CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for May 9, 2000 - Page 1 of 10

I. ROLL CALL: This meeting was called to order at 7:04 p.m. and chaired by Tom Peters.

- **Members In Attendance:** Muriel Minkowsky, John Cole, Dennis Mason, Tom Peters, Lewis Zidle, and Mark Paradis.
- **Staff Present:** Gregory Mitchell, Director of Development; Gil Arsenault, Deputy Development Director; James Lysen, Planning Director; James Fortune, Planning Coordinator; and Doreen Asselin, Administrative Secretary.
- **Member Absent:** Rob Robbins.

II. READING OF THE MINUTES: *Draft of the Minutes from the 04/25/00 Planning Board Meeting.*

The following changes were made to the minutes by **Tom Peters**:

- On Page No. 1 the changes made to the past minutes dated April 11, 2000, the second change made by Tom Peters the word, *"imprudent"* shall be changed to read, *"in place"*.
- On Page No. 3, first paragraph, seventh line, delete the words, *"Pilsbury Associates contained"* and replace those words with, *"the City retained"*.
- On Page No. 5, last paragraph, first sentence, delete the word, *"request"* and replace with the word, *"bequest"*.
- On Page No. 6, first paragraph, fourth line, delete the word, *"request"* and replace with the word, *"bequest"*.
- On Page No. 8, sixth paragraph, eighth sentence, delete the word, *"notified"* and replace with the words, *"to notify"*.

The following changes were made to the minutes by **Dennis Mason**:

- On Page No. 2, Item VI. Other Business, A. New Business: *1. Proposed acquisition of the Pilsbury Block: Review the proposed purchase of the Pilsbury Block and make a recommendation to the City Council,* second paragraph, fourth sentence, delete the word, *easements"* and replace with the word, *"leases"*.
- Also on Page No. 2, the same item as above, third paragraph, third sentence, again delete the word, *"easements"* and replace with the word, *"leases"*. Fourth sentence, delete the word, *"is"*. Fourth sentence, delete the word, *"as"* and replace with the word, *"was"*. Fifth sentence, delete the words, *"at that time"* and add the word, *"granted"* to the end of the sentence.
- On Page No. 3, second paragraph, fifth sentence, place a quotation mark after the question mark to that sentence to close the quote.
- On Page No. 4, sixth paragraph, sixth sentence, delete the word, *"string"* and replace with the word, *"stream"*. Seventh sentence of the same paragraph, delete the word, *"drives"* and replace with the word, *"derives"*.

The following changes were made to the minutes by **John Cole**:

- On Page No. 3, first paragraph, eighth sentence, after Tom Peters change (see above) add the word, *"deed"* before the word retained. In the same sentence, after the word property, John Cole reworded the sentence to read, *"at fair market value, since the City's appraisal established fair market value of $120,000, then this kills the deal"*. John Cole then deleted the words, *"from any subsequent purchases, this then kills the deal."*
- On Page No. 9, in the motion after Item No. 2, add the word, *"the"* before the word, *"property"*. In the same sentence, delete the words, *"the City of Lewiston should"*.

The following changes were made to the minutes by **Lewis Zidle**:

- On Page No. 8, last paragraph on this page, second sentence, place the word, *"since"* after the word, *"that"* with a comma following the word, *"that"*. Add a comma after the word, *"funds"*, make the word, *"The"* into lowercase and continue that sentence. In the third sentence, change the word, *"without"* to read, *"with"*, delete the words, *"which we"* and replace with the word, *"I"*. Also in this sentence, delete the word, *"will"* and replace with the word, *"to"*. End this sentence after the word, *"arrested"* and delete the words, *"by the*

City Council".

MOTION: by **John Cole**, seconded by **Dennis Mason** to accept the Planning Board Minutes dated April 25, 2000, as amended.

VOTED: 6-0.

III. CORRESPONDENCE: *A letter from Bill Clifford, Chairman of the Historic Preservation Review Board, concerning the proposed Demolition Delay Ordinance.* The following motion was made.

MOTION: by **Dennis Mason**, seconded by **Muriel Minkowsky** that the Planning Board moves to accept this correspondence and that it be read later on at the appropriate time on the agenda.

