

CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for August 26, 2013

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

Members in Attendance: Bruce Damon, Kevin Morissette, Eric Potvin, Paul Robinson, Walter Hill, Sandra Marquis and Michael Marcotte

Associate Member Present: Paul Madore

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

- II. **ADJUSTMENT TO THE AGENDA:** Addition of item V(c) regarding the acquisition and disposition of city properties and moving the discussion of the Riverfront project and adoption of the minutes before item V(b)-Executive Session.

- III. **CORRESPONDENCE:** Revised Agenda date 8/26/13 and amended memo dated August 26, 2013 for Items V(b) and (c).

The following motion was made:

MOTION: by **Kevin Morissette** to accept the revised Agenda and amended Executive Session Memo. Second by **Paul Robinson**.

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

- III. **PUBLIC HEARINGS:**

A petition submitted by James J Bernard, Professional Piercers of Maine to amend Appendix A of the Zoning and Land Use Code, Article II, Section 2, definition of tattoo establishment; Article XI, District Regulations, Section 22 to allow tattoo establishments as a conditional use in the Highway Business and Community Business districts; Article XII, Performance Standards, Section 9 regarding the minimum distance between an adult business establishment, tattoo establishment, and/or drinking place.

The following motion was made:

MOTION: by **Paul Robinson** to consider a petition submitted by James J Bernard to amend the City of Lewiston's Zoning and Land Use Code as it relates to tattoo establishments. Second by **Eric Potvin**.

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

David read staff comments to the Board.

James Bernard introduced himself and stated he was the owner of Professional Piercers of Maine. His business is located in the Highway Business district. He would like to have his tattoo's allowed at his businesses as conditional use in the Highway Business and Community Business districts. Existing tattoo establishments in the Highway Business would be conforming instead of nonconforming. He also said this would allow for further expansion of these businesses in those locations.

Bruce asked what the laws were regarding minors and James said that the law states they can only serve adults 18 years or older for tattoos but piercings can be allowed under that age.

Paul Madore arrived at the meeting at 5:40 p.m.

James told the Board that piercing and tattoos are more acceptable now in this country and it is an up and coming field.

Paul Robinson asked if hygiene is similar for piercing and tattoos and James said they are very similar and equipment for both are monitored by the State. James also stated that Lewiston has high standards and makes sure a business meets those standards.

Paul Madore noted that the petition that was submitted was not signed by the circulator and James said he prepared the petition and apologized that he failed to sign it.

The Board wanted to know where tattoos shops could be located if the amendment passed, and David showed them on the zoning map.

Bruce asked if the State requires licenses for this type of business and James said yes.

Kevin commented that he would like to see small local businesses expand into the Riverfront district and he was all for these businesses expanding into the downtown.

Bruce asked about locations that illegally do business and what the City is doing to prevent them. Gil said when complaints come in, the Police Department takes action.

Sandra said that things have changed from years back and she thought that these businesses are mainly good. She commented that she was surprised at the kinds of clientele that now go to these shops, for example: Grandmothers tattooing their grandchildren's names.

Walter was concerned about the Bartlett Street area and that there was a school and some churches in that area. He did not want the first thing kids to see when they enter and exit their school is a tattoo shop. He asked if there could be a

provision to exclude the Bartlett Street area and David said while not ideal, a provision could be added if the Board desired.

Michael asked David to point out on the zoning map the Highway Business and Community Business districts where tattoo businesses would be allowed and David showed him the areas on the zoning map. Michael noted this included a section of Bartlett Street where Head Start and the mosque are located and felt it was problematic to have a tattoo establishment in this area.

The following motion was made:

MOTION: by **Paul Robinson** pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration to amend Appendix A of the Zoning and Land Use Code, Article II, Section 2, definition of tattoo establishment; Article XI, District Regulations, Section 22 to allow tattoo establishments as a conditional use in the Highway Business and Community Business districts; and, Article XII, Performance Standards, Section 9 regarding the minimum distance between an adult business establishment, tattoo establishment, and/or drinking place subject to any concerns raised by the Planning Board or staff. Second by **Kevin Morissette**.

VOTED: 6-1 (Passed).
Michael Marcotte noted his opposition because he thought these establishments do not belong near schools, churches, mosques or synagogues

IV. OTHER BUSINESS:

- a) Review of City bidding process.

Norm Beauparlant, Director of Purchasing for the City said that because the Planning Board's involvement with the Riverfront Master Plan and questions about how bids are awarded he wanted to come before them and give them an overview of the bidding process.

- b) Executive Session to discuss real estate negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

The following motion was made:

MOTION: by **Eric Potvin** that the Planning Board go into executive session pursuant to 1 M.R.S.A. § 405(6)(C) to discuss real estate negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City. Second by **Walter Hill**.

VOTED: 7-0 (Passed).

- c) Acquisition/disposition of City Properties of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

The following motion was made:

MOTION: by **Walter Hill** pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration the acquisition and disposition of said real estate as discussed during the Planning Board's executive session held on August 26, 2013 of which the premature disclosure of the information would prejudice the competitive bargaining position of the City and subject to the following provisions:

- 1) The disposition of the properties must include the City recovering its costs for demolition of said properties;
- 2) That a percentage of the housing units be dedicated as market rate housing.
- 3) The project is redesigned to improve its presence on Bartlett Street (i.e. the amount of parking and the desire for some units to front Bartlett Street, etc.).

Second by **Kevin Morissette**.

VOTED: 7-0 (Passed).

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

Michael asked what the status was for the disposition of 192 Bartlett Street and David said he did not know. Michael commented that he would be asking this question again at the next meeting.

V. OLD BUSINESS

- a) Update on Riverfront Project

David gave a brief summary of his memo that he submitted to the Board of the progress relating to the Riverfront Master Plan. The items were as follows: Park improvements between the Grand Trunk Depot and Lewiston House of Pizza; Canal pedestrian crossing; and Riverfront access improvements.

- b) Update on Comprehensive Plan – No update at this time.

VI. READING OF MINUTES: Adoption of the June 24, 2013 and July 22, 2013 minutes.

The following motion was made:

MOTION: by **Walter Hill** to accept the June 24, 2013 as presented. Second by **Sandra Marquis**.

VOTED: 7-0 (Passed).

The following motion was made:

MOTION: by **Paul Robinson** to accept the July 22, 2013 as presented.
Second by **Michael Marcotte**.

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

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

MOTION: by **Sandra Marquis** that this meeting adjourns at 9:12 p.m.
Second by **Eric Potvin**.

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

The next regularly scheduled meeting is for Monday, September 9, 2013 at 5:30 p.m.

Respectfully Submitted:

Paul Robinson Secretary