

**CITY OF LEWISTON**  
**PLANNING BOARD MEETING MINUTES**  
**for April 23, 2008 – Page 1 of 8**

**I. ROLL CALL:** This meeting was held in the City Council Chambers on the First Floor of City Hall, was called to order at 5:34 p.m., and was chaired by Chairman Stephen Morgan.

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

- **Associate Members Present:** David Vincent and Bruce Damon. **Absent:** None.

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

After the Roll Call, Steve Morgan read the Planning Board protocol.

**II. ADJUSTMENTS TO THE AGENDA:** None.

**Associate Member Appointments.** The following motion was made.

**MOTION:** *by Lucy Bisson that the Planning Board appoint both Bruce Damon and David Vincent, Associate Members, to full-voting members for the entire meeting. Second by Denis Fortier.*

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

**III. CORRESPONDENCE:** The following items were distributed at this meeting: 1. Correspondence from Dennis & Lynn Anderson, residents of 16-18 Park Street regarding an amendment to prohibit drinking places from the Oak Park neighborhood; 2. A signed petition listing residents of the Oak Park Apartments at 10 Oak Street in support of the amendment to prohibit drinking places from the Oak Park neighborhood dated April 22-23, 2008; 3. An e-mail from Steven Sobol, owner of 37 Park Street regarding the proposed code amendments to ban bars in the Oak Park neighborhood; and 4. A listing of abutting property owners who are in opposition of the re-zoning request by Daniel & Brenda Cote at 21 Atwood Street along with their reasons for the opposition.

The following motion was made.

**MOTION:** *by Lucy Bisson that the Planning Board accept the above items, place them on record, and read them at the appropriate time. Second by Jonathan Earle.*

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

*Ron Chartier arrived at 5:41 p.m.*

*Out of sequence to the agenda, Item V. Other Business, Sub-Item A. Proposed “de minimus” change to the Gloria Nye Subdivision at 191 Dyer Road was heard first.*

**V. OTHER BUSINESS:**

**A. Proposed “de minimus” change to the Gloria Nye Subdivision at 191 Dyer Road.**

The proposed “de minimus” change includes amending the plan from a five- (5-) lot to a four- (4-) lot subdivision for single-family homes. The revised Subdivision Plan provided includes this change. David Hediger stated that this is only a minor change to that plan.

Both *Gloria* and *Charles Nye* were present at this meeting and had no further comments.

The following motion was made.

**MOTION:** *by Lucy Bisson that the Planning Board approves the amendment to the Gloria Nye Subdivision, Revision 2 as a “de minimus” change in accordance with Article XIII, Section 3(k) of the Zoning and Land Use Code. Second by Bruce Damon.*

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

*The remainder of the items were presented in their order of listing on the agenda.*

**IV. HEARINGS:**

**A.** *A public hearing to consider an amendment to Appendix A, Zoning and Land Use Code, to prohibit drinking places from the Oak Park neighborhood, consisting of any property that abuts any one of the following sections of public streets: Park Street from Main Street to Ash Street; Ash Street from Park Street to Bates Street; Bates Street from Ash Street to Main Street; Main Street from Bates Street to Park Street.* David Hediger read his Staff Memorandum dated April 17, 2008.

Included in the Planning Board packets was a draft Ordinance Pertaining to Drinking Places in the Centreville Zoning District and Non-Conforming Drinking Places dated April 17, 2008. The following amendments were made by Planning Staff: On Page No. 1, Section 6. Non-conforming adult business establishments and drinking places. This amendment provides clarity and shortens the abandonment period applying to all non-conforming adult business establishments and drinking places and is not limited to the Oak Park neighborhood. This amendment applies to the entire City. On Page No. 4, Section 13. Centreville district (CV). This amendment adds additional standards in the CV district that prohibits drinking places from any property that abuts any one (1) of the following sections of public streets: Park Street to Main Street to Ash Street; Ash Street from Park Street to Bates Street; Bates Street from Ash Street to Main Street; Main Street from Bates Street to Park Street.

