

**CITY OF LEWISTON
PLANNING BOARD MEETING**
Monday, December 19, 2016 – 5:30 P.M.
City Council Chambers – First Floor
Lewiston City Building
27 Pine Street, Lewiston, ME

AGENDA

- I. ROLL CALL**
- II. ADJUSTMENTS TO THE AGENDA**
- III. CORRESPONDENCE**
- IV. PUBLIC HEARINGS:**
 - a) A petition submitted by Louis Ouellette to conditionally rezone the property at 209 Webster Street from Neighborhood Conservation "A" (NCA) to Office Residential (OR).
- V. OTHER BUSINESS:**
 - a) 143 Pine Street–Land Acquisition
 - b) Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board.
- VI. READING OF THE MINUTES:** Motion to adopt the November 28, 2016 draft minutes
- VII. ADJOURNMENT**



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Planning Board
FROM: David Hediger, City Planner
DATE: December 14, 2016
RE: December 19, 2016 Planning Board Agenda Item IV(a)

A petition submitted by Louis Ouellette to conditionally rezone the property at 209 Webster Street from Neighborhood Conservation "A" (NCA) to Office Residential (OR).

Pursuant to Article XVII, Section 5 of the Zoning and Land Use Code, Louis Ouellette has submitted a petition to conditionally rezone the property he owns at 209 Webster Street from the Neighborhood Conservation "A" (NCA) district to the Office-Residential (OR) district. This lot of 2.1 acres consists of a single-family home with frontage on Webster Street and East Avenue. The property currently abuts OR zoned properties along the westerly side. The remaining land abuts the NCA district. The petitioner is interesting in conditionally rezoning the property to OR with the intent of combining with other properties he owns in the OR district at 153 East Avenue and 209 Webster Street (and possibly 151 East Ave) to develop a multi-family structure for senior housing with up to 37 units. The NCA district does not allow multi-family structures. It is essentially a single-family district. The abutting OR district allows a variety of residential and non-residential uses, including multi-family structures.

At the Planning Board meeting of November 28, 2016 the applicant submitted a petition for a straight rezoning of the property to OR for the development of a multi-family structure for senior housing. All the residents that spoke at that meeting expressed concerns about traffic and access to the site, lighting, loss of privacy, environmental impacts, and proximity of construction to property lines. Many of these same concerns were expressed at a neighborhood meeting held on August 29, 2016. As noted at both meetings, many of their concerns and questions relate to the specific site improvements if developed. Those items would be addressed through the development review process, of which they would be notified, if the property is rezoned. However, one underlying concern raised by some residents and Board members was the uncertainty of uses allowed to be permitted if the property was straight rezoned OR. While Mr. Ouellette's intentions seem clear, a straight rezoning to OR would allow for the lot to be developed with any uses allowed in the OR upon meeting applicable Zoning and Land Use Code requirements. This resulted in the Board voting 4-3 to send a recommendation to the Council not to rezone the property.

The applicant has since withdrawn that request and has submitted a new petition to conditionally rezone the property at 209 Webster Street to OR. Specifically, the proposed conditional rezoning will allow all of the currently permitted and conditional uses of the NCA district and will add the following OR permitted uses: personal services, multifamily dwellings, single-family attached dwellings, mixed residential developments, and mixed use structures. The applicant believes allowing uses currently permitted in the NCA district while limiting uses allowed in the OR district to specific residential development will provide him the ability to move forward with his proposal for senior housing while addressing the uncertainty of uses allowed on this property.

For example, hospitals, offices, and clinics are not allowed as part of this conditional rezoning. The applicant has done the same with the space and bulk standards, allowing all of the current NCA standards to remain and adding the OR standards were applicable to the new uses being proposed. Reference should be made to the table provide by the applicant comparing the uses and space bulk standard for the NCA, OR, and proposed conditional rezoning.

Staff is supportive of the proposed request. The purpose of the OR district is to provide for the orderly transition of older residential areas along major traffic arteries to low-intensity nonresidential uses and multifamily housing. The OR encourages the conversion of existing properties from residential to nonresidential occur in a manner which preserves the architectural character of the neighborhood, provides controlled traffic access, adequate parking, and protects adjoining residential neighborhoods from undesirable impacts. Conditionally rezoning the property to OR to allow for additional residential development meets this purpose. This is a large lot abutting existing OR zoned properties with potential access to two major arterials. Zoned NCA and having only 112' of frontage on Webster Street, additional development of this lot is currently limited to single-family homes, which will require the construction of a frontage right-of-way or city street. Without those additional improvements, the lot may not be developed with more than one, single-family dwelling. The OR zoned properties on East Ave are small and do not easily lend themselves to new or redevelopment unless combined with abutting lots. Conditionally rezoning 209 Webster provides the lot depth and the potential for additional in-fill development in an orderly transition limited to residential uses, including multifamily housing, in an older residential area along two major traffic arteries. This includes the development of senior housing, which is goal of the existing and pending comprehensive plans for Lewiston. The petitioner's proposal has referenced applicable sections of both plans, noting that senior housing needs will continue to grow as the population's overall age increases and that Lewiston can enhance its ability to attract and retain seniors by expanding their available housing options.

ACTION NECESSARY ACTION NECESSARY

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 to the City Council to conditionally rezone the property at 209 Webster Street from Neighborhood Conservation "A" (NCA) to Office Residential (OR).

Visbaras Law, LLC

K. Alexander Visbaras, Esq.

Attorney-At-Law

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December 6, 2016

David Hediger
City Planner/Deputy Director of Planning and Code Enforcement
City of Lewiston
27 Pine Street
Lewiston, ME 04240-7201

Dear David:

We are providing along with this introduction letter a Petition seeking the conditional rezoning of 209 Webster Street in Lewiston, which my clients, Louis and Laurie Ouellette, intend to use, in conjunction with additional adjacent properties in their ownership for a modern senior housing project. I believe the Petition is self explanatory, but it seemed appropriate to provide you with a more detailed explanation of the properties' history and the underlying reasons for the Petition.

The Ouellettes intend to construct on the combined properties of 153 East Avenue and 209 Webster Street a new senior housing complex intending to serve up to thirty-seven (37) senior area residents. The Ouellettes have owned and responsibly operated several multifamily housing units on East Avenue for a number of years. Specifically, Louis acquired a ½ interest in 151 East Avenue (Tax Map 175, Lot 11), which the City has designated as a four (4) unit multifamily residential building, from his father, Arthur Ouellette, in 2004. Louis had assisted his father in the management of this building prior to 2004, but overtook full management responsibilities at that time. He thereafter acquired the remaining ½ interest in 151 East Avenue from his father in July 2009.

