

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for January 9, 2001 - Page 1 of 7**

- I. ROLL CALL:** This meeting was held in the City Council Chambers, was called to order at 7:10 p.m., and was chaired by Dennis Mason
- **Members In Attendance:** Mark Paradis, Lewis Zidle, Dennis Mason, Rob Robbins, John Cole, Muriel Minkowsky, and newest Planning Board Member Roger Lachapelle.
 - **Staff Present:** Gil Arsenault, Deputy Development Director; James Lysen, Planning Director; James Andrews, Community Development Director; James Fortune, Planning Coordinator; and Doreen Asselin, Administrative Secretary.
- II. ELECTION OF OFFICERS:** The following actions were made in regards to the Election of Officers to the Planning Board FY2001.

Chairman:

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

VOTED: 5-0-1 (Mason).

Vice Chairman:

MOTION: by **Mark Paradis**, seconded by **Rob Robbins** to nominate John Cole as the Planning Board Vice Chairman.

VOTED: 5-0-1 (Cole).

Lewis Zidle arrived at 7:20 p.m.

Secretary:

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

VOTED: 6-0-1 (Paradis).

- III. READING OF THE MINUTES:** *Draft of the Minutes from the December 19, 2000 Planning Board Meeting.*

The following changes were made to the minutes:

- On Page No. 1, Item II. Reading of the Minutes, the change made on Page No. 5, Item C, shall be changed from "*utilities*", to read, "*utility pole*". Also on Page No. 1, the first motion, change seconded by "*Mark Paradis*" to read, "*Muriel Minkowsky*", since Mark Paradis was absent from this meeting.
- On Page No. 4, second paragraph, first line, delete the "*s*" from the word issues to read, "*issue*". Also on Page No. 4, last paragraph, first line, delete the word, "*of*" and replace it with the word, "*off*".
- On Page No. 5, last paragraph, first sentence delete "*314*" and replace it with "*413*". This was a transposition.
- On Page No. 6, first paragraph, second sentence, delete the words, "*then be dead land*" and replace those words with the words, "*not produce any taxes*".

After the above changes, the following motion was made.

MOTION: by **Muriel Minkowsky**, seconded by **John Cole** to accept the Planning Board Minutes dated December 19, 2000, as amended.

VOTED: 5-0-2 (Paradis/Lachapelle).

- IV. CORRESPONDENCE:** The following items were included in the Planning Board packets: A. A letter from the Planning Board Chairman and Vice-Chairman to the City Council concerning Planning Board review of property acquisitions and dispositions by the City and B. A letter from the Planning Board Chairman to the Mayor concerning Planning Board appointments, with respect to upcoming vacancies on the Board, and concerning the status of student representatives on the Planning Board.

The following items of correspondence were distributed at this meeting: A. A letter from John A. Raymond of CarQuest Auto Parts dated January 8, 2001 in regards to the discontinuation of Cross Street; B. An Ordinance Pertaining to Definitions in the City of Lewiston Zoning and Land Use Code, Appendix A, Zoning and Land Use Code, Article VII. Planning Board; C. Procedures for the Sale or Acquisition of Land; and D. A memorandum from Lincoln Jeffers, Economic Development Specialist from the City of Lewiston dated January 5, 2001 in regards to the Municipal Disposition of the Bus Terminal Property.

MOTION: by **Rob Robbins**, seconded by **John Cole** that the Planning Board moves to accept this correspondence, place it on file, and that it be read later on at the appropriate time.

VOTED: 7-0.

Out of sequence to the agenda, Item Nos. 1 and 2 under Section VII. Other Business, A. New Business, as requested by Planning Board Chairman Dennis Mason will be moved and heard after the two (2) Final Hearings.

V. FINAL HEARINGS:

A. Final Hearing concerning a proposed amendment to the River Road Industrial Condominiums Subdivision. The reading of the memorandum prepared by James Fortune dated January 2, 2001 was waived.

At the November 28, 2000 Planning Board meeting, the Planning Board conducted a pre-application hearing and made a determination concerning the proposed amendment to the River Road Industrial Condominiums Subdivision.

Arthur Montana of A.R.C.C. Land Surveyors, Inc. was present on behalf of H.E. Sargent, Inc. and did a very brief presentation. He showed this subdivision to the Planning Board Members on a plan that he presented at this meeting.

In summary, the proposal is to divide the remaining land owned by H.E. Sargent and create two (2) new lots in the subdivision. The purpose is to permit H.E. Sargent, Inc. to sell Unit No. 9 to Pike Industries, Inc., which it will continue to use to stockpile aggregate construction and fill material. H.E. Sargent, Inc. would retain ownership of Unit No. 8, which will continue to be used for limited storage with a temporary field office trailer.

