

**CITY OF LEWISTON**  
**PLANNING BOARD MEETING**  
Monday, April 22, 2013 – 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:**
  - a) A proposed amendment to Article II, Section 2 Definitions; Article V, Section 4, Administration and Enforcement; Article IX, Appeals; and Article XIV, Floodplain Administration and Management, of the Zoning and Land Use Code to remain compliant with the National Flood Insurance Program.
- V. OTHER BUSINESS:**
  - a) Staff request to initiate an amendment to the Zoning and Land Use Code to allow existing nonconforming two-family dwellings in residential zoning districts currently subject to abandonment provisions of Article VI, Section 4(c) – continued from April 8, 2013 meeting.
  - b) Discussion regarding Conflict of Interest
  - c) Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board.
- VIII. READING OF THE MINUTES:** Motion to adopt the draft minutes from April 8, 2013.
- VII. ADJOURNMENT**



# CITY OF LEWISTON

## Department of Planning & Code Enforcement



**TO:** Planning Board  
**FROM:** David Hediger, City Planner  
**DATE:** April 17, 2013  
**RE:** April 22, 2013 Planning Board Agenda Item IV(a)

**A proposed amendment to Article II, Section 2 Definitions; Article V, Section 4, Administration and Enforcement; Article IX, Appeals; and Article XIV, Floodplain Administration and Management, of the Zoning and Land Use Code to remain compliant with the National Flood Insurance Program.**

Pursuant to Article VII, Section 4(c) and Article XVII, Section 5(b)(1)(c) of the Zoning and Land Use Code staff has prepared an amendment to update Article XIV, Floodplain Administration and Management, of the Zoning and Land Use Code. The Planning Board initiated said amendment at staff's request at the February 11, 2013 meeting.

The Federal Emergency Management Agency (FEMA) has completed a re-evaluation of flood hazards in Lewiston. Said re-evaluation has resulted in revised Flood Insurance Rate Maps (FIRM), Base Flood Elevations (BFE), and a new Flood Insurance Study (FIS). The new FIS has established revised BFE's for Lewiston. The National Flood Insurance Act of 1968 requires Lewiston to update their Flood Management Ordinances prior to July 8, 2013 to reference the newest FIRM's and FIS. Communities that fail to revise their ordinances will be suspended from participating in the National Flood Insurance Program (NFIP). Participation in the NFIP provides Lewiston a number of benefits including eligibility for disaster funding when the community is declared a disaster area and the availability of flood insurance to those who have federally backed mortgages in the floodplain. In addition, since 1993 Lewiston has participated in the NFIP's Community Rating System (CRS) providing flood insurance holders a 10% discount on flood insurance policies.

Updating the Floodplain Ordinance will ensure Lewiston remains in good standing with FEMA as a community participating in the NFIP and the CRS. The proposed amendment has been reviewed by the States' Floodplain Management Program to their satisfaction. Said amendment includes a number of housekeeping changes to Article II, Section 2 Definitions; Article V, Section 4, Administration and Enforcement; and, Article IX, Appeals. None of the changes are substantive in nature other than to provide additional clarification in administering the ordinance and to reference the most recent FIS.

## **ACTIONS NECESSARY**

- Make a motion pursuant to Article VII, Section 4(c) and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council consideration to adopt the proposed amendments to Article II, Section 2 Definitions; Article V, Section 4, Administration and Enforcement; Article IX, Appeals; and Article XIV, Floodplain Administration and Management, of the Zoning and Land Use Code to remain compliant with the National Flood Insurance.

**AN ORDINANCE PERTAINING TO ZONING AND LAND USE:  
FLOODPLAIN ADMINISTRATION AND  
MANAGEMENT**

**THE CITY OF LEWISTON HEREBY ORDAINS:**

**APPENDIX A – ZONING AND LAND USE CODE  
ARTICLE II. DEFINITIONS**

**Sec. 2. Definitions.**

Unless otherwise expressly stated, the following words shall, for the purpose of this Code, have the meaning herein indicated:

~~Area of shallow flooding means a designated AO and AH zone on a community's Flood Insurance Rate Map (FIRM) with a one (1) percent or greater annual chance of flooding to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.~~

Building means any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of persons, animals, or chattels. For floodplain purposes, see Structure.

Code enforcement officer means a person certified under Title 30-A MRSA, Section 4451 (including exception in subsection 4451, paragraph 1) and employed by a municipality to enforce all applicable comprehensive planning and land use laws and ordinances, including Lewiston's Zoning and Land Use Code.

Elevated building means a nonbasement building (a) built, in the case of a building in Zones ~~A1-30 or A or AE~~, to have the top of the elevated floor, elevated above the ground level by means of pilings, columns, posts, piers, or "stilts;" and (b) adequately anchored so as not to impair the structural integrity of the building during a flood of up to one (1) foot above the magnitude of the base flood. In the case of Zones ~~A1-30 or A or AE~~, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls ~~less than three (3) feet in height~~ with hydraulic openings sufficient to facilitate the unimpeded movement of flood waters, as required in Article XIV, Section 6(l).

Elevation certificate means an official form (FEMA Form 81-31, ~~07/00, as amended~~) that (a) is used to verify compliance with the flood plain management regulations of the national flood insurance program; and, (b) is required as a condition for purchasing flood insurance.

~~Flood boundary and floodway map means the official map delineating floodway and flood hazard boundaries as determined by the Federal Insurance Administration.~~

Locally established datum means for purposes of this Code, an elevation established for a specific site to which all other elevations at the site are referenced.

This elevation is generally not referenced to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or any other established datum and is used in areas where mean sea level data is too far from a specific site to be practically used.

