

CITY OF LEWISTON  
PLANNING BOARD MEETING  
MINUTES for August 9, 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, Denis Fortier, Bruce Damon, Paul Robinson, Kevin Morissette and Eric Potvin

**Members Absent:** Trinh Burpee

**Associate Member Present:** Michael Marcotte

**Associate Member Absent:** None

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

Chairperson Lucy Bisson appointed Michael Marcotte to be a voting member for this meeting.

- II. **ADJUSTMENT TO THE AGENDA:** None
- III. **CORRESPONDENCE:** Memorandums from David Hediger dated August 6, 2010
- VI. **PUBLIC MEETING:**
- a. **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 Centreville District.**

Lucy stated this item was continued from the July 26, 2010 meeting and the Board needs to have a new discussion to decide whether this is a reconsideration or does one of the members on the losing side of the vote have to propose it for reconsideration. She asked the Board for their suggestions. Bruce read from Robert's Rules of Order regarding reconsideration. He thinks that because there was no action taken at the last meeting, the motion would be appropriate to be reconsidered at this time. Denis stated he was not here at the last meeting and wanted to address some of the emails that have been sent. He asked if the motion wasn't adopted, was it defeated and Lucy stated the motion failed because there were not enough members present to pass or fail it. David stated a new motion can be drafted at this meeting. Bruce stated that this motion was tabled and David stated it was not tabled but continued from the last meeting. Kevin stated he voted the way he felt at the last meeting and that he felt like he was getting the runaround. Lucy stated to Kevin that if he had brought up his specific concerns during the discussion and voiced his disagreement with the change, he might have changed some of

the member's minds to also vote against the motion. Lucy stated to all members that their comments are important and they should voice them during the discussions.

Michael asked what would have happened if it were a 2 to 2 vote or 3 to 1 vote the other way and would we be addressing this again tonight. Lucy stated possibly, if someone wants to move for a reconsideration. Bruce stated we should use the term renewal of motion. Reconsideration has to happen at the same meeting and a renewal would have to be at the next meeting. David stated the handbook specifically speaks to the reconsideration process. Bruce stated there must be a conflict between our rules and Robert's Rules which the Board agreed were adopted. He stated the point here is whether or not we believe that boarding houses actually exist in the City, and if they do exist, whether they should be allowed in the Centreville District. Bruce stated the Board needs to move to the substance of this matter. David stated that he is comfortable with whatever the Board decides to do, but stated the Board should amend the procedures at a later date. Mike stated that his interpretation is that Kevin should make the motion to reconsider.

Bruce suggested the Board suspend rules and protocol and move forward rather than get hung up on the parliament piece of this. This would allow the Board to debate on this issue. He suggested the Board can move forward from there and put the rules back in force.

The following motion was made.

**MOTION:** by **Bruce Damon** to suspend the rules so we can move forward and discuss this issue again. Second by **Denis Fortier**.

**VOTED:** **5-2 (Passed, Marcotte and Morissette opposed).**

Lucy stated that the Board have a renewal of the motion with all members present letting us know their opinions. Lucy asked David to re-read these issues. David explained the issues was whether to add lodging houses and to strike out boarding houses as they are the same or strike out boarding houses and lodging houses completely in the CV district. Bruce stated there is an opportunity here for Kevin and Eric to make a motion to strike boarding houses and have a second motion to include lodging house in it and if that does not prevail, board houses and lodging houses would just go away. Kevin stated he would be fine with striking boarding houses but not necessarily for lodging houses. Bruce stated he could make a motion to that effect.

#### **Public Comments:**

Steve Morgan, South Avenue asked why they would eliminate the wording of boarding houses from the district. What if in a few years, someone wanted to put a boarding house in that district, and Lucy stated that it would not be allowed. David stated the definition of a lodging house

would allow a boarding house and they are essentially the same. Lucy stated they have eliminated boarding houses in all of the other districts. David stated that the definition of a lodging house would allow for a boarding house in the district. Steve stated that they have answered his question.

Denis asked about elderly homes and how they will be affected by the Board decisions. Lucy stated that elderly people are living in semi-private homes, and it is a boarding group care facility, not a boarding house because they get some nursing care. Bruce said boarding houses are more restrictive in that they have to serve family style meals on a regular basis to people who are not related. Lodging houses are not required to serve meals.

David asked the Clerk's Office for a list of lodging houses. There are two boarding houses in town which serve meals. They are St. Martin de Porres and Hope Haven Gospel Mission. Lucy stated that transients stay at these places. Paul stated that he is a committee member for the Community Development Block Grant and that Hope Haven was one of the public service agency sub recipients. He stated that they have strict rules of users coming and leaving their building.

