

**CITY OF LEWISTON  
PLANNING BOARD MEETING  
MINUTES for November 28, 2000 - Page 1 of 10**

- I. ROLL CALL:** This meeting was held in the Third Floor Conference Room, was called to order at 7:00 p.m., and was chaired by Tom Peters.
- **Members In Attendance:** Muriel Minkowsky, Dennis Mason, Tom Peters, Lewis Zidle, Rob Robbins, and Mark Paradis.
  - **Staff Present:** Gil Arsenault, Deputy Development Director; James Lysen, Planning Director; James Fortune, Planning Coordinator; and Doreen Asselin, Administrative Secretary.
  - **Member Absent:** John Cole.
- II. READING OF THE MINUTES:** *Draft of the Minutes from the October 24, 2000 Planning Board Meeting.*

*Lewis Zidle arrived at 7:09 p.m.*

The following changes were made to the minutes:

- On Page No. 2, Item IV. Public Hearings, A. Public Hearing on a proposal to conditionally rezone the Continental Mill Property, 2 Cedar Street, from the Riverfront (RF) District to the Mill (M) District, third paragraph, fourth sentence, delete the first word, “*the*”, the second word, “*the*” and replace with the word, “*an*”, and change the word, “*uses*” to read, “*use*”. Also on Page No. 2, same Item, same paragraph, line 12, reword this sentence to read, *Tom Peters said that we should just be aware that if this is granted, and for some reason uses are abandoned beyond the 12<sup>th</sup> month, but before the 24<sup>th</sup>, uses could be legally re-established.*”
- On Page No. 3, Item B, Public Hearing on a proposal to amend Article II, Definitions, and related sections of the Zoning and Land Use Code, to modify the definition of single-family dwelling in compliance with the Federal Fair Housing Act and State laws, fifth paragraph, eighth line, delete the word, “*that*” and ninth line, add the word, “*not*” between the words, “*does think*”.
- On Page No. 4, first sentence on that page, change the word, “*Board*” to read, “*Code*”. Under Item A, Determination of Completeness and Final Hearing concerning the Subdivision Plan for West View Bluffs, Revision 5, first paragraph, second line, delete the word, “*there*” and replace it with the word, “*they*”. On the fourth line, add “*It*” after the word, “*revision*” and change the word, “*his*” to read, “*as*”. In the last sentence of this paragraph, add the words, “*no it*” before the word, “*does*” and delete the word, “*not*”. On this same page and same item, third paragraph, last sentence, delete the words, “*for them*”.
- On Page No. 5, second paragraph, second line, add the word, “*not*” between the words, “*is going*”. Also on the same page, under Item B., fire paragraph, last sentence in that paragraph, add an “*s*” to the word, “*feel*”.
- On Page No. 6, Item C., fourth paragraph, fourth line, delete the word, “*the*” and replace it with the word, “*a*”.
- On Page No. 7, in the first motion, first line, delete the word, “*approved*” and replace it with the word, “*revised*”.

After the above changes, the following motion was made.

**MOTION:** by **Dennis Mason**, seconded by **Mark Paradis** to accept the Planning Board Minutes dated October 24, 2000, as modified.

**VOTED:** 5-0-1 (Robbins).

- III. CORRESPONDENCE:** The following items of correspondence were distributed at this meeting:
- A summary of parking for the Phase III Expansion of the Lewiston-Auburn College Campus, 55 Westminster Street,

- A response from Gil Arsenault, Deputy Development Director, on the property acquisition of 413 Lisbon Street, and
- A response from Gil Arsenault, Deputy Development Director, on the property disposition of 140 Bradbury Road.

**MOTION:** by **Dennis Mason**, seconded by **Mark Paradis** that the Planning Board moves to accept this correspondence, place it on file, and that it be read later on at the appropriate time.

**VOTED:** 6-0.

*Rob Robbins recused himself from the Planning Board on this item.*

**IV. PUBLIC HEARINGS:**

**A. Public Hearing on a Proposal to Amend the Zoning and Land Use Code, Article XIII, Performance Standards, Section 16, concerning sign regulations with respect to single parcels developed with multiple uses, to be consistent with the recent adoption of new zoning districts and regulations in the downtown.** James Fortune read the memorandum by David Hediger, Land Use

Inspector, dated November 22, 2000. Included in the Planning Board packets was the proposed amendments to several sections of the sign ordinance contained in Appendix A, Article XII, Section 16 of the Zoning and Land Use Code of the City of Lewiston.

