

CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for January 10, 2011

- I. **ROLL CALL:** The meeting was held in the City Council Chambers on the First Floor of City Hall and was called to order at 5:30 p.m. Chairperson, Lucy Bisson, chaired the meeting.

Members in Attendance: Lucy Bisson, Bruce Damon, Denis Fortier, Paul Robinson, Eric Potvin, and Kevin Morissette

Members Absent: Trinh Burpee

Associate Member Present: Michael Marcotte and Sandra Marquis

Staff Present: David Hediger, City Planner, Gil Arsenault, Director of Planning & Code and Cathy Lekberg, Administrative Assistant, Economic & Community Development

II. **ELECTION OF OFFICERS:**

The following motion was made:

MOTION: by **Denis Fortier** to elect Lucy Bisson as its Chairman. Second by **Paul Robinson.**

VOTED: **6-0 (Passed)**

The following motion was made:

MOTION: by **Denis Fortier** to elect Bruce Damon as its Vice Chairman. Second by **Eric Potvin.**

VOTED: **6-0 (Passed)**

The following motion was made:

MOTION: by **Bruce Damon** to elect Denis Fortier as its Secretary. Second by **Lucy Bisson.**

VOTED: **6-0 (Passed)**

Michael Marcotte was appointed full voting member for this meeting in lieu of Trinh Burpee being absent.

IV. **ADJUSTMENT TO THE AGENDA:**

The following motion was made:

MOTION: by **Denis Fortier** to move Item **III.** to be discussed after the 21 Atwood Street public hearing. Second by **Eric Potvin.**

VOTED: **7-0 (Passed)**

V. **CORRESPONDENCE:** **None**

VI. PUBLIC HEARING:

- a. Recommendation to City Council on a petition submitted by Daniel and Brenda Cote and Arlene and Gary Dubois to rezone 21 Atwood Street and the rear portion of 906 Sabattus Street from the Neighborhood Conservation "A" (NCA) District to Highway Business (HB).

David read staff comments to the Board.

Steve Morgan of 260 South Avenue stated he was representing the Cote's and Dubois. He stated they are looking to expand the commercial opportunities in that area. He stated they had a traffic engineer do a study and according to his finding the rezoning would work. Steve asked if staff did not want to send a favorable recommendation to the City Council and David stated that staff does not want just two properties to be rezoned but the whole street. Steve agreed that it would be better to rezone the entire street. He stated that the rezoning would open up many possibilities for expansion and traffic would not increase that much.

Lucy asked if the Board could change the recommendation to the entire street and David stated not for this petition. He stated they would need to do a new petition.

Bruce stated that the turn radius onto Garcelon Street is not very good. He stated that commercial development on Sabattus Street would be okay but continuing to other parts of the neighborhood is not a good idea.

Dan Cote stated that Atwood Street was originally zoned commercial and then changed. Gil stated the change was made as part of the Citywide rezoning in 1988.

Gary Dubois of 68 Webster Street stated he owns 906 Sabattus Street. He stated he purchased it in 1994. At that time, he did not know that his property was split zoned.

Dan Cote stated he had a traffic study done and tractor trailer trucks came down Atwood Street all the time. The study shows that standard trailer trucks could go down the street.

Lucy opened the discussion up to public comment.

Dan Goyette stated he was representing his parents, Roger and Louise Goyette who live on Atwood Street. He stated there is no clear reason to do rezoning. He stated that from his parents' perspective, they are okay with Dubois Café but they do not want to see the Cote's property rezoned. He stated residents do not want see these types of trucks going down their road or an increase in traffic on their street.

Roland LaChance of 12 Atwood Street stated that Mr. Cote said rezoning would be good for the City but his property is up for sale. He stated that Mr. Cote wants the rezoning to sell the lot and get out. He stated that Dubois Café is a family run business with no drinking or partying. If they want to expand they are grandfathered to do this. They do not need to rezone. He stated that two small businesses should not be enough to change the zoning. He stated the neighborhood was commercial in 1988 and no businesses moved in. He stated that if changed to commercial, a bar could go in that property and this will cause long lasting effect on our neighborhood. He stated he has lived here for five years and it is a nice, quiet neighborhood and this would drastically change if commercial businesses move across the street.

