

**CITY OF LEWISTON  
PLANNING BOARD MEETING  
MINUTES for October 6, 2003 - Page 1 of 3**

**I. ROLL CALL:** This meeting was held in the City Council Chambers, was called to order at 7:03 p.m., and was chaired by John Cole.

- **Members in Attendance:** John Cole, Rob Robbins, Roger Lachapelle, Jeffrey Gosselin, Lucy Bisson, John Racine, William Horn, and Tom Truchon.

- **Staff Present:** Gil Arsenault, Director - Planning & Code Enforcement; Lincoln Jeffers, Deputy Director - Economic & Community Development; David Hediger, City Planner; and Doreen Christ, Administrative Secretary - Planning & Code Enforcement.

- **Student Member Absent:** Wade Morgan.

**II. ADJUSTMENTS TO THE AGENDA:** None.

**III. CORRESPONDENCE:** None.

The following item was distributed at this meeting: A Draft of the Ordinance Pertaining to the Definitions of Child Care Facilities dated September 29, 2003. This item should have been included in the packets and is, therefore, not being treated as a Correspondence item, but will be heard at the appropriate time during this meeting.

**IV. HEARINGS:**

**A. A proposal to repeal Appendix A, Zoning and Land Use Code, Article XII, Section 15, Rural Access Standards.** Briefly, this item has been brought to the Planning Board for review after being initiated by the City Council, at the request of property owner/developer Roger Richard, to repeal Appendix A, Zoning and Land Use Code, Article XII, Section 15, Rural Access Standards. This would allow greater flexibility for residential development and help to discourage sprawl.

At the request of Lewiston citizen, Roger Richard, the following motion was made to table this item due to his representative, Leo Larochelle, not being present.

**MOTION:** by *Jeffrey Gosselin*, seconded by *Robert Robbins* that the Planning Board table this item until the next regularly scheduled Planning Board Meeting of October 20, 2003.

**VOTED:** 7-0.

**B. A proposal to amend Appendix A, Zoning and Land Use Code, Article VI, Section 2, to allow the transfer of certain lots contiguous with non-conforming developed lots.** David Hediger read his memorandum dated October 2, 2003. A petition has been submitted by Pauline Cote of 34 Louise Avenue, who is requesting an amendment to Article VI, Section 2 to allow the transfer of certain lots contiguous with non-conforming developed lots. Pauline Cote is interested in selling the parcel located at 37 Olive Street, separately from 34 Louise Avenue. This proposed amendment would allow an unimproved parcel that has frontage on a parallel opposing street from a contiguous non-conforming developed parcel held in the same ownership and would provide Pauline Cote the ability to sell the parcel at 37 Olive Avenue as a separate parcel.

Both *Mr. & Mrs. Cote* were present at this meeting.

*Pauline Cote* stated that they currently own a two- (2-) family dwelling on a 50' x 100' lot. They reside at 34 Louise Avenue. The two- (2-) family was built in the 1960's. They also own an abutting 100' x 100' parcel with frontage at 37 Olive Avenue. She stated that the lot located at 37 Olive Avenue does not flow well with their property, however, it is a nice lot for a single-family home. They are interested in selling the parcel at 37 Olive Avenue. The lot at 37 Olive Avenue is not in conformance.

Both of these properties are located in the Neighborhood Conservation "A" (NCA) District.

Jeffrey Gosselin asked if this prevents them from doing anything on their lot? Gil Arsenault responded and stated that with the proposal to amend Appendix A of the Zoning and Land Use Code, Article VI, Section 2, the Cote's would be able to do anything that they wanted to do.

John Cole stated that he would like the language to be changed. He asked, "Should the word, *opposing* be omitted?" He suggested having the language changed to read instead of "on a parallel "opposing" street to, "parallel or nearly parallel street". He said he felt the word, "opposing" is confusing.

Staff is in support of this amendment.

The following motion was made.

**MOTION:** by **Jeffrey Gosselin**, seconded by **Roger Lachapelle** that the Planning Board approve and send a favorable recommendation to the City Council to amend Appendix A of the Zoning and Land Use Code, Article VI, Section 2, Non-Conforming Lots, subject to the proposed language change as follows: To replace the word “opposed” with the following words, “nearly parallel”.

**VOTED:** 7-0.

**V. OTHER BUSINESS:**

**A. A request that the Planning Board initiate a proposed amendment to Appendix A, Zoning and Land Use Code, Article XI, Section 6, Neighborhood Conservation “A” (NCA) Zoning District Regulation and Article XII, Section 20, Child Care Facility Standards.** David Hediger read his memorandum dated October 2, 2003. On August 5, 2003, the City Council approved an amendment to the City Code of Ordinances eliminating licensing of child care facilities. This determination was made due to the State law requiring that such facilities be licensed by the State Department of Human Services. Between the State and the City inspections, this was a duplication of services.