Gerry Clements of Sam’s Foods submitted a petition requesting an increase in total sign area on free-standing ground signs in non-residential districts. Currently, the ordinance allows one (1) free-standing ground sign up to 168 square feet, plus an additional 168 square feet for single parcels developed with multiple uses. After review of Article XII, Section 16(c)(2)(b)(1)(ii) and (iii) and meeting with Gerry Clements, it was determined that an increase of 48 square feet in sign area on ground signs for single parcels developed with multiple uses would allow for greater flexibility of sign area in non-residential zoning districts. The proposed amendment would result in the code allowing an additional maximum of 216 square feet of sign area for single parcels developed with multiple uses.

Amendments were also proposed for Article XII, Section 16(c)(2), 16(c)(2)(b)(1) and (2) of this code due to adding the newly created zoning districts and eliminating the old downtown zoning district.

Gil Arsenault made the presentation on this topic. He said that, as mentioned above, both he and David Hediger had met with Gerry Clements several weeks ago on the sign area for Marketplace Mall. Currently, the code allows for 168 square feet for single parcels developed with multiple uses, as mentioned above. He is requesting a 14 percent increase in sign area. Gil Arsenault also mentioned that housekeeping issues were done to the sign ordinance. For example, they are proposing to do away with multi-tenant business parks, industrial parks, or shopping centers and replacing this wording with “single parcels developed with multiple uses”. Also, proposed to be changed on Page No. 2 was to delete additional signage up to thirty (30) square feet and replace that with additional signage up to “forty (40) square feet”. Also on Page No. 2, they are proposing to add the wording “Riverfront” “and downtown residential districts” to this ordinance under Item 2, consistent with the recent downtown rezonings.

A 5' x 5' sign for Sam’s would max out this area at this time. However, wall signs can still go on the facade (face of the building), but not on the roof. Gil Arsenault said that a free-standing sign can be placed almost anywhere. He also mentioned that two (2), free-standing signs cannot be concurrently visible.

In this discussion, it was asked that Gil Arsenault clarify Item (iv) on Page No. 2, as to shopping centers. Gil Arsenault’s response was that this basically applies to industrial parks.

Tom Peters said that they are trying to be business-friendly and that this is being driven by people who want adequate signage. The purpose is to increase signage. Tom Peters asked, “What is the definition of a single-parcel?” Gil Arsenault read the definition from his Code book. He said the key is single ownership.

Roger Michaud was present at this meeting. He said that Sam’s would like to add to the sign, on the top of the sign.

This item was closed to the public.

Gil Arsenault then said to change Section 16(c)(2)b.1., Items (iii), (iv), and (v) back to what they were previously and make it consistent. The struck out items need to get replaced, and the underlined items need to get deleted. He said he needs to provide signage to industrial parks and for the ordinance to go back to its original language. Item (ii) is for primary signs and Item (iii) is for secondary, primary arterials.

Tom Peters then opened this item back up to the public, but there were no additional comments. This item was then closed to the public and the following motion was made.

**MOTION:** by **Dennis Mason**, seconded by **Muriel Minkowsky** that the Planning Board recommends to the City Council to approve changes to the Zoning and Land Use Code, Article XIII, Performance Standards, Section 16, concerning Sign Regulations, as amended.

**VOTED:** 5-0.

*Out of sequence to the agenda, the following item was presented.*

*Rob Robbins returned to the Planning Board.*

**V. FINAL HEARINGS:**

**A. *Determination of Completeness and Final Hearing concerning a Fill Project at the Stetson Brook Mobile Home Park (tabled from the 8/22/00 and 9/25/00 meetings, and the applicant is requesting that the project be further tabled until next spring in order to complete the required studies).*** Both Linda Spugnardi (2 Balsam Street) and Marilyn Jalbert (concerned neighbors) were present at this meeting. They were not aware or given a notice that this item was to be tabled at this meeting. According to the correspondence placed in the Planning Board packets dated November 16, 2000 and written by Arthur W. Montana, P.L.S., of A.R.C.C. Land Surveyors, Inc. on behalf of Robert Foss of Stetson Brook Mobile Home Park, the request was to have this fill project tabled to the first Planning Board Meeting to be held in May 2001, since the application for the wetland alteration and the flood plain amendment have not been completed due to the time involved in the application process.

