

**CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for December 8, 1998 - Page 1 of 12**

I. ROLL CALL:

This meeting was called to order at 6:05 P.M. and chaired by Harry Milliken

Members in Attendance: Tom Peters, Denis Theriault, Harry Milliken, Lewis Zidle, Mark Paradis, Donna Steckino, and Dennis Mason.

Staff Present: James Lysen, Dan Stevenson, and Doreen Asselin.

Others Present: Gil Arsenault - Deputy Director of Development

WORKSHOP - DEVELOPMENT REVIEW CHECKLIST AND OTHER PLANNING BOARD PROCEDURES

This workshop was presented by **Jim Lysen**. He said that the calendar has not been completed, but will include paper streets, LCIP, and Planning Board meetings.

Included in the packets were the Planning Board Development Review Checklist, the Planning Board Protocol List (prepared by **G. Arsenault**), and copies of "The Zoning Report" from 1990-1998. "The Zoning Report" covers items, i.e, Information and Data Submitted With and On Site Plans, Checklist of Erosion, Sediment and Runoff Control in Zoning and Subdivision Codes, A Complete Checklist for Subdivision Development and Construction Standards and Policies, and Checklist of Environmental and Natural Resources Provisions to be Included in Zoning Codes.

The Planning Board Development Review Checklist was addressed first. **H. Milliken** stated that the forms were very well put together. He suggested that the checklist be included in the Planning Board packets for each and every thing that comes in front of the Board. He also suggested that he would like to see the items consolidated more. He suggested a checklist consisting of yes/no/not applicable, etc. check-off sections, instead of taking the time to write comments, which this checklist would be used as a cover sheet to the packets. He said he would like a checklist on the public hearings to include minimum parking requirements. He mentioned including something on vibration control and property lines - not in reference to the above checklist. He then said that the basic forms were excellent.

D. Theriault then questioned the intensification and non-intensification form. He asked, "What does that fall under completed classification forms or where does that happen?" **J. Lysen** replied that intensification are changes of use from one use to another. **D. Theriault** then asked, "What does the code say intensification is?" **J. Lysen** then explained that intensification means any construction, reconstruction, use of a building, structure or other land use activity, which results in an increase in the volume of traffic, the amount of required off-street parking, the hours of operation, the size of the use, noise, dust, odor, vibration, glare, smoke, litter, the need for municipal or other facilities serving the site, or the effect on the soils on the site. **J. Lysen** then said that when determining intensification or non-intensification you ask the question of what is the impact going to have on the change of use to the surrounding areas. The Staff Review Committee determines

whether it is over 5,000 square feet. If from existing to non-existing, it goes to the Staff Review Committee. **T. Peters** stated that the Board of Appeals looks at intensifications. **J. Lysen** said that if a vacant space is more intense with development, it is classified as an intensification. **G. Arsenault** then said that if **J. Lysen** is uncertain, he seeks input from other Staff and then through the Board of Appeals.

A minor project (under 5,000 square feet) or just a change of use would not go to the Planning Board for review. If a project falls under the DEP, the DEP wants to use standards. **D. Theriault** stated that the DEP has reviewed our local standards and he says that the Planning Board has authority. They are not telling Staff to use those local standards, just the Planning Board. If something triggers an intensification, aren't you allowed to use your standards under your hat that you are wearing under the DEP as your local review? Does the DEP expect you to use your local standards to review that project? The development review standards are the same as the DEP review. **G. Arsenault's** response was that he cannot answer those questions. **J. Lysen** said that Development Review uses the same standards. Development review enforces the same ordinances in code. **D. Theriault** said that when a project comes under a Master Plan that would go up to DEP, the DEP has given the local Planning Board the authority to review locally. The Planning Board is then sitting there replacing the DEP. **T. Peters** recommended isolating some issues and saying this is how we are going to do it. He also suggested drafting a protocol and sitting down and working with Staff to clarify those issues. **D. Theriault** said he would like to see the DEP come down and explain exactly what they expect us to use as our local criteria for the Planning Board to review and where the separation occurs between Staff review and Planning Board review.

