

**CITY OF LEWISTON  
PLANNING BOARD MEETING MINUTES  
for February 27, 2008 – Page 1 of 5**

*Before the Roll Call, Stephen Morgan welcomed the new Associate Members – David Vincent and Bruce Damon.*

**I. ROLL CALL:** This meeting was held in the City Council Chambers on the First Floor of City Hall, was called to order at 5:32 p.m., and was chaired by Chairman Stephen Morgan.

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

- **Associate Members Present:** David Vincent and Bruce Damon. **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.

*David Vincent was a full voting member for the entire meeting.*

**II. ADJUSTMENTS TO THE AGENDA:** The agenda was revised to include Item V. Other Business, Sub-Item A. Appointment of a Planning Board Member for the CDBG Review Committee for Mayor's consideration.

**III. CORRESPONDENCE:** Distributed at this meeting were the following items: 1. Revised Agenda; 2. Correspondence dated February 26, 2008 regarding John F. Murphy Homes, Inc. and News Release dated October 29, 2007 from the U.S. Dept. of Housing and Urban Development in reference to the article regarding, "HUD Announces Nearly \$6 Million to Create Housing for Very Low-Income Elderly and People with Disabilities in Maine"; 3. An Ordinance Pertaining to Zoning and Land Use Performance Standards Relative to Large-Scale Retail Development (Draft dated February 27, 2008); and 4. Lewiston Planning Board Interim Five- (5-) Year Terms updated: February 19, 2008. No motion was made to accept these items of correspondence.

**IV. HEARINGS:**

**A. A proposal submitted by Joy & Hamilton Architects, Inc. on behalf of John F. Murphy Homes, Inc. for the construction of a five- (5-) unit, multi-family structure located at 1665 Main Street.**

The following motion was made to waive the reading of the Staff Memorandum.

**MOTION:** by **Lucy Bisson** that the Planning Board waive the reading of the Staff Memorandum dated February 7, 2008. Second by **Denis Fortier**.

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

This proposal is for the construction of a five- (5-) unit, multi-family structure located at 1665 Main Street. This is a 3.54 acre parcel and is located in the Office Residential (OR) zoning district. This site is one of the three lots that was previously approved in August of 2007 for the construction of a 5-unit, multi-family structure. This proposal is for another, identical 5-unit, multi-family structure. As per Staff, this project now has three (3) addresses. The address for this new structure has been confirmed with the Assessors office to be 1665 Main Street. The plan will be amended to reflect this. This proposed structure will be serviced by a private well and septic.

There were no concerns from the Police and Public Works Departments. The Fire Department noted concerns with the Site Plan regarding fire department access within the site in their memorandum dated February 6, 2008, which was included in the Planning Board packets.

Present at this meeting were **Peter Kowalski**, Executive Director, of John F. Murphy Homes, Inc. and **Ann Bentley**, also from John F. Murphy Homes, Inc. Peter Kowalski presented this item to the Board. He stated that this five- (5-) unit, multi-family structure will have a common space. There will be five occupants altogether. Each occupant will occupy a unit. Each occupant is self-sufficient. He said

that he is glad to be bringing construction to Lewiston. In closing, he stated that there is one (1) modification being made to the plan and that is to construct a turn-around, as required by the Lewiston Fire Department. The only item remaining in the conditions listed in the Staff Memorandum was Item No. 4. All the other items have been addressed.

This item was then opened to the public for those in support and those in opposition. There being no comments or concerns, the public portion of this meeting was then closed and brought back to the Planning Board for the following motion.

**MOTION:** *by Lucy Bisson, that the Planning Board determines the application submitted by Joy & Hamilton Architect, Inc. on behalf of John F. Murphy Homes, Inc. for the construction of a five- (5-) unit, multi-family structure located at 1665 Main Street 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 John F. Murphy Homes, Inc., subject to any proposed lighting being shown on the plan. Second by Denis Fortier.*

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

**B. A public hearing to review and make a recommendation to the City Council on the Fiscal Year 2009 Lewiston Capital Improvement Program (LCIP).**

David Hediger briefly summarized this item. This item was presented at the Joint City Council/Planning Board Meeting held on February 12, 2008. The Charter requires that this Board review the proposed FY2009 LCIP each year and forward a recommendation to the City Council at least 4-12 months prior to the end of the current fiscal year.

The following was discussed.

Ron Chartier stated that the operating costs are not a capital improvement. He feels administration should be asked about these costs. Ron Chartier also brought attention to the request for the Lewiston High School/LRTC – Technology Update. This request is to upgrade computers at a cost of \$550,000 to provide greater access and updated technology that is needed for Grades 9-12. Ron Chartier said that this figure is way over what it would actually cost. It was stated that these two items can be included as part of the recommendation. Steve Morgan stated that possibly Jim Bennett, City Administrator, would have a breakdown of these costs.