In the interim, Louis and Laurie Ouellette acquired from the Secretary of Veterans Affairs on October 4, 2008, a vacant parcel of land located at 153 East Avenue (Tax Map 175, Lot 10), which is adjacent to both 151 East Avenue and another property acquired by Louis this year. This

David Hediger
December 6, 2016
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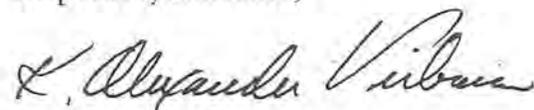
recently acquired property (July 27, 2016) is 209 Webster Street (Tax Map 175, Lot 6), purchased from Pauline Bazinet. 209 Webster Street currently consists of a single family residence with direct access onto both Webster Street and East Avenue, with an aggregate acreage of 2.1 acres.

Although no final decision has been made by the Ouellettes regarding the integration of the 151 East Avenue property into the project, they have the opportunity to remove the present structure, and add this parcel to the overall project, which would avail them of potentially three (3) additional senior housing units. At this early juncture, the Ouellettes have neither committed to this building removal nor elected to retain the building as it currently stands. Much will depend on the outcome of the enclosed Petition.

To assist the Board in this process, I have attached to this letter both the Land Use and Space & Bulk Tables from the existing Code for both the NCA and OR Districts, with an added third column depicting those uses and standards that this conditional rezoning petition is seeking to have approved. This third column is the same as the one included in the petition. It contains all of the current NCA District standards without alteration, except for those categories which differ from the OR District....in those cases where differences have arisen, the OR District standards have been chosen. It also includes those standards applicable only to the OR District uses that the Ouellettes are seeking to have applied to this Webster Street parcel.

Should you have any questions or require further information from either our office or the Ouellettes, please feel free to call upon us. We look forward to working with you, City staff and City officials to bring this project to fruition. Thank you.

Respectfully submitted,



K. Alexander Visbaras, Esq.
Counsel to Louis and Laurie Ouellette

Land Use Table: All Zoning Districts	Neighborhood Conservation "A" (NCA)	Office Residential (OR)	Proposed "OR" Conditional Rezoning of 209 Webster Street
USES(15)(33)			
Accessory use or structure	P	P	P
Commercial-Service			
Veterinary facilities excluding kennels and humane societies		P	
Veterinary facilities including kennels and humane societies			
Small day care facilities	P(22)	P	P (22)
Day care centers		P	
Day care centers accessory to public schools, religious facilities, multifamily or mixed res. developments, and mobile home parks	C(22)		C (22)
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services		P(9)	
Restaurants			
Drinking places			
Adult business establishments			
Hotels, motels, inns			
Movie theaters except drive-in theaters			
Places of indoor assembly, amusement or culture			
Art and crafts studios			
Personal Services		P	P
Retail stores			
Neighborhood retail stores			
Lumber and building materials dealer			
Gasoline service stations			
Gasoline service stations which are a part of and subordinate to a retail use			
New and used car dealers			
Recreational vehicle, mobile home dealers			
Equipment dealers and equipment repair			
Automotive services including repair			
Registered dispensary(27)			
Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients.			
Tattoo Establishments			
Industrial			
Light industrial uses			
Industrial uses			
Building and construction contractors			
Fuel oil dealers and related facilities			
Wholesale sales, warehousing and distribution facilities and self-storage facilities			
Self storage facilities			
Commercial solid waste disposal facilities			
Junkyards and auto graveyards			
Recycling and reprocessing facilities			
Private industrial/commercial developments(23)			
Transportation			
Airports or heliports			
Commercial parking facilities			
Transit and ground transportation facilities			
Transportation facilities			
Public and Utility			
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P	P	P
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C	C	C
Municipal buildings and facilities	C	C	C
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways			
Dams			

Land Use Table: All Zoning Districts 05.05.16	Neighborhood Conservation "A" (NCA)	Office Residential (OR)	
Institutional			
Religious facilities	P	P	P
Cemeteries	P		P
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities		P	
Hospitals, medical clinics,		P	
Museums, libraries, and non-profit art galleries and theaters			
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures,		C	
Civic and social organizations		P	
Public community meeting and civic function buildings including auditoriums			
Residential			
Single-family detached dwellings on individual residential lots	P	P	P
Mobile homes on individual residential lots			
Two-family dwellings	P(37)	P	P
Multifamily dwellings in accordance with the standards of Article XIII		P	P
Single-Family attached dwelling in accordance with the standards of Article XIII		P	P
Mixed single-family residential developments in accordance with the standards of Article XIII			
Mixed residential developments in accordance with the standards of Article XIII		P	P
Mixed use structures		P	P
Lodging houses			
Home occupations	P	P	P
Bed and breakfast establishments as a home occupation	P	P	P
In-law apartments in accordance with the standards of Article XII	P	P	P
Single family cluster development			
Family day care home	P	P	P
Shelters			
Dormitories			
Natural Resource			
Agriculture			
Farm Stands			
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P	P	P
Earth material removal			
Community gardens(20)	P	P	P
Water dependent uses, e.g. docks and marinas			
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet			
Recreation			
Campgrounds			
Public or private facilities for nonintensive outdoor recreation	C	C	C
Commercial outdoor recreation and drive-in theaters			
Fitness and recreational sports centers as listed under NAICS Code 713940		P	

Dimensional Requirements (13)	Neighborhood Conservation A (NCA)	Office Residential (OR)(12)	Proposed "OR" Conditional Rezoning of 209 Webster Street
Minimum lot size with public sewer			
Single family detached (24)	7,500 sf	7,500 sf	7,500 sf
Single family attached		12,000 sf	12,000 sf
Two-family dwellings	12,500 sf	10,000 sf	10,000 sf
Single family cluster development	5 acres		5 acres
Mixed single family residential development (14)			
Mixed residential development (14)		5 ac	5 acres
Multifamily dwellings		20,000 sf	20,000 sf
Mixed use structures		7,500 sf	7,500 sf
Agriculture			
Religious facilities	20,000 sf		20,000 sf
Veterinary facilities			
Other uses	20,000 sf	7,500 sf	7,500 sf
All permitted uses			
Minimum lot size without public sewer (3)			
Single family detached, mobile homes on individual lots (24)	20,000 sf	20,000 sf	
Single family attached		60,000 sf	
Two-family dwellings	20,000 sf	40,000 sf	
Single family cluster development (1)	5 acres		
Mixed single family residential development (14)			
Mixed residential development (14)		5 ac	
Multifamily dwellings		60,000 sf	
Mixed use structures		60,000 sf	
Agriculture			
Religious facilities	40,000 sf		
Veterinary facilities			
Other uses	40,000 sf	20,000 sf	
Minimum net lot area per du with public sewer			
Single family detached			
Single family attached			
Two-family dwellings	5,000 sf		5,000 sf
Mixed single family residential development (14)			
Mixed residential development (14)			
Multifamily dwellings			
Mixed use structures			
All permitted residential uses		3,000 sf	3,000 sf
Minimum net lot area per du without public sewer			
Single family detached, mobile homes on individual lots			
Single family attached			
Two-family dwellings	5,000 sf		
Mixed single family residential development (14)			
Mixed residential development (14)			
Multifamily dwellings			
Mixed use structures			
All permitted residential uses		20,000 sf	
Minimum frontage			
Single family detached, mobile homes -	75 ft		75 ft
Single family attached		100ft (50ft)	100 ft (50 ft)
Two-family dwellings	125 ft		125 ft
Single family cluster development (with multiple vehicular accesses)	200 ft (50 ft)		200 ft (50 ft)
Mixed single family residential development (with multiple vehicular accesses)			
Mixed residential development (with multiple vehicular accesses) (14)		100ft (50ft)	100 ft (50 ft)
Multifamily dwellings (with multiple vehicular accesses)		100ft (50ft)	100 ft (50 ft)
Mixed use structures			
Agriculture			
Religious facilities	125 ft		125 ft
Veterinary facilities			
Other uses	125 ft		125 ft
All permitted uses		100 ft	100 ft
Minimum front setback			
Single family detached, mobile homes on individual lots	20 ft (21,22)		20 ft (21, 22)
Single family attached			
Two-family dwellings	20 ft (21,22)		20 ft (21, 22)
Single family cluster development	50 ft		50 ft
Mixed single family residential development (14)			