At 6:36 p.m. Dennis Mason arrived.

H Milliken said that there is a limitation as to how many years to go back to make judgement on intensification, etc. After two years it is grandfathered for a conditional use. Should we have a limit as to how far to go back (he used Bates Mill as an example). He said that parking is definitely an issue and that parking is a functional need. **T. Peters** said that the City should be forced as how to accommodate parking. **J. Lysen** said that the smaller buildings are more important, but that this would kill the landlords. He also said that there are certain parameters to kick into a major development. **D. Theriault** then questioned, "Are you allowed to use a local code (Article 12, Performance Standards) falling under DEP review?" **H. Milliken** stated that Article 12 is consistent with the DEP, however, it is contradictory with the CMMC issue.

D. Theriault asked if there were supposed to be calendars included this checklist? **J. Lysen** responded with, "No". **D. Stevenson** suggested having the checklist filled in by Planning Board Staff. **G. Arsenault** stated that the checklist is to be used as a reminder of what's included in the packet, not for the Planning Board Members to fill in. **G. Arsenault** then suggested preparing more to the content of the cover memorandums that are placed in the packets. He also suggested referencing sections on the checklist to certain sections in the packets. **T. Peters** said that this was much more than he was looking for. He suggested listing what the applicant is looking for, i.e. conditional use, based on this code section, if one or more motions are required, etc. **H. Milliken** would like to see the checklist consolidated into one page, with a place to check off each topic of discussion to be covered.

D. Theriault referenced the approval criteria under Article 13 for technical/financial capacity. He then questioned, "What are we looking for on technical capacity?" Is there anything else they submit for good faith besides a letter?" Technical capacity has a lot to do with the complexity of a plan and who the professionals are preparing it and the size of a project. **J. Lysen** responded that if Staff had concerns that they would tell the Planning Board Members. Usually it is the letter from the bank or institution that Planning Staff are waiting for. **H. Milliken** then suggested that there could be a letter of intent from the bank included in the packets. **T. Peters** said unless it affects the life, safety, and welfare and impact on people, the City may not have the right to intervene and make sure that it is going to be completed and people are going to be safe. He said he is not sure if the Planning Board even has the right to get that information. **Dennis Mason** said you would have the right to say to the representatives of that institution to show authorization from your company They have the right do, but it is not necessary, and in most cases he feels it is not necessary.

T. Peters mentioned that upon review of the protocol, he said that it is a much better new protocol than in the past. He said Staff may want to add how many affirmative votes are required to pass something in reference to Item D. Planning Board's Procedures. **G. Arsenault** will include this in his response. **G. Arsenault** said in his protocol that he would like to address the minutes at the end of the meeting instead of taking up attorney's time, lawyers, the public, etc. **D. Theriault** said that Staff needs to be identified so the public knows who they are dealing with because the public's perception of the Board is important.

H. Milliken mentioned that further discussions need to be held as to lot ratio widths and depths, intensification of what kicks in review by the Board in relationship with the DEP extended review authority, continue discussions on time limits to apply on intensification, thresholds to kick in review regarding the change of use, and a further discussion on the financial guarantees on projects. **D. Theriault** said he would like to add one more item, that being a discussion on the parameters of legal representation as far as the City Attorney is concerned - when something should be discussed in Executive Session and when do memos get sent back and forth and when they should appear in the packets as public information. When does the City Attorney actually represent you as a Planning Board. As to legal council, how strong are they needed. The Planning Board needs to know how strong their legal council is and when or when not he is representing you. **G. Arsenault** suggested having a workshop on the Board's Authority Procedure Protocol. He suggested having the City Attorney come in for an hour. **H. Milliken** then made reference to the MMA - Maine Municipal Authority. **D. Theriault** added that the Planning Board should also know when you can use MMA. He said the Planning Board has actually been refused. He also said that a workshop is needed on legal council. **D. Theriault** asked, "Who will the City Attorney represent?" He said the Planning Board could end up in two different positions some day. The Planning Board needs to know this before they get put into this position someday.

