

**City of Lewiston**  
**PLANNING BOARD MEETING**  
**Minutes of August 19, 1997**

**I. ROLL CALL**

The meeting was called to order at 6:05 PM.

Members Present: H. Milliken, H. Skelton, T. Peters, M. Paradis, L. Zidle (arrived at 6:10)

Members Absent: D. Theriault, D. Jacques

Staff Present: J. Lysen, G. Dycio, D. Ouellette

**WORKSHOP - LACTS**

Present were Jeremy Evans and Joe Czapiqa from LACTS

J. Lysen reported that access management was important for the arterials of the City. Mr. Evans said LACTS had thirty-five areas targeted for improvement. He said he intended to work closely with Chris Branch, Director of Public Works. Mr. Czapiqa explained that access management is basically control of driveways on arterials. 1) limiting number of conflict points; 2) separating conflict points; and 3) removing slower turning vehicles. He explained that more curb cuts created more problems. He stressed that access management can preserve highway capacity, reduce accidents, and avoid or minimize costly road improvements.

Mr. Evans said the Maine Department of Transportation (MDOT) approved the preliminary design plan for the fly-over on the Viet Nam Veterans Memorial Bridge with expected costs approximately four million dollars, but it is probably four years away.

**John Simon** of 625 Main Street commented on the fly-over Main Street. H. Skelton pointed out conflict points with the turn to Strawberry Avenue and Androscoggin Home Health. Mr. Evans also pointed out a conflict point with the railroad crossing on Montello Street. H. Skelton also mentioned the traffic congestion at Dunkin Donuts. H. Milliken directed staff to start working on standards to start working on access management. J. Lysen said that zoning was a way to control access management. He also suggested to keep the public involved on these issues. T. Peters cautioned staff on what to zone the area. J. Evans noted that the small uses, over time, usually are the ones that cause access problems. J. Czapiqa suggested that small businesses do not need two access points, whereas a gas station would. T. Peters suggested that Staff check to see what was coming up and how it is in the code. He suggested this be completed by the October Planning Board meeting. H. Milliken instructed staff to carry this item under "other business." J. Czapiqa said this study should be completed within a month and a half and should meet with MDOT as soon as possible.

**II. READING OF THE MINUTES OF July 22, 1997**

**MOTION:** by H. Skelton, seconded by L. Zidle to accept the minutes of July 22, 1997 as written.

T. Peters noted that there was an error in the spelling of his last name. The minutes have been corrected

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accordingly.

**VOTE:** 5-0.

**III. CORRESPONDENCE**

1. Memo from City Council regarding a council-initiated proposal for rezoning of property located at 554-579 Sabattus Street (Maine Family Credit Union).
2. Memo from the Board of Appeals regarding scheduling of a joint workshop with the Planning Board to discuss proposed amendments to the Zoning and Land Use Code with respect to conditional use permits and setback modifications.
3. Memo from the City Council requesting a recommendation from the Planning Board on extending the sanitary sewer on Gould Road a distance of approximately 250 feet.
4. Letter from John DeVecchio of the State of Maine Planning Office accepting the Comprehensive Plan for formal review and comments.

**MOTION:** by T. Peters, seconded by H. Skelton to accept the above correspondence and be read at the appropriate time.

**VOTE:** 5-0.

**IV. PUBLIC HEARING**

A. Proposed Amendments to the Zoning and Land Use Code

- 1) Re: Property located at 49-51 Hamel Road.

H. Skelton informed the Board that he would not participate nor vote on this matter because his firm represents Maine Bucket.

Staff submitted a proposed amendment to the Zoning and Land Use Code on behalf of Pat Zubiata and Jacqueline Guay to amend the Official Zoning Map where a portion of the property located at 49-51 Hamel Road would be rezoned from Office Service (OS) District to a Rural Agricultural (RA) District. J. Lysen informed the Board that this area was originally an RA District and was rezoned back in 1987 to an OS District. Ms. Zubiata wants to do a small sub-division for two family members. Staff suggested to Ms. Zubiata that only 7.5 acres of the property be rezoned to RA to accommodate her needs while not changing the whole area. H. Milliken asked if the property would be split into two zones. J. Lysen said it would. J. Lysen said that Ms. Zubiata owns a total of 45 acres, some of which is already zoned RA and she wanted the remaining 19.44 acres zoned the same. J. Lysen also mentioned that the Guays had earlier sold an 11.4 acre parcel to the developer of Fireslate Place. T. Peters asked how this fits in with the Comprehensive Plan. J. Lysen said it was a "balancing act" where the City needs light industrial areas, yet respected the

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right of property owners. H. Milliken said he was sympathetic with the home owner who has had her lot split by the rezoning and also with the company if they wanted to expand. **Doug Boyd**, owner of **Maine Bucket** expressed his opposition to rezone the area next to his company because he expects to keep expanding his business in the future. He pointed out that there has been a lot of industrial growth and wants the zoning in this area to remain as is to avoid problems in the future.

