

CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for March 27, 2017

- 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, John Butler, Normand Anctil, Sandra Marquis, Paul Madore and Michael Marcotte

Members Absent: Pauline Gudas

Associate Member Present: Sonia Taylor and Zachary Pettengill

Sonia Taylor was appointed full voting member for this meeting.

Staff Present: David Hediger, City Planner and Linda Tripp, Administrative Assistant

- II. **ADJUSTMENT TO THE AGENDA:** The following item was added to the agenda: V. c) Recommendation regarding the disposition of city property for stream preservation per the Maine Department of Environmental Protection's approval for construction of a new elementary school and new high school athletic fields at 145 Birch Street/156 East Ave/400 Bartlett Street
- III. **CORRESPONDENCE:** Memo from David Hediger dated March 27, 2017, Deed Restriction Site Plan and Draft Declaration related to agenda item V(c).
- VI. **PUBLIC HEARINGS:**

A request by The Movement & Wellness Center, L.L.C to amend the Zoning and Land Use Code by modifying the existing conditional rezoning agreement for the property at 170 Summer Street to allow fitness and recreational sports centers as listed under NAICS Code 713940 as a permitted use.

David Hediger read staff comments. Kelly LeCroix of The Movement & Wellness Center provided a presentation regarding her proposed amendment. Bruce Damon inquired if classes would be held during daytime hours. Kelly LaCroix stated that many classes would take place early in the day as most Parkinson's patients are higher functioning during that time. She stated that she does however expect to have some early evening classes. Paul Madore questioned if any funding would be provided by outside sources to which Kelly LaCroix responded there would not. She explained that she does have plans to raise funds through a variety other means in order to provide her services to those who could not otherwise afford it. Sandra Marquis inquired what the proposed business hours would be and Kelly stated that while she was uncertain as of yet she envisions operating anywhere between the hours of 6:30 am to 10:00 pm and occasionally may be open on a Sunday. Bruce Damon asked if the business would require additional employees and Kelly LaCroix said that it would not as many of her clients would be attending classes with a caregiver who

accompanies them. Normand Anctil questioned Kelly's background and experience. Kelly LaCroix informed the board of her education and various achievements. John Butler inquired about the traffic her business might generate and if she thought it would pose a problem to the area. Kelly LaCroix felt certain traffic would not be a problem at all.

Bruce opened the meeting to the public.

Eugene Holm, 189 Summer Street stated that the presence of Rockingham Electrical Supply Company has not posed any problems for the neighborhood. He expressed his concern of any additional activity during the evening hours on weekdays, as well as early morning hours on the weekend. He feels it may be a hazard to the many pedestrians and children in route to Sunnyside Park.

Christine Holden, 183 Summer Street also expressed concern for the increased activity in the neighborhood. She stated that there are no decent sidewalks in the surrounding area and that the cars travel much too quickly. She would prefer the increased activity occur only during daytime hours.

Public comment closed.

The following motion was made:

MOTION: by **Paul Madore** pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code, to send a favorable recommendation for the City Council's consideration, to amend the existing conditional rezoning agreement for the property at 170 Summer Street to allow fitness and recreational sports centers as listed under NAICS Code 713940 as a permitted use, in addition to those uses already allowed, including wholesale sales, warehousing and distribution facility, a neighborhood retail store, and business and professional offices. Second by **John Butler**.

Additional discussion: Michael Marcotte requested the board make a recommendation to the City Council to improve and/or build sidewalks in the immediate area. Sonia Taylor questioned what the most popular path of travel would be to get to 170 Summer Street. Kelly LaCroix stated that if there was a preferred route that she would be happy to direct people via any of her printed literature. Zachary Pettengill stated that it was a large building with no parking issues and he finds it to be a good fit. Sandra Marquis stated that she was in favor of the project.

VOTED: 7-0 (Passed)

Additional discussion: The Board recognized that the existing conditional zoning already allows for uses that may generate high volumes of traffic or operate various hours and that the proposed conditional rezoning would likely not worsen conditions. However, with respect to sidewalks, the Board referenced their recommendation to the City Council for adoption of the FY2018 LCIP;

specifically, that \$99,000 be added to the total project cost for Sidewalk Maintenance & Rehabilitation FY2018 and made the following motion:

MOTION: by **Norm Anctil** that the City Council considers any additional funding added to the FY2018 LCIP for Sidewalk Maintenance & Rehabilitation is used improve existing or construct new sidewalks to access to Sunnyside Park from Main Street. Second by **Sandy Marquis**.

VOTED: 7-0 (Passed)

V. OTHER BUSINESS:

- a) Recommendation regarding the disposition of city owned property at 159 Pine Street, 91 Pine Street, 5 Peter Boulevard, and 67 Oak Street.

Bruce Damon requested clarification of how the balance due for each property had been accrued. David Hediger stated that total amounts due are made up of demolition costs as well as unpaid taxes. Michael Marcotte stated that he would be in favor of the disposition of 5 Peter Boulevard only if the city were to recover the total amount due of \$13,178.64.

The following motion was made:

MOTION: by **Michael Marcotte** pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council for the disposition of city owned property at:

- 159 Pine Street, 91 Pine Street, and 67 Oak Street; and,
- 5 Peter Boulevard for no less than \$13,178.64 (the amount due for taxes, demolition, and utilities).

Second by **Normand Anctil**.

VOTED: 7-0 (Passed)

- b) Discussion on comprehensive plan implementation: parking and form based codes.

The board and David Hediger had a lengthy discussion regarding various options and opportunities for form based codes. David indicated he would look to have someone speak with the Board about the merits of form based codes. Parking was not discussed.

- c) Recommendation regarding the disposition of city property for stream preservation per the Maine Department of Environmental Protection's approval for construction of a new elementary school and new high school athletic fields at 145 Birch Street/156 East Ave/400 Bartlett Street.

The following motion was made:

MOTION: by **John Butler** pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council for the disposition of city property for stream preservation per the Maine Department of Environmental Protection's February 27, 2017 permit approval for construction of a new elementary school and new high school athletic fields at 145 Birch Street/156 East Ave/400 Bartlett Street. Second by **Sandra Marquis**.

VOTED: 5-2 (Passed)
Michael Marcotte and Paul Madore Opposed
Michael and Paul noted their opposing votes were cast due to DEP's overarching requirement that the city/school must restrict activity to protect specific stream and riparian areas in perpetuity, while not knowing what future laws and rules may govern these areas.

d) Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board. NONE

VI. READING OF MINUTES: Adoption of the March 13, 2017 draft minutes.

The following motion was made:

MOTION: by **Michael Marcotte** to accept the March 13, 2017 draft minutes as presented. Second by **Norm Anctil**.

VOTED: 7-0 (Passed)

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

MOTION: by **John Butler** that this meeting adjourns at 7:40 p.m. Second by **Paul Madore**.

VOTED: 7-0 (Passed)

The next regularly scheduled meeting is for Monday, April 10, 2017 at 5:30 p.m.

Respectfully Submitted:

Sonia Taylor, Secretary