

**CITY OF LEWISTON  
PLANNING BOARD MEETING  
MINUTES for June 13, 2000 - Page 1 of 11**

- I. ROLL CALL:** This meeting was held in Room “B” at the Multi-Purpose Center on Birch Street in Lewiston, due to primary elections; was called to order at 7:04 p.m.; and was chaired by Tom Peters.
- **Members In Attendance:** Muriel Minkowsky, Dennis Mason, Tom Peters, Mark Paradis, and John Cole.
  - **Staff Present:** Gil Arsenault, Deputy Development Director; James Lysen, Planning Director; James Fortune, Planning Coordinator; and Doreen Asselin, Administrative Secretary.
  - **Members Absent:** Rob Robbins and Lewis Zidle.

**II. READING OF THE MINUTES: *Draft of the Minutes from the May 23, 2000 Planning Board Meeting.***

The following changes were made to the minutes by **Muriel Minkowsky**:

- On Page No. 2, Item IV. Final Hearings, Section A., third paragraph, fifth line, delete the word, “because” and replace with the word, “at”. In the same paragraph, eighth line, delete the words, “to terms”.
- On Page No. 3, first paragraph, half way down in the paragraph, delete the following entire sentence, “There will be a small urn in this area for spectators to sit on and witness that event there.”
- On Page No. 6, second paragraph, fourth line, delete the word, “mentioned” and replace with the word, “asked”.
- On Page No. 7, first paragraph, second line, delete the word, “lite” and replace it with the word, “lighted”.

***John Cole arrived at 7:10 p.m.***

The following changes were made to the minutes by **Dennis Mason**:

- On Page No. 2, Item IV, Section A, fourth paragraph, seventh line, make the word “corners” into the singular tense to read, “corner”.
- On Page No. 3, first paragraph, sixth line, delete the word, “wide” and replace with the word, “high”.
- On Page No. 6, first paragraph, ninth line, delete the word, “protect” and replace with the word, “prevent”.
- On Page No. 4, third paragraph, after the word, “public”, add the words, “on the remaining”.
- On Page No. 6, eighth paragraph, fifth line, delete the word, “is” and replace with the word, “it”. Also on Page No. 6, ninth paragraph, first line, after the word, “will”, add the word, “be”.

The following change was made to the minutes by **James Lysen**:

- On Page No. 3, first paragraph, the twentieth line, after the word, “a”, add the word, “net”.

The following change was made by **Doreen Asselin**. This change was not noted at the Planning Board Meeting.

- On Page No. 7, Item V. Other Business, Section A, New Business, Item 1. The reference made to Rita and Raymond Gagne shall be changed. The correct spelling of the last name shall read, “Gagnon” throughout the whole issue.

**MOTION:** by **Dennis Mason**, seconded by **Muriel Minkowsky** to accept the Planning Board Minutes for May 23, 2000, as modified, and place them on file.

**VOTED:** 3-0-2 (Cole/Paradis).

**III. CORRESPONDENCE:**

- A. Letter from Jeffrey Madore of the State of Maine Department of Environmental Protection (DEP) concerning the delegation of authority in respect to the Bates College Athletic Fields expansion.**

**MOTION:** by **Dennis Mason**, seconded by **Muriel Minkowsky** that the Planning Board moves that this correspondence be placed and made part of the record and read at the appropriate time.

**VOTED:** 4-0-1 (Cole).

**IV. PUBLIC HEARING:**

**A. A Public Hearing on a proposal to amend Article XI, Section 5 of the Zoning and Land Use Code, to allow Family Day Care Homes as a Conditional Use in the Neighborhood Conservation "A" (NCA) District.** James Fortune read the memorandum that he prepared and was dated for June 8, 2000. This item was brought to the Planning Board concerning a family day care home operated by **Rita** and **Raymond Gagnon** located at 241 Pleasant Street in Lewiston. They are located in the Neighborhood Conservation "A" (NCA) District, where a family day care home is currently limited to six (6) plus two (2) children. A family day care home allows up to 12 children. The Gagnon's currently are limited to 10 children. They would like to add two (2) additional children to their day care. They are petitioning the Planning Board to amend the use regulations for the NCA District to allow family day care homes with up to 12 children as a conditional use within this District.