It was requested that the abutters be re-notified of the first May 2001 Planning Board Meeting and to convey the list to Arthur Montana, with the addition of Linda Spugnardi and Marilyn Jalbert to that listing.

**MOTION:** by **Dennis Mason**, seconded by **Rob Robbins** to table the application on the fill project at the Stetson Brook Mobile Home Park until the first May 2001 Planning Board Meeting and re-notify the listing of abutters for this meeting.

**VOTED:** 6-0.

*Consistent with the agenda, the following items were then presented.*

**IV. PUBLIC HEARINGS:**

**B. *Public Hearing on a Proposal to Rezone 164 Rosedale Street from the Neighborhood Conservation "A" (NCA) District to the Community Business (CB) District.*** James Fortune read the memorandum that he prepared and was dated for November 20, 2000. There was an error made on the agenda pertaining to this item and also on the map included in the packets.. The agenda and map referred to 160 Rosedale Street when, in fact, it should have read 164 Rosedale Street. Gendron Realty is requesting this property be rezoned from the Neighborhood Conservation "A" District to the Community Business (CB) District. This is to allow the owner, Gendron Realty, to utilize the property for commercial uses as well as residential. They would like to expand the parking for their property at 904-906 Lisbon Street, which is a mini-mall and is in the CB District, by utilizing a 40' x 145' adjoining section of 164 Rosedale Street. The remaining portions of the property, including the building, could be used for commercial uses with a residential unit on the second floor. Currently, there are two (2) residential units in the building.

There are statements in the proposal on how it is in conformance with the Comprehensive Plan. The project would also need to go through the Development Review Committee (DRC).

*Paul Veilleux* from Gendron Realty was present at this meeting. He said that he would like to increase

parking for the Sam's Italian Shoppe, which is currently located in the mini-mall. At this present time, there are two (2) residential tenants there. The CB District does not allow for a two- (2-) unit residential. This could remain a two-family.

**Brian LaRoche (188 Rosedale Street)**, asked, "Who is D& M Realty?" Paul Veilleux responded that it is Del and Michael Gendron. Both Del and Michael Gendron own this property.

At the end of Rosedale Street is a cul-de-sac.

Brian LaRoche was questioning why there is no school speed limit sign in this area, since Martel School is a short distance down Lisbon Street from this area in question. He said it is safer to use side streets to get out of this area. Tom Peters said that access management is to try to abide by state regulations to make the flow of traffic better and safer. Brian LaRoche opposes this project. He said his preference is: 1. an alternate exit off of the street, 2. that a speed limit sign should be posted and that the speed should be set at 25 mph in this area, and 3. to block off the exit on Rosedale Street. He went on to say that this will change the whole aspect of the street. There are a total of 14 residential homes on this street. As shown on the map, Lot Nos. 201 and 202 are owned by Gendron Realty. Behind these two lots are residential homes.

Paul Veilleux again stated that he would like for the 40' x 145' adjoining section of 164 Rosedale Street to be commercial. The exit for Sam's is behind Lot No. 201. There is one-way traffic coming in, with the outgoing traffic on Rosedale Street. It was mentioned that this can go through a conditional rezoning to make sure the residential use remains residential.

**Anita LaRoche (186 Rosedale Street)** said that this is a very narrow street and that you have to take chances to get out onto Lisbon Street. She also mentioned that this is a one-way exit. There are no stop signs present.

**Del Gendron** was also present at this meeting. He reiterated that he needs more parking. Gil Arsenault mentioned that the more success of the business, the more traffic. He feels the request for additional parking is reasonable. Gil Arsenault suggested again, a conditional rezoning of this area. Tom Peters suggested the following for a conditional rezoning: 1. a 40' x 100' parking lot, or 2. a 60' x 145' property (building) to remain residential. This may relieve some congestion. If this is a conditional rezoning, it would need an easement.