Included in the Planning Board packets was a revised plan that reflects the requested changes made at the November 28, 2000 Planning Board Meeting. Items 1 and 2 reflect the non-contiguous ownership of these "lots" or "units" and that the owners wish to keep them separate. The Planning

Board allowed for irregular-shaped lots and reduced yard and building setbacks. Items 3, 4, 5, and 8 are shown on the plan as the field office trailer on Unit #8 as being a permanent structure, the shoreland zoning regulations, Note #17 concerning the Maine Turnpike Authority R.O.W. has been placed on this plan, and that a signed copy of the recorded Association Agreement has been submitted (included in the Planning Board packets along with the revised plan).

The Public Works, Police, and Fire Departments had no concerns with this proposed amendment.

James Lysen commented that this is an unusual subdivision. He stated that code amendments were created to allow for reduced setbacks, etc. This is a condominium form of subdivision. There, being no public input at this meeting, the following motion was then made.

MOTION: by **Rob Robbins**, seconded by **Muriel Minkowsky** that the Planning Board grants final approval to the proposed amendment to the River Road Industrial Condominiums Subdivision, 145 River Road, based on comments from City Staff, as presented.

VOTED: 7-0.

B. A Final Hearing concerning a minor amendment to the Bates Mill Commercial Subdivision, including the proposed abandonment of Cross Street. James Fortune read the memorandum that he prepared and was dated January 3, 2001. In summary, this subdivision was previously approved by the Planning Board in September 1999. The proposed amendments include a revision to Lot No. 3 to reflect the discontinuance of portions of Cross Street and portions of Hines Alley; the addition of a contiguous lot that was purchased by the City (formerly CarQuest Auto Parts); and the addition of an easement on Mill Street and Lot No. 1 for Lot No. 2. Normally, when a street or public right-of-way is discontinued, the property boundaries revert to the centerline of the R.O.W. The current amendment and related street discontinuance assumes that the other abutting property owner, Florida Power and Light (FPL) will not be acquiring ownership of any of the right-of-way property.

Present at this meeting was Steve Myers of Platz Associates representing both the City of Lewiston and the Lewiston Mill Redevelopment Corporation (LMRC). Steve Myers showed the Planning Board Members the plan that was previously approved in 1999. There were negotiations made with CarQuest Auto Parts. The City has bought that building and wishes to make this part of Lot No. 3, therefore, requesting the discontinuance of Cross Street. There are two (2) easements: 1. Handicap stairs into the mill and 2. the back side of Peoples Heritage Bank.

John Cole referenced the correspondence listed earlier and distributed at this meeting in reference to CarQuest Auto Parts. He stated that the discontinuance is only on the easterly side.

There, being no public present, the following motion was made.

MOTION: by **John Cole**, seconded by **Rob Robbins**, that the application concerning a minor amendment to the Bates Mill Commercial Subdivision, including the proposed abandonment of Cross Street, meets all the approval criteria and standards in Article XIII, Sections 4 and 5 and that final approval is granted, subject to the discontinuance which does not include: 1. that portions of Cross Street from Lincoln Street to Oxford Street and 2. that the Florida Power and Light (FPL) waives the right to claim a portion of the discontinued Cross Street as their property.

VOTED: 7-0.

Out of sequence to the agenda and as stated above, the following items were presented:

VII. OTHER BUSINESS:

A. New Business:

1. *Community Development Block Grant (CDBG) Program: Annual review and approval of the Citizen Participation Plan and Planning Process.*

This item was presented by James Andrews, Community Development Director from the City of Lewiston. Jim Andrews stated that the same process, as done in the past, will be going forward again this year. Code Enforcement funds will be included. Jim Andrews stated that this process needs to be noticed and that he would like to take this to the City Council at their next meeting scheduled for next week on Tuesday, January 16, 2001.

At this point in his conversation, Jim Andrews also stated that he needs two (2) Sub-committee Members from the Planning Board and would like them to be assigned tonight. He went on to say that the social service agencies have received their material. He wants their requests back by the end of January 2001. There will be two (2) public meetings held. The Planning Board Members will need to go to approximately four (4) meetings. Rob Robbins stated that he was on this Sub-committee last year. Muriel Minkowsky volunteered. Dennis Mason said that he could be on this Sub-committee as long as it could work around his schedule.

Jim Andrews stated that there is no legal problem with how the City allocates the funds to social service agencies, 15 percent of the grant for the year, plus program income, approximately \$200,000 per year, is allowed.

The public audience available at this meeting on this subject included Estelle Rubenstein from Androscoggin Head Start, Joel Packer from Pathways, Inc., and former Planning Board Member Denis Theriault.