Tom Peters said that there were a long series of hearings held in January of 1997 pertaining to family day care homes. He then mentioned that this is the only area limited to 6+2. Tom Peters opened this up as a workshop item. There were several residents present from the public, who were all in favor of this item.

**Rita** and **Raymond Gagnon** were present at this meeting. She feels that all day care providers should be treated equally.

**Rita Delmar** (Androscoggin Head Start) - She spoke in favor of Rita Gagnon's day care. She said that Rita Gagnon is capable of handling more children in her home. She said that parents love her. She is the most-requested provider that she knows of. She said that Rita Gagnon has no issues with traffic delays, noise, etc. She is in favor of having the ordinance changed.

**Diane Roy** (Operates a Day Care on East Avenue) - Diane Roy said that Rita Gagnon has been there for 23 years. Tom Peters said that the zoning was changed in 1997. Diane Roy wanted to know if Rita Gagnon could be grandfathered. Tom Peters responded that Rita Gagnon is grand fathered for 10 children. Rita Gagnon is requesting for two (2) additional children, bringing her total to 12.

**Destiny Nichols** - Her daughter attended Rita Gagnon's daycare. After her second child, she removed her daughter out of this daycare because Rita could not take on any more and she did not want her children split up in day cares. She had to look elsewhere for another day care and settled for a day care in Auburn. She also said that most of the day cares that are licensed for 12 children are filthy and the children are dirty.

Tom Peters spoke to the members of the public and said to focus on the issue, not necessarily Rita Gagnon.

**Doug Nichols** (Destiny Nichols' husband) - Doug Nichols asked, "What makes up the zoning?" "How can you say a certain part of the City is allowed for eight, etc.?" "What factors do you look at?" Tom Peters responded that the NCA is one (1) certain zone that protects the residential area. Each zone has certain characteristics. The City is broken up into various zones. The City of Lewiston is very liberalized with respect to day cares and schools. This issue came about by parents placing their children in certain day cares in order to go to certain schools, i.e. Pettingill School area.

**Wendy Fournier** (Rita Gagnon's daughter) - She raised her daughter in her mom's day care. She does not feel that it is fair that her mom cannot be licensed for 12 since she could probably handle this better than most other day care providers. She said she happens to be in an office residential area. She said that the majority

of the children she cares for come from Head Start/Home Start. These children live mostly in the downtown area. When they go to school, they are bused to Montello School. They are not going to school in her area and they are not going to school in their own area. She also thinks that this issue is discriminating against other day care providers.

Tom Peters said that this protects the residential areas and that this was the decision made in 1997 as a compromise. You can have a day care in every district, but in a commercial area the day care is run more business-like.

**Linda Marcotte** - She is licensed for 12 and has been for eight (8) years. She resides on Rideout Avenue next to Hillview Apartments, which is not too far from Rita Gagnon. This is a very noisy area. She is allowed 12 children, but since she lives in a commercial area she can run her day care more as a business than she could in a residential area.

Dennis Mason said that people objected to having the residential area turned into a business. The area is better off with a smaller day care.

Tom Peters expressed concern that if this is changed to allow up to 12 children, then some day care homes in the NCA District could double in size, going from six (6) children to twelve.

Harry Milliken said that the NCA District is for single-family residential homes. A day care is considered a business when you start to add employees to a home (home occupation). As of 1997, there were 60 day cares in this area.

Dennis Mason said some areas of the City has had zoning changes.

Gil Arsenault told the Planning Board and audience that the City Clerk's office has day care information available.

Harry Milliken commented that this is infringing on the single-family homes in this area. Tom Peters commented that this was done to limit the amount of children in day cares within the NCA District. Back in 1997, residents did not want too many children in residential areas.

**Rita Gagnon** said that children in day care homes in other areas of the City do not have enough play area. Ray Gagnon responded that the day care in the more populated areas don't go out to play - there are no back yards. Tom Peters said that there is always a bad apple, and balancing is needed to regulate this. Issues will increase. Tom Peters said that as to the issue pertaining to schools, there is a new superintendent and that there is a need to get into areas that are not residential.

