

**LEWISTON CITY COUNCIL AGENDA  
CITY COUNCIL CHAMBERS  
MARCH 5, 2013**

**6:00 p.m. Executive Session** - To review application submitted under Title 36, section 841(2).

**6:30 p.m. Workshop** - Winter Parking Ban

**7:00 p.m. Regular Meeting**

Pledge of Allegiance to the Flag.

Moment of Silence.

Recognition of Ice Festival of Lewiston/Auburn event organizers

Public Comment period - Any member of the public may make comments regarding issues pertaining to Lewiston City Government (maximum time limit is 15 minutes for all comments)

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 6.

**REGULAR BUSINESS:**

1. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Carlton Club, 25 Sabattus Street.
2. Public Hearing and First Passage for the conditional rezoning of the property at 393 Main Street from the Community Business (CB) District to the Downtown Residential (DR) District.
3. Order authorizing the Library Director to apply for an AmeriCorps member to coordinate the Academic Success Homework Help program.
4. Request for Abatement of Property Taxes for application submitted under Title 36, section 841(2).
5. Reports and Updates.  
Rep. Rotundo will provide an update of the state budget process.
6. Any other City Business Councilors or others may have relating to Lewiston City Government.
7. Executive Session to discuss Real Estate Negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

**LEWISTON CITY COUNCIL**  
**MEETING OF MARCH 5, 2013**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 6:00pm**

**SUBJECT:**

Executive Session to review application submitted under Title 36, section 841 (2)

**INFORMATION:**

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings. The City Council shall meet in executive session to review an application submitted under Title 36, section 841 (2).

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

Entering into executive session is permitted and defined under Maine State Statutes.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To enter into executive session to review an application submitted under M.R.S.A., Title 36, section 841 (2).



## City of Lewiston Executive Department

EDWARD A. BARRETT  
City Administrator

PHIL NADEAU  
Deputy City Administrator



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February 26, 2013

To: Honorable Mayor and Members of the City Council  
Fr: Edward A. Barrett  
Su: Parking Bans

Councilor Desjardins has asked that an item be placed on the workshop agenda to discuss the process by which parking bans are determined and put into place. He expressed a concern that the parking ban set for Saturday, February 23<sup>rd</sup> went into effect at 11 p.m., potentially creating a problem for businesses that operate late into the night/early morning and resulting in ticketing patrons of such establishments.

### Procedure

When a storm is predicted, the Director of Public Works and the Police Chief confer as to the necessity and timing of a parking ban. They also normally discuss their thinking with me. Once a decision is reached, it is announced to the media, posted on our web site and Facebook page, and an emergency alert is sent to subscribers to that system.

### Storm of February 23<sup>rd</sup>/24<sup>th</sup>

The Public Works Director and Chief of Police conferred early Friday morning and recommended that a parking ban be established from 11 p.m. on Saturday, February 23<sup>rd</sup> to expire at 6 a.m. on Monday, February 25<sup>th</sup>. This was based on the forecast at that time, which called for snow to increase on Saturday evening. Auburn announced a similar ban shortly thereafter.

Normally, we try to provide sufficient advance notice to ensure that the public has an opportunity to learn of a ban prior to its going into effect. Since this was a weekend storm, we also wished to get the word out as early as possible to ensure it would be covered in the Friday evening newscasts and Saturday morning's Sun Journal, given the limited local news over the weekend. In addition, we try, whenever possible, to institute bans early in the morning (before commuter traffic picks up) or in the evening (after most businesses have closed). We also attempt to pick a time that alerts residents who park on the street that they should make alternate arrangements for their vehicles before they go to bed. In this instance, 11 p.m. is after most, but not all, businesses are closed and at a time when residents should know they must find someplace to park their vehicles over night.

The predicted snow, particularly the heaviest periods of it, arrived later than initially predicted. We began salting and sanding at 8 p.m. on Saturday and plowing at 7 a.m. on Sunday, at which

time there were about 4 inches of snow on the ground.

#### Parking Tickets Issued

A total of 125 parking tickets were issued during the ban. Five of those tickets were issued prior to midnight on the night of the 23<sup>rd</sup>, with the first issued at 11:50 p.m., fifty minutes after the ban went into effect. According to Chief Bussiere, this is consistent with the normal routine of the morning watch officers who come on duty at 11 p.m. and will issue tickets and/or tow cars as time permits between handling calls.

Officers make an effort to locate owners prior to towing cars and generally try not to tow vehicles if they feel they may be associated with a particular business that might still be open. In some instances, it can be difficult to tell what vehicles may be associated with a business, particularly if the vehicle is snow covered and/or otherwise looks like it has been parked for awhile. Thirty (30) vehicles were towed during the two night ban. It is my understanding that the vast majority of vehicles towed belonged to Bates College students who were away on Spring Break and left their vehicles on the street rather than relocating to off-street parking while they were away.

A listing of all of the tickets issued is attached.

David Jones, Mike Bussiere, and I will be present on Tuesday to answer any questions you may have.



Lewiston Police Department  
Tickets by Date  
FROM: 02/23/2013 THRU: 02/25/2013

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02/26/2013

<u>Date</u>	<u>Time</u>	<u>Officer</u>	<u>Ticket Number</u>	<u>Location</u>
<del>02/23/2013</del>	<del>1300</del>	<del>LPD1781</del>	<del>F209705</del>	<del>Highland Ave Violation(s)&gt; Overnight Park / Snow Rem</del>
02/23/2013	2352	LPD3175	F218155	College St <i>250</i> Violation(s)> Emergency Parking Ban
02/23/2013	2350	LPD3390	F219941	Acadia Ave Violation(s)> Emergency Parking Ban
02/23/2013	2352	LPD3390	F219942	Webber Ave <i>138</i> Violation(s)> Emergency Parking Ban
02/23/2013	2354	LPD3390	F219943	Webber Ave <i>127</i> Violation(s)> Emergency Parking Ban
02/23/2013	2356	LPD3390	F219945	Webber Ave <i>121</i> Violation(s)> Emergency Parking Ban
02/24/2013	0032	LPD3175	F218156	Campus Ave Violation(s)> Emergency Parking Ban
02/24/2013	0112	LPD1966	F219433	Maple St Violation(s)> Emergency Parking Ban
02/24/2013	0114	LPD1966	F219434	Maple St Violation(s)> Emergency Parking Ban
02/24/2013	0115	LPD1966	F219435	Maple St Violation(s)> Emergency Parking Ban
02/24/2013	0117	LPD1966	F219436	Blake St Violation(s)> Emergency Parking Ban
02/24/2013	0025	LPD1966	F219812	Bates St Violation(s)> Emergency Parking Ban
02/24/2013	0427	LPD1966	F220001	Bartlett St Violation(s)> Emergency Parking Ban
02/24/2013	0449	LPD1966	F220002	Knox St Violation(s)> Emergency Parking Ban
02/24/2013	0122	LPD3047	F207577	Ash St Violation(s)> Overnight Park / Snow Rem
02/24/2013	0124	LPD3047	F207578	Howard St Violation(s)> Overnight Park / Snow Rem
02/24/2013	0125	LPD3047	F207579	Walnut St Violation(s)> Overnight Park / Snow Rem
02/24/2013	0135	LPD3047	F207581	Bartlett St Violation(s)> Overnight Park / Snow Rem

**Lewiston Police Department**  
**Tickets by Date**  
**FROM: 02/23/2013 THRU: 02/25/2013**

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<u>Date</u>	<u>Time</u>	<u>Officer</u>	<u>Ticket Number</u>	<u>Location</u>
02/24/2013	0135	LPD3047	F207582 Violation(s)>	Bartlett St Overnight Park / Snow Rem
02/24/2013	0142	LPD3047	F207584 Violation(s)>	Pine St Overnight Park / Snow Rem
02/24/2013	0144	LPD3047	F207585 Violation(s)>	Leeds St Overnight Park / Snow Rem
02/24/2013	0145	LPD3047	F207586 Violation(s)>	Leeds St Overnight Park / Snow Rem
02/24/2013	0148	LPD3047	F207587 Violation(s)>	Webster St Overnight Park / Snow Rem
02/24/2013	0154	LPD3047	F207588 Violation(s)>	Androscoggin Ave Overnight Park / Snow Rem
02/24/2013	0439	LPD3047	F207589 Violation(s)>	Beacon St Overnight Park / Snow Rem
02/24/2013	0440	LPD3047	F207590 Violation(s)>	Beacon St Overnight Park / Snow Rem
02/24/2013	0441	LPD3047	F207591 Violation(s)>	Beacon St Overnight Park / Snow Rem
02/24/2013	0442	LPD3047	F207592 Violation(s)>	Beacon St Overnight Park / Snow Rem
02/24/2013	0441	LPD3047	F207593 Violation(s)>	Beacon St Overnight Park / Snow Rem
02/24/2013	0237	LPD3175	F218160 Violation(s)>	Wood St Emergency Parking Ban
02/24/2013	0237	LPD3175	F2018160 Violation(s)>	Wood St Emergency Parking Ban
02/24/2013	1413	LPD2239	F218876 Violation(s)>	Oak/Elm Emergency Parking Ban
02/24/2013	1440	LPD2239	F218877 Violation(s)>	Oak St Emergency Parking Ban
02/24/2013	0013	LPD3390	F219186 Violation(s)>	Valley St Emergency Parking Ban
02/24/2013	0016	LPD3390	F219187 Violation(s)>	Heathwood Ln Emergency Parking Ban
02/24/2013	0025	LPD3390	F219188	Perrier St