This workshop then closed at 7:11 p.m.

Five-Year Plaque Presentation

H. Milliken presented **D. Theriault** with a plaque for his five (5) years of service to the Planning Board. He said he does not know anybody who is more dedicated to this City and the public than **D. Theriault**. **T. Peters** then presented **D. Theriault** with some additional parting items. **D. Theriault** said you need to bring out an interaction to stimulate the discussion in relation to Planning Board Members and Staff. He also said that it is important to walk out of the Planning Board meetings as friends and to trust each other. He also stated that he would like to personally deliver past member, **H. Skelton**'s, plaque for his five-year dedication. He feels part of **H. Skelton**'s departure was due to past issues. He feels that it is the appropriate and the right thing to do. **H. Skelton** is his back-up attorney and he said he has complete confidence in his abilities. He said a lot of things in the newspaper was mis-quoted and he would like to clarify that in the minutes and in possibly a letter. He said **H. Skelton** has always done the appropriate thing with the Planning Board and his opinion was always well-received and respected. He said he wished **H. Skelton** was at the Planning Board to receive his plaque. **H. Milliken** then stated that the Planning Board Staff and Planning Board Members should always respect each other as friends.

The Planning Board Meeting then proceeded to start.

After this workshop closed, it was decided to go by the new protocol drafted by **G. Arsenault**; **D. Theriault** called out the roll call in accordance with the new protocol. The roll call will include the Chair, **H. Milliken**. The minutes will be reviewed at the very end of this meeting. This meeting was then turned over to III. Public Hearings. Item C. of the Public Hearings. Other items on the agenda and not included on the agenda are presented in these minutes in the sequence that they were reviewed.

III. PUBLIC HEARINGS

- C. *Proposed Amendment to Appendix A, Zoning and Land Use Code, to Allow Self-Storage Facilities in Appropriate Locations in the Community Business (CB) District, Governed by the Standards of Article X - Conditional Uses Initiated by Charles Hammond Through a Petition*

J. Lysen presented this item and read the cover memo dated December 4, 1998. **J. Lysen** also handed out and referred to Table 2. This amendment was initiated by a petition by Charlie Hammond. The signatures were reviewed by the City Clerk's Office and they all meet the requirements of the code. This proposal relates to his proposal on 24 Montello Street Extension, which is a dead end street. It is recommended that the Planning Board receive the proposal, get any questions they have answered, modify the proposal, and made a recommendation to the City Council. He read the definition of self-storage facilities, which means a business or commercial establishment consisting of small, individually lockable storage units which are

rented, leased, or sold to the general public for the storage of personal property. A self-storage facility may contain an accessory dwelling unit for the exclusive use of a resident manager. Charlie Hammond is a resident of Greene. **J. Lysen** said that Charlie Hammond wishes to help the need of businesses because the project offers public storage. **D. Theriault** stated that this project is a little intense for the CB District. He then asked, "Do those seem to be matching?" He then referred to the description of a CB District with any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered, or enlarged and any parcel of land. Other storage facilities have been made non-conforming uses. **J. Lysen** said that the service is needed in the community and is ideal for the site. The street is a dead end street right now, however, it could be opened up in the future. **J. Lysen** explained the area of the street and he showed the CB areas on the map. There is currently a self-storage facility in the Lewiston Raceway area. **Dennis Mason** added that that self-storage facility is in a permitted use area. He also said that you do not need to allow it at all. **H. Milliken** stated that this proposal is not ideal for a conditional use. If so, this would also be allowed on Pine Street, as a CB District, for example. He said that this could not fit in that area at this time, but how about other applicants in the CB District on Pine Street, etc. **G. Arsenault** suggested that there may be a condition to re-zone to the applicant. This proposal borders on the railroad (Main Street side). **J. Lysen** stated that you can impose conditions on a conditional use. **Charlie Hammond** stated that the structures would be 30 x 60 foot, wood-framed, vinyl-sided buildings that could be built over to something else. He would build three (3) at a time and make it look like a dwelling appearance. This meeting was then opened to the public.

