

**CITY OF LEWISTON
PLANNING BOARD MEETING
December 16, 1997**

I ROLL CALL

Meeting called to order at 7:05 PM.

Members Present: Denis Theriault, David Jacques, Mark Paradis, Harry Milliken, Tom Peters.

Members Absent: Harold Skelton, Lew Zidle.

Staff Present: James J. Lysen, George Dycio, Diane Ouellette, Gil Arsenault

H. Milliken introduced Shaad Masood and Rob Sawyer who are juniors at Lewiston High School and are the new junior members of the Planning Board.

H. Milliken also noted that it was David Jacques last meeting as a Planning Board member. J. Lysen presented a plaque and a letter from Mayor John Jenkins in appreciation for his five years of service.

II READING OF THE MINUTES

Minutes of November 25, 1997

MOTION: by D. Theriault, seconded by D. Jacques to accept the minutes as written.

VOTE: 5-0.

III CORRESPONDENCE

- . Memo from R. Mulready regarding tour of Bates Mill and get together.
- . Letter from Mr. Couturier in support of the rezoning of Robert's Card Center.

MOTION: by T. Peters, seconded by D. Jacques to accept the correspondence, place on file and be read at the appropriate time.

VOTE: 5-0.

IV PUBLIC HEARINGS

A. Proposed Amendments to the Zoning and Land Use Code: "Option A" & "B."

- 1). Re: a proposal to rezone properties located at 109 Campus Avenue and 53 Sylvan Avenue (Dairy Joy site) from Office-Residential (OR) and Neighborhood Conservation "A" (NCA) Districts respectively to Community Business (CB) District; and a proposal to amend the Zoning and Land Use Code where "Drive-in Restaurants" would be allowed (i.e. able to stand on their own) as a permitted use in the Community Business (CB) District. (Option "B")

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Re: a proposal to rezone properties located at 109 Campus Avenue (Dairy Joy site), 357 Sabattus Street (4-unit apt.), and 359-361 Sabattus Street (Robert's Card Center) from Office-Residential (OR) District to Community Business (CB) District, and 53 Sylvan Avenue (portion of Dairy Joy site) from Neighborhood Conservation "A" (NCA) District to Community Business (CB) District; and a proposal to amend the Zoning and Land Use Code where "Drive-in Restaurants" would be allowed (i.e. able to stand on their own) as a permitted use in the Community Business (CB) District.

The petition to amend the code was submitted by the owner of the Dairy Joy, located at the cover of Sabattus Street and Sylvan Avenue and was found to be in proper form by the Planning Board at the November 25th meeting.

Attorney Paul Tardif was standing in for Ed Rabasco and represented Mr. Nadeau, who is the owner of the Dairy Joy.

T. Peters asked how the MDOT project on Sabattus Street might affect a change at this address. J. Lysen said Staff had only checked as far as the Rite Aid and will get maps. He also pointed out that the Board was presented a letter from Mr. Couturier, owner of Robert's Card Center, who is in favor of Option B. T. Peters asked if there was anything that would affect access. G. Dycio said the Dairy Joy was maintaining the curb as it is.

Opened to the public: **Ronald Janelle** said he was opposed to the rezoning of this area. He said that this area was zoned as transitional years ago and then changed to Office Residential. He wants this area to stay residential and not go commercial. He voiced his concerns about the dumpsters - early morning pick up would disturb the neighbors; snow removal - would also disturb the residents. He is opposed to window service because of the loud noise, too much traffic, and trash problems. He suggested to the Board that they do not change the zoning, but leave it as is so that the residential area is maintained. **Sherry Janelle** of 123 Campus Avenue said she was opposed to this zoning change. She said the neighborhood has changed and if it is rezoned, it will increase noise, lights, and traffic. She stated that the lot was too small to put a restaurant there. She said she was vehemently opposed to the rezoning. **Dominique Ianotti** of 115 Campus Avenue said he was the owner of the property that had the fence next to the Dairy Joy. He said this was the first he heard about a restaurant and thought it was staying a Dairy Joy. He asked what would happen if it was rezoned, if someone could actually open up a restaurant in that area if Mr. Nadeau sold. H. Milliken said if it was zoned as CB, then the owner or future owner could turn it into a restaurant. J. Lysen said that the reason for the rezoning was so that the present owner could add a small addition because he is currently non-conforming and cannot add one square inch - it has to change to a zone such as HB which allows drive-in restaurants. The actual Dairy Joy is grandfathered and can operate as is.