**Lewiston Police Department**  
**Tickets by Date**  
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<u>Date</u>	<u>Time</u>	<u>Officer</u>	<u>Ticket Number</u>	<u>Location</u>
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0045	LPD3390	F219189	Dawn Ave
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0121	LPD3390	F219190	Noble St
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0124	LPD3390	F219191	Noble St
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0125	LPD3390	F219192	Noble St
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0127	LPD3390	F219193	Noble St
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0145	LPD3390	F219194	Foch/Pleasant St
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0354	LPD2149	F219247	Tampa St
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0355	LPD2149	F219248	Sylvan/Tampa
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0356	LPD2149	F219249	Sylvan Ave
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0358	LPD2149	F219250	Sylvan Ave
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0055	LPD1966	F219427	Pierce St
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0059	LPD1966	F219429	Birch St
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0111	LPD1966	F219432	Maple St
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0118	LPD1966	F219437	Blake St
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0119	LPD1966	F219438	Blake St
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0135	LPD1966	F219439	Spruce St
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0243	LPD2962	F219445	Oxford St
			<b>Violation(s)&gt;</b>	Emergency Parking Ban

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Tickets by Date  
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<u>Date</u>	<u>Time</u>	<u>Officer</u>	<u>Ticket Number</u>	<u>Location</u>
02/24/2013	1320	LPD1620	F219501 Violation(s)>	Holland St Emergency Parking Ban
02/24/2013	0050	LPD1966	F219824 Violation(s)>	Pierce St Emergency Parking Ban
02/24/2013	1343	LPD1620	F219504 Violation(s)>	Summer St Emergency Parking Ban
02/24/2013	1346	LPD1620	F219505 Violation(s)>	Summer St Emergency Parking Ban
02/24/2013	1410	LPD1620	F219506 Violation(s)>	Pine/Howe Emergency Parking Ban
02/24/2013	0015	LPD1966	F219807 Violation(s)>	Knox St Emergency Parking Ban
02/24/2013	0017	LPD1966	F219808 Violation(s)>	Knox St Emergency Parking Ban
02/24/2013	0021	LPD1966	F219809 Violation(s)>	Bates St Emergency Parking Ban
02/24/2013	0022	LPD1966	F219810 Violation(s)>	Bates St Emergency Parking Ban
02/24/2013	0024	LPD1966	F219811 Violation(s)>	Bates St Emergency Parking Ban
02/24/2013	0826	LPD1966	F219813 Violation(s)>	Bates St Emergency Parking Ban
02/24/2013	0027	LPD1966	F219814 Violation(s)>	Bates St Emergency Parking Ban
02/24/2013	0029	LPD1966	F219815 Violation(s)>	Bates St Emergency Parking Ban
02/24/2013	0030	LPD1966	F219816 Violation(s)>	Bates St Emergency Parking Ban
02/24/2013	0031	LPD1966	F219817 Violation(s)>	Bates St Emergency Parking Ban
02/24/2013	0033	LPD1966	F219818 Violation(s)>	Bates St Emergency Parking Ban
02/24/2013	0040	LPD1966	F219820 Violation(s)>	Pine St Emergency Parking Ban
02/24/2013	0040	LPD1966	F219821 Violation(s)>	Pine St Emergency Parking Ban

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<u>Date</u>	<u>Time</u>	<u>Officer</u>	<u>Ticket Number</u>	<u>Location</u>
02/24/2013	0040	LPD1966	F219822	Pine St
			Violation(s)>	Emergency Parking Ban
02/24/2013	0027	LPD3623	F219878	Holland St
			Violation(s)>	Emergency Parking Ban
02/24/2013	0030	LPD3623	F219879	Holland St
			Violation(s)>	Emergency Parking Ban
02/24/2013	0033	LPD3623	F219880	Holland St
			Violation(s)>	Emergency Parking Ban
02/24/2013	0040	LPD3623	F219881	Holland St
			Violation(s)>	Emergency Parking Ban
02/24/2013	0042	LPD3623	F219882	Main St
			Violation(s)>	Emergency Parking Ban
02/24/2013	0056	LPD3623	F219884	Davis St
			Violation(s)>	Emergency Parking Ban
02/24/2013	0116	LPD3623	F219885	Whipple/Main
			Violation(s)>	Emergency Parking Ban
02/24/2013	0144	LPD3623	F219886	Spring St
			Violation(s)>	Emergency Parking Ban
02/24/2013	0047	LPD3623	F219887	Spring St
			Violation(s)>	Emergency Parking Ban
02/24/2013	005	LPD1966	F219426	Pierce St
			Violation(s)>	Emergency Parking Ban
02/24/2013	0052	LPD1966	F219825	Pierce St
			Violation(s)>	Emergency Parking Ban
02/24/2013	0155	LPD3623	F219888	Main St
			Violation(s)>	Emergency Parking Ban
02/24/2013	0036	LPD1966	F219819	Pine St
			Violation(s)>	Emergency Parking Ban
02/24/2013	0158	LPD3623	F219889	Main St
			Violation(s)>	Emergency Parking Ban
02/24/2013	0246	LPD3623	F219891	Main St
			Violation(s)>	Emergency Parking Ban
02/24/2013	0137	LPD3047	F207583	Bartlett St
			Violation(s)>	Overnight Park / Snow Rem
02/24/2013	0317	LPD3623	F219892	Spring St

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Tickets by Date  
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<u>Date</u>	<u>Time</u>	<u>Officer</u>	<u>Ticket Number</u>	<u>Location</u>
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0205	LPD2962	F219442	River St
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0229	LPD2962	F219443	Oxford St
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0325	LPD3623	F219893	Main/Curtis
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0351	LPD3623	F219895	Union St
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0159	LPD3175	F218159	College St
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0354	LPD3623	F219896	Union St
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0400	LPD3623	F219897	Blake/College
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0154	LPD2962	F219441	Oxford St
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0335	LPD3623	F219894	Oak St
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0047	LPD3623	F219883	Frye St
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0156	LPD3175	F218158	College St
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	1515	LPD1781	F218901	Cottage St
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0140	LPD1966	F219440	Spruce St
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0059	LPD1966	F219430	Birch St
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0057	LPD1966	F219428	Pierce St
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0206	LPD3623	F219890	College St
			<b>Violation(s)&gt;</b>	Emergency Parking Ban
02/24/2013	0525	LPD1966	F220003	Park St
			<b>Violation(s)&gt;</b>	Emergency Parking Ban

**Lewiston Police Department**  
**Tickets by Date**  
**FROM: 02/23/2013 THRU: 02/25/2013**

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<u>Date</u>	<u>Time</u>	<u>Officer</u>	<u>Ticket Number</u>	<u>Location</u>
02/24/2013	0045	LPD1966	F219823 Violation(s)>	Blake St Emergency Parking Ban
02/24/2013	0235	LPD2962	F219444 Violation(s)>	Oxford St Emergency Parking Ban
02/24/2013	0001	LPD3390	F219946 Violation(s)>	First St Emergency Parking Ban
02/24/2013	0002	LPD3390	F219947 Violation(s)>	First St Emergency Parking Ban
02/24/2013	0003	LPD3390	F219948 Violation(s)>	First St Emergency Parking Ban
02/24/2013	0007	LPD3390	F219949 Violation(s)>	Fairmount St Emergency Parking Ban
02/24/2013	0008	LPD3390	F219950 Violation(s)>	Fairmount St Emergency Parking Ban
02/24/2013	0400	LPD2149	F220026 Violation(s)>	Sylvan Ave Emergency Parking Ban
02/24/2013	0401	LPD2149	F220027 Violation(s)>	Sylvan Ave Emergency Parking Ban
02/24/2013	0405	LPD2149	F220028 Violation(s)>	Highland Ave Emergency Parking Ban
02/24/2013	0413	LPD2149	F220029 Violation(s)>	Campus Ave Emergency Parking Ban
02/24/2013	0428	LPD2149	F220030 Violation(s)>	Colton St Emergency Parking Ban
02/24/2013	0433	LPD2149	F220031 Violation(s)>	Laurier St Emergency Parking Ban
02/24/2013	0438	LPD2149	F220032 Violation(s)>	Demi Cir Emergency Parking Ban
02/25/2013	0010	LPD3572	F219951 Violation(s)>	Frye/College Emergency Parking Ban
02/25/2013	0040	LPD2244	F218927 Violation(s)>	Lincoln St Emergency Parking Ban
02/25/2013	0035	LPD3133	F218110 Violation(s)>	Blake St Emergency Parking Ban
02/25/2013	0035	LPD3133	F218111 Violation(s)>	Blake St Emergency Parking Ban

Lewiston Police Department  
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<u>Date</u>	<u>Time</u>	<u>Officer</u>	<u>Ticket Number</u>	<u>Location</u>
02/25/2013	0120	LPD3133	F218112	Curtis/Main
			Violation(s)>	Emergency Parking Ban

**LEWISTON CITY COUNCIL**  
**MEETING OF MARCH 5, 2013**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 1**

**SUBJECT:**

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Carlton Club, 25 Sabattus Street.

**INFORMATION:**

We have received a renewal application for a Special Amusement Permit for Live Entertainment from the Carlton Club, 25 Sabattus Street.

The Police Department has reviewed and approved the application.

There was no reference to this business or property address in the Council Constituent Concern log, as maintained by the Administrator's Office.

The business owner has been notified of the public hearing and requested to attend.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EAB/klmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to the Carlton Club, 25 Sabattus Street.