VOTED: 6-0.

IV. PUBLIC HEARINGS:

A. Public Hearing on a proposal initiated by the City Council to conditionally re-zone 324, 326, 330, and 334 River Road, and a portion of 1 Alfred A. Plourde Parkway from the Rural Agricultural (R) District to the Industrial (I) District, and make a recommendation to the City Council.

Jim Fortune read his memorandum dated May 3, 2000. This Public Hearing is the result of a proposal initiated by the City Council to conditionally rezone 324, 326, 330, and 334 River Road and a portion of 1 Alfred A. Plourde Parkway from the Rural Agricultural (R) District to the Industrial (I) District. The purpose of this initiative is to support the relocation of the U.S. Postal Service Processing and Distribution Center to Lewiston, Maine. If, in the event the U.S. Postal Service chooses another location, the City of Lewiston would like to make this land available for future commercial and industrial park development, with appropriate limitations. This Public Hearing was conducted to receive further input; make changes to the proposal, if appropriate; and send a recommendation to the City Council.

This item was presented on behalf of the City of Lewiston by Gregory A. Mitchell, Director of Development. Greg Mitchell said that time-frames need to be followed as to real estate options. He would like to have this presented to the City Council at their next meeting, which is scheduled for Tuesday, May 16, 2000.

Greg Mitchell showed Planning Board Members and Staff and the public audience the location of the area on the map entitled, "Lewiston Site Utilization" (Corner of Turnpike - Alfred Plourde). The site was shown on the lower portion of the plan. He went on to say that the site is 60 acres in total, with 1,700 linear feet on River Road. The parcel is 1,500 feet in depth. The entire proposed re-zoning area is vacant. There are two (2), single-family homes on two (2) lots and there is an old Quaker Cemetery located in this area. Greg Mitchell showed this property on the map entitled, "Proposal to Conditionally Re-zone from "RA" to "I". The Quaker Cemetery is City-owned property. The USPS will consist of 400,000 square feet of development and will be a single-story building. The City has options on all the properties on site (both the Gilbert and the Beers properties). These options show that the City has site control. River Road is the boundary line. Provencher Landscaping borders this property.

The following were concerns expressed by the neighboring citizens present at this Public Hearing.
Peter Grenier, former City Council Member and citizen residing on River Road. He spoke to the Planning Board and said that he purchased his home on River Road in 1973 and was involved in the re-zoning efforts in the 1980's. At that time he purchased his property, he wanted to be in a rural neighborhood. He still wants to remain in a rural neighborhood and does not want to give up his quality of life. He voiced his concern that

he does not want access to this facility off of River Road. He would like to have the truck traffic left on the other road (Alfred Plourde Parkway). His main concern is that he wanted to know what can be put in there to stop access.

Diane Mathieu, citizen residing on Goddard Road. Her main concern was with the postal jobs being taken. Will there be any positions left available for citizens in this area. She had heard that they were all filled. Greg Mitchell responded that all the jobs are currently filled. Ten percent (10%) of those jobs will become available. There will be jobs available after opening. Also jobs will be created due to retiring, relocating, etc. This will be a benefit to this area. Tom Peters said that it would be better if they were not tax-emempt.

Ray Martel, citizen, who's property is exactly in the middle across the street from where this will be occurring. He is the owner of Provencher Landscaping. He agreed with Peter Grenier. He said that he has invested a lot of money in his property. He is in support of the buffers with landscaping. He said that he is also concerned with the access being off of River Road, especially if an industrial park comes into this area. He would also like for access to be off of Alfred A. Plourde Parkway.

John Racine said that he moved to this area in 1982. He lives below the "R" shown on the map. He said that this is not the lifestyle that he wants. He does not want an access road on River Road. He also expressed concerns with noise levels. He is in support of buffers and would like enough of a buffer placed so that they are not looking at the building.