This is a Public Hearing concerning a re-zoning, which would allow family day care homes with up to 12 children as a conditional use in the NCA District. The Public Hearing is to make a recommendation to the City Council, who will have the ultimate say. This item will be going to the City Council's next meeting which is scheduled for Tuesday, June 20, 2000. Individuals would need to come back on an individual (one-on-one) basis. Jim Lysen said that general guidelines would need to be put in place, they would need to go to the Board of Appeals for a conditional use permit. The NCA is an older established district. Again, in 1997 there were 80 day cares. Sixty of them were in the NCA District, which equates to 75 percent. There is definitely an increase and need for quality day cares.

This item was then closed to the public and went into deliberation and finally a motion by the Planning Board. Tom Peters suggested a compromise that would allow for up to two (2) new slots, not to exceed 12 children altogether for day cares that were established before September 11, 1997. Each individual would need to come

forward on a one-on-one basis. The residential area needs to be safeguarded. Tom Peters suggested this to the Board for consideration. Any new day care would be limited to 6+2 children, but established day cares would never exceed 12 children. The day care needs to register how many children they have. Since this would be a conditional use, Jim Lysen said that it would need to go to the Board of Appeals.

John Cole made a point saying that this could turn the residential area into a commercial zone with rows of houses being run as day care homes. He said that he is not in favor of having this changed as a conditional use in the NCA District.

Tom Peters said that when individuals come before the Board is when there would be an opportunity for the impacted neighbors in that area could come forward with their opposition. An existing day care would need to come before the Board of Appeals if they wanted to expand with two (2) more children. The following motion was then made.

**MOTION:** by **Mark Paradis**, seconded by **Muriel Minkowsky** that the Planning Board sends a favorable recommendation to the City Council on a proposal to amend the Zoning and Land Use Code to allow family day care homes, in existence in the Neighborhood Conservation "A" (NCA) District as of September 11, 1997, to increase their count by up to two (2) children after obtaining a Conditional Use Permit. However, in no case shall any family day care home exceed 12 children.

**VOTED:** 4-1 (Cole).

After the motion was made, Tom Peters made reference to the agenda. On the agenda, this item read, "permitted use", it should have read, "conditional use".

***The following minutes are presented in the order that they were presented (out of sequence to the agenda listing).***

**V. FINAL HEARING:**

**A. A Final Hearing concerning a proposal to amend an approved Site Plan for V.I.P., Inc., to construct a 30' x 94' loading dock addition at 12 Lexington Street.** At the request of the Board, Jim Fortune read his memorandum dated June 8, 2000. In summary, V.I.P. is proposing to construct a 30' x 94' loading dock addition at their current location (12 Lexington Street) in the Lewiston Industrial Park. The current application is a modification to an amendment that was approved by the Planning Board in 1999. The approval in 1999 was for a 35' x 44' loading dock expansion and a 20-space parking lot. They are requesting that that approval be modified to allow for the 65' x 94' loading dock expansion and to eliminate the expanding parking area.

Present at this meeting was **Bob Faunce** from Technical Services, Inc. on behalf of V.I.P. He said that there is a need for additional loading dock space. With this proposal, there will be three (3) additional loading docks. This area will be fully enclosed and nothing would be visible.

An area resident, **Larry Comeau** (673 Webster Street), was also present at this meeting. He was questioning what the full loading dock size will now be. Bob Faunce responded that the full dock size proposed would be 65' x 94'. Larry Comeau also questioned the hours of operation. Bob Faunce responded that this is a one- (1-) shift operation, and has been in operation since the 1980's. Larry Comeau also said he is concerned with air horns. Bob Faunce said that the enclosure will rectify noise issues.

**Lorraine Comeau** (673 Webster Street) - questioned if Trident Drive is still not going to be used? Will the restrictions already imposed be left in effect? Tom Peters response was, "Yes".

Comments were received pertaining to the Project Review Form. The Public Works Department had no concerns. There was no response from the Police Department. The Fire Department expressed concerns with

the existing Fire Department connection that is not conveniently located or accessible. They recommended that a new, four inch (4") Stortz Fire Department connection be installed at the new addition or that the existing Fire Department connection be replaced from two (2), 2-1/2 inch connections to a four inch (4") Stortz connection. Tom Peters said that this is fine as long as this meets their request.

Dennis Mason said that he was concerned with the parking. The previous approval included a 20-space parking lot. Tom Peters said that V.I.P. will be losing these spaces by adding more building. There is currently parking problems on Lexington Street, as stated by Mark Paradis.

