

CITY OF LEWISTON  
PLANNING BOARD MEETING  
MINUTES for July 26, 2010

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- I. **ROLL CALL:** The meeting was held in the City Council Chambers on the First Floor of City Hall and was called to order at 5:30 p.m. Chairperson, Lucy Bisson, chaired the meeting.

**Members in Attendance:** Lucy Bisson, Bruce Damon, Paul Robinson and Kevin Morissette

**Members Absent:** Denis Fortier, Trinh Burpee and Eric Potvin

**Associate Member Present:** Michael Marcotte

**Associate Member Absent:** None

**Staff Present:** David Hediger, City Planner and Cathy Lekberg, Administrative Assistant, Economic & Community Development

- II. **ADJUSTMENT TO THE AGENDA:** None

- III. **CORRESPONDENCE:** None

- VI. **PUBLIC MEETING:**

- a. **To consider the Planning Board initiated amendment to Appendix A. Article VI, Section 13 of the Zoning and Land Use Code hereinafter referred to as the Code, for the reestablishment of nonconforming uses in historic structures in the Centreville District.**

David read staff comments to the Board.

Lucy made note of a grammatical error in the amendment. She asked if the 271 Park Street project would have to go before the Board of Appeal before they start building. David stated that permits could be issued for demolition and renovations but for them to get a Certificate of Occupancy, they would have to go before the Board of Appeals.

Bruce asked about the amendment process; that the board would recommend adoption to the council and the council would take formal action and then after that time CCI would have to go before the Board of Appeals and David stated that is correct. David stated after final action by council there is a 30-day period before the ordinance becomes effective period. No permits can be released until after the 30 days. Bruce asked if there would be two council meetings and David said yes.

Kevin asked about the parking language and David stated that was taken and tweaked from existing language in the ordinance for the reestablishment of another nonconforming use. The parking language could potentially be eliminated. He stated that they kept the language to

be consistent with existing language within code. Because this is a historic structure, they do not need to meet the criteria of parking.

Bruce asked Dave if this ordinance would end up being invoked if the Diocese sells their historic churches and structures. David stated only if it is a historic structure located in the Centreville District. David stated that this is a unique ordinance and will probably not be used very often.

**Public Comment:**

Tom Peters asked if there were any historic buildings downtown that were used at any point for anything other than what is allowed in the downtown. He stated that there were a bunch of businesses that had uses that were not allowed and it took years to get rid them. Bruce stated there should be a clear definition of historic use; just because it was a prior use doesn't make it a historic use for the structure. David stated the way it is worded now is reestablished to its original use to retain and preserve the original purpose of said building and structure. Bruce stated it should be the original use it was constructed for rather than a previous use. Lucy stated originally, this property was a two-family home built for mill bosses. Tom stated that there should be a footnote to reflect that. The Board agreed.

**Public Comment Closed:**

Paul stated he was confused about what qualifies as historic and that if a structure qualifies for historic preservation, what was the original use of the building. Is there a way those two go together. In other words maybe it does not matter what the original use was if the structure has some sort of significance of historic structure because of the architecture. Lucy stated she did not think so. The ordinance is just so we can reestablish a *structure's* original use in the Centreville District for a historic building. The code does not allow a two family in that district. Regarding 271 Park Street, because it was originally a two family and they want to return it to a two family is why we want to amend this code. Bruce stated it would have to meet both criteria, historic, and be located in the Centreville District.

The following motion was made.

**MOTION:** by **Bruce Damon** pursuant to Appendix A, Article XVII of the Code to send a favorable recommendation to the City Council to amend Appendix A, Article VI, Section 13 of the Code to allow via a conditional use permit the reestablishment of nonconforming uses in historic structures in the Centreville District. Second by **Paul Robinson**.

**VOTED:** **4-0 (Passed).**

- b. To consider the Planning Board initiated amendment to Appendix A. Article XI, Section 4(c)(8) of the Code to eliminate boarding houses in the Medium Density Residential District.**

David stated originally these amendments were going to be discussed as part of the zoning matrix work the Board has discussed. Lucy stated that only boarding houses and lodging houses should be discussed tonight. Lucy asked the Board if we should be discussing the said uses in OR and the UE Districts as noted in Gil Arsenaults memo July 23, 2010 and the Board agreed that it should be discussed. Bruce stated as far as they know there are no licensed boarding houses in the City and David agreed. Lucy stated that a lodging house does not have to have a common kitchen but they may. David stated that is the only difference. A boarding house has to have a kitchen and serve food and a lodging house does not..

David read the staff comments to the Board.

Bruce stated that the motion should include the OR and UR Districts. The Board agreed.

**Public Comment: None**

The following motion was made.

**MOTION:** by **Bruce Damon** pursuant to Appendix A, Article XVII of the code to send a favorable recommendation to the City Council to amend Appendix A, Article XI, Section 4(c)(8) of the Code to eliminate boarding houses as a permitted use in the Medium Density Residential district, Article XI, Section 8(c)(5) and (20) to eliminate boarding and lodging houses as a permitted use in the Office Residential district and Article XI, Section 16(d)(7) and (8) to eliminate boarding and lodging houses as conditional use in the Urban Enterprise district. Second by **Paul Robinson**.

**VOTED: 4-0 (Passed).**

- c. To consider the Planning Board initiated amendment to Appendix A. Article XI, Section 9(c)(4) to eliminate boarding houses as a permitted use and to permit lodging houses in the Downtown Residential District.**

Lucy stated that the Board is considering changing boarding houses to lodging houses in this district.

