

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for March 9, 1999 - Page 1 of 8**

I. ROLL CALL:

This meeting was called to order at 7:02 P.M. and chaired by Harry Milliken.

- **Members in Attendance:** Rob Robbins, Tom Peters, Harry Milliken, Mark Paradis, Dennis Mason, and John Cole (arrived at 7:03 p.m.).
- **Staff Present:** James Lysen, Planning Director; Dan Stevenson, Planning Coordinator; Doreen Asselin, Administrative Assistant; and Gil Arsenault, Deputy Development Director.
- **Members Absent:** Lewis Zidle.

II. CORRESPONDENCE:

- A. *Correspondence dated February 27, 1999 from Lewiston resident, Bertrand Michaud, in reference to the YWCA at 130 East Avenue.*

MOTION: by Tom Peters, seconded by Dennis Mason to accept the correspondence from Bertrand Michaud and to place it on record.

VOTED: 5-0.

John Cole then arrived at 7:03 p.m.

Also included for correspondence, but not listed on the agenda, was the letter from City Attorney Robert Hark dated March 8, 1999 in reference to Paper Streets. There was no motion necessary for this item. This correspondence was included at the request of Jim Lysen.

III. PUBLIC HEARING:

- A. *Proposed Amendments to the Official Zoning Map and/or the Zoning and Land Use Code to Accommodate the YWCA's Proposed Expansion at 130 East Avenue.*

Since John Cole's law firm represents the YWCA, he believes that this item is a conflict of interest for him, he decided to step down for this issue.

Jim Lysen read the memorandum dated March 4, 1999. Included in the packets were a letter to the impacted property owners, the options to be reviewed, both options placed in proper form, a map of the proposed re-zoned area, and part of Table 2, Zoning Matrix which showed the allowed uses in the Office Residential (OR) and Institutional Office (IO) Districts.

In Staff's opinion, it makes sense to re-zone the YWCA and the Knights of Columbus property Institutional Office (IO) District and to add as a use "places of indoor assembly, amusement and culture" to the IO, which is more consistent with the IO Statement of Purpose "to provide areas within the City for the location of major community facilities, including hospitals, schools, colleges, and similar institutions".

Staff is not in favor of adding the use “places of indoor assembly, amusement and culture” to the OR, since the Statement of Purpose of the OR is “to provide for the orderly transition of older residential areas along major traffic arteries to low-intensity non-residential uses and multi-family housing. This option is not consistent with the stated purpose. It is Staff’s intention that in all proposals the Knights of Columbus building should remain a permitted use, as it presently is. Rob Robbins said that Option 1 seems to be the more logical choice.

Harry Milliken was concerned that if the area was re-zoned IO, it would allow for a motel as a permitted use very near to the high school. Jim Lysen responded that if a motel or hotel would locate there, it would need to be less than 25 rooms to be permitted.

Rita Dube, Director of Development for the YWCA, stated that there are 75 day care children from Lewiston only. Between both Auburn/Lewiston, there are 125 day care children that attend the YWCA’s program. Jim Lysen then referred to Table 2 of the Zoning Matrix to show that Day Care Centers in the IO are a permitted use and are a conditional use in the OR. However, noting that recent changes have been made to the child care standards, the table will need to be updated to read that **Day Care Centers are a permitted use in both IO and OR.**

Harry Milliken then asked, “how does Franklin Pasture fit into the IO”? Jim Lysen responded that is it an athletic complex associated with the high school.

Again, Staff suggests an IO District would be suitable for this area. CMMC’s Hospital Campus, St. Mary’s Campus, and Bates College are all zoned in the IO District.

This meeting was then opened to the public. **Carol Troy**, Executive Director of the YWCA, stated that 20 percent of the external operation is through their summer camp programs. Jim Lysen responded that this is an accessory use, which is permitted in the OR District. **Rita Dube** re-iterated what was said in the past Planning Board meeting about the need for a 35' x 35' therapeutic pool and that they would greatly appreciate a positive vote on this matter. **Paul Samson**, City Councilor and Lewiston resident, expressed concern about a store being in that area that may sell liquor, keeping the high school in mind. Jim Lysen and Gil Arsenaault responded that no stores are allowed, with the exception of accessory uses, i.e. pharmacies to a hospital, Dunkin Donuts, etc. Retail uses are not permitted in an IO District. **Paul Samson** also questioned the need for a hotel/motel in that area.