Minor development/improvement means all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than fifty (50) percent of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Article XIV, Section 6(j), mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

North American Vertical Datum (NAVD) means the national datum whose standard was established in 1988, which is the new vertical datum used by the National Flood Insurance Program (NFIP) for all new Flood Insurance Rate Maps. NAVD is based upon vertical datum used by other North American countries such as Canada and Mexico and was established to replace NGVD because of constant movement of the earth's crust, glacial rebound, and subsidence and the increasing use of satellite technology.

Regulatory floodway means (1) the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot, and (2) ~~in Zone A riverine areas~~ when not designated on the community's Flood Insurance Rate Map is considered to be the channel of a river or other watercourse and the adjacent land areas to a distance of one-half the width of the flood plain as measured from the normal high water mark to the upland limit of the flood plain.

Variance means a relaxation of the terms of this Code where such variance will not be contrary to the public interest, and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Code will result in unnecessary or undue hardship. As used in this Code, a variance is authorized only for the space and bulk requirements of Article XI, ~~and~~ the performance standards of Article XII, and the floodplain management ordinance of Article XIV.

Violation means the failure to comply with applicable provisions of the Zoning and Land Use Code.

## APPENDIX A – ZONING AND LAND USE CODE

### ARTICLE V. ADMINISTRATION AND ENFORCEMENT

#### **Sec. 4. Administrative official.**

Unless otherwise specifically stated, the director of code enforcement and the code

enforcement officers and inspectors under his supervision (hereinafter code enforcement official) shall administer and enforce this Code and shall have all the powers and duties provided for in ~~30 M.R.S.A. Section 4966~~ Title 30-A MRSA, Section 4451, as amended.

## APPENDIX A – ZONING AND LAND USE CODE

### ARTICLE IX. APPEALS

#### Sec. 3. Standards for the granting of appeals.

The Board of appeals shall grant an appeal only when it finds that the following standards have been met:

- (1) Administrative appeals. That the code enforcement official erred in either his interpretation of the Code or in the application of the Code to the particular circumstances of the application. If the board of appeals finds that the code enforcement official correctly interpreted and applied the provisions of this Code, the board shall affirm his decision. If the board finds that the code enforcement official erred in the interpretation or application of the Code, the decision of the code enforcement official shall be reversed and the board shall make an official interpretation of the Code to be used by the code enforcement official.
- (2) Variances.
  - c. Variance from the floodplain management standards of article XIV.
    1. The board of appeals shall grant a variance from the floodplain management standards of article XIV only when it finds that the granting of the variance:
      - a. Within any designated regulatory floodway will not result in an increase in flood levels during the base flood discharge;
      - b. Is supported by good and sufficient cause;
      - c. Will not result, should a flood comparable to the base flood occur, in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws and ordinances;
      - d. Will not cause a conflict with other state, federal or local laws or ordinances;~~and~~
      - e. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the board of appeals may impose such conditions to a variance as it deems necessary;~~and,~~
      - f. Would result in "undue hardship," which in this subsection means:
        - i. a. that the land in question cannot yield a

- reasonable return unless a variance is granted; and,
  - ii. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and,
  - iii. that the granting of a variance will not alter the essential character of the locality; and,
  - iv. that the hardship is not the result of action taken by the applicant or a prior owner.
- 2. The board of appeals shall grant a variance for new construction, substantial improvements, or other development for the conduct of a functionally dependent use only when it finds that:
  - a. Other criteria of article IX and article XIV, subsection 6(k) are met; and
  - b. The structure or other development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- 3. The board of appeals may grant a variance for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or a state inventory of historic places. upon the determination that:
  - a. The development meets the criteria of subsections 3(2)(a) through(d) above; and
  - b. The proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- 4. Any applicant who meets the criteria of article IX, subsections (a) through (e) shall be notified by the board of appeals in writing over the signature of the chairman of the board of appeals that:
  - a. The issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as \$25.00 per \$100.00 of insurance coverage;
  - b. Such construction below the base flood level increases risks to life and property; and,
  - c. The applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims

the applicant may have against the municipality that are related to the use of land located in a floodplain; and.

5. The board of appeals shall submit to the code enforcement official a report of all variance actions, including justification for the granting of the variance and an authorization for the code enforcement official to issue a flood hazard development permit, which includes any conditions to be attached to said permit.
6. Any aggrieved party who participated as a party during the proceeding before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of Appeals.

## APPENDIX A – ZONING AND LAND USE CODE

### ARTICLE XIV. FLOODPLAIN ADMINISTRATION AND MANAGEMENT\*

\*Editor's note: Retitled

#### **Sec. 1. Applicability.**

Certain areas of the City of Lewiston, Maine are subject to periodic flooding, causing serious damages to properties within these areas. Relief is available in the form of flood insurance as authorized by the National Flood Insurance Act of 1968.

The City of Lewiston, Maine is a participating community in the National Flood Insurance Program, and agrees to comply with the requirements of the National Flood Insurance Act of 1968 (P.L. 90-488, as amended) as delineated in this Floodplain Management Ordinance. It is the intent of the City of Lewiston, Maine to require the recognition and evaluation of flood hazards in all official actions relating to land use in the floodplain areas having special flood hazards.

The City of Lewiston has the legal authority to adopt land use and control measures to reduce future flood losses pursuant to Title 30-A M.R.S.A., §§ 3001--3007, 4352 and 4401—4407, and Titles 38 MRSA, Section 5.The National Flood Insurance Program, established in the aforesaid Act, provides that areas of the City of Lewiston having a special flood hazard be identified by the Federal Emergency Management Agency and that floodplain management measures be applied in such flood hazard areas. This Ordinance establishes a flood hazard development permit system and review procedure for development activities in the designated flood hazard areas of the City of Lewiston, Maine.

