

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for May 14, 2002 - Page 1 of 5**

- I. ROLL CALL:** This meeting was held in the City Council Chambers of Lewiston City Hall, was called to order at 7:04 p.m., and was chaired by Dennis Mason.
- **Members in Attendance:** Dennis Mason, John Cole, Roger Lachapelle, Rob Robbins, and Jeffrey Gosselin.
 - **Staff Present:** Lincoln Jeffers, Business Development Manager; James Lysen, Planning Director, David Sanborn, Planning Coordinator; and Doreen Christ, Administrative Secretary-Planning Division
 - **Others Present:** Chris Branch, Director of the Lewiston Public Works Department.
 - **Members Absent:** Kristine Kimball and Robert Connors.
 - **Student Members Absent:** Ethan Chittim and Jen Robustelli.

II. ADJUSTMENTS TO THE AGENDA: To move Item V. Other Business, A. City Acquisition of property for Public Works Operation Center before Item IV. Final Hearing, A. Final Hearing on an application for the proposed Public Works Operations Center located at 195-261 River Road.

V. OTHER BUSINESS:

a. City Acquisition of property for Public Works Operation Center. The reading of the memorandum was waived. This item was brought to the Board on the purchase of properties. There were no questions from the Board and no discussion from the public. The following motion was made.

MOTION: *by John Cole, seconded by Jeffrey Gosselin that the Planning Board send a favorable recommendation to the City Council to purchase the properties referenced by Chris Branch's memorandum dated April 23, 2002 for the Public Works Department Operation Center:*

1. 195 River Road (Lucille T. Chasse to the South Park Development Corporation);
2. 229 River Road (Dorilda Bouchard); and
3. 233 River Road (Dolard Gendron).

VOTED: 5-0.

III. CORRESPONDENCE: A letter from James Bennett, City Administrator dated May 8, 2002.

IV. FINAL HEARINGS:

B. Final Hearing on an application for the proposed Public Works Operations Center located at 195-261 River Road. Chris Branch said that the only additional information was a waiver from the DEP for the salt/sand shed in their request for the location to be shown on the Site Plan. Other approvals pending from the DEP are the Site Location and NRPA.

Mike Gotto was present at this meeting. Also, both Cheryl and Dorilda Bouchard of 229 River Road were present. Mike Gotto showed the location of the Bouchard's home and the operations center. Mike Gotto did state, however, that there is a Purchase & Sale option available to purchase Mrs. Bouchard's property. As long as the approvals go forward, the City will go forward with the purchase. The acquisition of the above properties will go before the City Council at the May 21, 2002 City Council Meeting. John Cole made reference to Staff Memorandum dated May 7, 2002 in regards to the application being subject to the Shoreland Area Performance Standards of Article XII, Section 2 of the Zoning and Land Use Code. John Cole wanted to know if these standards had been addressed and satisfied. James Lysen stated that they have indeed been addressed.

The following motion was made.

MOTION: by **Jeffrey Gosselin**, seconded by **John Cole** that the Planning Board determines that all the necessary criteria under Article XIII, Section 4 of the Zoning and Land Use Code has been met and grants final approval to the Public Works Operations Center, 195-261 River Road, subject to the required M.D.E.P. approvals.

VOTED: 5-0.

Both Jeffrey Gosselin and John Cole recused themselves from the Planning Board on the following item.

B. Final Hearing on an application for the proposed re-alignment of a portion of High Street to provide better access to the Central Maine Healthcare Facility parking garage and CMMC Campus. Reading of the Staff Memorandum was waived. Jan Wiegman, P.E., from Taylor Engineering Associates said that what is being proposed is a re-alignment of a portion of High Street from Main Street beyond the current curve until about 12 High Street. There are two (2) main reasons for this re-alignment, which are: 1. For CMMC to create a primary entrance to the campus and they want to do it in this location and they want to do that by taking this location and making it look like a boulevard and a grander entrance with additional signage and landscape areas at the entranceway. 2. That the parking structure will be the primary parking facility for the hospital complex itself. With this alignment, it will be easier for users to come directly into the parking lot and to leave directly. There will be other accesses to the surface lot. The road has been widened so that on the entrance lane there is a 24 foot wide entrance lane all the way in, there is an eight foot median in between, and then an 24 foot, double lane for left and right turns, which tapers down to a 16-foot lane. Vehicles who want to continue down to the rest of the campus will need to stop and make a left turn at this intersection. There is 21,000 square feet of additional green space so the runoff is being reduced from the site. A preliminary landscaping scheme has been developed for the site and will consist of street trees along either side of High Street. The center island will be planted with lower annuals and perennials. The other green areas will be accented with trees and additional shrubs to create a more prominent entrance. The driveway entrance has been taken out to the parking lot. This should be a smooth area for vehicle flow. This will eliminate cars from cutting across. Tractor trailer trucks for hospital deliveries can maneuver through here. The snow will be moved by the Public Works Department, as it has been currently done. There is a slight reduction in parking. The Right-Of-Way (ROW) and geometrics need to be finalized by the Public Works Department.

