

CITY OF LEWISTON
PLANNING BOARD MEETING
Monday, June 26, 2017 – 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 contract zone the property at 209 Webster Street from Neighborhood Conservation “A” (NCA) to Office Residential (OR) to allow for the development of a multi-family senior housing project limited to residents 55 years of age or older. The project would also include development of 151 and 153 East Avenue, both currently zoned OR.
- b) A petition submitted by Normand Lamie on behalf of Oram Lawry to contract zone the property at 299 River Road from the Rural-agricultural (RA) district to the Neighborhood Conservation “B” (NCB) district which would allow for the property to remain used as a single-family residence and provide the opportunity to operate a neighborhood retail store, art and crafts studio, personal services, and mixed-use structure consistent with the size and intensity of the current use of site.
- c) An amendment to Article IX, Section 12 of the Zoning and Land Use Code to exempt mobile homes from additional variances similar to that of single-family dwellings on individual lots.

V. OTHER BUSINESS:

- a) Discussion and request to initiate an amendment rescind applicable section of the Zoning and Land Use Code with respect to modifications of space and bulk provisions.
- 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 June 12, 2017 draft minutes

VII. ADJOURNMENT



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Planning Board
FROM: David Hediger, City Planner
DATE: June 22, 2017
RE: Proposed Contract Rezoning of 209 Webster Street

Pursuant to Article XVII, Section 5 of the Zoning and Land Use Code, Louis Ouellette has resubmitted a proposed contract rezoning for the property he owns at 209 Webster Street from the Neighborhood Conservation "A" (NCA) district to the Office-Residential (OR) district to allow multi-family dwellings limited to residents 55 years of age and older. 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 contractually 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. The NCA district essentially limits development to single-family dwellings and does not allow multi-family structures. The abutting OR district allows a variety of residential and non-residential uses, including multi-family structures.

The following summaries Mr. Ouellette's rezoning process to date:

- On 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 their concerns and questions relate to the specific site improvements if the site were developed. Those items would be addressed through the development review process, of which they would be notified, if the property were 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 seemed clear, a straight rezoning to OR would have allowed 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.
- On December 19, 2016 Mr. Ouellette returned to the Board with a new petition to conditionally rezone the property at 209 Webster Street to OR. Specifically, the proposed conditional rezoning allowed all of the currently permitted and conditional uses of the NCA district and added the following OR permitted uses: personal services, multifamily dwellings, single-family attached dwellings, mixed residential developments, and mixed use structures. The applicant believed allowing uses currently permitted in the NCA district while limiting uses allowed in the OR district to specific residential development provided him the ability to move forward with his proposal for senior housing while addressing the uncertainty of uses allowed on this property. The Board voted unanimously to send a favorable recommendation to the City Council to conditionally rezone the property at 209 Webster Street from NCA to OR. A number of neighbors

remained concerned about the potential in increase of traffic, access to the site, and impacts to wetlands. It was noted those items that must be addressed by the Planning Board upon development review once a project is submitted for review and approval.

- On January 3, 2017 the City Council voted 4-3 in opposition of the proposed conditional rezoning due to the above referenced concerns of opposing neighbors.
- One January 17, 2017 Mayor Macdonald, who voted with the prevailing side in opposing this rezoning, and Councilor Beam, who was not present on January 3rd, requested that the rezoning be placed on the January 17th meeting agenda for reconsideration. The motion to reconsider passed 4-3. This was followed by a second motion to refer the matter back to the Planning Board and have them review and research the following items: 1) to have this project involve 55 plus senior housing only, 2) DEP examination of wetlands, 3) traffic impact analysis, 4) bus route change and 5) to be independent housing only and not congregate housing. This motion passed 4-3.

Mr. Ouellette has now returned with an amended contract rezoning (note: the city attorney has since advised staff that conditional rezoning requests be referenced as contract rezones).

Included with this new submittal, the applicant has addressed the Council's requests as follows:

1. The contract rezoning specifically references that multi-family use of the property shall be limited to residents 55 years old and older. The applicant has noted a willingness to have public confirmation of this age limitation. Staff recommends that in addition to the recording of the contract rezoning at the registry of deeds that evidence of a deed restriction referencing the age restriction be recorded at the registry prior to the issuance of any building permits associated the development of any multi-family structure.
2. The applicant has provided a site plan from Sebago Technics delineating just over 10,000 square feet of wetlands on the site. No vernal pools were observed. This means that as a matter of right, the applicant may alter up to 4,300 square feet of wetlands without a permit from DEP. Any additional alteration will require a permit from DEP. It's worth noting this wetland creates drainage issues for a number of abutting properties on East Avenue and it is anticipated that any alterations would likely improve conditions for those properties.
3. A traffic analysis has been provided by Sebago Technics. Based upon a senior housing development of 18- two bedroom units and 22- one bedroom units, the site is expected to generate two and four trips in the AM and PM peak hours. Staff notes that even if the bedroom configuration were to change, the proposed development will fall well below the 100 trips in a peak hour that requires a full traffic study and issuance of a traffic movement permit from the City.
4. Staff contacted Transit Coordinator Marsha Bennett at AVCOG who is responsible for the citylink bus service. She indicated that expanding bus service for project is unlikely. However, the site is within the citylink ADA complementary paratransit service area. People with disabilities would have to apply for certification, upon which bus service from Western Maine Transportation may be provided.
5. The applicant has confirmed that the development will consist of independent housing. At no time has there been a proposal to have this site developed with a congregate care facility. This use was not considered with the initial request nor is it being requested at this time.

