

City of Lewiston
PLANNING BOARD MEETING
Minutes of July 30, 1996
Community Room - LHA Hillview Complex

I. ROLL CALL

The meeting was called to order at 6:23PM

Members present: H. Milliken, D. Theriault, T. Peters, H. Skelton,
M. Goulet, D. Jacques, L. Zidle

Staff present: G. Arsenault, J. Lysen, G. Dycio

Committee members present: Ray Cook, Andrew Choate, Donald Boucher,
David Chittim, Bernie Carpenter, Peter Grenier,
Estelle Rubinstein

II. PUBLIC HEARING

A. Review of the draft update of Lewiston's Comprehensive Plan

Mr. Lysen opened by reviewing the agenda items, and gave an overview of the many reports, studies, data, etc. that are contained in Volume II of the Comp. Plan. Mr. Lysen continued stating that due to the large amount of supporting data and information contained in Volume II, the State agreed that it was not necessary to be condensed into a separate document. The City hopes to eventually place it all in CD Rom. It will also be available at City Hall and the library.

Board discussion continued regarding format and editing. It was agreed that references should be placed in the Comp. Plan referring to the specific documents from which the information is derived. Mr. Lysen states that re-formatting and re-editing will occur to clarify the goals and policies of the plan, and to link findings directly with the goals, policies, strategies section. However, he states that the a draft plan is just that, a draft plan, and notes that the plan is not in its final form. Mr. Lysen added that he feels Lewiston put more effort into the various components of the Comp. Plan than other communities did as can clearly be seen from the amount of supporting data available.

Chairman Milliken agreed that references should be placed in the plan. Harold Skelton also agreed stating that these references be reviewed at a later date once inserted into the draft plan.

Chairman Milliken then asked some of the Comp. Plan committee members how they felt. Bernie Carpenter stated that he feels the format is O.K., and states that the volume of supporting data is quite vast. Other committee members present agreed.

Dennis Theriault compared Lewiston's draft with Auburn's plan, particularly the format and supporting data. He stated that he feels Lewiston's plan is not presentable at this time, and encouraged all Board members to take a look at Auburn's plan. Discussion over comparing the two plans continued. Chairman Milliken asked that this discussion be put aside and the Board should move on discussion of to the Recreation & Open Space component of the plan.

Peter Grenier asked if the Rec. Plan can be condensed into a few paragraphs. Mr. Lysen stated that the Rec. Plan is very extensive, as well as, the inventory portion. Mr. Lysen continued stating that the Recreation and Open Space component of the Comp. Plan is an overall summary of the Rec. Plan findings, and a 200+ page document cannot be easily condensed into a few paragraphs. Mr. Grenier agreed and stated that a reference to the overall Rec. Plan, as agreed to earlier, was adequate.

Harold Skelton felt that Mr. Theriault's concern is for an intermediary document. Dennis Theriault stated that he still feels a condensed format for Volume II is necessary for ease in reading. Mr. Lysen reminded the Board that goals and objectives are just that, and asked if any Board member feels that these goals and objectives are justified or not. Chairman Milliken stated that the Board's focus should be on the content and future goals found in the plan, not necessarily the words used. He also felt that there is no clear starting point to the plan, that the plan is very good but needs a clearer starting point.

Don Boucher responded to the chair's concerns stating that the Sub-committee members should have had earlier direction from the Planning Board. He continued that maybe the committee members may not have done their job as well as the Board may have liked, but many hours of discussion took place and many issues were represented in

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the plan. Peter Grenier added that he felt that all the issues were thoroughly discussed, and found that many of the issues were similar or identical to issues that Auburn was dealing with during their Comp. plan. He added that the committees gave specific direction to Staff as to what information, data and language was to be incorporated. Bernie Carpenter clarified the committees work and input for the Board.

Jim Lysen stated that if the data is good then it should be used. If some of the goals and objectives are disagreed with then they should be re-written and revised or eliminated. He added that some redundancy will exist due to sharing of data, and that many of the issues and goals are generic. Chairman Milliken agreed with all of the hard work that has been done, but feels that some portions of the draft plan need to be re-formatted.

