

CITY OF LEWISTON  
PLANNING BOARD MEETING  
MINUTES for January 9, 2012

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- I. **ROLL CALL:** The meeting was held in the City Council Chambers on the first floor of City Hall and was called to order at 5:30 p.m. Chairperson, Lucy Bisson, chaired the meeting.

**Members in Attendance:** Lucy Bisson, Bruce Damon, Kevin Morissette, Eric Potvin, Trinh Burpee and Paul Robinson

**Associate Member Present:** Michael Marcotte and Sandra Marquis

**Staff Present:** David Hediger, City Planner, Gil Arsenault, Director of Planning & Code and Cathy Lekberg, Administrative Assistant, Economic & Community Development

II. **ELECTION OF OFFICERS:**

The following motion was made:

**MOTION:** by **Paul Robinson** to elect Lucy Bisson as its Chairperson.  
Second by **Trinh Burpee**.

**VOTED: 5-2-1 (Passed. Marcotte abstained)**

The following motion was made:

**MOTION:** by **Eric Potvin** to elect Bruce Damon as its Chairperson. Second by **Kevin Morissette**.

**VOTED: 1-6-1 (Failed. Marcotte abstained)**

The following motion was made:

**MOTION:** by **Trinh Burpee** to elect Bruce Damon as its Vice Chairperson.  
Second by **Paul Robinson**.

**VOTED: 7-0-1 (Passed. Marcotte abstained)**

The following motion was made:

**MOTION:** by **Kevin Morissette** to elect Eric Potvin as its Vice Chairperson.  
Second by **Bruce Damon**.

**VOTED: 1-6-1. (Failed. Marcotte abstained)**

The following motion was made:

**MOTION:** by **Lucy Bisson** to elect Paul Robinson as its Secretary. Second by **Trinh Burpee**.

**VOTED: 7-0-1 (Passed) Marcotte abstained)**

III. **ADOPTION OF PLANNING BOARD RULES AND PROCEDURES**

David stated he made one change on Page 10, with respect to when notices need to be provided for rezonings by referencing the actual state statute that directs the Board on how to do that.

The following motion was made:

**MOTION:** by **Bruce Damon** to adopt the Planning Board Rules and Procedures as presented. Second by **Paul Robinson**.

**VOTED:** **8-0 (Passed)**

Sandra was appointed full voting member for this meeting.

**IV. ADJUSTMENT TO THE AGENDA:** None

**V. CORRESPONDENCE:** None

**VI. PUBLIC HEARINGS:**

For the Planning Board to provide a recommendation to the City Council on a proposed amendment to the sign ordinance per Article XII, Section 16(c)(2)(c)(2) of the Zoning and Land Use Code of the City of Lewiston. Said proposed amendment clarifies when signs may be located above the roofs of vestibules, canopies, porticos, loading docks, and similar single-story, attached structures.

David read staff comments to the Board.

David asked if this was clear and Lucy stated she was confused with the changes to the ordinance and asked for David to explain more.

David stated the example he thought he gave last time was that if you have a bank building with a teller drive-through roof on it and if there were any signs on that roof, technically because there is a sign on that, you would not be able to have signs on the other part of the building because that is the roof of the building and you are not supposed to have signs above the roof of the structure. He stated this was not the intent of the ordinance. He stated that there are a few businesses that have signs on lower roofs that should not have been permitted. He stated the hospital is a good example with many different level roof structures. There are signs on all levels of the hospital. Technically once that lower roof is there any signs above that were not supposed to be permitted. He stated this came to our attention as well as the wording for ground signs. The wording implied a freestanding ground sign could not extend above the roof of the building.

Lucy asked if a building had a 10 ft. roof, then you could not have a sign higher than the roof and David stated yes. Trinh asked if Sam's sign was grandfathered and David stated yes. He stated Luigi's sign would also be grandfathered. He stated the only real roof sign that is taking advantage of the existing 5 ft. language is the Cardiovascular Institute at CMMC. There is a small percentage that extends above the eave of the building. Gil stated that provision was written for or by CMMC. Lucy stated that they came before the Planning Board for that.

Gil stated what drove the change initially was that Sherman Arnold wanted to put a sign on their loading dock. He stated that hopefully this change will clarify this.

Lucy appointed Sandra Marquis as full voting member for this meeting.

The following motion was made:

**MOTION:** by **Bruce Damon** pursuant to Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration a proposal to amend Article XII, Performance Standards, Section 16 (c)(2)(c)(2) of the Zoning and Land Use Code of the City of Lewiston to allow wall and projecting signs to extend above the roofs of vestibules, canopies, porticos, loading docks, and similar single-story attached structures and to clarify that grounds signs may extend above the level of a principle building's roof. Second by **Kevin Morissette**.