Bob Faunce said that this is a very difficult site to expand, due to wetland issues. He also said that this addition will not require an increase in the amount of parking. Gil Arsenault said that the existing problem with parking needs to be fixed. V.I.P. will now be losing the 20 parking spaces approved on the last plan, but never built. The question was asked, "What can we do to accommodate this?" Gil Arsenault said that the code requires six (6) parking spaces per the first 3,000 square feet and then one (1) space for each 1,000 square feet thereafter. Dennis Mason commented that, in that case, there would only be an additional five (5) parking spaces needed. He also said that five (5) will not eliminate the parking problem, but it will keep it from getting worse.

John Cole said he thinks that history is repeating itself. Twenty (20) parking spaces were needed before. Now the discussion is for five (5) to replace those 20. There was already a problem with the existing parking.

Bob Faunce commented that those 20 parking spaces were not required by code. V.I.P. was not required to have 20 parking spaces. V.I.P. offered and volunteered those 20 spaces, which was approved. In closing this item, Jim Lysen said that five (5) parking spaces is all that is required by code. The following motion was made.

**MOTION:** by **Dennis Mason**, seconded by **Mark Paradis** that the Planning Board determines the application and Site Plan for V.I.P., Inc. to be complete and grants final approval, subject to the following conditions: 1. That the applicant meets with the Fire Department to satisfy their concerns regarding the location of the Fire Department connection and 2. That the Final Site Plan show five (5) parking spaces in addition to what is already shown on the plan at the site and then that the Final Site Plan be signed by the Planning Board chair.

**VOTED:** 4-0-1 (Cole).

**B. A Final Hearing concerning a proposal to amend the Subdivision Plan for Webster Heights.** This item was tabled until the June 27, 2000 Planning Board Meeting at the request of the petitioner.

*There was a five- (5-) minute recess from 9:05 p.m. to 9:10 p.m.*

*John Cole stepped down from the Planning Board on this topic.*

**C. A Pre-Application and Determination of Completeness concerning a proposal to construct a 15,000 square foot animal shelter for the Greater Androscoggin Humane Society, Strawberry Avenue.** Steve Myers of Platz Associates was present at this meeting on behalf of the Greater Androscoggin Humane Society. Also present were **Paul Livingston**, Chairman of the Board and **Steve Dostie** the Executive Director of the Greater Androscoggin Humane Society.

Steve Myers did the brief presentation on this project. He said that the Greater Androscoggin Humane Society is currently located at 420 Poland Spring Road in Auburn. This facility is currently obsolete and too small. They need a new facility to handle more animals and provide a more up-to-date facility. They are proposing to build on a plus or minus 3/4 acre site located near Hahnel Brothers Company on Strawberry Avenue. The Greater Androscoggin Humane Society is proposing to construct a 15,000 square foot animal shelter facility

on the property. This facility will be for small animals, i.e., dogs, cats, hamsters, guinea pigs, etc. This lot is

very long and narrow. There is about 15,000 square feet for parking and a right-of way. There is a stream through part of the lot. Part of this lot will have DEP issues with natural resource habitat, therefore, a Natural Resources Protection Act Permit-By-Rule is required. Steve Myers said that he will be meeting with the DEP at some point next week.

The Greater Androscoggin Humane Society has requested three (3) modifications to the Site Plan requirements which are to modify the listing of the abutting property owners, a 25 percent reduction to the front setback, and a modification to the traffic analysis. The 25% reduction is being requested in order to reduce or eliminate any impacts to the stream and wetland in the rear of the property.

Steve Myers said that the number of parking spaces is 24, which is a functional need. There will be a total of four (4) full-time employees and six (6) volunteers. Visitors will have a 10-15 minute stay. The 24 spaces are adequate for both staff and visitors for parking.

Both the Public Works and Fire Departments expressed no concerns on this project. There were no comments received from the Police Department. The following motion was made.

**MOTION:** by **Dennis Mason**, seconded by **Mark Paradis** that the Planning Board finds that the application and Site Plan for the Greater Androscoggin Humane Society is complete and the Planning Board approves the application on the modification and waivers.

**VOTED:** 4-0 (Cole).

*John Cole stepped back up to the Planning Board on the remaining items.*

**VI. OTHER BUSINESS:**

**A. New Business:**

**2. *Review the proposed property acquisition policy and possibly make a recommendation to the City Council.*** Tom Peters made reference to the

memorandum that was presented to the Planning Board Members (enclosed in the Planning Board Packets) from Gil Arsenault.