Having addressed the concerns of the Council, proposed contract 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 limited to residents 55 years old and

older, 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 remains 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. Contractually rezoning the property to OR to allow for additional residential development meets this purpose.

Rezoning the property also 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 new and previous 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

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

From: [Marsha Bennett](#)
To: [David Hediger](#)
Subject: 209 Webster Street
Date: Tuesday, May 30, 2017 11:59:11 AM

Hi Dave,

I got your message regarding a proposed development at 209 Webster Street. I will bring this to LATC for discussion, but I don't think expanding citylink service will be an option at this time. If the committee were to get more requests for service from LHS, the YWCA or from any of the business on East Avenue it would warrant greater consideration. At best, a bus could go down East Avenue, but I don't see it traveling on Webster Street. The distance to East Avenue from the proposed development may be just far enough that people wouldn't walk it.

That location is within the citylink ADA complementary paratransit service area. People with disabilities would have to apply for certification.

I am working on scheduling LATC's June meeting. I will put this on their agenda.

Marsha

Marsha C. Bennett
Transit Coordinator
AVCOG
125 Manley Road
Auburn, ME 04210
E: mbennett@avcog.org
T: 207.783.9186
F: 207.783.5211

From: [Denis D'Auteuil](#)
To: [David Hediger](#)
Cc: [Marsha Bennett](#)
Subject: RE: Bus service to 209 Webster Street
Date: Friday, June 23, 2017 8:33:51 AM

Hi Dave,

We discussed this at the LATC meeting yesterday. At this time we do not have any routes that currently provide service to 209 Webster, and funding is not currently available to expand our services to this area. A more thorough review would need to be done by staff to determine if an existing route could be extended to this area or if a new route would need to be added. Both options carry significant costs with the option of adding a new route being the most expensive. Marsha and her staff could develop cost estimates for both options if you think that would be helpful. With that said if a resident of 209 Webster qualified for our ADA Paratransit services then this option would be available to those residents. Let me know if you need anything else.

Thanks,
Denis

From: David Hediger
Sent: Friday, June 23, 2017 5:59 AM
To: Denis D'Auteuil
Cc: Marsha Bennett
Subject: Bus service to 209 Webster Street

Denis:
I believe Marsha is on vacation. What was the status of LATC discussion about bus service to 209 Webster? Marsha's initial response was that it was not likely. I'd like give the PB an update on the Committee's thoughts.

Thanks.

David Hediger
City Planner/Deputy Director Planning and Code Enforcement
City of Lewiston
27 Pine Street
Lewiston, ME 04240-7201
Phone 207.513.3125 ext. 3223
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The City of Lewiston is an EOE. For more information, please visit our website @ www.lewistonmaine.gov and click on the Non-Discrimination policy.

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June 20, 2017

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

Dear David:

Please accept this letter as a supplement to the petition for contract rezoning of property located at 209 Webster Street in Lewiston that our clients, Louis and Laurie Ouellette, have recently submitted to your office for consideration and action. Since you, the Planning Board and City Council are all familiar with this property and the Ouellettes' intentions here, the following is intended to address a number of questions and concerns that have been raised by various municipal officials and neighboring landowners, rather than restating information previously submitted to the City at the time of the original petition.

We are aware of five (5) separate matters that the Ouellettes have been requested to directly answer. They are (a) whether the intended project is to be limited to independent senior housing units rather than congregate housing; (b) whether the intended project will be limited to residences for seniors aged 55 and above; (c) what wetlands are on site and how they may impact the project; (d) what traffic impact may result from the project and (e) whether local bus route service would be available to residents of the project. Since this rezoning effort has begun, the Ouellettes have expended considerable time and resources to address each of these items, which immediately follow.

First, the proposed project will be expressly limited to independent senior housing units. The Ouellettes have never proposed that this project would be used as a congregate housing facility, nursing home, intermediate care facility or any other like use, and have no intention whatsoever to construct anything other than independent senior living units. If the City requires some public or record confirmation of this, the Ouellettes have no objection to this component.

Second, the Ouellettes have constantly represented that their intended project is expressly directed to serve our local population who have reached or exceeded the age of 55 years. Our clients fully intend to establish and strictly enforce rules for this project that insure that this age limitation will be adhered to. In addition, as stated in the preceding paragraph, if the City imposes a requirement of some type of public confirmation of this age limitation, the Ouellettes will certainly comply with any reasonable confirmation.