Robert Lambert then asked, "What is the difference between storage and warehousing?" He said that he is also worried that this would open up to warehousing. **Dennis Mason** again read the description of self-storage facilities. Self-storage facilities are limited to personal property. **D. Theriault** said that the walls of these self-storage facilities can easily come down and can connect, making it into warehousing facilities. **T. Peters** commented that you can install time-frames, but you cannot police it. You also have no idea of what may be stored in there. **G. Arsenault** agreed that it would be difficult to enforce. This meeting was then closed to the public. There being no further comments or questions from the Planning Board, the following motion was made.

MOTION: by **T. Peters**, seconded by **Dennis Mason** that the Board recommended to the City Council that the application be denied.

VOTED: 6-1 (Paradis)

It was requested that a Comprehensive Plan be provided to the two (2) new Planning Board Members (**Donna Steckino** and **Dennis Mason**).

In summary, **D. Theriault** said that there are going to be major changes to the housing at the Tall Pines area. He said the upgrades may happen and this might not then fit. There is a negative look to the street line. The above proposal does fit in the outskirts of the City. **T. Peters** said that he did not have a problem with this proposal, but that he may with some others. **H. Milliken** said he had a concern with the rest of the CB's. He said he could not vote in favor of it. He has a problem with CB's in general. **G. Arsenault** said that the applicant can attempt to have it conditionally re-zoned. **D. Theriault** then said that this is spot zoning and referred to Item No. 4 on Page 183 of the Lewiston Code. In response to this, **J. Lysen** then responded that spot zoning is not always illegal and he then referred to Page 185 of the Lewiston Code for conditional uses. He said that the changes are consistent with the Comprehensive Plan. The above project would be slated to be completed in the Fall of 1999. An amendment to the CB District would be a whole new process, but the Planning Board is willing to discuss. The Planning Staff will work with the applicant (**Charlie Hammond**).

- A. *Proposed Amendments to the Zoning and Land Use Code Concerning Stormwater Management and Erosion and Sedimentation Control (tabled from the 11-24-98 meeting).*

J. Lysen read the comments listed in Steve Johnson's memorandum dated December 3, 1998. Steve Johnson is a professional engineer and is the Superintendent of Solid Waste. **J. Lysen** said that he had taken the proposed amendments to the DEP and discussed them. He also referenced Nancy Beardsley's letter dated December 8, 1998 (this was handed out at the meeting) and Table 2. There are two (2) changes made from the input from the Planning Board. The first being minor amendments to Page 5, Item C-(5) which concerns associations documents and the other on or to Page 13, Item H(1)-f) for re-examination after five (5) years. He said he would like to see a first and second reading on this item for the City Council meeting on December 15, 1998. He also explained that on Page 5, Item C-(5) that he took out requirements to approve the charter. In reference to Page 13, after approval this gives the ability to go back after five (5) years to seek changes.

On Page 1 of the proposed amendment, add the word, *Additional*, to the title. In the Additional Standards of Section 21, include Site Location of Development law projects (MSRA 38).

On Page 3 in reference to the issues brought up by Steve Johnson, he defined "insignificant increase".

T. Peters then asked **J. Lysen** to define insignificant increase. He responded that this is a case-by-case basis. **H. Milliken** said that the City Council will consider the definition as that from Public Works.

In reference to Page 4 of the proposed amendment, the City requires a 25-year, 24-hour storm control. Changing the 10-year to 25-year to be more stringent than the DEP. Therefore, all references to the 10-year should be taken out. **Dennis Mason** mentioned that there are three references to 10-year. **J. Lysen** replied that all three should be changed to 25-year. Also on Page No. 4, Paragraph 4 he suggested looking at a broad range of design options. This needs to be designed to all 25-year and this is a three- (3-) stage design.

