

**City of Lewiston**  
**PLANNING BOARD MEETING**  
**Minutes of September 9, 1997**

**WORKSHOP WITH BOARD OF APPEALS**

The meeting was called to order at 6:10 PM

Members Present: H. Milliken, T. Peters, M. Paradis, L. Zidle (arrived at 6:35)  
D. Theriault, D. Jacques, H. Skelton (absent during workshop only)

Board of Appeal Members Present: Art Montana, Pauline Taylor, Paula Mortensen, Bob Bruder,  
Dennis Mason, Stavros Mendros, Bruce Damon

Staff Present: J. Lysen, G. Dycio, D. Ouellette, G. Arsenault, Code Enforcement  
Director; E. Friedman, Director of Development; Jim Andrews,  
Community Development Director

Art Montana said that every modification had a 25% decrease on setbacks. He would like to have the Board look at each modification requirement to see if it really fits the lots. He feels that the Board is wasting time because it nearly always approves modifications. Bruce Damon said the problem is the there is a 25% modification allowed by code with NCA District being the biggest problem. The code is too restrictive and he feels the Board cannot legally deny modifications. He said if the code says there should be a ten foot side set back, then it should be that with no modifications; or if the code wants 7.5 feet, then that is what it should say. A. Montana and P. Taylor said the Board is merely a formality or a rubber stamp. T. Peters said if the code is rewritten, then it should allow some flexibility, the wording is important. A. Montana suggested that staff review these and that only those that Staff denies should come before the Board. H. Milliken suggested that the Board of Appeals start drafting something up to pass along to the City Attorney. Dennis Mason liked the idea of staff reviewing and the Board only reviewing the denials. G. Arsenault also said there should be flexibility in the code. Bruce Damon said that the downside of having Staff review is that people would assume they are not allowed in a public forum to speak because these decisions would be made during the work day and it would be difficult for people to attend. T. Peters suggested forming a joint committee made up of two Board of Appeal members and two Planning Board members along with Gil Arsenault and Jim Lysen and then present their findings to the both boards before going to the City Council. Volunteering for this subcommittee were Tom Peters, Denis Theriault, Bruce Mason, Art Montana, Gil Arsenault and Jim Lysen. T. Peters also suggested another meeting with the both boards in three or six months.

**II. READING OF THE MINUTES OF August 19, 1997**

**MOTION:** by T. Peters, seconded by L. Zidle to accept the minutes of August 19, 1997 as written.

**City of Lewiston  
PLANNING BOARD MEETING  
Minutes of September 9, 1997**

**VOTE:** 6-0-1 (D. Theriault abstained).

**III. CORRESPONDENCE**

1. Memo from City Council regarding request to the Planning Board to reconsider their vote regarding the proposed rezoning of 49-51 Hamel Road.
2. Letter from Paul LaRochelle on behalf of Doug Boyd, Maine Bucket asking to take his pre-application off the agenda for this evening due to a fire.
3. Request from City Council asking Planning Board for their recommendation on extending the sanitary sewer on Gould Road.

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

**VOTE:** 7-0.

**IV. PUBLIC HEARING**

Re: Hamel Road: Ms. Zubiante asked the Board to reconsider their vote.

The Planning Board took the following vote regarding the proposal to amend Article IV, Section 1, (Official Map, City of Lewiston) of the Zoning and Land Use Code where a portion of the property located at 49-51 Hamel Road would be rezoned from an Office-Service (OS) District to a Rural Agricultural (RA) District.

**MOTION:** by L. Zidle, seconded by M. Paradis to reconsider the Board's vote of August 19, 1997 and schedule this matter for a new public hearing on 9/23/97 with proper notices to be given.

**VOTE** 6-0-1 (H. Skelton abstained).

**B. Proposed Amendment to the Zoning and Land Use Code.**

Re: Proposal to amend Article IV, Section 1 (Official Map, City of Lewiston) of the Zoning and Land Use Code where the Maine Family Credit Union property, located at 553-569 Sabattus Street, would be rezoned from an Office Residential (OR) District to a Community Business (CB) District.

Bob Faunce from Technical Services Inc. spoke on behalf of the credit union and informed the Board that the City initiated the changes on Farwell Street. He noted there were many accidents on Sabattus Street near the Credit Union. The City retained a traffic engineer who did a traffic study. The study showed 425 cars entered and exited the credit union in two hours and that there were approximately 200