Dimensional Requirements (13)	Neighborhood Conservation A (NCA)	Office Residential (OR)(12)	
Mixed residential development (14)			
Multifamily dwellings			
Mixed use structures			
Agriculture			
Religious facilities	20 ft (21,22)		20 ft (21, 22)
Veterinary facilities			
Other uses	20 ft (21,22)		20 ft (21, 22)
All permitted uses		20 ft (22,23)	20 ft (22, 23)
Minimum front yard			
Single family detached, mobile homes on individual lots	15 ft (21)		15 ft (21)
Single family attached			
Two-family dwellings	15 ft (21)		15 ft (21)
Single family cluster development	50 ft		50 ft
Mixed single family residential development (14)			
Mixed residential development (14)			
Multifamily dwellings			
Mixed use structures			
Religious facilities	20 ft (21)		20 ft (21)
Veterinary facilities			
Other uses	20 ft (21)		20 ft (21)
All permitted uses		10 ft (23)	10 ft (23)
Minimum side and rear setback			
Single family detached, mobile homes on individual lots	10 ft		10 ft
Single family attached			
Two-family dwellings	10ft		10 ft
Single family cluster development	30 ft		30 ft
Mixed single family residential development (14)			
Mixed residential development (14)			
Multifamily dwellings			
Religious facilities	30 ft		30 ft
Mixed use structures			
Veterinary facilities			
Farm structures for keeping of animals			
Other uses	30 ft		30 ft
All permitted uses		15 ft (23)	15 ft (23)
Minimum side and rear yard			
Single family detached, mobile homes on individual lots	10 ft		10 ft
Single family attached			
Two-family dwellings	10 ft		10 ft
Single family cluster development	30 ft		30 ft
Mixed single family residential development (14)			
Mixed residential development (14)			
Multifamily dwellings			
Mixed use structures			
Religious facilities	30 ft (16)		30 ft (16)
Veterinary facilities			
Farm structures for keeping of animals			
Other uses	30 ft (16)		30 ft (16)
All permitted uses		10 ft (16,23)	10 ft (16, 23)
Maximum height			
Agriculture			
Other permitted uses	35 ft	35 ft	35 ft.
Hospital, nursing homes and medical offices			
Ratios			
Maximum lot coverage	0.40	0.30	0.30
Maximum impervious coverage		0.60	0.60

**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 conditionally rezone the property at 209 Webster Street from the Neighborhood Conservation "A" (NCA) district to the Office Residential (OR) districts described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1	<i>Clair Pinette</i>	CLAIRE PINETTE	4 Rosemount Ave	12/2/16
2	<i>Nancy Mahar</i>	Nancy Mahar	1 FORTIER rd	12/2/16
3	<i>Pauline Wilder</i>	PAULINE WILDER	Randall Rd.	12/2
4	<i>Constance Laroc</i>	Constance Laroc	Jacobson Bl	12/2
5	<i>Sidney Wilder</i>	Sidney Wilder	Randall Rd	12/2
6	<i>Roger R Paradis</i>	Roger R Paradis	301 Old Green Rd	12/2
7	<i>Cecile Paradis</i>	Cecile Paradis	301 Old Green Rd	12/2
8	<i>Lesne B Labbe</i>	Lesne B Labbe	1328 Sabbath St	12/2
9	<i>Linda Chouette</i>	LINDA CHOUETTE	33 Robert Ave	12/2
10	<i>T Jeffrey Leresche</i>	T Jeffrey Leresche	5 Grande Pointe	12/2
11	<i>Martine Gagne</i>	MARTINE GAGNE	41 Homefield	12/2
12	<i>Steven Caouere</i>	Steven Caouere	33 Robert Ave	12/2
13	<i>Pauline R Turcotte</i>	PAULINE R TURCOTTE	15 Gutierrez Ave	12/2
14	<i>Jean Boisvert</i>	Jean Boisvert	80 St Hubert Ave	12/2
15	<i>Ronald H Boisvert</i>	RONALD H BOISVERT	"	"
16	<i>Joanne Arnoldy</i>	JOANNE ARNOLDY	18 Gaskill Ave	12/2
17	<i>Trena Arnoldy</i>	TRENA ARNOLDY	18 Gaskill Ave	12/2
18	<i>Stacy Arnoldy</i>	Stacy Arnoldy	19 Gaskill Ave	12/2
19	<i>Marlene Whitten</i>	MARLENE WHITTEN	20 FOX RUN DR	12/2
20	<i>Brian P. Whitten</i>	BRIAN WHITTEN	20 FOX RUN DR	12/2

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.

Louis Ouellette
Signature of Circulator

Louis Ouellette
Printed Name of Circulator

12-2-2016
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: 10 Total Invalid: _____

Enoch D. Smith
Signature of Registrar/Deputy Registrar

Date: 12/6/16

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 parcel more fully described in Exhibit "A" attached hereto, and as shown on Exhibit "B," said parcel being located at 209 Webster Street, Lewiston, Maine, from the Neighborhood Conservation A (NCA) zoning district to the Office Residential (OR) zoning district, with the primary intent of developing a multi-family senior housing complex.

REASONS FOR THE PROPOSED AMENDMENT

The Petitioner, Louis Ouellette, proposes to conditionally rezone 209 Webster Street from the Neighborhood Conservation A (NCA) Zoning District to the Office-Residential (OR) Zoning District, the statement of purpose for which is stated in the Lewiston Zoning and Land Use Ordinance, as follows: "The purpose of the office-residential district is to provide for the orderly transition of older residential areas along major traffic arteries to low-intensity nonresidential uses and multifamily housing. The conversion of existing properties for residential to nonresidential use should occur in a manner which preserves the architectural character of the neighborhood, provides controlled traffic access and adequate parking and protects adjoining residential neighborhoods for undesirable impacts."

