

CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for August 23, 2010

- 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, Lucy Bisson, chaired the meeting.

Members in Attendance: Lucy Bisson, Denis Fortier, Bruce Damon, Paul Robinson, Kevin Morissette, Trinh Burpee and Eric Potvin

Members Absent: None

Associate Member Present: Michael Marcotte

Associate Member Absent: None

Staff Present: David Hediger, City Planner, Gil Arsenault, Director of Planning & Code and Cathy Lekberg, Administrative Assistant, Economic & Community Development

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

- III. **CORRESPONDENCE:** None

- VI. **PUBLIC MEETING:**

None

- V. **OTHER BUSINESS:**

- a. Request for Extension of Approval: Apple Valley Estates Subdivision -

David read the staff comments to the Board. He stated that on November 26, 2007 the Planning Board granted approval for the development of a planned community with 48 single-family detached buildings and a recreation building located at 317 Pinewoods Road. He stated that no changes are being proposed from the plan last approved by the Board and, therefore, staff recommends the granting of a one-year extension with an expiration date of November 26, 2011.

Gard Crow of Apple Valley Estates stated he was optimistic that the economy will turn around so they can continue the development of the subdivision.

Mike asked if there was no progress next year, would they be able to request another extension and David stated there is no limitation for extensions. Gil stated that for large projects like this one, one year is not enough time to complete. Paul asked about the proposed change to allow two years for projects to start and five years to complete. Bruce asked if the ordinance were changed, would projects that were already approved be grandfathered and receive the five years to complete. David stated they would need to

request the extension at which time the new standards would apply. Eric asked how far along the project was and Gard stated in the first phase that the community center and one home has been completed.

Public Comments: None

The following motion was made.

MOTION: by **Bruce Damon** to consider a request by Gard Crow on behalf of Apple Valley Estates, LLC for an extension of approval for Apple Valley Subdivision and to grant a one-year extension to Apple Valley Estates, LLC, a planned community with 48 single-family detached buildings and a recreation building located at 317 Pinewoods Road pursuant to Article X, Section 5 of the Zoning and Land Use Code. Said extension to expire on November 26, 2011. Second by **Paul Robinson**.

VOTED: 7-0 (Passed).

b. Discussion of lodging houses and shelters -

David provided a summary of shelter definitions and a list of existing licensed lodging houses for the Board to review. He stated that the Board needed to decide whether boarding houses and lodging houses should be removed from the OR District. Lucy stated that if lodging houses are eliminated two businesses will become non-conforming in the OR District.

Paul stated that he liked the shelter definition that Kansas City, MO listed. Lucy agreed with Paul and stated that she also liked the Charlotte, NC and Chapel Hill, NC definitions. She stated they both do not put too many details in their descriptions that would provide more flexibility. Bruce stated that the Kansas City definition should state that no contributions or payments can be accepted. Bruce asked about shelters for victims of domestic violence and are there business licenses associated with these shelters. David and Gil stated there are no licenses required for those establishments.

Lucy stated that shelter means beds for the night (Hope Haven and St. Martin de Porres). After breakfast, the homeless are asked to leave and go to other places in the daytime. Gil stated that the traditional concept of a shelter has changed and some new shelters also provide months and even years for the homeless to stay.

Paul stated that shelters fall under the radar. He stated through the Community Development Block Grant process, these agencies have to describe the services they provide and there are discrimination rules and regulations that have to be followed to get Federal funding. Paul stated he could get more detailed information regarding CDBG and the agencies. Lucy asked if Paul could also get some information about Abused Women's Advocacy Project and Paul stated he would and bring the information to the next meeting.

Lucy stated that what the Board needs to do is establish a definition for a shelter and decide what districts they will be allowed in. Lucy stated the OR District also needs to be addressed.

c. Discussion of City Council's initiated amendment to in-law apartment standards -

David explained that on August 10, 2010, the City Council voted to refer to the Planning Board a proposal to amend Appendix A, Article XII, Section 11(4)(a) (In-Law Apartment Standards) to eliminate the prohibition against separate side entrances. He stated that the change being proposed is to allow in-law apartments to have side entrances.

Bruce asked if there were egress issues. Gil stated that in a two family building with two stories, only one set of stairs is required and that the change was for appearance only. Bruce stated that a back entrance could be added with a back walkway and this would be similar to a side entrance. Kevin stated that a property owner should be able to put an entrance anywhere they want it to be.

Lucy asked if they would have to schedule a public hearing to make this change and Gil stated yes. David stated they could schedule this public hearing for the next meeting. Bruce asked if this change was driven by one event, and Gil stated that there was an issue at 33 Dow Avenue between Chuck and Diane Barnies and their neighbor Jason J. Bishop regarding work on the property they had done without permits. In spite of that, Gil stated this change makes sense and the Board agreed.

The following motion was made.

MOTION: by **Bruce Damon** to schedule a Public Hearing on September 13, 2010 to make the change by City Council to the in-law apartment standards. Second by **Paul Robinson**.

VOTED: 7-0 (Passed)

d. Discussion regarding September 14, 2010 Joint Workshop Meeting Agenda -

David stated that Lucy suggested that he come up with a summary of items for the agenda. He stated that everyone gave their input to the items listed. David stated that City Council asked that we narrow the list down a little.

Lucy stated that the Board should go down the list and limit each item. She also stated the Board needs to have more than one meeting with the Council. She stated that the open space item will probably need the most explanation and discussion. Paul stated that the 21 items listed will need more than one meeting. He stated they could get hung up on just a few items. David stated it is not a bad thing that you have this many items as it shows City Council that the Board has been discussing and working on these items. Lucy stated this is basically to inform them what needs to be done. From a discussion standpoint, Gil stated that Items 1, 2, 3, 4, 8 and 10 should be discussed first

and then the other items discussed in the future. Lucy stated we could move Item 10 up to 5.

