

**CITY OF LEWISTON
PLANNING BOARD MEETING MINUTES
for January 9, 2008 – Page 1 of 5**

I. ROLL CALL: This meeting was held in the City Council Chambers on the First Floor of City Hall, was called to order at 5:30 p.m., and was chaired by Acting Chairman Stephen Morgan.

- **Members in Attendance:** Stephen Morgan, Jim Horn, Jonathan Earle, Ron Chartier, and Denis Fortier. **Absent:** Roger Philippon.

- **Associate Members Present:** Lucy Bisson. **Absent:** None.

- **Staff Present:** Lincoln Jeffers, Assistant to the City Administrator; Gildace Arsenault, Director of Planning and Code Enforcement; David Hediger, City Planner; and Doreen Christ, Administrative Secretary of Planning & Code Enforcement.

- **Others Present:** Tom Peters, City Council President.

II. ELECTION OF OFFICERS: Election of Chairman, Vice Chairman, and Secretary.

The following motions were made to elect this years Planning Board officers.

Chairman:

MOTION: by *Lucy Bisson*, that the Planning Board elect *Stephen Morgan* as its' Chairman. Second by *Ron Chartier*.

VOTED: 5-0 (Passed).

Stephen Morgan chaired the remainder of the agenda items as the new Planning Board

Chairman.

Vice Chairman:

MOTION: by *Denis Fortier*, that the Planning Board elect *Ron Chartier* as its' Vice Chairman. Second by *Jim Horn*.

VOTED: 5-0 (Passed).

Secretary:

MOTION: by *Jim Horn*, that the Planning Board elect *Lucy Bisson* as its' Secretary. Second by *Denis Fortier*.

VOTED: 5-0 (Passed).

Lucy Bisson is now a full voting member of this Board, therefore two (2) associate member positions need to be filled.

III. ADOPTION OF PLANNING BOARD RULES AND PROCEDURES: The following revisions were made to the Planning Board Handbook. On Page No. 11 – The first paragraph is now lettered “A.”. Paragraph “B.” Reconsideration of Items is a new paragraph.

The following motion was made.

MOTION: by *Lucy Bisson* that the Planning Board adopt the Lewiston Planning Board Rules and Procedures with the above changes on made Page No. 11. Second by *Denis Fortier*.

VOTED: 6-0 (Passed).

IV. ADJUSTMENTS TO THE AGENDA: None.

V. CORRESPONDENCE: None.

VI. HEARING: A proposal submitted by *A.R.C.C. Land Surveyors, Inc. on behalf of Floyd Jenkins to construct a 16,500 SF warehouse and the renovation of 1,200 SF of existing office space at 165-179 Spring Street*. David Hediger read his Staff Memorandum dated January 3, 2008.

This proposal is for the construction of a 16,500 SF warehouse and the renovation of 1,200 SF of existing office space at 165-179 Spring Street. This is a 1.21 acre parcel and is located in the Urban Enterprise (UE) zoning district. There are two vacant structures on this parcel - one being 812 SF and the other 4,000 SF +/- . There is also a 16,500 SF concrete slab. The concrete slab that remains is due to a fire. Before that fire, this property was used for warehousing and distribution with accessory office space. Floyd Jenkins is proposing to rebuild a 16,500 SF warehouse on the existing concrete slab. He is also proposing to renovate the existing 812 SF structure for warehousing and to renovate 1,200 SF of the

existing 4,000 SF +/- structure for office space. The remaining space in this structure will be used for warehousing.

There were no concerns from the Police, Fire, and Public Works Departments.

Present at this meeting were **Arthur Montana** from A.R.C.C. Land Surveyors, Inc. on behalf of **Floyd Jenkins**, who was also present and brought a rendering for the Planning Board to review. Arthur Montana briefly explained this project to the Board and showed its location on his mapping. Arthur Montana said he has placed the bearing and distances from the building to the property line on the Site Plan. The modifications are all referenced. He stated that he has also added the two- (2-) year note and the signature block to the Site Plan. All three (3) conditions listed in the Staff Memorandum have been addressed.