David Vincent questioned the request by Economic and Community Development for the Libby Mill Site Stabilization. This request was for funding for \$220,000. Lincoln Jeffers stated that the southern end of the wall did collapse. This area needs to be stabilized. The area will be developed, however, an engineering study needs to be done. This site is located between Mill Street and Island Avenue. This is a necessary step towards development. Bruce Damon asked if there are funds available from another source? Lincoln Jeffers mentioned Brownfields and VRAP having been used or considered. The City has been working with the state to work on this site.

This item was then opened to the public for further comments or a discussion.

**James Lysen**, 26 Taylor Hill Road, expressed concerns that the Lewiston Comprehensive Plan needs to be updated every ten (10) years. This was last updated in 1997. The LCIP is linked to the Lewiston Comprehensive Plan. Jim Lysen asked, “Why has this process not been undertaken and how can the LCIP be linked to this?” Jim Lysen stated that this process is a joint planning effort. Bruce Damon asked if Jim Lysen was volunteering his time to assist with the Comprehensive Plan. Bruce Damon said that there are a lot of items in the Comprehensive Plan that are outdated and need to be worked on. Jim Horn then asked, “Are we out of state compliance?” Gil Arsenault stated that the budget requests have been made, but the requests keep getting taken out. David Hediger agreed there should be a consistency between the LCIP and the Comprehensive Plan. David Hediger stated that currently there is no funding in place to update the comprehensive plan. Gil Arsenault then commented that the Planning Board can recommend funding for a new, Lewiston Comprehensive Plan. It was then stated that the request for funding could be placed in the LCIP for either FY2009 or FY2010. Stephen Morgan said that we have City Councilors with Planning Board experience. Lucy Bisson added that the Comprehensive Plan is a Master Plan for Lewiston and that an update should be considered.

The total requests included in the FY2009 LCIP is \$39,798,000.

There, being no further discussion, the following motion was made.

**MOTION:** by **Lucy Bisson**, that the Planning Board send a favorable recommendation to the City Council on the FY2009 Lewiston Capital Improvement Program (LCIP) with a request for the following: 1. That funding be considered for either the FY2009 or the FY2010 LCIP for preparation of a new Lewiston Comprehensive Plan; 2. That the projected figures placed in the Lewiston High School/LRTC – Technology Update request for funding be reviewed; and 3. That funds associated with operating costs be reviewed. Second by **Ron Chartier**.

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

**C. A public hearing to review and make a recommendation to the City Council on a proposed amendment to Appendix A, Zoning and Land Use Code, regarding, “The Informed Growth Act”.** David Hediger summarized his Staff Memorandum dated February 7, 2008.

This item was previously discussed at the Planning Board Meeting held on January 9, 2008. At that meeting, the Board directed Staff to prepare an amendment to the Zoning and Land Use Code enabling the City to review projects that are subject to the Informed Growth Act (IGA). In order to qualify for the exemption from state law, the City must adopt “economic and community development impact criteria that apply to large-scale retail development land use permit applications and that require a study of the comprehensive economic and community impacts of the proposed large-scale retail development for consideration in applying the review criteria to the application”.

Revised draft amendments were distributed at this meeting for review.

**Lincoln Jeffers**, was present on behalf of this item.

**Elizabeth Dube**, City Councilor for Ward 6, was present. She asked if this was a conflict to have developers choose their own economic consultant. Gil Arsenault stated that currently the City uses peer reviews for traffic and could require the same for these projects.

Also present was **James Lysen**, 26 Taylor Hill Road, who said that political pressures can overcome common sense. He said that “Big Boxes” can come in and wheel-n-deal with communities.

Elizabeth Dube stated that she has a constituent in Ward 6, who does not know what is going on around Exit 80. Staff noted that public hearings were held for the proposed Wal-Mart development. This amendment will be an additional review process that shall notify abutters within 1,000 feet. She is looking for a process that is fair to her constituent in regards to development activities

Lincoln Jeffers said that the state has a limited number of consultants. The City shall follow the same process as the State’s. Impacts to neighboring communities must be considered. Lincoln Jeffers said that this is not trying to change the specifics of activity. The economic impact analysis will take almost four (4) months. There is no adverse impact.

A public hearing requires a 6-day notification to abutters before a meeting. James Lysen said that this should be extended. He suggested testing the “Informed Growth Act” to see what happens.

Gil Arsenault said that with a peer review, a new study is not being undertaken; it’s a review of the study provided. He suggested that the Board may want to have guidelines regardless of who is hired. Part of the goal is to keep the process local.

Also present was **Daphne Loring**, a proponent of the Informed Growth Act. She said each situation is unique. This makes you look at the economy of an area. She said she is very familiar with the state law and feels that this may be administered locally. She mentioned an independent assessment where you could have one study from the developer and from the community that is independent. The City should get the final say.