Bruce asked if any of the Board's actions effect Hope Haven or St. Martin de Porres and David referenced the two memos that were passed out at the beginning of the meeting and asked the Board to look at the spreadsheet. The action taken at the last meeting for the OR creates two nonconforming lodging houses. Hope Haven is grandfathered. Bruce asked if Hope Haven could expand their space and David stated they had plans to do this. Denis asked what zone St. Martin is in and David stated it is in the Downtown Residential District. Denis asked if they are a nonconforming establishment and David stated they are a permitted use. Paul Rancourt has one that is currently grandfathered in the CB and there is also one at 377 Main Street. Main Street went to the Board of Appeals and made an argument that they were as similar to but not specifically listed because the CB allows multi-family and motels and hotels.

Lucy stated that the Board has no language defining shelters and asked David if a shelter could be opened in any of the districts where lodging houses are allow and David stated they could. Bruce asked if it would be appropriate to amend the definition of lodging houses to have language referencing renting rooms for compensation. The shelters receive no compensation but lodging houses do. Lucy stated if we leave it as vague as it is, anybody could decide to put a shelter anywhere. Paul stated there are warming centers in the City during the winter and they have very specific hours. People that use these facilities know they can to one place at one time and go to another for a different time and they are all non-profit. There is no compensation for these places; they are government and state funded. Bruce stated there should be a clear definition in the matrix for shelters. David agreed that the definition should be more clear.

Bruce stated that lodging houses should be defined first and then discuss clearer language for shelters. Lucy stated we definitely should revisit the lodging definition and asked if there should be a public hearing. David stated they should make a motion to initiate an amendment to the definition of lodging houses and add in language that the Board would like to change.

Bruce stated at the moment the only motion before the Board is to strike boarding houses in the Centreville District. We need to deal with this motion first, and then we can move on to the lodging house discussion.

**Close Public Comments.**

Michael asked if we strike the boarding houses definition from Centreville District does that mean that no zone in Lewiston can have boarding houses, and Lucy stated yes but lodging houses can serve food so effectively you could still have a boarding house but it would be called a lodging house. Mike asked is that why St. Martin de Porres is a conforming use because of the definition he just heard and David stated that is correct.

The following motion was made.

**MOTION:** by **Kevin Morissette** to strike boarding houses from the Centreville District. Second by **Eric Potvin**.

**VOTED: 7-0 (Passed).**

Lucy asked if a member of the Board would like to make a motion that we redefine the definition of lodging houses that would include some language regarding compensation for lodging houses. Bruce said we would have to direct staff to come back to us with some proposed language that we could approve that would modify the term lodging houses to include the stipulation that there be some type of compensation from the tenant and that it would be for a longer period of time, and also to make it clear it is not a shelter. Also, have staff define shelters. Then we could adopt the definitions and decide where they are appropriate. He asked the Board if they were in support of rewriting those two definitions at the next meeting.

Paul asked for a list for further discussion to see how many shelters we do have in order to get a feel for how many and also where are they located in the City. Also, do these shelters have to be licensed or registered? David stated we do not license or register any use specifically as a shelter. It would go through the Clerk's office as a boarding or lodging house. Paul stated there is not a category per se that St. Martin de Porres is running a shelter because he knows that some of these are religiously sponsored and they have the room and money. Bruce stated his point is not to necessarily say that a religious organization can run a shelter, but to make it a clear definition so that somebody can't say they are running a lodging house and that it qualifies as a shelter. He stated the

compensation piece would define this issue. Kevin asked if it this is the time to change or make a separate motion to amend any other part of the lodging definition or lodging section within the ordinance and Bruce stated we should wait to go before City Council until the redefinition of lodging is clear, and the Board decides where and what the change should be. He suggested going once to the City Council. David stated all these changes would be presented to the Council at the same time. Lucy asked what Kevin specifically wants to be changed and Kevin stated he would like some sort of density cap put in place per acre, per project. Eric stated he agreed with the rewriting of lodging but asked the Board whether we really want to add a definition for shelters. There are only two shelters in the City and is this really necessary. David stated a definition amendment would make it much clearer for the Board and the Council to decide on what zones these uses can be allowed. Eric stated that he would vote no to add a definition to shelters. Denis asked when you use the definition shelter, where does New Beginnings come in and David stated there is one on Lisbon Street but they are not a shelter, but a drop in center. Lucy stated that the one on Lisbon Street and they have kids living there. Denis asked do they fall into this discussion and David stated no.

Lucy stated she would like to propose staff revisit the definition for lodging houses, looking at a monetary requirement for the tenant to have to pay to stay there and draft some language to bring up at the next meeting. Also have staff see if they can find language from other cities and towns,

The following motion was made.

**MOTION:** by **Bruce Damon** that staff provide revised language dealing with lodging houses to create a specific criteria which includes compensation by the tenant (and include some type of density requirements) and proposed language that defines a shelter and that said language will be discussed with the Board before scheduling for a public hearing and that all recommendations regarding lodging houses be forwarded to the Council as one package. Second by **Paul Robinson**.

**VOTED: 7-0 (Passed).**

Kevin asked if he should make a motion for staff to look at density caps and Lucy and Bruce stated yes. Bruce stated he could amend his motion and vote on the amended motion or suggested to Kevin to just make a directive to staff at this point as part of the criteria.