Greg Mitchell said that this is just a preliminary plan from the USPS. They are trying to keep access off of River Road. Currently there are plans <u>only</u> for access off of River Road in order to get to the further interior of the site. Currently, they are trying to secure interest. They have not done a final design. At this point in time, he cannot guarantee no access off of River Road. There may be a need for access to the industrial land beyond this parcel, which consists of 300 acres. The options will need to be kept open. Again, Greg Mitchell re-iterated that the final design is not done. He continued to say that this property can be compared to South Park, with one (1) single access off of Goddard Road and Alfred A. Plourde Parkway for public safety reasons.

Jim Lysen then spoke up and said that David Gendron could put an access road in as a matter-of-right. David Gendron would not need to go through review for this.

Greg Mitchell said that they are still working with some unknowns, but this will be reviewed.

Peter Grenier said that this is unfair to the Planning Board, since the Planning Board has not seen the original plan. He said that the map should be dug up to see what the proposed plan was. This was in reference to Frank Carrao's property. He suggested an amendment to the conditional zoning agreement, with conditions. This would eliminate some uses. He then said that the Planning Board could add specific uses on. This project has to go through development review.

Jim Lysen mentioned adding language to the Ordinance Pertaining to Zoning Boundaries to read, "that strict access management principles shall be utilized to avoid to the greatest extent possible access to River Road and that landscaping and buffering shall be provided to protect adjacent residential properties from adverse impacts of the development, and may be required to exceed the standards found in the City of Lewiston's Site Review Plan and Design Guidelines." This could be utilized to minimize or try to avoid curb cuts on River Road. This is still within the Planning Board's purview and will come back, again, before the Planning Board. If a curb cut would be necessary, this would need to be presented by the applicant. Tom Peters added that if a curb cut is found to be needed, the Planning Board can vote this down. This process goes to the City Council. If was decided that Jim Lysen would add the wording, "to avoid to the greatest extent possible", as mentioned above.

Dennis Mason made reference to the Quaker Cemetery. He asked, "What is the City's plan for it?" Greg Mitchell's response was that the City has taken over this cemetery and has maintained it. This may be 1/4 of an acre in total. The cemetery is full. The City has no plans to move it.

Jim Lysen said that if the USPS does not relocate here on this site, then this is a site that could be utilized for commercial uses. The creation of a public road would need to be created for a major development. Jim Lysen said that the City of Lewiston is running out of space. Greg Mitchell also said that the industrial land is in very short supply. This is the last 60-acre parcel in the City that could support a business park without significant investment, i.e. blasting ledge and building new roads.

There was then a brief discussion as to landscaping and buffering. A buffering and landscaping plan needs to be made. Jim Lysen again mentioned providing the above language to the Ordinance Pertaining to Zoning Boundaries to read, "that landscaping and buffering shall be provided to protect adjacent residential properties from adverse impacts of the development."

Ray Martel said that this should be handled on a case-by-case scenario as to access to the River Road. Tom Peters said that there should be no curb cuts unless absolutely necessary. The burden of proof is on the Planning Board.

Kim Visbaras, attorney for both David and Dell Gendron. Kim Visbaras is an attorney with Bonneau & Geismar. He is representing both David and Dell Gendron, who are owners of a chunk of the parcel. He said that he is <u>not</u> promising either side on positions. He said that it all depends on how you arrange the subdivisions, as to curb cuts. They still have topo., drainage, and wetland issues to deal with. He said that David Gendron wants to treat the neighbors fairly. He stated that David Gendron's concerns are your concerns. He will preserve and maintain the value of the land. He is looking at language so the Planning Board and the developer can do something with the land. He does not want to lock in the developer or the neighbors out. He also said that if the land was not re-zoned, the option prices would be astronomical for rural agricultural land. The options on the three (3) private homes on the land (Gilbert and Beers) have an expiration date. He said that he wanted to make sure that if the USPS does not decided to come to Lewiston, that the land would still be suitable for development.

Lorraine Roberge, a River Road resident, who lives near Ray Martel, suggested making the re-zoning conditional on the post office coming. She said her concern is that once it is changed, it is changed forever. She also said that she welcomes the postal service to this area and would be very happy if it does go in. She said that when Staff from the postal service visited, her response was, "Let me be the first to welcome you". She is in full support of the USPS, but would like to see somewhat of a buffer on River Road. She does not want to see the property diminish from that.