Other suggestions were as follows. James Lysen said to let the process play out. Lincoln Jeffers said that the Planning Board needs to make the decision, not the applicant. Lucy Bisson asked if the selection of the preparer can be modified. Gil Arsenault suggested bringing an independent consultant for the peer review before even going to the Planning Board. The ordinance requires an independent, qualified consultant. Bruce Damon asked, “Who set the \$40,000 amount?” This seems to be an arbitrary fee for review. David Hediger read from a Maine Municipal Association (MMA) document, which

referred to the use of the \$40,000. He said it is between the City and the Developer to agree on a consultant. Gil Arsenault commented that the developer should have the ability to engage professionals. The language is not any different than the state, however, developers do not have to deal with the state. It was then asked, "Why give the state the \$40,000?" David Vincent said that he was leaning towards the City version.

This item was then closed to the public and brought back to the Planning Board for further discussion. David Vincent suggested letting the developers use who they want to select. Lucy Bisson said that the City is not putting a dollar amount on the fee. Stephen Morgan said that this is an economic situation and that people need faith in the City officials. Jim Horn asked the other Planning Board Members, "Are we able to state that you need a peer review to the developer?" He said to let developers get an independent piece. We need to get what is best for the City of Lewiston and its constituents. The following questions were asked. "What triggers a peer review?" Do we have the ability to do a peer review? The Planning Board may want a peer reviewer at their meeting. Ron Chartier said that this allows us to say that we need somebody else to look at this.

David Hediger said that when meeting with the developer, it could be required that a peer review be performed as part of the development review process because the board will likely require it anyway. It was then recommended to send the ordinance to the City Council.

*Denis Fortier left this meeting before this motion was made.*

*Bruce Damon then became a full-voting member.*

**MOTION:** by *Lucy Bisson* that the Planning Board send a favorable recommendation to the City Council on the adoption of Article XIII, Section 14 of the Zoning and Land Use Code, Additional Standards for Large-Scale Retail Development, subject to the following: 1. That Staff require Peer Reviews for the first several projects, as part of any applications received, subject to this specific ordinance and 2. That the Peer Reviewer be present at the Planning Board meetings. Second by *David Vincent*.

**VOTED:** 6-1 (Passed - Bruce Damon Opposed).

After the above motion was made, David Hediger stated that this would be forwarded to the City Council for their April 1, 2008 meeting.

*Jim Horn left this meeting at 7:50 p.m.*

## **V. OTHER BUSINESS:**

**A. Appointment of a Planning Board Member for the FY2009 CDBG Review Committee for Mayor's consideration.** Ron Chartier was the appointed Planning Board Member last year. He said there may be a different process this year with the new City Council. Ron Chartier said that there was only one (1) meeting last year. He expects there may be more this year. He suggested funds can be better utilized. A member of the Planning Board is on the committee. This year the person will attend, participate, and bring an update back to the Planning Board. These meetings are scheduled during the day. David Vincent volunteered his time, therefore, the following motion was made.

**MOTION:** by *Lucy Bisson* that the Planning Board appoint *David Vincent* to participate on the Community Development Block Grant (CDBG) Review Committee. Second by *Ron Chartier*.

**VOTED:** 5-0-1 (Passed – David Vincent Abstained).

**B. Any other business Planning Board members may have relating to the duties of the Lewiston Planning Board.** The following meetings are scheduled for March: 1. 03/05/08 - Planning Board Workshop, 2. Planning Board Meetings scheduled for 03/12/08 and 03/26/08 and 3. Budget Meeting scheduled for Saturday, 03/29/08.

## **VI. OLD BUSINESS:**

**A. A proposed amendment to Appendix A, Zoning and Land Use Code, regarding Delegated Review Authority for Stormwater Management.** There was no update at this meeting.

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

- C. A proposed amendment to adopt a Wireless Comm. Facilities ordinance. No update.*
- D. Lewiston-Auburn Consolidation. No update.*
- E. Zoning and Land Use Updates, including zoning matrix, SR districts, and open space provisions. No update.*

**VII. MINUTES: Draft Planning Board Meeting Minutes for 01/ 09 and 01/23/ 2008.** The following motion was made.

**MOTION:** by *Lucy Bisson* that the Planning Board accept the Minutes for January 9, 2008 and January 23, 2008, as submitted. Second by *Ron Chartier*.

**VOTED:** 6-0 (Passed).

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

**MOTION:** by *Lucy Bisson* that the Planning Board adjourn this meeting at 7:57 p.m. Second by *Ron Chartier*.

**VOTED:** 6-0 (Passed).

Respectfully submitted,

Lucy Bisson, Planning Board Secretary

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