Currently, there is a moratorium in place on drinking places in the Oak Park neighborhood, which expires August 28, 2008. This moratorium was originally adopted by the City Council on March 6, 2007, due to complaints from the Oak Park residents on the behavior of bar patrons.

David Hediger continued his presentation by showing the location on his mapping entitled, "Downtown Drinking Establishments & Restaurants".

Ron Chartier asked if the current property owners of the affected properties had been contacted. Lincoln Jeffers commented that façade grants and low interest loans are available to the affected property owners. CDBG funding has a \$50,000 cap on its loans. Steve Morgan stated that low interest loans may not save their investment.

The following motion was made on the correspondence distributed at this meeting that pertained to this item.

**MOTION:** *by Bruce Damon, that the Planning Board accept the items of correspondence from Dennis & Lynn Anderson, 16-18 Park Street, the Oak Park neighborhood, and Steve Sobol, 37 Park Street. Second by Lucy Bisson.*

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

Reference was made to the former McCrory's building, which has two addresses. At either address, you cannot have a drinking establishment. The Club Adrenalin and Blue Elephant are the only two (2) clubs that have been affected. This ordinance change would affect businesses encompassing the sections listed above.

This item was then opened to the public for those in support. There were none. This item was then opened for those in opposition.

**Ralph Plourde** (a resident of Oak Park – Apt. 210) stated that he has enjoyed the time since the establishments have been closed. There were constant fights, battles, drunks, loud music, urination, etc. It is now a peaceful, quite business neighborhood. His suggestion was to pass the amendment as is.

**Theresa Greene** (a resident of Oak Park – Apt. 107) said that she loves it the way it is now. Please keep it this way. She has resided there for three (3) years.

**Marc Goulet** (owner of CSH building) said that he can sympathize, however, this would not be good for anyone trying to develop the downtown. The change would discourage future entrepreneurs from seeking out property in this particular area. Marc suggested having this moved back one (1) block from Main Street or to have it handled as an enforcement issue.

**John Horton**, who works for H&S Reny Property Management has been in contact with Steve Sobol, owner of 37 Park Street. Since the moratorium has been in place, he has been having a hard time finding a tenant. He feels this should be an enforcement issue also. He agreed with Marc Goulet's comments.

**Therese Garant** (a resident of Oak Park – Apt. 304) said she was sorry that this hurts businesses. She asked, does it have to be entertainment with alcohol. The behavior of the drinking people needs to be contained, i.e. people place bottles in her planters, the roudiness, etc.

**Ralph Plourde** said that he has lived there over the last five (5) years. He now has a bad taste for this type of an establishment. He commented that this is not an image that anyone wants for their neighborhood.

**Phyllis Plourde** (a resident of Oak Park – Apt. 210) stated that most of the people who live at Oak Park have built Lewiston. She commented that in the past she has not been able to open her windows at night because of smoke. She urges everyone to come over and visit her apartment if another bar goes in. Her suggestion was to consider the people who built Lewiston.

**Lionel Morency** (a resident of Oak Park) was concerned that this area does not include Middle Street. He is concerned that another Blue Elephant will go there. David Hediger commented that live entertainment can go there. Gil Arsenault mentioned that you can have an alcohol-free establishment there. Guthries is now located on Middle Street and is deemed a Class "A" Restaurant. Bruce Damon read the Statement of purpose of the CV district and commented that this is running counter to what is being presented. The only change to this specific area is taking out the drinking establishments.

David Vincent said that this is being watched very closely. Real estate litigators are watching this area. He asked if the City Attorney has been contacted for a legal opinion. The response was, "No".