Greg Mitchell said that there are timing issues, and that on behalf of the City, he would like to leave the request as it is. Kim Visbaras said that in reference to the options on the residential properties, these expire by the end of the month. There is a significant amount of taxpayers money at risk. The prices on these properties depend on the USPS. The value of the property is less if in the Rural Agricultural District. The Gilbert property is controlled by the City. The Gilbert/Beers (three properties) are controlled by Gendron. This would be an inflated price if left in the Rural Agricultural District. The options on these properties are in anticipation of the USPS and the notices expire by May 27, 2000. Gendron is purchasing this property and will not need to go through sale and acquisition.

This item was then closed to the public and turned back to the Planning Board for comments and deliberation. After deliberation, the Planning Board approved the re-zoning. The Planning Board is also requesting that future access be limited on River Road and only if an applicant can prove it necessary. Tom Peters suggested that the language mentioned earlier, as to strict access management principles and landscaping and buffering be presented in the Ordinance Pertaining to Zoning Boundaries as presented by James Lysen earlier in this

Public Hearing and is included in the following motion.

MOTION: by **John Cole**, seconded by **Mark Paradis** to send a favorable recommendation to the City Council to conditionally re-zone 324, 326, 330, and 334 River Road and a portion of 1 Alfred A. Plourde Parkway from the Rural Agricultural (R) District to the Industrial (I) District, subject to the addition of Condition C, concerning access limitations on River Road, and Condition D, concerning landscaping and buffering, as recommended by the Staff.

VOTED: 6-0.

This item will now go to the City Council to approve this change at the next City Council Meeting scheduled for Tuesday, May 16, 2000.

B. Public Hearing on a proposal to conditionally re-zone the property at 258 Russell Street from the Neighborhood Conservation "A" (NCA) District to the Highway Business (HB) District.

The reading of memorandum prepared by Jim Fortune dated May 3, 2000 was waived.

There were no members of the audience in attendance to speak for or against this item, except for the petitioners. The petitioners, both Fred and Steve Peterson, were present at this meeting.

Dennis Mason questioned the sentence in the memorandum which reads, "The addition would be used for storage and would be an accessory use to the machine shop." The response to Dennis Mason's questioning would be that this proposed addition would require development review and would come before the Staff Review Committee, since the addition proposed is for 900 square feet and would need to conform to the development review standards. Also, the question was asked if there would be any storage of hazardous material? Steve Peterson responded that there is no hazardous material on site and that they have no intention of changing their function of business.

Located at 258 Russell Street is their machine shop and a single-family residence. They have been in business since between 1910-1920. They are a family-run business. They also have no other plans to expand this building again. The 900 square foot addition would be used for storage and would be an accessory use to the machine shop. Steve Peterson would like to have this property conditionally rezoned so that in the future he could also lease the existing dwelling for nonresidential purposes, as permitted in the proposed conditional re-zoning agreement. The following was the motion placed by the Planning Board.

MOTION: by **John Cole**, seconded by **Muriel Minkowsky** to send a favorable recommendation to the City Council to conditionally re-zone the property at 258 Russell Street from the Neighborhood Conservation "A" (NCA) District to the Highway Business (HB) District, subject to the conditions outlined in the Conditional Re-zoning Agreement.

VOTED: 6-0.

V. OTHER BUSINESS:

A. <u>*New Business*</u>:

1. *Review and approve "diminimus" change to the Site Plan for the Gendron & Gendron, Inc. office building, 50 Alfred Plourde Parkway, and authorize the Chair to sign the mylar.*

This item was not opened to the public since only the Planning Board and Staff were present for this discussion.

Jim Fortune read the memorandum that he prepared and was dated for May 2, 2000.

Previously approved at the July 20, 1999 Planning Board Meeting were minor amendments and the 5,800 square foot addition at 50 Alfred Plourde Parkway (construction has not yet begun on the 58.39' x 100' building expansion).