CITY OF LEWISTON  
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 2/15/13 Expiration Date: 3/11/13 License fee: \$116.00

- Class A - restaurants with entertainment, which does not have dancing  
 Class B - lounges/bars with entertainment, which does not have dancing  
 Class C - either restaurants or lounges/bars with entertainment, including dancing  
 Class D - function halls with entertainment, including dancing  
 Class E - dance hall or nightclub that admits persons under the age of 21  
 Class F - "chem-free" dance hall or nightclub for patrons aged 18 years and older, with no liquor service

Renewal Applicants: Has any or all ownership changed in the 12 months?  Yes  No

\*\*\*\*PLEASE PRINT\*\*\*\*

Business Name: Carlton Club, Inc. Business Phone: 207-784-9280

Location Address: 25 Sabbathus St. Lewiston ME 04240

(If new business, what was formerly in this location: \_\_\_\_\_)

Mailing Address: 25 Sabbathus St. Lewiston, ME 04240

Contact Person: Steve Bernard Home Phone: 240-9530

Owner of Business: Treasurer, Steve Bernard Date of Birth: 7-10-59

Address of Owner: 70 Terrace Ave Auburn ME 04210

Manager of Establishment: Shanon Mendenhall Date of Birth: ~~0000~~ 7-21-77

Owner of Premises (landlord): Robert Carl Uguhart

Address of Premises Owner: 9017 Black Chestnut Dr Leland NC 28451

Does the issuance of this license directly or indirectly benefit any City employee(s)?  Yes  No  
If yes, list the name(s) of employee(s) and department(s): \_\_\_\_\_

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Lewiston?  Yes  No If yes, please list business name(s) and location(s): \_\_\_\_\_

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of the law?  Yes  No If yes, please explain: \_\_\_\_\_

CORPORATION APPLICANTS: Please attach a list of all principal officers, date of birth & town of residence

Corporation Name: Carlton Club, Inc.

Corporation Mailing Address: 25 Sabbaths St Lewiston ME 04246

Contact Person: Steve Bernard Phone: 207-784-9280

Do you permit dancing on premises? \_\_\_ Yes  No (If yes, you must first obtain a dance hall permit from the State Fire Marshall's Office) If yes, do you permit dancing or entertainment after 1:00 AM? \_\_\_ Yes  No

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 20ft upstairs apartment

Please describe the type of proposed entertainment:

- dancing
- stand up comedian
- piano player
- music by DJ
- karaoke
- other, please list \_\_\_\_\_
- live band/singers
- magician
- other, please list \_\_\_\_\_

If new applicant, what is your opening date?: \_\_\_\_\_

\*\*\*\*\*

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

I/We hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We hereby waive any rights to privacy with respect thereto.

Signature: [Signature] Title: Treasurer Date: 2/15/13

Printed Name: \_\_\_\_\_

\*\*\*\*\*

Sent to Code Enforcement: \_\_\_\_\_ Need reply by: \_\_\_\_\_ Approved: \_\_\_\_\_

Sent to Police & Fire: \_\_\_\_\_

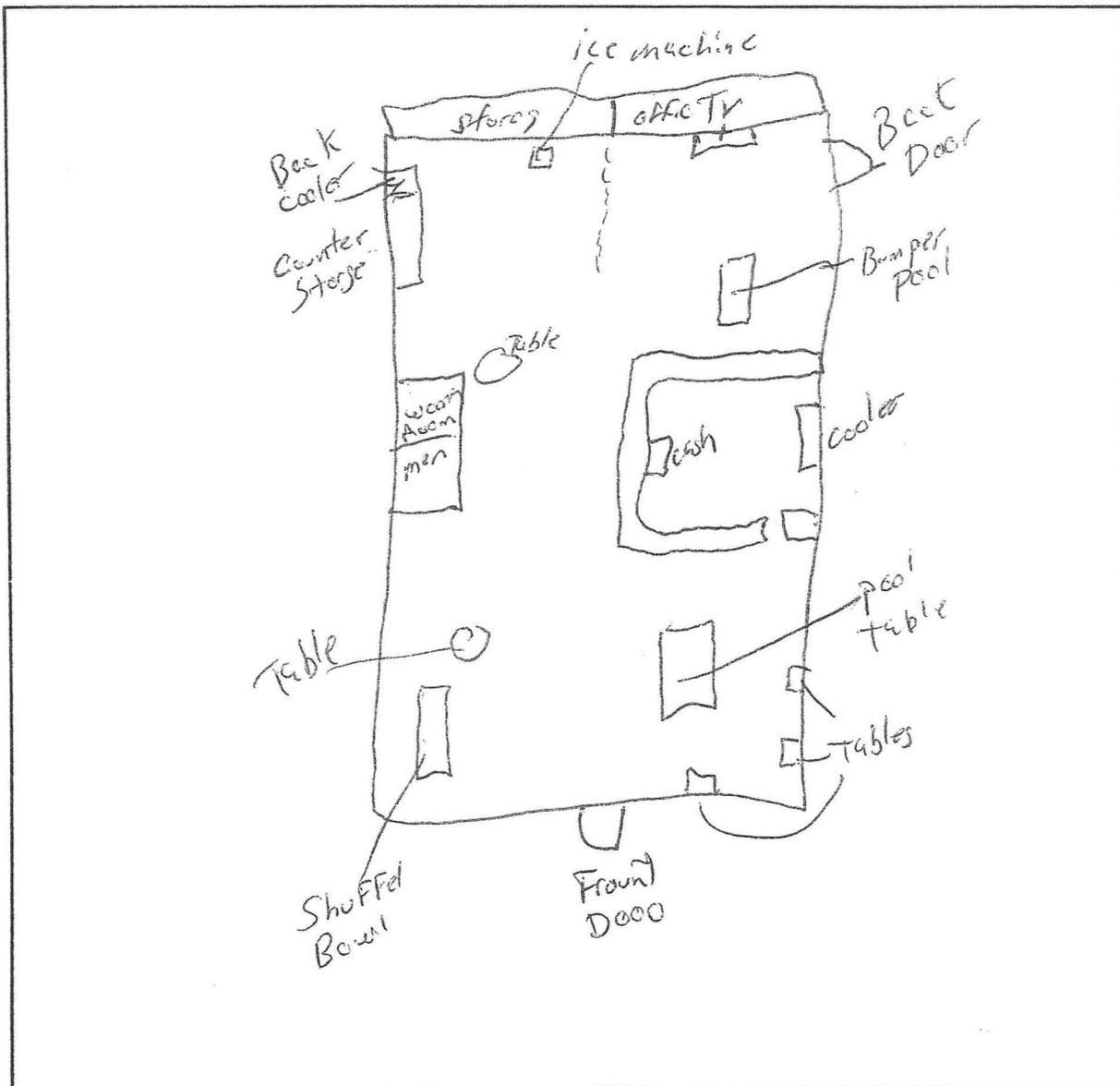
\*\*\*\*\*

Hearing Date: \_\_\_\_\_ Approved by Council: \_\_\_\_\_ Vote No: \_\_\_\_\_

**SPECIAL AMUSEMENT PERMIT  
SUPPLEMENTAL APPLICATION FORM  
ON-PREMISE DIAGRAM**

In an effort to clearly define your licensed premise and areas that the entertainment is allowed, the City of Lewiston is requiring all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram showing where in the facility the entertainment will be, the direction of any speakers and where the dance floor, if any will be located.





## ***POLICE DEPARTMENT***

Michael J. Bussiere  
Chief of Police



TO: Kelly Mercier, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: February 1, 2013

RE: Liquor License/Special Amusement Permit – **Carlton Club**

We have reviewed Liquor License/Special Amusement Permit Application and have no objections to the following establishment;

**Carlton Club**  
**25 Sabattus Street**



---

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[www.lewistonpd.org](http://www.lewistonpd.org)



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# LEWISTON CITY COUNCIL

## MEETING OF MARCH 5, 2013

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 2**

**SUBJECT:**

Public Hearing and First Passage for the conditional rezoning of the property at 393 Main Street from the Community Business (CB) District to the Downtown Residential (DR) District.

**INFORMATION:**

The Planning Board voted 7-0 to send a favorable recommendation to the City Council to conditionally rezone the property at 393 Main Street from the Community Business (CB) District to the Downtown Residential (DR) District, subject to the conditional rezoning agreement.

Veteran's Inc. has submitted a petition to request a conditional rezoning of this property to allow an increase in the number of dwelling units from 11 to 25 efficiency units to house veterans. Last spring, approval was granted to allow the 11 units at the site of the former St. Joseph's School. The housing units will provide transitional housing for men in a safe, drug and alcohol free facility. Veteran's Inc. would like to expand from 11 to 25 units.

Please see the enclosed memorandum from City Planner David Hediger for additional information as well as a site map and other background information.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator supports the requested action.

*EABIKmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To approve first passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the property at 393 Main Street from the Community Business (CB) District to the Downtown Residential (DR) District, subject to a conditional agreement, and that the public hearing on the rezoning request be continued to the next regular City Council meeting for final passage.

# MEMORANDUM

TO: Mayor Robert E. Macdonald  
Members of the City Council

FR: Gildace J. Arsenault, Director of Planning and Code Enforcement

RE: 393 Main Conditional Rezoning Recommendation

DT: February 26, 2013

Included with your Council materials for the meeting of March 5, 2013 you will find the following documents relative to the above referenced matter:

A memorandum from me regarding the February 25, 2013 Planning Board recommendation to the Lewiston City Council for the conditional rezoning of 393 Main Street

A copy of a memorandum to the Planning Board dated February 15, 2013 from City Planner David Hediger regarding a request from Veteran's Inc. to conditionally rezone 393 Maine Street from the community business district to the downtown residential district

A copy of an ordinance pertaining to zoning boundaries submitted by Veterans, Inc.