Third, there has been much discussion about the presence of wetlands on this parcel and its potential impact on the proposed project. In response to those discussions, the Ouellettes retained the services of Sebago Technics of South Portland, Maine ("Sebago") to conduct a wetlands delineation of the site. This was performed in May of this year by Gary F. Fullerton, a certified soils scientist for Sebago. His findings are set forth on the attached Wetlands Map identified as Sebago Project No. 17123. Mr. Fullerton's findings are that (a) there are no vernal pools found anywhere on the site and (b) the total wetland area on this parcel is less than 1/4 acre and is limited to the northwesterly section of the property. There remains more than 2 acres of land that can be utilized for the project without any impact on the existing wetland area, which according to our clients is adequate in size and configuration for their intended project.

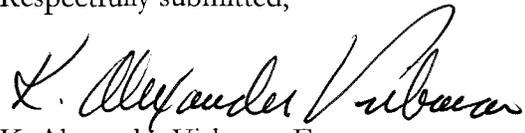
Fourth, the Ouellettes also retained Sebago to provide information on the expected traffic impact the project would have if it were constructed for a "55 and older" resident population. Sebago has provided its trip generation calculation as requested, evidenced by letter dated June 13, 2017 from Bradley Lyon, one of Sebago's Professional Traffic Operations Engineers (PTOE). Mr. Lyon's letter is appended to this supplement. As you can see, Mr. Lyon considers the proposed project to have little to no impact on the road network adjacent to the property, and that no Maine Department of Transportation movement permit would be required in association with the intended project.

Lastly, the Ouellettes understand that the Lewiston-Auburn Transit Committee (LATC) has been asked to look into the possibility of expanding City-Link bus service to this location. At the present time, LATC has indicated that this topic was to be included in its June meeting agenda. Neither the Ouellettes nor this office is aware of the results of that meeting of LATC. In addition, any residents who may qualify for the City's paratransit service would be required to apply for certification in order for that service to be made available to them. This component will only be known once residents begin occupying the proposed units and apply to the City for certification, should each such resident believe he or she qualifies for such service.