~~The areas of special flood hazard, Zones A and A1-30, are identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study—City of Lewiston, Maine, Androscoggin County," dated March 1979 with accompanying "Flood Insurance Rate Map" dated September 28, 1979 and "Flood Boundary and Floodway Map" dated September 28, 1979, which are hereby adopted by reference and declared to be a part of this Article.~~

The areas of special flood hazard, Zones A and AE for the City of Lewiston, Androscoggin County, Maine, identified by the Federal Emergency Management Agency in a report entitled "Flood Insurance Study – Androscoggin County" dated July 8, 2013 with accompanying "Flood Insurance Rate Map" dated July 8, 2013 with panels: 212D, 214D, 216D, 218D, 219D, 238D, 326D, 327D, 328D, 329D, 331D, 332D, 333D, 334D, 337D, 341D, 342D, 343D, 344D, 351D, 353D, derived from the county wide digital Flood Insurance Rate Map entitled "Digital Flood Insurance Rate Map, Androscoggin County," are hereby adopted by reference and declared to be a part of this Ordinance.

(Ord. No. 06-05, 4-20-06)

## **Sec. 2. Permit required.**

Before any construction or other development, including the placement of manufactured homes, begins within any areas of special flood hazard established in Article XIV, Section 1, a flood hazard development permit shall be obtained from the code enforcement official. This permit shall be in addition to any other permits which may be required pursuant to the Code of Ordinances of the City of Lewiston, Maine.

(Ord. No. 06-05, 4-20-06)

## **Sec. 3. Application for permit.**

The application for a flood hazard development permit shall be submitted to the planning and code enforcement office and shall include:

- (1) The name, address and phone number of the applicant, owner, and contractor;
- (2) An address and a map indicating the location of the construction site;
- (3) A site plan showing location of existing and/or proposed development, including but not limited to structures, sewage disposal facilities, water supply facilities, areas to be cut and filled, and lot dimensions;
- (4) A statement of the intended use of the structure and/or development;
- (5) A statement of the cost of the development including all materials and labor;
- (6) A statement as to the type of sewage system proposed;
- (7) Specification of dimensions of the proposed structure and/or development; [Items (8)--(11)b. apply only to new construction and substantial improvements.]
- (8) The elevation in relation to the National Geodetic Vertical Datum (NGVD), or to a locally established datum in Zone A only, of the:
  - a. Base flood at the proposed site of all new or substantially improved structures, which is determined:
    1. In ~~Zones A1-30~~ Zone AE, from data contained in the "Flood Insurance Study--~~City of Lewiston~~ Androscoggin County, Maine," as identified in Section 1; or
    2. In Zone A:
      - (a) From any base flood elevation data from federal,

state, or other technical sources (such as FEMA's Quick-2 model, FEMA 265/July 1995), including information obtained pursuant to Section

6(k), and Section 8(d);

- (b) From the contour elevation extrapolated from a best fit analysis of the floodplain boundary when overlaid onto a USGS quadrangle map or other topographic map prepared by a professional land surveyor or registered professional engineer, if the floodplain boundary has a significant correlation to the elevation contour line(s); or, in the absence of all other data,
- (c) To be the elevation of the ground at the intersection of the floodplain boundary and a line perpendicular to the shoreline which passes along the ground through the site of the proposed building.

- b. Highest and lowest grades at the site adjacent to the walls of the proposed building;
- c. Lowest floor, including basement; and whether or not such structures contain a basement; and
- d. Level, in the case of non-residential structures only, to which the structure will be floodproofed;

- (9) A description of an elevation reference point established on the site of all developments for which elevation standards apply as required in Section 6;
- (10) A written certification by a professional land surveyor, registered professional engineer or architect, that the base flood elevation and grade elevations shown on the application are accurate;
- (11) The following certifications as required in Section 6 by a registered professional engineer or architect:
  - a. A floodproofing certificate (FEMA Form 81-65, ~~08/99~~, as amended), to verify that the floodproofing methods for any non-residential structures will meet the floodproofing criteria of Section 3(8)d; Section 6(g); and other applicable standards in Section 6;
  - b. A hydraulic openings certificate to verify that engineered hydraulic openings in foundation walls will meet the standards of Section 6(l)2;
  - c. A certified statement that bridges will meet the standards of Section 6(m);
  - d. A certified statement that containment walls will meet the standards of Section
- (12) A description of the extent to which any water course will be altered or relocated as a result of the proposed development; and
- (13) A statement of construction plans describing in detail how each applicable development standard in Section 6 will be met.

(Ord. No. 06-05, 4-20-06)

#### **Sec. 4. Application fee and experts fees.**

A fee may be charged if the code enforcement official and/or reviewing board needs the assistance of a professional engineer or other expert. The expert's fee shall be paid in full by the applicant within ten (10) days after the City of Lewiston submits a bill to the applicant. Failure to pay the bill shall constitute a violation of the ordinance and be grounds for the issuance of a stop work order. An expert shall not be hired by the city at the expense of an applicant until the applicant has either consented to such hiring in writing or been given an opportunity to be heard on the subject. An applicant who is dissatisfied with a decision to hire expert assistance may appeal that decision to the board of appeals.