The Petitioner proposes that the enacting clause relating to this petition shall be: "The City of Lewiston hereby ordains that as to the real estate located at 209 Webster Street in Lewiston, Maine, said real estate shall be located in the Office-Residential (OR) Zoning District, subject to those conditions which the City of Lewiston has approved as to the permitted and conditional uses of said real estate in said District, and further subject to all requirements applicable to said real estate as set forth in the Lewiston Zoning and Land Use Code, as amended." The reasons for the proposed amendment are as follows.

Based on the City Administrator's Report in early 2016, the creation of an overall City housing plan appeared to the newly elected municipal officials was the issue of highest priority. This included, among other housing types, multi-family housing projects and co-operative housing. This Report also emphasized the need to remove obstacles to development through revisions to the Land Use Code and Comprehensive Plan.

The proposed housing complex will meld cohesively into the current character of the surrounding neighborhood, which is and has historically been comprised of older vintage multi-family and some single family units, many of which are no longer owner-occupied, and some of which are currently vacant. A number of these units are currently occupied by younger working families, while others are occupied by residents with long established ties to the neighborhood. The current proposed

project would provide additional diversity to that neighborhood without altering its essential character. Given that the site is already serviced by public water and sewer facilities, trash removal and like services, combined with opportunities for both on-site parking for seniors capable of driving and availability of public transportation for those seniors who cannot drive, this project will not only address a pressing housing need for one sector of our community desperately in need of modern and affordable housing, but also place little additional burden on already provided City services and facilities given its proximate location to major arterial roads and pre-existing public utilities.

CONFORMANCE WITH COMPREHENSIVE PLAN

The petition before you is consistent with the City's Comprehensive Plan (CP), for the reasons stated above and also based on the following:

- The CP encourages the exploration of techniques which encourage development where public services already exist. (Page 68, subsection 8).
- The CP further encourages a diversity of residents to live within each neighborhood (such as income or age) and to discourage stratification, segregation and concentrations of various types of people (Page 68, subsection 10).
- The CP advocates that the City accomplish these techniques for the creation of multi-family housing through Code amendments and rezonings (Page 71, Section H[1]). The proposed senior occupants of the Project will provide the very diversity of residents living in the East Avenue/Webster Street neighborhood that the CP suggests as a housing goal.
- The project would benefit directly from the CP's designation of East Avenue as a "major transportation linkage" for convenient access to these senior residents whether by public transportation or private vehicle (Page 127, section 31), with this rezoning being consistent with the establishment of the Office-Residential District due to this same East Avenue transportation finding (Page 127, section 32).
- The proposed project will be consistent with the CP's desire for "infill construction" for the prevention of sprawl within the City and the overextension of public services (Page 134, Section A and Page 64, Paragraph 3).

In the most recent version of Legacy Lewiston, Lewiston draft comprehensive plan (June 2016) designed to revise its current Comprehensive Plan, its findings on the topic of senior housing more than justify the Petition before you. Legacy Lewiston expressly states:

"There are not enough options for seniors who need assistance or wish to live independently. According to a 2013 report by the Lewiston Housing Authority, there are approximately 391 elderly/disabled public housing units in the City. With a population of nearly 6,000 residents aged 65 and older as of 2012 American Community Survey data, there is a clear shortage of housing options for this demographic. Many seniors move from the City because there are few senior-specific housing choices, especially for those who no longer drive. Because of a lack of senior housing, others end up owning or renting homes that are bigger than they need and require more for upkeep and maintenance than they can afford. Senior housing needs will continue to grow as the population's overall age increases. Lewiston can enhance its ability to attract and retain seniors by expanding their available housing options."

CONDITIONAL REZONING AGREEMENT

The petitioner requests that the official zoning map for the City be amended by deleting the subject property from the Neighborhood Conservation "A" (NCA) Zoning District and conditionally rezoning said property to the Office-Residential (OR) Zoning District, subject to the limitations more fully described below.

In compliance with Article XVII, Section 5(g) of the Code, the petitioner hereby proposes the following conditions:

1. Land Use Table:

Allowed uses of the subject property shall include those uses which are presently permitted in the NCA Zoning District and the following residential uses identified as permitted uses in the OR Zoning District, as listed below and fully incorporated herein and further subject to the conditions contained herein.

Land Use Table	Conditional Rezoning (OR) 209 Webster Street
USES(15)(33)	
Accessory use or structure	P
Commercial-Service	
Veterinary facilities excluding kennel and humane societies	
Veterinary facilities including kennel and humane societies	
Small day care facilities	P(22)
Day care centers	
Day care centers accessory to public schools, religious facilities, multifamily or mixed res. developments, and mobile home park	C(22)
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services	
Restaurants	
Drinking Places	
Adult business establishments	
Hotels, motels, inns	
Movie theaters except drive-in theaters	
Places of indoor assembly, amusement or culture	
Art and crafts studios	
Personal Services	P
Retail stores	
Neighborhood retail stores	
Lumber and building materials dealer	

Gasoline service stations	
Gasoline service stations which are a part of and subordinate to a retail use	
New and used car dealers	
Recreational vehicle, mobile home dealers	
Equipment dealers and equipment repair	
Automotive Services including repair	
Registered dispensary (27)	
Registered primary caregivers engage in the cultivations of medical marijuana for two to five registered patients	
Tattoo Establishments	
Industrial	
Light industrial uses	
Industrial uses	
Building and construction contractors	
Fuel oil dealers and related facilities	
Wholesale sales, warehousing and distribution facilities and self-storage facilities	
Self-storage facilities	
Commercial solid waste disposal facilities	
Junkyards and auto graveyards	
Recycling and reprocessing facilities	
Private industrial/commercial developments (23)	
Transportation	
Airports or heliports	
Commercial parking facilities	
Transit and ground transportation facilities	
Transportation facilities	
Public and Utility	
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C
Municipal buildings and facilities	C
Preservation of historic areas; emergency fire protection activities; bridges and public roadway	
Dams	
Institutional	
Religious facilities	P

Cemeteries	P
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities	
Hospitals, medical clinics	
Museums, libraries, and non-profit art galleries and theaters	
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses together with buildings accessory to the foregoing permitted principal buildings or structures	
Civil and social organizations	
Public community meeting and civic function buildings including auditoriums	
Residential	
Single-family detached dwellings on individual residential lots	P
Mobile homes on individual residential lots	
Two-family dwellings	P
Multifamily dwellings in accordance with the standards of Article XIII	P
Single-family attached dwelling in accordance with the standards of Article XIII	P
Mixed single-family residential developments in accordance with the standards of Article XIII	
Mixed residential developments in accordance with the standards of Article XIII	P
Mixed use structures	P
Lodging houses	
Home occupations	P
Bed and breakfast establishments as a home occupation	P
In-law apartments in accordance with the standards of Article XIII	P
Single-family cluster development	
Family day care home	P
Shelters	
Natural Resource	
Agriculture	
Farm stands	
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P
Earth material removal	

