

City of Lewiston
PLANNING BOARD MEETING
MINUTES OF February 13, 1996

5:30 PM LCIP workshop
The Board members reviewed item by item the proposed FY97 LCIP.

7:00PM

I. ROLL CALL

- A. Members Present: Denis Theriault, Harry Milliken, David Jacques,
Marc Goulet, Tom Peters, Lew Zidle
- B. Members Absent: Harold Skelton
- B. Staff Present: James J. Lysen, Planning Director
James Andrews, Community Development Director
Christina Revell, Recording Secretary

II. READING OF THE MINUTES

MOTION: By Mr. Peters, seconded by Mr. Goulet to approve the minutes of January 23, 1996 with the following four amendment changes and then place on file:

1. Page 2: Better detail the discussion between Mr. Levesque and Mr. Skelton regarding why, if both buildings are exempt from development review, the project is before the Planning Board when Mr. Skelton feels that the Board does not have jurisdiction. Mr. Levesque stated that the City Council felt that because this is a project in the downtown, that regardless of what the Code says, they wanted a "heightened awareness of the project and they did not want the private sector thinking that the City is doing things differently. Mr. Levesque also noted that there is a standing policy in the Development Department that municipal projects are reviewed by the appropriate body as well and this is why the library project is before the Planning Board. Once again, Mr. Skelton responded that he does not know if the Planning Board has jurisdiction to review this particular project, whether or not it is the City's policy. Mr. Levesque responded, "technically your are correct";
2. Page 2: To correct the record indicating that Mr. Theriault was reading from the deed and not the real estate transfer tax paper regarding the Pilsbury Building;
3. Page 2: To include Mr. Skelton's quote made just before his motion on the Lewiston Public Library in which he stated, "...if we don't have jurisdiction our vote in invalid....";
4. Page 4: to show as two separate motions, with separate votes, the action regarding the forwarding of Mr. Theriault's letter via Robert Mulready to City Attorney Robert Hark and, the request that Staff start process to initiate Code Amendment to Article 8, Section I.

City of Lewiston
PLANNING BOARD MEETING
MINUTES OF February 13, 1996

VOTE: Passed 6 - 0

III. CORRESPONDENCE

None.

VI. OTHER BUSINESS

A. Scott Pharmacy - Spare-Time Recreation Subdivision (Mollison Way)

Mr. Dycio referenced the letter from Sheri L. Shaw addressed to the Planning Director stating that there is a small change in the footprint of the building; the drawings reflect a footprint which is 272 square feet smaller, as well as a difference in the shape of the building, other minor changes are also reflected in the plan. Mr. Lysen advised that this would result in a diminimus change to the mylar. Mr. Stephan Myers is present for any questioning.

MOTION: By Mr. Theriault, seconded by Mr. Goulet to accept the changes to the Scott Pharmacy - Spare-Time Recreation subdivision project.

VOTE: Passed 6 - 0

IV. PUBLIC HEARINGS

B. Proposed Amendment to the Official Zoning Map - Thorncrag

Mr. Dycio informed the Board that attached is a proposed amendment to the Official Zoning Map of the City of Lewiston where property located at 529 – 577 East Avenue would be rezoned from Suburban Residential (SR) District to Resource Conservation (RC) District as shown on the attached map. The Planning Staff supports the proposed rezoning request, and recommends that the Board review the request, receive input at the Public Hearing, and forward a recommendation to the City Council accordingly. Mr. Dycio also noted that the proposed amendment is in conformance with the Comprehensive Plan because it addresses the City's policy on open space and environmental concerns. Specifically, it addresses the policy that "the City should work with the owners of the Thorncrag Sanctuary to assure its permanent preservation as a major open space within the City and improve its accessibility to the residents of the City. In addition, the City's land use regulations should designate the sanctuary for nondevelopment uses."