**City of Lewiston**  
**PLANNING BOARD MEETING**  
**Minutes of September 9, 1997**

conflicts. He explained that a conflict was a lane change, possible rear end accident, etc. He explained that after many attempts to find a solution that was agreeable with the bakery, credit union and church, they have decided to ask the Board for a rezoning from OR to CB. They asked to change it to Community Business (CB) because they have reached their limit on impervious area for an OR zone. The City plans to make Farwell a dead-end with a traffic light at Farwell and Sabattus. The road would then come from Sabattus Street to a circle that would service Grant's Bakery, the ice rink, and the Credit Union. This would be an entrance and exit for these three areas. The present entrance/exit on Sabattus Street to the Credit Union will become an exit with right hand turn only. H. Skelton asked if this zoning was for the credit union only. Bob Faunce said it was, and did not affect any other property. T. Peters asked about access management, how this plan would fit. He also noted that turning left from Russell Street was going to be an even bigger problem. He suggested talking to MDOT and asking the State if they would clean up the Russell Street problem. H. Milliken asked how MDOT felt about two traffic lights so close together. B. Faunce said MDOT has to approve the traffic light at Farwell. **Bruce Damon** from the Board of Appeals asked about the credit union's green space. B. Faunce said the right of way will still be green, but the City owns it. He also noted that adding the circle will add green space. D. Theriault asked about the insurance company next door that utilized the back parking lot. **Mr. Leblanc** said his insurance company utilizes the back parking lot and uses the credit union's parking lot as a thru-way. Mr. Faunce explained that alternatives were looked into, but because of the grade to the lower parking lot, a road directly from Sabattus Street to this parking lot was not feasible.

**MOTION:** by T. Peters, seconded by H. Skelton to send a favorable recommendation to City Council to amend Article IV, Section 1 of the Zoning and Land Use Code by rezoning the Maine Family Credit Union property located at 553-569 Sabattus Street from an Office Residential (OR) District to a Community Business (CB) District; and to further recommend that the City work with the Maine Department of Transportation on resolving traffic issues on Sabattus Street between Farwell Street and the Russell Street intersection.

**VOTE** 7-0.

B. United Ambulance - Conditional Use Permit Amendment

This item was tabled until 9/23/97 because United Ambulance had not provided all of the necessary documents in time for this meeting.

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

A. United Ambulance - Maintenance Facility & Parking Lot Expansion

This item was tabled until 9/23/97 because United Ambulance had not provided all of the necessary documents in time for this meeting.

**City of Lewiston**  
**PLANNING BOARD MEETING**  
**Minutes of September 9, 1997**

**MOTION:** by D. Theriault, seconded by L. Zidle to table both items on the agenda for United Ambulance until September 23, 1997.

**VOTE:** 7-0.

**IV. REVIEW OF DEVELOPMENT PROPOSALS - PRE-APPLICATION**

A. Maine Bucket Storage Warehouse - 21 Fireslate Place

Paul LaRochelle of LaRochelle Engineering Services on behalf of Doug Boyd owner of Maine Bucket Company wrote a letter to the Planning Board asking them to table the pre-application at this time due to a fire which destroyed Maine Bucket's manufacturing facility this morning.

The Board tabled this pre-application.

D. Theriault noted that the proximity of the tire storage to Maine Bucket was a real problem. He asked if the City owned this storage barn at 18 Fireslate Place. J. Andrews said the City does own it and that it had to in order to get the Department of Environmental Protection involved. D. Theriault asked the Board to send a letter of support to Maine Bucket.

B. Penmore Lithographers Building Expansion - 8 Lexington Street

Joseph M. Fillion submitted plans for a proposal to construct a 20,800 (130' x 160") square foot, single-story building addition to the existing production facility in order to consolidate the operations into one building.

Pursuant to Article XIII, Section 3(h)(5), the applicant requested a modification and a number of non-applicable status requests to the application requirements listed under Section 3 (h)(1-4). Upon review of the request, Staff found that they were justified and recommended that the Board grant them.

Copies of the plans were submitted to the Police, Fire and Public Works for their review and comments. The Police Department and Public Works Departments had no concerns; however, the Fire Department had some minor concerns. They asked that Penmor relocate the Fire Department connection to the east side of the existing building, on the left side of the concrete step, and to relocate the flammable storage room from the current location to the east side of the new addition. The applicant's representative assured Staff that these changes would be made to the site plans prior to the final hearing.

The applicant also requested that the Planning Board consider the project's application for completeness. The Planning Staff asked the Board to recommend that the project be set for a final hearing at the next available Planning Board meeting.

Present were Mark Gray, the engineer for the project and the owners Joseph and Paul Fillion. Mr. Gray noted that there was a 50 foot buffer between the residents and the new addition. **Mrs. Comeau of 673**

**City of Lewiston**  
**PLANNING BOARD MEETING**  
**Minutes of September 9, 1997**

**Webster Street** complimented the owners of Penmore for agreeing to extend the buffer to protect her property as well. D. Theriault asked about the draining since this building had a flat roof and Mr. Gray explained where the drains were located.

**MOTION:** by H. Skelton, seconded by D. Theriault that the requested waivers of submissions requirements by Penmore Lithographers 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:** 7- 0.

