

**CITY OF LEWISTON
PLANNING BOARD WORKSHOP
MINUTES for July 9, 2007 – Page 1 of 4**

I. ROLL CALL: This meeting was held in the City Council Chambers on the First Floor of City Hall, was called to order at 5:30 p.m., and was chaired by Interim Chairman Tom Peters.

- **Members in Attendance:** Tom Peters, William Horn, Stephen Morgan, Jonathan Earle, Ron Chartier, and Roger Philippon. **Absent:** John Racine.

- **Associate Member Present:** Lucy Bisson and Denis Fortier. **Absent:** None.

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

II. ADJUSTMENTS TO THE AGENDA: None.

III. CORRESPONDENCE: None.

The following items listed on the agenda were heard before the Workshop: Section V. Old Business and Section VII. Reading of the Minutes.

V. OLD BUSINESS: *Lewiston-Auburn Consolidation.* David Hediger stated that David Galbraith from Planning & Permitting at the City of Auburn will discuss meeting with their Planning Board.

VII. READING OF THE MINUTES: *Draft Meeting Minutes for meeting held on June 11, 2007.* It was suggested to place the reading of the minutes on hold, since they were distributed at this meeting and had not been reviewed. These will be placed on the next Planning Board agenda.

IV. WORKSHOP:

A. *A Workshop to Discuss Zoning and Land Use Regulations Pertaining to Restaurant & Drinking Places.* On June 25, 2007 there was a joint City Council/Planning Board Workshop held. At that workshop, the Planning Board was asked to discuss the following issues:

1. To recommend revisions to the moratorium on new liquor licenses in the Oak Park neighborhood. Staff is suggesting the Board consider recommending to the council a revised moratorium for an additional 180-day period and that it not apply toward new establishments operating as a Food Service Establishment (FSE) that does not possess a special amusement permit for dancing. This would allow restaurants, as defined in Article II, Section 2 of the Zoning and Land Use Code to serve alcohol and have entertainment, but no dancing. Staff suggests that the Board may want to consider applying the revised moratorium beyond the Oak Park neighborhood, possibly city-wide. Existing licensed establishments would not be impacted, however, any new establishment operating as a drinking place would not be permitted and any restaurant with a special amusement permit for dancing would not be permitted.

2. To recommend revisions to downtown zoning pertaining to drinking places, including specifics for the Oak Park neighborhood and the area around the Park Street parking garage. The use of the Park Street parking garage by drinking places has been a contributing factor towards the complaints made from the Oak Park neighborhood. Staff has listed several changes to consider and those are listed in the Staff Memorandum dated July 9, 2007.

3. To provide recommendations on city-wide zoning pertaining to the location and performance standards relative to drinking establishments; where establishments may/may not have an impact. The Board was asked to look at the city in an effort to determine whether zoning or performance standards should be revised in order to place drinking establishments in appropriate areas of the city.

4. To provide recommendations on a public input process: how to obtain input from the community on where an appropriate area may exist to create an "entertainment district" allowing drinking places, nightclubs, restaurants, etc. At the joint City Council/Planning Board workshop held on June 25, 2007, it was suggested to create an "entertainment district". This district could allow for a concentration of drinking places, nightclubs, restaurants, etc. There are several suggestions listed by staff in David Hediger's Staff Memorandum dated July 9, 2007.

Tom Peters asked, "How do we deal with this?" The City Council is looking for the Planning Board to give suggestions as to what the City will look like down the road.

Roger Philippon arrived at 5:36 p.m.

This item was opened to the public for concerns and comments. The following residents were present from Oak Park (constructed in 1979) and spoke briefly.

Norm Marcoux stated that since the Adrenaline Club has been closed there have been no interruptions and no noise. The moratorium is good until September 2007. He would like for this Board to come up with a plan to keep it quiet all the time.

Phyllis Plourde stated that she lives on the Park Street side of Oak Park. She said that it is wonderful to go to bed at night with her window open. She lives on the second floor. She said that people used to stand there and smoke.

Jim Garrant said that he is concerned with bars opening on Middle Street and having the same problems.

Ralph Plourde stated that he witnessed a lot of activities not conducive to good health, i.e. drugs, urinating on the street, etc. He said that he is glad it is gone and hopes it stays that way.

Doug Papa resides on Pine Street and attended this meeting as a citizen advocate. He is concerned with the owners financial matters and with the use of the Adrenaline Club building. He made reference to the Industrial "I" District and Island Point and stated that more high class people would be apt to go there and that it probably would not be such a problem, since people would not be walking, they would need to drive there and then leave.

This item was then brought back to the Planning Board for further discussion.

It was suggested to extend the moratorium and clean up the language. Extending the moratorium gives more time as to where to locate these types of establishments. Only Class A restaurants would be permitted and occasional dancing. A private club could potentially happen, as per the City Clerk's Office and state law. Tom Peters asked, "Can they be changed from permitted to conditional uses?" David Hediger responded with, "Yes". It was suggested that the Planning Board could have a hearing on conditional/permitted uses. The Planning Board could then put reasonable restrictions on the establishments.