**Ralph Plourde** said that you do not want bars downtown if you want to attract development.

**Phyllis Plourde** said they have no trouble with the Maple Room and Victor News. There is no fighting, brawls, etc. She commented that she is just objecting to their little center of town. The question was asked, "What if the Blue Elephant or Club Adrenalin became a teen center? There was no opposition from the audience to a teen center.

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 discussion.

Lucy Bisson stated that management of bars are the problem. She also feels that this is an enforcement issue. Gil Arsenault commented that it depends on the crowd you are bringing in. Lucy Bisson asked, "Can we change the period of abandonment?" Gil Arsenault said that this would not have an impact. David Hediger stated that for a liquor license, you need the state involved. Steve Morgan also agreed that this is an enforcement issue. Denis Fortier stated that maybe a special use fee could be placed on these establishments to help pay for police enforcement. Currently, the moratorium is still in place, but will expire on August 28, 2008.

At this point in the discussion, the Board was not inclined to support this rezoning. It was also agreed not to contact the City Attorney for a legal opinion, therefore, alleviating attorney fees.

Ron Chartier commented that he felt a zoning change would alleviate the problem. Steve Morgan suggested letting bars fund the enforcement issue. Reference was then made to the "seat tax" in Portland, Maine. Bruce Damon said that he is worried about rezoning setting a precedent here. He is afraid that this will have a snowball affect across Lewiston. Lucy Bisson stated that in this area, one of the problems is that the patrons of the bars park in the parking garage along with the residents of Oak Park. She said that she sympathizes with these residents, however, this is considered spot zoning.

It was discussed that this item will still need to go before the City Council whether the Planning Board sends a favorable recommendation or not. The Planning Board needs to make two (2) separate motions. Ron Chartier agreed that enforcement will lower the tolerance with noise, behavior, etc. Bruce Damon stated that a zero tolerance can lead to more problems. He also said that state regulations prohibit activity inside, i.e. smoking. This item will be heard at either the May 6, 2008 or May 20, 2008 City Council Meeting. In closing this discussion, Gil Arsenault stated that the public should check with the City Clerk's office as to when it will be scheduled for a City Council Meeting.

The following motions were made.

**MOTION:** by **Lucy Bisson** that the Planning Board, pursuant to Article VII, Section 4(c) of Appendix A, Zoning and Land Use Code, not recommend for the City Council's consideration an amendment to Article XI, District Regulations, Section 13. Centreville district (CV) to prohibit drinking places from the Oak Park Neighborhood and to Article VI, Non-conformance, Section 6. Nonconforming adult business establishments and drinking places. Second by **David Vincent**.

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

**MOTION:** by **Lucy Bisson** that the Planning Board send a recommendation to the City Council to investigate and establish a source of funding, something similar to a "seat tax", from proprietors to provide assistance to fund enforcement of drinking establishments. Second by **David Vincent**.

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

After this public hearing, Phyllis Plourde thanked the Board.

**B. To consider a request by Daniel R. and Brenda L. Cote to conditionally rezone 21 Atwood Street from the Neighborhood Conservation 'A' (NCA) zoning district to the Highway Business (HB) zoning district.** David Hediger read his Staff Memorandum dated April 17, 2008. This request is to conditionally rezone 21 Atwood Street from the Neighborhood Conservation "A" (NCA) zoning district to the Highway Business (HB) zoning district. Currently, the Cote's use of 21 Atwood Street is limited to uses accessory to residential use with its current zoning. The Cote's are now interested in conditionally rezoning 21 Atwood Street to allow for future expansions of their business and delivery truck access to Atwood Street. This request requires two (2) motions from the Board, however, the Board must first make a recommendation for the City Council's consideration regarding the conditional rezoning request in accordance with Article VII, Section 4(c). If the Board sends a favorable recommendation, a second motion will be needed to amend the June 21, 2007 Site Plan approved by the Staff Review Committee to reflect any conditions or changes that result from the conditional rezoning of the property.