Present at this meeting for this discussion were former Planning Board Members **Denis Theriault** and Past Chairman **Harry Milliken**.

The only concern made by Tom Peters was as to a time limit being made when the Planning Board makes a recommendation to City Council. We have only 30 days to respond to the City Council. Denis Theriault said that even appraisals have expiration dates. He does not know how you can work the days into a discussion, such as this has a shelf-life. There may be changes that would alter this, commented Harry Milliken. He said that the Planning Board makes a recommendation, based on criteria that was presented to you at that time. If something happens down the road, lawsuits, etc., conditions change, from the time that the PB made their recommendation. This item should then be placed again on the agenda. John Cole then mentioned that the need for life from this Board's recommendation should not be any more than 60 days. He also said that he did not think that the Planning Board had the authority to impose any kind of a shelf-life anyhow.

Harry Milliken said that what is before us tonight is the Planning Board's procedure. Originally, he said that when he started working on this four or five years ago, it was the intent to change the City's procedure. He said that he was never able to get that changed. When Tom Peters requested that he get involved in this, it is now the intent of the Planning Board's procedure.

Denis Theriault said that when you look back to the original ability to review. He then referred back to the charter where it says that the Planning Board can follow review and procedures. If the procedure says 60 days,

then it is 60 days and that dictates from charter. If it is not specifically written that you do not have that authority, then assume that you do, and move on.

John Cole said that the approval should be contingent on expiration dates. For example, if it is a piece of land that is not going to change in value and there is no controversy, you may want to say a year. In another instance, you may want to say 6 months. Harry Milliken said that the Planning Board can determine the longevity of the recommendation. Denis Theriault then mentioned that you could get an extension. Tom Peters said that if 30-60 days is a Planning Board rule, then it could be extended by a vote of the Board so that it could then be defined. Dennis Mason said that the Board should have an administrative procedure to track when the recommendation was made and when they expire so that they could be printed up for reviewing it. The City Council could decide after the Planning Board's recommendation that yes it is good to sell these properties, but may not be scheduled for 6 months. The City may not be able to acquire these properties under the terms for any number of reasons.

Tom Peters said that this is just a recommendation to the City Council. If they are given 30 days to respond to the Planning Board's recommendation, the City Council has to act on this. If they say yes they agree than they have acted on it. There is some period of time that the City Council has to act on the Planning Board's recommendation so that it can go forward. Dennis Mason said that he is concerned that the City will not implement the Planning Board's recommendation. There are several properties that have been slated to be demolished and have not yet been demolished. Denis Theriault then gave the example of what happened with the Pilsbury Block four years ago. He said that this is a perfect example. The City Council chose not to involve the Planning Board in that decision. Currently, he said, again, the Libbey Mill is another example. Disposition is the Planning Board's ability to look at. This clearly says this in the code. Disposition includes buildings. In relation to questions on historical value - part of that Planning Board's review would have been for a certificate of appropriateness or a review from the Historic Preservation Review Board. At City Council's level, all these questions are being asked. This is part of what the Planning Board should be doing.

Gil Arsenault said that what you could do potentially by policy is that you could make it clear this could be something that is standard, pretty much, in any recommendation to the City Council on acquisition or disposition. You could indicate or come up with language that is basically a recommendation that is based on the Comp. Plan that is now in effect, the Master Plan that is now in effect, and the LCIP. Any changes to such plan field through the LCIP that might occur prior to the Council actually acting on it or until administration acts on it that you would be happy to revisit the recommendation. That way you are not putting a time-frame on it, per say, but you are also making it clear that this should come back and that there are some changes that does sit around for two years or six months or whatever, so that in some cases, generally speaking this will not happen within a short period of time. Sometimes it does, but it is rare. The council is not obligated to give multiple recommendations. It needs to be made clear that it is contingent upon today. If the Comp. Plan, Master Plan, LCIP changes, then it would be ideal to re-visit the issue and give a new recommendation.

Harry Milliken suggested that the recommendation will include a 60 day recommendation or longer at the time of the recommendation so that the City Council can act on the recommendation on the sale or acquisition. If they do not act during that time period than it will need to return to the Planning Board for a new recommendation. No recommendation will last for the following periods. This is a Planning Board policy that has to be at least given to the City Council and Staff so that they know what the Planning Board is requiring.