As stated in the memorandum prepared by David Hediger, Land Use Inspection Officer, and dated May 3, 2000, the location of the detention pond outlet has changed from the amended plan that was previously approved in July 1999 and three feet has been added to the width of the pond. This Site Plan was present at this meeting and reflected the amendments which were approved at the July 1999 meeting. Public Works has reviewed and approved this "as-built" mylar and the submitted drainage calculations. According to David Hediger, everything seems to be in compliance.

This item has been brought to the Planning Board to make a determination that the changes reflected in the "as-built" plan are of a "diminimus" nature and for authorization of the Planning Board Chair to sign the revised mylar so that a certificate of occupancy can be issued. The following action was determined by the Planning Board.

MOTION: by **Dennis Mason**, seconded by **Mark Paradis** that the Planning Board authorizes the Planning Board Chair to sign the revised mylar and considers it to be a "diminimus" change.

VOTED: 6-0.

2. *Review and approve "diminimus" change to the Site Plan for the Trolley Medical Building, 77 Bates Street, and authorize the Chair to sign the mylar.*

Again,this item was not opened to the public since only the Planning Board and Staff were present for this discussion.

Jim Fortune read the memorandum that he prepared and was dated for May 2, 2000.
His memorandum outlined the minor changes that were made to the Site Plan during the construction phase of the project. Apparently, the developer (Bill Johnson) modified certain aspects of the drainage and parking during construction. These changes were necessary, due to the conditions on the property. These changes were reviewed and approved by the Public Works Department, which allowed an elbow trap to be installed at the intake of the relocated catch basin.

According to David Hediger's memorandum (included in the Planning Board packets) dated April 3, 2000, the "as-built" mylar was submitted to address the following: a. To indicate the new placement of the catch basin and the reduced intake size of the pipe; b. To correct the sizing and spacing of parking spaces; and c. To show the correct location of curbing and raised vegetated islands. The change to the parking eliminated one parking space to create additional access for handicapped space. This changed it from one (1) to two (2) handicapped access. David Hediger has inspected this site and said that it appears to be in full compliance with the exception of establishing vegetation in the appropriate areas.

This item was also brought to the Planning Board to make a determination that the changes reflected in the "as-built" plan are of a "diminimus" nature and for authorization of the Planning Board Chair to sign the revised mylar so that a certificate of occupancy can be issued. The following action was determined by the Planning Board.

MOTION: by Dennis Mason, seconded by Mark Paradis that the Planning Board determines this change to be of a "diminimus" nature, that it meets all the necessary approval criteria, and authorizes the Planning Board Chair to sign the revised mylar.

VOTED: 6-0.

3. *Supreme Judicial Court of Maine decision concerning Planning Board jurisdiction with respect to Rena W. Perkins et. al. vs. the Town of Ogunquit and Robert W. Scanlon, Jr.*

Jim Fortune read his memorandum dated May 3, 2000. Also included in the Planning Board packets was an article taken from the Spring 2000 "Yankee Planner", which is a summary of two (2) Maine Supreme Judicial Court decisions concerning the cases of Andrews v. Town of Ogunquit (12/99) and Perkins v. Town of Ogunquit (1998).

In summary:
In the 1999 case involving this property it was ruled that unless a zoning ordinance specifically states that the required frontage must be contiguous, a parcel can use non-contiguous frontages to meet the ordinance requirement. The City of Lewiston's ordinance does not specifically address this issue.

In the 1998 case, the Supreme Court ruled that Planning Boards do not have the power to issue waivers from space and bulk requirements in zoning ordinances. The above case involved the question of street frontage and whether a parcel that has road frontages in more than one (1) location on a given street or right-of-way could gain its required street frontage by combining non-contiguous sections fronting the street. It was Planning Board Staff's opinion that this case is not applicable to the City of Lewiston because our Zoning and Land Use Code provides for a mechanism to allow the reviewing authority to modify space and bulk standards based on reasonable criteria.

This item was the presented by James Lysen. He explained that frontage is having similar frontage, etc. If you do not define this in the code, it does not need to be continuous. Dennis Mason then read the definition of frontage from CDA 14.