**Dennis Mason** questioned who came up with the reasons for this proposed amendment and consistency with the Comprehensive Plan. James Lysen responded that it was the Planning Staff and the applicant, D&M Realty, but the Planning Board must make a finding that it agrees with the proposal in order to recommend its approval.

**Del Gendron** said that he had spoken to three (3) of the abutting property owners and they were all in agreement. He said he wants to commercialize the whole piece. **Paul Veilleux** said that it is their intention to leave the two- (2-) family residential. This item was then closed to the public and the following motion was made.

**MOTION:** by **Rob Robbins**, seconded by **Mark Paradis** that the Planning Board send a favorable recommendation to the City Council that 164 Rosedale Avenue be rezoned from the Neighborhood Conservation "A" (NCA) District to the Community Business (CB) District, in accordance to the petition submitted by Gendron Realty.

**VOTED:** 3-3 (Robbins, Paradis, and Peters In Favor; Minkowsky, Mason, and Zidle Opposed).

After this motion was made, the following comments were made that this vote does not constitute an action by the Planning Board. This will go on to the City Council for them to decide.

## V. FINAL HEARINGS:

**B. Determination of Completeness and Final Hearing concerning a Subdivision Application to Amend the Subdivision of Michaud Meadows.** James Fortune read the memorandum that he prepared for this meeting and was dated for November 20, 2000. This application is being submitted to amend the Michaud Meadows Subdivision. The applicants, Richard and Wendy Michaud, are proposing to amend the subdivision by combining Lot No. 113A with Lot No. 100 and deeding a 25' x 100' section of Lot No. 91 to Lot No. 100. The newly-created lots both meet the dimensional requirements for the Neighborhood

frontage of 75 feet. There is no new construction proposed with this amendment. St. Joseph Avenue is an existing public street and a single-family home has already been built on Lot No. 100. Lot No. 91 is currently a vacant parcel. This proposed amendment will eliminate a building lot and will not affect any infrastructure or environmental conditions.

There were no concerns by the Police, Fire, or Public Works Departments.

**Arthur Montana** was present at this meeting and did a presentation. **Mr. & Mrs. Michaud** were also present at this meeting. A swimming pool has been built on Lot No. 113A.

There were no questions or concerns from the audience. The following motion was made.

**MOTION:** by **Dennis Mason**, seconded by **Muriel Minkowsky** that the Planning Board grant the necessary modifications and waivers request, determine the application for the Michaud Meadows Subdivision to be complete, and grant final approval, based on this application meeting the applicable approval criteria under Article XIII.

**VOTED:** 6-0.

**C. *Determination of Completeness and Final Hearing concerning a Proposed Expansion of LePage Bakery, Lisbon Street.***

James Fortune read his memorandum that was dated November 20, 2000. LePage Bakeries has submitted an application for a proposed amendment to the Site Plan for the Lisbon Street bakery manufacturing plant. This proposed two- (2-) story addition would expand the production plant on Lisbon Street, at the corner of Birch Street by 13,200 square feet with a main floor and basement, each being 6,600 square feet. The main floor will be used for bread storage. The basement will be used for file storage. This proposed building addition will replace the four (4), existing delivery truck loading docks and truck maneuvering area and eliminate curb cuts on Lisbon Street. This project would also include the removal of a 10' x 23' structure on the southeast corner (Park Street side) of the existing building to permit the construction of an additional loading dock. Because this addition will be constructed on existing impervious surface (paved truck maneuvering area), there will be no additional storm water runoff. Therefore, the applicant is requesting a waiver for the storm water drainage calculations and analysis.

There will be no gain in employment. There will also be no need for additional parking.

Both the Fire and Code Enforcement Departments had no concerns with this project. The Police Department would like the potential impact on traffic during construction of this project on Lisbon and Birch Street addressed. **Tom Peters** asked James Lysen if a traffic study is needed? James Lysen responded, in his opinion, "No". The Public Works Department stated that they would require the installation of sidewalks with granite curbing at all curb openings which will be closed.

Present at this meeting, on behalf of the applicant, was **Bob Faunce**.

The loading dock is not an issue. The temporary snow storage will remain. **Bob Faunce** said that LePage Bakeries are looking to invest a lot of money in this building. The utilities and curbing do not need to be removed.

