

**CITY OF LEWISTON  
PLANNING BOARD MEETING  
MINUTES for November 9, 1999 - Page 1 of 8**

**I. ROLL CALL:**

This meeting was called to order at 7:03 p.m. and chaired by Harry Milliken.

**Members In Attendance:** Tom Peters, John Cole, Harry Milliken, Mark Paradis, and Dennis Mason.

**Staff Present:** James Lysen, Planning Director; James Fortune, Planning Coordinator; Gil Arsenault, Deputy Development Director, and Doreen Asselin, Administrative Assistant.

**Members Absent:** Lewis Zidle and Rob Robbins.

*At the request of the Planning Board Representative for LMRC, Tom Peters, this meeting went directly into Executive Session from 7:03 p.m. to 7:21 p.m. to discuss Bates Mill No. 5 (Bates of Maine).*

*John Cole arrived at this meeting at 7:05 p.m.*

*This Planning Board Meeting resumed at 7:21 p.m.*

*John Cole stepped down from the Planning Board Meeting stating this item to be a conflict to his firm.*

**II. CORRESPONDENCE:** Letter from Peter Fackler, Vice President for Financial Affairs and Treasurer of Bates College, concerning an update on the Bates College Campus Plan.

**MOTION:** by **Dennis Mason**, seconded by **Mark Paradis** to accept this correspondence and place it on file to be read at the appropriate time.

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

*John Cole then rejoined the Planning Board.*

The next item to be discussed, but out of sequence was:

**IV. OTHER BUSINESS:**

A. New Business:

1. *Review of Proposed Amendments to the Zoning and Land Use Code Concerning Lot Layout and Possible Scheduling of a Public Hearing.*

**Jim Fortune** read the memorandum prepared by **Jim Lysen** dated November 5, 1999. The proposed amendments to the Ordinance pertaining to Lot Layout (included in the Planning Board packets) accomplish the following:

1. It makes it clear that the criteria apply to both creating and amending lots;

2. It references that, where feasible, side lot lines shall be at right angles at street lines or radial to curving street lines; and 3. It adds frontage to the criteria concerning the prohibition of the use of narrow strips of land to meet minimum lot size or frontage. These proposed changes will effectively allow the Planning Board to prevent the creation of odd lots. Time was spent dealing with downtown issues. **Gil Arsenault** mentioned that he reviewed this ordinance after it had gone out in the Planning Board packets. This should also be placed in the general administration section of the code. He mentioned that consideration should be given as to placement in the code. He made reference to Section 2, Tidal Water. This does not apply, since there is no tidal water in town. He said that this is a reasonably clear ordinance with just a few housekeeping issues. **Harry Milliken** suggested quoting an angle and used i.e., “No greater than a 60 degree angle”. **Gil Arsenault** said it could be pre-shaped property. **Tom Peters** asked, “What is a narrow strip?” **Gil Arsenault** said that it could be subjective. Minimum lot widths could limit what you do. **Tom Peters** then asked, “Should the term prohibited be used?” **Gil Arsenault**’s response was that there is no variance in Article 13. This term was listed under Item No. (3) of the ordinance, which reads, “Lots in which narrow strips are used or are joined to other parcels to meet minimum lot size or frontage requirements are prohibited.” **Harry Milliken** said that his main concern was with frontage. He would like to have another meeting in the form of a workshop on this ordinance to be scheduled for Tuesday, November 23, 1999 before the Public Hearing which is now scheduled for Tuesday, December 14, 1999. The following motion was made to reflect these dates.

**MOTION:** by **Tom Peters**, seconded by **Dennis Mason** to schedule a Workshop to review the Proposed Amendments to the Zoning and Land Use Code Concerning Lot Layout for Tuesday, November 23, 1999 and to schedule this for a Public Hearing for Tuesday, December 14, 1999.

**VOTED:** 5-0.

2. *Tax Increment Financing (TIF) Districts.*

As mentioned in the memorandum prepared by **Jim Lysen** dated November 5, 1999, it states that neither the state requirements, nor the local joint Tax Increment Financing Policy require Planning Board approval. Statutory and regulatory guidelines of the City and the State of Maine require City Council action to approve a TIF Agreement. Since most TIF Districts involve projects that will require development review, the Planning Board is directly involved with the process and will continue to be briefed on how TIF

Districts are being created within the City. Municipal projects associated with TIF Districts are most always included within the LCIP, which is reviewed by the Planning Board. Also, if a project involves expenditures of over \$100,000, the Planning Board has the responsibility of reviewing and making a recommendation on such expenditures. A TIF District is not a zoning boundary. It is a mechanism to stimulate expansion of the City's commercial/industrial tax base and to retain and create employment.