Comments made by the Board included Dennis Mason questioning the location of the street lights. Jan Wiegman responded that these are shown on the Site Plan and will be the same as those placed at 12 High Street. Double fixtures will be placed in the center island, the intersection will be lighted from the corners, and then the lighting will continue down High Street. There, being no further questions or comments from the Planning Board or the audience, the following motion was made.

MOTION: by **Roger Lachapelle**, seconded by **Rob Robbins** that the Planning Board grant the modifications and waivers that were requested, find that this application for the realignment of a portion of High Street to provide better access to the Central Maine Healthcare Facility parking garage meets all the necessary approval criteria under Article XIII, Section 4 of the Zoning and Land Use Code, and grants final approval, subject to the applicant getting review and approval from the Public Works Department on the street lighting fixtures, the Right-Of-Way and geometrics, and an agreement with the City Council is executed on the Right-Of-Way.

VOTED: 3-0-2 (Jeffrey Gosselin/John Cole Abstained).

B. Crowley Road Conditional Rezoning recommendation. **Norman Jalbert** and **Kathy Jalbert** were present at this meeting. At the Planning Board Meeting held on April 23, 2002 there was a disapproval recommendation for the overall rezoning. James Lysen referenced City Attorney Robert Hark's letter which states his opinion on this rezoning and is dated May 2, 2002. This item has been brought to the Planning Board for input from the Board to see if the Board is in support of amending the Comprehensive Plan.

Kathy Jalbert asked, "If this gets denied, does it go to City Council and then what happens after that?" James Lysen said that right now the larger rezoning received a disapproval recommendation. Before a Conditional Rezoning is done, according to City Attorney Robert Hark's correspondence, the change needs to be consistent with the Comprehensive Plan. If the City Council chooses to initiate an amendment to the Comprehensive Plan, they need to refer it back to the Planning Board. James Lysen stated that they are trying to keep the process going. Kathy Jalbert said she feels that they are being put on hold and that it has been long enough to do something with this. The Jalbert's are not interested in selling their property to the City. James Lysen said that policy direction leads to planning, securing of funds, and eventually the construction of infrastructure including the transportation network. This was suggested to take place within a 12-18 month period. The following question was asked, "What uses are currently made of the existing or abutting properties?" James Lysen responded that the Carol Rea property is undeveloped. The Jalbert's are proposing to build one (1), single-family home. Mr. Jalbert's family owns a salvage yard next door. There are about a dozen single-family homes on both sides of the road leading to Old Lisbon Road. The trees can be easily removed. There was also an amendment to the tree farm to allow a kennel to breed dogs. The concern in this area is residential growth and how that will impact the area. The impact of one house is very minimal, however, when the next house comes in, how can the Planning Board deny it? Walt Raber would like to build a subdivision. There are some wetland issues and topography.

Dennis Mason said that some of the options by the Planning Board include: 1. To reconsider the decision made at the previous Planning Board Meeting of April 23, 2002; 2. Suggest that a Conditional Rezoning go forward and be consistent with the code pointing out City Attorney Robert Hark's point in regards to Article XVII, Section 5(g), which requires that the change be consistent with the Comprehensive Plan; 3. That, if the Board finds that the code can be changed, to suggest an amendment to the Comprehensive Plan; 4. That a Conditional Rezoning not be initiated; or 5. Draw up a recommendation on what the City should do.

James Lysen then distributed the proposed draft action sheet. James Lysen suggested paying particular attention to Item No. 4. It is time to get people out of limbo. Roger Lachapelle stated that he feels that Planning Staff was not following the motion made at the previous Planning Board Meeting of April 23, 2002. Roger Lachapelle mentioned that Staff was to work with Norm Jalbert to draw up an agreement. However, an acceptable agreement could not be developed. The rezoning needs to be in conformance with the Comprehensive Plan. A Conditional Rezoning could be initiated for the May 28, 2002 Planning Board Meeting. James Lysen stated that the large undeveloped land is accessible to future transportation. We do not want possible industrial/commercial development in this area to be negatively impacted by residential development.

John Cole mentioned that this area was carefully identified in 1988 and that it does not make sense to proceed any further. John Cole stated that in the 12-18 month period he would urge the Jalbert's to come back if nothing has happened and that a Conditional Rezoning proposal could be considered. John Cole stated that he has no problem with the language presented. John Cole then read the action distributed at this meeting.