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T. Peters asked what the purpose was for the small addition. Mr. Nadeau said he wanted to add fourteen feet instead of the seven that is there now and make it a two-story to match the existing building. This will allow him to bring his stock downstairs on the main floor and enclose a walk-in cooler. He further stated that the addition was basically to clean up the area and will not be adding a drive-up window. He doesn't have the room.

T. Peters asked why this addition couldn't be done without rezoning the area. J. Lysen explained why he felt it was the easiest solution to Mr. Nadeau's problem. Discussion followed about putting on conditional zoning. Attorney Tardif did not want this type of conditional zoning. T. Peters noted that some citizens were concerned that the rezoning will open this area to other uses which is not being anticipated now - concern for when Mr. Nadeau sells the business, what the new owner would put in that location. Attorney Tardif said the lot was basically too small for a restaurant and that rezoning without condition is probably the best for Mr. Nadeau and will not compromise these neighbors.

Attorney Tardif asked if he would have to start this whole procedure over again to do the conditional zoning. J. Lysen said they could streamline this and could take care of it at the first meeting in January. Attorney Tardif asked whether there were concerns other than the drive-through in the CB district. J. Lysen said it would allow a drive-in option and not a drive-through.

T. Peters said he was in favor of conditional use; it would allow Mr. Nadeau to do what he wants.

Mr. Janelle asked what else could be done in that area besides a restaurant; if a car wash would be allowed. H. Milliken explained that this would simply give Mr. Nadeau the chance to clean up his property and to serve his customers better. **Samatha Janelle** said she was concerned with trees coming down. She noted that with expansion come more cars. People are affected by traffic, they park near the lawn, and trash is a problem. She said that this was a residential neighborhood and was not any longer because of all the expansions with businesses. She said she felt she was losing the residential area and that was a real issue for her and some of the neighbors.

Attorney Tardif said he would work with J. Lysen to get the proper paperwork for conditional zoning with no drive-through as defined. J. Lysen said a notification would be sent to the abutters along with the agreement. This matter would be brought up at the January 13th meeting.

T. Peters asked if the Board could make it a conditional CB. J. Lysen said this area would have to be changed to the zoning that would allow a drive-in. CB does not allow drive-in to stand on its own.

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Gil Arsenault said he thought the neighbors' concerns were basically the hours of operation. He suggested to move forward with HB with restricted hours of operations. This would alleviate some of the noise, lights, etc. Mr. Nadeau opens in the middle of March, and might stay open until the first of October. This year he closed in the middle of September. Mr. Nadeau said he had a concern about the hours of operation and asked why the Board would set his hours or closure date. He stated that all he wanted was to have an addition. D. Theriault made the comment that the only concerns he heard this evening from constituents were that they were against a drive-up window and not against the hours of operation. Gil told Mr. Theriault that his department (code enforcement) had no complaints on file against the Dairy Joy.

MOTION: by D. Theriault, seconded by M. Paradis to table this matter until the meeting of January 13, 1998 with the understanding that staff will be working with Attorney Tardif in rewriting the zone.

VOTE: 5-0.

J. Lysen said he was unclear if the Board wanted Option A or Option B and how to treat Robert's Card Center. H. Milliken and D. Theriault said to stay specific with Dairy Joy.