Community gardens (20)	P
Water dependent uses, e.g. docks and marinas	
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet	
Recreation	
Campgrounds	
Public or private facilities for nonintensive outdoor recreation	C
Commercial outdoor recreation and drive-in theaters	
Fitness and recreational sports centers as listed under NAICS Code 713940	

Applicable Footnotes to Land Use Table:

- (15) Buildings, structures and uses accessory to permitted or conditional uses are allowed in all districts.
- (20) Shall comply with Article XII, Section 4.
- (22) Accessory to public schools, religious facilities, multifamily or mixed residential developments and mobile home parks.
- (33) The performance standards of Article XII shall apply, unless otherwise specified.
- (37) A parcel may be developed with a two-family dwelling, only if both of the following criteria are met:
 - a. More than 50 percent of the impacted properties that are developed contain residential structures with two or more dwelling units; and
 - b. More than 50 percent of the adjoining properties that are developed contain residential structures with two or more dwelling units.

An existing single-family dwelling may be converted to a two-family dwelling only if both of the following criteria are met:

- a. Forty percent or more of the impacted properties that are developed contain residential structures with two or more dwelling units; and
- b. Forty percent or more of the adjoining properties that are developed contain residential structures with two or more dwelling units.

2. Space and Bulk Table:

Allowed space and bulk standards on the subject property shall include those standards which are presently permitted in the NCA Zoning District and those standards applicable to those allowed uses in the OR Zoning District, as listed below and fully incorporated herein, and further subject to the conditions contained herein.

Space and Bulk Dimensional Requirements	Office Residential OR
Minimum lot size with public sewer	
Single family detached (24)	7,500 sf
Single family attached	12,000 sf
Two-family dwellings	10,000 sf
Single family cluster development	5 acres
Mixed single family residential development (14)	
Mixed residential development (14)	5 acres
Multifamily dwellings	20,000 sf
Mixed use structures	7,500 sf
Agriculture	
Religious facilities	20,000 sf
Veterinary facilities	
Other uses	7,500 sf
All permitted uses	
Minimum lot size without public sewer (3)	
Single family detached, mobile homes on individual lots (24)	
Single family attached	
Two-family dwellings	
Single family cluster development (1)	
Mixed single family residential development (14)	
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
Agriculture	
Religious facilities	
Veterinary facilities	
Other uses	
Minimum net lot area per du with public sewer	
Single family detached	
Single family attached	
Two-family dwellings	5,000 sf
Mixed single family residential development (14)	
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
All permitted uses	3,000 sf
Minimum net lot area per du without public sewer	
Single family detached	
Single family attached	
Two-family dwellings	
Mixed single family residential development (14)	
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	

All permitted uses	
Minimum frontage	
Single family detached, mobile homes on individual lots	75 ft
Single family attached	100 ft (50 ft)
Two-family dwellings	125 ft
Single family cluster development	200 ft (50 ft)
Mixed single family residential development (with multiple vehicular access) (14)	100 ft (50 ft)
Mixed residential development (with multiple vehicular access) (14)	100 ft (50 ft)
Multifamily dwellings	
Mixed use structures	
Agriculture	
Religious facilities	125 ft
Veterinary facilities	
Other uses	125 ft
All permitted uses	100 ft
Minimum front setback	
Single family detached, mobile homes on individual lots	20 ft (21, 22)
Single family attached	
Two-family dwellings	20 ft (21, 22)
Single family cluster development	50 ft
Mixed single family residential development (14)	
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
Agriculture	
Religious facilities	20 ft (21, 22)
Veterinary facilities	
Other uses	20 ft (21, 22)
All permitted uses	20 ft (22, 23)
Minimum front yard	
Single family detached, mobile homes on individual lots	15 ft (21)
Single family attached	
Two-family dwellings	15 ft (21)
Single family cluster development (with multiple vehicular access)	50 ft
Mixed single family residential development (with multiple vehicular access)	
Mixed residential development (with multiple vehicular access) (14)	
Multifamily dwellings (with multiple vehicular access)	
Mixed use structures	
Agriculture	
Religious facilities	20 ft (21)

Veterinary facilities	
Other uses	20 ft (21)
All permitted uses	10 ft (23)
Minimum side and rear setback	
Single family detached, mobile homes on individual lots	10 ft
Single family attached	
Two-family dwellings	10 ft
Single family cluster development	30 ft
Mixed single family residential development (14)	
Mixed residential development (14)	
Multifamily dwellings	
Religious Facilities	30 ft
Mixed use structures	
Veterinary facilities	
Farm structures for keeping of animals	
Other uses	30 ft
All permitted uses	15 ft (23)
Minimum side and rear yard	
Single family detached, mobile homes on individual lots	10 ft
Single family attached	
Two-family dwellings	10 ft
Single family cluster development	30 ft
Mixed single family residential development (14)	
Mixed residential development (14)	
Multifamily dwellings	
Religious Facilities	30 ft (16)
Mixed use structures	
Veterinary facilities	
Farm structures for keeping of animals	
Other uses	30 ft (16)
All permitted uses	10 ft (16, 23)
Maximum height	
Agriculture	
Other permitted uses	35 ft.
Hospital, nursing homes and medical offices	
Ratios	
Maximum lot coverage	0.30
Maximum impervious coverage	0.60

Applicable Footnotes to Space and Bulk Dimensional Requirements:

(14) This development shall meet the requirements set forth in Article XIII, Section 8.

(16) Any required side or rear yard area for uses other than residential located within fifty (50) feet of a residential zoning district or dwelling shall be maintained as a buffer area meeting the standards of Article XIII.

(21) Notwithstanding, applicable setback and yard requirements and the provisions of Article XII, section 17(f)(3), the area between the required front yard and the front wall of the portion of the building or structure closest to the street and running the full width of that portion of the building shall be maintained as a yard area, except that only one (1) of the two (2) following options may be instituted: a. Access roads or drives in this area are permitted only when a minimum of twenty (20) feet of front yard area can be maintained (forty (40) feet in the NCA District); or b. No more than one (1) parking space shall be created in this area.

(22) In areas where the existing buildings have an established uniform setback relationship to the street, any new building or modification to an existing building shall maintain this established relationship notwithstanding the setback provisions of that district. An established uniform setback relationship is deemed to exist when the distances between the front face of the building and the edge of the travel way in the adjoining street for the two adjacent parcels fronting on the same street on each side of the subject parcel are within +/- five (5) feet of mean of this distance for the four (4) parcels. For the purposes of this provision, lots shall be deemed to be adjacent even if separated by a street or public easement.