This item was then opened to the public for those in support and those in opposition.

Christine Holden, 183 Summer Street, said she was in favor of the rendering and said that she is not opposed to the project, however, she had questions on the fencing, lighting, entrance/exiting of trucks. She also had noise/pollution concerns. They are not complaints, just questions. Christine Holden stated that she resides at 183 Summer Street, but she has a garage with an entrance off of 166 Spring Street. David Hediger said that there are performance standards as to noise. Arthur Montana responded that the lighting will be moved so it will not affect Christine Holden's bedroom window/garage. The relocated lighting will be from the westernmost parking lot light located on the proposed warehouse to the eastern side of the existing building immediately adjacent to Spring Street. Arthur Montana said that there is existing fencing along Spring Street. Traffic will be low-volume and should not be of any concern. Floyd Jenkins stated that the truck traffic is for the warehouse-type trucking facility.

Tom Peters, City Council President, asked about the hours of operation. Christine Holden said the hours of operation are not a concern to her.

There being no further comments or concerns, the public portion of this meeting was then closed and brought back to the Planning for the following motion.

MOTION: by **Lucy Bisson**, that the Planning Board determines the application submitted by A.R.C.C. Land Surveyors, Inc. on behalf of Floyd Jenkins to construct a 16,500 SF warehouse and the renovation of 1,200 SF of existing office space at 165-179 Spring to be complete; grants approval of the modification/waiver checklist; that this application meets all of the necessary approval criteria contained under Article XIII, Section 4 of the Zoning and Land Use Code; and grants approval to Floyd Jenkins, subject to the relocation of the westernmost parking lot light located on the proposed warehouse to the eastern side of the existing building immediately adjacent to Spring Street. Second by **Denis Fortier**.

VOTED: 6-0 (Passed).

Taken out of sequence to the agenda listing, Item VII. OTHER BUSINESS, Sub-Item D. was heard.

VII. OTHER BUSINESS:

D. Tentative Joint City Council/Planning Board Meeting on February 12, 2008 regarding the presentation of the FY2009 Lewiston Capital Improvement Program (LCIP). Tom Peters presented this item. He said that there are a couple of issues with both the CDBG/LCIP funding processes.

CDBG – Tom Peters stated that we need to address the problems the City is facing, i.e. re-valuation needs to be addressed. He said the City Council will be looking at a safety note to help compensate property owners on the revaluation. This may be handled through the CDBG funds specifically for the low income property owners. He stated that this does not mean the agencies will not be funded. This is from money being left over.

LCIP – Tom Peters made reference to the summary sheets that he had prepared from the LCIP last year. He said that the Planning Board will be receiving this at the joint City Council/Planning Board meeting that is potentially set up for February 12, 2008. He stated that the City Council will be taking this recommendation seriously.

When asked on availability to attend the tentative Joint City Council/Planning Board Meeting for February 12, 2008, the only member not available is Stephen Morgan. It was also mentioned during this discussion that Lucy Bisson is now a full Planning Board member, therefore, two (2) associate member positions are available on the Planning Board.

Tom Peters mentioned increasing the Planning Board stipend. Jim Horn stated his opinion that he would prefer to not have an increase. Lucy Bisson also stated that an increase is not necessary. This is voluntary work.

Doreen Christ will be in receipt of the printed LCIP documents on Friday, January 11, 2008. A recommendation is needed for February 13, 2008 from the Planning Board.

The remainder of the items were heard in the order of placement on the agenda.

