

CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for October 24, 2011

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, Denis Fortier, Kevin Morissette, Eric Potvin and Paul Robinson

Members Absent: Trinh Burpee

Associate Member Present: Michael Marcotte and Sandra Marquis

Staff Present: David Hediger, City Planner, and Gil Arsenault, Director of Planning & Code, Gil Arsenault, Director of Planning & Code

Lucy appointed Michael Marcotte and Sandra Marquis as voting member for this meeting.

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

IV. **CORRESPONDENCE: None**

V. **PUBLIC HEARINGS: None**

VI. **OTHER BUSINESS:**

a) Apple Valley Estates Extension – Request for Extension of Approval

Manager/Owner Gard Crow was in attendance at the meeting to answer any questions regarding the requested extension of the conditional use approval. There was limited discussion as to the status of the development.

The following motion was made:

MOTION: by **Bruce Damon** to grant a one year extension to Gard Crow on behalf of Apple Valley Estates, LLC for a one year extension of approval for Apple Valley Subdivision, a planned community with 48 single-family detached buildings and a recreation building located at 317 Pinewoods Road pursuant to Article X, Section 5 of the Zoning and Land Use Code. Said extension to expire on November 26, 2012. Second by **Paul Robinson**.

VOTED: 7-0 (Passed)

Eric Potvin arrived at meeting and Sandy Marquis recused herself as a full member voting.

b) Request by Lewiston Development Corporation for an extension of approval for the construction of a 48,000 s.f. light industrial warehouse structure at 25 Forrestal Street.

Economic Development Specialist George Dycio, Lewiston Auburn Economic Growth Council on behalf of the Lewiston Development Corporation was at the meeting to address any questions regarding the development of 25 Forrestal Street. David Hediger stated that if granted the extension will expire on November 26, 2017.

The following motion was made:

MOTION: by **Denis Fortier** pursuant to Article XIII, Section 11 of the Zoning and Land Use Code to grant a five year extension of approval to the Lewiston Development Corporation for the construction of a 48,000 s.f. industrial/warehouse structure at 25 Forrestal Street. Second by **Bruce Damon**.

VOTED: 7-0 (Passed)

- c) Request to initiate shore land zoning map amendment: Garcelon Bog

David Hediger presented the Board with a detailed overview of the shoreland zoning associated with Garcelon Bog. In 1989 an amendment to the shoreland zoning law stated that 10 plus acre wetlands fall under shoreland zoning requirements. The bog was zoned based upon aerial photography and DEP mapping. Recently, Jones Associates conducted a wetland inventory of the entire bog on behalf of an individual property owner and their delineation demonstrates that approximately 71 properties are mapped and regulated via shoreland zoning that are outside of the shoreland zone as defined by law. Therefore, staff is requesting the Board initiate an amendment to zoning to delineate shoreland zoning in accordance with the wetland survey and in accordance with law with respect to Garcelon Bog.

The following motion was made:

MOTION: by **Bruce Damon** pursuant to Article XVII, Section 5(b)(1)(c) of the Zoning and Land Use Code for staff schedule a public hearing to consider a proposed amendment to the shore land zoning map for Garcelon Bog. Second by **Denis Fortier**.

VOTED: 7-0 (Passed)

- d) Community Gardens Ordinance

Staff discussed the limitations of the current ordinance with respect to community gardens, in part because the ordinance specifically limits them to four districts. Staff is of the opinion that any district or area of the city should allow community gardens as a permitted use and has drafted performance standards for the Board's consideration prior to scheduling a public hearing.

Concerns voiced by the Board included: attraction of pests and unwanted wildlife; does not want to regulate backyard gardens; clarification of when a garden is an accessory use; downtown versus rural area standards; what does Portland do; limitations on the number of users on a lot, etc.

It was agreed that staff would do some research and bring the matter back at a future date.

- e) Request to initiate amendment to clarify permitting requirements.

David read the staff comments.

The Board asked why the change was being made. Gil explained that the Maine Uniform Building and Energy Code have exempted small sheds and fences from permit requirements. Permits for fences, small sheds, driveways, parking lots have been required for many years; however, the language in the zoning and land use code requiring such permits needs to be more emphatic. This became clear as a result of a property owner who recently challenged staff on our authority to require a fence permit via the zoning and land use code.

The following motion was made:

MOTION: by **Denis Fortier** to pursuant to Article XVII, Section 5(b)(1)(c) of the Zoning and Land Use Code for staff schedule a public hearing to consider a proposed amendment to the clarify permitting and fee requirements as related to the Zoning and Land Use Code. Second by **Kevin Morissette**.

VOTED: 7-0 (Passed)

- f) Zoning and Land Use Updates/Matrix

David presented a drafted space and bulk matrix. He noted that in effort to try to move this along, the consolidation of zoning districts and the creation of two sets of standards in the rural agricultural district was been removed. Staff also made some changes in the centreville district creating maximum setbacks versus minimum setbacks in effort to maintain a consistent building placement along streets in the downtown.

The Board requested the footnote references be included and that staff consider similar maximums for the DR district.

- g) Riverfront Master Plan Update

Staff reminded the Board of the public hearing on 11/16.

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

VII. UNFINISHED BUSINESS: None

VIII. READING OF MINUTES:

The following motion was made:

MOTION: by **Denis Fortier** to accept the August 8, 2011 minutes with one change. Second by **Michael Marcotte**.

VOTED: 4-0-3 (Passed)

The following motion was made:

MOTION: by **Denis Fortier** to accept the August 22, 2011 minutes as presented. Second by **Michael Marcotte**.

VOTED: 4-0-3 (Passed)

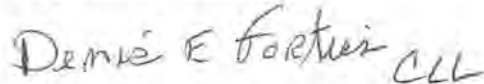
IX. **ADJOURNMENT:** The following motion was made to adjourn.

MOTION: by **Denis Fortier** that this meeting adjourns at 6:50 p.m. Second by **Michael Marcotte**.

VOTED: 7-0 (Passed).

The next regularly scheduled meeting is for Monday, November 14, 2011 at 5:30 p.m.

Respectfully Submitted:

Handwritten signature of Denis E. Fortier in cursive, followed by the initials "CLL".

Denis E. Fortier, Secretary