As you will learn upon your review of the above mentioned documents, Veteran's Inc. received Planning Board approval on May 14, 2012 to convert the former St. Josephs School property located at 393 Main Street to eleven (11) dwelling units with a total of twenty-four (24) bedrooms to provide occupancy for up to twenty-four (24) United States military veterans. This facility, as approved, also includes medical, vocational and nutritional services and administrative functions for the veterans to be housed at this location.

Veteran's Inc. has given greater consideration to their development of 393 Main Street, and they wish to create up to twenty-five (25) efficiency dwelling units for a maximum of twenty-five (25) veterans to include the provision of the above mentioned services. The property is currently zoned community business and, given the required minimum net lot area of 3,000 square feet per dwelling unit, the property cannot be developed with more than eleven (11) dwelling units. The minimum net lot area per dwelling unit for properties zoned downtown residential is 1,500 square feet. If the conditional rezoning is approved, the proposed twenty-five (25) dwelling units can be developed.

Staff, along with representatives from Veterans Inc., will be on hand at your March 5<sup>th</sup> meeting to field any questions that you may have regarding this request.



## CITY OF LEWISTON

### Department of Planning & Code Enforcement



**TO: Planning Board**  
**FROM: David Hediger, City Planner**  
**DATE: February 15, 2013**  
**RE: February 25, 2013 Planning Board Agenda Item IV(a)**

**A petition submitted by Veterans Inc. to conditionally rezone the property at 393 Main Street from the Community Business (CB) district to the Downtown Residential (DR) district.**

Veterans Inc. has submitted a petition to conditionally rezone the property at 393 Main Street from the Community Business (CB) district to the Downtown Residential (DR) district pursuant to Article XVII, Section 5 of the Zoning and Land Use Code to allow an increase in the number of dwelling units from 11 to 25 efficiency units to house veterans. The Board will recall granting approval on May 14, 2012 to Veterans, Inc. to convert the existing St. Josephs School located at 393 Main Street into 11 residential dwelling units for veterans. These dwelling units will provide transitional housing for men in a safe, drug- and alcohol-free facility. The goal of this housing and related support services is to give veterans a stable base from which to find or hold a job, continue their physical or mental recovery, and, ultimately, return to independent living.

The applicant is now requesting that the property be conditionally rezoned to DR in order to add additional dwelling units to the property. The property at 393 Main Street is currently zoned community business (CB). The conditional rezoning agreement will be limited to those uses currently allowed in the downtown residential (DR) zoning district. The CB district has a minimum net lot area requirement of 3,000 square feet per dwelling unit, limiting the number of units on this site to 11 as approved by the Board: four units with three bedrooms; five units with two bedrooms; two units as efficiencies. By conditionally rezoning the property to DR, the minimum net lot requirement is reduced to 1,500 square feet per dwelling unit. The property is 34,282 square feet, which would allow for a maximum of 27 dwelling units on the property. The applicant is proposing 25 units. The increased number of dwelling units will allow for veterans to live independently in efficiency units and will no longer have to share a unit with another individual.

As noted in the conditional rezoning documents, the proposed rezoning allows for the adaptive, mixed-reuse of this building, encourages orderly growth and development in an area of the city where existing multifamily dwellings exist, and provides an incentive for adaptive reuse of a building that was otherwise being underutilized with only 11 dwelling units. The conditional rezoning also provides affordable, decent, and diverse housing opportunities for area residents.

To be clear, in conditionally rezoning this property, those uses that were permitted in the CB that are not permitted in the DR will no longer be allowed. This should not be an issue as the primary intent of the conditional rezoning request to increase the density of dwelling units on the

property. With that in mind, the conditional rezoning agreement has been drafted such that the conditional rezoning of said property shall expire and revert to the underlying zoning of the property by December 3, 2015 if activity has not commenced for use in accordance with this agreement. Furthermore, should this rezoning become effective, the applicant will need to return to the planning board for an amendment to a previously approved subdivision being the conversion of an existing building into a residential use that results in the creation of three or more units regulated as a subdivision.

#### **ACTIONS NECESSARY**

1. Make a motion to consider a petition submitted by Veterans Inc. to conditionally rezone the property at 393 Main Street from the Community Business (CB) district to the Downtown Residential (DR) district ;
2. Obtain input on the petition;
3. Make a motion pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration to conditionally rezone the property at 393 Main Street from the Community Business (CB) district to the Downtown Residential (DR), subject to any concerns raised by the Planning Board or staff.



City of Lewiston  
Planning & Code Enforcement  
Gil Arsenault, Director



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## MEMORANDUM

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**To:** City Clerk's Office  
City Council Members

**From:** Gil Arsenault

A handwritten signature in blue ink, appearing to be "G. Arsenault".

**Date:** February 26, 2013

**Subject:** Planning Board Action

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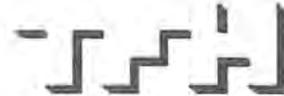
The Planning Board took the following action at their public meeting held on February 25, 2013 regarding a petition submitted by Veteran's, Inc. to conditionally rezone 393 Main Street from the Community Business (CB) district to Downtown Residential (DR).

The following motion was made:

**MOTION:** by **Walter Hill** pursuant to Article VII, Section 4(c) and Article XVII, Section 5(b) of the Zoning and Land Use Code of the City of Lewiston to send a favorable recommendation to the City Council to conditionally rezone 393 Main Street from the Community Business district to the Downtown Residential (DR) district. Second by **Kevin Morissette**.

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

c: Ed Barrett, City Administrator  
Planning Board Members



January 23, 2013

David Hediger  
Planning Department  
City of Lewiston  
27 Pine Street  
Lewiston, ME 04240

David,

Please see the attached documentation as part of our submission for a conditional Re-Zone for the property located at 393 Main Street. We are proposing to re-zone the property from the current CB zone to the DR zone to allow a higher density of units at the site. The building is a great candidate for housing and to realize its full potential we propose to build 25 efficiency units to house Veterans. The DR zone allows this density and we can accommodate all of the required parking for the 25 units on site. Please review the attached information and contact me with any questions. We will be sending the signed petition you have requested under a separate cover.

We look forward to discussing this proposal with you in further detail at the next appropriate public forum.

Call me with any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ryan Senatore", is written in a cursive, flowing style.

Ryan Senatore, AIA LEED-AP  
Project Architect

TFH Architects  
80 Middle Street  
Portland ME 04101  
207.775.6141  
[www.tfharchitects.com](http://www.tfharchitects.com)

## **AN ORDINANCE PERTAINING TO ZONING BOUNDARIES**

### **THE CITY OF LEWISTON HEREBY ORDAINS:**

Appendix A of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

#### **APPENDIX A**

#### **ZONING AND LAND USE CODE**

#### **ARTICLE IV. ESTABLISHMENT OF DISTRICTS**

##### **Sec. 1. Zoning Map.**

The "Official Zoning Map, City of Lewiston", adopted pursuant to this Section, is hereby amended by conditionally rezoning the parcels more fully described in Exhibit "A" attached hereto, and as shown on a site plan attached hereto as Exhibit "B", said parcels being located at 393 Main Street Lewiston, Main, from the community business (CB) zoning district to the downtown residential (DR) district.

---

#### **REASONS FOR THE PROPOSED AMENDMENT**

The reason for the amendment is to provide the proponent (Veterans Inc.) the ability to develop 393 Main Street. Specifically, the proponents are interested in having the property conditionally rezoned to the downtown residential (DR) district in order to develop a veterans service center, providing supporting services to United States military veterans including housing, medical, vocational and nutritional services, and administrative functions related thereto. The property at 393 Main Street is currently zoned community business (CB). The conditional rezoning agreement will be limited to those uses currently allowed in the downtown residential (DR) zoning district and those uses specifically set forth herein.

#### **CONDITIONAL REZONING AGREEMENT**

The proponents requests that the official zoning map for the City be amended by deleting the subject property from the community business (CB) zoning district and conditionally rezone the subject premises to downtown residential (DR) district, subject to the limitations more fully described below.

In compliance with the provisions of the Code, Article XVII, Section 5 (g), the proponents hereby propose the following conditions:

- (a) Permitted uses of the property shall be those uses which are presently permitted and conditional uses in the downtown residential (DR) district subject to the conditions contained herein.
- (b) Should a future rezoning of the proponent's property result in less stringent standards than those of this conditional rezoning agreement, the latter standards shall no longer apply.
- (c) Violations of any of the conditions herein will constitute a violation of the Code.
- (d) The conditions described herein shall bind the proponent, its successors and assigns, and any person in possession or occupant of the subject premises, or any portion thereof, and shall inure to the benefit of and be enforceable by the City.
- (e) The proponent shall, at its own expense, record in the Androscoggin County Registry of Deeds a copy of the conditions within thirty (30) days following final approval of this proposal by the City. Such form of recording is to be in a form satisfactory to the City.
- (f) The conditions described herein shall run with the subject premises.
- (g) In addition to all other remedies to which the City may be entitled under applicable provisions of statute or ordinance, if any party in possession of use of the subject premises fails or refuses to comply with any of the conditions imposed, any rezoning approved by the City in accordance with the conditions shall be of no force or effect. In that event, any use of the subject premises and any building or structures developed pursuant to the rezoning shall be immediately abated and brought into compliance with all applicable provisions of the Code with the same effect as if the rezoning had never occurred.
- (h) If any of the conditions are found by a court of competent jurisdiction to be invalid, such determination shall not invalidate any of the other conditions.
- (i) Any rezoning approved by the City conditionally shall be of no force or effect if the proponent fails or refuses to comply with conditions imposed.
- (j) By submitting this proposal, the proponent agrees in writing to the conditions described herein.
- (k) This conditional rezoning of said property shall expire and revert to the underlying zoning of the property by December 3, 2015 if activity has not commenced for use in accordance with this agreement.

