

**City of Lewiston**  
**PLANNING BOARD MEETING**  
*Minutes of May 29, 1996*

**I. ROLL CALL**

The meeting was called to order at 5:05PM

Members present: H. Milliken, H. Skelton, D. Theriault, D. Jacques, T. Peters  
M. Goulet  
Staff present: Gil Arsenault, Jim Andrews, J. Lysen, G. Dycio, C. Revell

**II. READING OF THE MINUTES**

General discussion ensued over clarification on chain link fence issue with regards to Simard and Sons. After reaching satisfactory clarification, Mr. Peters complimented the recording secretary on the thoroughness of the transcribed minutes.

**MOTION:** By Mr. Peters, seconded by Mr. Theriault to accept the minutes of April 9, 1996 and place on file.

**VOTE:** Passed 7 - 0

Mr. Theriault requested that when any person is referenced in the transcribed minutes, even if they are known to the Board, that their full name, title, and if applicable, how they are related to the project, be recorded in the minutes.

**MOTION:** By Mr. Theriault, seconded by Mr. Skelton, to accept the minutes of April 23, 1996 and place on file.

**III. CORRESPONDENCE**

**MOTION:** By Mr. Skelton, seconded by Mr. Theriault to accept the letter from H. Skelton addressed to members of the Planning Board requesting a change in the Zoning and Land Use Code concerning Timber Harvesting Standards and place on file.

**VOTE:** Passed 7 - 0

**MOTION:** By Mr. Skelton, seconded by Mr. Peters to accept the letter from M. Mains addressed to members of the Planning Board regarding an application to modify a solid waste license held by KTI Bio Fuels.

**VOTE:** Passed 7 - 0

**IV. PUBLIC HEARING**

Mr. Lysen presented a Development Department initiated proposal to amend the Zoning and Land Use Code concerning the definition of Accessory Use. (This agenda item was tabled from the April 23rd meeting.) The reason for the amendment is to allow for accessory uses to be located across the street from a principal building in another zoning district, as long as the zoning permits the use within that district. Code Enforcement Officer Gary Campbell then circulated another version of amended language to a different section of the Code. Staff's opinion is that this proposed amendment will not affect the entire City, however, Staff is neutral either way to the Board's decision. It is Mr. Campbell's intention to simplify the wording. General discussion ensued as to whether this would break up neighborhoods and have an adverse affect. Mr. Campbell advised that only 3 to 4 such cases have come forward since his 10 years with the City.

Chairman Milliken opened and then subsequently closed the Public Hearing portion of the meeting after receiving no public comment from the audience.

Board discussion continues regarding whether this proposed change will be of a negative consequence at a future date. After an attempted first negative motion and then extensive discussion over appropriate wording in which the whole Board felt comfortable the following was made:

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**MOTION:** By Mr. Theriault, seconded by Mr. Skelton to send a negative recommendation to the City Council not to accept changes in the zoning definition as described because it does not fit the Comprehensive Plan and it does not protect neighboring uses.

**VOTE:** Passed 7 - 0

**V. REVIEW OF DEVELOPMENT PROPOSALS - FINAL HEARING**

**A. Bates College - Maintenance Building & Access Road**

Mr. Dycio informed the Board that Paul LaRoche, of LaRoche and Associates, Inc., on behalf of the President and Trustees of Bates College, has submitted plans for a proposal to construct a 30,000+ square foot, (approximately 138' x 130') two-story maintenance building adjacent to the existing energy plant located behind the Merrill Gym. An access road is also being proposed from the maintenance building to Campus Avenue (see attached plans).

The project had its Pre-Application conference at the March 26th Planning Board meeting and the Board determined the project's application complete at the April 23rd Planning Board meeting. At that time the Public Works Department had a number of concerns that needed to be addressed. The applicant's representative has submitted revised plans and drainage calculations to the Public Works Department for their review and comments, however the Planning Staff has not received any comments as of the date of this memo. Staff anticipates that comments will be available for the meeting date. The Fire Department has also reviewed the final plans and Deputy Chief Jim Morin indicates that there are no concerns.

The Planning Staff has reviewed the plans against the criteria outlined under Article XIII, Section 4 (a-u) and finds that, in our opinion, the plans meet all of the applicable criteria. The Planning Staff has also reviewed the project as part of the city's expanded review authority and will forward our findings to the D.E.P. for their review. Therefore, the Planning Staff recommends that the Planning Board approve the project with the conditions that any concerns raised by the Fire or Public Works Departments, and the D.E.P. be adequately addressed, and that the D.E.P. concur with Staff's review of the project and approve the project. In closing, Mr. Dycio informed the Board that representatives from Bates College were present if the Board had any additional questions.