(23) Fifty (50) percent of the area between the required front yard and the front wall of the portion of the building or structure closest to the street and running the full width of that portion of the building shall not be used for parking and shall be maintained as additional yard area, except that access roads or drives and sidewalks are permitted in this area.

(24) Minimum lot size may be reduced by the Planning Board for single family cluster developments pursuant to Article XIII section 7.

3. Notwithstanding the provisions under Article XI, Sections 1 through 14, District regulations with respect to space and bulk standards for setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios and maximum building height, modifications of these standards may be granted pursuant to Article V, Section 3(v) and Article IX, sub-sections 3(9) through 3(11) if met and satisfied.

4. Violations of any of the conditions herein will constitute a violation of the Code.

5. The conditions described herein shall bind the petitioner, his successors and assigns, and any person in possession or occupant of the subject property, or any portion thereof, and shall inure to the benefit of and be enforceable by the City.

6. The petitioner shall, at his 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.

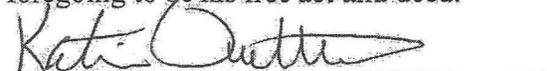
7. The conditions described herein shall run with the subject property.

8. In addition to other remedies to which the City may be entitled under applicable provisions of statute or ordinance, if any party in possession or in use of the subject property fails or refuses to comply with any of the conditions imposed, any rezoning by the City in accordance with the conditions shall be of no force or effect. In that event, any use of the subject property and any building or structure 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.
9. If any of the conditions found by a court of competent jurisdiction to be invalid, such determination shall not invalidate any of the other conditions.
10. Any rezoning approved by the City conditionally shall be of no force or effect if the petitioner fails or refuses to comply with the conditions imposed.
11. Any allowed proposed use, addition or expansion of the subject property deemed applicable to Article XIII, Section 2 of the Code shall be subject to the applicable sections of Article XIII of the Code, Development Review and Standards.
12. By submitting this petition, the petitioner agrees in writing to the conditions described herein.

Respectfully Submitted,


Louis Ouellette

On December 2, 2016, Louis Ouellette personally appeared before me and acknowledged the foregoing to be his free act and deed.


Notary Public
Print name: Katie Ouellette
Commission Expires: March 2, 2017

KATIE J.F. OUELLETTE
NOTARY PUBLIC
State of Maine
My Commission Expires
March 2, 2017

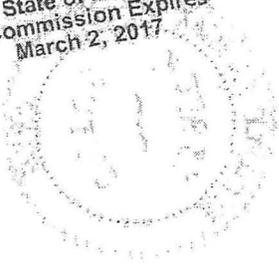


EXHIBIT "A"

Warranty Deed

Priscilla L. Bazinet of Lewiston, Androscoggin County, Maine, for consideration paid, grants to Louis W. Ouellette, with a mailing address of P.O. Box 607, Sabattus, Androscoggin County, Maine 04280, with Warranty Covenants, a certain lot or parcel of land, with the buildings thereon, situated in Lewiston, Androscoggin County, Maine, bounded and described as follows, to wit:

MAINE REAL ESTATE
TRANSFER TAX PAID

Commencing at a point on the northwesterly corner of a lot of land now or formerly owned by one Silas Bartlett; thence westerly along the southerly line of East Avenue about forty-two (42) feet to land now or formerly of one Babb; thence southeasterly along the easterly line of said Babb's land and land now or formerly of one Martin Sinnott about two hundred fifty feet; thence westerly along the southerly line of said Sinnott's land twenty (20) feet to land now or formerly owned by one Urquhart; thence southerly along the easterly line of said Urquhart's lot and parallel with East Avenue fifty (50) feet; thence southeasterly on a line which would be formed by the continuation of the southerly line of said Urquhart's lot in an easterly direction about one hundred ninety-five (195) feet to a stake; thence northeasterly by land of Highland Terrace and lot now or formerly owned by one Keegan about three hundred thirty (330) feet to Webster Street; thence northwesterly along the line of said Webster Street about one hundred thirty-two (132) feet to land now or formerly owned by one Thornton; thence southwestly along the southerly line of said Thornton's land one hundred twenty (120) feet; thence northwesterly along the westerly line of said Thornton's land sixty-four (64) feet to land now or formerly of one Bubier; thence westerly by the line of said Bubier's land one hundred eleven (111) feet and nine (9) inches or thereabouts; thence at an angle northwesterly along the westerly line of said Bubier's land fifty (50) feet to the land of the aforementioned Bartlett; thence westerly along the southerly line of said Bartlett's land one hundred (100) feet; thence northwesterly along the westerly line of said Bartlett land one hundred (100) feet to the point begun at.

There is excepted and reserved from the above described premises four certain parcels of land conveyed by (a) Annie I. Bubier to Robert W. Caron dated May 9, 1952, recorded in said Registry in Book 669, Page 342; (b) Annie I. Bubier to John W. Thornton, dated August 19, 1955, recorded in said Registry in Book 728, Page 52; (c) Priscilla L. Bazinet to James C. Caron and Rena Caron dated September 1, 1983 and recorded in said Registry in Book 1671, Page 216; and (d) Priscilla L. Bazinet to Robert W. Caron dated January 26, 1984 and recorded in said Registry in Book 1700, Page 264.

Being a portion of the premises described in a warranty deed from Annie I. Bubier to Joseph W. Bazinet and Priscilla L. Bazinet, as joint tenants, dated October 22, 1958 and recorded in said Registry in Book 791, Page 108. Joseph W. Bazinet deceased on December 16, 1980, leaving Priscilla L. Bazinet as the sole surviving joint tenant owner of the above described premises.

In Witness Whereof, the Grantor has set her hand and seal, both individually and by Monique Breault, her Attorney in Fact on this 27th day of July, 2016.

Pauline D. Dube
Witness

Priscilla L. Bazinet
Priscilla L. Bazinet

As to both
Witness

Monique Breault
Priscilla L. Bazinet
By: Monique Breault, Attorney in Fact

State of Maine
Androscoggin, SS.

July 27, 2016

Then personally appeared the above-named Priscilla L. Bazinet individually, and Monique Breault as Attorney in Fact for Priscilla L. Bazinet, and acknowledged the foregoing instrument to be their free act and deed in their respective stated capacities.