Tom Peters said that this cannot be left floating. If something changes, it would no longer be a valid recommendation. It will open up a lot of avenues. This has to be left to a definite certain number of days, which could be extended. He suggested making a recommendation to the City Council that they have a certain number of days and remind them that it could be 30-60 days that could be extended by a Board motion.

If, however, they do not take action to do whatever is being proposed, a time-frame is needed.

Harry Milliken suggested putting down a date that the action will fall on. He said he agrees with Gil Arsenault

that 30 days may be a little short to get through this process. Tom Peters said that there are two (2) time-frames. Tom Peters said that the Planning Board has potentially 30 days to respond to the City Council with the Planning Board's legal action. They should have some time period to deal with the Planning Board's response. Once they have decided whatever they decided, if it is to do that acquire, demolish, or whatever was proposed, and if they do that, then if for some period of time afterwards that they have not acquired, demolished, etc., then it should come back to the Planning Board for reconsideration. There could be other plans down the road or there could be a whole new City Council. There are two (2) time-frames: 1. 30-60 days to respond to Planning Board's recommendation and if they don't, then they start all over again in the process and 2. that some period, not to exceed one year, for them to be able to act on it.

John Cole mentioned that it could be worded that this recommendation shall be withdrawn, as a certain number of days on the Planning Board's recommendation. John Cole said that the Planning Board authority is only to make a recommendation to the City Council. He also said that the Planning Board cannot impose limitations on the City Council's recommendation, as far as the administrative or executive side. The Planning Board does not have that authority. Denis Theriault said that a time limit can be placed on the Planning Board and that Charter allows the Planning Board to set up rules and procedures that are consistent.

Jim Lysen said that a lot of this is on a case-by-case basis. 95 percent of tax-acquired properties have no buildings on them at all. We are still sitting on little pieces of property everywhere that have not been sold. If somebody wanted to approach us to buy this, these properties could be three to five years old. He also said that on City-acquired property, the only person usually interested in purchasing the property is usually the abutting property owner. Some of these properties should have time-lines and some should not. He then gave an example of the District Court property. This property was sold on June 8, 1999. Technically, if you put a 12-month time-limit on this, this property would need to be re-sold. This is an acquisition. The condition here was if the District Court agrees to do this.

John Cole said that you could always say that this recommendation is based on the following conditions. This recommendation would be automatically extinguished if any of the conditions are not followed. It would then need to be re-considered and brought back.

Tom Peters re-iterated that the Planning Board is only making a recommendation from the Planning Board to the City Council to make this thing go in a certain direction, whether it is a sale or acquisition.

Harry Milliken said that the Planning Board needs to decide on the terminology, accept that, and incorporate that into the Planning Board's procedures. Then the Planning Board can get into the definition of disposition. Some of the definitions may need to be changed.

Denis Theriault said that the Planning Board should be evaluating a piece of property as if they owned it with a minimum level of review.

Again, Harry Milliken said that this should be made part of the procedure and that the Planning Board needs to work on the definition on demolition of a building.

Dennis Mason then made the following changes to the Planning Board Protocol for the Sale and Acquisition of Real Estate June 2000 (Draft): 1. Under the second paragraph, third sentence, delete the word, "Council's", and change to read, "City Council's". 2. In that same paragraph, sixth sentence, add the word, "a" before the word recommendation. 3. First paragraph change the wording on "sale or acquisition" to read, "disposition for the sale or acquisition under Article VII, and consider rehabilitating purview under Section 4(h) of the Code of Ordinances of the City of Lewiston" and continue with the rest of the sentence. 4. Place

*of the date of the Planning Board's recommendation.”*

Before coming up with the above time-line definition, the following conversation took place.

John Cole had suggested the following: that the Planning Board recommendation shall be valid for 12 months and withdrawn after a fixed time, if the City Council does not act on it on a case-by-case basis.

The Planning Board's recommendation has a shelf life and after it has gone before its period of time (valid for 12 months) for acquiring or disposing of property, if the City Council has not acted on it then back it comes.