2. Re: a proposal to amend the Zoning and Land Use Code where the Planning Board's review process for the development of existing lots within a commercial/industrial subdivision that was previously approved by the Planning Board (i.e. since the DEP site law of January 1, 1970) would only require one meeting.

G. Dycio apologized for not having this on the agenda at the last meeting. The Board was presented a proposed amendment to the Zoning and Land Use Code where the Planning Board's review process for the development of existing lots within a commercial/industrial subdivision that was previously approved by the Planning Board would only require one meeting. The petition to amend the code was submitted by the Planning Staff as part of the streamlining process and was found to be in proper form by the Planning Board at the October 28th meeting. J. Lysen noted that this concept is basically in the streamlining proposal and didn't want it held up.

H. Milliken opened the meeting to the public. No comments.

MOTION: by D. Theriault, seconded by T. Peters to send a favorable recommendation to City Council regarding the proposed amendment to the Zoning and Land Use Code Appendix A, Section 3 (1).

VOTE: 5-0.

V REVIEW OF DEVELOPMENT PROPOSALS - FINAL HEARING

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A. Rite-Aid - Corner of East Avenue and Sabattus Street

Richard LeCompte submitted plans for a proposal to construct an 11,180 square foot (130' x 86') single-story building for a new Rite-Aid store, located at the north westerly corner of East Avenue and Sabattus Street. The area under consideration is located in the Community Business (CB) District where retail stores are permitted as a matter of right. The project had its Pre-application conference at the October 28th Planning Board meeting and the project's application was determined complete at the November 25th meeting.

Staff reviewed the revised plans and found that they reflect the required number of street trees along East Avenue and Sabattus Street. Staff also reviewed the proposed MDOT intersection improvement plans for the East Avenue and Sabattus Street intersection and found one item of particular interest. The plans which depict turning and thru lanes indicate that a left turn onto Sabattus Street from East Avenue, heading in a southwesterly direction will not be allowed. The arrows, as shown on the plans indicate in which direction traffic will be flowing or turning. There is no arrow indicating that traffic will be turning left onto Sabattus Street from East Avenue (heading south) and Staff is assuming that a left turn onto Sabattus Street from East Avenue will be prohibited. Staff requested that the applicant investigate this issue with his traffic engineer as the proposed intersection improvements would alleviate the stacking and potential "grid lock" situation that would occur in certain stances at this intersection. The prohibition of left hand turns could also reduce the level of concern that Staff and the Board have regarding the proposed entrance/exit along East Avenue.

With respect to potential traffic impact issues, recent amendments to the Site Law now require review and approval by DEP and MDOT. Recent discussions with a representative from the DEP confirm that this project must apply to the DEP for review and approval of the project with a specific focus on traffic impacts from the proposed Rite-Aid. Therefore, the Planning Board was asked to consider this aspect of the project as a condition of approval. In addition, Staff requested that the DEP/MDOT submit their findings, in writing, to Staff so that their concerns regarding this project and their eventual approval or denial of the project can be documented.

The Planning Staff also forwarded a copy of the Traffic Impact Analysis to the LACTS Director at AVCOG for his review and comments prior to the Determination of Completeness meeting of November 25th, however, Staff has not received any written comments to date. The Planning Staff reviewed the plans against the Approval Criteria outlined under Article XIII, Section 4(a-u) and found that the plans met all of the applicable criteria. Therefore, the Planning Staff recommended that the Board grant final approval to the project with the following conditions:

- 1) that the project receive DEP/MDOT approval with respect to traffic impacts;

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2) that any approvals by DEP/MDOT be forwarded to Staff in writing; and,

3) that any changes to the site plan required by DEP/MDOT for their approval be brought back to the Planning Board as a minor amendment.