#### **CONFORMANCE WITH COMPREHENSIVE PLAN**

1. Encourage adaptive, mixed-reuse of buildings, including housing...(Downtown Goals, #7, Page 23).
2. Improve labor force skills and the awareness and quality of job training and retraining programs (Economy, Policy 5, Page 45).
3. Continue to allow a wide range of housing types in all appropriate zones within the City (Housing, Strategy H, Page 71).
4. Encourage the orderly growth and development of the appropriate areas of the City while making efficient use of public services... (Land Use, Goals, #1, page 123).

5. Provide incentive for adaptive reuse of buildings or infill construction... (Long Range Planning, Strategy A, Page 134).
6. Encourage and promote affordable, decent housing opportunities for all Lewiston citizens and continue to allow a diverse range of housing types in the community (Long Range Planning, Policy 5, Pages 135-136).

Witness

\_\_\_\_\_

Proponent

Veterans Inc.

by: \_\_\_\_\_



Worcester County  
 Androsoggin, SS  
 Lewiston, Maine Worcester, MA

January 21, 2013

Personally appeared the above named Vincent J Perrone of Veterans Inc. and acknowledged the foregoing to be the free act and deed of Veterans Inc.

Jennifer Allen  
 Notary Public

Commission expires: Sept 20, 2013



**EXHIBIT A**  
**(DEED)**

**PARCEL ONE:**

A certain lot or parcel of land, together with the buildings thereon standing, situated in the City of Lewiston, County of Androscoggin and State of Maine, bounded and described as follows, to wit:

Beginning at a hub standing on the easterly line of Main Street, said hub standing about ten feet northerly from underpinning of Daniel Holland's house; thence at right angles with Main Street easterly one hundred feet to a post and fence; thence at right angles southerly twenty-eight feet; thence nearly at right angles easterly by said Holland's land one hundred thirty-one and one-half feet; thence North fifty-six degrees West about one hundred thirty-four feet to the street leading from Main Street to College Street; thence westerly on said cross street about fourteen rods to Main Street; thence southerly on Main Street about one hundred sixty-five feet to the bounds begun at.

Being the same premises conveyed to Roman Catholic Bishop of Portland by deed dated May 26, 1953, and recorded in the Androscoggin County Registry of Deeds in Book 686, Page 591.

EXCEPTING AND RESERVING from the above described premises the land situated in said City of Lewiston, County of Androscoggin and State of Maine, bounded and described as follows:

Beginning at a point at the easterly corner of land of the first parcel of land conveyed to Grantee by Kenneth R.L. Finley by deed dated August 15, 1991, and recorded in said Registry of Deeds in Book 2724, Page 19; thence South forty-four degrees thirty-seven minutes fifty-four seconds East (S 44° 37' 54" E) along a line which is the projection southeasterly of the northeasterly line of Grantee's land, a distance of seventy-three hundredths (0.73) feet to a point; thence South forty-three degrees twelve minutes forty-eight seconds West (S 43° 12' 48" W) a distance of twenty-eight and fifty-six hundredths (28.56) feet to a point in the southwesterly line of the Grantor's land; thence North twenty-eight degrees twenty-six minutes forty-six seconds West (N 28° 26' 46" W) along the southwesterly line of the Grantor's land, a distance of one and ninety-four hundredths (1.94) feet to a point in the southeasterly line of Grantor's land; thence North forty-five degrees twenty-nine minutes fifty-eight seconds East (N 45° 29' 58" E) along the southeasterly line of Grantee's land and parallel to Oak Street, so called, a distance of twenty-eight and no hundredths (28.00) feet to the point of beginning.

Reviewed and Approved: \_\_\_\_\_



Containing 36.45 square feet.

Bearings are magnetic June 1995.

The above excepted parcel Parcel Two as described in deed from the Roman Catholic Bishop of Portland to the Rainbow Federal Credit Union dated July 31, 1995, and recorded in said Registry of Deeds in Book 3459, Page 79.

**PARCEL TWO:**

A certain tract or parcel of land, with the buildings thereon, situated in the City of Lewiston, County of Androscoggin and State of Maine, bounded and described as follows, to wit:

Commencing at the intersection formed by the northwesterly line of Oak Street and the northeasterly line of Holland Street; thence northeasterly along the northwesterly line of Oak Street, one hundred thirty-one (131) feet, more or less, to the southwesterly corner of land described in deed from said Elizabeth A. McKenna, as life tenant under the Will of George D. McKenna to Charles Jenkins; thence northwesterly along the southwesterly line of said land described in said deed to said Jenkins and along the southwesterly line of land of said Jenkins which abuts on Main Street, a distance of two hundred fifteen (215) feet, more or less, to the southeasterly line of Main Street at the northwesterly corner of the last mentioned Jenkins' land; thence southwesterly along the southeasterly line of Main Street, forty-seven (47) feet, more or less, to a point forty (40) feet northeasterly from the intersection of the southeasterly line of Main Street and the northeasterly line of Holland Street, which point is the northeasterly corner of land formerly owned by Frank T. Powers; thence southeasterly along the northeasterly line of said Powers' land, a distance of eighty (80) feet, more or less, to the southeasterly corner of said Powers' land; thence southwesterly along the southeasterly line of said Power' land, fifty-seven (57) feet, more or less, to the northeasterly line of Holland Street at a point eighty (80) feet southeasterly from the intersection of the southeasterly line of Main Street and the northeasterly line of Holland Street; thence southeasterly along the northeasterly line of Holland Street, one hundred thirty-eight (138) feet, more or less, to the point of beginning.

Being the same premises conveyed to the Roman Catholic Bishop of Portland by deed of Harold N. Skelton, Executor under the Wills of Elizabeth A. McKenna and George McKenna dated February 25, 1957, and recorded in the Androscoggin County Registry of Deeds in Book 758, Page 114.

Reviewed and Approved: \_\_\_\_\_



Excepting and reserving that property conveyed to the Rainbow Federal Credit Union by The Roman Catholic Bishop of Portland dated July 31, 1995 and recorded in said Registry of Deeds in Book 3459, Page 79 dated December 1, 1968 and also property conveyed by The Roman Catholic Bishop of Portland to St. Joseph's Federal Credit Union by deed recorded in said Registry of Deeds in Book 997, Page 737.

**PARCEL THREE:**

Another certain lot or parcel of land, with any improvements thereon, situated in the City of Lewiston, County of Androscoggin, and State of Maine, bounded and described as follows:

Beginning at a point at the intersection of the northwesterly line of Oak Street, so called, at the southerly corner of land conveyed to The Roman Catholic Bishop of Portland by Agnes T. Davis et al by deed dated May 26, 1953, and recorded in the Registry of Deeds for Androscoggin County in Book 686, Page 591, said point being North forty-five degrees twenty-nine minutes fifty-eight seconds East (N 45° 29' 58" E) along the northwesterly line of said Oak Street, a distance of one hundred seventy-three and ninety-four hundredths (173.94) feet from the northeasterly line of Holland Street, so called; thence South forty-five degrees twenty-nine minutes fifty-eight seconds West (S 45° 29' 58" W) along the northwesterly line of said Oak Street, a distance of forty-three and no hundredths (43.00) feet to a point at the southerly corner of Rainbow Federal Credit Union's land; thence North forty-four degrees thirty-seven minutes forty-five seconds West (N 44° 37' 45" W) along the southwesterly line of said Rainbow Federal Credit Union's land, a distance of eighty-seven and fifty-six hundredths (87.56) feet to a point; thence North forty-two degrees thirty-five minutes twenty-seven hundredths East (N 42° 35' 27" E) a distance of eighty-nine and fifty-two hundredths (89.52) feet to a point in the southwesterly line of The Roman Catholic Bishop of Portland's land; thence South twenty-eight degrees twenty-six minutes forty-six seconds East (S 28° 26' 46" E) along the southwesterly line of The Roman Catholic Bishop of Portland's land, a distance of ninety-four and seventy-eight hundredths (94.78) feet to the point of beginning.

Containing 4,996.74 square feet.

Bearings are magnetic June, 1995.

Being the same premises conveyed in deed by Rainbow Federal Credit Union to Roman Catholic Bishop of Portland to Rainbow Federal Credit Union dated August 4, 1995, and recorded in the Androscoggin County Registry of Deeds in Book 3459, Page 81.