Mr. Fred Huntress, Jr., President of the Stanton Bird Club distributed a flyer on the sanctuary and briefly described the long term goals of the club. Dr. Lawrence Nadeau, Vice President of the Stanton Bird Club noted that the new land acquisition was bought with private money while the rest of the sanctuary land was donated. Mr. Dycio advised that this rezoning would not adversely affect any abutters while buffering the sanctuary and that this is not spot zoning. For the record, five abutters were notified, none responded. Chairman Milliken opened and then subsequently closed the Public Hearing portion of the meeting after receiving no comments.

City of Lewiston
PLANNING BOARD MEETING
MINUTES OF February 13, 1996

MOTION: By Mr. Goulet, seconded by Mr. Theriault to send a favorable recommendation to the City Council regarding the proposal to rezone property located at 529-577 East Avenue from Suburban Residential (SR) District to Resource Conservation (RC) District.

VOTE: Passed 6 - 0

C. Proposed Amendment to the Official Zoning Map

Mr. Dycio informed the Board that attached is a proposed amendment to the Official Zoning Map of the City of Lewiston where portions of the property located at 11 – 15 Dyer Road would be rezoned from Highway Business (HB) District to Rural Agricultural (RA) District as shown on the attached map. The Planning Staff supports the proposed rezoning request, and recommends that the Board review the request, receive input at the Public Hearing, and forward a recommendation to the City Council accordingly. Mr. Dwinal who was present stated that he has no development plans at this time. Chairman Milliken opened and then subsequently closed the Public Hearing portion of the meeting after receiving no response.

MOTION: By Mr. Goulet, seconded by Mr. Zidle to send a favorable recommendation to the City Council regarding the proposal to rezone portions of property, located at 11-15 Dyer Road, from Highway Business (HB) District to Rural Agricultural (RA) District.

VOTE: Passed 6 - 0

MOTION: By Mr. Goulet, seconded by Mr. Zidle that the Planning Board recommend that the City Council hear the proposed rezoning at their meeting of March 19, 1996 as applicant will be out of town on the next scheduled City Council meeting of February 20, 1996.

VOTE: Passed 6 - 0

V. REVIEW OF DEVELOPMENT PROPOSALS - PRE-APPLICATION

A. Joe Lagasse Fill Project (69 Pond Road)

Mr. Dycio informed the Board that Richard Bastow, on behalf of Joe Lagasse, has submitted plans for a proposal to place fill material, in excess of 5,000 cubic yards, on property located at 69 Pond Road. The Zoning and Land Use Code requires fill projects in excess of 5,000 cubic yards to be reviewed and approved by the Planning Board. Pursuant to Article XIII, Section 3 (h)(5), the applicant is requesting 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 requests Staff finds that, in our opinion, the requests are justified and recommends that the Board grant them.

The Planning Staff has forwarded copies of the plans to the Police, Fire and Public Works Departments for their review and comments. Return response

City of Lewiston
PLANNING BOARD MEETING
MINUTES OF February 13, 1996

indicates that neither department has any concerns. There is however one minor concern on the implementation schedule of which Mr. Bastow was informed and accordingly, he will tighten up dates.

The applicant has requested that the Planning Board consider both Pre-Application and Determination of Completeness at the same meeting. The Planning Staff has reviewed the project's application and finds that, in our opinion, the project's application is complete. Staff asks that the applicant and his representative amend the implementation schedule so that the completion date is clearly defined and submit it for Staff's review. Should the Board find that the application is complete, Staff recommends that the Board schedule the project for a Final Hearing for the next available Planning Board meeting (February 27th). In closing, Mr. Lagasse informed the Board that he wants use of his land and to improve the appearance to which Mr. Peters commended him. Mr. Bastow came forward and referencing an area map, indicated how drainage would be constructed using clean fill from the construction site, partially seeded by the fall with the rest of the project being completed as fill is received.

MOTION: By Mr. Goulet, seconded by Mr. Jacques that the requested waivers of submission requirements by the Joe Lagasse Fill Project (69 Pond Road), 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: Passed 6 - 0

MOTION: By Mr. Goulet, seconded by Mr. Jacques that the application of Joe Lagasse Fill Project be determined to be complete. and further move that review of the completed application be scheduled for a final hearing on February 27th at 7:00PM.

