

City of Lewiston
PLANNING BOARD MEETING
Minutes of March 12, 1996

I. ROLL CALL

The meeting was opened at 6:05 p.m.

- A. Board members present:
Denis Theriault, Harry Milliken, David Jacques, Marc Goulet, Lewis Zidle
- B. Staff present:
James Lysen, Planning Director; George Dycio, Planning Coordinator;
James Andrews, Community Development Director; Ken St. Amand, CD Loan Specialist;
Christina Revell, Recording Secretary
- C. Board members absent:
Harold Skelton, Thomas Peters

IV. PUBLIC HEARINGS

- A. FY1997 Community Development Block Grant (CDBG)

The Fiscal Year 97 CDBG Hearings were broken down into four separate hearings with the fourth hearing included with this evening's agenda. Following are the names of the requesting agencies, the project name, the dollar amount requested, the representative's name(s), and key points of the proposal.

1. Bates St. Improvements/Sidewalk Rehab & Handicap/Sunnyside Storm/Birch St. Rehab/Kennedy Park Rehab - Chris Branch, Public Works Director

- Mr. Branch prioritized the above as follows:
- Bates Storm
 - Ongoing project awarded \$30,000.00 last year/in litigation with contractor for damage to sewer/any settlement would be returned to the City.
- Kennedy Park
 - Need \$10,000 or wiring to finish project.
- Sidewalk Rehab and handicap Ramp Improvements
 - Ongoing project/using pavement overlaps instead of total reconstruction/request is for \$25,000 and \$50,000 as stated in application/
- Birch Street Rahab
 - Overlay/install wheelchair ramps/will coordinate with S. Levesque regarding any work to be done in or around Civic Center.
- Sunnyside Storm Drainage
 - Supplemental funds requested to complete Phase I to service Summer Street

2. Rehab-Parks Five/Kennedy Park Basketball Court/Teen Drop-in Program - Maggie Chisholm, Parks & Recreation Director

Ms. Chisholm prioritized the above projects as follows:

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- Kennedy Park Basketball
 - Only looking to patch wall, not replace entirely.
- Teen Drop-In Program
 - Currently grant writing in conjunction with L/A College students but needs funding now to implement program/there is community cooperation but needs funding for space and staff to continue "open gym" for teens.
- Rehab-Park Five
 - Primary intent is to rehab five City parks to comply with Americans with Disabilities Act guidelines/installation of signage, surfacing materials to comply with safety recommendations

3. CD Administration/Bates Mill Redevelopment Code Enforcement/Housing Inspection - James Andrews, Community Development Director

- CD Administration is proposed to be flat funded with only a 3% cost of living increase
- \$189,932 asked for/fully fund fringe benefit.
- Mr. Theriault requested an update of City Hall computer system from Data Processing.
- Code Enforcement flat funded budget with two positions/three persons.
- Surplus from last year has been applied.
- Bates Mill request of \$500,000 is for operating expenses/noted was the upcoming lease signing regarding the joint venture with the City and Platz Associates on March 28th.
- Mr. Theriault requested copy of financials for the Mill.
- Any CDBG monies received after original application is returned to program for disbursement to other CDBG programs.
- ** - 3rd Floor Rehab-Central Counter project has been temporarily withdrawn until next year.

4. Downtown Land Assembly/50/50 Commercial Rehab/Housing Rehabilitation/Rehab Office Administration - Ken St. Amand, Rehabilitation Specialist

- Rehab office budget will be flat funded except for 3% cost of living increase.
- Housing Rehab funded last year at \$50,000 and has already exceeded these funds.
- 50/50 Commercial Rehab can fund at zero this year.
- Mr. Theriault requested copy of financials for rehab program.
- Default rate on loans well below national average.
- Mr. Theriault requested a list of those businesses who have utilized the facade program, it was noted that Lamey Wellehan and American Building are among the recipients.

II. READING OF THE MINUTES

MOTION: By Mr. Theriault, seconded by Mr. Jacques to accept the minutes of February 27, 1996 and place on file.

