

CITY OF LEWISTON
PLANNING BOARD MEETING
Monday, November 28, 2011 – 5:30 P.M.
City Council Chambers – First Floor
Lewiston City Building
27 Pine Street, Lewiston

AGENDA

I. ROLL CALL

II. ADJUSTMENTS TO THE AGENDA

III. CORRESPONDENCE

IV. PUBLIC HEARINGS:

Request from Veterinary Support Services for a use determination that an animal cremation facility is substantially similar to and compatible with permitted or conditional uses in the Highway Business district, pursuant to Article V, Section 3(g) and Article XI, Section 12 of the Zoning and Land Use Code of the City of Lewiston.

V. OTHER BUSINESS:

- a) Riverfront Master Plan update
- b) Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board.

VI. READING OF THE MINUTES: Motion to adopt the draft minutes from October 24, 2011 and November 14, 2011.

VII. ADJOURNMENT



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: November 22, 2011
RE: November 28, 2011 Planning Board Agenda Item IV(A)

Request from Veterinary Support Services for a use determination that an animal cremation facility is substantially similar to and compatible with permitted or conditional uses in the Highway Business district, pursuant to Article V, Section 3(g) and Article XI, Section 12 of the Zoning and Land Use Code of the City of Lewiston.

Veterinary Support Services has submitted for the Planning Board's consideration a request for a use determination. Specifically, the applicant is requesting a determination that an animal cremation facility is substantially similar to and compatible with permitted or conditional uses in the Highway Business (HB) district, pursuant to Article V, Section 3(g) for the Zoning and Land Use Code.

Veterinary Support Services is negotiating the purchase of 3.9 acres of land at 19 Foss Road to develop with the above referenced use. This undeveloped property is located in the HB district. The applicant is of the opinion that the proposed cremation facility is substantially similar to and compatible with the following HB permitted uses: veterinary facilities including kennels, mortuary or funeral parlor, hospitals, and fully enclosed light industrials uses.

It should be noted the applicant also proposes to sell dry goods to their current customer base, including paper products, kennel supplies, litter, cat food, etc., and clipper blade sharpening and repair. These uses are currently allowed as permitted uses in the HB district as wholesale sales, warehousing, retail, and personal services.

Staff has advised the applicant that prior to submitting a complete application for development review approval, that applicant should have the Board make a finding with respect to the proposed use. Specifically, Article V, Section 3(g) states a use which is not specifically listed as a permitted or conditional use shall be regulated as a conditional use if . . . the planning board, reviewing a major development under Article XIII, determines that the proposed use is substantially similar to and compatible with permitted or conditional uses in that district.

The Code does not have a specific definition for animal cremation facilities. The definition of "cemetery" contained in Article II, Section 2 of the Zoning and Land Use Code references crematories when operated in conjunction with and within the boundary of a cemetery. This essentially makes a crematory an accessory use to a cemetery. The code defines "accessory use" as the subordinate use of a building . . . whose use is customary in connection with the principal

building. . . (and) is clearly incidental to the use of the principal building. Crematories facilities are allowed as a permitted accessory use to a veterinary, hospital, or mortuary facility, all of which are permitted in the HB district. While the Code does not specifically define veterinary or mortuary facilities, the applicant has submitted a written request stating the reasons the proposed cremation facility should be deemed similar to said permitted uses in the HB district.

Staff supports the applicants request to find the proposed use substantially similar to and compatible with permitted or conditional uses in the HB district. Based upon the applicant's request and the HB districts allowance of veterinary, hospital, or mortuary facilities as permitted uses, staff believes that the proposed use is substantially similar to and compatible with permitted uses in the HB district and that that the project be regulated as a conditional use.

Upon a favorable use determination made by the Board, the project will proceed with an application submitted for development review approval as a conditional use.