(Ord. No. 06-05, 4-20-06)

#### **Sec. 5. Review standards for flood hazard development permit applications.**

The code enforcement official shall:

- (1) Review all applications for the flood hazard development permit to assure that proposed developments are reasonably safe from flooding and to determine that all pertinent requirements of Article XIV, Section 6, have been, or will be met;
- (2) Utilize, in the review of all flood hazard development permit applications:
  - a. The base flood data contained in the "Flood Insurance Study--~~City of Lewiston~~ Androscoggin County, Maine," as described in Article XIV, Section 1;
  - b. In special flood hazard areas where base flood elevation and floodway data are not provided, the code enforcement official shall obtain, review and reasonably utilize any base flood elevation and floodway data from federal, state, or other technical sources, including information obtained pursuant to Section 3(8)a.2.; Section 6(k); and Section 8(d), in order to administer Section 6 of this Article; and
  - c. When the community establishes a base flood elevation in a Zone A by methods outlined in Section 3(8)a.2, the community shall submit that data to the Maine Floodplain Management Program. ~~in the state planning office.~~
- (3) Make interpretations of the location of boundaries of special flood hazard areas shown on the maps described in Section 1 of this Article;
- (4) In the review of flood hazard development permit applications, determine that all necessary permits have been obtained from those federal, state, and local government agencies from which prior approval is required by federal or state law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1344;
- (5) Notify adjacent municipalities, the department of environmental protection, and the Maine Floodplain Management Program ~~in the state planning office~~ prior to any alteration or relocation of a water course and submit copies of such notifications to the Federal Emergency Management Agency;
- (6) If the application satisfies the requirements of this Article, approve the issuance of one (1) of the following flood hazard development permits based on the type of development:

- a. A two-part flood hazard development permit for elevated structures. Part I shall authorize the applicant to build a structure to and including the first horizontal floor only above the base flood level. At that time the applicant shall provide the code enforcement official with an elevation certificate completed by a professional land surveyor, registered professional engineer or architect based on the Part I permit construction, "as built", for verifying compliance with the elevation requirements of Section 6(f), (g), or (h). Following review of the elevation certificate data, which shall take place within seven (7) days of receipt of the application, the code enforcement official shall issue Part II of the flood hazard development permit. Part II shall authorize the applicant to complete the construction project; or
  - b. A flood hazard development permit for floodproofing of non-residential structures that are new construction or substantially improved non-residential structures that are not being elevated but that meet the floodproofing standards of Section 6(g)1.a., b. and c. The application for this permit shall include a floodproofing certificate signed by a registered professional engineer or architect; or
  - c. A flood hazard development permit for minor improvement for all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than fifty (50) percent of the market value of the structure. Minor improvement also includes, but is not limited to: accessory structures as provided for in Section 6(j), mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non- structural projects such as bridges, dams, towers, fencing, pipelines, wharves and piers.
- (7) Maintain, as a permanent record, copies of all flood hazard development permit applications, corresponding permits issued, and data relevant thereto, including reports of the board of appeals on variances granted under the provisions of Article IX, Section 3 of this Article, and copies of elevation certificates, floodproofing certificates, certificates of compliance and certifications of design standards required under the provisions of Section 3, 6 and 7 of this Article.

(Ord. No. 06-05, 4-20-06)

### **Sec. 6. Development standards.**

All developments in areas of special flood hazard shall meet the following applicable standards:

- (a) All development--All development shall:
  - (1) Be designed or modified and adequately anchored to prevent flotation (excluding piers and docks), collapse or lateral movement of the development resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
  - (2) Use construction materials that are resistant to flood damage;

- (3) Use construction methods and practices that will minimize flood damage; and
  - (4) Use electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding conditions.
- (b) Water supply. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.
  - (c) Sanitary sewage systems. All new and replacement sanitary sewage systems shall be designed and located to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
  - (d) On-site waste disposal systems. On site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during floods.
  - (e) Watercourse carrying capacity. All development associated with altered or relocated portions of a watercourse shall be constructed and maintained in such a manner that no reduction occurs in the flood carrying capacity of the watercourse.
  - (f) Residential. New construction or substantial improvement of any residential structure located within:
    - (1) Zone ~~AE1-30~~ shall have the lowest floor (including basement) elevated to at least one (1) foot above the base flood elevation.
    - (2) Zone A shall have the lowest floor (including basement) elevated to at least one (1) foot above the base flood elevation utilizing information obtained pursuant to Section 3(8)a.2; Section 5.2; or Section 8(d).
  - (g) Non-residential. New construction or substantial improvement of any non-residential structure located within:
    - (1) Zone ~~AE1-30~~ shall have the lowest floor (including basement) elevated to at least one (1) foot above the base flood elevation, or together with attendant utility and sanitary facilities shall:
      - a. Be floodproofed to at least one (1) foot above the base flood elevation so that below that elevation the structure is watertight with walls substantially impermeable to the passage of water;
      - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
      - c. Be certified by a registered professional engineer or architect that the floodproofing design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a flood hazard development permit, as required by Section 3(11) and shall include a record of the elevation above mean sea level to which the structure is floodproofed.
    - (2) Zone A shall have the lowest floor (including basement) elevated to at least one (1) foot above the base flood elevation utilizing information obtained pursuant to Section 3(8)a.2; Section 5.2; or Section 8(d)., or
      - a. Together with attendant utility and sanitary facilities meet the floodproofing standards of

Section 6(g)1.