VOTE: Passed 5 - 0

III. CORRESPONDENCE

Memo to city attorney Bob Hark from Steve Levesque concerning questions raised by D.

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Theriault.

This item will be discussed under Other Business.

IV. Public Hearings (cont.)

B. Proposed Amendment to the Zoning and Land Use Code

Mr. Dycio advised the Board that attached was a proposed amendment to the Zoning and Land Use Code of the City of Lewiston where movie theaters would be allowed as a permitted use in the Highway Business, Downtown, Office-Service and Urban Enterprise Districts, and Drive-In theaters would be a conditional use in the Community Business, Highway Business and Office-Service Districts. Mr. Dycio informed that the Planning Staff is in support of the proposed amendment and recommends that the Board review the request, receive input at the Public Hearing and forward a recommendation to the City Council accordingly. Noted was the photo copy of the SIC code defining the terms "motion picture, drive-in and theaters."

Mr. Lysen introduced Lori Morin explaining that she is one of the proprietors of the Movie Mill and that the theater is the primary business with food and beverage as an accessory. It was also noted that going forward, all potential tenants of the Bates Mill will have to complete a "Determination of Applicability Intent Form" before commencing business at the mill. Potential parking problems were discussed with no major issues raised.

Chairman Milliken opened and then subsequently closed the Public Hearing after receiving no input.

MOTION: By Mr. Theriault, seconded by Mr. Goulet to send a favorable recommendation to the City Council regarding the proposed amendment to the Zoning and Land Use Code allowing movie theaters as a permitted use in the Highway Business (HB), Downtown (D), Office-Service (OS) and Urban Enterprise (UE) District, and Drive-In Movie theaters as a Conditional Use in the Community Business (CB), HB and OS Districts.

VOTE: Passed 5 - 0

C. Proposed Amendment to the Zoning and Land Use Code

Mr. Dycio informed the Board that attached was a proposed amendment to the Zoning and Land Use Code of the City of Lewiston where any City-Owned property would be applicable for Development Review should it meet the applicability for development review requirements listed under Article XIII, Section 2. Mr. Dycio continued noting that the Planning Staff supports the proposed code amendment and recommends that the Board review the request, receive input at the Public Hearing, and forward a recommendation to the City Council accordingly. Mr. Dycio closed by stating that nonresidential developments would now be required to come before the Planning Board whereas they were not required before. Mr. Lysen cited the current library project as an example of this type of project as well as Franklin Pasture.

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Chairman Milliken opened and subsequently closed the Public Hearing after receiving no input.

MOTION: By Mr. Theriault, seconded by Mr. Goulet to send a favorable recommendation to the City Council regarding the proposed amendment to the Zoning and Land Use Code making the development of any City-owned property applicable for Development Review under Article XIII of the Zoning and Land Use Code.

VOTE: Passed 5 - 0

Discussion ensued over whether to amend the motion and hold off on the recommendation to the City Council until the Board meets with the City attorney. Lysen recommended that the Board allow development director Steven Levesque to represent them at the City Council meeting on March 19th. Chairman Milliken requested that he be advised if Mr. Levesque wished him to also be present along with Mr. Levesque at the council meeting.

V. REVIEW OF DEVELOPMENT PROPOSALS - FINAL HEARING

A. Stetson Commons - Third Extension of Approval

Mr. Dycio informed the Board that Technical Services, Inc., on behalf of John Bonneau and the Stetson Commons Development Group, has submitted a request for a third two-year extension to the Planning Board approval of the Stetson Commons development. The project was originally approved by the Board on March 13, 1990, a two-year extension was granted by the Board on March 10, 1992, and a second two-year extension was granted by the Board on March 8, 1994.

The reasons for the requested extension are two-fold. First, the economy has not changed sufficiently to allow the applicant to initiate the development. Secondly, the applicant still awaiting approval of an Army Corps permit which has been applied for (see attached letter from Michael F. Gotto to Harry Milliken).