G. Dycio said he received a call from Chuck Kellogg of DEP who asked him if the applicant knew he had to go through state level. G. Dycio said the applicant understood. J. Lysen said the Board asked to check with MDOT on Sabattus Street project. He found that funds have been committed and bids have been awarded for this project. D Theriault asked why the Planning Board was not in the loop in knowing when the state was making changes like this. J. Lysen said it was usually a Public Works issue. D. Theriault said there must be a way to know when major improvements are being done. As a Board, he stated. it should know the whole picture. D. Theriault suggested that Public Works send the Board a list of what was going on. H. Milliken said that the planning department should know what was going on with major highways in the city. T. Peters suggested that Planning Board instruct Public Works to send an updated list once ever quarter of any changes in the roadways so that the Board will know what is happening. He said he felt Mr. Mulready would be more than willing to request this on behalf of the Planning Board.

MOTION: by T. Peters, seconded by D. Theriault to send a memo to City Administrator Robert Mulready requesting that he ask Public Works to keep the Planning Board and Planning Staff advised on a quarterly basis commencing immediately of major roadways improvements, whether state or local.

VOTE: 5-0

H. Milliken asked Diane to draft something and call him.

Bill Eaton was present. T. Peters asked if he reviewed what the State was doing on Sabattus Street to see how Rite Aid fits in. Bill Eaton said Rite Aid knew of the improvements before their design was done. He said that project went back to Campus Avenue to gently open up the road to get the lanes. He further stated that Russell and Farwell Street was a City project and didn't have anything to do with MDOT project. He also said the Sabattus Street left turn will work better. He said he couldn't do a safety analysis because everything was going to be changed. J. Lysen asked about the left hand turn. Bill said he was not designing a prohibition to left turn, that this was perhaps a drafting error. He said he assumed left hand turns would be very low; but said he thought it would be a good idea to prohibit that left turn. J. Lysen asked how the trucks would maneuver since left hand turns were difficult for a truck. Craig Martin said one change was that the center island has been trimmed and this would allow easier access for the truck. H. Milliken asked about the space for the loading docks. J. Lysen said there was 10 feet for

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clearance. D. Theriault asked if the fire department had looked at this and G. Dycio said they had no concerns.

Opened to public. No comment from the audience.

MOTION: by D. Theriault, seconded by T. Peters that the Board finds the application of Rite Aid meets all of the approval criteria under Article XIII, Section 4 and further that the Board grant final approval to the project subject to applicant meeting the following three conditions:

- 1) that the project receive DEP/MDOT approval with respect to traffic impacts;
- 2) that any approvals by DEP/MDOT be forwarded to Staff in writing; and,
- 3) that any changes to the site plan required by DEP/MDOT for their approval be brought back to the Planning Board as a minor amendment.

VOTE: 5-0

B. Lewiston Industrial Park - Fourth Revision - 34 Lexington Street

Arthur W. Montana, on behalf of Harry Lapointe and the Andy Valley Racquet Club, Inc. submitted plans for a proposal to amend an approved industrial subdivision where the common lot line between lots # 14 & 15 of the Lewiston Industrial Park will be amended by shifting the lot line in a northwesterly direction approximately sixty (60) feet. Due to the size of the subdivision, the proposed amendment will be reviewed under Lewiston's Expanded Review Authority and forwarded to the DEP for their review and approval.

Pursuant to Article XIII, Section 3 (h)(5), the applicant requested 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 the requests were justified and recommended that the Board grant them.

The Planning Staff also found the application to be complete and received no concerns from the Police, Fire and Public Works Department. Staff found that the plans met all of the applicable criteria under the Approval Criteria outlined under Article XIII, Section 4 (a-8) and the Coordination with State Subdivision Law standards outlined under Section 5 (1-14).

G. Dycio said that he spoke with someone from DEP, and they had no concerns.

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Meeting opened to the public, no comments.

MOTION: by D. Theriault, seconded by T. Peters, that the requested waivers of submission requirements by Harry Lapointe and the Andy Valley Racquet Club, Inc. 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. Further move that the application of Harry Lapointe be determined to be complete and that review of the completed application be scheduled on January 13, 1997 at 7 PM.