David read Gil's staff comments to the Board. Gil's suggestion would be to eliminate boarding houses and add lodging houses because their use is essentially the same.

Bruce asked if there is some demand to have lodging houses in the DR and David stated yes, he has talked to a number of people including Rick

LaChapelle to do this. Staff knows from dealing with Paul Rancourt that these houses fill up quickly. There are numerous reasons why this could be supported when reviewing the comprehensive plan.

Lucy stated there are many multi-family buildings that could be converted in this area into lodging houses.

**Public Comment:**

Tom Peters made comments and said it was a good decision to do this.

**Public Comment Closed.**

The following motion was made.

**MOTION:** by **Bruce Damon** pursuant to Appendix A, Article XVII of the Code to send a favorable recommendation to the City Council to amend Appendix A, Article XI, Section 4(c)(8) of the Code to eliminate boarding houses as permitted uses and to permit lodging houses in the Downtown Residential district. Second by **Paul Robinson**.

**VOTED: 4-0 (Passed).**

- d. **To consider the Planning Board initiated amendment to Appendix A, Article XI, Section 13(c)(6) to eliminate boarding houses and to allow lodging houses in the Centerville District.**

Lucy asked if the comments from Gil are the same as the Downtown Residential District and David stated they were. She asked if there were any comments from the Board or the public and there were none.

The following motion was made.

**MOTION:** by **Bruce Damon** pursuant to Appendix A, Article XVII of the Code to send a favorable recommendation to the City Council to amend Appendix A, Article XI, Section 13(c)(6) of the Code to eliminate boarding houses as a permitted use and to allow lodging houses as a permitted use in the Centerville District. Second by **Paul Robinson**.

**VOTED: 3-1 (Opposed – Kevin Morissette. No action taken-public hearing requires concurring vote of at least four members.)**

David stated that because Kevin is opposed, the vote has failed with no action taken. Any matter that requires a public hearing technically requires a concurring vote of at least four members. Lucy asked Kevin to articulate for the record why he voted no. Kevin stated because of the use and what we are thinking of doing in the future to the downtown and the matrix, he was not sure lodging houses are best for the area. Lucy stated if the ordinance is left as is only boarding houses

would be allowed in the district. Paul stated that this could be brought up at a later date. He stated if there were more members present, there may be more members that agree or are opposed. Lucy stated this could also be discussed again when the matrix comes up.

The following motion was made.

**MOTION:** by **Bruce Damon** to continue the Centerville District discussion until the August 8, 2010 Planning Board Meeting. Second by **Paul Robinson**.

**VOTED:** 4-0 (Passed).

**V. OTHER BUSINESS:**

**a. Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board.**

Bruce emailed the Board an update on the Maine Power Reliability Program. He stated in June, they were given permission to start the project and that an office has been established to deal with the peoples' concerns. Paul asked if they have honored the two week notice and the 30-day notice and Bruce stated they have. Bruce stated that Larrabee Road and the Lower Lewiston Loop will be coming back to the Board at a later date.

Lucy stated she wanted to bring up the parking issue that Denis Theriault was having with the Mosque on Bartlett Street. She has been getting telephone calls from Denis regarding the situation. She stated that there are cultural barriers. She stated that the Somali community is not used to the many rules in the United States and they have a hard time understanding and adapting to them. David stated that City staff is aware of the problem, but stated that it was more a civil matter than a City matter. Tom Peters stated that before the Somali's moved into the Mosque, there were problems with parking in that area and that the Planning Board should not get involved in this situation. A property owner would need to take civil action or call the police.

Michael Marcotte arrived at 6:45 p.m. and was appointed voting member for this meeting.

Lucy asked about the matrix workshop and David stated there was no meeting scheduled yet but Lincoln Jeffers has been talking with Ed Barrett about this and hopefully a meeting will be scheduled for sometime in September. Lucy suggested that she send a memo to Ed and Lincoln and David said that would be a good idea.

Bruce stated that Betty Dube has officially resigned from the Planning Board. David stated that because of personal reasons, she did not feel she could attend enough meetings to remain on the Board. He stated that if anyone has a suggestion for a replacement to go to the City Clerk's Office and have them fill out an application.

Lucy stated that Paul and she went on the tour with Workforce Housing LLC and gave a brief description of the buildings and apartments. All of the units looked similar but the market rate units were slightly larger and had better views. She stated that they were very nice and well done.

**IV. UNFINISHED BUSINESS:**

- a. Regulation of marijuana dispensaries
- b. An amendment to Appendix A, Article XIII, Section 11 of the Zoning and Land Use Code of the City of Lewiston to extend the expiration of development review approved projects from two years to substantially complete a project, to two years to start a project and five years to complete.
- c. Zoning and Land Use Updates/Matrix: discuss proposed open space revisions, consolidation of the SR district, and adoption of the matrix (recommendation to table the matter to future date)
- d. Downtown design standards/guidelines

**VII. READING OF MINUTES:**

Draft Meeting Minutes for July 12, 2010. The following motion was made.

**MOTION:** by **Bruce Damon** to approve the July 12, 2010 with changes .  
Second by **Paul Robinson**.

**VOTED: 5-0 (Passed)**

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

**MOTION:** by **Bruce Damon** that this meeting adjourns at 7:10 p.m. Second by **Paul Robinson**.

**VOTED: 5-0 (Passed).**

The next regularly scheduled meeting is for Monday, August 9, 2010, at 5:30 p.m.

Respectfully Submitted:

Denis E. Fortier, Secretary