Before me,

K. Alexander Visbaras
K. Alexander Visbaras, Attorney-At-Law

**DURABLE GENERAL POWER OF ATTORNEY
OF
PRISCILLA L. BAZINET**

I, PRISCILLA L. BAZINET, of Lewiston, County of Androscoggin and the State of Maine, do hereby make, constitute and appoint my daughter, MONIQUE BREault, and, if my said daughter resigns, dies, becomes incapacitated, is not qualified to serve or declines to serve as agent, I hereby make, constitute and appoint my daughter, PAULINE DUBE, as my successor agent, each of them being hereinafter referred to as my "agent" and having full authority to act for me and in my name, place and stead, in any and all of the following matters:

1. Real Property as defined in Section 5-934 of the Maine Uniform Power of Attorney Act (hereinafter referred to as "MUPAA").
2. Tangible Personal Property as defined in Section 5-935 of MUPAA.
3. Stocks and Bonds as defined in Section 5-936 of MUPAA.
4. Commodities and Options as defined in Section 5-937 of MUPAA.
5. Banks and Other Financial Institutions as defined in Section 5-938 of MUPAA.
6. Operation of Entity or Business as defined in Section 5-939 of MUPAA.
7. Insurance and Annuities as defined in Section 5-940 of MUPAA.
8. Estates, Trusts, and Other Beneficial Interests as defined in Section 5-941 of MUPAA.
9. Claims and Litigation as defined in Section 5-942 of MUPAA.
10. Personal and Family Maintenance as defined in Section 5-943 of MUPAA (including gifts to any one or more charitable organizations, which organizations may or may not be a charitable organization described in Sections 170(b), 2055 and 2522 of the Internal Revenue Code).
11. Benefits from Governmental Programs or Civil or Military Service as defined in Section 5-944 of MUPAA.
12. Retirement Plans as defined in Section 5-945 of MUPAA.
13. Taxes as defined in Section 5-946 of MUPAA.
14. Gifts as defined in Section 5-947 of MUPAA (including to or for the benefit of my agent).

15. The power and authority, as described under Section 5-931 of MUPAA, to: create, amend, revoke, or terminate an inter vivos trust; create or change rights of survivorship; create or change a beneficiary designation; authorize another person to exercise the authority granted under this power of attorney; waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan; exercise fiduciary powers that the principal has authority to delegate; disclaim or refuse an interest in property, including a power of appointment; exercise authority hereunder to create in my agent, or in an individual to whom my agent owes a legal obligation of support, an interest in my property; and do and perform all other acts that I could do if personally present and competent.

General and Miscellaneous Provisions: This power of attorney shall be effective immediately and shall not be affected by my disability or any lack of competence suffered by me and arising after the date hereof. Lapse of time shall not affect the validity of this power of attorney. To specifically limit the scope of Section 5-914(h) of MUPAA, I hereby state that my agent is not required to disclose receipts, disbursements or transactions to any person except me, a coagent, my conservator and, following my death, the personal representative of my estate. I hereby exonerate my agent from liability for a breach of any duty except for any breach committed dishonestly, with improper motive, or with reckless indifference to the purposes of this power of attorney. I hereby nominate my agents to serve as my conservator in the order designated herein. The provisions of this instrument shall be severable and, in the event any of them is deemed void or ineffective by a court of law, or any other authority, the others shall continue in full force and effect. A photocopy or electronically transmitted copy of this power of attorney has the same effect as the original. The validity and effect of this instrument shall be governed by, and the terms of this instrument shall be construed in accordance with, the law of the State of Maine.

Notice to the Principal (required by Maine law): As the "Principal" you are using this power of attorney to grant power to another person (called the Agent) to make decisions about your property and to use your property on your behalf. Under this power of attorney you give your Agent broad and sweeping powers to sell or otherwise dispose of your property without notice to you. Under this document your Agent will continue to have these powers after you become incapacitated. The powers that you give your Agent are explained more fully in the Maine Uniform Power of Attorney Act, Maine Revised Statutes, Title 18-A, Article 5, Part 9. You have the right to revoke this power of attorney at any time as long as you are not incapacitated. If there is anything about this power of attorney that you do not understand, you should ask a lawyer to explain it to you.

Notice to the Agent (required by Maine law): As the "Agent" you are given power under this power of attorney to make decisions about the property belonging to the Principal and to dispose of the Principal's property on the Principal's behalf in accordance with the terms of this power of attorney. This power of attorney is valid only if the Principal is of sound mind when the Principal signs it. When you accept the authority granted under this power of attorney a special legal relationship is created between you and the Principal. This relationship imposes upon you legal duties that continue until you resign or the power of attorney is terminated or revoked. The

duties are more fully explained in the Maine Uniform Power of Attorney Act, Maine Revised Statutes, Title 18-A, Article 5, Part 9 and Title 18-B, sections 802 to 807 and Title 18-B, chapter 9. As the Agent, you are generally not entitled to use the Principal's property for your own benefit or to make gifts to yourself or others unless the power of attorney gives you such authority. If you violate your duty under this power of attorney you may be liable for damages and may be subject to criminal prosecution. You must stop acting on behalf of the Principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. Events of termination are more fully explained in the Maine Uniform Power of Attorney Act and include, but are not limited to, revocation of your authority or of the power of attorney by the Principal, the death of the Principal or the commencement of divorce proceedings between you and the Principal. If there is anything about this power of attorney or your duties under it that you do not understand you should ask a lawyer to explain it to you.

IN WITNESS WHEREOF, I, PRISCILLA L. BAZINET, have hereunto set my hand and seal this 23 day of July, 2016.

SIGNED, SEALED AND DELIVERED
in the presence of:

Dawn Collins
Dawn Collins

Priscilla Bazinet
Priscilla L. Bazinet

Rachel Blencette
STATE OF MAINE
COUNTY OF Maine, ss:

On this 23 day of July, 2016, personally appeared before me the above named PRISCILLA L. BAZINET, and acknowledged that the foregoing instrument was her free act and deed.

PENNY LACASSE
Notary Public, Maine
My Commission Expires January 11, 2020

Penny Lacasse
Notary Public

EXHIBIT "B"

NCA



Webster St.

Moody St.

OR

Proposal to conditionally rezone portion of 209 Webster Street from "NCA" to "OR"

East Ave.

OR

NCA

Boston Ave.

Noble St.

Burbank St.

East Ave.

IO

Proposed 209 Webster Street Conditional Rezoning

December 2016



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: December 15, 2016
RE: December 19, 2016 Planning Board Agenda Item V(a)

143 Pine Street–Land Acquisition

Pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code, the board shall review and make a recommendation to the city council with regard to the acquisition and disposition of all public ways, lands, buildings and other municipal facilities.

On July 19, 2016, the City Council ordered the demolition of the multifamily building at 143 Pine Street located on the corner of Pine and Howe Streets. Staff has since been approached by the owner Pine Street Properties, LLC regarding the City's interest in acquiring the property. Reference should be made to Gil Arsenault's memorandum dated October 13, 2016.

This property of approximately 4,791 SF consists for a condemned, five-unit structure located in the Community Business (CB) district. The current assessed value is \$119,280 with the land at \$16,800 and building at \$102,480. However, given the current conditions of the building, the value is certainly much less.

City staff recommends the City accept 143 Pine Street with the following considerations: the LLC provides the City with a warrantee deed, the LLC pays for the cost to prepare the deed, and the City commits to not pursuing the collection of its demolition costs and related legal fees.