Reference was then made to the table distributed in each packet titled, "Drinking Places and Restaurant Zoning Districts and Permitted Uses", specifically the columns for "Public Meeting Buildings/Auditoriums", "Not for Profit Clubhouses/Fraternal Organizations", "Places of Indoor Amusement/Assembly", "Congregate Care/Assisted Living", "Nursing/Convalescent Homes", and "Group Care Facilities".

Tom Peters stated that restrictions could be placed and made the following suggestions: That the moratorium be extended. He asked, "Should this be city-wide or certain areas of the city and instead of being permitted, could it be conditional?" Tom Peters said that the Board would review all conditions listed and this would give the Board the right to make restrictions. This could be a public forum and people would know what is going on.

Ron Chartier suggested not having parking garages open late and also not within so many feet of a facility.

Tom Peters said to just say, "No" in certain areas and only under certain conditions.

David Hediger said that if an establishment was vacant for 12 months and something comes in next door, like a Church, then that prior (now vacant) business could not be re-established, due to zoning.

Lucy Bisson commented that this is an inner-City problem.

Steve Morgan stated his view that this is not a zoning issue. He feels it is a police problem. He commented that he believes tax breaks are needed for the owners, if uses are forced out. Steve Morgan said that this will cause hardships for the owners of these buildings. Tom Peters then referenced the Planning Board action taken on January 9, 2007 for which Steve Morgan was opposed (this was distributed in the Planning Board packets). The Planning Board was asked by the City Council to change the zoning. The building owners will face hardships. Steve Morgan said that the city needs to do low interest loans and TIF's.

Jim Horn stated that we should be careful when changing zones. Oak Park's population could decline and become office space for example. Tom Peters stated that we need a master plan. Lucy Bisson commented we have a master plan listing mixed uses. With mixed uses, there will be problems. She said that if the zoning gets changed, it goes against the master plan.

Doug Papa also commented that since the closing of the Adrenaline Club, a series of items have happened and that has left a bad impression on the club owners. The Adrenaline Club patrons have a hard time to co-exist with Oak Park.

Roger Philippon was in agreement with Steve Morgan. Roger stated that this problem is, however, rather unusual.

It was agreed to extend the moratorium to the maximum of 180 days and to be less restrictive to the other zones in the city.

Jim Horn suggested doing something as to moving the owners of the property to another part of the city.

It was also agreed that this is not a city-wide zoning issue and to restrict it to Oak Park. As to Performance Standards – limitations could be placed on the hours of operation.

Roger Philippon said that any chilling effect from the business owner could drive other businesses away.

David Hediger suggested considering an overlay for bars. Tom Peters stated that Oak Park happened because there were no restrictions back then.

Ron Chartier said he would recommend shutting down the parking garage after 10 p.m. Oak Park residents commented that this cannot be done, since the residents park there.

It was agreed to delete under Item No. 2 on Page No. 2 of David Hediger's Staff Memorandum the bulleted item in regards to eliminating the exemption from the locational criteria for new establishments with 5,000 SF or greater, which is contained in Article XII, Section 9. The next item discussed was in regards to nonconformance language. This could change to a shorter period of time, as stated in the Staff Memorandum, to several weeks or a couple of months, instead of 12 months. Tom Peters commented that this would minimize the turnover time. Tom Peters requested David Hediger to find out what the minimum time is for compliance.

If there are other areas known that this is occurring, besides Oak Park, these should be brought back to the Planning Board. However, we will run into an issue with a residential use everywhere in the city.

At this point in the workshop, David Hediger presented the Zoning Map for the City of Lewiston, which depicted drinking areas and restaurants in red color and restaurants in blue color.

This is not a city-wide issue. This is unique to this particular site (Oak Park). The Planning Board is not working to change anything else in the city.

In regards to Item No. 4 listed on the Staff Memorandum and in regards to creating an "Entertainment District" as was mentioned at the Joint City Council/Planning Board Workshop, Tom Peters stated that we are not ready for that. There are other committees that may need to be involved. We do not need another Oak Park created in a mixed use area.

In conclusion, Norm Marcoux, from Oak Park, will be notified of any public hearings and to contact him at 777-1327.

VI. OTHER BUSINESS: *Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board.* Tom Peters mentioned that he is concerned with the Planning Board not being informed as to the meetings going on regarding the development of Mill No. 5 and the Joint Downtown Task Force and various other committees.

Tom Peters said that this will all need to come back to the Planning Board at some point. The Planning Board needs to be in the loop as to what is going on. We need a report from all these committees.

Tom Peters informed the Board that Auburn will have their Comprehensive Plan in the next 6-12 months. These two Planning Boards need to work together.

Both Jim Horn and Lucy Bisson said that a representative from the Planning Board should be on these other committees. Tom Peters stated that this could be very time-consuming. He would like to see these formed committees come before the Planning Board with an update as to what is going on.

Tom Peters also stated that Lewiston's Comprehensive Plan needs to be re-evaluated at some point to coincide with Auburn.

New items coming to Planning Board, include Pettingill School and various subdivision applications.

The next Planning Board Meeting is tentatively scheduled for Monday, August 13, 2007.

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

MOTION: *by Jim Horn to adjourn this meeting at 7:17 p.m. Seconded by Lucy Bisson.*

VOTED: *6-0 (Passed).*

Respectfully submitted,

Steven Morgan, Planning Board Secretary

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