There was no action necessary on this item, but it was decided that the Planning Board Staff develop and add the word "continuous" to the definition of frontage. This item will be brought back to the Planning Board and placed on the agenda for the June 13, 2000 Planning Board Meeting along with the Demolition Delay Ordinance, and also the accessory use in the industrial zone will be brought forward at that same time.

4. *Update concerning the Mayor's Downtown Renaissance Advisory Board (MDRAB) activities, including a Joint Meeting scheduled for the May 23, 2000 Planning Board Meeting.*

And

5. *Discussion concerning the proposed downtown re-zoning initiative and possibly schedule it for a Public Hearing at the June 27, 2000 Planning Board Meeting.*

As mentioned in Jim Fortune's memorandum dated May 3, 2000, in reference to a joint meeting between the Mayor's Downtown Renaissance Advisory Board and the Planning Board scheduled for the May 23, 2000 Planning Board Meeting, it was decided that there is no need for a joint meeting. In this conversation, both Item Nos. 4 and 5 were included in this discussion.

Tom Peters suggested that just a meeting with the property owners that will be impacted by the downtown re-zoning initiative would be appropriate. This could be done well in advance of a Public Hearing. This is a whole area re-zoning. There would be just as much public input through the paper. Tom Peters suggested that there is no need to individually notify each property owner and he also felt

that this would be a great role for the Mayor's Downtown Renaissance Advisory Board (MDRAB) to handle. Tom Peters then suggested that the MDRAB could then come back to the Planning Board with a report for the Planning Board to make a recommendation on. He went on to say that specific MDRAB Members could be signed up with staff accommodating them.

There was no action necessary for this item. This item will be scheduled to be reviewed and placed on the Planning Board agenda for the June 13, 2000 Planning Board Meeting and will be brought back in proper form for the June 27, 2000 Planning Board Meeting. This will also include space and bulk standards, but will not include design standards.

6. *Discuss possible methodology to deal with the issue concerning the consistency of the Zoning and Land Use Code with respect to the Federal Fair Housing Act.*

Enclosed in the Planning Board packets were the memorandum prepared by Jim Fortune dated May 3, 2000 and a memorandum from City Attorney Robert S. Hark dated February 22, 2000 in reference to Community Living Arrangements.

Both Planning Board and City Staff need to review the definitions contained in the Zoning and Land Use Code that relates to "group homes" and "community living arrangements". If there are any changes made to the code with respect to this issue, it may require amendments to Article II, Definitions, Article XI, District Regulations, Sections 1-18, and Article XII, Section 10.

This item was brought to the Planning Board to help provide direction and/or a possible course of action, in order to bring the City of Lewiston's ordinance into compliance with the federal law, with respect to the Federal Fair Housing Act. This issue has also been addressed in the City of Lewiston's Comprehensive Plan.

Dennis Mason referred to the definitions for both "community living arrangements" and "single-family use". The definition for "community living arrangements" means a housing facility for eight or fewer persons with disabilities that is approved, authorized, certified, or licensed by the State. A community living arrangement may include a group home, foster home, or intermediate care facility. The definition for "single-family use" is in order to implement the policy of this State that persons with disabilities are not excluded by municipal zoning ordinances from the benefits of normal residential surroundings, a community living arrangement is deemed a single-family use of property for the purposes of zoning.

Jim Lysen said and agreed that some of the language is pretty bad, as to who is an offender and who is not? The Comprehensive Plan will also need to be added. There is no recommendation on the Comprehensive Plan to change the plan. The housing component issue will need to be addressed also.

The City of Lewiston's Zoning and Land Use Code with respect to the Federal Fair Housing Act is not consistent with the state law.

There was no action necessary on this item. This item will to be set up for a Public Hearing to be scheduled and included on the agenda for the June 27, 2000 Planning Board Meeting.

7. *Review of a proposal from the Historic Preservation Review Board concerning Demolition Delay provisions for Significant Buildings and Structures, Article XV of the Zoning and Land Use Code and possibly schedule for a Public Hearing.*

Also included in this discussion was the item that had been placed under Section III. Correspondence. This pertained to the letter from Bill Clifford, Chairman of the Historic Preservation Review Board, concerning the proposed Demolition Delay Ordinance. Bill Clifford was requesting that this item be reviewed, at this Planning Board Meeting, and that it possibly be scheduled for a Public Hearing.