On Page 5, Paragraph 1 of the proposed amendment in reference to the sentence, “No emergency spillway may be located within 20 feet horizontal of the principal spillway. Change the word, “*may*” to “*shall*”.

On Page No. 7, Item No. 6 change the reference to *Section 9(A)(4)* to *Section 9H(1) d*.

Also on Page No. 7 in reference to Permit-By-Rule, there is a 14-day period that the applicant shall be notified, otherwise the application is deemed approved by the department.

On Page No. 8 is the language on phosphorus standards. This should be put after No Name Pond. The current standard is one ppb. It was mentioned that the first wording is the better wording. This switched the whole process. **T. Peters** said that you cannot change the wording unless you know the projects involved. He also said that the total for the whole pond makes a big difference. **D. Theriault** then asked, “What is the circulation impact to the pond?” **J. Lysen** responded with .75. The standard is set on what the pond can accept and how healthy the pond is. He explained that phosphorus is runoff from pavement and houses. Any grassed areas will absorb phosphorus. The total phosphorus concentration will not increase by .75 at No Name Pond. **Dennis Mason** asked, “How can you have an increase after project?” **J. Lysen** said that this is based on design. **H. Milliken** said a clarification is needed as to where the increase goes. For example, the pond issue is not a project with the wording change. **L. Zidle** asked, “Who is qualified to accept the consultants report?” **J. Lysen** responded with both the DEP and the Public Works Department. An independent review may be necessary.

Also on Page No. 8, Freshwater Wetlands, Line 5 - **D. Theriault** mentioned correct spelling. **J. Lysen** responded with “Yes”. The phosphorus coefficient was read by **J. Lysen**. **D. Theriault** questioned, “the concentration of the pond will not be increased by .75.”

In addition to the above on Page No. 8 add 20,000 or greater change subject to Site Location Review Act. This should meet the third standard under Item C, Site Location of Development Law through the Municipal Review Authority.

On Page No. 9 the underground utilities were added as Paragraph b). Plan. This has been incorporated into the document.

On Page No. 14 the recording of documents has been shifted to the applicant. Also on Page No. 14, Paragraph (L). Permit shield there is a new reading. This pertains to water quality standards only. The City should record and the cost is born by the applicant.

After going through all the above, **J. Lysen** said that he would like the Planning Board request that the City Council schedule a Public Hearing on the amendments for their December 15, 1998 meeting. Therefore the following motion was made.

MOTION: by **T. Peters**, seconded by **L. Zidle** to send a favorable recommendaton to the City Council on the amendments subject to incorporating changes with respect to Superintendent of Solid Waste, Steve Johnson's memo dated December 3, 1998, specifically comments from Nos. 2, 3, 5, 7, and 8 with No. 2 asking for a clarification on definition of "insignificant" and with respect to the comments suggested in the December 8, 1998 correspondence from Nancy Beardsley of the DEP.

VOTED: 7-0.

After this vote, **H. Milliken** made one (1) suggestion. He said that he would like to have clarification on impervious. At that point if the wording is found to be wrong then make a motion to correct it to the City Council. He then said that the Planning Board would not hold this up as it is today (12/8/98). There was no opposition from the Planning Board. **T. Peters** then suggested including this item as an Old Business item to be clarified on the Agenda.

B. Proposed Amendments to the Zoning and Land Use Code Concerning Performance Standards and Permitted/Accessory Use Determinations

J. Lysen said that this item is open to changes from the Planning Board. He also said that Staff encourages the Planning Board to make a recommendation to the City Council.

H. Milliken said that he had a problem with **Robert Hark**'s recommendation, in reference to the last sentence in the document.