T. Peters said the Comprehensive Plan on page 121 limits growth of residential to sprawl in rural area. If a compromise is acceptable to Ms. Zubiata, then he suggested that this was perhaps the way the Board should vote. H. Milliken noted that unless the road is extended, that the property is landlocked. T. Peters asked Ms. Zubiata if she wanted all or nothing. P. Zubiata responded that she wanted the whole area rezoned and did not want a compromise.

**MOTION:** by L. Zidle, seconded by M. Paradis to grant petitioner's request to change the zoning of 49-51 Hamel Road from Office-Service (OS) District to Rural Agricultural (RA) District.

**VOTE** 3-1-1 (T. Peters opposed, H. Skelton abstained).

J. Lysen said that since the concurring vote of at least four (4) members is required to constitute an action on any matter requiring a public hearing, this vote does not constitute an action by the Board. It is, however, being forwarded to the City Council for their information and for a public hearing at the City Council level.

2) Re: Signage for campus-type environments.

The Board was presented with a proposal to amend the Performance Standards for signs located in campus-type environments such as hospitals and academic institutions. The proposal was drafted by the Land Use Inspector with specific input from representatives of Central Maine Medical Center (CMMC). The proposal was also designed to meet the needs expressed earlier by Bates College concerning their Master Plan with respect to signage. **Phil Meldrum from Bates College** was in attendance. **Bill Horton of CMMC** said the present code allows each property only one sign and asked the Board to grant the amendment which would allow the hospital additional signage. H. Milliken asked about double-sided signs. J. Hutchinson, Land Use Inspector, said the code counts both sides when determining square footage. T. Peters said this amendment would apply to colleges, hospitals and the mill complex, but asked who else this amendment would apply to. T. Peters said that the definition of "campus-type environment" should be clarified. **Bob Gladu** part owner of the Pepperill Mill stated that other mill owners should have been asked for input. He said the existing sign ordinance is very anti-business.

At this point, Harold Skelton excused himself from any discussions or vote regarding this matter because his law firm represents CMMC. After further discussion, the following motion was made:

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**MOTION:** by T. Peters, seconded by L. Zidle to send a favorable recommendation to City Council to amend Article XII, Section 16 of the Zoning and Land Use Code to allow hospitals, academic institutions and mill complexes additional signage for their campus-like environments.

**VOTE:** 4- 0 - 1 (H. Skelton abstained).

3) Re: The Board was presented with a proposal to amend Article II, Section 2 of the Zoning and Land Use Code where the *frontage* definition would be amended for developed lots of record containing multiple parcels with frontage on opposing streets. The proposal has been initiated by the current owners of the Thorne Avenue property under consideration through a citizens' petition. H. Skelton asked if this would create a non-conforming lot. J. Lysen said it would because it currently has a two family home on the lot. If, however, this was a single family, it would be conforming. The owner wants to build a single family home on the land behind his two-family which has frontage on Thorne Avenue.

**MOTION:** by T. Peters, seconded by M. Paradis to send a favorable recommendation to City Council to amend Article II, Section 2 of the Zoning and Land Use Code where the *frontage* definition would be amended for developed lots of record containing multiple parcels with frontage on opposing streets.

**VOTE:** 4-1 (H. Skelton).

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

**South Lewiston Industrial Park - Revisions #5 & #6.**

The South Park Development Corporation submitted plans for a proposal to amend an approved industrial subdivision where lot lines will be amended; lots will be created, eliminated, and reconfigured; easements will be created; and parcels will be created for transfer to abutting property owners. Pursuant to Article XIII, Section 3(h)(5), the applicant requested a number of modifications and non-applicable status requests to the application requirements listed under Section 3(h)(1-4). Staff found that the requests were justified and recommended that the Board grant them. Police, Fire, and Public Works Departments had no concerns. **Bob Faunce of Technical Services Inc.** said that this was the sixth revision and explained a few survey issues. He explained that because there were wetlands in the area that a topography was done which then did not work with the existing division of lots. He said he would be back in a month once it has been brought to DEP.

**MOTION:** by H. Skelton, seconded by M. Paradis that the requested waivers of submissions requirements by South Park 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.

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**VOTE:** 5- 0.

**MOTION:** by H. Skelton, seconded by T. Peters to find the application of South Park Development Corporations meets all of the approval criteria under Article XIII, Section 4, and further that the Board grant final approval to the project.