Some of the comments and concerns expressed by the public are, as follows.

**Rita Godbout (a resident who owns property on Birch Street)** is concerned with the trash. She feels that a big thing like this should not have to be built in this City.

**Roland Dostie** said that his concerns were also with the trash, but mainly with the trucks that turn into his yard. He said that Tuesdays and Saturdays are the only quiet days. Trucks block the road. The trucks also leave their lights on and idle for long periods of time. He said that his fence has been broken several times. He is just requesting and would like respect to live there. He would like LePage Bakeries to be a more considerate neighbor. Gil Arsenault said that he has conversed several times with Roland Dostie over the years. Gil Arsenault agreed that LePage Bakeries should be more attentive in their efforts on the part of their truckers. Roland Dostie also pointed out that the trucks were smaller in 1988. He said that it is LePage Bakeries way or no way. He is also concerned with the utilities being removed. As stated earlier, Bob Faunce said that this was not to be removed. It would cost \$10,000 to move the utilities. LePage Bakeries will do whatever they can to not move these utilities.

make is studied. They have tried to increase their efficiency of the two (2) buildings in Lewiston. Bob Faunce said that he will bring these concerns to the attention of the highest authority there. Tom Peters also said that these are legitimate concerns and that he would like to see the owner of LePage Bakeries informed of these concerns. He then requested that Bob Faunce write a letter with a copy of that letter sent to the Planning Board Chair. He would also like, in the contents of that letter, to say that the Planning Board Chair is requesting this. Tom Peters also said, that he feels, that if management got this message, they would address the issues. The owner of LePage Bakeries would not let this go on.

Dennis Mason asked, "What is the construction schedule?" Bob Faunce responded that LePage Bakeries would like the addition occupied by April 2001. One (1) level is above ground. There will be a basement. Bob Faunce said that he has not seen the elevations. There is no increase in impervious drainage. The drainage will go with the same system already in place. Bob Faunce said that LePage Bakeries is changing the depth of the loading dock only. In closing this discussion, Bob Faunce said that he will be writing a letter, at the request of the Planning Board Chair, addressing Roland Dostie's concerns. This item was then closed to the public. The following motions were made.

**MOTION:** by **Dennis Mason**, seconded by **Lewis Zidle** that the Planning Board approve the waiver and modification requests and determines the application for LePage Bakeries, Lisbon Street to be complete.

**VOTED:** 6-0.

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**MOTION:** by **Dennis Mason**, seconded by **Rob Robbins** that the Planning Board grant final approval on the application for LePage Bakeries, Lisbon Street, based on the application meeting the requirements of Article XIII, and meets all the requirements placed by the Planning Board on the condition that the developer must install sidewalks with granite curbing at all curb openings and that the project complies to the traffic or street closures of the neighborhood.

**VOTED:** 6-0.

***NOTE:** The Planning Board has received the letter from Country Kitchen (LePage Bakeries) and this letter is appended to these minutes.*

**D. Determination of Completeness and Final Review concerning a Proposed Phase III Expansion of the Lewiston-Auburn College Campus, 55 Westminster Street.** The reading of James Fortune's memorandum dated November 20, 2000 was waived by the Planning Board. The Lewiston-Auburn College has submitted an application concerning a proposed Site Plan for Phase III. In this phase, the college proposes to renovate 10,590 square feet of unfinished floor space and construct a second floor with an additional 6,780 square feet to complete development of the existing building, which currently has 63,297 square feet of floor space. The only new impervious area will be an 800 square foot addition on the south end of the building, a 145 square foot vestibule on the north end of the building, and 493 square feet of new sidewalks. Upon completion of this phase, the proposed footprint will not exceed the lot coverage ratio and maximum impervious ratio requirements for the Industrial (I) District. There will be no new parking spaces. There are currently 343 parking spaces on the campus, with an additional ten (10) spaces being rented from an abutting property owner, which total 353 parking spaces. The existing parking is sufficient to meet the current and projected needs of the students, faculty, staff, and visitors. This phase will add 1,438 square feet of new impervious area to the 209,700 square feet already existing on this site. No changes are being made to the existing topography or grading. The effect on drainage will be minimal. Since this phase will have very little impact on existing drainage conditions, the request at this meeting, is that the requirement for drainage calculations be waived. The City concurs that the existing parking meets the current needs and will meet the parking needs upon the completion of this phase.