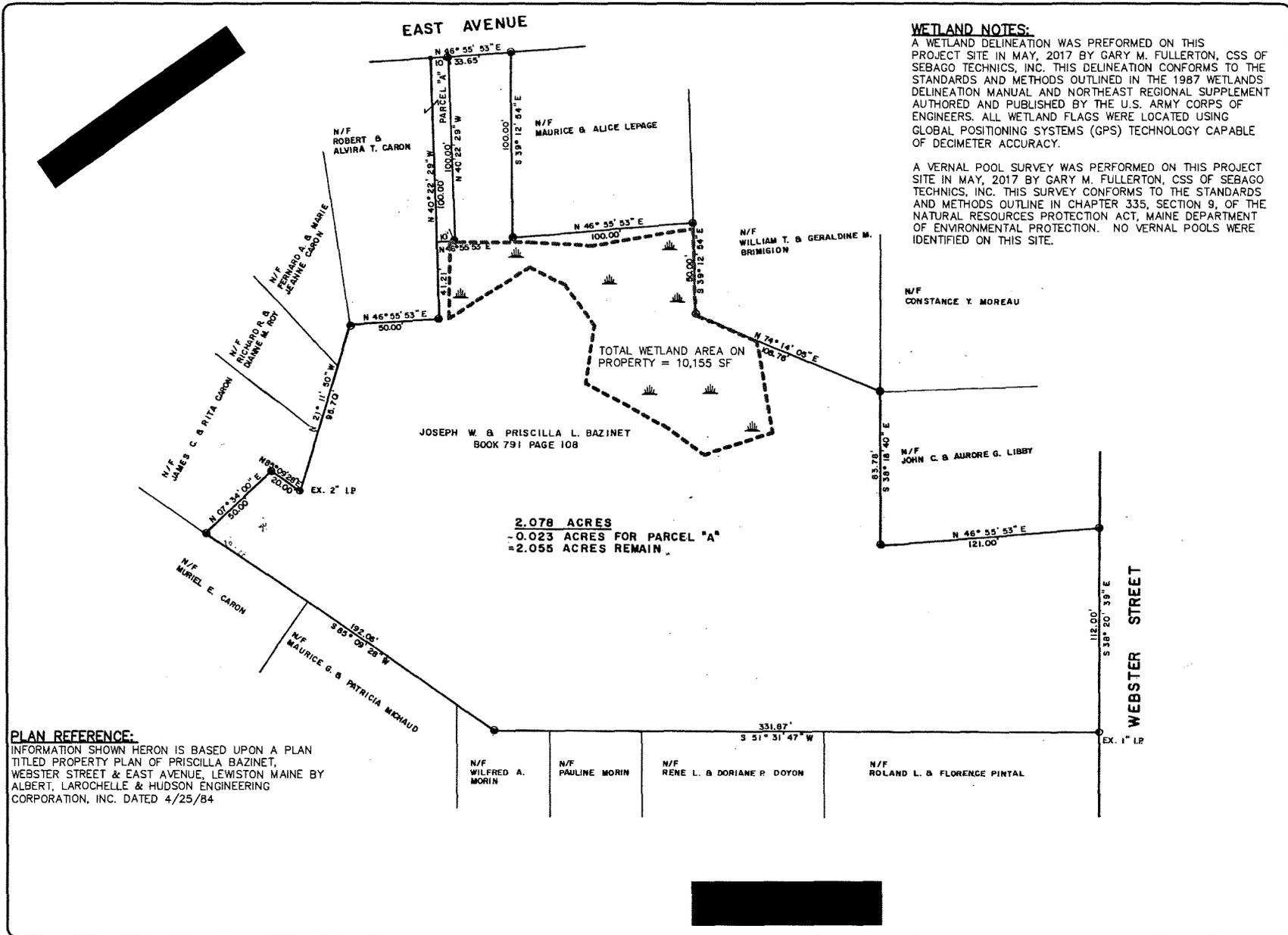
David Hediger
June 20, 2017
Page 3

We trust that this letter and its attachments adequately address the various issues that have arisen in the course of the Ouellettes' petition. Should you have any questions or require further information from either our office or the Ouellettes, please feel free to call upon us. Thanks again to you and your staff for your efforts in this matter.

Respectfully submitted,

A handwritten signature in black ink, reading "K. Alexander Visbaras". The signature is written in a cursive style with a large, sweeping initial "K".

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



THIS PLAN SHALL NOT BE WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.

SEBAGO
 TECHNICS

WWW.SEBAGOTECHNICS.COM

75 John Roberts Rd. Suite 1A Lewiston, ME 04240
 250 Goddard Rd. Suite 04240 Lewiston, ME 04240
 Tel: 207-260-2100 Tel: 207-783-5656

WETLANDS MAP

OF:
 209 WEBSTER STREET
 LEWISTON, MAINE

FOR:
 BIDLOC INVESTMENTS, LLC
 P.O. BOX 607
 SABATTUS, MAINE 04280

DESIGNED	CHECKED
GMF	GMF

PROJECT NO.	SCALE
17123	1" = 50'

SHEET 1 OF 1

17123 WETLAND EXHIBIT.dwg, TAB: EXHIBIT

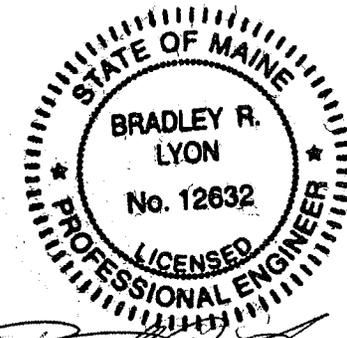


CIVIL ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE

Memorandum

17123

To: Louis Ouellette, LOCBID Construction, Inc.
From: Bradley Lyon, P.E., PTOE, Sebago Technics, Inc.
Date: June 13th, 2017
Subject: Trip Generation Calculation for
209 Webster Street, Lewiston, ME



A handwritten signature in black ink, appearing to read "Bradley R. Lyon". To the right of the signature is the date "6/13/17".

Per your request, we have completed a trip generation calculation for 209 Webster Street in Lewiston, ME based on a proposed buildout of a 40 unit building comprising of 18-2 bedroom units and 22-1 bedroom units as referenced in your email to Gary Fullerton on May 31st, 2017. It is also our understanding in a subsequent conversation with you that these units will be for 55 and older tenants.

Traffic Generation

Using the 7th Edition of the Institute of Transportation Engineer's (ITE) Trip Generation Manual we have estimated the trip generation based on Senior Adult Housing – Attached for 40 units. The ITE Trip Generation Manual describes this use as the following:

"These facilities contain apartment-like residential units. Attached senior adult housing may include limited social or recreational services, but typically lacks centralized dining or medical facilities. Residents in these communities live independently, are typically active (requiring little to no medical supervision) and may or may not be retired."

Table 1 – Trip Generation
Land Use 252 – Senior Adult Housing - Attached
(40 Units)

<i>Time Period</i>	<i>Average Trip Generation Rate / Dwelling Unit</i>	<i>Total Trips</i>	<i>Entering</i>	<i>Exiting</i>
AM Peak Hour of Generator	0.06	2	1 (50%)	1 (50%)
AM Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 AM	0.08	3	1 (45%)	2 (55%)
PM Peak Hour of Generator	0.11	4	2 (53%)	2 (47%)
PM Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 PM	0.11	4	2 (61%)	2 (39%)

It is clear from Table 1 that the peak traffic generation for this development will be extremely minor in nature and should have little to no effect on the adjacent roadway network. It should also be noted that this development would not require a MaineDOT Traffic Movement Permit (TMP) since this volume does not meet the MaineDOT's minimum threshold for Traffic Movement Permits (100 trip ends during the peak hour of the generator).

Conclusions

Based on our trip generation calculation we offer the following conclusions:

- The proposed development will generate 2 and 4 trips in the AM and PM Peak Hour of the Generator respectively.
- The proposed development will not require a MaineDOT TMP.