- (h) Manufactured homes. New or substantially improved manufactured homes located within:
- (1) ~~Zone A1-30~~ AE shall:
- a. Be elevated such that the lowest floor (including basement) of the manufactured home is at least one (1) foot above the base flood elevation;
  - b. Be on a permanent foundation, which may be poured masonry slab or foundation walls, with hydraulic openings, or may be reinforced piers or block supports, any of which support the manufactured home so that no weight is supported by its wheels and axles; and
  - c. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to:
    1. Over-the-top ties anchored to the ground at the four (4) corners of the manufactured home, plus two (2) additional ties per side at intermediate points (manufactured homes less than fifty (50) feet long require one (1) additional tie per side); or by
    2. Frame ties at each corner of the home, plus five (5) additional ties along each side at intermediate points (manufactured homes less than fifty (50) feet long require four (4) additional ties per side.
    3. All components of the anchoring system described in Section 6(h)1.c.(1) and (2) shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.
- (2) Zone A shall:
- a. Be elevated on a permanent foundation, as described in Section 6(h).1.b., such that the lowest floor (including basement) of the manufactured home is at least one (1) foot above the base flood elevation utilizing information obtained pursuant to Section 3(h).1.b; Section 5-2; or Section 8.d; and
  - b. Meet the anchoring requirements of Section 6(h)1.c.
- (i) Recreational vehicles. Recreational vehicles located within:
- (1) ~~Zones A1-30~~ A and AE shall either:
- a. Be on the site for fewer than one hundred eighty (180) consecutive days,
  - b. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
  - c. Be permitted in accordance with the elevation and anchoring requirements for "manufactured homes" in Section 6(h)1.
- (j) Accessory structures. Accessory structures, as defined in Article II, Section 2

of this Article, located within Zones ~~A1-30 and A~~ and AE, shall be exempt from the elevation criteria required in Section 6(f) and (g). above, if all other requirements of Section 6 and all the following requirements are met.

Accessory structures shall:

- (1) Be five hundred (500) square feet or less and have a value less than three thousand dollars (\$3,000.00);
- (2) Have unfinished interiors and not be used for human habitation;
- (3) Have hydraulic openings, as specified in Section 6(1)2., in at least two (2) different walls of the accessory structure;
- (4) Be located outside the floodway;
- (5) When possible be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters and be placed further from the source of flooding than is the primary structure; and
- (6) Have only ground fault interrupt electrical outlets. The electric service disconnect shall be located above the base flood elevation and when possible outside the special flood hazard area.

(k) Floodways.

- (1) In Zones ~~AE1-30~~ riverine areas, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted within a regulatory floodway which is designated on the community's "Flood Boundary and Floodway Map," Flood Insurance Rate Map unless a technical evaluation certified by a registered professional engineer is provided demonstrating that such encroachments will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- (2) In Zones ~~A1-30 and A~~ and AE riverine areas for which no regulatory floodway is designated, encroachments, including fill, new construction, substantial improvement, and other development shall not be permitted in the floodway as determined in Section 6(k)3. unless a technical evaluation certified by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing development and anticipated development:
  - a. Will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community; and
  - b. Is consistent with the technical criteria contained in Chapter 5 entitled "Hydraulic Analyses," Flood Insurance Study-- Guidelines and Specifications for Study Contractors, (FEMA 37, January 1995, as amended).
- (3) In Zones ~~A1-30 and A~~ and AE riverine areas for which no regulatory floodway is designated, the regulatory floodway is determined to be the channel of the river or other water course and the adjacent land areas to a distance of one-half ( 1/2) the width of the floodplain as measured from the normal high water mark to the upland limit of the floodplain.

- (l) Enclosed areas below the lowest floor. New construction or substantial improvement of any structure in Zones ~~A1-30 and A~~ and AE that meets the development standards of Section 6, including the elevation requirements of Section 6(f), (g), or (h) and is elevated on posts, columns, piers, piles, "stilts," or crawlspaces may be enclosed below the base flood elevation requirements

provided all the following criteria are met or exceeded:

- (1) Enclosed areas are not "basements" as defined in Section 8;
  - (2) Enclosed areas shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood water. Designs for meeting this requirement must either:
    - a. Be engineered and certified by a registered professional engineer or architect; or
    - b. Meet or exceed the following minimum criteria:
      1. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of the enclosed area;
      2. The bottom of all openings shall be below the base flood elevation and no higher than one (1) foot above the lowest grade; and
      3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the entry and exit of flood waters automatically without any external influence or control such as human intervention, including the use of electrical and other non-automatic mechanical means;
  - (3) The enclosed area shall not be used for human habitation; and
  - (4) The enclosed areas are usable solely for building access, parking of vehicles, or storage.
- (m) Bridges. New construction or substantial improvement of any bridge in Zones ~~A1-30~~ and AE shall be designed such that:
- (1) When possible, the lowest horizontal member (excluding the pilings, or columns) is elevated to at least one (1) foot above the base flood elevation; and
  - (2) A registered professional engineer shall certify that:
    - a. The structural design and methods of construction shall meet the elevation requirements of this section and the floodway standards of Section 6(k); and
    - b. The foundation and superstructure attached thereto are designed to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all structural components. Water loading values used shall be those associated with the base flood.
- (n) Containment walls. New construction or substantial improvement of any containment wall located within:
- (1) Zones ~~A1-30 and A~~ and AE shall:
    - a. Have the containment wall elevated to at least one (1) foot above the base flood elevation;
    - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy; and
    - c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this section. Such certification shall be provided with the application for a flood hazard

development permit, as required by Section 3(8).

- (o) Wharves, piers and docks. New construction or substantial improvement of wharves, piers, and docks are permitted in zones ~~A1-30~~ and A and AE, in and over water and seaward of the mean high tide if the following requirements are met:
  - (1) Wharves, piers, and docks shall comply with all applicable local, state, and federal regulations; and
  - (2) For commercial wharves, piers, and docks, a registered professional engineer shall develop or review the structural design, specifications, and plans for the construction.