Chairman Milliken opened and then subsequently closed the Public Hearing portion of the meeting after receiving no response from the audience.

**MOTION:** By Mr. Peters, seconded by Mr. Zidle to find that the application of Bates College meets all of the approval criteria under Article XIII, Section 4 and further that the Board grant final approval to the project subject to the conditions that any concerns raised by the Fire or Public Works Departments, and the D.E.P. be adequately addressed, and that the D.E.P. concur with Staff's review of the project and approve the project.

**VOTE:** Passed 6 - 0 - 1 (Mr. Skelton abstained.)

**B. River View Subdivision - 151 Switzerland Road**

Mr. Dycio informed the Board that Arthur W. Montana, of A.R.C.C. Land Surveyors, Inc., on behalf of Daniel Roux, has submitted plans for a proposal to subdivide a 5.57 acre parcel into three (3) lots for residential homes. The area under consideration is zoned Neighborhood Conservation "A" (NCA) District where single-family detached dwellings not serviced by public sewerage are permitted as a matter of right on lots of at least 20,000 square feet.

The project had its Pre-Application conference at the April 23rd Planning Board meeting, and, at the request of the applicant, the Planning Board reviewed the project's application for completeness. Upon review of the application the Board found it to be complete and scheduled the project for a final/public hearing.

The Planning Staff has reviewed the project against the Approval Criteria listed under Article XIII, Section 4 (a-u), and the requirements for coordination with State Subdivision Law listed under Section 5 (1-14) and finds that, in our opinion, the project meets all of the applicable criteria. Therefore, Staff recommends that the Board grant final approval to the project. Mr. Dycio concluded by stating that since wetlands can be counted as frontage there is no issue.

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He also noted that there are no concerns raised by any Department.

Chairman Milliken opened the Public Hearing portion of the meeting at which time the following abutter wished to be heard.

**Mrs. Irene Serois / 129 Switzerland Road**

Mrs. Serois expressed concerns over whether the sewer system may have an adverse effect on the source of her water which is a spring fed well in existence since the 1920's. Mr. Montana noted that the proposed septic system is designed not to malfunction and meets State plumbing code regulations. It was also noted that Code Enforcement Officer Gary Campbell would have to inspect and approve the final design.

General discussion ensued at which time Mr. Montana discussed the lay of the land, location of test pits and that a soil test must first be passed. The Board's consensus was that the abutter's well will be safe from the septic system.

Chairman Milliken closed the Public Hearing portion of the meeting.

**MOTION:** By Mr. Skelton, seconded by Mr. Goulet that the application of River View Subdivision meets all of the approval criteria under Article XIII, Section 4 and further that the Board grant final approval to the project..

**VOTE:** Passed 7 - 0

C. Lewiston Industrial Park - Lot #6, Revision II

Mr. Dycio informed the Board that Robert F. Faunce, of Technical Services, Inc., on behalf of the Lewiston Development Corp., has submitted plans for as proposal to amend an approved industrial subdivision where a portion of Lot #6 will be transferred to an abutter. Several years ago this lot was amended to increase the Manville Sales Corporation lot and now it is before the Board for an amendment so that a small portion can be sold to an abutter. Also, at the May 2, 1996 meeting of the Development Review Committee a bulk fuel storage facility for C. N. Brown was approved on this lot with a condition that it come before the Planning Board for an amendment to show the amended property lines. As outlined under Article XIII, Section 3(l)(7)(a), the proposed amendment is defined as a minor amendment and therefore only requires one meeting before the Planning Board. Pursuant to Article XIII, Section 3 (h)(5), the applicant is requesting a modification, and a number of waivers and non-applicable status requests to the application requirements listed under Section 3 (h)(1-4). Upon review of the requests Staff finds that, in our opinion, the requests are justified and recommends that the Board grant them. Copies of the plans have been submitted to the Police, Fire and Public Works Departments for their review and comments. Upon review of the plans the Police, Fire and Public Works Departments do not have any concerns with the proposal. Therefore, the Planning Staff recommends that the Planning Board approve the project. Robert Faunce was present for any questioning.

**MOTION:** By Mr. Skelton, seconded by Mr. Peters that the requested waivers of submission requirements by Lewiston Development Corporation be granted because of the size of the project and the circumstances of the site such requirements would not be applicable or would be an unnecessary burden upon the applicant and that such waivers do not adversely affect the abutting landowners or the general health, safety and welfare of the City.

