

CITY OF LEWISTON  
PLANNING BOARD MEETING  
MINUTES for July 27, 2015

---

- I. **ROLL CALL:** The meeting was held in the City Council Chambers on the first floor of City Hall and was called to order at 5:30 p.m. Chairperson, Bruce Damon, chaired the meeting.

**Members in Attendance:** Bruce Damon, Kevin Morissette, Walter Hill, Paul Madore, Pauline Gudas and Michael Marcotte

Sandra Marquis arrived at the meeting at 5:58 p.m.

**Associate Member Present:** Normand Anctil and Darcy Reed

**Staff Present:** David Hediger, City Planner and Gil Arsenault, Director of Planning & Code

- II. **ADJUSTMENT TO THE AGENDA:** None

- III. **CORRESPONDENCE:** Darcy Reed provided a revised proforma for Oxford Street.

Normand Anctil was appointed full voting member for this meeting.

- IV. **PUBLIC HEARINGS:**

Proposed amendment to the Zoning and Land Use Code, Article XII. Section 20. Child care facility standards to provide more flexibility and options for parking at child care facilities.

David read staff comments.

Bruce asked for clarification on daycare definitions. Norm asked for clarification on existing language. There was discussion about the current parking requirements and possible scenarios. Walter asked about existing facilities and how the amendment would apply. Paul asked how language applies to existing and proposed facilities and how staff and the engineer make a determination on safety. Michael asked about existing parking ratios and possible impacts to existing facilities and whether they become nonconforming.

Sandra Marquis arrived at the meeting at 5:58 p.m. but Norm would continue to vote on this matter.

Chantelle Pettingill, 200 Montello Street explained her proposal for 1 Atlantis Way and the need for childcare in the community. She provided examples of existing facilities in the state and their parking requirements, different ratios, and need to reduce pavement.

Pauline asked about hours of operation and Chantelle said they would be open 52 weeks a year. Paul had questions about how access to her proposed site would occur and Chantelle explained parking layout.

Kevin recused himself noting his parents live next to Chantelle.

Bruce noted Darcy will be a voting member having heard the whole conversation.

The following motion was made:

**MOTION:** by **Paul Madore** pursuant to Article VII, Section 4(c) and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council to adopt a proposed amendment to the Zoning and Land Use Code, Article XII, Section 20. Child care facility standards to provide more flexibility and options for parking at child care facilities. Second by **Darcy Reed**.

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

Michael asked what if a parking issue is created and staff explained unless a safety issue is created, we cannot do much to require additional parking. Only if they operate contrary to approval can the City take enforcement action. Walter asked for clarification that the ordinance would apply City-wide; staff said yes.

Pauline said she supports the proposed amendment believing child care facilities will arrange for safe conditions. Bruce felt that reduced parking should be considered. Walter remains concerned about small daycares and how this may impact them. He asked how Lever Daycare was approved. David explained that the site was approved not meeting the current requirements. Michael noted Lever's parking limitation was not discussed during Woodlands project. Bruce asked about snow removal and Gil noted historically not a problem but enforcement could be taken.

**V. OTHER BUSINESS:**

- a) Planning Board recommendation for a capital expenditure not included in the annual capital program for the acquisition of 2 and 26 Oxford Street.

Bruce noted that full voting members are now participating.

Michael called for a point of order, requesting clarification on the motions provided. He said he is not in favor of tabling and suggested two motions, one for LCIP funding and one for acquisition. David noted motions are drafted to assist the Board and staff will defer to the Board. Bruce noted motions can be formed by the Board.

Pauline made the following motion:

**MOTION:** Make a motion to remove from the table the Planning Board's July 13, 2015 action regarding the acquisition of 2 and 26 Oxford Street. Second by Sandy.

Discussion: Darcy asked when the 30 days expires; August 13<sup>th</sup>. Can the Board decide to take no action; yes. Bruce remained concerned that the City Council decisions appear to have already been made before the Planning Board acts. Kevin echoed Bruce's comments. He asked how \$300,000 could be used in the riverfront. David noted Beech Street bridge has recently been discussed by staff. Michael asked about LCIP funding numbers versus budget appropriations.

Darcy noted that removing the tabling motion should have been made by those on the prevailing side from the previous meeting. Michael felt that Darcy may be correct. Therefore, Michael Marcotte made restated the motion:

**MOTION:** Make a motion to remove from the table the Planning Board's July 13, 2015 action regarding the acquisition of 2 and 26 Oxford Street. Second by Paul Madore.

Paul noted this process has evolved and believes the tabling was a good thing and has added value to the process and looked for an apology from administration on the way this was presented initially. Lincoln apologized for not providing a detailed proforma and not having all the initial information requested.

**VOTE: 7-0 (Passed)**

Bruce asked Lincoln for clarification on use of parking lot across from FX Marcotte and why green space next to Lewiston House of Pizza has not been developed. Lincoln said no current demand for additional parking. David provided clarification on Article VII, Section 4 (f) and (h). He also noted motions should be related to the Council's specific request about Oxford Street, but the Board could add additional recommendations. Pauline noted there were no members of the City Council or the Mayor in attendance, particularly Don D'Auteuil who previously called out the Planning Board for their behavior.