**VOTE:** 5 - 0

*The Planning Board took a fifteen minute break.*

**OTHER BUSINESS**

A. New Business

1. Presentation and recommendations on No Name Pond. Chris Callan, a summer intern from Worcester Polytech Institute, and Scott Williams a biologist for the State of Maine, gave a presentation on the studies conducted at the pond over the course of the summer. Mr. Williams explained how the pond is polluted from water run offs from storms and how the watershed area around the water is so important to protect. He stated that unfortunately the DEP's funds have dried up and that the City has taken the responsibility to implement a program to access water quality of the pond. He also reported that DEP has put No Name Pond on the "Most at Risk Lakes" list in Maine. **City Councilor Frank Kelly** asked if the pond was at the point of no return. Mr. Williams said it was not. An unidentified woman in the audience asked if the Board could limit boat usage on the pond. Mr. Williams agreed that power boats churn up the lake and has a potential impact on the water, but the run-off was the most serious problem for the pond. J. Lysen said the City was looking at limiting the types of watercrafts and the horsepower allowed on the pond. F. Kelly said that water clarity seemed to be one common issue with residents in the area. Another unidentified woman in the audience said she would like to volunteer to monitor the pond. She asked for more police patrol in the area and gave the Board photos of areas that were littered with trash.

2. Review of City Council initiated proposal for rezoning of property located at 553-579 Sabattus Street - Maine Family Credit Union and schedule a public hearing.

**MOTION:** by H. Skelton, seconded by M. Paradis to schedule this matter for a public hearing on September 9, 1997.

**VOTE:** 5-0.

3. Scheduling of a joint workshop with the Board of Appeals to discuss proposed amendments to the Zoning and Land Use Code with respect to conditional use permits and setback modifications.

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**MOTION:** by T. Peters, seconded by H. Skelton to schedule this matter for a 6 PM workshop on September 9, 1997.

**VOTE:** 5-0.

4. Streamlining proposal.

J. Lysen said staff wanted to present concepts and then present to consultants for comments. H. Milliken said this item should be carried under "other Business" for the September 9th meeting.

5. Review of a request to vacate Cole Street between Meader Street and Mountainview Avenue, and development of a process to deal with such requests.

H. Milliken asked if there was an urgent need to vacate this particular street. The applicant said no. H. Milliken asked Staff to develop a policy to deal requests to vacate streets. J. Lysen said he would like to see it handled like a tax acquired property which would include responses from other departments such as Public Works, Fire, Recreation and Police. H. Milliken instructed Staff to draft a procedure and review it at another meeting. He said, however, that this petition would be first.

6. Lessard Street - proposed language to the *frontage* definition from City Attorney Robert Hark. **Debbie May, Lloyd May and their attorney Jack Riley along with Robert Foss** were present. Mr. Riley said his client cannot build on Lessard Street and has not come to any agreement with Mr. Foss. Mr. Foss said the city forced him to build on Lessard Street. He built the road at his own expense and has maintained it. He further stated that it is a private road. J. Lysen said it is a mobile home park road which has different standards than a private road and suggested that a home owners association be created to assure ongoing maintenance. H. Milliken said he felt this was a court situation rather than a Planning Board issue. Mr. May said they could not afford to go to court. Attorney Riley said that Lessard Street was originally a paper street and that Mr. Foss claims ownership to the road. T. Peters suggested that this matter be scheduled for a public hearing. G. Dycio made another suggested regarding "developed lots" rather than "lots of record." T. Peters said Staff should pursue this language with Attorney Hark.

**MOTION:** by T. Peters, seconded by L. Zidle to have the Development Review initiate this proposal to amend the code.

**VOTE:** 4-0-1 (H. Skelton abstained).

**MOTION:** by T. Peters, seconded by M. Paradis to schedule this matter for public hearing on September 23rd after resorting issues with Attorney Robert Hark.

**VOTE:** 4-0-1 (H. Skelton abstained).

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**B. Old Business**

1. Comprehensive Plan Update - H. Milliken said that State Planning Office have accepted and plan to review the Comprehensive Plan and that they would respond by October 9th.

2. Sale and Acquisition of Land - H. Milliken drafted a letter to Mr. Kelly, the City Council president regarding this issue and asked the Board if they wanted to follow through with this. T. Peters said he approved of the draft and recommended that it be sent to the City Council.

**MOTION:** by T. Peters, seconded by L. Zidle to approve the draft letter to Frank Kelly from Harry Milliken and send it to the City Council President.

**VOTE:** 4-1 (H. Skelton).

**VII. ADJOURNMENT**

**MOTION:** by H. Skelton, seconded by L. Zidle to adjourn.

**VOTE:** 5-0.

Meeting adjourned at 10:27 PM

Respectfully submitted,

Denis Theriault  
Secretary

dlo