As a result of these findings, this proposed project is not projected to cause any negative traffic or safety concerns to the adjacent roadway network.

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 contractually 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 contractually 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."

CONTRACT 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 contractually 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	Contract 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 Note: Limited to Residents 55 years old and older
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	43 ft 9 in
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. Violations of any of the conditions herein will constitute a violation of the Code.

4. 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.

5. 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.

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

7. 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.

8. 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.

9. 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.

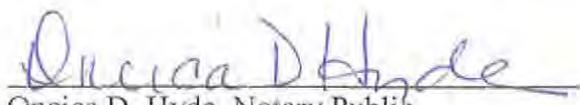
10. Any allowed proposed use, addition or expansion of the subject property deemed applicable to Article XIII, Section 2 of the Code shall be subject to the applicable sections of Article XIII of the Code, Development Review and Standards.

11. By submitting this petition, the petitioner agrees in writing to the conditions described herein.

Respectfully Submitted,


Louis Ouellette

On June 13, 2017, Louis Ouellette personally appeared before me and acknowledged the foregoing to be his free act and deed.


Oneica D. Hyde, Notary Public
Commission Expires: 4/12/23

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 southwestery 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 Desha
Witness

Priscilla 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
Rachel Blanchette

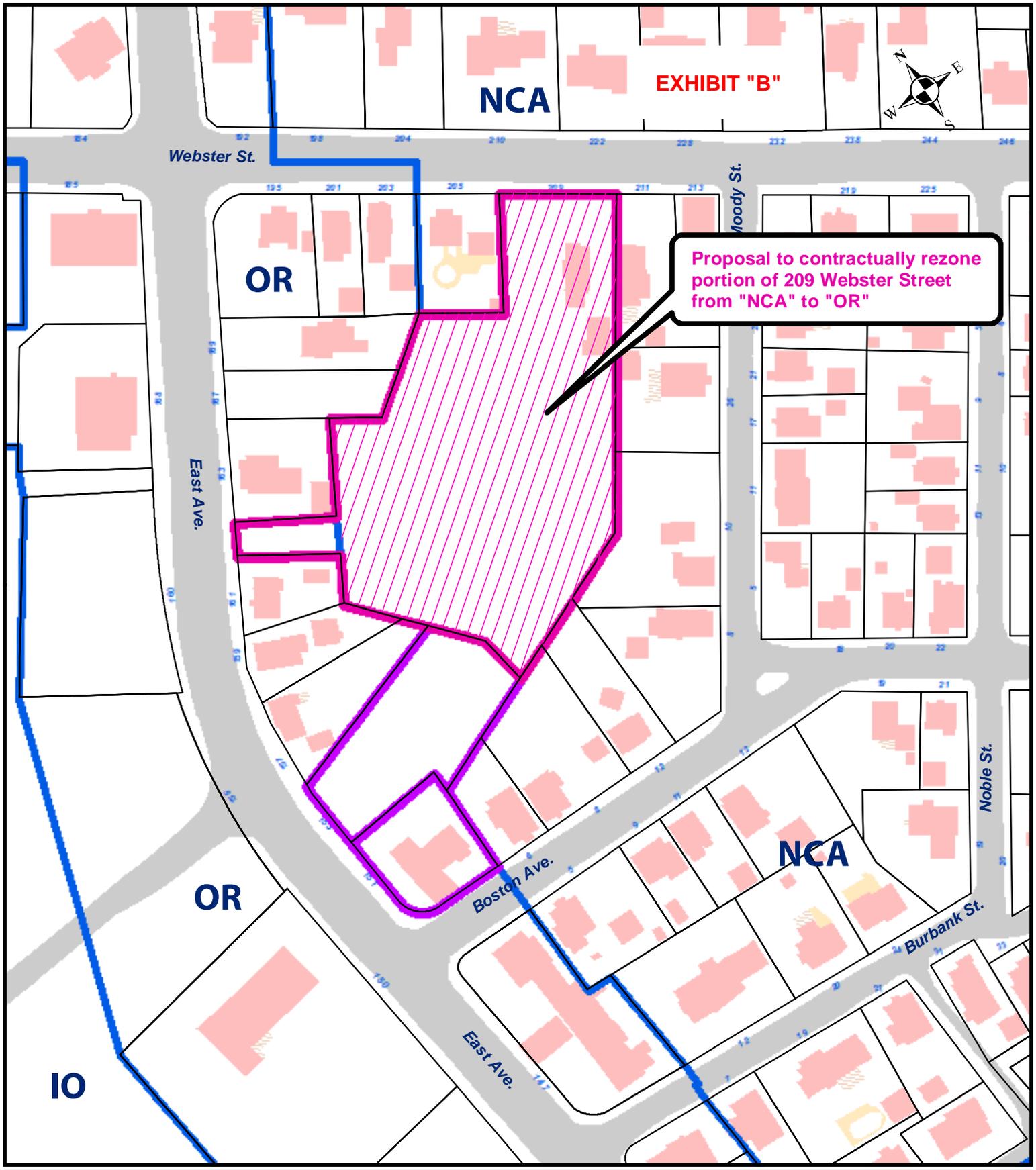
Priscilla Bazinet
Priscilla L. Bazinet

Rachel Blanchette
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



Proposed
209 Webster Street
Contract Rezoning

June 2017

Land Use Table: All Zoning Districts	Neighborhood Conservation "A" (NCA)	Office Residential (OR)	Proposed "OR" Contract 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,		G	
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 Note: limited to Residents 55 years of age and older
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	G	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



