

**CITY OF LEWISTON  
PLANNING BOARD MEETING  
MINUTES for December 11, 2006 – Page 1 of 6**

**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 both John Racine and Jeffrey Gosselin.

- **Members in Attendance:** Jeffrey Gosselin, Tom Truchon, John Racine, Stephen Morgan, Roger Philippon, and Jonathan Earle. **Absent:** Jim Horn.

- **Associate Members Present:** Tom Peters and Ron Chartier. **Associate Members Absent:** None.

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

*After the Roll Call was made, Roger Philippon arrived at 5:32 p.m.*

**II. ADJUSTMENTS TO THE AGENDA:** The following motion was made to adjust the agenda.

**MOTION:** *by Stephen Morgan, that the hearings on the agenda be heard beginning with Item IV. Hearings, Sub-Items A. and B., followed by Item V. Other Business, Sub-Item A., and then the remainder of the items be heard in the order that they are listed on the agenda. Second by Jonathan Earle.*

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

**III. CORRESPONDENCE:** Correspondence from John Egan, Housing Developer for CEI, dated 12/11/2006 in regards to Item IV. Hearings, Sub-Item E.

The following motion was made.

**MOTION:** *by Stephen Morgan that the Planning Board accept the above item, place it on record, and read at the appropriate time. Second by Jonathan Earle.*

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

*Jeffrey Gosselin recused himself from the Board for Item IV. Hearings, Sub-Items A. and B., therefore, John Racine was appointed to chair those items.*

**IV. HEARINGS:**

**A.** *A petition submitted by Gendron Realty, LLC to rezone 299 East Avenue and 3 Demi Circle from the Neighborhood Conservation "A" (NCA) District to the Community Business (CB) District in an effort to accommodate future commercial/retail development.* David Hediger read this portion of his Staff Memorandum dated December 7, 2006.

This request is to rezone 299 East Avenue and 3 Demi Circle from the Neighborhood Conservation "A" (NCA) District to the Community Business (CB) District. 299 East Avenue contains a vacant, single-family dwelling and the lot is 7,954 SF. 3 Demi Circle is a vacant lot and is 1,830 SF. Both of these parcels are adjacent to 446, 450, and 456 Sabattus Street, which are zoned the Community Business (CB) District. This request is to accommodate for future retail, i.e. as a retail pharmacy. The rezoning request for 299 East Avenue and 3 Demi Circle is needed because the current NCA zoning does not allow retail uses and the CB District does. The petitioner is also considering the purchasing of 9 Demi Circle, which is a 2' x 105' strip of property, to be used as a component of the future development site, however, 9 Demi Circle is not part of this rezoning request.

On December 6, 2006 a Neighborhood Meeting was held. There were 10 neighbors in attendance who questioned the specific use and the design of the proposed retail use. The major concern expressed was with the traffic impacts associated with developing this site and to Demi Circle, delivery truck traffic, and pedestrian traffic along both Demi Circle and Sabattus Street.

Present at this meeting were *Mike Gotto*, from Technical Services, Inc. on behalf of Gendron Realty, LLC, *David Gendron* from Gendron Realty, LLC, and *Shawn Bell* from Gosselin, Dubord & Bell.

Mike Gotto showed the project and rezoning locations to the board. He stated that the first request is to bring the entire property into the CB District. The bank that is presently located on the property will remain in its location. There are two (2) remaining single-family homes and a gas station also located on these properties, which are proposed to be demolished. The proposal is for a 13,000 SF pharmacy. There will be a drive-thru in the back of the pharmacy. These are schematic plans only. A traffic study may need to be done. Plan 1 calls for an exit on East Avenue and one on Demi Circle. Plan 2 calls for two (2) exits on East Avenue. They are proposing entrances on Sabattus Street and East Avenue.

Tom Peters requested that full traffic studies be done.

This item was opened to the public for those in favor. There was none. This item was then opened to the public for those in opposition, which were as follows.