As outlined under Article XIII, Section 3 (l)(7) of the Zoning and Land Use Code, the request is defined as a minor amendment and therefore only requires one meeting before the Planning Board. In Staff's opinion, the request meets the requirements listed under Article XIII, Section 11 – Expiration of Approval. Staff's only concern is that the Board granted the second extension of approval subject to the applicant receiving an Army Corps permit (see minutes of March 8, 1994).

In Staff's opinion, the Planning Board must make a finding that the applicant has diligently pursued the Army Corps permit over the last two years. Staff has asked the applicant and his representative to submit any letters of correspondence regarding the permitting process for Staff's review. However, as of the date of this memo Staff has not received any correspondence for our review. Technically, the applicant has not meet the condition of approval set by the Planning Board and must demonstrate good cause for the extension to be granted (see Article XIII, Section 11). It is also Staff's opinion that should the Board grant another extension to the project's approval, the Board must maintain the same condition placed on the former extension. Therefore, the Planning Staff recommends that the Board

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consider the applicant's request, review any and all letters of correspondence between the applicant and the Army Corps of Engineers, and, if the Board finds that the applicant has diligently pursued the necessary Army Corps permit, grant the project another two-year extension with the same condition of the applicant receiving the Army Corps permit. Mr. Dycio then introduced Mr. Bob Faunce who recapped the project referencing aerial maps on display. Mr. Faunce noted that due to changes in State regulations the project had to be reworked and that if granted, this would be the third extension requested. Fifteen to sixteen acres of wetlands have been preserved and that plans were amended the first of 1995 as required by the Army Corp of Engineers. It is not yet known if the new plans will meet requirements however it is hoped to start the project within the next two years. Accordingly to Mr. Lysen, this project has required significant "up front" investment and since its inceptions that have been no changes to land use conditions.

MOTION: By Mr. Goulet, seconded by Mr. Theriault to grant a two-year extension to the Stetson Commons project subject to approval by the Army Corp of Engineers.

VOTE: Passed 5 - 0

IV. Public Hearings (cont.)

A. FY 1997 Community Development Block Grant (CDBG)

5. Historic Preservation/Jim Lysen, Planning Director

- Money has been received for Phase I of the Historic Preservation Manual, now applying to CDBG for Phase II.
- 75 property owners have buildings on the National Register.
- Printing is the largest expense of the Historic Preservation Manual.
- Discussion ensued over whether CPACM can assist with the cost and procurement of photographs required.
- Potential Comp Plan money may be available.
- Actual match needed is 60/40 or \$3,600.00.

5. Downtown Riverfront /Jim Lysen, Planning Director

- Project has been in LCIP and CDBG for last two years.
- L/A Railroad to give \$5,000.00 for riverfront area, physical money will be available September/October.
- Mr. Theriault stated that he believed that the City Engineer should be involved in this project.

VI. **OTHER BUSINESS**

A. Comp Plan Update

Mr. Lysen advised that the Comp Plan has now moved into the Land Use phase.

B. ITV Update (not listed on agenda)

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Mr. Lysen informed that Saturday meetings are well attended however if any other Board member is interested in attending there is still space available.

III. CORRESPONDENCE

Mr. Milliken reopened this agenda item. Circulating a list of questions he proposes to send to Attorney Hark, Mr. Milliken requested Board input at next meeting. Mr. Milliken requested that Ms. Revell contact Attorney Hark and secure at least two tentative meeting dates. Mr. Milliken continued by stating that he wished Mr. Dycio be present to answer any technical questions and continued by adding that any City staff member is welcomed to be in attendance.

In general discussion, Mr. Dycio explained that the "Comp Plan" is the same as the "Comprehensive Land Use Plan".

VII. ADJOURNMENT

MOTION: By Mr. Jacques, seconded by Mr. Goulet to adjourn the meeting at 9:10PM.

VOTE: Passed 5 - 0

Respectfully submitted,

Marc Goulet
Secretary