The proposed amendment to Article XI, Section 6 will allow family daycare homes to have up to 12 children under the age of 13. Currently the age limit is under 16 years of age. Distributed at this meeting and as mentioned earlier, was the Draft Ordinance Pertaining to the Definitions of Child Care Facilities, which was modified on September 29, 2003. The definitions pertain to the following: 1. Day care centers; 2. Family day care homes; and 3. Small day care facility. The change in the definition of the above three (3) facilities is from under sixteen to now read, “thirteen (13) years of age”.

The proposed amendment to Article XII, Section 20 has many changes including: 1. Any reference to licensing requirements has been removed. 2. The requirement for notifying abutters has been eliminated, unless it is regulated as a Conditional Use Permit. 3. Fencing will need to be installed around the outdoor play area. 4. A minimum of 75 square feet of outdoor play area needs to be provided for each child.

The NCA District is the only residential zone in Lewiston that limited the number of children at a family day care home to 6+2 children. This change will provide the same opportunity for all property owners throughout the City.

Robert Robbins asked, “Why was it originally 6+2 children in the NCA District? With a Conditional Use Permit, you could go up to 12 children. Gil Arsenault responded that this was something Staff felt should be looked at. He went on to give the history of why this pertained to the NCA District and referenced a day care home operating in the Pettingill School area at different locations.

The following motion was made.

**MOTION:** by **Jeffrey Gosselin**, seconded by **Lucy Bisson** that the Planning Board initiate a proposed amendment to Appendix A, Zoning and Land Use Code, Article XI, Section 6, Neighborhood Conservation “A” (NCA) Zoning District Regulation and Article XII, Section 20, Child Care Facility Standards and schedule this proposed amendment for a Public Hearing on October 20, 2003.

**VOTED:** 7-0.

**James Horn stepped down from the Planning Board on the following item, due to a conflict. He is employed by the Lewiston Regional Technical Center (LRTC).**

**B. Disposition of 32 Spring Street.** Lincoln Jeffers presented this item. First, Lincoln Jeffers distributed comments from the various City Departments. These comments reflect recommendations to the Planning Board as to what action should be taken on this property. He then showed a mapping of the area to the Board Members. He stated that this area is primarily a residential neighborhood. The abutting properties are also residential. This is currently a vacant lot. The property is City-owned and was tax-acquired. This is a 50' x 100' lot. This property is zoned in the Neighborhood Conservation “B” (NCB) District.

This disposition involves a partnership between the City of Lewiston, the Lewiston Regional Technical Center (LRTC), and Coastal Enterprises, Inc. A new residential structure is proposed to be built by students involved in the LRTC Program. This will be a single-family home. James Horn stated that the CAD students will shrink up the project to fit on the 50' x 100' lot. He stated that through the LRTC, work opportunities are provided for the students involved.

In closing, Lincoln Jeffers stated that there are no written comments received from Public Services Director Christopher Branch. Lincoln Jeffers stated that he had spoken with Chris Branch earlier this morning and he gave a verbal comment in favor of this disposition.

The following motion was made.

**MOTION:** by *Lucy Bisson*, seconded by *Tom Truchon* that the Planning Board send a recommendation to the City Council to dispose of 32 Spring Street.

**VOTED:** 7-0.

**C. A discussion of the Board Of Appeals action taken at their meeting on October 1, 2003.**

This item was brought to this Board for discussion only and to consider an amendment to Article XI, Section 15, Industrial (I) zoning district, to include athletic facilities as a permitted use.

Gil Arsenault stated that Bates College would like to locate their Squash Facility to the former FedEx building. Squash events are very limited. This would allow people, who are non-students to view these events.

The Board of Appeals found this to be an educational facility. Both fitness and recreational facilities should be a permitted use in the Industrial (I) zone. Assistant City Administrator Gregory Mitchell stated to Gil Arsenault that this is an appropriate use.

This has received a recommendation from the Board Of Appeals, which was included in the Planning Board packets showing their action taken.

John Cole suggested that Staff work up language for the ordinance and then bring this back to the Planning Board for review. This item will be put in the proper format and placed on the next agenda, which is scheduled for October 20, 2003. No action was required.

**D. Any other business Planning Board Members may have relating to the duties of the City of Lewiston Planning Board.** None.

**VI. READING OF THE MINUTES: Reading of the minutes from the September 15, 2003 Planning Board Meeting.** There were no changes made to the minutes, therefore, the following motion was made.

**MOTION:** by *Lucy Bisson*, seconded by *Jeffrey Gosselin* that the Planning Board accept the Planning Board Minutes for September 15, 2003, as presented.

**VOTED:** 7-0.

*John Cole stated that before adjournment there be a Moment of Silence for the passing away of Dan Pelletier, Inspector of Police, who had been active on both the Staff Review Committee and Planning Board prior to his retirement in February 2003.*

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

**MOTION:** by *Lucy Bisson*, seconded by *Jeffrey Gosselin* that this meeting be adjourned at 7:39 p.m.

**VOTED:** 7-0.

Respectfully submitted,

Lucy A. Bisson, Planning Board Member & Secretary

DMC:dmc

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