Bruce asked how much time they will have at this meeting and Gil stated two hours, from 6:00 p.m. to 8:00 p.m. Bruce also asked if the City Administrator and the Assistant City Administrator would be present and Gil stated at least one of them would be there. Gil stated that there would probably not be a full City Council present at the workshop.

Bruce stated that he thinks Items 4 and 8 are very important to the Board but not to the City Council. He stated the Board should have their discussion on these and then make a recommendation to the City Council to approve them. Lucy stated that 10 should be less important also.

Bruce stated that item 5 is very important and should be put out there with a lot of emphasis and also should be put in the limelight for the School Committee. He stated 5 from a policy standpoint is the most critical to the future of the City. Lucy stated St. Dom's tried to expand their campus and close streets before they moved to Auburn, and they could not get anywhere with City Council. Gil stated that there was a study done on the campus and whether it would facilitate the larger campus. David stated City Council was not necessarily against it.

Eric asked if workshops were open to the public, and David stated the public can attend but it is not a public hearing.

David suggested that winter parking ban should be combined with Item 6, downtown parking. Lucy stated that is fine. David stated he will mark up the agenda to reflect these changes.

Bruce stated that City Council has already made their decision regarding Mill #5 and this should be moved further down on the list. Lucy agreed that this should be lower. Kevin stated that all of the issues on the list are important and we should let them know we need another meeting. Lucy stated before the meeting ends, we should schedule another meeting.

Bruce stated the first item on the agenda should be an agreement between the Planning Board and City Council to meet on a quarterly basis to discuss problems that we are both considering together. That would prevent the Board from being blindsided by having a parking garage shoved down our throats or a Main Street Redevelopment project without any discussion.

Lucy stated she has a bit of a problem with some city staff in that the Planning Board is always an afterthought in the process. If they are planning something, the Planning Board should be involved from the beginning. She stated that the parking garage was a good example. When this project was being discussed, the Planning Board was ignored. Gil stated this was no different from the Southern Gateway. Lucy stated this is what frustrates the Board.

The discussion shifted to Main Street improvements. Lucy stated the public was originally told to take the Maine Street project as it was presented and no signal light would be put in. Bruce stated MDOT has now changed the project. Lucy asked what did they change, and Bruce stated they added the signal light. He stated that this is a major change so this whole theory that there could be no changes is total BS. He stated that staff and MDOT are getting in the way of common sense. If MDOT said it could not be changed, then where did the signal light come from. They first said there could not be a signal. Lucy said since Dunkin Donuts opened, a signal never met the warrant with all that traffic. Denis asked if the light was put in because of a legislator getting involved. Lucy stated possibly because Margaret and Peggy did get involved. Paul stated they volunteered to take that on and Lucy stated that things started to happen. Bruce stated it would be interesting to see what happens at the next public hearing when they bring it back to the Council. If plans changed once already, than it can be changed again, and maybe the Landry Street railroad crossing can be reopened. There should be a request to the City Attorney to do the research to find out if that street ever really was abandoned. We probably still own an easement and somebody is trying to take the easy way out. The City Attorney should be looking into this. Bruce asked if he could make a recommendation to the City Attorney to investigate this and David stated they could make a recommendation to administration.

The following motion was made.

MOTION: by Bruce Damon that a request is made to city administration to obtain a legal opinion determining what the legal status is of the discontinued rail crossing on Landry Street (formerly known as Montello Street Extension) and to provide a legal opinion as to the process involved for the city to reestablish this rail crossing.

Second by Trinh Burpee.

VOTED: 7-0 (Passed)

Lucy stated that the first item for the joint agenda is going to be quarterly meetings and David stated he will make that the first item on the agenda. Lucy stated 4 and 8 which will be renumbered will be a short presentation to inform City Council about what we are going to be sending to them in the near future. David suggested that marijuana should be the same and Lucy stated yes if we get that far and also discuss combining 9 with 6. Kevin asked if the City owns the all the parking garages and Gil stated yes, with the exception of the one behind L L Bean which is privately owned. Kevin stated that in Portland, they have people park in huge lots during winter storms. He stated if we own the garages, is it possible to have winter parking bans and have the downtown people park there. Lucy stated this is what we should be discussing. The winter parking ban states now that as of October 15th through April 15th you cannot park on the street. She stated she would like to see that eliminated and have parking bans like Portland storm bans.

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

IV. UNFINISHED BUSINESS:

- a. Regulation of marijuana dispensaries
- b. An amendment to Appendix A, Article XIII, Section 11 of the Zoning and Land Use Code of the City of Lewiston to extend the expiration of development review approved projects from two years to substantially complete a project, to two years to start a project and five years to complete.
- c. Zoning and Land Use Updates/Matrix: discuss proposed open space revisions, consolidation of the SR district, and adoption of the matrix (recommendation to table the matter to future date)
- d. Downtown design standards/guidelines

VII. READING OF MINUTES:

Draft Meeting Minutes for August 9, 2010. The following motion was made.

MOTION: by **Paul Robinson** to approve the August 9, 2010 with changes.
Second by **Denis Fortier**.

VOTED: 7-0 (Passed)

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

MOTION: by **Denis Fortier** that this meeting adjourns at 7:00 p.m. Second by **Eric Potvin**.

VOTED: 7-0 (Passed).

The next regularly scheduled meeting is for Monday, September 13, 2010, at 5:30 p.m.

Respectfully Submitted:

Denis E. Fortier, Secretary