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Planning Board
FROM: David Hediger, City Planner
DATE: June 22, 2017
RE: Proposed Contract Rezoning of 299 River Road

Pursuant to Article XVII, Section 5 of the Zoning and Land Use Code, Normand Lamie on behalf of Oram Lawry has submitted request to contract zone the property at 299 River Road from the Rural-agricultural (RA) district to the Neighborhood Conservation "B" (NCB) district. This will allow for the property to remain used as a single-family residence and provide the opportunity to operate a neighborhood retail store, art and crafts studio, personal services, and mixed-use structure consistent with the size and intensity of the current use of site. This lot of approximately 12.89 acres is currently split zoned with approximately 6.3 acres located in the RA district and the remaining land in the Resource Conservation (RC) district. The land located within the RC is also located within the 100-year floodplain. The proposed rezoning is limited to that portion currently zoned RA.

The current use of the property includes a single-family residence, landscape nursery, greenhouses, and accessory retail sales business, Provencher Landscape & Nursery, which has operated at this location since 1989. Retail sales are currently limited to being accessory to the agricultural use of the property (i.e. landscape nursery and greenhouses). The proposed contract rezoning would allow for the property to remain used as a single-family residence and provide the opportunity to operate a small retail sales business for purposes of retail sales of antiques, art & crafts, and studio. The property has been owned by Lorraine and Roger Roberge since 1989. They are seeking to retire and have executed a Purchase & Sale Agreement with Oram Lawry. Their agreement is subject to approval of the requested contract rezoning request.

As noted in the Reasons For The Proposed Amendment, the contract rezoning provides more opportunities for the site, while limiting any retail activity to a store that occupies more than five thousand (5,000) square feet of total floor space and within which no alcoholic beverages are consumed. The property has been used as a small retail business accessory to the nursery and greenhouse operation since 1989. Rather than a straight rezoning, the contract rezone will allow for the continued use of the property in a similar and limited manner in effort to be sensitive to the few remaining residential properties in this area. Much of this area is zoned Industrial (I) with the exception of properties on the west side of River Road remaining RA. Of those 19 properties zoned RA, approximately 125 acres/78% of the land area is currently owned by two land owners with approximately 79 acres used for storage of earth material and gravel mining operations.

While it could be argued that the property may be more suitable for more intense nonresidential development, the petitioner remains interested in promoting neighborhood stability by limiting the intensity of possible uses while continuing to allow those uses allowed in the RA. Therefore, the contract rezoning will allow all of the currently permitted and conditional uses of the RA district and will add the following NCB uses: arts and crafts studio, personal services,

neighborhood retail (i.e. store cannot exceed 5,000 square feet), and mixed use structures. The applicant believes allowing uses currently permitted in the RA district while limiting the uses allowed in the NCB district will provide the ability to move forward with additional usage of the site without adversely impacting abutters. With that in mind, the proposal does remove the current ability to establish daycare centers, airports/heliports, and mobile homes. The applicant has done the same with the space and bulk standards, allowing all of the current RA standards to remain with the exception of frontage, with a proposed reduction from 200' to 125' for nonresidential/other uses. This change was made to provide the applicant the ability to split the lot into two parcels if desired. Reference should be made to the table provide by the applicant comparing the uses and space bulk standard for the RA, NCB, and proposed contract rezoning.

As the applicant has noted, with the industrial zoning of land and uses that exist in the area, there may be an argument for rezoning this lot and the remaining land on the west side of River Road to a nonresidential district. However, the applicant remains sensitive the existing residential properties and at this time feels a contract rezoning will provide more opportunities for the use of 299 River Road without impacting abutters. Staff believes the proposal is a reasonable request that will provide more commercial opportunity in an area of the community where additional development activity is appropriate while being mindful of the few remain residential uses in the area.

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).

June 10, 2017

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

RE: **Contract Rezoning of 299 River Road**

Dear Mr. Hediger.

On behalf of Oram Lawry I am submitting the enclosed Contract Rezoning request to contractually rezone the property at 299 River Road from the Rural Agricultural (RA) District to the Neighborhood Conservation "B" (NCB) District.

The property has been owned by Lorraine and Roger Roberge since 1989. They are seeking to retire and have executed a Purchase & Sale Agreement with Oram Lawry. This agreement is subject to approval of the requested Contract Rezoning request.