David Chittim asked the Board for clarification on the references. He then stated what his perception of the issue was, and the chair confirmed that David's perception is accurate. Ray Cook felt that it was hard for him to understand just what is needed for a reference. He felt that maybe a re-formatting is in order, or additional information presented to clarify and critique the findings of the plan. He concludes by stating that he supports the goals and objectives of the plan, and states that the Board and committee members should wait and see if a total re-formatting is really necessary. David Chittim stated that he feels that some goals are generic and "feel good" stuff. He continued that he is very concerned about recreation on and around No Name Pond, and felt that the portion of the goal statement regarding access to surface waters be stricken from the statement.

Jim Lysen clarified the statement and referred to the State's goals regarding access to the state's surface waters. Harold Skelton felt that this one goal came from overall goals from the state, but agrees that it places undo focus on a fragile pond and the river. He felt that the access statement is more specific and can cause an impact, and the plan should not encourage this too strongly. David Chittim concluded by pointing out a few of the conflicts within the plan and how they relate to No Name Pond.

Tom Peters pointed out that there should be a balance within the plan, and one aspect will override a lesser one if there is a conflict. Mr. Chittim stated that he speaks from experience and that he is very concerned about apparent and actual degradation of the pond. He felt that the plan needs to address preservation versus recreation and the effects of the Comp. Plan should not overburden the pond or the surrounding land areas. Chairman Milliken added that the stated goals and policies must be generic, however some of the policies could be re-written and made more specific. Harold Skelton agreed that specific issues like this one could easily be addressed through policy statements. Mr. Chittim was concerned that if this statement is indeed removed, does it jeopardize the plan. Mr. Lysen stated that if there is a balance in the goals and objectives then this change should have no significant impact on the plan. The Board supports access to surface waters, but does not want it overemphasized, especially due to water quality issues.

At this time Chairman Milliken asked for a motion to strike the last portion of the goal statement regarding surface waters through a showing of hands from both the Board members and the committee members in attendance. Eleven (11) members were for striking the last portion of the statement while three (3) were not in favor. Through a show of hands the chair stated that the motion passes.

Mr. Theriault questioned the process and asked whether it should go back to the committees. Both Chairman Milliken and Peter Grenier felt that the vote was adequate. Mr. Milliken then asked the board members in attendance if there were any other changes to policies 1 thru 9. No changes were expressed by the board members.

David Chittim stated that he still feels that the direction should be "can the pond be used for recreation?", not "how can we utilize the pond to the fullest extent?". Chairman Milliken referred to page 104, B, second statement, and feels that the statement refers to investigation for future use and it addresses the stated concerns. Mr. Chittim stated that he feels the exploration of uses on and around No Name Pond should be unbiased. Tom Peters felt that the focus should be on use and not possible exploration, as long as uses of or on the pond are not destructive.

Jim Lysen referred to the goals and policies on page 82 of the draft plan, and finds that it ties into No Name Pond nicely. Mr. Lysen continued stating that the federal government had concerns that there was not enough public access to the pond to allocate federal funds for a pond study. Mr. Lysen also referenced the citizens survey stating that it did not indicate that City funded recreational facilities to the pond is a high priority, and concluded by elaborating on the

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survey findings.

At this point Chairman Milliken asked the board if there were any other changes to the plan. Several board members stated that specific references to agencies or institutions should be eliminated and referenced generically. Specifically, Mr. Chittim pointed out that the Pineland Center does not exist any longer and that reference should be corrected. Marc Goulet stated that he has concerns regarding recreation, and would like to see more community access to ice rinks in the city. Don Boucher felt that this issue should be discussed with representatives from Bates College. Mr. Lysen agreed that this issue needs to be looked into further. Peter Grenier felt that, as stated before, specific names of facilities should not be mentioned due to the tax payer's perception of spending public money on private facilities. At this point Gil Arsenault gave a brief outline on the city's attempt to bring a pro hockey franchise to Lewiston and the citizen concerns that were expressed over tax money and how it is spent. Estelle Rubinstein referred to page 94 of the draft plan and felt that the language in there seemed to address these concerns. Harold Skelton discussed the available recreation facilities and felt that specific language should be incorporated into the Comp plan regarding increasing availability (generically) or accessibility to indoor and outdoor ice skating facilities.

Jim Lysen then asked the representatives from the Recreation Department to elaborate on the availability of ice skating facilities. Bud Raymond stated that maintenance costs were historically prohibitive, and spring use of the athletic fields were usually delayed due to overly wet conditions from the slowly melting ice. Again, the Board felt that any specific references should be struck-out.