**Harry Milliken** mentioned that there is no disagreement with the policy. **Harry Milliken** did question, "How does this fit into the Comprehensive Plan?" **Jim Lysen** responded that the Planning Board is not involved directly in this process. It is a financial way of assisting development. He said that the first TIF District was Spare-Time Recreation. It was suggested that something be put together as to what a TIF is. **Jim Lysen** said that the Board should have a better understanding of this. There is a need for a certain designated area. He also said that there is a lot of net benefits to the City. **Jim Lysen** then suggested that **Greg Mitchell**, the Director of Development, come in and make a presentation of what a TIF is. It was decided that there was no need for **Greg Mitchell** to do a presentation, since this policy was previously approved in March.

*John Cole stepped down from the Planning Board on this item, since his law firm represents Bates College.*

3. *Bates College Campus Plan.*

**Jim Lysen** referred back to the correspondence presented earlier during this meeting from **Peter C. Fackler**, Vice President for Financial Affairs and Treasurer of Bates College. **Mr. Fackler** mentioned in this correspondence that he and **Pat Murphy** will be present during the December 14, 1999 Planning Board Meeting to update the Planning Board on the Bates College Master Plan. Also enclosed in the Planning Board packets were copies of the 1992 Master Plan for Bates College. These were previously presented to the Planning Board in 1993. **Jim Lysen** showed a larger version of this plan to the Planning Board. The update will deal with changes that have occurred in the Campus Plan since 1992 and will deal with other issues concerning Bates College and their future plans. **Harry Milliken** asked, "Should we be accepting a Master Plan?" A Master Plan is a conceptual plan. **Tom Peters** mentioned that Planning Board Staff monitor what is going on in the community. **Harry Milliken** said that this is so that the public can come in for comments. **John Cole** mentioned that institutions, etc. need an overall conceptual plan and that the Planning Board needs to come up with a plan.

The institutions need to inform the Planning Board as to what is going on in order for them to comment back to the public. **Jim Lysen** then said that impact needs to be put into perspective. The following motion was made.

**MOTION:** by **Tom Peters**, seconded by **Mark Paradis** that a presentation on the Bates College Master Plan be scheduled for December 14, 1999.

**VOTED:** 4-0.

*John Cole rejoined the Planning Board.*

**III. WORKSHOP (Continued from October 12 and 26, 1999 Planning Board Meetings)**  
Discussion of Proposed Downtown Rezoning.

At the October 26, 1999 Planning Board meeting, the Planning Board Members were given a matrix of land uses within existing and proposed zones with a map of the proposed zoning districts in the downtown area. The Planning Board instructed Staff to continue working on this matrix and map and to eventually include the Downtown Task Force in this process. Since the last Planning Board meeting, Planning Board Staff has worked on modifying the boundaries of the proposed new districts, they have reviewed the current uses and evaluated them to see if they were consistent with the goals and recommendations in the Comprehensive Plan and the new Downtown Master Plan.

Over six (6) hours, covering three (3) separate meetings were spent discussing district boundaries and appropriate uses for these proposed districts.

The map, included in the Planning Board packets, has been updated to show the potential boundaries of proposed districts downtown. The boundaries drawn are consistent with the recommendations of the Downtown Master Plan. Staff has also made several modifications to the proposed boundaries that reflect current uses and the desire to see areas either evolve with different land use patterns, or redevelop based on existing patterns that are consistent with the recommendations in the Downtown Master Plan and the Comprehensive Plan. With respect to recommendations in the Downtown Master Plan, the Western Gateway has been combined with the proposed Mill and Riverfront Districts. The proposed Centre Ville District includes the Maine Street-Medical and Courthouse Plaza districts, as well as sections of Lisbon and Canal Streets that are currently in the UE District. This district would be the "central business district" and is centered on the Lisbon and Main Streets corridors and includes most of the present Downtown (D) Business District.