G. Arsenault said that if there is a problem with review as to use determination, refer to Rule 80B or the Board of Appeals. He also said that he was not happy with the language.

Dennis Mason said that Article XIII should include Section 4. He also said that determination is made by the Deputy Director of Code Enforcement. If you do not like the determination, then you go to the Board of Appeals.

H. Milliken said that the Planning Board enforces the decision and that the Staff Review Committee has the same performance criteria. He also said the second sentence of the proposed amendment should say that the Planning Board and the Staff Review Committee will determine if it is a permitted use or accessory within a zoning district.

G. Arsenault said that there should be a full purview over Article 11, but the City Attorney should know the concerns first.

H. Milliken said that the Planning Board and Staff Review Authority should go over this first.

The following motion was then made.

MOTION: by **Dennis Mason**, seconded by **D. Theriault** to instruct the City Attorney to draw up modifications or amendments to the ordinances that states that it is this Board who has authority for review development pursuant to the standards of Articles 11 and 12.

VOTED: 7-0.

In summary, **T. Peters** said that this document is drafted for Planning Board review, after mark-up it goes to the Chair for review, who will then sign it and send it. **H. Milliken** also said that after the above, it will then go to the City Council for approval to be voted on for the changes. After this statement, the following motion was made.

MOTION: by **Dennis Mason**, seconded by **D. Theriault** to continue this Public Hearing of January 5, 1999.

VOTED: 7-0.

IV. OTHER BUSINESS

None of the items listed on the agenda were discussed.

Review of Municipal Projects. The item brought up under Other Business was the Municipal Review Authority for the Planning Board. At this meeting, both **D. Theriault** and **H. Milliken** presented correspondence drafted by both of them concerning the Planning Boards review over Municipal Projects.

D. Theriault stated that the Planning Board does have the authority to review municipal projects. He said that this has been a giant gray area for the Planning Board that they are not allowed to review municipal projects. **G. Arsenault** said that in the City Attorney's opinion, the Planning Board does not have review over municipal projects. He also said that this will force administration to move on this.

D. Theriault said that he has made up a motion for the Board. If the Board agrees, this is a motion that as of this date (12/8/98) that he is re-affirming that the Planning Board has existing authority under the Zoning and Land Use Code of Lewiston to review all municipal projects under the Zoning and Land Use Code, which includes Articles 11 and 12, as would any other project in the private sector in Lewiston to be reviewed either by the Planning Board or the Development Review Board. He also stated that all municipal projects from 12/8/98 forward shall be reviewed by the Lewiston Planning Board. This basically re-affirms the authority the Planning Board already has and always has had. Municipal projects shall be reviewed on the same level as all other projects.

D. Steckino then said that being a new Planning Board member, were they not being reviewed before. **D. Theriault** answered, "No". **D. Steckino** then asked, "Why". **D. Theriault** then said that there have been lengthly discussions on this for up to two (2) hours worth. There have also been discussions with the City Attorney, but there were no records or minutes kept. **H. Milliken** said there have been no resolutions to this items, even during other discussions he has had with **Bob Mulready**, City Administrator; **Gregory Mitchell**, Director of Development; **Barry Putnam**, City Councilor; **Joyce Bilodeau**, City Councilor; **Denis Theriault**, Planning Board Member; and himself.

In **H. Milliken's** correspondence, he has tried to state the process and that until a final proposal is submitted by the Joint Study Group and voted on by the City Council, all municipal projects will be reviewed by the Planning Board (copies of the correspondence was then handed out to the Planning Board Members and Staff). He also made reference to August of 1998 where a Sub-committee was established to put this in the proper format to correct any discrepancies in the existing wording of the code. It was agreed during the Sub-committee meeting that the Planning Board should have review authority over municipal projects.

Also mentioned in his correspondence was that, in the interim, the Planning Board will vote (see below) during this meeting to send this correspondence stating that until a final proposal is submitted by the Sub-committee and voted on by the City Council - all municipal projects will be reviewed by the Planning Board. He also stated that the process that the City will be required to meet will be the same as any regular citizen applying for development approval.