Police, Fire, Code Enforcement, and the Public Works Department had no concerns with Phase III of this Site Plan.

Steve Myers from Platz Associates was present at this meeting on behalf of Dave Barbor, the Facilities Manager for the University of Maine System, and for the Lewiston-Auburn College. He said that this exceeds

both the functional and regulatory needs of the college. This use will require a conditional use permit and James Lysen stated that this project will be coming back to the Planning Board at the December 19, 2000 Meeting to obtain it. Steve Myers suggested that Planning Board Members and Staff save their copies of their plans relative to the December 19, 2000 Planning Board Meeting. This item was then closed to the public and the following motion was made.

**MOTION:** by **Dennis Mason**, seconded by **Muriel Minkowsky** that the Planning Board approves the necessary waivers and modifications, determines the application for Phase III of the Site Plan for the Lewiston-Auburn College, 55 Westminster Street to be complete, and grants final approval, based on this application meeting the applicable approval criteria under Article XIII, Section III, subject to the condition that the Lewiston-Auburn College acquires the required Conditional Use Permit.

**VOTED:** 6-0.

## **VI. PRE-APPLICATION HEARINGS:**

**A. *Pre-Application and Determination of Completeness concerning a Proposed Amendment to the River Road Industrial Condominiums Subdivision.*** Again, at the request of the Planning Board, the reading of the memorandum prepared by James Fortune and dated November 22, 2000 was waived.

H.E. Sargent, Inc. is proposing to divide the remaining land they own and create two (2), new lots in the subdivision. The purpose is to permit them to sell Unit No. 9 to Pike Industries, Inc., which owns the adjacent Lot (Unit No. 6). Pike Industries will continue to use the lot (Unit No. 9) to stockpile aggregate materials. H.E. Sargent will then retain ownership of Unit No. 8, which will continue to be used for limited storage with a removable field office trailer. These lots are in compliance with the Industrial (I) District. However, there is a large amount of shoreland zoning on both lots, which will require any development to comply with specific shoreland zone regulations.

The Police, Fire, Code Enforcement, and Public Works Departments have no concerns with this item.

Arthur Montana of A.R.C.C. Land Surveyors, Inc. was present at this meeting on behalf of H.E. Sargent.

This is not a minor amendment. Two (2) lots are being created. The latest revision to this subdivision was done to Lot No. 7.

Arthur Montana explained that currently both Unit Nos. 8 and 9 are one (1) lot. The frontage is on Unit No. 8. This is an example of a case for odd or irregular-shaped lots. Lot Nos. 3, 4, and 6 are owned by Pike Industries. Arthur Montana went through the list of issues which Code Enforcement wanted addressed at this meeting. He referred to Item No. 5, which was for the requirement of Note #17 on the plan regarding mineral rights. This was previously not shown on the Planning Board Members' or Staff's plans. As to Item No. 7, setback issues with respect to the buildings on Unit No. 3, the lots are contiguous ownership. The owners may want to keep them separate, as free-standing lot. Frontage is not needed. This is a private road.

Mark Paradis said that there is an association involved. This needs to be confirmed that it is recorded correctly. Arthur Montana said that if it is not, it will be. After Arthur Montana's completion of the list of issues, which are listed on James Fortune's memorandum dated November 22, 2000 in the Planning Board packets, the following motion was made.

**MOTION:** by Dennis Mason, seconded by Muriel Minkowsky that the Planning Board grants the necessary waiver and modification request; determines the River Road Industrial Condominiums Subdivision, Fifth Revision, 145 River Road to be complete, schedules a Final Hearing for the December 19, 2000 Planning Board Meeting; and for the applicant, H.E. Sargent, Inc. to work with the Planning Board Staff to have information necessary on the designation as a "Condominium".