The proposed Mill District would include the area between Canal Street and Lincoln Street Alley, and also includes the parcels along Willow Street, i.e. the Lewiston Bleachery and the Public Works Garage. Staff Members also felt that this district should include the parcels between Lincoln Street and Lincoln Street Alley, and to extend to all of the north side of Lincoln Street (these areas were part of the proposed Riverfront District).

Modifications were made to the proposed Downtown Residential (DR) District. Staff would like to see this District extended a little further north and west to include Bartlett Street and the residential area around Blake and Oak Streets. Staff would also like to have this district extended to the College Street area, between College and Oak, which is currently zoned NCB. Also, Staff would like to extend the Institutional Office (IO) District to a portion of the NCB, including all of White and Davis Streets. Both of the above changes address zoning issues pertaining to Bates College.

Also included in the Planning Board packets was the matrix consisting of district regulations for the existing and proposed uses. Each of these were looked at individually as to land use within each proposed district as a permitted use, conditional use, accessory use, or not permitted. Added to the matrix is a category called a "subset of a permitted use". This was added to clarify some uses that are permitted as part of a broadly defined permitted use. In some cases Staff may allow the use, but may prohibit a subset of that use category.

The following uses were addressed in the matrix. Four (4) new proposed districts were added to this matrix, as follows: 1. Riverfront District (RF) = open space. What do we do with the Continental Mill? Gladu Roofing is located in this zone; 2. Downtown Residential (DR) (this will allow offices); 3. Centre Ville (CV) (this is mostly the downtown zone). The Sun-Journal is within the CV zone and is classified as manufacturing, but listed under informational services and is a permitted use; and 4. Mill District (MD) - light manufacturing uses, which includes the Peppermill, the Bleachery, etc.

All the Planning Board Members agree to the layout of the matrix. **Harry Milliken** requested that a meeting be set up with other committees, namely the Mayor's Downtown Renaissance Task Force for Tuesday, November 23, 1999 prior to the scheduled Planning Board Meeting. **Harry Milliken** said that zone lines and uses make up 90 percent of the job. Both **Tom Peters** and **Dennis Mason** want more definition on the lot lines. **Harry Milliken** requested that the colored maps depicting the districts gets mailed to the Task Force.

**Gil Arsenault** said that Lincoln Street is a busy street. This area fits in best with the Mill District zone. Housing can be done in the Mill District zone. Need a general agreement to move on. He said that there is a lot of flexibility in the MD and RF zones. **Harry Milliken** suggested that the Industrial Office (IO) District will be dealt with after Bates College. **Tom Peters** said that R.I. Mitchell is permitted by right under the MD.

Notations Made to Matrix: This format is more concerned with the last four (4) zones, as listed above. The following is a page-by-page synopsis of the matrix.

On Page No. 1 of the matrix, it was suggested to change the use for airports or heliports under the Riverfront District from “*not permitted*” to a “*conditional use*”. **Tom Peters** also mentioned that this could be considered on the RF as an accessory use. **Harry Milliken** said that this needs to be defined.

**Dennis Mason** read the definition of adult amusement and adult business establishments. Adult uses should not be permitted in the downtown. Adult amusement is only permitted in the CV zone. It was mentioned that the City cannot ban this totally.

**Harry Milliken** commented that there was a lot of duplication on Page No. 2, however, there were no changes made to this page. No engine work is allowed in either of the four (4) uses listed.

On Page No. 3, **Dennis Mason** made reference to Clubhouses. **Dennis Mason** asked, “What does that include? **Jim Lysen**’s response was the VFW, The Elks, Eagles, etc., but not merely non-profit. He said that they are places that are rented out, but not on a constant basis. Also on Page No. 3, the last use - Commercial parking facilities - change the word “*decks*” to read “*levels*”.

**Harry Milliken** requested that this matrix be page numbered in the future and dated.

On Page No. 4 in reference to Dwelling - single-family detached, **Jim Lysen** said that the RF zone is too valuable for single-family homes, and is, therefore, not permitted in that zone. This area should be high-density housing. The land is too valuable.

On Page No. 5 the uses for Multi-family dwellings in accordance ... and Multi-family dwellings provided the location criteria are met, change from a permitted use under the Riverfront, Downtown Residential, Centre Ville, and Mill Districts to a “\*\* *Subset of a Permitted Use*”. This will increase the residential use and remove the blight.

