Mason asked, "Is this enforced in development review?" James Lysen's response was, "It is incorporated into development review and also for new construction, if not subject for review." Jim Lysen said that these are a start and that they would like to see standards for commercial projects as well. The model is there for residential. This has been fine-tuned from a Portland proposal and integrated to what is appropriate for Lewiston.

Jim Lysen said that the Downtown Advisory Board reviewed this ordinance change, liked it and recommended it go to City Council. Jim Lysen said that this also needed to go to before this Board, as well. Therefore this has been brought to this Planning Board for a recommendation on the amended proposal to the City Council. Dennis Mason said that he is concerned about adding restrictions to residential when people should be encouraged in the downtown. Jim Lysen said the Downtown Advisory Board also felt it should be done in a quality way. This relates to the rest of the neighborhood also. Dennis Mason said that he is much more concerned with commercial. He commented that he does not think there will be much residential development in the next year.

Tom Peters said that he is concerned with Item (1) in Section 22 on Page No. 18 which reads, porches and bays should face the street. He mentioned if somebody was to build something on the river, i.e. a café he would think they would want a deck over the river. Jim Lysen said he was only talking about residential and that there is flexibility in the standards. Also mentioned was the height restrictions on Page No. 2 of the memorandum dated August 18, 2000. The Board proposed to reduce the maximum building height for residential uses from 65 to 50 feet, while permitting mixed-use structures and commercial uses the originally proposed 65 feet. As to the elevator requirement, the Code Enforcement Division indicates that all new construction, both commercial and residential, requires elevators to be installed for structures exceeding three (3) stories. After these discussions, the following motion was made.

**MOTION:** by **Dennis Mason**, seconded by **Mark Paradis** that the Planning Board sends a favorable recommendation to the City Council on the amended proposal to the downtown rezoning initiative concerning residential design standards.

**VOTED:** 5-0.

**II. READING OF THE MINUTES:**

**Draft Minutes from the June 13, 2000 Planning Board Meeting:** The following changes were made to these minutes:

On Page No. 2, Item IV. Public Hearing, Section A, sixth paragraph, first line, delete the words, “a” and “went to”. Also, the second line of the same paragraph shall read, after the word because, “Rita could not take on any more and she did not want her children split up in day cares”. Delete the rest of the sentence.

On Page No. 3, third paragraph, second line change the word, “to” to read “too”. 10th paragraph, fourth line, delete the plural on the word “issues” to read, “issue”. 11<sup>th</sup> paragraph, delete the word, “conditional”. Also on that same page, the 12<sup>th</sup> paragraph, delete the “ing” on the word, “allowing” to read, “allow”.

On Page No. 4, third paragraph, second line, delete the word, “to”. In the first paragraph after the motion, change the word, “One” to read, “On”. Also on that same page, Item I. Final Hearing, Section A., third paragraph, fourth line, delete the words, “has been there”.

On Page No. 5, first paragraph, delete the words, “a 2-2 1.2” to read, “two (2), 2-1/2” and add a “s” to the word, “connection”. In the motion, delete the second item listed and re-number Item No. 3 to read Item No. 2.

On Page No. 6, in the last paragraph on the page, delete the very last two (2) sentences.

On Page No. 7, fourth paragraph, fifth line, delete the word, “this” and also on the same page, last paragraph, first line, delete the word, “not” and replace with the word, “no”.

On Page No. 8, first paragraph, first line, delete the word, “to”. In the second paragraph, first line, delete the word, “at” and replace it with the word, “a”.

**MOTION:** by **Dennis Mason**, seconded by **Mark Paradis** that the Planning Board approves and accepts the Planning Board Meeting Minutes for June 13, 2000, as amended.

**VOTED:** 5-0.

**Draft Minutes from the June 27, 2000 Planning Board Meeting:** The following changes were made to these minutes:

On Page No. 6, second paragraph, fourth line, delete the words, “the most”.

On Page No. 7, fourth paragraph, first line, delete the word, “is” and replace with the word, “if”. Also on Page No. 7, tenth paragraph, first line, after the word, “said”, insert the word, “he”.

On Page No. 12, third paragraph, fifteenth line, after the word, “to”, insert the word, “send”. In paragraph four, first line, change the word, “order” to read, “ordered”. Also on Page No. 12 in the last paragraph on that page, second sentence delete the word, “is” and replace it with the word, “it”.

**MOTION:** by **Dennis Mason**, seconded by **Mark Paradis** that the Planning Board approves and accepts the Planning Board Meeting Minutes for June 27, 2000, as amended.

**VOTED:** 5-0.

**Draft Minutes from the July 25, 2000 Planning Board Meeting:** The following change was made to these minutes by Dennis Mason.

On Page No. 9 in the second motion, line 2, delete the word, “diminimous” and replace it with the correct spelling of “diminimus”.

**MOTION:** by **Dennis Mason**, seconded by **Mark Paradis** that the Planning Board approves and accepts the Planning Board Meeting Minutes for July 25, 2000, as amended.

**VOTED:** 5-0.

**VII. ADJOURNMENT:** The following motion was made to adjourn.

**MOTION:** by **Mark Paradis**, seconded by **Dennis Mason** to adjourn this meeting at 10:06 p.m.

**VOTED:** 5-0.

Respectfully submitted,

Mark Paradis, Secretary

DMA:dma

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