Keith Allen of 4 Seasons Lane stated by doing spot zoning, it causes consequences on people living there.

Jason Cote of 8 Radio Circle stated Dan Cote was his father-in-law. He stated that rezoning this to commercial will not increase traffic. He stated that he also helped put up the fences at the Goyette property for safety reasons because of children playing and also to prevent liability.

Ann Marie Caron of 14 Allen Street stated she has been here since 1960 and has seen a lot of changes. She stated there are many properties on Sabattus Street that are zoned for commercial use. She stated that if the Cote's property is rezoned to commercial and they sell, this would not be beneficial for the neighborhood. She stated Dubois Café has a small parking lot but a busy one. She stated that their space does not need to be extended and that the neighborhood should stay the way it is.

Ann St. Pierre of 24 Garcelon Street stated that this would not just affect Atwood Street but also affect Garcelon Street. She stated there are many children that play on these streets and trucks cannot stop on a dime. She stated she does not want more trucks and was very concerned.

Dan Beaulieu of 469 Old Greene Road stated that the 100 ft. off Sabattus Street is not acceptable. They need more property zoned commercial. He stated the resident's concerns are legitimate but the City needs to grow. Small business is important to the future and would make people's lives better. He stated this would not impact traffic and they should be empathetic to the business owners. They should encourage staff and Planning Board to approve this.

Pat Moncressey of 35 Turgeon Street stated he was not happy about the rezone and does not want more trucks to come down the street. He would like it to be kept residential.

Steve Morgan stated that the Cote's are not selling their business, only the property. He stated they have trouble getting FedEx and UPS trucks in and out. He stated if the property was zoned commercial, it would make it easier

for other businesses to move there. He stated that if a McDonald's or a bar wanted to move in, they would have to come before the Planning Board to see if they are zoned for that area.

Jason Cote stated he read the Eaton Traffic Study stating trucks can make it on the turns on Atwood.

Dan Goyette stated that he is a licensed professional engineer and tractor trailer trucks could not make the turn onto Garcelon Street or Atwood Street.

Ann St. Pierre stated that small trailer trucks come down the road and if it is rezoned, any trailer can go down Atwood and Garcelon Streets.

Roland LaChance stated there is a huge traffic problem from Sabattus Street cutting through the neighborhood.

Lucy closed the discussion to the public.

Denis asked if the back half of the area gets rezoned to HB, can we have restrictions and Gil stated it is straight rezoning now. Gil stated that staff is not in favor of rezoning two properties. Denis stated if you turn left on Atwood Street is there any way to restrict certain vehicles to take the left on Garcelon Street. David stated roads would have to be posted.

Eric asked how 906 Sabattus Street was split into two different zones and Gil stated at that time, zoning lines were drawn through the property.

Paul stated that reading the reports is not enough. The Board should physically see the neighborhood. David stated a site visit would have to be scheduled. Paul stated that this is a big concern for people and a rezoning could set a precedent over issues like this.

Bruce stated he agreed with staff that the entire road needs to be rezoned or nothing at all. Denis also agreed. Lucy stated she does not like spot zoning and agreed with the whole area being rezoned. Michael agreed about entire area being rezoned but make sure there are restrictions. Eric stated he did not like spot zoning but also did not agree with the entire street being rezoned commercial.

Bruce asked David to show him what was zoned on the map and David explained each property on Atwood Street. Bruce asked what would happen if zoning was changed to HB and David stated single family and multi-family homes would be non-conforming.

The following motion was made:

MOTION: by **Denis Fortier** pursuant to Article VII, Section 4(c) and Article XVII, Section 5(b) of the Zoning and Land Use Code of the City of Lewiston to send a favorable recommendation for the City Council's consideration a petition submitted by Daniel and

Brenda Cote and Arlene and Gary Dubois to rezone 21 Atwood Street and the rear portion of 906 Sabattus Street from the Neighborhood Conservation "A" (NCA) District to Highway Business (HB), subject to any concerns raised by the Planning Board or staff. Second by **Paul Robinson**.

VOTED: 0-7 (Failed)

The following motion was made:

MOTION: by **Bruce Damon** to go back and discuss Item III – Planning Board Rules and Procedures. Second by **Denis Fortier**.