**MOTION:** by H. Skelton, seconded by M. Paradis to find the application of PenMor Lithographers be determined to be complete. I further move that review of the completed application be scheduled on September 23, 1997 at 7:00 PM.

**VOTE:** 7 - 0

**VI OTHER BUSINESS**

A. New Business

1. Request for recommendation on extending the sanitary sewer on Gold Road a distance of approximately 420 feet.

The City Council has requested a recommendation from the Planning Board to extend the sanitary sewer on Gold Road a distance of approximately 420 feet to service three lots; one owned by Edward Hebert and Sons, one owned by Dead River Oil Company, and the third lot across the street from the Hebert property. Staff was in the opinion that the extension is consistent with the Comprehensive Plan because it services existing industrial and commercial uses nearby the existing sewer system. Public Works submitted an estimate of \$38,160 to extend this sewer line. J. Lysen explained that the lot owners would have ten years to pay at a 9% interest rate and that the City Council was waiting for a recommendation from the Planning Board. D. Theriault asked if fifty percent of the cost would be picked up by the City. J. Lysen said it did and was shared among the three abutters if they agreed. H. Skelton commented that if all three did not agree that it would not go through.

**MOTION:** by T. Peters, seconded by H. Skelton to send a favorable recommendation to City Council to extend the sanitary sewer line on Gold Road approximately 420 feet.

**City of Lewiston**  
**PLANNING BOARD MEETING**  
**Minutes of September 9, 1997**

**VOTE:**           7-0.

2. CDBG process - review and discussion.

Jim Andrews, Community Development Director, passed out the application process forms and explained to the audience what CDBG was all about. Mr. Andrews said that the process starts in November and is completed by May. The Board has agreed to look at it at the October 14th meeting. J. Andrews suggested that the application form be cut in half and to do a check list on the first page. D. Theriault said he would like a real clear picture on where the Bates Mills project was going and Mr. Andrews assured him that he would know in the next 4-6 weeks. T. Peters suggested that the Board form a sub-committee. This item will be placed on the October 14th agenda.

B. Old Business

1. Development of process for vacation of proposed (paper) streets.

J. Lysen said he met with the City attorney and the vacation of paper streets will be extended for another twenty years. There are two issues, the public and private rights. He said that Staff wanted to develop a form that would address both of these issues. He said it was important that people needed to know how to vacate the private rights as well as the public rights. He said that Attorney Hark was working on this. T. Peters and H. Skelton said they thought that vacating the private rights to the streets is not a city issue, but rather a private issue that the citizen will need to explore with their own attorney. J. Lysen pointed out that the City Administrator wants Staff to inform the people how to vacate public as well as private rights in order to serve them well. D. Theriault asked whether Staff or the City Attorney was drafting the written procedures for vacating streets. George Dycio said that he had a rough draft already on his computer, but that he was still working on it. He informed the Board that this draft included receiving comments from Fire, Police and Public Works. D. Theriault said it would be helpful if Attorney Hark would review the procedure guideline before it goes to the City Council. G. Dycio said he wanted to get the Board's input on it before forwarding it to City Council. An unidentified gentleman in the audience said that he was upset that this was dragging for so long. He owns property on Evelyn street and has been paying taxes on it for two years. T. Peters suggested that he speak with G. Dycio and that it would be before the Board within the next six months.

3. Lessard Street - review of proposed language to the *frontage* definition from City Attorney Bob Hark, and scheduling of a public hearing.

The Mays and their attorney said they were ready for a public hearing.

**MOTION:**           by H. Skelton, seconded by D. Theriault to schedule the review of the proposed language to the *frontage* definition in the Zoning and Land Use Code for September 23, 1997.

**VOTE:**           7-0.

**City of Lewiston  
PLANNING BOARD MEETING  
Minutes of September 9, 1997**

4. Streamlining Proposal.

H. Milliken suggested that this be scheduled for a workshop instead of listed under other business. J. Lysen gave a brief presentation of what the streamlining proposal was.

**MOTION:** by H. Skelton, seconded by D. Jacques to schedule a workshop regarding the streamlining proposal for October 14, 1997 at 6:00 PM.

**VOTE:** 7-0.

At this time Mrs. May requested that the City Attorney be present at the September 23rd public hearing to answer any legal questions that may be brought up. She said her attorney would also be there. The Board instructed Staff to ask Bob Hark to be in attendance.

**MOTION:** by T. Peters, seconded by D. Theriault to instruct Staff to request Attorney Hark to attend the September 23, 1997 Planning Board Meeting at 7 PM.

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

H. Milliken asked Staff if the letter regarding tax acquired property was sent to the City Council. Staff would check into it.

**VII. ADJOURNMENT**

**MOTION:** by T. Peters, seconded by D. Theriault to adjourn.

**VOTE:** 7-0.

Meeting adjourned at 9:10 PM.

Respectfully submitted,

Denis Theriault  
Secretary

dlo