Present at this meeting were **Bob Faunce**, Land Use Planner and **Ken Albert**, attorney from Isaacson & Raymond - both on behalf of **Daniel R. and Brenda L. Cote**, who were also present.

Bob Faunce made the following presentation to the Board. He stated that all the permit issues have been straightened out from the past. This also has received approvals from the Staff Review Committee. Daniel and Brenda Cote operate a business, which was initially entitled, "Aqua Vend" and has since been entitled, "Aqua Max". They install water conditioning equipment. The problem is not in getting access into to the property, it is exiting the property. There are 20,000 vehicles per day that pass in front of the Cote's residence on Sabattus Street. The major issue is the delivery of the equipment safely off the delivery trucks. The Cote's want to use their driveway for the delivery trucks, instead of them pulling off of Sabattus Street. It was stated that the driveway is too close to the property line. The Cote's would like limited truck use and employee parking in the rear. In the future, they may need expansion for storage.

Daniel Cote said that the business has been located there for eight (8) years. Sales are growing. The trucks, because of insurance (liability) reasons cannot back in. Bob Faunce added that the Cote's have not maxed out the site. Sabattus Street is outgrowing everybody out there. The delivery trucks are in and out for 15-20 minute increments to unload.

Bruce Damon asked, "Do you have the turning radius for a tractor trailer off of Sabattus Street?" Bob Faunce responded with, "Yes". Bob Faunce said that they cannot get the proper radius to Old Greene Road.

Dubois Café is grandfathered with access to Atwood Street.

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

There was only one (1) resident who resides at 910 Sabattus Street in favor of this request. He said he has never had any problems and has no concerns at all. He said he respects the Cote's. His experience has always been positive.

The following comments were in opposition to this request, which were all basically the same.

**Roger Goyette**, 17 Atwood Street, stated that he was concerned with everything that the Cote's have done in violation. He said he does not feel they will follow any conditions placed tonight, if any. He also said that Atwood Street is pretty broken up and he is concerned with the increase in traffic. Atwood Street just does not have the width for these vehicles. This street is a residential area and is not made for commercial traffic.

**Louise Goyette**, 17 Atwood Street, commented that the driveway goes past her window. The employee parking is not where it should be. She is mainly concerned with the traffic and the safety of children.

**Roger Goyette** also complained about parking on both sides of the road for Dubois Café. Roger stated that he does not have a problem with the Cotes making their business larger, but he doesn't like the traffic.

**Anne St. Pierre**, 24 Garcelon Street, stated that she is concerned with the truck traffic on Garcelon Street. She said that the plows have problems with plowing in the winter. She is concerned with commercial traffic and the safety of children. She also presented the Board will photographs she had taken.

**Dan Rioux**, 22 Atwood Street, said that he was concerned with left-turning and commercial traffic on to Atwood Street. He complained that the FedEx delivery truck takes up half of his lawn.

**Rachel Robbins**, 8 Garcelon Street, stated that Atwood Street is not wide enough for tractor trailer traffic.

**Roland Lachance**, 12 Atwood Street was mainly concerned with the Cote's driveway and the safety of children. He commented that the driveway is not a necessity for that business and was put in against code. He said that he does not want added traffic on that street. He wants a quiet neighborhood. There are two (2) traffic lights. There is a break in that traffic for delivery trucks. He also stated concerns with property values in the future. He said that other options could be cheaper. In conclusion, Roland said the Cotes need to look at other options.

Dan Cote stated that deliveries are made through the driveway.

**Ann Bickford**, 6 Garcelon Street, said her main concern was with safety issues. She said that the Cote's have no respect for the neighbors.

**Dan Goyette** said that his main issue is with the driveway. You cannot make the turn out onto Atwood Street with a tractor trailer. The street is a one- (1-) lane in the winter.

**Ann-Marie Caron**, 14 Atwood Street, stated concerns with both traffic and speed. She has two (2) pieces of taxed property. She wants to maintain the value of her property. She said that there is an array of delivery trucks on Atwood Street. She is opposed to any signs or gates.