**Michael Hahrahan**, 18 Bellegarde Avenue, clarified that the house located on East Avenue is a recently unoccupied/abandoned building. He is concerned with erosion of the NCA area to commercial zoning.

**Doreen Lebrun**, 312 East Avenue, is concerned with the hours of operation.

**Doug Patterman**, a resident who recently moved to this area, was concerned with lighting issues.

**Monique Landry** asked about development of the property where the old Sunoco gas station was located. Shawn Bell responded that the property is not for sale.

**Jacqueline McMorran**, 24 Demi Circle, is concerned this development will create additional traffic to this area.

**Joline Banaitis**, 458 Sabattus Street, agreed with Jacqueline that the traffic needs to be addressed.

**Claudette Fournier**, 14 Wilson Street, stated her concerns of traffic at East Avenue/Demi Circle. She said that the traffic will create a hardship to all the residents of this area.

Michael Hahrahan, 18 Bellegarde Avenue, brought up the issue of pedestrian traffic and said he hopes to have this addressed also.

There being no further public input, this item was then brought back to the Planning Board for further discussion. John Racine asked if there would be more traffic trips from the present gas station or the proposed retail development? Mike Gotto responded that the gas station likely had more trips. The following motion was then made.

**MOTION:** *by Thomas Peters that the Planning Board sends a favorable recommendation to the City Council for their consideration of the petition by Gendron Realty, LLC to rezone 299 East Avenue and 3 Demi Circle from the Neighborhood Conservation "A" (NCA) District to the Community Business (CB) District, subject to the condition that a full traffic and pedestrian study be conducted and brought back to the Planning Board as part of the development review application for these properties. Second by Roger Philippon.*

**VOTED:** 7-0-1 (Passed) (Jeffrey Gosselin Abstained).

**B.** *A petition submitted by Gendron Realty, LLC to conditionally rezone 299 East Avenue, 3 Demi Circle, 446 and 450 Sabattus Street, and 456 Sabattus Street from the Community Business (CB) District to the Urban Enterprise (UE) District in an effort to accommodate future commercial/retail development.*

The following motion was made to waive the reading of the Staff Memorandum dated December 7, 2006.

**MOTION:** *by Thomas Peters that the Planning Board accept the Staff Memorandum from David Hediger, City Planner, dated December 7, 2006, place it on record, and to waive the reading of this portion of the Staff Memorandum. Second by Roger Philippon.*

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

This request is to conditionally rezone 299 East Avenue, 3 Demi Circle, and 446, 450, and 456 Sabattus Street from the Community Business (CB) District to the Urban Enterprise (UE) District to accommodate the potential retail development request as part of the straight rezoning request for 299 East Avenue and 3 Demi Circle. This request is being made since the setback and yard requirements in the

Community Business (CB) District may be restrictive and not support the proposed development. The UE zoning will provide greater flexibility for this property to be developed. Staff recommends the conditional rezoning request be amended by the Board to include a statement that it is subject to final development review and approval of a development proposed by the petitioner, Gendron Realty, LLC by January 1, 2008 and if not, the conditional rezoning would no longer be in effect and would revert back to the CB District.

Present at this meeting were **Mike Gotto**, from Technical Services, Inc. on behalf of Gendron Realty, LLC, **David Gendron** from Gendron Realty, LLC, and **Shawn Bell** from Gosselin, Dubord & Bell.

It was stated that upon further design work, it may be the conditional rezoning is not necessary and, therefore, this petition could be deferred.

This item was opened to the public for those in favor. There was none. This item was then opened to the public for those in opposition, which were as follows.

**Claudette Fournier**, 14 Wilson Street, asked, "What if the trucks are allowed to deliver only at night?" Mike Gotto said that this is schematic only. All those types of issues will be addressed during further development review.

There being no further public input, this item was then brought back to the Planning Board and the following motion was then made.