**VOTED:** 6-0.

## **VII. OTHER BUSINESS:**

**A. New Business:**

**1. “Diminimus” Change for Modifications to the Approved Site Plan for Lever’s Day Care, Lewiston Raceway Development, 50 Mollison Way and Authorize the Chairman to Sign the Mylar.**

The following is an overview of the memorandum prepared by James Fortune dated November 20, 2000. The proposed modifications includes the elimination of nine (9) trees and a modification to the play area. The modification includes six (6) trees that were previously approved for the southern (right side) lot boundary, which would be eliminated from the plan along with three (3) trees that were to be planted near the building. The play area was covered with wood chips rather than grass, as shown on the approved plan.

This has been brought to the Planning Board to determine that these proposed changes are of a “diminimus” nature and for the Planning Board Chair to sign the revised mylar. There was no public attendance, therefore, this was not opened to the public and the following motion was made.

**MOTION:** by **Mark Paradis**, seconded by **Muriel Minkowsky** that the changes proposed for the approved Site Plan for Lever’s Day Care, 50 Mollison Way are of a “diminimus” nature and authorizes the Planning Board Chair to sign the revised mylar.

**VOTED:** 6-0.

**2. “Diminimus” Change for Modifications to the Site Plan for 56 Alfred A. Plourde Parkway (Neal Specialty Compounding) and Authorize the Chairman to Sign the Mylar.**

The following is an overview of the memorandum prepared by James Fortune, which was dated November 20, 2000. The original plan was approved in July 1999 for Gendron & Gendron for the former Neal Specialty Compounding, Inc. A “diminimus” change was also approved in August 2000 for this plan.

The current request is being made for modifications to the approved Landscaping Plan in order for the occupant (Compounding Solutions) to obtain a Certificate of Occupancy from the City. They are currently operating under a temporary occupancy certificate. This development needs to be brought into compliance with the approved Site Plan in order to obtain the Certificate of Occupancy. Currently they are in violation with respect to the landscaping, as shown on the Plan.

The Owner of Compounding Solutions has submitted a revised Landscaping Plan and implementation schedule outlining their proposal. The modified plan eliminates the staggered rows of Norway Spruce trees (68 trees in all) that were shown on the original approved plan. The approved Site Plan does not include any street trees. The proposed modifications include four (4) Maple trees along Goddard Road and a landscaped area adjacent to the building. The existing vegetated area along the perimeter of the property will be maintained as well as keeping the non-impervious area of the lot vegetated. The parking area will also be striped according to the plan.

This was brought to the Planning Board to determine that these changes pertaining to the trees on the Site Plan are of a “diminimus” nature and if so, to authorize the Planning Board Chair to sign the revised mylar. There was no public audience in attendance, therefore, this was not opened to the public and the following motion was made.

**MOTION:** by **Dennis Mason**, seconded by **Lewis Zidle** that the changes relative to the trees on the Site Plan for Compounding Solution, 258 Goddard Road are of a “diminimus” nature and authorizes the Planning Board Chair to sign the revised mylar.

**VOTED:** 6-0.

**3. *Review a Proposal Concerning the Possible Acquisition of 413 Lisbon Street and Make a Recommendation to the City Council Accordingly.***

The following is a summary of the memorandum prepared by James Fortune dated November 21, 2000. The City is in receipt of an inquiry asking them if they are interested in purchasing the building and land located at 413 Lisbon Street. The building is attached to 411 Lisbon Street, which is owned by the City and is



slated for demolition. This demolition has been put on hold because there is no exterior wall between the first floors of the two (2) buildings and they share a common I-beam across the front, supporting the two (2) buildings.

The assessed value of the building and land is \$72,400.00 according to the most recent tax records. There are no outstanding tax liabilities or unpaid sewer and water bills. A bi-annual payment of taxes in the amount of \$1,000.93 is due in December 2000.

The Finance and Community Development Departments and the Downtown Advisory Board recommend the City purchase this building.

Gil Arsenault went over the Property Acquisition/Disposition Review Form distributed to the Planning Board at this meeting from Code Enforcement. His comments on this form were:

*“Given City-owned property in this area, consideration should be given to this acquisition to landbank this with the adjoining 411 and 407 Lisbon Street (this would yield 80' on Lisbon Street). However the cost of the party wall issue (i.e. construction cost of a new wall needed in the event that 411 Lisbon Street is demolished) should be factored into the acquisition cost. My opinion is that we should purchase 413 Lisbon Street at assessed value, less the cost to construct the new wall.”* Gil Arsenault said that the common wall issue is remote.

