

CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for January 23, 2012

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.

II. **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 and Cathy Lekberg, Administrative Assistant, Economic & Community Development

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

IV. **CORRESPONDENCE:** None

V. **PUBLIC HEARINGS:** None

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

VI. **OTHER BUSINESS:**

a) Recommendation on the acquisition of 65 No Name Pond Road

David read staff comments to the Board. He stated that Tony Crowley could not make the meeting but made it clear that he wanted a condition with the sale of the property that his immediate family has use of the water access or he would not be interested in selling.

Trinh asked if there were any other boat accesses on the pond and David stated there was not. He also stated that the City had Mr. Crowley put up a cable to stop people from launching boats there. Eric asked if the adjacent property, 67 No Name Pond was owned by the City and David stated it was privately owned. David stated that 64 No Name Pond across the street is owned by the City. David also stated that Tony was interested in having the pond stocked by Inland Fisheries & Wildlife but they eventually needed to advertise this property as a public launch in order to continue to stock it. David stated right now they are no longer stocking the pond. Lucy asked if it was a public boat launch would it be limited to kayaks and canoes or would it allow boats with motors and David stated motor boats would not be allowed unless a formal launch were constructed but property owners on the pond can put motor boats if they wanted to across their own property.

Lucy asked if Mr. Crowley wants to reserve the right to use this property and is he talking about perpetuity or just until he sells his land on Pond Road. David stated Mr. Crowley's family also owns two camps on Parent Lane and that it would be for his immediate family and not in perpetuity. Lucy stated

that there should be a number of years, a generation or something specific attached to this piece of land otherwise it would go on forever.

Bruce asked about the land that is City owned at 64 No Name Pond Road and David stated he was not sure what the history is but it is raw piece of land and heavily wooded.

Sandy stated she was not clear why the City would consider buying the land. Lucy stated that if the property was assessed by the City for \$1,800, why the City would pay Tony \$6,000.00. David stated that would be a question for Tony as to how he arrived at that value. Lucy stated purchasing this property will cause headaches for the City. The City would have to put in a ramp and other improvements so he can get the lake stocked. David stated this will not necessarily get the lake stocked. He stated he did not think just a portage would be enough for the State to stock the pond. He also doubted a formal boat ramp would be constructed given its location and limited parking and access. However, it would provide a public point of access to the pond.

Eric stated that \$6,000.00 was a pretty low number and he stated that it would not be a bad idea if the City purchased the property and put a boat launch in.

Bruce stated it would be nice to have an access to the pond but this property was a very narrow and restricted.. It would not be easy to back a boat trailer into. He stated there is no parking there and there would be traffic issues also. Bruce stated that it would also be a maintenance concern for the Public Works Department. David stated that there should not be a lot of maintenance other than removal of trash.

Eric stated the more he thought about it the more he thinks it would be a good idea to purchase this property because there are no public boat launches in Lewiston, but maybe it would be a good idea to keep it hand carry only.

Michael Marcotte and Paul Robinson arrived at the meeting at 5:55 p.m.

Lucy opened the item to the public.

Dan Bilodeau stated he lives at 207 North Auburn Road, Auburn, Maine and that he is a member of the Auburn Planning Board. He thought that Eric was thinking that by the City owning this property and controlling it, that the City will have some sort of public access opportunity. Dan stated he sees just the opposite happening. He sees the City owning it and getting the calls for the safety and liability concerns and all access being shut down to that lot. He suggested it might be appropriate if there is more of a public hearing process on this purchase. He stated that people that use the pond already or may want to use it should be involved. He asked how big the pond was and David stated fifty or sixty acres. Dan stated it seems like a great opportunity for the City to acquire it but having those safety and liability responsibilities down the road, they will have to make a decision and unfortunately the decision would probably be to close it off. He stated that Lewiston residents have access to

Lake Auburn but it is very limited there as well. He stated that Eric Cousins of the Auburn Planning Department said that the City is really backpedaling for losing so much control and public access to that lake. He stated the Board should really give this some good thought before turning it over to the City Council.

David stated that they could contact the immediate abutters to make them aware of the recommendation to City Council for the acquisition of the property.

Lucy asked Mr. Bilodeau if he knew if there was any public access to Taylor Pond. Dan stated Taylor Pond has a yacht club on the other side on the west shore and they require a \$3.00 fee and it is privately owned. There is another gentleman that does boat repair and if you pay him to, he also will allow you to access the pond.

Michael asked what is the City's intent for use of the property and David stated it is an opportunity for the City to control a piece of waterfront property. Michael stated similar to the recent request to purchase the Knights of Columbus building on East Avenue he does not think we should be acquiring property, not in this economic climate.

Paul asked if it was the City's intent to sell the land in the future or just land bank it. David stated there would be nothing to keep the City from selling it but if they were to sell it, it would be with the condition that Tony Crowley wanted.