**Roger Goyette** stated concerns with the tree and gate. A gate in the middle of the driveway is useless. He said that he would like a reverter clause so that the zoning goes back if they sell the property.

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

David Vincent asked Dan Cote if you could render the driveway useless. Dan Cote responded with, "No". Bob Faunce stated that the plan will be recorded at the Registry of Deeds. A one- (1-) way driveway can be enforced. In regards to aesthetics, Dan Cote's back yard is as attractive as any. Fences will be installed. This business does not have a lack of space.

**Anne St. Pierre** suggested that since their business is growing can they purchase a warehouse somewhere?

Ron Chartier stated that one (1) tractor trailer per month on Atwood Street is no big deal. Steve Morgan made reference to the Comprehensive Plan. Steve Morgan said that it is a necessity to keep his business going. David Vincent said that he does not like how the driveway was put in. Lucy Bisson expressed concerns with the driveway also. She then asked, "What is the clearance – setback from the line. The response was ten feet to the side line requirement in the HB zoning district. David Hediger said that a modification request can be made down to zero. The NCA zoning district is five feet (5') for an existing lot. The driveway was installed without permits and setback requirements. For Planning Board purposes, this driveway does not exist. David Hediger stated that the code does not allow access across residential property to commercial property. The existing driveway to the garage is okay. This is for personal use.

At this point in the discussion, Dan Goyette distributed an aerial photograph to Board Members showing different turning radius' from the Cote's property. Gil Arsenault mentioned that that you could eliminate the end of the concrete, add some grass, add more grass toward the Goyette's property with maybe a street tree. The gate, as suggested by David Hediger earlier, is not going to be there.

Gil Arsenault's final suggestion was that the Cote's show a plan with the driveway relocated to facilitate the curb cut on Atwood Street that would accommodate a tractor trailer exiting the property. This should be submitted as soon as possible. Bob Faunce suggested moving the fence to the driveway and giving the Goyette's more greenspace. In conclusion, the Board's request was to relocate a portion of the concrete driveway that crosses 21 Atwood Street and to propose a new location. It was also mentioned that a maintenance agreement, is not necessary.

The following motion was made.

**MOTION:** by **Lucy Bisson**, that the Planning Board, pursuant to Article VII, Section 4(c) of Appendix A, Zoning and Land Use Code, table the request to conditionally rezone 21 Atwood Street from the Neighborhood Conservation "A" (NCA) zoning district to the Highway Business (HB) zoning district to modify the proposed driveway location. Second by **David Vincent**.

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

**V. OTHER BUSINESS:**

**B. A request for the acquisition of 39 Lincoln Street.** This request has come before the Planning Board since all acquisitions of property require a recommendation from this Board to the City Council. A purchase and sale agreement has been entered into by the City for a purchase price of \$90,000. The asking price for this property is \$104,900. The assessed value is \$114,050. 39 Lincoln Street is located in the Riverfront (RF) zoning district and was the former Lighthouse Baptist Church. The lot is a 25' x 100'. This property is located in a part of the City where the City has an interest in developing. The following motion was made.

**MOTION:** by **Denis Fortier** that the Planning Board, pursuant to Article VII, Section 4(h) of Appendix A, Zoning and Land Use Code, send a favorable recommendation to the City Council to acquire the property located at 39 Lincoln Street. Second by **Lucy Bisson**.

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

**C. A request for conservation easements associated with wetland impacts in the Gendron Business Park, Phase II.** The following motion was made to waive the reading of the Staff Memorandum prepared by David Hediger dated April 17, 2008.

**MOTION:** by **Lucy Bisson**, that the Planning Board waive the reading of the Staff Memorandum prepared by David Hediger dated April 17, 2008. Second by **Denis Fortier**.