The assessed land value is: a. \$12,000 for the land and b. \$60,000 for the building.

Norm Beauparlant, from the Finance Department, mentioned in his comments on his Review Form and as mentioned earlier that the demolition project has been put on hold pending further investigation into the possible connection to 413 and 415 Lisbon Street.

This area is also in a gateway area to the City. James Lysen said that the consolidation of land is mentioned as a recommendation in the City of Lewiston's Comprehensive Plan and the Downtown Master Plan.

Muriel Minkowsky commented that the City of Lewiston is not in the real estate business.

Tom Peters mentioned that an option of purchase can be done if the building is vacated.

It was mentioned that an opinion may be needed from City Attorney Robert Hark. Because of the issue mentioned in Norm Beauparlant's Review Form, a possible significant entanglement issue on relocation requiring an opinion from Robert Hark, and the need to get this assessed, it was decided by the Planning Board and suggested by Rob Robbins to table this item for further discussion at the December 19, 2000 Planning Board Meeting. No formal motion was made.

#### ***4. Review a Proposal Concerning the Possible Disposition of Land Located at 140 Bradbury Road and Make a Recommendation to the City Council Accordingly.***

James Fortune summarized his memorandum dated November 21, 2000. The heirs of the (former) owner of a 40-acre parcel of land located at 140 Bradbury Road have offered to purchase the property back from the City. The City acquired the land a number of years ago for back taxes and has held onto it ever since.

The assessed value of the land, according to the City of Lewiston records is \$27,400. Since this is City-owned land, and has been for many years, no taxes are owned on this property.

In the comments from various City Staff, the indication is to retain this parcel, since it is advantageous to the City and fits within the official policy of acquiring land in the No Name Pond Watershed. This will help the City improve/maintain water quality by restricting and controlling development in this area.

According to 1992 records, this parcel provides access to No Name Pond with approximately 800 feet of shore frontage on the pond. The large parcel could also provide a number of public recreation opportunities that would be lost if the City sold this property. The recommendation from the City Staff is to continue to hold for the City to retain this property.

There was no firm offer given. This was just an inquiry.

Rob Robbins commented that he was in agreement with City Staff that this is important for the watershed of No Name Pond and that it is worth maintaining. He then made the following motion.

**MOTION:** by **Rob Robbins**, seconded by **Dennis Mason** that the Planning Board recommends to the City Council that the City retain the land located at 140 Bradbury Road.

**VOTED:** 6-0.

5. ***Selection of a Planning Board Member for the Courthouse Plaza Steering Committee.*** There are two (2) meetings scheduled for the Courthouse Plaza Steering Committee. One (1) meeting is scheduled for Wednesday, December 6, 2000 and the other meeting is scheduled for Monday, December 18, 2000. A Planning Board Member is needed on this committee. James Lysen suggested Planning Board Vice Chairman, Dennis Mason. The following motion was made.

**MOTION:** by **Mark Paradis**, seconded by **Muriel Minkowsky** to appoint Planning Board Vice Chairman, Dennis Mason to the Courthouse Plaza Steering Committee.

**VOTED:** 6-0.

After this motion, also discussed was the following: a. CDBG - Working on an answer to the question as to what is the process for this year. b. The letter dated November 3, 2000 from Assistant City Administrator Phil Nadeau concerning the Planning Board's role with respect to property acquisition and dispositions for the City of Lewiston is to be placed on the agenda for December 19, 2000 under the New Business item. c. LCIP - Tom Peters mentioned that on a specific acquisition of a property, there is a question if it necessarily needs to come back to the Planning Board for an opinion, if it is already approved in the LCIP (i.e. the purchase and acquisition of property such as the Pillsbury Block). He believes that it might still come back to the Planning Board.

**B. Old Business: None.**

**VIII. ADJOURNMENT:** The following motion was made to adjourn.

**MOTION:** by **Tom Peters**, seconded by **Muriel Minkowsky** to adjourn this meeting at 10:32 p.m.

**VOTED:** 6-0.

Respectfully submitted,

Mark Paradis, Secretary

DMA:dma

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