Estelle Rubenstein commented that \$100 million is brought in services to the City from these social service agencies. They need this funding.

Joel Parker commented that the CDBG Program came about because of social service agency needs.

Denis Theriault commented that social services provide a safety net for the City. These services are irreplaceable.

Again, Jim Andrews reiterated what he had said previously and that was that there is nothing illegal on allocating these funds and that the City can fund social services agencies. Since there were no further comments, questions, or concerns from the public, this item was brought back to the Planning Board and the following motion was made.

MOTION: by **Roger Lachapelle**, seconded by **Rob Robbins** to send a favorable recommendation to the City Council on the proposed FY2002 Community Development Block Grant (CDBG) Citizen Participation Plan and Planning Process Schedule.

VOTED: 7-0.

After this motion, both Dennis Mason and Muriel Minkowsky were officially designated as members to the CDBG Sub-committee.

2. *Update and FYI concerning recent housing initiatives in the City.* Again, this item was presented by James Andrews, Community Development Director from the City of Lewiston. Jim Andrews said that the overall goal is to try to change the face of the downtown, as to the interpretation from citizens outside of Lewiston. He is trying to work with the housing authority.

An update to some of the downtown issues relating to housing initiatives include:

- \$250,000 has been dedicated from Jim Cassidy, CEO at St. Mary's, who is also working with Community Concepts, Inc. on the Maple/Blake Street area for housing initiatives. There are 12-20 units involved.
- Coastal Enterprises, Inc. (CEI) are trying to get people who work in the community to live in the community. They are looking to renovate buildings in the downtown. This is employer-assisted housing. There is a need for both mixed-income and mixed use to make real neighborhoods.
- Frye School - This consists of 27 units of elderly housing - working with SeniorsPlus. This project is currently underway. The funding is there. Interior demolition has already started.
- Hope Haven is proposing a \$5 million project. This is a homeless shelter with other services. The City is working with them.

In reference to the Housing Planning Study for November 2000, Jim Andrews stated that he has been given the go-ahead to fund this study with UDAG money.

James Lysen stated that the major focus is owner-occupied housing in the downtown and how important it is to work, live, and contribute to your community. As to employer-assisted housing, this could relate to an employer-required 15-minute or less commute to work. There is definitely a need for affordable housing. Coastal Enterprises, Inc. is committed to help fund the housing grant.

There were no questions from the Planning Board. No action was necessary on this item. This item was brought to the Planning Board as an update and for information concerning recent housing initiatives in the City of Lewiston.

The following remaining items were then presented in sequence to the agenda.

Before Item VI. Review of Planning Board Rules and Procedures, Item A. was presented John Cole stated, that in his research, he did not find anything in the state statutes with respect to acquisition and disposition. He then excused himself from the Planning Board Meeting at 8:04 p.m.

VI. REVIEW OF PLANNING BOARD RULES AND PROCEDURES:

A. Annual review of and possible amendments to Planning Board Rules and Procedures, and make a recommendation to the City Council where appropriate.

Included in this discussion is the article distributed to the Planning Board Members at this meeting, which is listed in these minutes under the Item IV. Correspondence.

Denis Theriault mentioned the framework of minutes and minutes, in the past, not being available or taken at workshops. He stated that he thought that minutes should be taken if there are four (4) Planning Board Members present whether it is a workshop or a meeting. If there is a quorum, minutes should be recorded.

James Lysen suggested that in the Member's Handbook on Page No. 9, Item G to just add the wording, "including workshops".

Some of the comments made by Planning Board Members include: 1. Rob Robbins felt and suggested that City Attorney Robert Hark should look at this issue. 2. Mark Paradis felt that this was a good idea for minutes to be taken at workshops.

Gil Arsenault said that it depends on the situation and does not feel that it should be in the form of minutes.

At this point in the meeting, James Lysen said that the City must keep video/cassettes five (5) years at a minimum and that the workshops are open to the public.

The following was discussed as an adjustment to the agenda and amendment to the Planning Board Rules and Procedures. This item is covered in the Member's Handbook on Page No. 8 as Item E. This is in relation to the Reading of the Minutes of Previous Meetings. It was suggested and decided that this item shall be placed at the end of the agenda after the Other Business items. There is no need to the public to wait. James Lysen said that there is a right to clarify the minutes if the minutes are subsequent to an action. The following motion was made.

MOTION: by **Mark Paradis**, seconded by **Muriel Minkowsky** to incorporate and amend the Planning Board Rules and Procedures regarding the taking of minutes to include workshops and the placement of the Reading of the Minutes at the end of the agenda.

VOTED: 6-1 (Robbins).

