

**City of Lewiston**  
**PLANNING BOARD MEETING**  
**Minutes of June 10, 1997**

**I. ROLL CALL**

The meeting was called to order at 6:00 PM.

Members Present: H. Milliken, D. Theriault, L. Zidle, M. Paradis, D. Jacques, T. Peters

Members Absent: H. Skelton

Staff Present: J. Lysen; G. Dycio; D. Ouellette; Gert Mynahan, City Sanitarian,  
Gary Campbell, Building Inspector.

**DAY CARE WORKSHOP**

Planning staff presented the Board with proposed code amendments. The Development Staff reviewed the proposed changes to the Zoning and Land Use Code along with the comments from the Planning Board day care workshop of May 13, 1997. Staff placed the proposed code changes in proper form for the Boards review and consideration. The proposed changes are to Article II, Definitions; Article XI, District Regulations; and Article XII, Performance Standards.

The licensing standards will be incorporated into the proposed performance standards as part of these proposed code amendments. Staff asked the Board to review the current licensing standards that were included in the Board's notebooks from previous meetings and determine if any licensing requirements need to be added, revised or eliminated. The Development Staff will then add these changes into the performance standards.

Staff asked the Board to review the proposed amendments to determine if they are in proper form, and if they are found to be in proper form, that the Board schedule a Public Hearing for the next available Planning Board meeting to review the amendments and forward a recommendation to the City Council.

H. Milliken said that the wording with Day Care Facility and Day Care Center was too confusing. G. Dycio said he would change the wording to Child Care Facility to simplify things. H. Milliken also asked that the definition of 6 +2 and 6 +12 be added to the list of definitions. During the discussions regarding licensing, T. Peters wanted to know if code did not issue a license if that person had another recourse other than court. It was said that they can go to the Board of Appeals. H. Milliken asked about operating day cares for more than one shift. G. Mynahan said that she was not aware of any facilities offering these services except for Rocking Horse and Little Rascal on Sabattus Street. H. Milliken said he had a concern with a day care facility operating 24 hours a day. T. Peters suggested that if this was a concern that the new regulations could spell out the hours. H. Milliken then read G. Arsenault's memo addressed to him regarding minor changes to be made on

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the proposed regulations (changes were already made for the Board).

**Ray Faucher, 171 Pettengill Street, Lewiston** said he had several areas of concern. Most of his concerns were grammatical and Staff took note and made the necessary changes. He also had a concern with the language in the "abutter" paragraph. H. Milliken asked if this should be part of the licensing requirement or part of the code. T. Peters said it gives neighbors the opportunity to comment about a day care going in the area. If Code finds that the applicant meets the performance standards they are issued a license regardless if neighbors do not want the day care in the area. J. Lysen said that what this language really does it to give abutters a window of opportunity to comment when the application has started. Mr. Faucher also pointed out on page 3, section 5, that 6 + 2 was not defined. J. Lysen said that would be clarified.

T. Peters noted that there were four members from the Board of Appeals in the audience and asked for comments. Board member Dennis Mason asked if the Planning Board had discussed limiting density in the day care centers. J. Lysen explained that this issue had come up because a person could now operate more than one day care in one area. The new regulations allow a person to open only one day center in the city. He said density did not seem to be an issue.

Board of Appeal Member **Bruce Damon**, 22 Buttonwood Lane said he disagreed with the whole new regulations being proposed before the Planning Board. He found it confusing and said it was "creating a monster." He suggested the Board go back to how it was before. T. Peters said that this new regulation requires the operator to live in the home if it is opened in a residential area. He also said that the grid the Board had before them at previous workshops simplified this document. Mr. Damon said he did not see how having a day care with twelve children in a neighborhood was a problem.

**Anna Faucher** said she does not want businesses in residential areas. She liked the idea of a day care having only one license.

**Jamie Bolduc** of 81 Marble Street does not agree with limiting 6 + 2 in NCA District. She said this is the area that specifically needs more day cares. J. Lysen explained that typically the NCA lots are smaller lots. T. Peters said the Board tried to keep a balance yet wanted to make sure the children were protected. H. Milliken said she wanted the residential areas protected and not have businesses in those areas.

**Richard Michaud** of 9 Joseph Avenue said the NCA was being restricted to 6 + 2 but said this document was not consistent with density issues. H. Milliken said that density was related to the number of homes that provide day care and that the number of children in the home has nothing to do with density; it is the number of properties. 6 + 12 infringes residential areas.

H. Milliken asked to schedule the day care issue for a public hearing at the next meeting. D.

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Theriahult asked for language without the strike outs and to include the matrix.