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

Lincoln Jeffers made the following presentation to this Board and made reference to his memorandum dated April 18, 2008. Lincoln said that the City has a Joint Development Agreement with Gendron & Gendron to co-develop the second phase of the Gendron Business Park. The City has been held up with permits from the U.S. Army Corps of Engineers and other federal agencies. The City is required to place conservation easements on several City-owned and privately-owned parcels. These easements are required to preserve sensitive areas from being further developed. The City is being asked to place all of 140 Bradbury Road into a conservation easement. The EPA is also requesting a 500 foot buffer along No Name Pond on the Deyling property at 106 Bradbury Road. Mr. Deyling is willing to place an easement on this property in exchange for the City-owned property at 98 Bradbury Road. Lincoln Jeffers stated that this is a significant swap. 170-180 acres of land will be protected. The City Council has already taken action on Garcelon Bog.

The Gendron Business Park Phase II will be 150 acres in size and will have ten (10) lots. Phase II design and permitting began in 2005. Federal permits will require conservation easements on the same land and the Androscoggin Land Trust has been discussed to be the holder of the conservation easements.

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

**MOTION:** by **Ron Chartier** that the Planning Board, pursuant to Article VII, Section 4(h) send a favorable recommendation to the City Council for their consideration on the placement of a conservation easement on 140 Bradbury Road and the disposition of 98 Bradbury Road in exchange for a conservation easement along No Name Pond on the property at 106 Bradbury Road in order to support development of the Gendron Business Park, Phase II. **Lucy Bisson**.

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

**D. A discussion about permitted uses and storefront appearances in the Centreville (CV) zoning district.** David Hediger summarized his Staff Memorandum dated April 17, 2008. This has been brought to the Planning Board to discuss what types of uses are appropriate for the Centreville (CV) zoning district and to discuss whether an ordinance should be considered. Several Lisbon Street businesses have complained about the appearance of vacant storefronts in the CV zoning district and how it would not be very costly for property owners to dress up their storefront windows. This item was brought to the Planning Board for discussion only, therefore, there was no action required.

**E. Any other business Planning Board members may have relating to the duties of the Lewiston Planning Board.**

**Changeable Message Signs.** Gil Arsenault said that a workshop needs to be scheduled to discuss with the Youth Advisory Council changeable message signs with pictorials or animated features. The following motion was made to initiate an amendment.

**MOTION:** by **Lucy Bisson** that the Planning Board initiate an amendment with respect to changeable message signs with pictorials or animated features. Second by **Denis Fortier**.

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

**The Informed Growth Act.** David Hediger updated the Board and stated that this received City Council approval.

**Wireless Communication Facilities.** David Hediger updated the Board and stated that the Council has been tabled indefinitely.

**Community Development Block Grant (CDBG)**. David Vincent updated the Board and said that this committee met four (4) times. Due to conflicts, he attended one of those meetings, which was the last meeting, and a recommendation was made to the City Council with many modifications.

**VI. OLD BUSINESS:**

- A. A proposed amendment to Appendix A, Zoning and Land Use Code, regarding Delegated Review Authority for Stormwater Management.** No update.
- B. A discussion regarding Urban Design Standards.** No update.
- C. Lewiston-Auburn Consolidation.** No update.
- D. Zoning and Land Use Updates, including zoning matrix, SR districts, and open space provisions.** No update.

**VII. MINUTES: Draft Meeting Minutes for Planning Board Meeting held on February 27, 2008, Workshop/Public Hearing held on March 5, 2008, and Meeting held on March 12, 2008.**

**MOTION:** by **Lucy Bisson** that the Planning Board approve the meeting minutes held on February 27, 2008, workshop/public hearing held on March 5, 2008, and the meeting held on March 12, 2008. Second by **Denis Fortier**.

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

**VIII. ADJOURNMENT:** This meeting adjourned at 9:40 p.m.

Respectfully submitted,

Lucy Bisson, Planning Board Secretary

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