Harry Milliken then said that you cannot dictate City Council policy under procedure. If the City Council does not act on it, it is automatically extinguished and becomes null and void after 60 days or a certain amount of time. This is the Planning Board's recommendation as to acquisition.

John Cole went on to say that the City Council has two (2) actions. They can say, “Yes, it is our intention to buy the property” and then they do not have the appropriate funding to do that. The second action is that they could appropriate the money or not appropriate the money. John Cole continued to say that the Planning Board's recommendation goes towards acquisition. If they have not acted to acquire it, which means to fund it, then they authorize the city administrator to go out put the money on the table, write the check, and get the deed. That is what the Planning Board's recommendation goes for, instead of acquisition. They have not acquired it, they merely said that this is a nice idea and we should acquire it. That is something entirely different and the Planning Board's recommendation would then be extinguished.

Dennis Mason made the following suggestion. The Planning Board's recommendation shall be extinguished if the property is not acquired or disposed of within 12 months of the date of the Planning Board's recommendation.

This protocol will be send to the Sub-Committee members for review. It will then be acted on at the next meeting scheduled for June 27, 2000 and finalized with something specific. A finalized copy of this will be provided to the City Council for courtesy with a copy provided to the Land Committee and to the City Clerk.

After this lengthy discussion, Denis Theriault said that in Rules and Procedures for the Planning Board (Article VII, Section F) where it says Planning Board may adopt Rules and Procedure and may adopt changes of the policy written to the Charter. The word, “*may*” shall be changed to, “*shall*”. That is exactly what is being requested to the Charter and the Charter supercedes Code. John Cole was in agreement with Denis Theriault. Tom Peters suggested to Jim Lysen to make those changes.

#### **IV. PUBLIC HEARINGS:**

##### **B. A Public Hearing on a proposal to amend Article II of the Zoning and Land Use Code, Definitions, concerning the definition of mixed use structure.**

There, being no comments or further discussion since the previous Planning Board Meeting on May 23, 2000 on this topic, the following motion was made.

**MOTION:** by **Dennis Mason**, seconded by **Muriel Minkowsky** that the Planning Board send a favorable recommendation to the City Council to adopt the proposed revision of the definition of *mixed-use structure*.

**VOTED:** 5-0.

*and*

**C. A Public Hearing on a proposal to amend Article II of the Zoning and Land Use Code, Definitions, concerning the definition of frontage.** Again, there were no further comments or discussion since the last Planning Board Meeting, the following motion was made.

**MOTION:** by **Dennis Mason**, seconded by **Muriel Minkowsky** that the Planning Board send a favorable recommendation to the City Council to adopt the proposed revision of the definition of *frontage*.

**VOTED:** 5-0.

**VI. OTHER BUSINESS:**

**A. New Business:**

- 1. *Review and recommendation on the disposition of the Canal Street Alley located behind the Music Hall building, in conjunction with the proposed District Court project.*** Enclosed in the Planning Board packets was a partial Site Plan of the proposed Lewiston District Court which showed the location of the proposed abandonment of a portion of Canal Street Alley. It is the City's intention to abandon this portion of the Canal Street Alley so that it can be incorporated into the adaptive re-use of the Music Hall for the new District Court. The remaining portions of the Canal Street Alley will be utilized for ingress and egress to the proposed parking lot, to provide egress from the bank drive-through and to provide access to the rear of other buildings on Lisbon Street. The following motion was made.

**MOTION:** by **Dennis Mason**, seconded by **John Cole** that the Planning Board send a favorable recommendation to the City Council on the partial discontinuance of the Canal Street Alley in conjunction with the proposed District Court project.

**VOTED:** 5-0.

- 5. *East Side Corridor update.*** Dennis Mason gave the update on this item. He said that at the Public Meeting a lot of people asked questions. One of the suggestions was (not the East Side Corridor) putting in a roadway in Lisbon and have access to the road in Lewiston and direct it back to the turnpike and then if you had more room and work up to connect the two. Dennis Mason was requested to contact the Planning Boards in the Towns of Lisbon and Sabattus as to the land available there. Dennis Mason requested that the Planning Board Staff draft a letter to the appropriate Planning Boards that the Chair could sign concerning the above suggestions. Dennis Mason said that he would assist Staff in drafting this letter.

- 6. *LMRC Review, Planning Board Chair.*** Tom Peters said that there was no update on this item, since there has not been a recent LMRC Board Meeting since the last Planning Board Meeting.