Dennis Theriault referred to page 101 and felt that the language should be towards the protection of Garcelon Bog from recreational uses. Marc Goulet agreed stating that the Bog area is privately owned and any language should be scrutinized (by the Board) prior to inclusion. Mr. Theriault referred to page 102 and felt that the Androscoggin Land Trust should be included in the discussions and placed with the Planning Board under responsibilities. Estelle Rubinstein commended the inclusion of the Kids as Planners (p. 100) as a way of getting youth involved, and that she was very supportive of the program. Mrs. Rubinstein also felt that the Comp plan should talk about growing their own food where Mr. Lysen pointed out that this aspect was included in the Open Space part of the plan under Community Gardens, etc..

At this point Chairman Milliken asked Jim Lysen to go into the Historic Preservation Plan. Mr. Lysen provided the Board members a copy of the plan and reviewed the map and plan components.

Dennis Theriault questioned CDBG funding, and asked why only on Lisbon Street. Mr. Lysen responded by outlining the CDBG requirements for where the federal monies could be applied. Chairman Milliken asked about public improvements and how they relate to historic preservation. Mr. Lysen responded that these public improvements go hand in hand with the strategies outlined in the preservation program. Chairman Milliken stated that the public's perception of "Downtown" is only Lisbon Street, and felt that the Comp. Plan should be elaborated to define "Downtown". Marc Goulet stated that he does not see residential uses as a goal for downtown to which Mr. Lysen responded that a healthy downtown requires a mix of residential as part of a positive mix to a downtown area. Discussion continued regarding encouraging a wide variety of residential uses in the downtown area.

Tom Peters questioned why Historic Preservation "seems to be" focused on the downtown alone. He felt that other buildings outside of the downtown area are historic too. Mr. Lysen agreed. Don Boucher commented that owners of historic buildings are reluctant to do improvements due to stringent regulations. Mr. Lysen responded by explaining the rules, regulations and tax credits associated with historic preservation, and stated that we need to start somewhere.

Bob Faunce felt that the Comp. Plan does not address downtown realistically, and felt that there are no significant historical residential uses in the downtown (Lisbon Street). In his opinion the plan should focus on blight conditions first in order to make the area more desirable and then promote new development once the area becomes more desirable. He continued stating that the old Wards Bros. building smells like mold and mildew outside due to severe neglect by the current owner, and the market is not reactive to historic preservation. Mr. Faunce concluded by stating that it is cheaper to build new buildings than attempt adaptive reuses of existing buildings. Mr. Lysen responded by stating that all aspects of downtown redevelopment should be focused on together! Harold Skelton states that he personally has no problem with the stated goals, however Marc Goulet strongly disagreed and felt that some of the

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existing language should be redrafted. Gil Arsenault stated that he felt the market would drive development and that the residential component is a key part. Further discussion ensued, concluding with the Board directing Mr. Lysen to redraft some of the language and provide a better focus.

Dennis Theriault referred to page 65, C, line 3, regarding "re-establish the European-like design qualities of the canal system" and asked what this referred to. Mr. Lysen explained the goals and aesthetic appeal of the proposed improvements. Further discussion took place regarding improvements to and around the canal. In the end the Board felt that some goals should be shifted to the Downtown Plan, but in conformance with the Historic Preservation Plan.

At this point Chairman Milliken called for a ten (10) minute recess (9:00PM). The Board re-convened at 9:15PM. The Board skipped over the Natural Resources component and started with the Long Range Planning component of the Comp. Plan.

Jim Lysen began the presentation by discussing what Performance-based zoning is and what it means by using examples from the Zoning and Land Use Code and recently approved projects. Tom Peters asked what standards would be used, and would they be similar to the standards used for Conditional Use Permits in order to modify a project to meet the performance standards. Further discussion took place regarding performance-based zoning and standards.

Gil Arsenault stated that with a performance-based zoning, a use may be allowed where it would normally not be permitted. Tom Peters felt that an ordinance on performance-based zoning should be drafted in conjunction with the Board of Appeals since they deal with performance standards as part of their review. Jim Lysen then explained the rating or scoring system and how it is used as a basis for such a performance-based zone. Harold Skelton felt that this may not be appropriate for all zones, but some modifications may be necessary, and he used a single-family only zone as an example. David Chittim added that he feels that language should be added to state where performance-based zoning is needed, or feasible, or appropriate prior to implementation. Further discussion ensued, and the discussion concluded with the Board agreeing with Mr. Chittim. The Board then determined that this issue needs further investigation and a definition should be included as part of the Comp. plan.