**VOTE:** Passed 7 - 0

**MOTION:** By Mr. Skelton, seconded by Mr. Goulet that the Board find that the application of Lewiston Development Corporation meets all the approval criteria under Article XIII, Section 4 and Article XIII, Section 5 and further that the Board grant final approval to the project.

**VOTE:** Passed 7 - 0

**VI. OTHER BUSINESS**

Timber Harvesting Standards

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Mr. Skelton noted Article XII of the Land Use Code and referenced 50' buffer requirements while noting the concerns of Mr. Robert Vachon, a South Lewiston property owner who questions his inability to harvest timber within the required buffer zone. It was discussed whether the Shoreland Zone Timber Harvesting ordinances could be used instead of the Zoning and Land Use Ordinance. Mr. Skelton noted that Mr. Vachon is not happy and may go forward by formally declaring a property rights issue. Discussion continued over limbing of trees up to 4' (four) feet high point from the ground and the requirement to still keep a well distributed stand of trees in a buffer.

**MOTION:** By Mr. Skelton, seconded by Mr. Peters to direct Staff to work on appropriate language in regards to a proposed amendment to change the buffering restrictions on timber harvesting.

**VOTE:** Passed 7 - 0

Mr. Lysen advised that Community Development Director Jim Andrews will be present at the May 28th meeting to discuss the CDBG process as it relates to the Planning Board. It was noted that also on May 28th at 6PM a public hearing will be held in the City Council Chambers regarding the Turnpike connector road. It was noted that Board members as well as Staff wish to be in attendance at this 6PM meeting. Accordingly, it was determined to start the Planning Board meeting of May 28th at 5PM. It was briefly discussed, and abandoned, to permanently change the Planning Board meeting day from Tuesday to Thursday.

Custom Metal Roofs (not listed on agenda)

Mr. Dycio distributed an amended plan for Custom Metal Roofs which shows the proposed screening for the new dumpster and asked the Board to approve the minor plan revision.

**MOTION:** By Mr. Skelton, seconded by Mr. Goulet that the proposed screening for the dumpster on the Custom Metal Roofs site plan meets the screening requirements of the Site Plan Review and Design Guidelines, that the change is minor in nature, and the Board grants approval of the amendment.

**VOTE:** Passed 7 - 0

A. Comp Plan Update

Mr. Lysen informed the Board that the Economic Subcommittee will be meeting for the first time on Monday, May 20th and that the Comp Plan Committee will be meeting on May 29th. He also noted that an Educational Subcommittee is also being formed with an invitation issued to the School Committee to become involved. At this point Mr. Theriault questioned whether any of these areas would fall under the Growth Management Act and then requested a copy of same as well, as a copy of the guideline packet. Mr. Lysen continued by advising that the Cultural Plan component was complete. The Board then requested a listing of all committees formed for the Comp Plan and that Board members be placed on these lists so that they will also receive agendas as well as copies of the minutes from all scheduled meetings.

City Administration has requested that the Planning Division submit an opinion letter as to whether the Webster Street connector meets Comp Plan standards.

Mr. Lysen requested that the Board consider reducing the contents of the minutes by focusing primarily on key points and the actual motions made. He continued by stating that he will soon begin a reduced work week and will need to reduce services where it is feasible. Chairman Milliken requested that this item be carried over a few meetings for the Board's review and consideration.

It was suggested that City Council President Frank Kelly be approached to start dialog between the Council and the Board as to what each body requires to perform their functions and attempt to improve cooperation between the two bodies. The Board also requested clarification of their responsibilities and limits under the Growth Management guidelines. Chairman Milliken requested that Mr. Lysen compile a list of what historically the Planning Board reviews starting with the LCIP.

Discussion ensued over whether it is clear to all concerned that the Planning Director's opinion of the findings of the Comprehensive Plan does not reflect the opinion of the Planning Board.

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Mr. Goulet brought forward questions on industrial zoning regarding office buildings and business offices accessory to use. Mr. Goulet further stated that he has some concerns about not allowing office buildings in the industrial zone. Mr. Dycio informed him that he is currently updating an industrial land analysis that he did for the City at which point Mr. Goulet requested that he go on record that believes that this should be looked at. Mr. Lysen referenced two amendments which allows offices as accessory to address the needs of recent projects in the industrial zone. It was left that this concern will be looked at as the Comp Plan is completed.

**VII. ADJOURNMENT**

**MOTION:** By Mr. Skelton, seconded by Mr. Peters to adjourn the meeting at 8:51PM.

**VOTE:** Passed 7 - 0

Respectfully submitted,

Marc Goulet  
Secretary