On Page No. 6, the question was raised, “Why are we eliminating the use of Engineering, research, management, and related services from the matrix? **Harry Milliken** responded that that was used as an exception and a permitted use for the relocation of the professional offices for Aliberti, LaRochelle & Hodson Professional Associates, Inc. (AL&H) to the River Road site.

The question was asked, “Where do Shriners fit in?” The response was to philanthropic operation.

On Page No. 7, the question was raised as to what is a fully enclosed automotive service? The response was that there is no exterior storage. This includes a car wash. **Harry Milliken** said that there are too many categories. There is a need for subsets. **Tom Peters** suggested making this an appendix to the code.

On Page No. 8, **Dennis Mason** asked, “What is a medical clinic?” The response was that medical clinics should be allowed anywhere in the downtown, as is shown on this matrix as permitted in all four (4) zones.

On Page No. 9 pertaining to Lodging houses, delete the uses under Riverfront, Downtown Residential, Centre Ville, and Mill Districts under the use Lodging houses. It was suggested that this be set up as a subset item.

On Page No. 10 the Mixed use structures combines residential with commercial use. This is permitted everywhere in all four (4) zones. Retail/stores are allowed on Lisbon Street. Retail is a permitted use everywhere. Also, on Page No. 10 the use for Movie Theaters should be a subset.

On Page No. 14, the use of Agricultural use of manure, fertilizers, pesticides, and herbicides in accordance ... is not permitted anywhere in the four (4) districts. No manure is allowed in the downtown. Also on Page No. 14, the use Tradesman’s offices should be included as part of Business offices on Page No. 3, subsets are needed for the use Transportation facilities, the permitted use under the Mill District should be defined under this same title, and the uses for both Veterinary facilities and Veterinary hospitals, humane societies and related facilities should be changed from permitted uses under the Mill District to not permitted uses. We do not want this in the MD zone.

On Page No. 15, the use Transit and ground transportation means gas stations, bike racks, etc. Transportation facilities are permitted in the MD zone. **Harry Milliken** would like a definition of transportation facilities. He asked, “Should this be crossed off as to transportation in the MD zone?” He said that transportation facilities would be i.e. R.D. Roy. **Harry Milliken** then said we do not want this in the downtown area. Also on Page No. 15, the use Bakery product manufacturing should be changed to read, “*Commercial bakeries*” and should be looked at with respect to small bakeries. There should be a subset category titled, “*Bread and bakery product manufacturing and retailing specialty food stores*”. **Tom Peters** then said that this should be permitted in the RF zone. **Harry Milliken** said that we do not want warehousing in the downtown area. What is the future of LePage Bakeries? This is a permitted use in the CV and MD zones! In reference to the use of Water dependent uses, it was questioned if we need this in the RF zone.

After this overview of the matrix was completed, the following motion was made.

**MOTION:** by **Tom Peters**, seconded by **Dennis Mason** that all Planning Board Members are in favor with the above notations on the updated matrix.

**VOTED:** 5-0.

B. Old Business:

- I. *Signage.* This item will be placed on the agenda to be discussed on Tuesday, December 14, 1999 along with the Public Hearing on Lot Layout.

V. **READING OF THE MINUTES:**

- A. *Draft Minutes of Planning Board Meeting Held on September 16, 1999 and October 26, 1999.*

**MOTION:** by **Tom Peters**, seconded by **Dennis Mason** to approve the Planning Board Minutes of September 16, 1999 and October 26, 1999, as submitted, and place them on file.

**VOTED:** 5-0.

After this motion was made, **Tom Peters** mentioned the invitation for **Harry Milliken's** Reception and Dinner to be held on Saturday, December 4, 1999 at T.J.'s Restaurant in Auburn, Maine. He asked that if anyone would like to add people to the present listing to contact **Doreen Asselin** at 784-2951, Ext. 300.

VI. **ADJOURNMENT** - The following motion was made to adjourn.

**MOTION:** by **Tom Peters**, seconded by **Dennis Mason** to adjourn this meeting at 9:50 p.m.

**VOTED:** 5-0.

Respectfully submitted,

Dennis Mason, Secretary

DMA:dma

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