

**City of Lewiston**  
**PLANNING BOARD MEETING**  
*Minutes of April 23, 1996*

**I. ROLL CALL**

The meeting was called to order at 7:05PM

Members present: H. Milliken, H. Skelton, D. Theriault, D. Jacques, T. Peters  
M. Goulet  
Late arrival: L. Zidle  
Staff present: J. Lysen, G. Campbell, G. Dycio, C. Revell

**II. READING OF THE MINUTES**

**MOTION:** By Mr. Theriault, seconded by Mr. Peters to table the minutes of April 9, 1996 until the meeting of May 14, 1996 to enable the Board to review in greater detail.

**VOTE:** Passed 6 - 0

Mr. Theriault requested that, if at all possible, minutes to previous meetings be included with meeting packets and not distributed the night of the meeting in which action is required.

**III. CORRESPONDENCE**

**MOTION:** By Mr. Theriault, seconded by Mr. Skelton to accept the following correspondence and place on file:

Memo from Jim Lysen addressed to City Council both advising and inviting them to attend a workshop between City Attorney Bob Hark, Planning Staff, and the Planning Board.

**VOTE:** Passed 6 - 0

**IV. PUBLIC HEARING**

A. Proposed amendment to the definition of Accessory Use

Mr. Lysen explained the reason for the proposed amendment is to allow for accessory use to be located across the street from a principal building even in another district as the use, as long as the zoning permits the use within that district. He noted that the amendment is in conformance with the Comprehensive Plan because it allows for flexibility in development while still protecting neighboring uses.

Discussion ensued over broadening language not just based on existing local or state requirements but to address national trends. Code Officer Gary Campbell explained the difference in home occupation on location as opposed to an adjacent lots. Concern was expressed over whether Code Enforcement is sufficiently staffed to enforce such a Code change. Parking would not be an issue. Discussion closed on whether garage is classified an accessory use when standing by self.

Chairman Milliken opened and then subsequently closed the Public Hearing portion of the meeting after receiving no comments. Milliken then noted lots are now contiguous and cannot be sold separately except in certain instances. Art Montana volunteered from the audience that there may be a potential problem when the combined properties were to be sold. Mr. Campbell closed by noting that uses must be permitted in Zone to begin with.

**MOTION:** By Mr. Theriault, seconded by Mr. Peters to table action until language can be submitted by Staff to address the Board's concerns.

**VOTE:** Passed 7 - 0

**City of Lewiston**  
**PLANNING BOARD MEETING**  
*Minutes of April 23, 1996*

- B. Proposed amendment to the Low Density Residential (LDR) and Medium Density Residential (MDR) districts regulations regarding the minimum lot sizes for "all other uses" serviced by, and not serviced by public sewerage.

Mr. Lysen advised the Board that the reason for the amendment is to clarify minimum lot sizes in the Low Density Residential, Suburban Residential, and Medium Density Residential zoning districts with respect to "all other uses" based on being either serviced or not serviced by public sewerage. He also noted that the amendment is in conformance with the Comprehensive Plan because it allows for the orderly development of lots in residential districts not serviced by public sewerage and would only involve areas of 20,000 + to 40,000 + square feet and is meant only to clarify use.

Chairman Milliken opened the Public Hearing portion of the meeting at which time Carla Blowen (886 Main Street) came forward. Ms. Blowen is an owner of a lot on Hogan Road, 100' x 125' and in existence prior to 1972. Mr. Campbell clarified her situation to the Board.

Chairman Milliken closed the Public Hearing portion of the meeting and brought it back to the Board for action.

**MOTION:** By Mr. Skelton, seconded by Mr. Theriault to send a favorable recommendation to City Council regarding a proposed amendment to the Low Density Residential (LDR), Suburban Residential (SR) and Medium Density Residential (MDR) District regulations regarding the minimum lot sizes for "all other uses" serviced by, and not serviced by public sewerage.