Reviewed and Approved: 

**EXHIBIT B**  
**(SITE PLAN)**

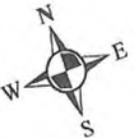
# VETERAN'S HOUSING AT THE FORMER ST. JOSEPHS SCHOOL

393 MAIN STREET, LEWISTON, MAINE



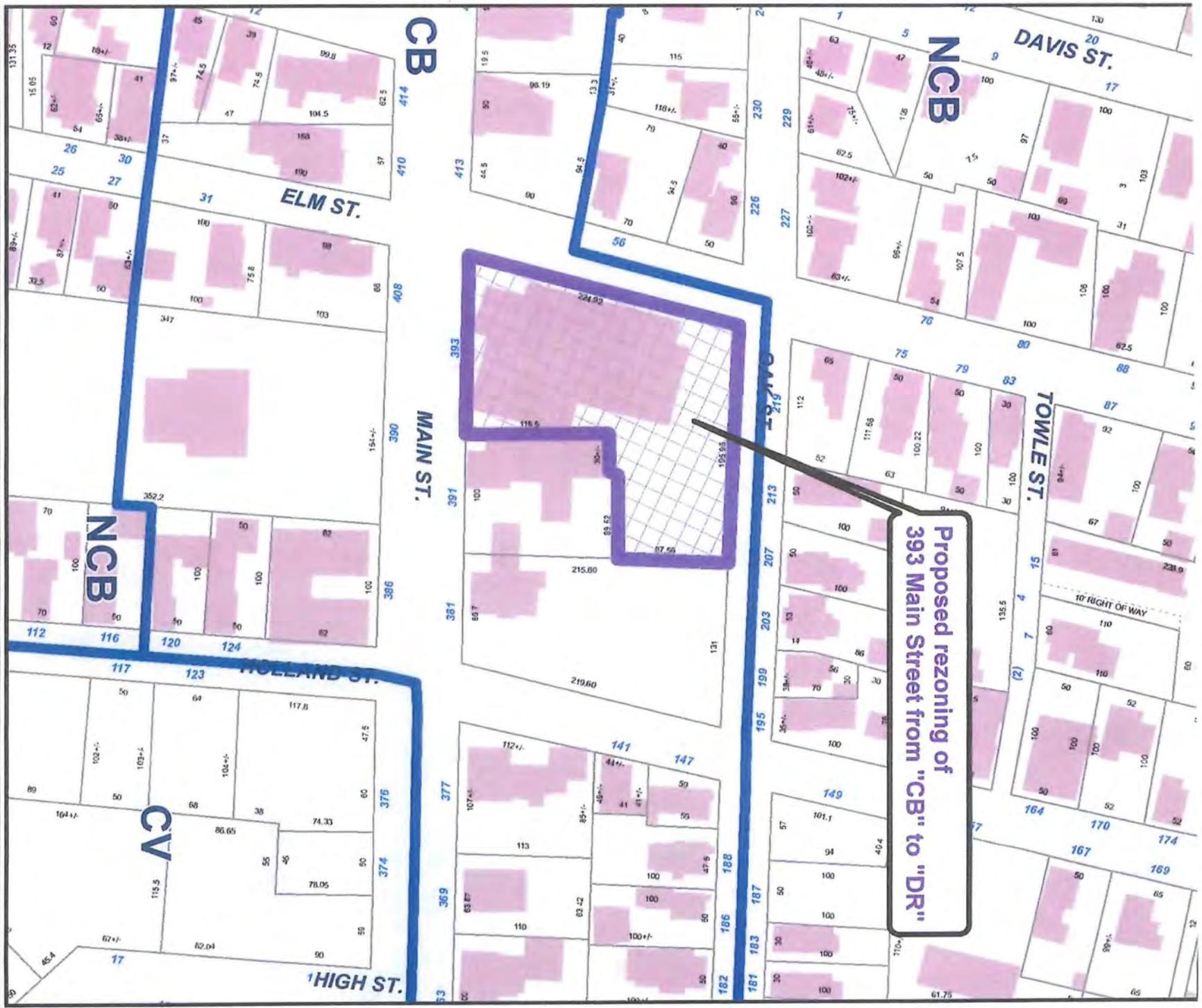
PROPOSED ZONING MAP MODIFICATION

JANUARY 10, 2013



# Proposed Rezoning 393 Main Street

February 2013

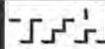


Proposed rezoning of  
393 Main Street from "CB" to "DR"



© 2013 TFM ARCHITECTS

**VETERAN'S HOUSING**  
 AT THE FORMER ST. JOSEPH'S SCHOOL  
 393 MAIN STREET, LEWISTON, MAINE



TFM ARCHITECTS  
 60 MIDDLE STREET  
 PORTLAND, MAINE 04101  
 TELEPHONE 207 775 8141  
 ARCHITECTURE PLANNING

CONSULTANTS:

REVISIONS:

DATE: 01/14/13

PROJECT NO.: 1121

DRAWN BY: RJR

CHECKED BY: TST

SCALE: AS SHOWN

SHEET TITLE:

SITE PLAN

C1.0

**PLANNING BOARD APPROVAL**

PROJECT: VETERAN'S HOUSING (393 MAIN ST) DATE: \_\_\_\_\_

**ZONING REQUIREMENTS**

ZONE D1 - DOWNTOWN RESIDENTIAL  
 PERMITTED USES: MULTIFAMILY DWELLINGS

	MINIMUM LOT SIZE	MINIMUM NET LOT AREA PER DWELLING	MINIMUM STREET FRONTAGE	MINIMUM FRONT YARD	MINIMUM SIDE AND REAR YARD	MAXIMUM IMPERVIOUS SURFACE RATIO	MINIMUM OFF-STREET PARKING	MAXIMUM BUILDING HEIGHT
	3,000 SF	1,200 SF	30 FT	10 FT	10 FT	0.75	0.25	50 FT

**PARKING SUMMARY**

MULTIFAMILY DWELLING

1 SPACE PER EFFICIENCY UNIT	25 UNITS	25 SPACES
4.3 SPACES PER UNIT FOR VISITORS (20 UNITS)		86 SPACES
<b>REQUIRED TOTAL</b>		<b>111 SPACES</b>

**PROJECT SUMMARY**

BUILDING FOOTPRINT (INCLUDES COVERED PAVED AREA)	13,917 SF
LOT AREA	8,374 SF (191.30 ST)
PARKING PROVIDED	30 SPACES
NO. OF RESIDENTIAL UNITS	25 UNITS
REGULATORY BENSITY (SITS AREA PER UNIT)	107.28 SF/UNIT

**PROJECT NOTES**

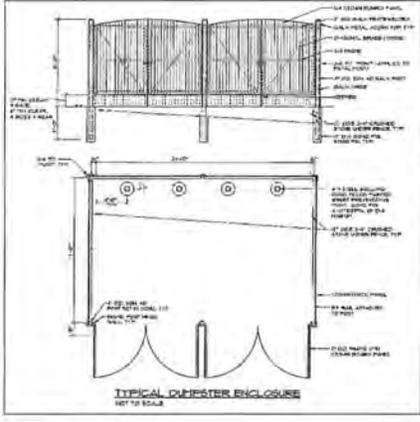
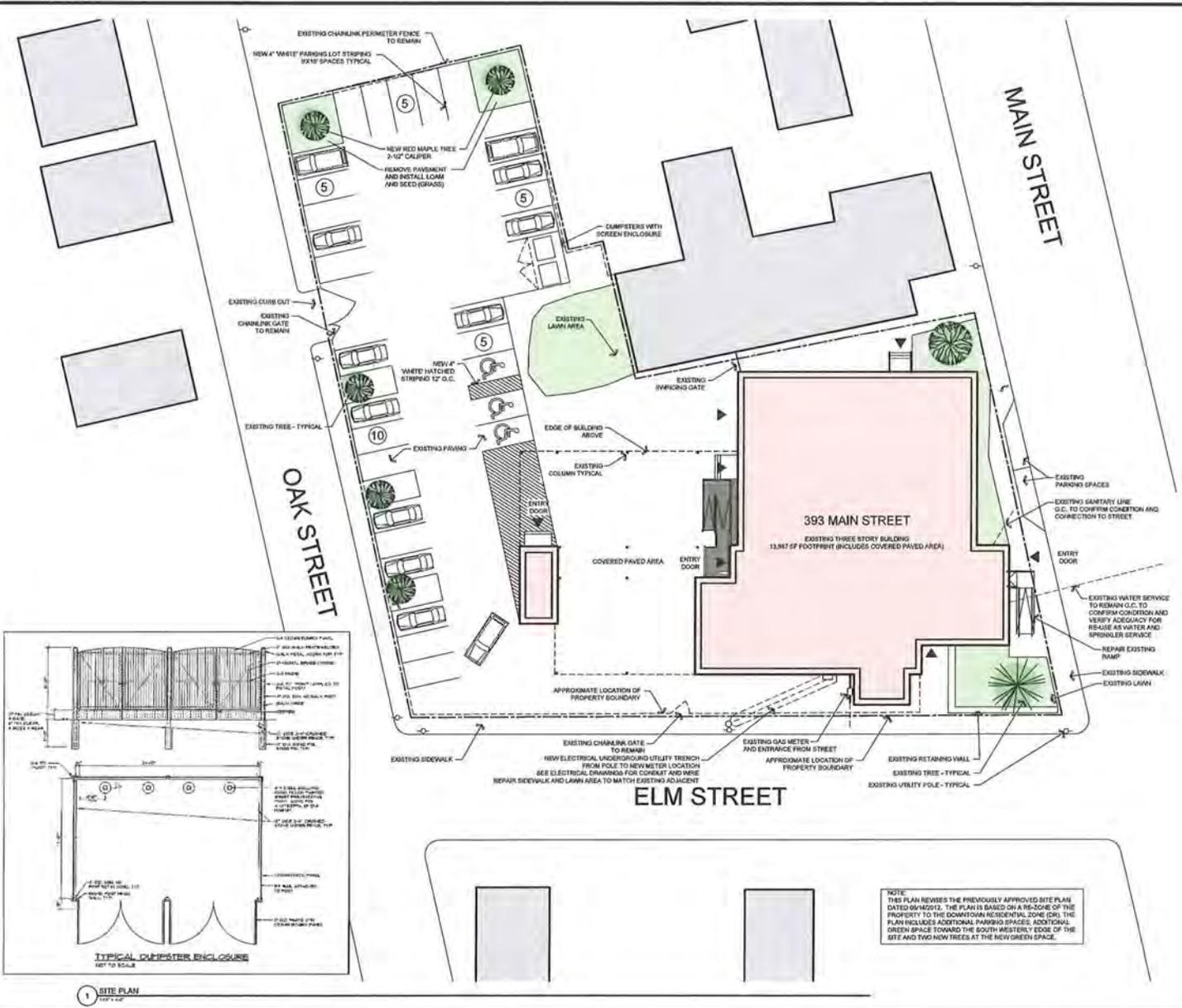
- 1) THE SITE PLAN SUBMISSION CREATED 20 DWELLING UNITS WITHIN THE EXISTING BUILDING FOOTPRINT.
- 2) THE PROJECT WILL COMPLY WITH THE LANGUAGE IN ARTICLE 10B SECTION 11 REGARDING THE EXPANSION OF APPROVAL.
- 3) THE REMAINING SPACE WITHIN THE EXISTING BUILDING LOCATED AT 393 MAIN STREET SHALL BE LIMITED TO USE AS ACCESSORY TO THE DWELLING UNITS. OFFICE SPACE, STORAGE AND THE LIKE ARE THE EXISTING SYMPOSIUM FOR USE BY THE TOWN OF LEWISTON ARE ALLOWED.