VII. OTHER BUSINESS:

A. A recommendation to the City Council regarding drinking places. David Hediger read his Staff Memorandum dated January 3, 2008. This discussion was based on the four (4) items listed in the Staff Memorandum, which were, as follows. *1. Recommend revisions to moratorium on new liquor licenses in the Oak Park neighborhood.* It was previously agreed to extend the moratorium for an additional 180-day period, which now expires on March 2, 2008. *2. Recommend revisions to downtown zoning pertaining to drinking places, including specifics for the Oak Park neighborhood and the area around the Park Street parking garage.* It was previously agreed by the Board to limit the area of discussion to the Oak Park Neighborhood, due to the number of complaints. *3. Provide recommendations on City-wide zoning pertaining to the location and performance standards relative to drinking establishments; where establishments may/may not have an impact.* It was previously agreed that drinking places do exist in other areas of the City immediately abutting residential uses. *4. Provide recommendations on the public input process: how to obtain input from the community on where an appropriate area may exist to create an "entertainment district" allowing drinking places, nightclubs, restaurants, etc.* It was previously agreed by the Board to create an "Entertainment District" to allow for a concentration of drinking places, nightclubs, restaurants, etc. David Hediger stated that the goal is to discuss these four (4) items and then forward a recommendation to the City Council.

Items of discussion included that a notice requirement will be needed for a zoning change. There will be a period of lapse between now and the March 2, 2008 deadline on the moratorium regarding drinking places. The opinion from the Maine Municipal Association (MMA) is to recommend a number of months. A Joint Downtown Master Plan is still being discussed. David Hediger reiterated that the moratorium expires on March 2, 2008 and that the moratorium could be reworded. Jim Horn asked, "Why can't we discuss this issue with the City Council at the joint meeting regarding the moratorium?" Tom Peters said that a recommendation needs to be made from a Planning Board perspective to the City Council. Lucy Bisson commented that a decision does need to be made. At this point in the discussion, Lucy Bisson stated that she did not feel that the March 2, 2008 deadline should be extended. However, Tom Peters suggested maybe a time period of another month. Lucy Bisson was then in agreement for shortening the moratorium.

Stephen Morgan said that something needs to be done in regards to low-interest financing/grants to the businesses that were affected in the Oak Park area for somebody making renovations/investments to those buildings. David Hediger said that Staff needs guidance for what can be done to help these buildings. Stephen Morgan then stated that a drinking establishment similar to what was there before could open in a 30-day window. David Hediger agreed there will be a lapse here.

Item No. 1 - Lucy Bisson stated that an extension needs to be established for a short moratorium, i.e. a 90-day period to prevent people from obtaining special amusement permits only for drinking places and to complete the ordinance change.

Item No. 2 - Lucy Bisson suggested that the 5,000 SF wording be eliminated. There is a need to meet the locational criteria standards. It was discussed that you do need to be 300 feet from a church. An ordinance can be drafted limited to the Oak Park area. In conclusion to this discussion, the Board agreed that the 5,000 SF wording will remain.

During this discussion, Mill No. 5 was brought up. There was a public meeting held on Saturday, 01/05/2008, to discuss the future of Mill No. 5. The next meeting will be scheduled at the end of February 2008. Lincoln Jeffers updated the Board by saying that they are waiting for the consultants report. The fact-finding report will be forwarded to the City Council.

The City needs to focus on the problems at hand and write an ordinance for that specific area (Oak Park) and bring to the next meeting. It was suggested to maybe have the City Attorney look at this drafted ordinance. Tom Peters said to craft something specific for that area – or any other place affected. Planning Staff will come up with the language and schedule a hearing in February 2008. It was also suggested to give an update at the Joint City Council/Planning Board Meeting scheduled for February 12, 2008. In conclusion, this item, at the request of Tom Peters, will be added to the agenda for the Joint City Council/Planning Board Meeting.

Item No. 3 – Ron Chartier stated that more consideration needs to be made of elderly housing locations.

Item No. 4 – Lucy Bisson suggested to limit certain areas and districts to drinking places.