VOTED: 7-0 (Passed)

III. ADOPTION OF PLANNING BOARD RULES AND PROCEDURES:

The Committee agreed that the language on Page 3 should be eliminated.

The following motion was made:

MOTION: by **Denis Fortier** to eliminate the added language to Page 3, Paragraph 2 "Otherwise, an associate member may not participate or vote in any matter except as provided herein. Once an associate member serves in the place of a regular member on a particular application or matter, the associate member shall continue to hear and act on this matter until the Board action is completed." Second by **Bruce Damon**.

VOTED: 6-1 (Passed)

The Committee agreed that the new language added on Page 12, Section 8. should be left in. The following motion was made:

MOTION: by **Denis Fortier** to delete the new language on Page 12, Section 8 "Applicant's Right to Due Process. Second by **Paul Robinson**.

VOTED: 7-1 (Passed)

The following motion was made:

MOTION: by **Bruce Damon** that the Planning Board adopt the Lewiston Planning Board Rules and Procedures as presented. Second by **Eric Potvin**.

VOTED: 7-0 (Passed)

- b. Recommendation to City Council regarding the Lewiston Capital Improvement Program for fiscal year 2012.

City Administrator, Ed Barrett summarized the Lewiston Capital Improvement Program for the fiscal year 2012.

Lucy asked on Page 44, why is \$65,000 being put towards Christmas lights and Ed stated that it is not just for Christmas lighting and that the street wiring on Lisbon Street is in bad shape and needs to be replaced before it goes completely. Lucy asked about the Lewiston Auburn 911 on Page 58. She asked if the new system will be compatible and Ed stated they are trying to be more consistent with other municipalities.

All Board members agreed that the LCIP was done well.

The following motion was made:

MOTION: by **Denis Fortier** pursuant to Article VII, Section 4(e) of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration the adoption of the FY2012 Lewiston Capital Improvement Program, subject to any concerns raised by the Planning Board or staff. Second by **Paul Robinson**.

MOTION: An amendment to the motion was made by **Bruce Damon** to request that the Lewiston School Department participate in the LCIP process. Second by **Michael Marcotte**.

VOTED: 7-0 (Passed)

VII. OTHER BUSINESS:

- a. Planning Board representation on the Downtown Neighborhood Committee.

Kevin Morrisette volunteered to represent the Planning Board and serve on the Downtown Neighborhood Committee and Lucy Bisson volunteered to serve on the Committee as a resident outside of the downtown area.

- b. Planning Board representation on the Riverfront Masterplan RFP Selection Committee.

Paul Robinson volunteered to serve on the Riverfront Masterplan RFP Selection Committee.

- c. Discussion regarding winter parking ban and parking standards: workshop date.

David stated a workshop meeting will be held on January 24, 2011 to discuss winter parking ban and parking standards. He stated that Hope Haven's conditional rezoning will also be discussed at this workshop.

- d. Discussion regarding joint PB/CC workshop on January 25, 2011: methadone clinic.
- e. Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board.

VIII. UNFINISHED BUSINESS:

- a. Discussion of YPLAA Survey.

- b. Zoning and Land Use Updates/Matrix: discuss proposed open space revisions, consolidation of the SR District, and adoption of the matrix (recommendation to table the matter to future date)

IX. READING OF MINUTES:

The following motion was made:

MOTION: by **Denis Fortier** to accept the November 8, 2010 minutes as presented. Second by **Lucy Bisson**.

VOTED: **7-0 (Passed)**

The following motion was made:

MOTION: by **Denis Fortier** to accept the November 22, 2010 minutes as presented. Second by **Bruce Damon**.

VOTED: **7-0 (Passed)**

The following motion was made:

MOTION: by **Denis Fortier** to accept the December 13, 2010 minutes as presented. Second by **Bruce Damon**.

VOTED: **7-0 (Passed)**

X. ADJOURNMENT: The following motion was made to adjourn.

MOTION: by **Denis Fortier** that this meeting adjourns at 8:15 p.m. Second by **Paul Robinson**.

VOTED: **7-0 (Passed).**

The next regularly scheduled meeting is for Monday, January 24, 2011 at 5:30 p.m.

Respectfully Submitted:

Denis E. Fortier, Secretary