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**MOTION:** by T. Peters, seconded by L. Zidle to schedule the day care issue for 7 PM on June 24, 1997 and to make final recommendation to City Council.

**VOTE:** 6-0

**Recess**

Back in Session at 7:30 PM

**II. READING OF THE MINUTES OF MAY 27, 1997**

**MOTION:** by D. Jacques, seconded by M. Peters to accept the minutes of May 27, 1997 with the following modification: "Adjournment by D. Theriault, seconded by H. Skelton."

**VOTE:** Passed 5-0-1 (T. Peters abstained).

**III. CORRESPONDENCE**

Memo dated June 4, 1997 from Gerald P. Berube, City Clerk regarding council action at its June 3rd meeting.

**MOTION:** by T. Peters, seconded by L. Zidle to accept the above correspondence and be read at the appropriate time.

**VOTE:** Passed 6-0.

**IV. OTHER BUSINESS**

A. New Business

Proposed Amendment to the Zoning and Land Use Code.

Re: Remand back from the City Council for review and action on a proposal to amend the code where additions and accessory structures for legally-developed lots of record having less than seventy-five (75) feet of frontage would only have to meet the minimum space and bulk standards required for the development of existing lots of record having less than 20,000 square feet of lot area as outlined in Article XI, Section 5. Gary Campbell referred to his June 5th memo to James Lysen explaining his reasons for the proposed amendments. Basically, he said that if the owners wanted to put an inground pool ten feet from the line,

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the code would allow it. However, because it's a storage shed, the code requires a 25 foot set-back which is impossible on this small lot. D. Theriault explained he was hesitant at the last meeting because he didn't want the code to be changed on a whim, and thought there should be a line drawn somewhere. H. Milliken said that the City created the problem by changing the zone in that area and now these lots are non-conforming and therefore agreed with a code amendment. Mr. Milliken also suggested that the set-back be ten feet and no modifications allowed. G. Dycio said he could put that in writing.

**MOTION:** by Tom Peters, seconded by David Jacques to send a favorable recommendation to the City Council to amend the Zoning and Land Use Code where additions and accessory structures for legally-developed lots of record having less than 75 feet of frontage would only have to meet the minimum space and bulk standards for the development of existing lots of record having less than 20,000 square feet of lot area as outlined under Article XI, Section 5, as amended.

**VOTE:** 6-0

**B. Old Business**

**1. Application Fees**

A proposed policy for application fees in proper form was submitted to the Board for its consideration. Since there is no standard format within the city's Policy Manual, Staff has reviewed comparable city policies and formatted this policy in a similar fashion.

The Planning Staff asked the Board to review the proposed policy and, if the Board found the format and proposed language acceptable, asked the Board to consider forwarding the proposed policy, with a cover memo recommending its adoption into the policy manual to the City Council for their review and consideration.

D. Jacques and H. Milliken found the first sentence in the proposed code change to be confusing and asked staff to add "unless it is initiated by Planning Board or City Council."

**2. Urban Enterprise (UE) District in the downtown.**

J. Lysen said there was nothing to report at this time.

H. Milliken said he received a letter from Estelle Rubinstein of the Androscoggin Head Start asking for his support by signing a letter she drafted saying that as Chairman of the Planning Board he was advocating the Androscoggin Head Start and Child Care's proposal for an Early Head Start Program and that this agency would make good use of the abandoned Frye School. H. Milliken asked if anyone on the Board had any objections to his signing this letter. The Board was in agreement for

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Mr. Milliken to sign the letter.

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**MOTION**: by D. Theriault, seconded by M. Paradis to support the Androscoggin Head Start and Child Care's proposal for an Early Head Start Program and to encourage this agency to make use of the abandoned Frye School.

**VOTE**: 6-0.

D. Theriault reported that the price to repair the Frye School is approximately one million dollars and that Estelle Rubenstein and John Bouchles, Assistant Principal of Lewiston High School were confident they could obtain federal funding.

H. Milliken also reported that he received a memo from Development Director Elliot Friedman asking for a volunteer to attend meetings with the Androscoggin Land Trust which is in the planning stages of developing the riverfront parks. D. Theriault said that H. Skelton has a very strong interest with the Androscoggin River area and that perhaps he would be willing to volunteer. H. Milliken will ask him and report back to E. Friedman.

**VII. ADJOURNMENT**

**MOTION**: by T. Peters, seconded by D. Jacques to adjourn the meeting.

**VOTE**: 6-0.

Meeting adjourned 8:20 PM

Respectfully submitted,

Denis Theriault  
Planning Board Secretary

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