As mentioned in Jim Fortune's memorandum dated May 5, 2000, also enclosed in the Planning Board packets was a proposal drafted by the Historic Preservation Review Board concerning code amendments to add the demolition delay provisions to Article XV of the Zoning and Land Use Code, Significant Buildings and Structures. Also included in this proposal was a letter from Attorney Richard Fluelling of MMA, who has provided legal commentary. Outlined in Jim Fortune's memorandum to Tom Peters are changes made to the proposed amendments, based on this MMA letter.

Tom Peters mentioned that he has a problem with this item. He said that he does not like the government telling us what to do with our property. He stated that people from the public will be screaming at this. He also said that he would like first for the City Council to review and initiate this issue. Maps, graphic descriptions, etc. need to be brought back to the Planning Board Meeting of June 13, 2000.

Jim Lysen explained that the Historic Preservation worked three (3) months on this initiative.

Tom Peters reiterated that this is going to be an issue to raise concerns. He stated again to let it go to the City Council and if it gets the heads up, to come back to the Planning Board. Mark Paradis also agreed with Tom Peters that the City Council see this and then to come back to the Planning Board for a Public Hearing, along with Muriel Minkowsky agreeing to this also.

In closing this discussion, there was no action necessary. John Cole mentioned and it was decided that the Planning Board Chair would draft a letter to be sent to the City Council and the Historic Preservation Board informing them that this is what the Planning Board is doing. The following motion was then placed.

MOTION: by **Dennis Mason**, seconded by **John Cole** that the Planning Board will initiate the code amendment request and schedule this item for a Public Hearing on June 13, 2000 to further direct Staff in providing the code amendment, the letter from Bill Clifford, and a memo stating that the City Council be aware of this issue.

VOTED: 6-0.

After this motion, it was mentioned that this item be published in the newspaper specifically as to what the Planning Board is doing. There should be notice of this preservation activity and the public should be made aware of this Public Hearing. This is a code amendment and the public needs to be noticed. Jim Lysen also added that 75 of the Design Manuals will be going out to property owners.

8. *Letter from Denis Theriault concerning the memorandum from City Attorney Robert Hark to Planning Board Chair Tom Peters.*

This issue is in regards to the correspondence drafted from Denis Theriault dated April 25, 2000 in reference to the investigation into conduct of City Staff. Tom Peters said that his concern is with council acting that way to the Planning Board, not with City Attorney Robert Hark.

John Cole stated that the Planning Board has no authority in dealing with this issue and that this matter should be referred to the Acting City Administrator.

Mark Paradis said that he would like a summary if something will be done. The Planning Board was in agreement as to seeing what Phil Nadeau will do with this. It was then agreed that the Planning Board Vice-Chair will draft a note as to what happened at the meeting which included Dick Metivier, the Finance Director; Phil Nadeau, the Acting City Administrator; and Denis Theriault, public citizen and former Planning Board Member.

As a final statement, Tom Peters said that, "we need to know that our attorney is working for us".

B. *Old Business:*

1. *John F. Murphy Homes, Inc.: Consistency of the Zoning and Land Use Code with respect to the Federal Fair Housing Act.* This item was discussed as Item No. 6 under *New Business*.
2. *Joint Meeting with the Mayor's Downtown Renaissance Advisory Board (MDRAB).* This item was discussed as Item No. 4 under *New Business*.
3. *No Name Pond Watershed Plan Update.* There was no update at this meeting.

The remaining *Old Business* items will be discussed at the June 13, 2000 Planning Board Meeting.

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

MOTION: by **John Cole**, seconded by **Dennis Mason** to adjourn this meeting at 9:41 p.m.
VOTED: 6-0.

After this motion was made, Jim Lysen brought up the issue as to the summer schedule. After the June 27, 2000 Planning Board Meeting, the summer schedule should be announced. This schedule will the planned according to what the City Council's schedule is for the summer.

Respectfully submitted,

Mark Paradis, Secretary

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