Tom Peters said that he agrees with modifying the OR District to allow for the YWCA to be there. He agrees with Option 2-B, which is to allow "places of indoor assembly, amusement or culture" as a conditional use in the Office Residential (OR) District.

Dennis Mason said he had an opposite opinion. The OR is a transitional zone. Harry Milliken re-stated that he is concerned about a motel/hotel being there. Rob Robbins mentioned that adding places of indoor assembly could adversely impact an OR.

Jim Lysen stated that the IO does extend to the Central Maine Civic Center (CMCC) from Franklin Pasture. Franklin Pasture is owned by the City of Lewiston.

Paul Samson questioned the one (1), single lot near the corner of Webster Street, which is currently zoned NCA. Harry Milliken said that this property will remain the same.

Harry Milliken then made reference to Item No. II. Correspondence. He referenced Bertrand Michaud's letter dated February 27, 1999. In Bertrand Michaud's letter it states re-zoning to Commercial. It does not make any reference to the IO or OR Districts.

Tom Peters said that the OR is an option to protect the residents. It is there for a purpose. He suggested leaving it zoned as an OR District. The residents would be looking down on it. He then made the following motion.

MOTION: by Tom Peters, seconded by Mark Paradis to send a favorable recommendation under Option 2-A which allows "places of indoor assembly, amusement or culture" as a permitted use in the Office Residential (OR) District.

VOTED: 3-2 (Mason\Robbins)

This motion did not gain the four (4) votes necessary to constitute an action.

MOTION: by Tom Peters, seconded Mark Paradis to send a favorable recommendation to re-zone under Option 2-B to include "places of indoor assembly, amusement or culture" as a conditional use in the Office-Residential (OR) District.

VOTED: 3-2 (Mason\Robbins)

Again, this motion did not gain the four (4) votes necessary to constitute an action.

Tom Peters would like to have this motion redefined as more restrictive than places of indoor assembly, etc. Harry Milliken would like to keep this motion as currently worded. This motion also died from a lack of consent.

Dennis Mason said he would be more comfortable with the suggestion of including non-profit organizations. He agrees with Paul Samson to go with the IO District and adding "places of indoor assembly, amusement, or culture".

Harry Milliken then asked, "is there any other type of definition besides indoor assembly"? Jim Lysen's response was "Fitness and recreational sports centers". Also, physical therapy center, sports clubs, and sports teams.

Dennis Mason then presented the next motion, which is as follows:

MOTION: by Dennis Mason, seconded by Rob Robbins that the property along East Avenue (west side - even numbers), Bartlett street up to and not including the Knights of Columbus that those parcels be zoned Industrial Office (IO) District with "places of indoor assembly, amusement or culture" as a permitted use.

VOTED: 2-3 (Peters\Milliken\Paradis)

Again, this motion did not gain the four (4) votes necessary to constitute an action.

Dennis Mason then referred to CDA 74 under Conditional Uses in an IO Zone. The reference was then made to the North American Industry Classification System (U.S. 1997), CDA 20-21, Sub-Section 713940 and the following motion was then made.

MOTION: by Tom Peters, seconded by Mark Paradis to send a favorable recommendation to the City Council to amend the Office-Residential (OR) District regulations to include, as a Conditional Use, "Fitness and recreational sports centers", as listed in the North American Industry Classification System (U.S. 1997) under Code No. 713940.

VOTED: 5-0 (Motion Passed).

John Cole resumed his position as a Planning Board Member at 8:10 p.m.

IV. OTHER BUSINESS:

A. New Business:

1. *Receipt of Recommendations for Funding from the Community Development Block Grant (CDBG) Review Committee - FY 2000 CDBG Proposals and Scheduling of a Public Hearing for March 18, 1999.*

Jim Andrews, Lewiston's Community Development Director, presented this item. In his memorandum dated March 1, 1999, he mentioned that the CDBG Review Committee had met on February 1, 23, and 27, 1999 and enclosed, in the packets, were the committees recommendation for funding and the Activity Summary Reports which showed clients served by each agency in FY98. An additional report included in the packets showed the funds available for the various loan programs and for acquisition/demolition. This is being presented to the Planning Board to schedule a Public Hearing on the FY 2000 CDBG Proposals.