During this discussion, the Comprehensive Plan was brought up. David Hediger stated that there is no requirement by the state to update the Comprehensive Plan. Gil Arsenault commented that zoning is born from the Comprehensive Plan. In 1987, the City of Lewiston spent \$125,000 preparing the Comprehensive Plan that now exists.

David Hediger stated that Planning Staff will prepare language for the next meeting and then it can be forwarded to the City Council regarding the moratorium and a separate recommendation will be made on the other remaining items (Item Nos. 2-4). No motion was made at this time.

B. A request to initiate an amendment to Appendix A, Zoning and Land Use Code, regarding, “The Informed Growth Act”. Lincoln Jeffers presented this item. Also present was Daphne Loring, a proponent of The Informed Growth Act. This item was brought to the Board regarding projects that are subject to The Informed Growth Act (IGA) – Big Box items. During the past legislative session the IGA was passed, which prohibits municipalities from issuing land use permits for large “Big Box” (75,000 SF or more) retail development projects if the projects cause an “undue adverse economic or community impact” in the “comprehensive economic impact area”. The IGA requires the applicant to pay for a study of the impacts of the project. Lincoln Jeffers stated that an economic impact study needs to be done. The ordinance is not clearly defined. Language needs to be drafted to better control the process. It was stated that this should come back to the Planning Board with crafted language on February 13, 2008, as a Public Hearing. Lincoln Jeffers said that we need a local land use ordinance. The state level fee is \$40,000 for the state process. Lincoln Jeffers said that this is an independent study/assessment. If a developer wants it they need to get out there and pay for this. It was stated that we need authority from the Planning Board for Planning Staff to draft language that would meet the intent of the state law for purposes of creating a potentially quicker and less expensive review process for developers.

The following motion was made.

MOTION: by **Lucy Bisson** that the Planning Board direct Planning Staff to draft language addressing the economic and community impact review criteria that apply to large-scale retail development land use permit application, consistent with “The Informed Growth Act”, pursuant to Article XVII, Section 5(b)(1)(c) of Appendix A, Zoning and Land Use Code. Second by **Denis Fortier**.

VOTED: 5-0 (Passed).

It was noted that Jim Horn had left the meeting during the above discussion, therefore, he did not participate in the above action or the remainder of the items listed on the agenda.

C. A request to initiate an amendment to Appendix A, Zoning and Land Use Code, regarding Delegated Review Authority for Stormwater Management. David Hediger summarized this portion of his Staff Memorandum dated January 3, 2008. Previously, the City used to have delegated review authority for stormwater management. The state adopted new stormwater regulations in December 2006. Currently, the City does not have delegated review authority for stormwater

management. Staff is proposing to draft language to DEP's satisfaction that will enable the City to review and issue stormwater permits.

The following motion was made.

MOTION: by **Lucy Bisson** that the Planning Board direct Planning Staff to draft language to regain delegated review authority from the State of Maine Department of Environmental Protection (DEP) for purposes of storm water management and to maintain site law delegated review, pursuant to Article XVII, Section 5(b)(1)(c) of Appendix A, Zoning and Land Use Code. Second by **Denis Fortier**.

VOTED: 5-0 (Passed).

E. Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board. None.

VIII. OLD BUSINESS:

A. A discussion regarding Urban Design Standards. No update.

B. A proposed amendment to adopt a Wireless Communications Facilities ordinance. No update.

IX. READING OF THE MINUTES: Draft Meeting Minutes for Planning Board Meeting held on December 10, 2007. The following motion was made.

MOTION: by **Lucy Bisson** that the Planning Board approves the Planning Board Meeting Minutes for December 10, 2007, as submitted. Second by **Stephen Morgan**.

VOTED: 5-0 (Passed).

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

MOTION: by **Lucy Bisson** that the Planning Board adjourn this meeting at 7:25 p.m. Second by **Stephen Morgan**.

VOTED: 5-0 (Passed).

Respectfully submitted,

Lucy Bisson, Planning Board Secretary

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