The current use includes a single-family residence, landscape nursery, greenhouses, as an accessory retail sales business, Provencher Landscape & Nursery, which has operated at this location since 1989. Retail sales are currently limited to being accessory to the agricultural use of the property (i.e. landscape nursery and greenhouses). The proposed contract rezoning would allow for the property to remain used as a single-family residence and provide the opportunity to operate a small retail sales business for purposes of retail sales of antiques, art & crafts, and studio, consistent with the size and intensity of the current use of site.

We respectfully request consideration by the City of Lewiston Planning Board and subsequently by the Mayor & City Council.

I will be present at the upcoming meetings along with potential future property owner Oram Lawry, as well as Lorraine & Roger Roberge (my sister and brother-in-law) to present the information and answer questions.

Sincerely,



Normand Lamie
234 Montello Street
Lewiston, ME 04240

EC: Oram Lawry
Lorraine Roberge
Roger Roberge

**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 establish a contract rezoning of the property at 299 River Road to allow for the establishment of a small retail business as a conditional use as described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1	<i>George E Gilbert</i>	George E. GILBERT	326 River Rd.	06/07/2017
2	<i>Constance A Gilbert</i>	CONSTANCE A GILBERT	326 RIVER RD	06/07/2017
3	<i>Karen Pelletier</i>	KAREN PELLETIER	51 BOSTON AVE	6/7/2017
4	<i>Rhonda Martel</i>	Rhonda Martel	317 River Rd	6/8/2017
5	<i>Donald Pionne</i>	DONALD PIONNE	16 SCHOOL ST	6/8/17
6	<i>Crystal Dionne</i>	Crystal Dionne	16 School St.	6-8-17
7	<i>Raymond Martel</i>	RAYMOND MARTEL	317 RIVER RD	6-8-17
8	<i>Frank Babb</i>	FRANK BABB	275 River Rd.	6-8-17
9	<i>Bonnie Babb</i>	Bonnie Babb	275 River Rd	6-8-17
10	<i>Nicholas Roberge</i>	Nicholas Roberge	20 Shank St.	6-8-17
11	<i>ALMAND TRUSON</i>	ALMAND TRUSON	380 RIVER RD	6-9-17
12	<i>Donna Racine</i>	Donna Racine	289 River Rd	6-11-17
13	<i>John Racine</i>	John Racine	289 River Rd	6-11-17
14	<i>Corey Gagner</i>	Corey Gagner	685 Oldgreen Rd	6-11-17
15	<i>Jeffrey Corey</i>	Jeffrey Corey	84 Cumberland Ave	6-11-17
16	<i>Louis P Roberge</i>	Louis P Roberge	25 Drew St	6/11/17
17	<i>Joliette Roberge</i>	Joliette Roberge	25 Drew St	6/11/17
18	<i>Norma Roberge</i>	NORMA Roberge	7 Raymond Ave	6-11-17
19	<i>Allison Roberge</i>	Allison Roberge	20 Shank Street	6-11-17
20	<i>Robert Roberge</i>	Robert ROBERGE	7 RAYMOND AVE	6-11-17

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.

Robert Roberge
Signature of Circulator

Robert Roberge
Printed Name of Circulator

6/11/2017
6/7/2017
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: 19

Total Invalid: 1

Kevin Smith
Signature of Registrar/Deputy Registrar

Date: 6/13/17

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 City of Lewiston hereby ordains that the Official Zoning Map of the City of Lewiston be amended by establishing a contract zone for the property at 299 River Road as recorded in the Androscoggin Registry of Deeds Book 2428 Page 263 as described in Exhibit "A" and depicted on Exhibit "B", both of which are attached hereto as follows, said property said property to contractually rezoned from the Rural Agricultural (RA) District and to the Neighborhood Conservation "B" (NCB) District.

REASONS FOR THE PROPOSED AMENDMENT

The reasons for the proposed amendment include allowing the premises situated in the municipality of Lewiston County of Androscoggin County, State of Maine, located at 299 River Road be allowed to operate a neighborhood retail sales business store. The property contains structures consisting of a single-family residence with 2-car garage constructed in 1978, 2 frame utility sheds totaling 612 sf, a 2-story barn of with an 1,800-sf. footprint, and 3 greenhouses totaling 4,020 sf. built in 2000. The current use includes a single-family residence, landscape nursery, greenhouses, and accessory retail sales business, Provencher Landscape & Nursery, which has operated at this location since 1989. Retail sales are currently limited to being accessory to the agricultural use of the property (i.e. landscape nursely and greenhouses) The proposed contract rezoning would allow for the property to remain used as a single-family residence and provide the opportunity operate a small retail sales business for purposes of retail sales of antiques, art & crafts, and studio, consistent with the size and intensity of the current use of site. The contract rezoning provides more opportunity for the site, while limiting any retail activity to a store that occuppies less than five thousand (5,000) square feet of total floor space and within which no alcoholic beverages are consumed. The property has been used as a small retail business accessory to the nursely and greenhouse operation since 1989. Rather than a straight rezoning, the contract rezoning will allow for the continued use of the property in a similar, limited manner providing a buffer for the few remaining residential properties from the large businesses located in the adjacent Industrial Zone. It should be noted the Industrial Zone is located immediately on the other side of River Road as well as approximately 1,000 feet westerly of the