VOTE: Passed 6 - 0

VI. OTHER BUSINESS

D. Proposed Amendment to Article XIII, Section I
(This item was not listed on the agenda.)

Mr. Dycio informed the Board that the reason for the proposed amendment is to provide consistent review and approval for the development of all land, both public and private, requiring all projects to be applicable for development review should they meet any of the applicability standards of Article XIII, Section 2. The change involves the deletion of the word *private* and replacing with the word *all* when referencing the development of land. Mr. Peters recommends that the Board delay any action until the meeting with Attorney Hark on previously discussed issues. At this point the Board resumed discussion regarding Mr. Theriault's letter and whether it has been forwarded to the City Administrator. Quoting from the policy manual, Mr. Theriault informed the Board that it was not necessary to go through the City Administrator to engage the City Attorney in any

City of Lewiston
PLANNING BOARD MEETING
MINUTES OF February 13, 1996

discussion. Mr. Peters requested that Mr. Lysen forward Mr. Theriault's letter to Mr. Mulready. It was agreed upon at this point that the Board would meet with Attorney Hark on a mutually decided independent night(s) to discuss their issues and concerns. Mr. Milliken requested that a written response from Attorney Hark regarding the Planning Board's powers and duties be forwarded to Board members prior to any arranged meeting. In closing, it was determined to continue this agenda item as "Other Business" at the next Board meeting.

B. Discussion of finding of Comprehensive Plan Citizen's Survey

Mr. Lysen distributed copies of "Assessing the Present, Planning the Future: Findings of the 1996 Lewiston Comprehensive Plan Citizen Survey". General discussion ensued over the survey results and the uses for the acquired data. Chairman Milliken requested that the Comp Plan Survey be kept on subsequent agendas under "Other Business" and would Mr. Lysen please bring a copy of the Bates survey to the next Planning Board meeting.

C. ITV - Land Policy Forum Registration

Mr. Lysen circulated a sign up sheet for the five seminars to be held at the Turner High School noting that if interest was apparent, more than three participants could attend any of the scheduled meetings.

At this point Mr. Theriault referenced his request for a five minute recess from the last Planning Board meeting and quoting from Robert's Rules of Order stated that his request should have been honored. Chairman Milliken did at this time request a five minute break at 8:25PM before beginning the LCIP agenda item.

IV. PUBLIC HEARINGS

(Meeting was reconvened at 8:30PM.)

The Planning Board reviewed the proposed FY1997 Lewiston Capital Improvement Program item by item. After exhaustive discussion in which the Board prioritized the various projects and forwarded their recommendations to the City Council as part of the following motion:

MOTION: By Mr. Peters, seconded by Mr. Goulet that the Board send a favorable recommendation to the City Council regarding the proposed FY1997 Lewiston Capital Improvement Program subject to the following:

1. Farwell School Playground Completion: Allocated only \$45,000.00 to complete program with balance of \$50,000.00 to be provided by private donations;
2. Improvement at Martell School-Phase II: No position, low priority;
3. Removal and replacement of Kennedy Park Pool: Move request to FY98 LCIP, research other possible locations for public pool;
4. Tall Pines Recreation Improvements: place request on low priority;
5. Public Works - Municipal Fleet: Correct allocation amount, should be \$250,000 and not \$25,000 as typed; next year list equipment

City of Lewiston
PLANNING BOARD MEETING
MINUTES OF February 13, 1996

and equipmentID numbers to simplify identification of equipment.

VOTE: Passed 6 - 0

It was noted that it is the Board's intent to present their recommendations, in person, at the City Council meeting of February 20, 1996. The Board will also provide further review and comments on those LCIP projects that are part of the 1997 CDBG Program.

In closing of this evening's meeting, the entire Planning Board complimented and then thanked Planning Coordinator George Dycio on the extensive and thorough job he did presenting the proposed FY97 LCIP. In turn, Mr. Dycio indicated other Staff members who assisted extensively in helping him meet his deadline.

MOTION: By Mr. Theriault, seconded by Mr. Zidle to adjourn the meeting at 10:00PM.

VOTE: Passed 6 - 0

Respectfully submitted,

Marc Goulet
Secretary