(Ord. No. 06-05, 4-20-06)

### **Sec. 7. Certificate of compliance.**

No land in a special flood hazard area shall be occupied or used and no structure which is constructed or substantially improved shall be occupied until a certificate of compliance is issued by the code enforcement official subject to the following provisions:

- a. For New construction or substantial improvement of any elevated structure the applicant shall submit to the code enforcement official, an elevation certificate completed by a professional land surveyor, registered professional engineer, or architect, for compliance with Section 6(f), (g), or (h).
- b. The applicant shall submit written notification to the code enforcement official that the development is complete and complies with the provisions of this ordinance.
- c. Within ten (10) working days, the code enforcement official shall:
  - 1. Review the elevation certificate and the applicant's written notification; and
  - 2. Upon determination that the development conforms with the provisions of this ordinance, shall issue a certificate of compliance.

(Ord. No. 06-05, 4-20-06)

### **Sec. 8. Review of subdivisions and development proposals**

The planning board shall, when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances or regulations and all projects on five (5) or more disturbed acres, or in the case of manufactured home parks divided into two (2) or more lots, assure that:

- (a) All such proposals are consistent with the need to minimize flood damage.
- (b) All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
- (c) Adequate drainage is provided so as to reduce exposure to flood hazards.
- (d) All proposals include base flood elevations, flood boundaries, and, in a riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.
- (e) Any proposed development plan must include a condition of plan approval

requiring that structures on any lot in the development having any portion of its land within a special flood hazard area, are to be constructed in accordance with Section 6 of this Article. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat, or plan to be signed by the planning board or local reviewing authority as part of the approval process.

(Ord. No. 06-05, 4-20-06)

### **Sec. 9. Enforcement and penalties**

- (a) It shall be the duty of the code enforcement official to enforce the provisions of this Article pursuant to Title 30-A M.R.S.A. § 4452.
- (b) The penalties contained in Title 30-A M.R.S.A. § 4452 shall apply to any violation of this Article.
- (c) In addition to any other actions, the code enforcement official, upon determination that a violation exists, ~~shall~~ may submit a declaration to the Administrator of the Federal Insurance Administration requesting a denial of flood insurance. The valid declaration shall consist of:
  - (1) The name of the property owner and address or legal description of the property sufficient to confirm its identity or location;
  - (2) A clear and unequivocal declaration that the property is in violation of a cited state or local law, regulation, or ordinance;
  - (3) A clear statement that the public body making the declaration has authority to do so and a citation to that authority;
  - (4) Evidence that the property owner has been provided notice of the violation and the prospective denial of insurance; and
  - (5) A clear statement that the declaration is being submitted pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

(Ord. No. 06-05, 4-20-06)

### **Sec. 10. Validity and severability.**

If any section or provision of this Article is declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Article.

(Ord. No. 06-05, 4-20-06)

### **Sec. 11. Conflict with other ordinances.**

This Article shall not in any way impair or remove the necessity of compliance with any other applicable rule, ordinance, regulation, bylaw, permit, or provision of law. Where this Article imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Article shall control.

(Ord. No. 06-05, 4-20-06)

## **Sec. 12. Abrogation.**

This Article repeals and replaces any municipal ordinance previously enacted to comply with the National Flood Insurance Act of 1968 (P.L. 90-488, as amended). (Ord. No. 06-05, 4-20-06)

### **Reason For Proposed Amendment**

The Federal Emergency Management Agency (FEMA) has completed a re-evaluation of flood hazards in Lewiston. Said re-evaluation has resulted in revised Flood Insurance Rate Maps (FIRM), Base Flood Elevations (BFE), and a new Flood Insurance Study (FIS). Because the FIS establishing revised BFE's for Lewiston has been completed, the National Flood Insurance Act of 1968 requires Lewiston to update their Flood Management Ordinances prior to July 8, 2013 to reference the newest FIRM's and FIS. Communities that fail to revise their ordinances will be suspended from participating in the National Flood Insurance Program (NFIP). Participation in the NFIP provides Lewiston a number of benefits including eligibility for disaster funding when the community is declared a disaster area and the availability of flood insurance to those who have federally backed mortgages in the floodplain. In addition, since 1993 Lewiston has participated in the NFIP's Community Rating System (CRS) providing flood insurance holders a 10% discount on flood insurance policies. Updating the Floodplain Ordinance will ensure Lewiston remains in good standing with FEMA as a community participating in the NFIP and the CRS.

### **Conformance with the Comprehensive Plan**

- Review permitting and licensing policies and practices to see where they can be streamlined in order to better service the development community. . . (see Economy, Policy 1, Strategy C, p 39).
- Avoid the problems associated with floodplain development and use by continuing to regulate land use through provision of the City's floodplain management standards including restrictive rezoning and continuing to work with FEMA's CRS program.



PAUL R. LEPAGE  
GOVERNOR

STATE OF MAINE  
DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY

DAVID H.

93 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0093

WALTER E. WHITCOMB  
COMMISSIONER

January 10, 2013

Mr. Edward Barrett, City Administrator  
City of Lewiston  
27 Pine Street  
Lewiston, Maine 04240-7298

[Certified Mail]

RE: Updated ordinance requirement for compliance with the National Flood Insurance Program (NFIP)

Dear Mr. Barrett:

Your community should have recently received a Letter of Final Determination (LFD) from the Federal Emergency Management Agency (FEMA) which sets the effective date of the new digital flood maps for all of Androscoggin County for July 8, 2013. This letter marks the beginning of a six month time period for communities to update their Floodplain Management Ordinances to reflect any changes since the last ordinance was adopted and to incorporate the new map date. **Your community must adopt an updated Floodplain Management Ordinance which references the new map date on or before July 8, 2013 in order to avoid being immediately suspended from the NFIP.**

Enclosed is a copy of the most current state model Floodplain Management Ordinance that has been customized specifically for your community. Participation in the NFIP provides protection to those members of your community who may be affected by flooding. One of the most important benefits is your town's eligibility for disaster funding to repair roads damaged by flooding when your county is in a declared disaster area. In addition, flood insurance is available to those who have federally backed mortgages in the floodplain. This is all possible by way of your community's commitment to adopt, administer and enforce its floodplain ordinance and your commitment to regulate development within flood prone areas.