Tom Peters questioned how the decision is made on money left over from last year on some grants. Jim Andrews responded that the money is carried over and put back into the grant for that specific use. He said currently they are working with less money than last year and that the Bates Mill Enterprise funding is separate from the CDBG..

John Cole questioned if religious activities are included. Jim Andrews responded that renovations to a Church area could not be done. Money will go to support children's programs.

Jim Andrews continued that the money amounts will be discussed next week. The final numbers are in the packets. There was also a brief discussion as to the rating system. Also that this is voted on as a package to the City Council. The following motion was then made.

MOTION: by Dennis Mason, seconded by John Cole to note receipt of the CDBG Review Committee - FY 2000 CDBG Proposals and to schedule a Public Hearing on Thursday, March 18, 1999 at 6:30 p.m.

VOTED: 6-0.

2. *Discussion on Potential Re-Zoning in the Russell Street and Central Avenue Area.*

Both Planning Board Members, Rob Robbins and Tom Peters stepped down from this discussion since they both had a conflict of interest on this topic.

Before discussion of this item, Jim Lysen asked if the Planning Board would like a presentation from Public Works on the Russell Street overpass (Main Street Overpass) slated for the years 2002-2003. . Harry Milliken agreed that they should. Gil Arsenault suggested a ½ hour workshop presented by the Public Works Director, Chris Branch. Harry Milliken questioned whether there should be a public notice. Jim Lysen responded with, "no, it is not required". There will be arrangements made for a 6:30 - 7:00 p.m. presentation to the Planning Board in May, 1999.

Jim Lysen read the memorandum dated March 5, 1999. Bob Faunce was present at this meeting to represent Dr. Luc Dionne. Currently Dr. Dionne has a Sabattus Street practice. He wishes to develop a small doctor's office on the corner of Russell Street and Central Avenue. The current zoning in this area is NCA and Mr. Faunce is requesting that the Board review rezoning the even side numbers of Russell Street between Bardwell Street and Morris Avenue since greater than 50% of the properties are non-conforming uses in the NCA. Bob Faunce also handed out a map of the zoned areas and pictures of the proposed project. He stated that the owner of the property had passed away. This project parcel could be turned into a home occupation. Bob Faunce stated that he favors an extension of the either the OR or the IO Districts. He also said that the Main Street Overpass will not affect this property. He is only presenting this to the Planning Board for guidance.

The question was raised if one of his preferred options would be contract zoning? Bob Faunce's response was, "yes". Gil Arsenault said he prefers conditional zoning. Jim Lysen stated that there are less concerns with an OR District. In further discussion of this project it was discussed that the access on Russell Street could be closed off with access from Central Avenue. Jim Lysen referred to Option A as a conditional use to an OR District or contract zoning. From Morris Avenue to Central Avenue it is Option B with the OR District.

At this point, John Cole said that he would also need to excuse himself since his law firm represents Bates College.

Bob Faunce then mentioned again that he was presenting this topic only for guidance and would like to bring this back to the Planning Board at the April 27, 1999 meeting. It was then decided that the applicant shall bring this forth with a petition.

Rob Robbins, Tom Peters, and John Cole rejoined the Planning Board.

B. Old Business:

1. *Vacation/Preservation of Proposed (Paper) Streets.* - Jim Lysen read his memorandum dated March 5, 1999. Handed out at this meeting was the response from City Attorney Bob Hark to the questions raised during both the City Council Meeting of 2/16/99 and the Planning Board Meeting of 2/23/99. Also distributed were additional maps showing all of the streets within the same subdivisions as the four streets that have pending requests.