**VOTED:** 7-0 (Passed)

## VII. OTHER BUSINESS:

- a) Request to initiate an amendment to Article XII, Section 11 to clarify performance standards for in-law apartments.

Bruce asked David if this came about because of the letter to the editor about some 3,600 SF in-law apartment and David stated yes.

David read staff comments to the Board.

Lucy stated that her husband and she live in a 1,000 SF home and the amount of space of their home is plenty and would be adequate size for an in-law apartment.

Gil stated that over the years they have been pushed to be liberal with respect to the code. He stated he could share the response they had from the people at Stone Ledge Drive, the development that David Duchene did. He stated that the building going in is the first home on the right adjacent to the commercial building. He stated he could share that information with the Board. He stated that they would like to clear up the relationship part of the ordinance, too. He stated that in-law apartments are unenforceable and are basically an honor system. He stated when a family member leaves, it would be easy for them to use the space as a rental. He stated they want to make it clear that these homes are not two-family homes but a single family home with an in-law apartment.

Lucy asked if there has to be a common entrance to both the home and the apartment and Gil stated yes. Gil stated that there would be a common space with two doors that could be locked but then when the family member leaves, could be unlocked and the space added to the single family home.

Gil stated that the gentlemen that wrote the letter to the editor will most likely be a part of this process.

David stated they have looked at other communities and their in-law apartments do not go over 1,000 SF.

Bruce stated that there have been in-law apartments that have gone on the market for rentals. The mother has died and they are still paying off the money they put into the in-law apartment so they put them out on the market as rentals. He stated that Gil was right, that it is unenforceable unless someone complains. He stated it is an honor system. Bruce stated that if we looked at the average size of a unit at Schooner Estates, Montello Heights or Clover, 2,000 SF is ridiculous. He stated most of those units are around 800 SF or less.

Kevin stated that if the square footage was lower, the owner would be less likely to flip it into a rental unit.

The Board agreed they did not want an in-law suite to be 3,000 SF or more and that 1,000 SF or less is adequate. They also agreed to have staff provide them with additional language at the next meeting to clarify this and then hold a public hearing.

Trinh left for bathroom break. Michael was given the opportunity to vote in her absence.

The following motion was made:

**MOTION:** by **Eric Potvin** to pursuant to Article XVII, Section 5(b)(1)(c) of the Zoning and Land Use Code for staff to schedule a public hearing to consider a proposed amendment to clarify language in Article XII, Section 11, In-law apartment standards, of the Zoning and Land Use Code. Second by **Paul Robinson**.

**VOTED: 6-1 (Passed)**  
**Michael Marcotte Opposed**

Trinh returned to the meeting.

b) Distribution of the FY2013 LCIP.

LCIP was distributed at the meeting to the Board. It was agreed that the Board would meeting with the Council on 1/31 to discuss the LCIP.

c) Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board.

David stated he would be calling Kirsten Walters from Lots to Gardens regarding the community gardens so they can put that to bed.

David also reminded the Board that the Riverfront Meeting would be held on January 18, 2012 at 6:00 p.m. in the Atrium at the Bates Mill.

Bruce wanted to thank David and the other City staff for giving the tour of the Bates Mill #5 on Saturday. He stated that the people that came on the tour had very different dialogue. He stated he thought it was very important to do this and when the City Councilors toured the second floor of the building, there was a wow factor and they were very impressed. Bruce also applauded Dave Gudas in the MIS Department for documenting it. He also stated that the newspaper did a good job of reporting this.

Bruce brought up the Lincoln Street Fire Station and placement of the seniors and stated that the armory would be the least expensive. He stated it cost about \$140,000 a year to operate it as it is. He stated that the Knights of Columbus would cost too much. Gil stated the City is clawing for money in the budget going forward and he also agreed that even though the seniors do not want to be at the armory, the City cannot make everyone happy. Lucy stated we do not have the money to accommodate the seniors as they want.

**VIII. READING OF MINUTES:** Adoption of the December 12, 2011 Planning Board Minutes.

The following motion was made:

**MOTION:** by **Trinh Burpee** to accept the December 12, 2011 Planning Board Minutes as presented. Second by **Paul Robinson**.

**VOTED:** **6-0-1 (Passed)**  
**Abstained - Sandra Marquis**

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

**MOTION:** by **Bruce Damon** that this meeting adjourns at 6:30 p.m. Second by **Sandy Marquis**.

**VOTED:** **7-0 (Passed).**

The next regularly scheduled meeting is for Monday, January 23, 2012 at 5:30 p.m.

Respectfully Submitted:

*Paul Robinson* *ELL*

Paul Robinsons, Secretary