B. Discussion concerning Planning Board responsibilities associated with providing recommendations on the acquisitions and dispositions of real estate by the City of Lewiston. Included in this discussion are the articles distributed to the Planning Board Members at this meeting, which are listed in these minutes under the Item IV. Correspondence. This item was brought to the Planning Board in regards to procedures for the sale or acquisition of land, except through tax lien foreclosures.

The 6-month review was mentioned, as brought up at a previous Planning Board Meeting in an action made by Planning Board Member John Cole. The code would need to be amended to change this.

Dennis Mason stated that this procedure is cumbersome and that this process should be streamlined.

James Lysen felt that this process should be streamlined. He questioned, "Should there be a different process for smaller properties?" Often a purchase or sale comes from an outside request.

Dennis Mason said that he had issues with the City acquiring property and then giving it away.

Gil Arsenault said that there are several options.

Rob Robbins commented that the Planning Board has an important role to play in planning and development perspectives. He then said, "What is the scope of our review? - It is planning!"

At this point in the conversation, James Lysen referenced one (1) of the articles included in Item No. IV. Correspondence. This item pertains to the Department of Human Services. He stated that this item was presented to the Planning Board for information only and as an update, since this property will be eventually coming through the Planning Board process. This correspondence was in regards to the municipal disposition of the bus terminal property. The Planning Board's role shall be to review and make a recommendation to the City Council with regard to acquisition, except through tax lien foreclosure, and disposition of all public ways, lands, buildings, and other municipal facilities. He stated that this is the model that the City would like to continue.

James Lysen said that the City needs to get out of real estate business. The Planning Board acts as a buffer to the City Council and it is important for getting public input.

Dennis Mason commented that a decision needs to be made sooner or later.

Mark Paradis felt that the process should be left as it now is.

Rob Robbins said that all the Planning Board does is to make a recommendation to the City Council. The Planning Board is not an elected board, the City Council is. Rob Robbins also said that the Planning Board needs to deal with planning and land use issues, not financial. The Planning Board is a recommending body only.

Denis Theriault said that the Planning Board wears many hats - CDBG, LCIP, etc. The powers and duties are specific. The Planning Board is not elected, but are appointed. He then

questioned, "Why is everyone trying to eliminate the Planning Board from the process. He then said that he felt that the Planning Board Staff does not support the Planning Board. He then commented, "Where are Harry Milliken's changes to compare?"

Mark Paradis then suggested to leave it at the six- (6-) month period. At the end of the six (6) months, look at the changes. Leave well enough alone!

James Lysen said that this will not come before the City Council before February/March 201.

Dennis Mason said that the actions have been made, with no supporting information.

Rob Robbins agreed that information should be included or that the action should include any supporting information to be conveyed.

Dennis Mason said that the Planning Board is a better review agency than the Land Committee because of public input.

Denis Theriault commented that the Planning Board can form rules and procedures. He feels that the law has been deliberately broken. He then questioned, "What is this Board?" He commented that Staff is playing the Council game.

Dennis Mason then questioned the Planning Board. Do we want to come back in the three (3) months left for review?

It was decided to come up with a resolution for a future meeting. It was suggested to get a couple of Planning Board Members, Gil Arsenault, and James Lysen together to discuss this item and bring it back in the form of a workshop before the regular meeting. This can begin or end on the same night. A resolution needs to be written as to the outcome. The Planning Board would like to maintain a role in the process.

Denis Theriault suggested inviting former City Councilor Peter Grenier and former Planning Board Chairman Harry Milliken to this workshop and to also photocopy articles written in the paper in reference to this item.

It was then decided that in order to get this information from Harry Milliken and to basically get information together, to schedule a workshop on the February 13, 2001 Planning Board Meeting. This workshop shall be placed on the agenda. Time is needed for information. It was also suggested to give Phil Nadeau an informal response.

3. *Update concerning the Lowell Square area.* This item was presented and updated by James Lysen. He stated that the "*Lowell Square Design Charette*" was a success. This area includes the Department of Human Services, L.L. Bean, and Knapp Shoe. This is a mixed-use area. Items discussed were the connection of projects, streetscape plans, and revitalization of the area. The Planning Board will get a presentation of the plan. The Charette process is to try to set a theme for this area and to create designs, based on that theme.

In closing, it was suggested to track the Charter language pertaining to the words, "shall" and "may". It was suggested to be careful about tracking the language. Denis Theriault said that this is a housekeeping issue, not a new philosophy. Both James Lysen and Gil Arsenault will craft something and give this to Rob Robbins to review.

B. *Old Business:* None.

VIII. *ADJOURNMENT:* This meeting adjourned at 9:30 p.m.

Respectfully submitted,

Mark Paradis, Secretary

DMA:dma\C:MyDocuments\Planbrd\Minutes\PB010901MIN.wpd