**LEGEND**

- FOOTPRINT OF EXISTING BUILDING TO BE CONVERTED TO MULTIFAMILY HOUSING
- COVERED AREA EXISTING BUILDING ABOVE
- EXISTING BUILDING ON ADJUTING PROPERTY
- PERVIOUS AREA
- PROPERTY BOUNDARY



2 LOCUS MAP NOT TO SCALE



1 SITE PLAN NOT TO SCALE

NOTE: THIS PLAN REVISES THE PREVIOUSLY APPROVED SITE PLAN DATED 06/14/2012. THE PLAN IS BASED ON A RE-ZONE OF THE PROPERTY TO THE DOWNTOWN RESIDENTIAL ZONE (DR). THE PLAN INCLUDES ADDITIONAL PARKING SPACES, ADDITIONAL GREEN SPACE TOWARD THE SOUTH WESTERNLY EDGE OF THE SITE AND TWO NEW TREES AT THE NEW GREEN SPACE.

**PETITION TO AMEND THE CITY OF LEWISTON**  
**ZONING AND LAND USE CODE**

Pursuant to Appendix A, Article XVII, Section 5 A Amendments of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to rezone the property at 343 Main St from Enterprise District to the ??? district described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		PAUL DUBE	58 VILLAGE DR.	2-5
2		DONALD BOON	81 HOWARD ST	2-5
3		TINA CARRIER	6 KAVIA ST	2/5
4		MICHAEL BOON	30 HOWARD ST	2-5
5		JILL CUSSON	4 PAULIN AVENUE	2-5
6		JUSTINE ROBERT	155 PINELANDS RD	2-5
7		ROBERT MCDONOUGH	54 GINA ST	2-5
8		ANGELA LYLE	85 WOODSIDE DR.	2-5
9		CHERYL DUBE	58 VILLAGE DR.	2-5
10		THOMAS A RIOUX	6 OXBOW DR.	2-5
11		NORMAN R. BUSSIERE	75 SO. LISIANT RD.	2-5
12		BERTRAND A DUTIL	23 SPOFFORD ST	2-5
13		JOHN H STEBBINS SR	26 HOLLAND ST.	2-5
14		PAUL W. FRANCO	123 VICK ST	2-5
15		DONALD PELLETIER	33 MIDLAND AVE.	2-7
16		LIANE PELLETIER	33 MIDLAND	2-7
17		MONA CHIARANTONA	39 JENKINS ST	2-7
18		IRENE POWERLEAU	4 BRANT ST.	2-7
19		KATHERINE A. REMILLARD	47 BRANT AVE	2-7
20		RICHARD LANFLIER	1/2 Ste-Croix street	2-7

**CIRCULATOR=S VERIFICATION**

I hereby verify that I am the Circulator of this petition that all the signatures to this petition were made in my presence, and to the best of my knowledge and belief, each signature is that of the person it purports to be, and each person is a resident of the City of Lewiston.

Signature of Circulator

DONALD T. DUBE  
Printed Name of Circulator

2-7-13  
Date

**REGISTRAR=S CERTIFICATION**

I hereby certify and verify that the names of all of the petitioners listed as valid appear on the voting list as registered voters in the City of Lewiston.

Total Valid: 20

Total Invalid: 0

Signature of Registrar/Deputy Registrar

Date: 2-7-13

**PETITION TO AMEND THE CITY OF LEWISTON**  
**ZONING AND LAND USE CODE**

Pursuant to Appendix A, Article XVII, Section 5 A Amendments of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to rezone the property at 343 Main St from Enterprise District to the Enterprise District district described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1	<i>Arthur J. Paradis</i>	ARTHUR J. PARADIS	59 Bailey Ave	2-7-13
2	<i>Pauline J. Gilbert</i>	PAULINE J. GILBERT	23 Foster Way	2-7-13
3	<i>Robert M. Gilbert</i>	Robert M. Gilbert	23 Foster Way	2-7-13
4	<i>Romance D. Gagne</i>	ROMANCE D. GAGNE	39 JENKINS ST	2-7-13
5	<i>Maurice G. Gagne</i>	MAURICE G. GAGNE	39 JENKINS ST	2-7-13
6	<i>Fernand R. Fournier</i>	Fernand R. Fournier	10 Heathwood Lane	2-7-13
7	<i>Avita Fournier</i>	AVITA FOURNIER	10 Heathwood Lane	2-7-13
8				
9				
10				
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16				
17				
18				
19				
20				

**CIRCULATOR=S VERIFICATION**

I hereby verify that I am the Circulator of this petition that all the signatures to this petition were made in my presence, and to the best of my knowledge and belief, each signature is that of the person it purports to be, and each person is a resident of the City of Lewiston.

*Donald T. Dube*  
Signature of Circulator

Donald T. Dube  
Printed Name of Circulator

2-7-13  
Date

**REGISTRAR=S CERTIFICATION**

I hereby certify and verify that the names of all of the petitioners listed as valid appear on the voting list as registered voters in the City of Lewiston.

Total Valid: 7

Total Invalid: 0

*Allen R. Pease, Jr*  
Signature of Registrar/Deputy Registrar

Date: 2-7-13

# LEWISTON CITY COUNCIL

## MEETING OF MARCH 5, 2013

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 3**

**SUBJECT:**

Order authorizing the Library Director to apply for an AmeriCorps member to coordinate the Academic Success Homework Help program.

**INFORMATION:**

This agenda item is seeking authorization from the City Council to allow the Library Director to apply for an AmeriCorp member to run the 2013-2014 Academic Success Homework program at the Library. The City would be required to provide a cash match of \$10,000 but is presently seeking grant funding to cover this match amount.

The homework helper program assisted about 250 students during the school year and many are from limited English speaking households.

Please see the memorandum from Library Director Rick Speer for additional information.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EAB/11/11/11*

**REQUESTED ACTION:**

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To approve the Order authorizing the Library Director to apply for an AmeriCorps member to coordinate the Academic Success Homework Help Program.



**City of Lewiston Maine  
City Council Order  
March 5, 2013**



**Order,** Authorizing the Library Director to Apply for an AmeriCorps Member to Coordinate the Academic Success Homework Help Program.

Whereas, the Library's Academic Success Homework Help program offered in cooperation with the Downtown Education Collaborative and the Harward Center at Bates College, serves approximately 250 students during the course of the academic year; and

Whereas, many of those assisted are English language learners who come from homes where limited homework assistance can be provided by other family members; and

Whereas, the program has normally be administered by either an AmeriCorps or VISTA member with homework help provided by volunteers trained by staff from the Harward Center at Bates College; and

Whereas, the local match to support the AmeriCorps or VISTA member has been provided through grants and other non-City sources including the United Way of Androscoggin Valley; and

Whereas, the Downtown Education Collaborative has once again applied for funding from United Way for the local match; and

Whereas, this Academic Success program is a crucial component of the Library's services, providing valuable and needed assistance to middle and high school students in Lewiston; and

Whereas, Council approval for applying does not bind the City to accept the grant should funding for the local match not be found;

**Now, therefore, be It Resolved by the City Council of the City of Lewiston that**

The Library Director is hereby authorized to apply to Goodwill Industries of Northern New England for an AmeriCorps member for the school year 2013-2014 to run the Academic Success Homework Help program, with the understanding that the Library and its partners in this effort will secure the outside funding necessary to meet the local match required by the AmeriCorps program.



City of Lewiston, Maine  
Lewiston Public Library  
Rick Speer  
Library Director



To: Honorable Mayor and Members of the City Council  
Fr: Rick Speer, Library Director  
Dt: February 26, 2013  
Su: Authorization to Apply for AmeriCorps Member

The Library is requesting authorization to apply to Goodwill Industries of Northern New England for an AmeriCorps member for the school year 2013-2014 to run the Academic Success Homework Help program at the Library. If this application is successful and the one-year assignment is accepted, the City's commitment would be to provide a cash match of approximately \$10,000. Outside grant funding is being pursued to cover the City's cash match for this program, and we have every reason to believe that this funding will be forthcoming.

The Academic Success Homework Help program is a very successful service which has been in operation at the Library for the last five years. The program is administered jointly by the Downtown Education Collaborative, the Harward Center for Community Partnerships at Bates College, and the Lewiston Public Library. It takes place in the Library's Computer Lab every day (Mon. thru Thurs.) after school from 3:30 to 5:30 p.m., providing tutors for homework support for students from grades six through twelve. Over the course of the academic year, the program has been serving approximately 250 students; every day after school, an average of 40 students make use of the service.