The following motion was made:

**MOTION:** by **Michael Marcotte** pursuant to Article VII, Section 4 (f) of the Zoning and Land Use Code to not send a favorable recommendation to the City Council for an expenditure costing \$100,000 or more which was not included in the FY 2016 Lewiston Capital Improvement Program for the acquisition of 2 and 26 Oxford Street. Second by **Kevin Morissette**.

It was noted this motion was limited to Section 4(f) applying the LCIP funding request.

Bruce noted he doesn't want to see expenditure made without Planning Board involvement when required.

Pauline noted if the Planning Board is in support of the riverfront, then the money should be spent. Walter agreed with Pauline's position. Kevin feels that we are making progress and that other sources of funding should be considered. Paul said the acquisition is a misplaced priority and we should wait on this. He is frustrated that the City has already arranged for the purchase of the property. He is not in support.

Sandra has not liked this process or the City Council meeting. She feels funding is needed for many items and supports this project. Norm noted the Planning Board's responsibility to administer the Riverfront Plan and Comp Plan. If we control the lot, we control how it's developed. Michael is not in support of land banking. He thinks the City's efforts on the riverfront will drive private investment to develop land. Michael continued to have concerns with proforma provided and not all costs included. He referenced Darcy's proforma and the debt the City will incur. He is not supportive of funding this acquisition. Kevin noted his support for the Riverfront Plan and Comp Plan but not this acquisition.

Pauline asked for clarification on funding and whether it's available to fund anything. Lincoln noted the funding identified for this acquisition was generated by Bates Mill related investments and payments received. While not bound contractually or in policy to only be spent in support of Bates Mill redevelopment, they have been held with such purposes in mind. Acquisition of this real estate with the funds identified are in keeping with that goal.

Bruce noted there is no current City commitment to provide parking for Mill #5. Lincoln said that was correct. Bruce referenced the need to fix Beech Street bridge which is more important to facilitate development versus purchasing Oxford Street.

**VOTED: 4-3 (Passed)**  
**Walter Hill, Sandra Marquis and Pauline Gudas Opposed**

The following motion was made:

**MOTION:** by **Michael Marcotte** pursuant to Article VII, Section 4 (h) of the Zoning and Land Use Code to not send a favorable recommendation to the City Council for the acquisition of 2 and 26 Oxford Street. Second by **Kevin Morissette**

It was noted this motion was specifically limited to Section 4(h) and the acquisition of the Oxford Street properties.

**VOTED: 4-3 (Passed)**  
**Walter Hill, Sandra Marquis and Pauline Gudas Opposed**

Note: The Board's motions to not provide favorable recommendations for funding or to acquire the Oxford Street properties were made for several reasons, including, but not limited to: there are no active development prospects on this site or area; the property has not been actively marketed to

the private sector; the private sector should be involved in the acquisition of these lots; there are other properties in worse shape that may warrant the city's attention; the selling price is too high; developing this site for parking is not the highest and best use of the land.

Paul expressed his concerns that money seems to be found when the City wants it. Let the private market purchase the lot.

Darcy noted the property hasn't been actively marketed and only presented to the City. Michael said this was not the highest and best use of limited resources. Darcy asked if proforma she provided could be shared in City Council. Staff will make this happen.

The following motion was made:

**MOTION:** by **Kevin Morissette** to send a favorable recommendation to the City Council for an expenditure costing \$100,000 or more not included in the FY2016 LCIP for the Beech Street bridge to be repaired, rebuilt, or replaced. Second by **Paul Madore**.

**VOTED: 4-1-2 (Passed)**  
**Walter Opposed**  
**Pauline Gudas and Sandra Marquis Abstained**

Note: This motion was made in part with Board feeling that if money is being requested for future improvements and enhancements related to the Riverfront Island Master Plan (i.e. the acquisition of 2 and 26 Oxford Street) that funding may better spent on addressing the deficiencies of the Beech Street bridge.

- b) Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board.

Michael had a question about a TIF list and asked Lincoln for additional information.

**VI. READING OF MINUTES:** Adoption of the April 27, 2015, June 22, 2015 and July 13, 2015 draft minutes.

The following motion was made:

**MOTION:** by **Walter Hill** to accept the April 27, 2015 with changes. Second by **Michael Marcotte**.

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

The following motion was made:

**MOTION:** by **Walter Hill** to accept the June 22, 2015 with changes. Second by **Paul Madore**.

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

The following motion was made:

**MOTION:** by **Michael Marcotte** to accept the July 13, 2015 with changes.  
Second by **Paul Madore**.

**VOTED:** **6-0-1 (Passed)**  
**Walter Hill Abstained**

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

**MOTION:** by **Kevin Morissette** that this meeting adjourns at 8:35 p.m.  
Second by **Sandra Marquis**.

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

The next regularly scheduled meeting is for Monday, August 27, 2015 at 5:30 p.m.

Respectfully Submitted:



Pauline Gudas, Secretary *ell*