

CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for October 25, 2010

- 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, Trinh Burpee and Eric Potvin

Members Absent: Kevin Morissette

Associate Member Present: Michael Marcotte and Sandra Marquis

Staff Present: David Hediger, City Planner, Gil Arsenault, Director of Planning & Code and Cathy Lekberg, Administrative Assistant, Economic & Community Development

Lucy appointed Michael Marcotte as full member for this meeting.

David introduced and welcomed Sandra Marquis, as the new Associate Planning Board Member.

- II. **ADJUSTMENT TO THE AGENDA:** Email request to table the Deer Ridge Subdivision extension.

The following motion was made as follows:

MOTION: by **Denis Fortier** to table **V. Other Business, a.** (the request by SurveyWorks, Inc. on behalf of Bob Foss/Land Tree Corp.)
Second by **Paul Robinson.**

VOTED: 7-0 (Passed).

- III. **CORRESPONDENCE:** Email from George A. Courbron of SurveyWorks and Revision #2 of the Marijuana Ordinances.

VI. **PUBLIC MEETING:**

- a. A proposed 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.

David read the staff comments to the Board, and Lucy asked if there were any questions.

Denis stated that the language was what the Board had been discussing and talked about at earlier meetings.

Lucy asked if it would be two years to start and then five years after and David stated it would be two years to start and five years to complete.

Lucy opened this item up for public comment and there was none.

Bruce stated that this amendment makes sense, and Denis asked if this was similar to other communities. David stated that he believes that this amendment may be more restrictive than other cities. Mike asked if the deadlines would differ in urban areas and rural towns and David stated he was not sure as he only looked at larger cities. David noted some communities required bonds to guarantee the project is completed.

The following motion was made:

MOTION: by **Bruce Damon** pursuant to Appendix A, Article XVII of the Zoning and Land Use Code of the City of Lewiston to send a favorable recommendation to the City Council to amend 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. Specifically, the proposed amendment will provide projects subject to development review approval for two years for development to begin and five years to be completed. Second by Michael Marcotte.

VOTED: 7-0 (Passed)

- b. A proposed amendment to Appendix A, Article II, Definitions and Article IX, District regulations pertaining to lodging houses, boarding houses, and shelters.

David read the staff comments to the Board. He stated that he has contacted all of the owners of the properties that would become non-conforming in the districts to explain to them what would happen if this amendment was approved.

Lucy asked if there were any questions from the Board. She asked if there should be one motion or two, and David stated that it was written as one motion, but could be made into two if the Board wanted separate it.

Lucy opened this item up to the Public.

Attorney Bryan Dench stated he works for Skelton Taintor & Abbott and that he also volunteers his time at Hope Haven Gospel Mission. He stated that Pastor McLaughlin could not make the meeting, and he was there to represent the Pastor. He stated he read the materials that David sent out and had a few questions. He asked, in the OR zoning district, a shelter regulated as a lodging house is not a permitted use, will it still not be permitted with the new amendment and David said that is correct. He stated that if it is not a permitted use in the Riverfront district, why was Hope Haven able to be there previously, and David stated that there were zoning changes in 2000 as part of the Downtown Master Plan that would resulted in the nonconforming status nonconformance.

Bryan stated his main concern is if it is non-conforming, how will it affect the shelter going forward. He asked if they could be treated as a conditional use if there was no expansion of the footprint. He stated they had plans to improve the interior of the building.

Lucy stated the intent was not to shut Hope Haven down but to clarify the details of the amendment. Gil stated if a non-conforming use ceases to operate for twelve months to twenty-four months, they will still be able to reestablish the use. After twenty-four months, the use is deemed abandoned. He stated they can do improvements to the interior of the building but to add an addition or expand the footprint would be problematic. Gil stated that if the Board agreed, they could consider conditional rezoning. Bryan thanked the Board.

Brother Irene Richard of St. Martin de Porres stated that when David called him and told him what was happening, he panicked and thought he may have to move from where he was. He stated that he is much clearer now regarding the ordinance and stated that they have no intentions of expanding, at least not by him. Brother Richard also stated there is another shelter in that district called New Beginnings and Lucy stated that was considered a group home. David stated it was a licensed group care facility and would not fall under these criteria.

David stated he received a call from Tim Dubuc of the Mom & Dad's Guest House who stated he could not make the meeting tonight, and also stated that he just received the information regarding this item. He wanted the Board to hold off on a recommendation until their next meeting so he could review the information.

Public Comments Closed.

Mike stated that at the last meeting he thought that if Hope Haven wanted to expand their footprint, they could come before the Planning Board. David stated a possible compromise of drafting a conditional rezoning may allow for that, but they would not be able to expand as drafted. Gil stated if they wanted to expand, they could do a conditional rezoning, and that this could be done at a later time. David stated that a motion could be drafted for a conditional rezoning to be drafted. Gil stated that this could be two separate motions. You could go with the motion before you now and do a separate motion for a conditional rezoning.

Paul recollected what Mike stated also. Lucy stated that if the Board waits and does not initiate the language of conditional rezoning, there may be new Planning Board members in the future and they may say no to a conditional rezoning. She stated that the Board should not wait and do it sooner.