Adoption of the new maps prior to the final map date will assure uninterrupted and continued participation in the NFIP. The enclosed ordinance contains all the changes that have occurred at the federal and state level since your ordinance was last adopted. Also enclosed is an instruction sheet that explains the ordinance adoption process. Since FEMA has very specific requirements regarding ordinance language we encourage communities to adopt the ordinance without changes. However, if you would like to make any changes, you should discuss them with this office prior to local consideration. This is to ensure that the ordinance remains compliant.

**Please make sure your community does not adopt any prior versions of the ordinance that we may have previously sent to your community.**

We filled in the application fee (in Article III) using the ordinance that is in effect now for your community. The application fee is set by the municipality so if you would like to review other fee options or change it, just let us know.

PHONE: (207) 287-2801

17 ELKINS LANE, WILLIAMS PAVILION  
www.maine.gov/acf

FAX: (207) 287-2353

Some communities have expressed concern about adopting maps that do not become effective until several months after they are adopted. Please note that is acceptable for the community to set the effective date of the ordinance to coincide with the day the new maps become effective.

Once your ordinance has been adopted, and certified by the Town Clerk, please send this office an electronic copy (if possible) and two (2) certified printed copies. We will forward one copy each to the FEMA regional office and the regional planning commission. An electronic copy will be filed here at the Maine Floodplain Management Program.

**Please provide us with contact information for the person who will be responsible locally for coordinating the ordinance update process. We would also like to know the scheduled dates for your public hearing and town meeting as we must track this information for all of Androscoggin County.** Please contact Janet Parker at 287-9981 or [janet.parker@maine.gov](mailto:janet.parker@maine.gov) as soon as this information is available.

Over the next few months we expect to host at least two outreach meetings in Androscoggin County. Usually one is scheduled for the afternoon and one in the early evening. These will be public informational sessions so that we can answer questions as to how folks will be affected by the new maps, particularly with regard to flood insurance. We hope you will have at least one local official in attendance and that you'll spread the word so that property owners have the opportunity to get their individual questions answered. Please feel free to contact me (287-8063 or [sue.baker@maine.gov](mailto:sue.baker@maine.gov)), Joe (287-8051 or [joseph.young@maine.gov](mailto:joseph.young@maine.gov)), or Janet (298-9981 or [janet.parker@maine.gov](mailto:janet.parker@maine.gov)) at any time throughout this process if you have questions or need additional assistance.

Best Regards,



Sue Baker, CFM  
State NFIP Coordinator

Enclosures: Customized 2013 Model Ordinance  
Adoption Instructions

Cc: Gil Arsenault, Code Enforcement Officer  
David Hediger, City Planner



# Federal Emergency Management Agency

Washington, D.C. 20472

David H

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:  
19P

January 8, 2013

The Honorable Robert E. Macdonald  
Mayor, City of Lewiston  
City Hall  
27 Pine Street  
Lewiston, Maine 04240

Community: City of Lewiston,  
Androscoggin County, Maine  
Community No.: 230004  
Map Panels Affected: See FIRM Index

Dear Mayor Macdonald:

This is to formally notify you of the final flood elevation determination for the City of Lewiston, Androscoggin County, Maine (All Jurisdictions), in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood elevations shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*.

On September 28, 1979, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) issued a Flood Insurance Rate Map (FIRM) that identified the Special Flood Hazard Areas (SFHAs), the areas subject to inundation by the base (1-percent-annual-chance) flood, in your community. Recently, FEMA completed a re-evaluation of flood hazards in your community. On May 2, 2011, FEMA provided you with Preliminary copies of the Flood Insurance Study (FIS) report and FIRM that identify existing flood hazards in your community, including Base Flood Elevations (BFEs). The proposed BFEs for your community were published in the *Sun Journal* on May 31, 2012, and June 7, 2012 and in the *Federal Register*, at Part 67, Volume 75, Pages 25495 and 25496, on April 30, 2012.

The statutory 90-day appeal period, which was initiated on the second newspaper publication date cited above, has ended. FEMA did not receive any appeals of the proposed BFEs during that time. Accordingly, the BFEs for your community are considered final. The final rule for BFEs will be published in the *Federal Register* as soon as possible. The FIRM for your community will become effective on July 8, 2013. Before the effective date, FEMA will send you final printed copies of the FIS report and FIRM.

Because the FIS report establishing the BFEs for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter. Prior to July 8, 2013, your community is required, as a condition of continued eligibility in the National Flood Insurance Program (NFIP), to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d) of the NFIP regulations (44 CFR 59, etc.) by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

It must be emphasized that all the standards specified in Paragraph 60.3(d) of the NFIP regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIS report and FIRM to which the regulations apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your community can meet any additional requirements by taking one of the following actions:

1. Amending existing regulations to incorporate any additional requirements of Paragraph 60.3(d);
2. Adopting all the standards of Paragraph 60.3(d) into one new, comprehensive set of regulations; or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of Paragraph 60.3(d).

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended.