Kevin asked David to look into density caps for lodging houses possibly including acreage, amount of square footage of buildings, and maximum occupancy.

Kevin stated his concern was if we approved lodging houses and someone bought half of Lisbon Street and turned it all into lodging housing, there would be not way to prevent that. He stated that is why he voted the way he did. He agrees with diversity but does not want

someone coming in and building anything they want in the Riverfront District. Bruce gave an example that if someone bought the Continental Mill and turned it into lodging housing, that may not be appropriate. The Board agreed to include this in their discussion at the next meeting.

Bruce asked the Board if they would want to table the discussion regarding lodging in the Centreville District until we have a redefinition and the Board agreed.

Lucy asked if we should table the discussion regarding lodging houses in the OR District. David apologized about his email and the memos he did not include. He wanted to raise the point that in Gil's memo last week, staff's recommendation was that just the definition of boarding houses be eliminated. The Board's actual recommendation was that boarding and lodging houses be eliminated both from the OR and UE rather than deleting the boarding house definition for purpose of clarification. The motion that was taken was not to permit either in the OR and US. David stated it was not a problem in the UE but there are two establishments in the OR that will be effected, making them in nonconforming uses. If this is okay with the Board, that is fine. If not, it should be reconsidered and go with the initial request of eliminating boarding and leaving lodging houses. David stated that he wanted the Board to be aware of this.

Michael asked which two businesses would be in nonconformance and David stated 232 East Avenue, Mom & Dad's Guest House and 343 Sabattus Street.

Steve Morgan asked if he could interrupt having to leave for another reason. He stated he would like to see more standards for the Lisbon Street facades. Lucy asked if he was looking for more uniformity in the facades and he stated yes. Lucy stated that goes towards the Board's design standards discussion. Bruce stated that standards will have to be standards and some guidelines. He stated they are still working on this. Steve suggested adding this to their workshop discussion with the Council. Lucy stated they have been trying to meet with the Council since January. Steve said there is a City Council meeting tomorrow and he could bring this up.

Lucy asked if the Board wanted to table the discussion of OR or reconsider the lodging house item. Bruce stated what we should do is formally reactivate the rules and protocol and reconsider the action of the last meeting at this meeting. Lucy noted that the Board rules are reactivated and to continue discussion whether we want to have reconsideration. Bruce stated in light of the new information we have, we would be creating two nonconforming uses and that it would be appropriate to reconsider the previous action taken at the July 26<sup>th</sup> meeting of the Board.

The following motion was made.

**MOTION:** by **Bruce Damon** to reconsider the action taken at the July 26th meeting which deals with the elimination of lodging houses within the OR District and that it is brought back for further discussion, to be followed by a public hearing.  
Second by **Denis Fortier**.

**VOTED:** **6-0-1 (Passed-Marcotte abstained).**

Michael stated we just took an action to reconsider and asked if it would be in order to table this item. By simply reconsidering there should be another action taken tonight to table the discussion. Michael pointed out in the OR there is a density cap on boarding houses up to nine persons. He also asked about the word "reserved" on line 5 of the OR permitted uses meant. David stated "reserve" is a placeholder for when we delete an item, so that the Board can use it later.

The following motion was made.

**MOTION:** by **Eric Potvin** to table the reconsideration of the lodging houses. Second by **Michael Marcotte**.

**VOTED:** **7-0 (Passed).**

#### **V. OTHER BUSINESS:**

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

Lucy stated she had a rough list of items for consideration for the workshop with the City Council.

1. Extending the two-year deadline for project completion;
2. Open space RA1 & RA2 zoning;
3. Matrix
4. Riverfront Study funding – Design Standards and Guidelines.

Lucy asked the Board members what they wanted to do and that she knows they cannot discuss every item with the Council.

Eric stated we need to have a good game plan to try to present this because it is a lot of information. David stated that the way workshops have worked in the past is that they are very informal. The last time they had a meeting it was a round table and he would do a quick explanation and it would be open up for discussion. Eric suggested putting a time limit on the items.

Lucy asked the Board to send her any other items they would like to add to the list. She asked if she could get this information by Thursday so she could send this out for City Council's review.

**VII. READING OF MINUTES:**

Draft Meeting Minutes for July 26, 2010. The following motion was made.

**MOTION:** by **Lucy Bisson** to approve the July 26, 2010 as amended.  
Second by **Kevin Morissette**.

**VOTED:** **4-0-3 (Passed-Eric Potvin, Michael Marcotte and Denis Fortier abstained)**

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

**MOTION:** by **Bruce Damon** that this meeting adjourns at 7:30 p.m. Second  
by **Denis Fortier**.

**VOTED:** **7-0 (Passed).**

The next regularly scheduled meeting is for Monday, August 23, 2010, at 5:30 p.m.

Respectfully Submitted:

Denis E. Fortier, Secretary