**MOTION:** by **Thomas Peters** that the Planning Board sends a favorable recommendation to the City Council for their consideration of the petition by Gendron Realty, LLC to conditionally rezone 299 East Avenue, 3 Demi Circle, 446 and 450 Sabattus Street, and a portion of 456 Sabattus Street from the Community Business (CB) District to the Urban Enterprise (UE) District to accommodate future retail development with the condition that the conditional rezoning request be amended to include a statement that the conditional rezoning is subject to final development review approval of a development proposed by the petitioner, Gendron Realty, LLC by January 1, 2008 and if not, the conditional rezoning would no longer be in effect and revert back to the CB District.. Second by **Tom Truchon**.

**VOTED:** 7-0-1 (Passed) (Jeffrey Gosselin Abstained).

After the above motion was made, David Hediger stated that this will require two- (2-) meetings with the City Council (a first and second reading).

**Jeffrey Gosselin rejoined the Board and chaired the remainder of the agenda items.**

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

**A. A review of Zoning Regulations Pertaining to Drinking Establishments on Park Street.** David Hediger articulated the issue. At Staff's request, it is suggested to continue this item to the January 8, 2007 Planning Board Meeting.

At the Planning Board Workshop held on Monday, November 27, 2006, zoning and land use related issues were discussed relative to drinking establishments on Park Street in the vicinity of Oak Park. After hearing input from residents of Oak Park (some of the residents have resided there for over 20 years) and the owner and operators of the drinking establishments, the Board decided to conduct this hearing to provide suggestions as to what may be done from a licensing and zoning and land perspective to lessen the impact of such establishments on Park Street.

The opinion from the Police Department is the problem of people coming and going to the establishments.

**Douglas Patterman** stated that this is a hot spot. This is a commercial area and was originally zoned for this type of business. Tom Peters commented that the bars that are there will be grandfathered.

**Steve Solbel**, owner of 37 Park Street (Blue Elephant/Chopsticks) stated that this severely impacts him as an owner. This is a long-term issue.

**Raymond Anderson**, owner of 16-18 Park Street stated that the noise factor is the traffic going into and out of the business. He suggested redirecting pedestrian/vehicular traffic.

**Carmine Castonio**, owner of Club Adrenalin, commented that his business does not cater to bad patrons. The noise created is the “night scene” of the downtown, where such businesses are located.

Jeffrey Gosselin commented that the bar owners have done what they can. This is not a zoning matter. These types of establishments look to go into the downtown. Tom Peters said he would not like to see an owner punished for what patrons do after they leave the premises. This is the Police Departments issue and they should be monitoring the area. It was suggested to go back to the City/Chief of Police for more officers in the area from 9:00 p.m. to 2:00 a.m. If that does not work, then it should be brought back for other alternatives. Roger Philippon suggested tabling this item to the January 2007 Planning Board Meeting. He wants City Staff to come up with suggestions. Ron Chartier stated that police enforcement used to be a lot more strict. If the level of tolerance was lower, there may be fewer issues.

It was also mentioned the next Planning Board meeting in January will have two (2) new members and they will need to be updated on this item. In essence, more time is needed, therefore the Board requested that this item be continued to the first Planning Board Meeting held in January 2007. The following motion was made.

**MOTION:** by **Roger Philippon** that the Planning Board continue the discussion regarding zoning regulations and drinking establishments on Park Street to the January 8, 2007 Planning Board Meeting. Second by **John Racine**.

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

*The remainder of the agenda items were heard in the order that they were listed. Tom Peters was appointed a voting member for the remainder of the items.*

#### **IV. HEARINGS:**

**C.** *A proposed amendment to Appendix A, Article XII, Section 2(t)(1) of the Zoning and Land Use Code to include the Centreville, Riverfront, and Mill Zoning Districts in the shoreland area zoning general development area.* The following motion was made.

**MOTION:** by **Tom Truchon** that the Planning Board waive the reading of this portion of the Staff Memorandum dated December 7, 2006. Second by **Jonathan Earle**.