D. Steckino then asked, "Was the City putting up buildings where they were not supposed to?" **D. Theriault** answered that they were doing this without coming to the Planning Board for review. **H. Milliken** then used the library expansion as an example. **G. Arsenault** said that the interpretation from the City Attorney is that municipal projects do not apply. **D. Steckino** then asked if the City Attorney determines that municipal projects do not necessary need planning Board approval, based on his interpretation of the code? **G. Arsenault** responded with, "Correct - in terms of private development".

D. Theriault said that if the Planning Board makes a ruling tonight (12/8/98) and it rules thumbs up - yes we have review authority or that we are exerting that. The only way that the City overrules is if it goes to Superior Court. If the Planning Board votes no that we do not want review or have review of municipal projects, then **D. Theriault** said that he, personally, as a private citizen when he get off the Planning Board will take this to Superior Court and he then said he knows he will win. **D. Theriault** said all he needs is some action from the Planning Board.

D. Steckino said that the City Attorney has said they do not need to come to the Planning Board. **D. Theriault** said that the City Attorney has just an opinion. **H. Milliken** said that the City Attorney's opinion was that it has always been understood that the Planning Board does not have review authority. He said that the City Attorney did not make an opinion of it. He made a statement that it has always been understood. He avoided our question. **D. Theriault** added that they got nothing in writing. **H. Milliken** then said that he had gotten just that in writing - that it has always been understood. Understood is not a legal opinion.

D. Steckino then said since she was not understanding all this that she would abstain from voting.

T. Peters said that he agrees that the Planning Board should have review. He asked, "How are we going to enforce that?" "Are we telling Staff that any projects that come before the Development Review Committee are going to come before us?" As a result of the above, **G. Arsenault** said that Staff will work with the Planning Board. **H. Milliken** said that this was supposed to be done before **D. Theriault** was off the Board. This is **D. Theriault's** last meeting. **G. Arsenault** said he does not want to put Staff in the middle of the Planning Board and Administration. He would like to see this clarified and he feels that Administration will go in favor of the Planning Board. Staff will be working on clarifications. **T. Peters** said that he would like to see Staff out of the middle of this situation. The following motion was made.

MOTION: by **D. Theriault** and **T. Peters**, seconded by **Dennis Mason** in regards to reviewing municipal projects that as of this date, 12/8/98, the Lewiston Planning Board is re-affirming the existing authority under the Zoning and Land Use Code of Lewiston to review all municipal projects under the Zoning and Land Use Code, which includes Article 12 and Article 13, as with any other project in the private sector in Lewiston would be reviewed by either the Lewiston Planning Board or Development Review Board and further to instruct Staff to bring those items in the regular course of business and should they be instructed otherwise by Administration or any other public official that they advise us of that fact and will note that these items are not coming before the Planning Board.

VOTED: 6-0-1 (**Steckino** Abstained - Needs clarification).

II READING OF THE MINUTES

Draft Minutes of November 24, 1998

MOTION: by **T. Peters**, seconded by **Dennis Mason** to move to accept the changes and place them on file.

VOTED: 7-0.

Also, there was one more motion before adjourning and that was to get a Student Member on the Planning Board, therefore, the following motion was made.

MOTION: by **Dennis Mason**, seconded by **D. Theriault** to request that a Student Member be placed on the Planning Board.

VOTED: 7-0.

VI. ADJOURNMENT

The next regular Planning Board meeting is scheduled to be held on Tuesday, January 5, 1999 at **6:00** P.M. This meeting will start at 6:00 p.m. with the adoption of by-laws and the election of the officers for 1999. Sandwiches will be served. The following motion was made.

MOTION: by **D. Theriault**, seconded by **Dennis Mason** to adjourn this meeting at 10:17 p.m..

VOTED: 7-0.

Respectfully submitted,

Denis Mason, Secretary