Although this program is open and available to all youth in the community, it is heavily used by English Language Learning (ELL) students due to two factors: 1.) a large number of immigrant families are living in the high-density residential areas in neighborhoods adjacent to the Library's downtown location; 2.) many of the ELL youth have limited support at home to assist with their school and homework needs (due to the fact that their parents have limited English language skills and limited experience in navigating the local school culture). Consequently, 95% of the young people using our Academic Success Homework Help program are from the ELL community.

Over the history of this program, we have been able to operate it by utilizing the services of either an AmeriCorps or VISTA member to administer the service. The homework help is provided by volunteers from both area colleges and the community who are trained by staff from the Harward Center at Bates College.

To-date the AmeriCorps worker has been working under the auspices of either DEC or the Harward Center and the match funding for the positions has come from

outside sources. For the last two years, the program has been funded by United Way of Androscoggin County. DEC has applied to United Way for funding for the 2013-2014 year, and we have every reason to believe that this funding will be forthcoming. (If we are not successful in obtaining the United Way grant, DEC, the Harward Center, and the Library will pursue other funding strategies.)

If this request is approved by the City Council, the Library would be applying to Goodwill Industries of Northern New England for an AmeriCorps member under their Multilingual Leadership Corps program. At this application stage of the process, the City is under no obligation to follow through and contract with Goodwill for the position. That decision can be made by City staff later this year after the match funding is clearly identified and in place.

This Academic Success program is a crucial component of the Library's services, providing valuable and needed services to the middle and high school students in Lewiston. It is essential that we find a way to keep it in operation going into the future.

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# LEWISTON CITY COUNCIL

## MEETING OF MARCH 5, 2013

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 4**

**SUBJECT:**

Request for Abatement of Property Taxes for application submitted under Title 36, section 841 (2).

**INFORMATION:**

Since applications and supporting material submitted under Title 36, section 841 (2) are confidential by state statutes, the Council has received this material separately in executive session.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator reserves comment on this matter until the Council meeting.

*EAB/kmm*

**REQUESTED ACTION:**

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To approve (or to deny) a (partial or full) abatement in the amount of \_\_\_\_\_ of property taxes for years \_\_\_\_\_, for Case Number 2013-01; said application submitted under M.R.S.A., Title 36, section 841 (2).

(Complete motion to be determined as a result of the executive session hearing.)



## City of Lewiston Executive Department

EDWARD A. BARRETT  
City Administrator

PHIL NADEAU  
Deputy City Administrator



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February 28, 2013

To: Honorable Mayor and Members of the City Council  
Fr: Edward A. Barrett  
Su: State Budget Update

Representative Peggy Rotundo, Co-Chair of the Legislature's Appropriations Committee, will be present on Tuesday to update the Council on the overall state budget, including both the supplemental budget for this year and the proposed budget for the coming biennium.

As you are aware, the Administration has proposed a number of significant changes to municipal and school support programs. Attached please find information that shows the impact of these proposals on the City of Lewiston.

## **Governor's Budget Proposes to Shift State Budget Woes to Cities and Towns**

Governor LePage's proposed two year state budget is balanced in large part by transferring responsibilities and costs to Maine's municipalities and their property tax payers. It would strip \$420 million either directly from local government or residents.

Specific effects on Lewiston include a two year suspension of Municipal Revenue Sharing. This program, which has been in effect since 1972, sets aside 5% of state income and sales tax revenues for local property tax relief. Under the formula, Lewiston should receive \$6.1 million next year. But the state has been recently raiding this funding, costing Lewiston \$2 million this year alone, an amount that represents more than \$1 on our property tax rate. This new proposal would take the remaining \$4 million, or \$2.18 on our rate.

The proposal would also transfer the excise tax on tractor trailers from cities to the state, costing us \$370,000 or another 20 cents on the tax rate. State reimbursement on General Assistance would be reduced, costing us another \$93,000. Eligibility for the property tax circuit breaker would be limited to those over 65 and income eligibility standards would be tightened.

In the second year of the budget, further shifts are proposed. The Business Equipment Tax Reimbursement Program, which refunds to certain businesses the property taxes they pay on their equipment, is eliminated. Equipment covered by program will become tax exempt. Instead of receiving these taxes, we will be initially reimbursed by the state at 60%, declining over time to 50%. In the first year, this will cost of \$897,000, or 50 cents on the tax rate.

Finally, the homestead exemption, currently worth \$227 per year to homeowners, would be restricted to those over 65 who would see it doubled.

In total, the City could lose \$5.5 million dollars. To replace this revenue, our tax rate would have to go up about \$3, adding \$300 to the property tax bill of a \$100,000 house. Homeowners younger than 65 will also lose the homestead exemption, increasing taxes by an additional \$227. A \$100,000 home with a \$2,579 property tax bill this year would see that bill increase to \$3,136, an increase of \$557 or 21.5%.

No one wants to see property taxes go up over 20%. Can the City cut its budget by this amount? We could. If we eliminate either the Police or Fire Department, we'd about cover it. If we eliminated all administrative functions (Council, Executive, City Clerk, Finance, Assessing, Management Information Services, City Hall operation and maintenance) plus library and recreation, we'd come within \$1 million of what was needed.

To cut expenses by this amount would require massive reductions in the services that the City provides with results that would be unacceptable to most residents.

Since 2002, the City has cut almost 20% of its workforce. Over a similar period, the state has cut about 9%, including the 200 positions proposed to be eliminated over the next two years.

With an operating budget costing about \$900 per resident, Lewiston currently spends less per capita than any of the largest 10 communities in the state. The average of this group is \$1,200, about \$300 more than us. The highest is \$1,900, about \$1,000 more. Yet, on a percentage basis, these reductions will hit us harder than any of the others.

The proposed cut to revenue sharing alone represents 12.5% of our operating budget. The average of the ten largest cities is 6.8%; the community impacted the least is 4.7%. The second hardest hit city, Auburn, would lose 8.2% of its operating budget. The hit to our operating budget is more than 50% greater.

This is serious stuff. Faced with the dramatic revenue losses proposed by the Governor, we would have no good choices. We could increase taxes by at least \$2 to \$3, adding \$250 to \$300 to the average property tax bill. We could cut services to the point that public health and safety would be impacted. Or we can do some of both with residents paying more and getting less.

If these proposals are enacted, these are the choices we face. We don't like them. I'm betting most of you won't like them either.

### **Governor's Budget Proposal – Part II**

Last month, I summarized the impact of the Governor's budget proposal on municipalities in general and the City of Lewiston in particular. Since then, and when confronted by municipal concerns, the administration and some legislators have basically said, "What's the big deal? These cuts are only a few percent of municipal budgets." Let's check this against Lewiston's reality.

Under the proposed budget, we will lose just about \$4 million in revenue sharing and \$91,000 in commercial vehicle excise taxes for a total of \$4.1 million. Such a reduction represents 4.2% of the City's total budget, so the comments above are technically correct. But, in the real world, the impact is much greater.

Backing out schools (since the Governor is attempting to protect school funding) and the county (since we have no choice but to pay) leaves a municipal budget of \$41.4 million. That \$4.1 million cut is now up to about 10%. We also have an \$8.6 million debt payment. That takes our city operating budget down to \$32.5 million and increases the impact of state reductions to 12.5%. This is a far more substantial than the "few percentage points" argument some advance.

What would it take to cut \$4.1 million from our budget? We could close down City Hall (except for state mandated Social Services) and save \$2.7 million. But this would mean we wouldn't have anyone to assess properties, collect taxes and auto registrations, issue birth certificates, run elections, pay our bills, run our data systems, or enforce our building and zoning codes. Of course, we'd also have to eliminate the City Council -- and I'd be out of a job too. But we'd still be \$1.4 million short. If we close the library, that would be another \$1 million (not counting having to continue to heat and protect its building). Eliminating our \$467,000 recreation program would just about do it, again ignoring the costs of heating and maintaining the Armory.

In effect, we would have to virtually eliminate the rest of city government in order to maintain our Police, Fire, and Public Works Departments. Of course, this isn't feasible. Significant cuts would be required virtually everywhere. Three years ago, the City eliminated over 20 positions and raised taxes just to make up a \$2.1 million problem. We are now looking at something about twice that size.

Others argue that municipal consolidation and cooperation can provide significant savings. This is certainly true in some areas, as Lewiston and Auburn have repeatedly shown, and more might be possible. But, some cautions are needed.

The Citizens Commission on Lewiston-Auburn Cooperation released its report in August of 2009. It estimated that over five years, the cities could see savings that eventually grow to about \$2.7 million per year. Note the five year phase in. Since 2009, both cities have reduced staff. Lewiston alone has eliminated over 30 positions at all levels of the organization, including Directors and Assistant Directors, positions heavily targeted in the Cooperation report. These positions represent roughly \$2.25 million in savings, the majority of the \$2.7 million the Commission estimated. I suspect that similar cuts in Auburn would more than make up the difference.

Cooperation will not solve the \$4.1 million loss we are facing, regardless of what some might say. Cuts would have to be made and property taxes would have to increase substantially, the worst of all worlds.

**LEWISTON CITY COUNCIL**  
**MEETING OF MARCH 5, 2013**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 7**

**SUBJECT:**

Executive Session to discuss Real Estate Negotiations of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

**INFORMATION:**

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EAB/kmm*

**REQUESTED ACTION:**

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To enter into an Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Real Estate Negotiations, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.