Harry Milliken said that they were not given the proper direction in the beginning on this process. He wants to wait for further direction from the City Council at their 3/16/99 meeting. Tom Peters said that there is a

deadline to meet on all the Proposed (Paper) Streets. He said after the first ten (10) years, roll them over for another 20 years. He also said that unless a taxpayer wants to go forward, why bother. He also agreed with Harry Milliken to let the City Council decide the process. As far as preservation of Proposed (Paper) Streets, there is no problem. The problem exists with vacation of Proposed (Paper) Streets.

Gil Arsenault suggested bringing this up at the Joint City Council/Planning Board Committee Planning Board Jurisdiction and Powers and Duties Meeting which is scheduled just before the March 23, 1999 Planning Board Meeting.

Tom Peters suggested going ahead with the four that have been recommended to be vacated. He said to convey this idea to the City Council. It was also suggested Jim Lysen to get in touch with Lee Feldman at the City of Auburn to get any suggestions on their policy for Proposed (Paper) Streets and bring back to the Planning Board.

It was, therefore, recommended to go forward and recommend to the City Council to finish the process established for the four Paper Streets that have been recommended to be vacated. The City Council should cover the cost on these four. These will be brought forward at the next City Council meeting, which is scheduled for 3/16/99. Harry Milliken then said, the results of the action from the City Council will be brought forward to the next Planning Board Meeting on 3/23/99 with a direction on how to move forward.

2. *No Name Pond Update.* - Jim Lysen read his memorandum dated March 5, 1999. He mentioned that a presentation on phosphorus standards by Dave Waddell of the DEP and Aquatic Biologist Scott Williams, will be presented at a one hour workshop, scheduled for the April 27, 1999 Planning Board Meeting from 6:30 - 7:30 p.m.

Also, the first public meeting concerning the No Name Pond Watershed Management Plan is scheduled for Thursday, 4/29/99 at 7:00 p.m. at the McMahon Elementary School. Jim Lysen also mentioned that the Septic System Policy was adopted by the City Council at their 3/2/99 meeting.

3. *Comprehensive Plan Update.* No update.
4. *West View Bluffs.* In the hands of the developer.
5. *Board of Appeals, Staff Review Committee, Historic Preservation Review Board Meeting Schedules.*
 - Board of Appeals: Variance to CMP Transmission and a Conditional Use Permit issued to Jeff Baril for his project - Del's & Deck's Grill.

- Staff Review Committee: Jonathan Rhoades' project was approved at the 3/4/99 meeting.
- Historic Preservation Review: Tour of the Kora Temple.

Calendar Update:

March 18, 1999 - Public Hearing on CDBG Review Committee - FY 2000 CDBG Proposals

March 23, 1999 - Joint City Council/Planning Board Committee Planning Board Jurisdiction and Powers and Duties Meeting (5:00-7:00 p.m.)

March 23, 1999 - Planning Board Meeting (7:00 p.m.)

April 6, 1999 - City Council Jurisdictional Issues.

April 13, 1999 - Planning Board Meeting - Meeting Room "A" (7:00 p.m.).

April 27, 1999 - Planning Board Meeting - City Council Chambers (6:30 - 7:30 p.m.) - Workshop on Phosphorus Standards on No Name Pond.

April 29, 1999 - No Name Pond Public Meeting - McMahan Elementary School.

May 11, 1999 - Russell Street (Main Street) Overpass - ½ Hour Workshop (6:30 p.m.).

Library Expansion Project:

There was a brief discussion on the article in the Lewiston Sun-Journal titled, "Final work on library project begins". This was published in the March 9, 1999 edition. According to the article, work began that week on a 6,000 square foot, \$389,500 project to complete the library. Plans call for finishing the second and the third floors of the building and furnishing the entire facility. Port City Architecture of Portland was hired to complete the design for the second phase of work. Construction is slated to end July, 1999.

V. READING OF THE MINUTES:

A. *Draft Minutes of February 23, 1999.*

MOTION: by Dennis Mason, seconded by Tom Peters to accept and place the Minutes of February 23, 1999 on file.

VOTED: 6-0.

VI. ADJOURNMENT:

MOTION: by Dennis Mason, seconded by John Cole to adjourn this meeting at 9:50 p.m.

VOTED: 6-0.

Respectfully submitted,



Dennis Mason, Secretary