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

This request, made by Staff, is to include the Centreville (CV), Riverfront (RF), and Mill (M) zoning districts in the shoreland zoning general development areas. In accordance with the rezoning done in 2000 as part of the Downtown Master Plan, the shoreland area standards contained in Appendix A, Article XII, Section 2(t) of the Zoning and Land Use Code were never amended to be consistent with the changes made back then. This amendment will correct the oversight and update the shoreland area standards to be consistent with the zoning districts adopted in 2000. This will allow setbacks for new principle and accessory structures and parking areas to be no less than 25 feet from the high water line of the Androscoggin River and the setback line to be maintained in a natural vegetative state.

There, being no public present on this item, the following motion was made.

**MOTION:** by **Roger Philippon** that the Planning Board sends a favorable recommendation to the City Council for their consideration an amendment to Appendix A, Article XII, Section 2(t)(1) of the Zoning and Land Use Code to include the Centreville (CV), Riverfront (RF), and Mill (M) zoning districts in the shoreland area zoning general development areas. Second by **Stephen Morgan**.

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

*Tom Peters suggested that waiving the reading of the Staff Memorandum should be incorporated into the record starting in January 2007.*

**D.** *Proposed amendments pertaining to stormwater management found in Appendix A, Article XI, Section 20, Article XII, Sections 2, 15, and 21, and Article XIII, Sections 2, 3, 4 and 7 of the Zoning and Land Use Code; Chapter 66, Article IV of the Code of Ordinances.* The following motion was made.

**MOTION:** by **Roger Philippon** that the Planning Board waive the reading of this portion of the Staff Memorandum dated December 7, 2006. Second by **Stephen Morgan**.

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

In the Fall of 2005, the Maine DEP adopted new stormwater regulations. As a result, municipalities across the state lost their delegated review authority to issue stormwater permits. Municipalities are able to work with the DEP to regain delegated review, however, the DEP is recommending this not be pursued at this time, since the State continues to make revisions to the new standards. Staff has prepared amendments to Appendix A, Article XI, Section 20, Article XII, Sections 2, 15, and 21, and Article XIII, Sections 2, 3, 4, and 7, which pertain to stormwater management. All the changes are housekeeping changes. This request is to recommend those changes for approval.

There, being no public present on this item, the following motion was made.

**MOTION:** by **Thomas Peters** that the Planning Board sends a favorable recommendation to the City Council for their consideration an amendment to Appendix A, Article XI, Section 20, Article XII, Sections 2, 15, and 21, and Article XIII, Sections 2, 3, 4, and 7 pertaining to stormwater management, as listed as Item IV. Hearings, Sub-Item D. on the agenda. Second by **Tom Truchon**.

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

**E. Proposed amendments pertaining to street standards found in Appendix A, Article II, Section 2, Article X, Section 3, Article XII, Section 18, and Article XIII, Sections 2, 3, 4, 7, and 9 of the Zoning and Land Use Code; Chapter 66, Article IV of the Code of Ordinances and the adoption of the City Policy for Design and Construction of Streets and Sidewalks.** David Hediger gave a brief summary of his Staff Memorandum dated December 7, 2006.

This proposed amendment is due to the increase in new roads being approved as part of the development review process. The Engineering Department at Public Services recognized the need for revisions to Chapter 66, Streets and Sidewalks and Article IV, Design and Improvements of the Code of Ordinances pertaining to street construction. Public Services amended the ordinance and created a new policy prepared by Public Services with review and editing by Planning and Code Enforcement and the City Attorney. This request is to consider those amendments for approval and for the adoption of the City Policy for Design and Construction of Streets and Sidewalks.

David Hediger stated that all streets will be built to the same standards as City streets.

**Lou Russell**, Old Greene Road, mentioned combining both Sub-Items E. and F. on the agenda. He said that a private right-of-way (R.O.W.) is related to Sub-Item E. He wants Sub-Item F. to remain unchanged.