VOTE: 5-0

VI REVIEW OF DEVELOPMENT PROPOSALS - PRE-APPLICATION

A. Bilodeau Fill Project - Alfred A. Plourde Parkway

Mike Gotto, of Technical Services, Inc., on behalf of Richard Bilodeau, submitted plans for a proposal to place fill material in excess of five thousand (5,000) cubic yards on 2.5 acres of land adjacent to the Alfred a. Plourde Parkway (near the newly constructed connector road).

G. Dycio noted that the filling operation is complete at this time and the request before the Board is for an “after-the-fact” approval of the fill project. Due to some confusion between the property owner and the contractor providing fill material, Planning Board approval was not requested until the fill operation was brought to the City’s attention. Since that time, the applicant has worked diligently to bring the necessary information before the Planning Board for approval. No additional fill material is being proposed for this location as part of this application, and the site had been loamed and seeded as part of the reclamation plan. In addition, temporary erosion control devices were installed, where necessary, since the fill operations ceased this past fall.

Pursuant to Article XIII, Section 3 (h)(5), the applicant is requesting a number of non-applicable status requests to the application requirements listed under Section 3 (h)(1-4). Staff found the requests to be justified. Staff also reviewed the site plans and had no concerns at. There were no concerns from Police, Fire and Public Works Departments. Staff found the project’s application complete and asked that it be scheduled for the next Planning Board meeting on January 13, 1998.

H. Milliken opened the meeting to the public since there were members of the audience in attendance for this issue.

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David Peak, 29 Mitchell Street abuts Mr. Bilodeau's land. He said he had no clue as to what was going on. He was not notified of trees being cut and the State issued a permit before the City. The City issued a permit after the trees were cut. Permit was denied for the fill because it was going to be over the limit and the process was stopped. He said it would have been good to be notified. H. Milliken asked Mr. Peak if he was happy with the fill at this point. Mr. Peak said it met their needs. He said it has been loamed, and seeded. **Dan Gregoire**, 19 Mitchell Street said he was concerned about the fill where the tree line stops when spring comes. He said he was also concerned with what may happen later such as perhaps a truck stop. D. Theriault said if that were to happen, he would receive proper notification. Mr. Peak said the permit was denied by the city and then the project was done anyway. He wanted to make sure things like this do not happen again. H. Milliken asked if Mr. Peak and Mr. Gregoire were comfortable with the way the fill had been put in. Mr. Gregoire said he wouldn't know until the spring because of the run off accumulated down below. He said the water would go towards the property lines, not towards the new road between the houses on Mitchell Street and the commercial area.

Mike Gotto said that Mitchell Street is a little higher than the grade. His property extends in back of the properties on Mitchell Street. Feels the water will go towards Pleasant Street. G. Arsenault said the slopes are not severe, but if there was a problem, code could get involved.

Tracy Gregoire asked who would be responsible if someone bought that land since Mr. Bilodeau had the property for sale. T. Peters said if there was a problem with that land, then code would be brought in and the present owner would have to take care of it. Mr. Peak, said there was a 50 foot buffer zone, but was concerned with the water killing those trees. Property line is ten feet higher and doesn't want to lose the buffer zone. He said as it was, he could see the traffic through the trees even with the leaves. H. Milliken said to pay close attention to it this spring, and call Gil if there is a problem.

Norm Deschene, Mitchell Street, said he was also concerned about the water problem. He asked if Mr. Bilodeau would be levied a fine for not obtaining a permit before the work was done. G. Arsenault said that Mr. Bilodeau thought he had a permit because he filled out an application at Public Works. Mr. Bilodeau was under the impression that was all he needed to fill in the property and was surprised when he realized that he had no authorization from the city. G. Arsenault said that the City does not usually try to get punitive damage in these matters - to create a lawsuit to issue fines would be counter-productive.