ACTION NECESSARY:

Make a motion pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council for the acquisition of 143 Pine (including, if any, specific conditions raised by the Planning Board).

MEMORANDUM

TO: Ed Barrett, City Administrator
FR: Gildace J. Arsenault, Director of Planning and Code Enforcement
RE: 143 Pine Street - Acquisition
DT: October 13, 2016

On July 19, 2016, the Lewiston City Council ordered the demolition of the multifamily building at 143 Pine Street located on the corner of Pine and Howe Streets. This property is owned by Pine Street Properties, LLC and, as of July 19, 2016, there were no known encumbrances on this property.

I have been in communication with Kate Gupta, a representative of the LLC, and she informed me that the LLC has no assets other than approximately \$400 in a checking account and that the LLC cannot afford to pay property taxes to the City. Ms. Gupta asked if the City would accept ownership of 143 Pine Street in return for an agreement that the City will not pursue collection of its legal and demolition costs.

We then discussed the possibility of the LLC transferring the property to the City via a warranty deed in exchange for a commitment from the City that it will not pursue collection of its legal and demolition costs. Ms. Gupta informed me that she would be willing to provide such a deed.

I asked Attorney Carey what the estimated costs would be to prepare the necessary documents for this transfer. He provided the following:

1. Title policy \$150
2. Recording fees \$24
3. Transfer tax (seller's half) \$37.40 – City is exempt
4. Deed preparation \$200

Total \$411.40.

Should the City Attorney prepare the actual deed, that cost would also be required from the LLC.

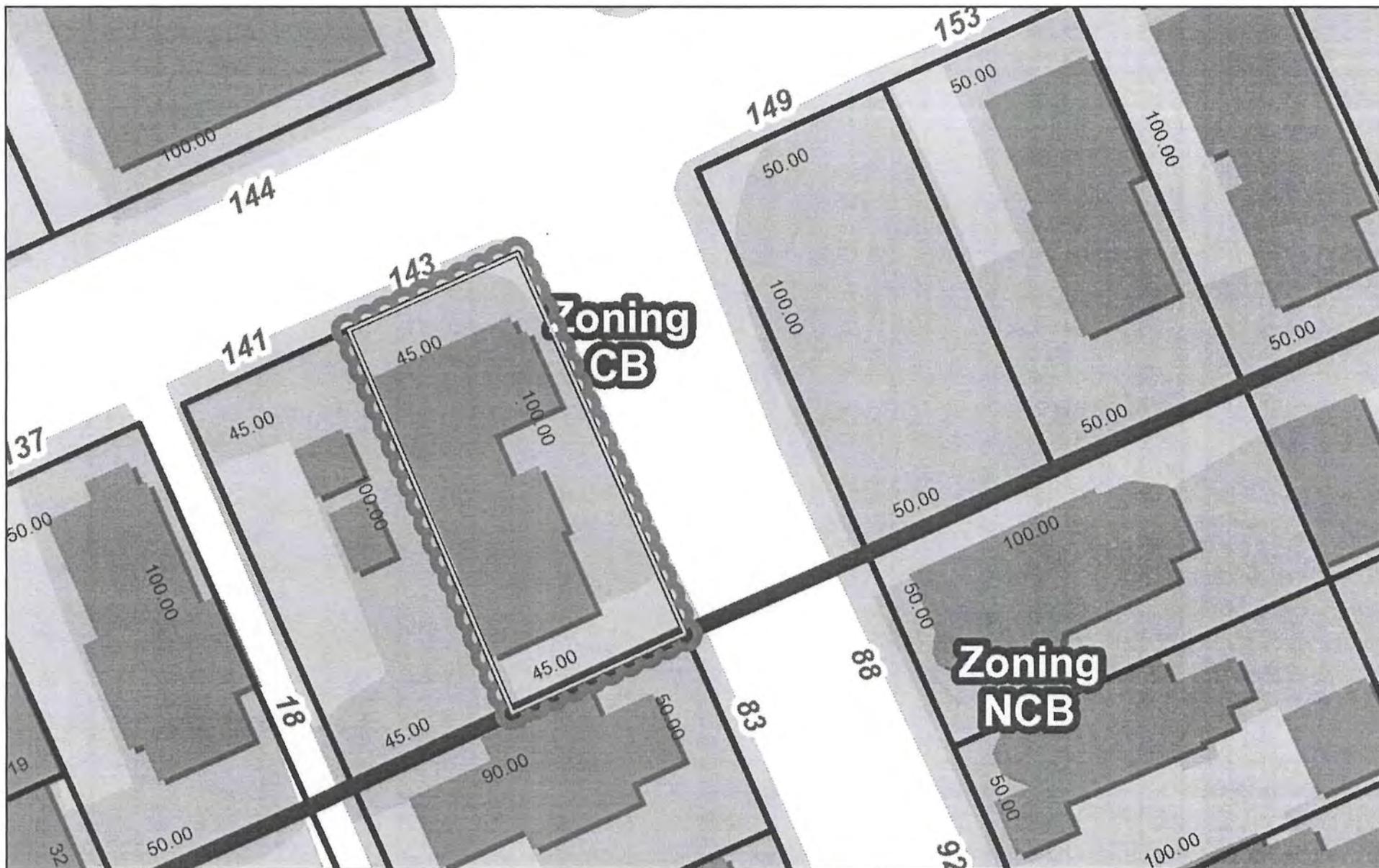
Demolition costs, including asbestos abatement, total \$27,410, not including legal fees associated with the condemnation process. There may be some minor additional costs to level, loam, and seed the lot. Taxes and utilities due to the City are \$1,993.42.

I recommend that the City accept 143 Pine Street with the following considerations: the LLC provides the City with a warrantee deed, the LLC pays for the cost to prepare the deed, and the City commits to not pursuing the collection of its demolition costs and related legal fees.

This recommendation is based upon the likelihood that the City would otherwise file a special tax assessment against the property for its demolition and legal costs, that the lien will likely mature, and that the City will not be compensated for its costs. This process normally takes several years, during which time the property would remain vacant, unmaintained, and likely become an eyesore. Further, City ownership via a warranty deed can be helpful should the City find someone willing to purchase and reuse the property where ownership via tax acquisition casts a shadow over ownership for a five year period, making bank financing difficult.

Accepting this property is on the Planning Board agenda for Monday, December 19th. As a result, any action by the Council to accept the property should be conditioned on a positive recommendation from the Planning Board.

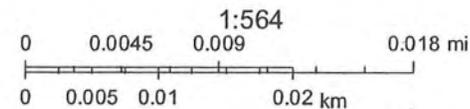
143 Pine Street



December 15, 2016

- LewistonGIS.DBO.LEW_parcel_poly_sub_layeredwithdata_w
- Shoreland Zoning
- No Name Pond Lake Conservation Overlay District

- Zoning - Conditional
- Zoning - Mobile Home Overlay



Lewiston, Maine
Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan,