

**CITY OF LEWISTON  
PLANNING BOARD PUBLIC MEETING MINUTES  
for October 27, 2008 – Page 1 of 2**

**I. ROLL CALL:** This meeting was held in the City Council Chambers on the First Floor of City Hall, was called to order at 5:37 p.m., and was chaired by Chairman Stephen Morgan.

- **Members in Attendance:** Stephen Morgan, Jim Horn, Roger Philippon, Jonathan Earle, Lucy Bisson, and Denis Fortier. **Absent:** David Vincent.

- **Associate Members Present:** Bruce Damon and Trinh Burpee. **Absent:** None.

- **Staff Present:** James Andrews, Director of Economic & Community Development; Gil Arsenault, Director of Planning and Code Enforcement; David Hediger, City Planner; and Doreen Christ, Administrative Secretary of Planning & Code Enforcement.

*Bruce Damon was an alternate member for this meeting. Due to David Vincent's absence, Trinh Burpee was a full voting member for the entire meeting.*

**II. ADJUSTMENTS TO THE AGENDA:** None.

**III. CORRESPONDENCE:** None.

**IV. HEARING:** *A request for the acquisition of 87 Lincoln Street.* This property is a 35' x 100' parcel of land, located in the Riverfront (RF) zoning district, and consists of a seven- (7-) unit building. There are six (6) residential apartments and one (1) commercial unit.

James Andrews made a brief presentation to the Board, making reference to his Staff Memorandum dated October 23, 2008. Jim Andrews stated that the City of Lewiston has entered into a Purchase and Sale Agreement to purchase 87 Lincoln Street. A foreclosure auction was held on October 15, 2008 of which the City was the high bidder.

*Jim Horn arrived at this point in the meeting.*

This property is next to the Lewiston House of Pizza. Bruce Damon asked if there are other properties the City is actively pursuing? Jim Andrew's responded with, "No, not at this time". The assessed value is \$97,400. This property is located in an area that the City has an interest in developing.

Jim Andrews stated that the tenants are still there. The closing is scheduled for November 29, 2008. He does not want to move the tenants during the holidays. The cost of relocation is about \$2,000.00 per tenant. There are six (6) units that are occupied. A business would be more costly to relocate.

The following motion was made.

**MOTION:** *by Jim Horn that the Planning Board, pursuant to Article VII, Section 4(h) of Appendix A, Zoning and Land Use Code, send a favorable recommendation to the City Council to acquire the property located at 87 Lincoln Street. Second by Roger Philippon.*

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

**V. OTHER BUSINESS:**

**A. A request to schedule a workshop on November 10, 2008 regarding a proposed access management ordinance from outer Lisbon Street and an update on the Lewiston bike/pedestrian path.**

David Hediger mentioned the 21<sup>st</sup> Annual Planning Day 2008 session scheduled for Thursday, November 6, 2008, to be held at The Bethel Inn Resort in Bethel, Maine, as to who would be interested in attending. There was only one response, that being Stephen Morgan.

Also mentioned, as to a consensus to who would be available, was for a workshop to be scheduled for November 10, 2008. Denis Fortier stated that he would be out of town that evening.

**B. Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board.** None.

**VI. MINUTES: Draft Meeting Minutes for Planning Board Public Meeting held on August 25, 2008.** The following motion was made.

**MOTION:** by **Lucy Bisson** that the Planning Board approve the minutes for August 25, 2008, as submitted. Second by **Denis Fortier**.

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

**VIII. ADJOURNMENT:** The following motion was made to adjourn before Item VII. Workshop.

**MOTION:** by **Roger Philippon** that the Planning Board adjourn this meeting at 6:00 p.m. Second by **Denis Fortier**.

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

Respectfully submitted,

Lucy Bisson, Planning Board Secretary

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**CITY OF LEWISTON  
PLANNING BOARD WORKSHOP MINUTES  
for October 27, 2008 – Page 1 of 3**

**WORKSHOP:** *A discussion on Zoning and Land Use updates, specifically open space provisions.*

Bob Faunce presented the following powerpoint presentation regarding open space subdivisions (o.s.s.). He stated that the goal is to create open space subdivisions for definite reasons, which need to meet certain purposes, and are based on incentives.

First, Bob showed a slide of an existing farm, then a slide of a typical subdivision of a fully liquidated farm operation on Cotton Road. This is a field with a dozen homes spaced out, which is more in the suburban area than rural area. Farming can still continue, but the open space can never developed. He then showed a slide of a 12.4 acre parcel. Bob then used a subdivision in Raymond, Maine as an example. He showed the Hancock Lumber land, subdivision and open space.

Bob continued his presentation by showing two (2) open space subdivisions in New Gloucester.

Bob then went over qualifications for an open space subdivision, which are as follows:

- Protection/conservation of critical areas, unique natural features, historic land use patterns/structures, visual/physical access to water bodies, scenic vistas, stands of mature trees.
- Compatibility with surrounding land uses/rural character including buffering.
- Creating system of open space throughout city with linkages.
- Conservation of traditional land uses.
- Provision of affordable housing, active and passive recreational space.
- Provision of variety in location of building, architectural styles.
- The Planning Board can deny the use of the open space subdivision (o.s.s.) provisions if the proposed o.s.s. does not satisfy one or more applicable purposes.
- The developer would then have the option of proposing a standard subdivision.
- Whether and how a proposed subdivision satisfies applicable purposes is the Planning Board's decision, but can be negotiated between the developer and the staff/Planning Board.
- If the Planning Board finds that all applicable purposes have been satisfied, it can approve reductions in lot size (to 30,000 SF), frontage (to zero) and setbacks. It can also reduce road standards and waive some submission requirements.

Bob stated that you can have a one-lot open space subdivision. The open space is permanently preserved.

To designate an open space, Bob stated that:

- Open space to be preserved represents the difference between the proposed reduced lot areas and the minimum lot size in the zoning district in which the subdivision is located.
- The initial proposal is to divide the Rural Agricultural (RA) zoning district into RA1 and RA2 zoning districts. The RA zoning district would also be the "Designated Protection Area" for off-site open space.
- The current RA zoning district is 60,000 SF of minimum lot size. You can put a maximum lot size and reductions in lot size. Frontage can be zero.
- The proposed RA1 zoning district would have a 120,000 SF of minimum lot size and the RA2 zoning district, a five- (5-) acre minimum lot size.
- Bob stated that lots could be reduced to 30,000 SF in either the RA1 or RA2 zoning district with the open space preserved either on-site or within the RA2 zoning district.

The RA1 zoning district is similar, except the lot size will be larger. Again, the RA2 zoning district would be increased to five (5) acres. Bob then showed a slide entitled, "Rural Agricultural Map 1, which contains an outline of the district. The yellow area depicted is the RA2 zoning district. The thatched line designates wetlands.

Bob said that this allows you to use open space as part of the calculation in both the RA1 and RA2 zoning districts. He said that the developer can preserve open space. This increases density by two times. Bob then discussed allowable density, which is based on net lot area and is calculated as follows:

- Determine the net lot area of the parcel according to the definition of "net lot area", then,
- Divide the net lot area by the minimum lot size required in the district (120,000SF in RA1 zoning district and 5 acres in RA2 zoning district) to obtain the maximum number of lots allowable.
- The proposed lots can be reduced to as little as 30,000 SF, but the total number of lots cannot exceed the number calculated above.
- That portion of a parcel that contains designated open space from a previously approved open space subdivision or which is subject to an easement or other legal restriction prohibiting residential or non-residential structures shall not be included in the net lot area.

The developer will get more lots and it significantly lowers the road costs. Gil Arsenault asked, "Does open space need to be developable?" Bob Faunce responded with, "Yes". It was asked, does the developer need to be the owner? The response was, "No". Net lot area calculations need to be done. There should be connectivity between the land. The net lot area would apply to all subdivisions. Bob Faunce then discussed the impact of the larger minimum lot size. He said that there are only three (3) lots, all in the RA1 zoning district that might be merged with adjacent lots if the lot size were increased as proposed. The impact of larger minimum lot size might be a hardship if a landowner plans to give a lot to their child or sell a lot for income. The following provision would provide some relief by permitting one lot at the previous lot size to be created – one lot with a minimum lot size of 60,000 SF may be created for a single family residence out of a single lot of record, provided that: 1. The applicant has owned the lot of record for five (5) years prior to a certain date; 2. That the remaining land exceeds the minimum lot size in the zoning district; and 3. The lot is not created as part of a subdivision.. This will give relief to some.

Bob then discussed frontage R.O.W.'s. This is currently in the ordinance now and you can do as a part of the subdivision. The developer is getting a significant benefit. Each frontage R.O.W. can be used in conjunction with a subdivision and as long as a single R.O.W. serves no more than one (1) lot, it does not need to be constructed as a road. The provision provides the benefit of reduced or zero road frontage of an open space subdivision without the need to preserve open space. The following is an additional provision which provides an attractive alternative for a developer: *Item (10) Neither the R.O.W., nor the lot for which it provides frontage are created as part of a subdivision plan or amended subdivision plan approved by the Planning Board after a particular date.*

Bob stated that road standards can be modified. He then discussed the powerpoint presentation slide entitled, "Lot Layout Standards". These lots would need to be sited so as to meet several standards, something that is not required of standard subdivisions. He then paraphrased the standards.

Bob went on to discuss ownership of open space and paraphrased where open space land may be, i.e. held in private ownership, owned in common by a homeowner's association, dedicated to the City, County, or State governments or agencies, transferred to a non-profit organization, or held in some other form of ownership.

Bob showed standards and highlighted what was discussed. He then distributed the dimensional requirement spreadsheet which shows the existing RA zoning district and the proposed RA1 and RA2 zoning districts, where the differences are shown. Bob also distributed a comparison of existing cluster provisions, frontage R.O.W. provisions, and proposed open space subdivision provisions.

The Planning Board will have a more active role. He then mentioned zoning districts and the Planning Board's role. The provisions can be amended.

Basically, Bob Faunce said he is looking for direction from the Planning Board.

The City needs to be developed and he is trying to deal with all the situations.

This would preserve Lewiston without affecting too many areas.

David Hediger said that there is a need to talk to property owners. Gil Arsenault stated that workshops could include the City Councilors and that it makes sense to go before to the City Council before going public.

Lastly, Bob Faunce distributed handouts at this workshop (a copy of the powerpoint presentation, Section 7. Additional Standards for Open Space Subdivision, Dimensional Requirements, and a comparison spreadsheet). Gil Arsenault suggested reading the handout from Bob Faunce and placing this item for further discussion at the next Planning Board meeting. If you are a developer or live in the RA district, this is a good advantage.

Bob Faunce will e-mail revisions to the handouts to all Board Members.

The next workshop is scheduled for Monday, November 10, 2008.

Respectfully submitted,

Lucy Bisson, Planning Board Secretary

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