T. Peters reminded the audience that if they see something going on that does not look right, to call code enforcement since it is the only way to catch these things. M. Gotto said that H. E. Sargent was responsible to make sure the grass will grow. Mr. Gotto also asked that the final meeting be held on the last meeting in January or first in February because he would not be available until then. Mr. Gregoire asked if there was anything before the Board

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regarding rezoning in that area. D. Theriault said there was not.

MOTION: by D. Theriault, seconded by D. Jacques that the requested waivers of submission requirements by Richard Bilodeau 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: 5-0.

MOTION: by D. Theriault, seconded by D. Jacques that the application of Richard Bilodeau be determined to be complete and further move that review of the completed application be scheduled on January 27, 1998 at 7:00 PM and that the final hearing be a public hearing.

VOTE: 5-0.

VII OTHER BUSINESS

A. New Business

1. Update on the proposed MDOT improvements on Sabattus Street between Campus Avenue and the Maine Family Credit Union.

T. Peters asked what Staff had found out about Russell and Sabattus Streets. He asked what MDOT was doing at that intersection. D. Theriault asked about the light at the top of Holy Cross School. He said that button is subject to someone being there and asked how this affected the stacking on Russell Street. H. Milliken suggested talking with Public Works and the Police Department. T. Peters said that when the Board approved the work at the Maine Family Credit Union that there was a condition that something be done on that spot. T. Peters wants to check his motion regarding Maine Family Credit Union regarding the condition. He said there was a definite traffic problem with the island near East Street Deli. He asked if staff could send a letter to the state to take a look at that intersection, regarding light timing, or reconfiguring that for the stacking problem. T. Peters said he felt strongly that this needed to be resolved to avoid problems with the new light at Maine Family Credit Union.

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2. Scheduling of a presentation by MDOT Officials on future Sabattus Street improvements.

J. Lysen said he asked them and suggested that perhaps the Board could work with LACTS. T. Peters said he wanted that intersection explored and didn't care if LACTS, Public Works or MDOT did it.

D. Theriault also discussed the light at the hill at Holy Cross School, that people use the traffic light to leave the parking lot with their vehicle and actually cross the red light.

MOTION: by T. Peters, seconded by D. Theriault to schedule a presentation by Public Works or LACTS with regard to the intersection of Russell and Sabattus Streets. This presentation is to present their findings and suggest ways to alleviate the traffic problems including the new light on Farwell Street, and the lights at the top of the hill by Holy Family Church, the island on Russell Street (in front of East Street Deli) and report back to the Planning Board within forty-five days.

VOTE: 5-0.

T. Peters asked that this presentation be scheduled for the second meeting in January.

3. Discussion regarding late correspondence received by the Board.

D. Theriault said he checked the procedure manual and it states that the Board will not receive late correspondence. G. Dycio said the Board had the option of accepting or not accepting it at the meeting. T. Peters said if the correspondence is in the Board's packet, then they're in a timely manner. D. Theriault said the cut-off was twelve noon on Thursday preceding the meeting and that Staff should not submit materials to the Board after the packet had been delivered. He said he would be more comfortable to table the material that arrived on the night of meeting so that he can thoroughly review the material presented to the Board. T. Peters said he didn't think the Board should preclude material and should take it on a case-by-case basis. H. Milliken said the Board should be flexible and comfortable enough to table something that comes in at the last minute. D. Theriault suggested that the Board ask Bob Mulready to instruct departments to get the material to the Planning Division in a timely manner. T. Peters asked if these department knew if they did not get back to Planning Staff on a timely manner that the project may be tabled as a result of not receiving their information. The Board said that if constituents send opinions to the Board, they should be accepted at the meeting. However, for city departments, those need to be in a timely manner. If there is a continuing problem the Board suggested that a letter be drafted.

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4. Summary of Downtown Revitalization Forum of December 4, 1997.