In addition to your community using the FIS report and FIRM to manage development in the floodplain, FEMA will use the FIS report and FIRM to establish appropriate flood insurance rates. On the effective date of the revised FIRM, actuarial rates for flood insurance will be charged for all new structures and substantial improvements to existing structures located in the identified SFHAs. These rates may be higher if structures are not built in compliance with the floodplain management standards of the NFIP. The actuarial flood insurance rates increase as the lowest elevations (including basement) of new structures decrease in relation to the BFEs established for your community. This is an important consideration for new construction because building at a higher elevation can greatly reduce the cost of flood insurance.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions (SOMA) to document previous Letter of Map Change (LOMC) actions (i.e., Letters of Map Amendment [LOMAs], Letters of Map Revision [LOMRs]) that will be superseded when the revised FIRM panels referenced above become effective. Information on LOMCs is presented in the following four categories: (1) LOMCs for which results have been included on the revised FIRM panels; (2) LOMCs for which results could not be shown on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lots or structures involved were outside the SFHA as shown on the FIRM; (3) LOMCs for which results have not been included on the revised FIRM panels because the flood hazard information on which the original determinations were based are being superseded by new flood hazard information; and (4) LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures cannot be revalidated through an administrative process like the LOMCs in Category 2 above. LOMCs in Category 2 will be revalidated through a single letter that reaffirms the validity of a previously issued LOMC; the letter will be sent to your community shortly before the effective date of the revised FIRM and will become effective 1 day after the revised FIRM becomes effective. For the LOMCs listed in Category 4, we will review the data previously submitted for the LOMA or LOMR request and issue a new determination for the affected properties after the revised FIRM becomes effective.

The FIS report and FIRM for your community have been prepared in our countywide format, which means that flood hazard information for all jurisdictions has been combined into one FIS report and FIRM. When the FIS report and FIRM are printed and distributed, your community will receive only those panels that present flood hazard information for your community. We will provide complete sets of the FIRM panels to county officials, where they will be available for review by your community.

The FIRM panels have been computer-generated. Once the FIS report and FIRM are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided to your community for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance purchase and rating requirements, and many other planning applications. Copies of the digital files or paper copies of the FIRM panels may be obtained by calling our FEMA Map Information eXchange (FMIX), toll free, at 1-877-FEMA MAP (1-877-336-2627). In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

If your community is encountering difficulties in enacting the necessary floodplain management measures required to continue participation in the NFIP, we urge you to call the Director, Federal Insurance and Mitigation Division of FEMA Region I, in Boston, Massachusetts, at (617) 956-7506 for assistance. If you have any questions concerning mapping issues in general, or the enclosed Summary of Map Actions, please call FMIX at the telephone number shown above. Additional information and resources your community may find helpful regarding the NFIP and floodplain management, such as *The National Flood Insurance Program Code of Federal Regulations*, *Answers to Questions About the NFIP*, *Frequently Asked Questions Regarding the Effect that Revised Flood Hazards have on Existing Structures*, *Use of Flood Insurance Study (FIS) Data as Available Data*, and *National Flood Insurance Program Elevation Certificate and Instructions*, can be found on our website at <http://www.floodmaps.fema.gov/lfd>. Paper copies of these documents may also be obtained by calling FMIX.

Sincerely,



Luis Rodriguez, P.E., Chief  
Engineering Management Branch  
Federal Insurance and Mitigation Administration

Enclosure:

Final Summary of Map Actions

cc: Community Map Repository  
Gildace J. Arsenault, Planning and Code Enforcement Director, City of Lewiston

## FINAL SUMMARY OF MAP ACTIONS

Community: LEWISTON, CITY OF

Community No: 230004

To assist your community in maintaining the Flood Insurance Rate Map (FIRM), we have summarized below the previously issued Letter of Map Change (LOMC) actions (i.e., Letters of Map Revision (LOMRs) and Letters of Map Amendment (LOMAs)) that will be affected when the revised FIRM becomes effective on July 8, 2013.

### 1. LOMCs Incorporated

The modifications effected by the LOMCs listed below will be reflected on the revised FIRM. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
			NO CASES RECORDED		

### 2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below will not be reflected on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as shown on the FIRM. These LOMCs will remain in effect until the revised FIRM becomes effective. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMA	02-01-1048A	06/12/2002	332 RUSSELL STREET EXT.	2300040010B	23001C0331E
LOMA	04-01-0446A	02/26/2004	1222 SABATTUS STREET	2300040010B	23001C0332E
LOMA	08-01-1025A	07/24/2008	COLLEGE GREEN, LOT 4 - 8 BOWDOIN DRIVE	2300040005B	23001C0218E
LOMA	10-01-0806A	03/04/2010	10 Tall Pines Road	2300040005B	23001C0214E

### 3. LOMCs Superseded

The modifications effected by the LOMCs listed below have not been reflected on the Final revised FIRM panels because they are being superseded by new detailed flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

## FINAL SUMMARY OF MAP ACTIONS

Community: LEWISTON, CITY OF

Community No: 230004

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination Will be Superseded
LOMA	199500243R01	03/29/1995	UNAVAILABLE	1
LMMP-L	95-01-075P	08/30/1995	JEPSON BROOK	4
LOMA	00-01-0406A	03/03/2000	10 FALCON ROAD	2
LOMA	12-01-1159A	03/15/2012	TAX MAP 190, LOT 5 -- 20 TALL PINES DRIVE	2

1. Insufficient information available to make a determination.
2. Lowest Adjacent Grade and Lowest Finished Floor are below the proposed Base Flood Elevation.
3. Lowest Ground Elevation is below the proposed Base Flood Elevation.
4. Revised hydrologic and hydraulic analyses.
5. Revised topographic information.

#### 4. LOMCs To Be Redetermined

The LOMCs in Category 2 above will be revalidated through a single revalidation letter that reaffirms the validity of the determination in the previously issued LOMC. For LOMCs issued for multiple lots or structures where the determination for one or more of the lots or structures has changed, the LOMC cannot be revalidated through this administrative process. Therefore, we will review the data previously submitted for the LOMC requests listed below and issue a new determination for the affected properties after the effective date of the revised FIRM.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
			NO CASES RECORDED		