ACTIONS NECESSARY:

1. Make a motion to consider a request from Request from Veterinary Support Services for a use determination that an animal cremation facility is substantially similar to and compatible with permitted or conditional uses in the Highway Business district, pursuant to Article V, Section 3(g) and Article XI, Section 12 of the Zoning and Land Use Code of the City of Lewiston;
2. Obtain input on the request;
3. Make a motion finding that the proposed animal cremation facility at 19 Foss Road is substantially similar to and compatible with veterinary facilities including kennels, mortuary or funeral parlor, hospitals, and fully enclosed light industrials uses as permitted in the Highway Business (HB) district, pursuant to Article V, Section 3(g) for the Zoning and Land Use Code, and that said use shall be regulated as a conditional use upon submittal of an application for development review.

Veterinary Support Services



IAOPCC

International Association Of Pet Cemeteries & Crematories

PO Box 128
Turner, ME 04282

Phone: (207)225-2840
Fax: (207)225-2843

Lewiston Planning Board
Lewiston, Maine 04240

November 14, 2011

To Whom it May Concern:

My name is Paul Cutter and I am President of Veterinary Support Services.

Veterinary Support Services operates an animal cremation facility in Turner at present. We began our business originally in Lewiston in 1989 and were located at that time on land we owned off what is now Apple Road, with frontage along the Maine Turnpike.. We received approval from the Appeals Board to locate our start up venture on said property. We operated the crematory business at this location until 2004 when we moved to Turner, having sold the Lewiston property.

We are interested in moving back to the Lewiston area and have located a potential property located in the Highway Business zone. The property is located at 19 Foss Road. We would like to see if our facility would be allowed in this zone and would suggest that our use is similar to many current allowed businesses.

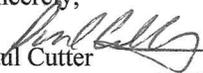
We do sell dry goods to our current customer base; paper products, kennel supplies, litter, cat food, etc. We also do clipper blade sharpening and repair. The core part of our business is in processing animal remains into animal cremains and returning them back to their owners.

We see you do allow veterinary clinics that would most likely be allowed to operate cremation equipment, a hospital that would be allowed cremation equipment. We would be similar to these. We would not generate any amount of increase traffic as we do not do retail sales and we pick up at our customer base.

We feel we would be similar to light warehousing considering the dry goods portion of our business and also light processing that is allowed. Item numbers in your permitted use list that we may be similar to are; 21,22,24,30,31 and 35.

We hope you would give consideration to our business and grant approval for this zone so that we could move on with our goal of relocating to Lewiston. Thank you for your time.

Sincerely,


Paul Cutter
President


VETSUPPORT@MEBALWK.NET



ERA Worden Realty

473 Center Street
 Auburn, ME 04210
 (207) 784-0159
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Current

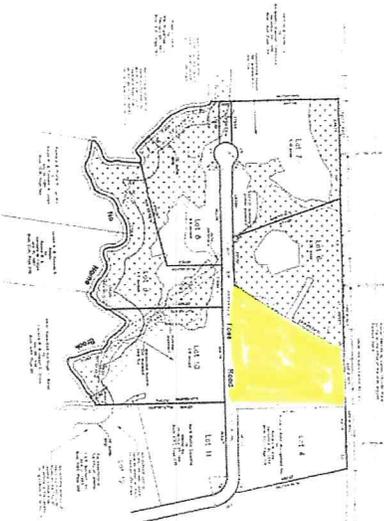
**19 Foss Road
 Lewiston, ME 04240**

MLS#: 980618

3.91+ acre development site ideally situated with 518' road frontage and city water and sewer. In the Highway Business District which allows for a variety of uses. One of the new remaining lots in Foss Rd Bus Pl w/ easy access to mid-coast, Me Tpke 80.

Full Tax Amount/Yr: \$1,834.00 (2010)

courtesy of CB Richard Ellis/The Boulos Company



Building Features

Finished Square Footage
 Above±: 0
 Below±: 0
 Total±: 0
 Source:

Year Built ±:

Color:

Seasonal: No

Land Features

Lot Size(Acr) ±: 3.910

Zone: Hwy Bus

Surveyed: No

WtrFrt: No

Site: Level, Wooded

Location: Office Park, Suburban

Roads: Paved, Public

Road Frontage ±: 518

Waste Water Disposal: Other
 Water: Other