J. Lysen discussed Peter Crichton's draft memo. He asked for a Planning Board member to attend a meeting scheduled for this Friday at 9 AM to go over the next potential steps. T. Peters volunteered to attend the meeting.

5. Summary of Bates College student presentation on the Garcelon Bog.

H. Milliken said the packet was self-explanatory and was not part of any city recommendation. D. Theriault said he requested this information because the Board members were asked to attend and no one could make the presentation. He simply wanted the Board to be kept abreast of things and that the Board understood that this was not done by a certified engineer and was nothing that this Board would "hang its hat on" until they had a certified planner or engineer do this.

B. Old Business

1. Discussion on forming an *Ad Hoc* committee to study Downtown Issues.

Tom Peters is attending Friday's meeting.

2. Progress report on the FY 99 Lewiston Capital Improvement Program (LCIP).

J. Lysen said the committee had its first meeting today and that there were meetings scheduled for the next two morning. Staff again received late submittal from Public Works which caused huge problems. D. Theriault said he wanted to have B. Mulready address this.

3. Discussion of possible rezoning requests and/or code amendments concerning properties along Sabattus Street (1136 Sabattus Street - Gary Chicoine & 15 Riley Street - Donald Christianson).

J. Lysen went over the two options presented to the Board. He noted that this issue was discussed at the last meeting and that the Board had talked about putting this in an overall review on Sabattus Street. Wants a public hearing scheduled on this issue. Could schedule it for the 13th of January, but the applicant should submit a petition and pay fees, or address the City Council to see if they want to initiate this.

MOTION: by D. Theriault seconded by M. Paradis to schedule this for January 13th pending proper petition.

VOTE: 5-0.

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4. Update on the status of property located at 18 Fireslate Place (tires)

5. Proposed (Paper) Streets:

a) Review and comment on the proposed process for the vacation of proposed (paper) streets.

J. Lysen asked if Planning Board was only dealing with the vacation of public rights. D. Theriault said the Planning Board did not have authority over the private rights. J. Lysen said he thought Attorney Hark said if the burden of proof was shifted to the applicant then there needed to be proper notification. J. Lysen said the City had to make it clear what this process will dissolve. T. Peters said he spoke with someone from the City of Auburn and learned that Auburn sent out letters to vacate public and private rights. He suggested that Staff get a copy of their letter and see how they handled this. J. Lysen said he was concerned that people will not be served by this process because the private rights will still be there. T. Peters said that by vacating the public right, this will trigger the process so that if people want to proceed, they can go from there. He said he wanted to advise them regarding the public vacation, but cautioned Staff not to give them legal advice. T. Peters said he wanted to move on this because there are at least ten people who want streets vacated. J. Lysen said there would have to be notifications sent and public notice in the paper which will be an extra cost. Unfortunately, Planning's budget cannot absorb this extra cost and therefore need to charge a fee. He asked the Board to consider a fee of \$15 to \$25. H. Milliken said vacation of paper streets was mandated by the state and said he felt the City could not charge for this. T. Peters agreed saying all paper streets in the City would have to be looked at anyway and couldn't see how the City could charge citizens for this. G. Dycio noted that Barron Street was not a paper street, that Mr. Gagnon was mistaken and that his name should be taken off the list.

6. Planning Board/Board of Appeals - Development of standards/proposed amendments to the Zoning and Land Use Code with respect to conditional use permits and setback modifications.

Not reached.

7. Comprehensive Plan Update:

a) Development of a Work Plan for the implementation of the Comprehensive Plan.

b) Review and discussion of amendments to the Comprehensive Plan to respond to the review comments from the State.

Not reached.

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8. Report and discussion on the Urban Enterprise District and allowed uses within the downtown area.

Not reached.

VIII ADJOURNMENT

MOTION: by D. Theriault, seconded by D. Jacques to adjourn the meeting.

VOTE: 5-0.

Meeting adjourned 10:20 PM.

Respectfully submitted,

Denis Theriault
Secretary

dlo