**Roger Philippon left this meeting at 7:00 p.m. Ron Chartier was appointed a voting member.**

David Hediger presented Street Standards – both proposed and existing. Three current standards are proposed to be put to one proposed standard. Examples were discussed of existing collectors (i.e. Russell Street/Central Avenue, etc.), and existing arterials (i.e. Sabattus Street/Main Street, etc.). Currently, there are two (2) sets of standards – the Zoning and Land Use Code and the City Ordinance. There is a need for only one standard. Ron Chartier stated the existing private court standards should be left along. Eliminating these standards would severely limit private developers. It was then suggested to request a continuation of Sub-Item E. David Hediger said to the Board that Staff needs guidance on the private court standards. Gil Arsenaault would like to see a 40 foot wide minimum on R.O.W. for private courts. Jeffrey Gosselin's suggestion was for Staff to look at what would be considered a minimum for private courts. For the bigger developments - street standards for both collectors and arterials seemed appropriate. The following motion was made.

**MOTION:** by **Thomas Peters** that the Planning Board table the amendment to Appendix A, Article II, Section 2, Article X, Section 3, Article XII, Section 18, and Article XIII, Sections 2, 3, 4, 7, and 9 of the Zoning and Land Use Code; Chapter 66, Article IV of the Code of Ordinances, and the adoption of the City Policy for Design and Construction of Streets and Sidewalks to the Planning Board Meeting scheduled for January 8, 2007. Second by **Jonathan Earle**.

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

**F. A proposed amendment to Appendix A, Article II, Section 2 and Article XII, Section 10 of the Zoning and Land Use Code relative to frontage, right-of-way provisions, and the creation of back lots for single-family dwellings.** . David Hediger gave a brief summary of his Staff Memorandum dated December 7, 2006.

This proposed amendment is relative to frontage, right-of-way (R.O.W.) provisions, and the creation of back lots for single-family dwellings. The changes were made upon review of the proposed amendments to street construction as it became apparent the ROW provisions could be improved. The intent of these provisions are to allow single-family, detached dwellings to obtain the requisite frontage, as measured along a private ROW at least 30 feet in width. This provision currently allows parcels with development potential to be split into two (2) lots, with the second lot obtaining frontage along the ROW. This request is to consider the amendments for approval.

Gil Arsenault stated that Staff needs direction from the Board on this item. He mentioned private roads have lesser standards. Tom Peters suggested making a R.O.W. the same as a private court. This, in the long run, would be less expensive and it would go through the Staff Review Committee (S.R.C.). These are lesser standards than private roads. This was intended for one (1) lot and it promotes affordability. David Hediger stated that Staff wants Planning Boards guidance and direction and suggested tabling this item. The following motion was made.

**MOTION:** by **Tom Truchon** that the Planning Board table the amendment to Appendix A, Article II, Section 2 and Article XII, Section 10 of the Zoning and Land Use Code relative to frontage, right-of-way provisions, and the creation of back lots for single-family dwelling. Second by **Thomas Peters**.

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

**V. OTHER BUSINESS:**

**B. Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board.** As an update to the Board, David Hediger stated that there was a “de minimus” change made to the plans for Community Concepts, Inc. and also a “de minimus” change to Hodgkin Heights, where the existing lot line was moved to make the lot larger.

**VI. OLD BUSINESS: Policy and procedures regarding project amendments and associate members.** Again, Jeffrey Gosselin and Tom Truchon’s terms are expiring, therefore, the Planning Board will have two (2) vacant positions beginning January 2007.

**VII. READING OF THE MINUTES: Draft Meeting Minutes for Planning Board Meeting held on November 13, 2006 and the Workshop held on November 27, 2006.** The following motion was made:

**MOTION:** by **Stephen Morgan** that the Planning Board accept the Minutes for the Planning Board Meeting held on November 13, 2006 and the Workshop held on November 27, 2006, as submitted. Second by **Jonathan Earle**.

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

**VIII. ADJOURNMENT:** This meeting adjourned at 7:40 p.m.

Respectfully submitted,

Steven Morgan, Planning Board Secretary

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