**VOTE:** Passed 7 - 0

**V. REVIEW OF DEVELOPMENT PROPOSALS - FINAL HEARING**

- A. U.S.D.A. Building - Lot #11, South Park

Mr. Lysen informed the Board that Gary J. Hagan, of the Kinsley Pond Company, has submitted plans for a proposal to construct a 10,500 square foot, single-story building on Lot #11 of the South Lewiston Industrial Park, off Goddard Road. The applicant will be leasing the building to the United States Department of Agriculture as a regional office for both Androscoggin and Sagadahoc county. The project had its pre-application hearing and its application was determined to be complete at the April 9, 1996 Planning Board Meeting. The Planning Staff has reviewed the final plans and they reflect both the requested changes to the handicapped stalls and the request of Public Works for details of the detention pond structures. In Staff's opinion, all other standards have been met. Staff therefore recommends that the Planning Board grant final approval to the project. Mr. Lysen closed by noting that there is one minor change to the handicap stall which will be deleted on the new mylar, all else remains the same.

**MOTION:** By Mr. Peters, seconded by Mr. Skelton to find the application of the Kinsley Pond Company meets all of the approval criteria under Article XIII, Section 4 and further that the Board grant final approval to the project.

**VOTE:** Passed 7 - 0

**VI. DETERMINATION OF COMPLETENESS & SCHEDULING OF HEARING**

- A. Bates College - Maintenance Building & Access Road

Mr. Lysen informed the Board that Paul LaRoche, of LaRoche and Associates, Inc., on behalf of the President and Trustees of Bates College, has submitted plans for a proposal to construct a 30,000 + square foot, (approximately 138' x 130') two-story maintenance building adjacent to the existing energy plant located behind the Merrill Gym. An access road is also being proposed from the maintenance building to Campus Avenue (see attached plans). The project had its pre-

**City of Lewiston**  
**PLANNING BOARD MEETING**  
*Minutes of April 23, 1996*

application hearing at the March 26, 1996 meeting. The Planning Staff has conducted a review of the revised plans and application and has determined that the application is substantially complete with the exception of issues related to drainage and utilities as articulated in the memo from Steve Johnson to George Dycio dated 4/18/96. Mr. Lysen has subsequently spoken with Mr. Johnson who states that he has no further problems. Staff has met with the applicant's representative and reviewed Public Works comments with him and he has expressed that there will be no problem in addressing their concerns.

The Planning Staff recommends that if the applicant can submit the necessary material to satisfy Public Works that at least the application is complete, the Board may determine the application complete and schedule a public hearing for the project for the May 14th Planning Board meeting.

Phil Meldrum on behalf of the applicant noted a discussion with abutters Sisters of Charity who stated that they will do their own buffering if requested, however not required. Mr. LaRoche also noted that this will be a limited use access road only.

**MOTION:** By Mr. Theriault, seconded by Mr. Peters that the application for Bates College be determined to be complete and further that review of the completed application be scheduled on May 14, 1996 at 7:00PM and further move that the final hearing be a public hearing.

**VOTE:** Passed 6 - 0 - 1 (Mr. Skelton abstained)

Chairman Milliken called for a five minute recess so that he could sign the mylar of U.S.D.A. Building for Mr. Hagan. The meeting resumed at 7:55PM.

**VII. REVIEW OF DEVELOPMENT PROPOSALS - PRE-APPLICATION**

**A. River View Subdivision - 151 Switzerland Road**

Mr. Lysen informed the Board that Arthur W. Montana, on behalf of Daniel Roux, has submitted plans for a three (3) lot residential subdivision at 151 Switzerland Road. The project is in the Neighborhood Conservation "A" District where single family, detached dwellings not serviced by public sewerage are permitted on lots of 20,000 square feet or more. Minimum frontage required is 75 feet. Lot 2 (30,541 sq. ft.) currently has a single-family house on the property and is serviced by a well and pump house on lot 3 (see plans and Note #7). Lots 1 and 3 are both in excess of two (2) acres. All three lots have at least the minimum of 75 feet frontage. Staff has review the Modification/Waivers request form and supports the applicant's request for non-applicability and modifications. Staff has also reviewed the application and plans and finds that the application is complete. Public Works, Fire and Police have expressed that they have no concerns with the project.

Staff therefore recommends that the Planning Board grant the requested modifications, determine the application complete and schedule it for a final hearing at the May 14, 1996 meeting.

Discussion ensued at which time Mr. Montana informed the Board that the driveway would be going past the wetland. He noted that the pump house actively supports three lots; lots 1 and 3 will be using their own well.