Lucy closed item to the public.

Lucy stated she does not think that we should be buying this piece of land. She stated it was not a safe place to put a boat ramp and she did not like the idea of giving permission to Mr. Crowley to use the property. She also stated she did not like the price.

Bruce stated that the property might not have been assessed properly and that the price should be revisited. He also stated any body of water in the State of Maine with Great Pond status can be publicly accessed. He stated that property owners do not own the water and as long as they are not damaging property, a person can walk on another person's property to get to the water. Bruce also stated that the Pond Association should be involved in the decision also.

The following motion was made:

MOTION: by **Eric Potvin** pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council to acquire 65 No Name Pond Road. Second by **Paul Robinson.**

VOTED: 1-6 (Failed)

b) Recommendation on the disposition of 299 Webster Street

David read staff comments to the Board.

Lucy asked if the building was habitable and David stated that Tom Maynard, the Code Enforcement Officer went in the building in 2007-2008 and stated it was in pretty rough shape. David stated that it has probably deteriorated even more by now.

Paul asked if staff had an opinion or recommendation to give and David stated it is a desirable piece of land in a nice neighborhood. .

Michael stated he agreed with getting the property sold and getting it put back on the tax roll.

Bruce asked if sold, will they require a minimum bid and David stated he was not sure. He stated that Norm Beauparlant handles that process.

Paul asked if the City has been successful in putting buildings on the market and David stated it depends. . He stated it has been done with mixed results and that sometimes the City has given property away.

Lucy stated that this would be a good place to rehab or build new and hoped that the City would sell it for at least the back taxes owed to the City.

Bruce stated that having buildings sold and putting them back on the tax roll is what the City should be doing.

The following motion was made:

MOTION: by **Sandra Marquis** pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council for the disposition of 299 Webster Street. Second by **Trinh Burpee**.

VOTED: 7-0 (Passed)

c) Discussion regarding in-law standards

David read and explained the changes to the Board. He stated they were looking for guidance from the Board and then would proceed with the public hearing.

Lucy stated that she liked the new language and that they should proceed with the public hearing. Paul also agreed and stated it looked good.

Bruce stated that the Certificate of Occupancy should not be released until a document is filed at the Registry of Deeds acknowledging this is limited to an in-law unit. He stated this would ensure that the home could not be used as a two family and only used as an in-law..

David stated that this could be done and he would draft a document to be reviewed.

Lucy stated that David can draft the document and they can review it at the public hearing.

d) Discussion regarding community gardens

David stated that Portland has staff for their community gardens that organizes the gardens but they do not regulate gardens through zoning. He stated that Bangor has a few performance regulations. He stated that he does not want to over regulate in Lewiston. He asked the Board for guidance.

Paul stated that Lots to Gardens is funded by CDBG and their programs are a very seasonal type of activity. Bruce suggested that the City requires a permit which does not have to have a fee attached to it to create a public garden for contact info and to hold someone responsible, especially if a city lot is being used. Paul stated that if the gardens became overgrown or smelled badly because they are not taken care of, they would at least have a contact to be accountable.

Kevin suggested requiring the gardens to have raised beds instead of tilling the land. He stated it would make them much neater looking.

Trinh agreed with Bruce to have a yearly permit.

David stated he would edit the language and bring it to the public hearing.

e) Discussion regarding zoning matrix

David passed out a draft matrix to the Board to take home and review. Lucy stated it could be discussed at the next meeting.

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

David stated that the joint meeting with the City Council and Planning Board would be held on Tuesday, January 31, 2012 at 6:00 p.m.

David stated that Eric Cousins called him to schedule the Auburn/Lewiston Joint Planning Board Meeting. Lucy stated that Auburn now has a full board and it will be interesting to meet again. David stated they would be meeting in Auburn but they have not finalized a date. He stated he would get with Eric regarding dates.

Kevin stated that the Downtown Neighborhood Action Committee is putting together a plan for Pierce Street Park. He stated that John Jacobson from Harriman Associates is doing the work for free.

Kevin also stated that they are working on language to get rid of the downtown parking ban and this would also be coming before the Planning Board.

David stated that if members have any changes to the LCIP, to submit them to staff in advance of the joint meeting.

VII. READING OF MINUTES: Adoption of the January 9, 2012 Planning Board Minutes.

The following motion was made:

MOTION: by **Bruce Damon** to accept the January 9, 2012 Planning Board Minutes with changes. Second by **Kevin Morissette**.

VOTED: 7-0 (Passed)

VIII. ADJOURNMENT: The following motion was made to adjourn.

MOTION: by **Bruce Damon** that this meeting adjourns at 7:35 p.m. Second by **Trinh Burpee**.

VOTED: 7-0 (Passed).

The next regularly scheduled meeting is for Monday, February 13, 2012 at 5:30 p.m.

Respectfully Submitted:


Paul Robinson, Secretary *CLL*

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