MOTION: *by John Cole, seconded by Jeffrey Gosselin that the Planning Board send the following recommendation to the City Council regarding the proposed Crowley Road Conditional Rezoning:*

1. *That the Planning Board reiterates its disapproval recommendation concerning the rezoning proposal initiated by Norman Jalbert and subject to a Public Hearing before the Planning Board on April 23, 2002;*
2. *That the Planning Board concurs with the recommendation of City Attorney Robert S. Hark, contained in his letter dated May 2, 2002, that any residential rezoning in this area would require an amendment to the Comprehensive Plan;*
3. *That the Planning Board does not support an amendment to the Comprehensive Plan to allow new residential growth in this area because it would limit commercial/industrial development potential; and*

4. *That the City work expeditiously within the next 12-18 months to create clear policy direction for future commercial/industrial development in the City that includes the planning and commitment of funding to construct the necessary infrastructure (i.e. water, sewer, transportation network) to support the development of areas set aside by the City's Comprehensive Plan and Zoning and Land Use Code for future manufacturing, service, and office uses.*

VOTED: 3-2-0 (Robbins/Lachapelle Opposed).

Rob Robbins was opposed to this motion, since he feels the Planning Board is directing the City Council to take on an action and feels it is not within their province. James Lysen then asked if Item No. 4 above was removed, if they would reconsider the action. The following motion was made to reconsider the above vote.

MOTION: *by John Cole, seconded by Jeffrey Gosselin to reconsider the vote.*

VOTED: 5-0.

Rob Robbins continued by saying that any Conditional Rezoning would need to be consistent with the City Comprehensive Plan. Rob Robbins said that he is not absolutely certain that there could not be an amendment made to the Comprehensive Plan. Rob Robbins stated that if Item No. 4 was removed that he would be able to vote. Roger Lachapelle stated that he does not have a strong feeling one way or another. The following motion was made to remove Item No. 4.

MOTION: *by John Cole, seconded by Jeffrey Gosselin to adopt the first motion made with the removal of Item No 4.*

VOTED: 5-0.

Jeffrey Gosselin said that Item No. 4 is not outside the realm of the Planning Board's direction or jurisdiction. This is just a simple message. John Cole stated that this is just a message to the City Council of how to prioritize. John Cole said that this area is not an area that will be targeted for this type of development and the desire for the Jalbert's to build their home. John Cole said that obviously there are certain areas of the Comprehensive Plan that need to be examined. Rob Robbins said that the Planning Board is making a decision that is consistent with the Comprehensive Plan, anticipate the future industrial/commercial development in that area, and leave it up to the City or City Council to determine whether or not it should be moved forward in that direction. The following motion was made for Item No. 4 to be a separate motion and was re-phrased (amended) by John Cole.

MOTION: *by John Cole, seconded by Roger Lachapelle to rephrase (amend) Item No. 4 to read, "That the City work within a reasonable period of time to create clear policy direction for future commercial/industrial development in the City particularly with reference to supporting the development of areas set aside by the City's Comprehensive Plan and Zoning and Land Use Code for future manufacturing, service, and office uses."*

VOTED: 5-0.

C. Discussion concerning upcoming Planning Board Workshop to be conducted by Maine Municipal Association (June 11, 2002 - 6:00 p.m.). James Lysen stated that this item was also brought to the Planning Board for input from the Board. James Lysen made reference Item III. Correspondence, which is the correspondence from new City Administrator James Bennett. Invitations were also sent to other Boards.

On June 11, 2002 a light meal is planned for 5:30 p.m., with a 1-1/2 hour workshop following at 6:00 p.m., and the regular meeting at 7:30 p.m. This will be opened up to other City Boards. Roger Lachapelle asked, "What is the vision for this community?" The Comprehensive Plan received a major overhaul in 1997. Zoning changes were made. It was suggested to get a handle on trends set in re-zonings. In 2000 the Downtown Master Plan was adopted. John Cole stated that 2-3 Planning Board Members have a historical background on the process. It was suggested to have a workshop, which is open to the public. Roger Lachapelle commented that this would be a good orientation for a new Planning Board Member. It was mentioned that a plan needs to be adopted for where the City wants to go.

Jeff Gosselin agreed that a working session is needed. John Cole referenced abstaining from voting due to a conflict of interest - people are very sensible to. The Board should be made aware of this. It was mentioned that there is support of an associate membership of the Planning Board. The Planning Board was luke-warm with the idea. The Charter could be changed to include two (2) alternate members, who are non-voting. These alternate members would receive packets. They would also be asked to attend these meetings. The goal is to have seven (7) people at the meetings to vote.

VI. READING OF THE MINUTES: *Reading of the minutes from the April 9, 2002 and April 23, 2002 Planning Board Meetings.* The following motion was made.

MOTION: by **John Cole**, seconded by **Rob Robbins** to approve the Planning Board Minutes for both the April 9, 2002 and April 23, 2002 Planning Board Meetings, as submitted.

VOTED: 3-0-2 (*Lachapelle/Gosselin Abstained*) - April 9, 2002.
3-0-2 (*Cole/Robbins Abstained*) - April 23, 2002.

VII. ADJOURNMENT: This meeting adjourned at 8:55 p.m.

Respectfully submitted,

Dennis R. Mason
Planning Board Chairman

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