**MOTION:** By Mr. Theriault, seconded by Mr. Goulet that the requested waivers of submission requirements by Daniel Roux be granted because of the size of the project and the circumstances of the site such requirements would not be applicable or would be an unnecessary burden upon the applicant and that such waivers do not adversely affect the abutting landowners or the general health, safety and welfare of the City.

**VOTE:** Passed 7 - 0

**City of Lewiston**  
**PLANNING BOARD MEETING**  
*Minutes of April 23, 1996*

**MOTION:** By Mr. Theriault, seconded by Mr. Peters that the application of Daniel Roux be determined to be complete and further that review of the completed application be scheduled on May 14, 1996 at 7:00PM and that the final hearing be a public hearing.

**VOTE:** Passed 7 - 0

**VIII. OTHER BUSINESS**

A. Review of tax acquired properties and forward recommendation to the City Council

Mr. Lysen referenced the memo from Community Development Director Jim Andrews in which it is recommended that, noting an attached list of properties, lots be sold to the highest bidder. Also recommended is that the Frye School and the Androscoggin Mill Block at 271 Park Street be contracted out to a real estate firm for disposition.

Lengthy discussion ensued at which time Mr. Lysen explained past attempts to market 271 Park Street. Mr. Peters recommended that wording, a committee, or some other mechanism should be in place to monitor sales of City owned property and attempt to do better than "just selling", such as looking into possible future uses as well as possibly maintaining control on these parcels. Mr. Theriault stated that the Board does in fact have recommending authority over the disposition and/or acquisition of these properties.

**MOTION:** By Mr. Skelton, seconded by Mr. By Mr. Peters, seconded by Mr. Theriault to send a recommendation to City Council to form an ad hoc committee to determine the best way to market or reuse the Androscoggin Mill Block (271 Park Street), and the Frye School (140 Ash Street) and to make recommendations back to the City Council accordingly. Recommendations may include referring these properties to a broker, or market in some other way, or, retain these properties for better use by the City and that such recommendations be forthcoming within 30 days after formation of the Committee. As for the remaining properties listed, that the recommendation be to market the best way possible as soon as possible.

**VOTE:** Passed 7 - 0

B. Review of proposal to rezone properties in the Myrtle Street area and scheduling of public hearing

After noting that this request was City Council initiated, Mr. Lysen explained that the Board may be looking at this type of rezoning City wide very shortly.

**MOTION:** By Mr. Skelton, seconded by Mr. Theriault to send a negative recommendation to City Council regarding a proposal to rezone properties in the Myrtle Street area. This recommendation reflects the Board's opinion that since the City of Lewiston is currently updating the Comprehensive Plan, the Board would like to receive input from the Land Use Subcommittee, as well as other subcommittees working on the Comprehensive Plan Update prior to making any recommendations on rezonings at this time. The Board also stated that as soon as the Comprehensive Plan is adopted this fall, the Planning Board would review all pending requests for rezonings to ensure that they are consistent with the goals and objectives of the new Comprehensive Plan and forward their recommendations to the City Council in a timely manner.

**VOTE:** Passed 6 - 1 (Mr. Goulet was in opposition)

**City of Lewiston**  
**PLANNING BOARD MEETING**  
*Minutes of April 23, 1996*

C. Meeting With City Attorney

It was noted that the workshop with City Attorney Bob Hark has been arranged for Tuesday, April 30, 1996, 7PM in the City Council Chambers. It was noted that City Council President Frank Kelly will be in attendance.

D. Chairman Milliken circulated a draft letter addressed to City Council President Frank Kelly taking exception to what Milliken views as derogatory remarks made toward the Board in regards to CDBG findings. After general discussion it was determined that Mr. Peters would reword the concerns of the Board towards the perceived attitude of the City Council toward the Planning Board. Peters will have this wording for the April 30th meeting with Kelly and City Attorney Hark.

Staff was requested to clarify page 13 of the Policy Manual (V) in which it is stated that a Guarantee Performance Report will be submitted to the Planning Board at mi-year in regards to CDBG recipients.

**IX. ADJOURNMENT**

**MOTION:** By Mr. Skelton, seconded by Mr. Goulet to adjourn the meeting at 8:58PM.

**VOTE:** Passed 7 - 0

Respectfully submitted,

Marc Goulet  
Secretary