- 3. *Review a final draft of the proposal to re-zone the downtown area, including new zoning districts, use regulations and space and bulk standards, and re-affirm the Public Hearing schedule for the June 27, 2000 Planning Board Meeting.*** Enclosed in the Planning Board packets was the proposal to amend the Zoning and Land Use Code with respect to the downtown re-zoning initiative. This proposal creates four (4) new zoning districts in the downtown, with district regulations consistent with the recommendations in the Downtown Master Plan. The four (4) new districts are: a. the Riverfront, b. the Downtown Residential, c. the Mill, and d. the Centreville District. Staff are also in the process of preparing the necessary preservation map in conjunction with the Demolition Delay Ordinance, which depicts the dark blue color as buildings currently on the local or national register, the light blue color depicting buildings listed in the proposed Lewiston Mill District, and two (2) shades of red showing buildings of importance, as determined by Russell Wright as part of the Downtown Preservation Plan.

There was an amendment to the proposed district that included the Zampell Refractories & Insulations' site on the other side of Gully Brook. Jim Lysen said that it is suggested to amend the current Proposed Downtown Re-Zoning Map (included in the Planning Board packets) to include the other side of Gully Brook in the Mill District. It is currently in the Urban Enterprise District ("UE") District. This new re-zoning map will hopefully be published in the Lewiston Sun-Journal (color

photograph of the map), as part of a story on the re-zoning. This map and the amendment will also be available at the Library, Lewiston City Hall, Bates Mill, the Multi-Purpose Center, and the Chamber of Commerce.

7. ***Update from the Planning Director concerning proposed discussions with key property and business owners in the downtown area with respect to the downtown re-zoning effort.*** Staff and the MDRAB will be organizing meetings with key business and property owners who are most affected by this re-zoning. The purpose of these meetings will be to discuss the re-zoning and other downtown initiatives, answer questions the owners may have, obtain further input, and build support on these initiatives. These meetings will take place before the next Planning Board Meeting, which is scheduled for Tuesday, June 27, 2000. This item will be placed on that agenda before the historic preservation item.

4. ***Review a final draft of the demolition delay provisions for the historic preservation ordinance, Article XV, Significant Buildings and Structures, and re-affirm the Public Hearing schedule for the June 27, 2000 Planning Board meeting.*** This was a study done by **Russell J. Wright**, Architect back in 1995 and made part of the preservation plan. Portions of the Mill District were included as well. He had limited the surveyed area which did not extend over to the Libbey Mill or the Androscoggin Mill. **Christopher Closs** did the Mill District research in 1993.

Included in the Planning Board packets was a copy of "The Lewiston Historic Preservation DESIGN MANUAL" (dated 1999), the ordinance changes (dated 05/25/00), and a letter from the Historic Preservation Review Board Chairman, William H. Clifford. This letter was sent to owners of buildings that have been designated as significant for historic preservation.

Jim Lysen made reference to the map that he presented to the Planning Board. The title of the map was "Lewiston Historic Preservation Plan" and is mentioned in the item presented above. This map has all the registered buildings. All four (4) colors were covered under this proposal. Jim Lysen mentioned that the Historic Preservation Review Board met last week to support language to the top four (4) and to eliminate the yellow "contributing buildings". The legend on this plan depicts the following: a. dark blue = buildings currently on the local or national register; b. light blue = buildings listed in the proposed Lewiston Mill System District; c. red = buildings of major importance (must remain); and 4. pink = buildings of importance (should remain). The above packet will be sent out to these additional property owners, including a copy of the amendment, proposal, and announcement of the Public Hearing to be held on June 27, 2000. Five (5) additional buildings were not included on this map, they are Bates College (Hawthorne Hall), St. Mary's, Clifford's home at 14-16 Ware Street, Frye School, and Marcotte Nursing Home. The map could not be made any larger. This will be a code change. Properties will be listed by address. The mailings were sent out to all the properties in blue. There will be another mailing sent out to properties in the red/pink areas.

**VII. ADJOURNMENT:** The following motion was made to adjourn.

**MOTION:** by **Dennis Mason**, seconded by **John Cole** to adjourn this meeting at 10:20 p.m.

**VOTED:** 5-0.

Respectfully submitted,

Mark Paradis, Secretary

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