Bruce clarified the reason why they are talking about the RF District is not to go against Hope Haven but to give people a comfortable place to go for

entertainment and other future development. Reference was made to the future efforts of the riverfront masterplan.

Eric stated they should move forward with the amendment and do a second motion for conditional use.

Lucy recommended to the Board to initiate the first motion to recommend to City Council regarding shelters and lodging houses. Then they could have staff draft language for the condition rezoning. She stated it should take no more than six months to get this initiated and on the books.

Gil stated that even if the Board is willing to endorse this conditional rezoning, it is still up to City Council to decide and Denis agreed. Gil also noted the request should be made by Hope Haven with assistance from city staff.

The following motion was made:

MOTION: by **Denis Fortier** pursuant to Appendix A, Article XVII of the Zoning and Land Use Code of the City of Lewiston to send a favorable recommendation to the City Council to amend Article II, Definitions and Article IX, District regulations pertaining to lodging houses, boarding houses, and shelters. Specifically, the proposed amendment would combine the definitions of lodging and boarding houses and establish a definition for shelters. Lodging and boarding houses would be prohibited from the MDR, OR, UE and CV districts. Lodging and boarding houses would be permitted in the NCB and DR districts. Shelters would be permitted as a conditional use in the NCB and DR districts. Second by **Michael Marcotte**.

VOTED: 7-0 (Passed)

The following motion was made:

MOTION: by **Denis Fortier** directing staff to work with representatives of Hope Haven Gospel Mission in drafting a conditional rezoning agreement for the Planning Board's consideration which would allow shelters as a conditional use at 209 Lincoln Street. Second by **Paul Robinson**.

VOTED: 7-0 (Passed)

V. OTHER BUSINESS:

- a. Request by Survey Works, Inc. on behalf of Bob Foss/Land Tree Corp. for a de minimis change and extension of approval for Deer Ridge Subdivision located at 34 Deer Road.

Tabled to the next Planning Board Meeting

- b. Request for extension of the development approval for Gendron Business Park, Phase II.

David provided a summary of his comments and turned it over to Lincoln Jeffers who explained that the project is not substantially complete and was before the Board to request a two-year extension of the project. He showed the Board maps of the Gendron Business Park and explained what was completed and what was still in progress. He stated they still had 68,000 square of ledge to be removed by blasting. He stated they still have three quarters of the way to complete. He stated that when the project was approved, one of the Planning Board's conditions of approval was to get all the permits from DEP and Army Corps and this is what delayed the project.

Lucy asked Lincoln if that is all they are looking for, a two-year extension and Lincoln stated yes.

The following motion was made:

MOTION: by **Denis Fortier** to grant a two-year extension of approval for Gendron Business Park, Phase II pursuant to Article XIII, Section 11. Said extension to expire December 7, 2010.
Second by **Paul Robinson**.

VOTED: 7-0 (Passed)

- c. Discussion regarding zoning districts designations for marijuana dispensaries.

Gil stated that at the workshop last week they were discussing the business licensing. This week the discussion is on the zoning districts. He stated he was having a meeting tomorrow with Police and Fire to discuss this issue. He stated they would be sending the document to the City Attorney for his review. He suggested having a public hearing on November 8th to recommend this amendment to City Council. He stated that for a decade marijuana has been legal for medical use but there has been no place to buy it. He stated DHHS finalized the rules this past summer and there will be one dispensary in each district and DHHS awarded the contract to a dispensary in Wilton and they want to relocate to Auburn.

Gil explained the two documents he distributed, Revision #1 and Revision #2 to the Board. He advocated to the Board to conduct the public hearing on November 8th and if the Board is not satisfied with the revisions, they could table it.

Bruce stated he thinks all primary caregivers growing marijuana should be licensed and the City needs to know who is growing it. Lucy stated they need to have control. Trinh asked about background checks, and Gil stated they would be doing this and also drug testing. Paul stated that trying to keep track of all caregivers is too much. Trinh stated that testing

for marijuana may not work because if the caregiver is with the patient, they may test positive because it gets in through the skin. She asked if they would be tested by the State or locally and Gil stated locally.

The following motion was made as follows:

MOTION: by **Denis Fortier** to have a public hearing on November 8, 2010 to recommend the marijuana ordinance to the City Council. Second by **Paul Robinson**.

VOTED: 7-0 (Passed).

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

IV. UNFINISHED BUSINESS:

- a. Discussion of YPLAA Survey.
- b. 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)
- c. Downtown design standards/guidelines

VII. READING OF MINUTES:

Draft Meeting Minutes for September 27, 2010. The following motion was made.

MOTION: by **Denis Fortier** to approve the September 27, 2010 draft minutes with one change. Second by **Trinh Burpee**.

VOTED: 7-0 (Passed)

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

MOTION: by **Denis Fortier** that this meeting adjourns at 7:15 p.m. Second by **Trinh Burpee**.

VOTED: 7-0 (Passed).

The next regularly scheduled meeting is for Monday, November 8, 2010, at 5:30 p.m.

Respectfully Submitted:

Denis E. Fortier, Secretary