Chairman Milliken added that as part of the Long Range Planning strategy staff should add something about a computer-based zoning ordinance.

Marc Goulet questioned Goal #3 (p. 75) regarding preventing sprawl. His concern is that this may "scare people out of town". Jim Lysen stated that development need to be focused where existing municipal services currently exist. Further discussion continued regarding sprawl. Marc Goulet suggested that additional language be added to broaden the statement.

Jim Lysen discussed future goals and objectives, and felt that the draft plan addresses Marc's issue elsewhere in the plan. David Chittim felt that this statement should stay in the plan because it would help preserve the rural character, etc., and focus development where appropriate. Pauline Taylor stated that she disagrees with Mr. Goulet's statements that it costs less to build new (buildings). Marc Goulet responded saying that he feels that land and building costs are too great, and the blighted areas are a "turn-off" to developers. Jim Lysen then explained what the goal is trying to achieve and its effect on the City, its appearance, municipal costs, etc.. Marc Goulet continued stating that he wants the Zoning and Land Use Code to change to allow further development of office buildings in other zones (ie. Industrial) where they are currently not allowed, and feels that businesses go to Auburn due to the high cost of development in Lewiston.

Jim Lysen reviewed alternatives with the Board, and questioned "what areas are best suited for industrial uses, why develop good industrial land with office building". He then stated that industrial zoning may not be appropriate for some areas and that should be investigated, but felt that the anti-sprawl statement could not be used to deny a conditional use permit, for example.

Bob Faunce stated that he feels Auburn has certainty in its zones and codes, and if Lewiston focuses on this anti-sprawl effort it may cause businesses "will flock to Auburn!". Mr. Faunce continued to elaborate on this topic

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and suggested using a sliding scale as one example to entice development while minimizing its impact on city services, etc.

Harold Skelton thanked Mr. Faunce for his enlightening statements, but asked if he had any suggestions for possible language, and went on to explain. Mr. Faunce answered that the Planning Staff should not attempt to prohibit uses, but rather allow them with certain conditions. Pauline Taylor agreed adding that the Comp. Plan should utilize positive language, not negative language, specifically what is allowed and where. Tom Peters stated that he liked Mr. Faunce's example of using a sliding scale when forming language or a plan, and that positive incentives should be used rather than flat prohibition. However, he admitted that the sliding scale itself may not always work in all instances.

Pauline Taylor asked that if it is cheaper to build new (buildings), what do we do with all the vacant buildings?. Tom Peters responded that incentives must be built into the code for adaptive reuse. Gil Arsenaault added that it is very expensive to acquire multiple lots downtown for re-development and cited what he has experienced as Interim Development Director. David Chittim agreed that the City must work with incentives to get people to move in, not out, and the City should "make it workable, not discouraging". Marc Goulet uses re-development of the Old Port as an example, but admits that downtown Portland office vacancies are "outrageous!", and that South Portland is now the growth area. Harold Skelton comments that he does not like driving through South Portland because "it's disgusting", and hopes Lewiston does not develop into what is occurring in South Portland. Peter Grenier added that he would like to see the current industrial parks fully developed and that should be the City's focus. Chairman Milliken asked Mr. Lysen to research this issue for further discussion, to which Mr. Lysen agreed.

Further discussion focused on use of performance-based zoning to aid in the future development of the industrial parks, and other areas that can sustain development. Bob Faunce reiterated that the Comp. Plan should focus on incentives. Harold Skelton refers to Policy #4, items C+D, (page 76) stating that the City should focus on these two items in order to promote development. Denis Theriault mentioned that on page 77, Policy 5, A., the words at the end of the statement "the Zoning" should be replaced with "community". George Dycio suggested the words "residential Zones" may be more appropriate to which the Board agreed. Mr. Theriault also mentioned Policy #6, N, on page 80, where the language seems to refer to Auburn since the Little Androscoggin River is actually in Auburn, to which the Board felt it should be corrected.

At this point Jim Lysen reviewed the next meeting's agenda with the Board.

MOTION: By Mr. Goulet, seconded by Mr. Skelton to adjourn the meeting at 10:13PM.

VOTE: Passed 7 - 0

Respectfully submitted,

Marc Goulet
Secretary