property. The land located on southerly side of River Road between 277 River Road (near Alfred A. Plourde Parkway) and 463 River Road (Lewiston Solid Waste Facility) is currently zoned RA involves 19 parcels owned by 6 parties. This area consists of 142 acres, of which 125 acres, or 78% of the total land area is currently owned by two land owners with approximately 79 acres used for storage of earth material and gravel mining operations. The property is located on a busy road, adjacent to the Alfred Plourde Parkway and near the Maine Turnpike Exit 80 Interchange. While the property may be ideal for more intense development, the petitioner remains interested in promoting neighborhood stability by limiting the intensity of possible uses and continue to allow those uses currently allowed in the RA.

CONFORMANCE WITH COMPREHENSIVE PLAN

The City Council of the City of Lewiston hereby determines that the change to the Zoning map is in conformance with the Comprehensive Plan for the following reasons:

- (1) The property is located immediately adjacent to the Industrial Zone. A sector described in the City's Comprehensive Plan as the "*Industrial Village Special District is comprised of land adjacent to the I-95 interchange currently zoned for conventional industrial development. This particular industrial land is envisioned as a self-sustaining industrial village with a mix of industrial, office, retail, and other supporting development acting as a sustainable, closed-loop eco-village where businesses interact with each other for productivity. This district requires a unique set of standards that accommodates trucks, large building footprints, and other unique requirements of large industrial enterprises. This sector includes the City's current Industrial zone, which would be rezoned as a form based Special District.*" (Conservation & Growth, Page 124)
- (2) Another section of the Comprehensive Plan states: "*Strengthen Neighborhoods & Expand Housing Choice: Encourage creative investment strategies that help to reinforce positive neighborhood identities and provide employment, recreational, and civic opportunities within walking distances of homes.*" (Vision Statement & Guiding Principles, Guiding Principles, page 116.)
- (3) Lastly, another section of the Comprehensive Plan states: "*Grow The Economy: Promote a healthful and sustainable business environment by investing actively in efficient infrastructure, providing favorable incentives, and building a community that is attractive to employers and their workers*". (Vision Statement & Guiding Principles, Guiding Principles, page 116.)

CONTRACT REZONING AGREEMENT

The proponent requests that the official zoning map for the City be amended by removing the subject property from the RA district and contract rezoning the subject premises NCB district subject to the limitations more fully described below.

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

- (a) Land Use Table: Allowed uses of the property shall include those uses which are presently permitted in the RA district with the exception of mobile homes on individuals lots, earth removal material, daycare centers, and airports or heliports and will allow the following uses: neighborhood retail stores, small daycare facility, and art and crafts studios, as listed below and subject to the conditions contained herein.

Land Use Table	Proposed Contract Rezoning Neighborhood Conservation B (NCB) for 299 River Road
USES (15) (33)	
Accessory use or structure	P
Commercial-Service	
Veterinary facilities excluding kennels and humane societies	
Veterinary facilities including kennels and humane societies	C
Small day care facilities	P
Day care centers	
Day care centers accessory to public schools, religious facilities, multifamily or mixed res. developments, and mobile home parks	
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	C
Personal Services (39)	P

Retail stores	
Neighborhood retail stores	P
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

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 and fire protection activities; bridges and public roadways	
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,	
Civic 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	
Multifamily dwellings in accordance with the standards of Article XIII	
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	
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 XII	P
Single family cluster development	P
Family day care home	P
Shelters	
Natural Resource	
Agriculture	P
Farm Stands	P
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:

- (15) Buildings, structures and uses accessory to permitted or conditional uses are allowed in all districts.
- (20) Shall comply with Article XII, Section 4
- (33) The performance standards of Article XII shall apply, unless otherwise specified.
- (39) Personal Services is limited to occupying within existing retail space limitation of 5,000 sf.

(b) Space and Bulk Table: Allowed space and bulk standards on the property shall include those standards which are presently permitted in the RA district as listed below, with the exception of Minimum Frontage for "Other Uses" and subject to the conditions contained herein:

Space and Bulk Table	
Dimensional Requirements (13)	Proposed Contract Rezoning Neighborhood Conservation B (NCB) for 299 River Road
Minimum lot size with public sewer	
Single family detached (24)	60,000 sf
Single family attached	20 acres
Two-family dwellings	
Single family cluster development	20 acres
Mixed single family residential development (14)	20 acres
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
Agriculture	120,000 sf
Religious facilities	120,000 sf
Veterinary facilities	120,000 sf
Other uses	40,000 sf
All permitted uses	
Minimum lot size without public sewer (3)	
Single family detached, mobile homes on individual lots (24)	60,000 sf
Single family attached	60,000 sf
Two-family dwellings	
Single family cluster development (1)	20 acres
Mixed single family residential development (14)	20 acres
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
Agriculture	120,000 sf
Religious facilities	120,000 sf
Veterinary facilities	120,000 sf
Other uses	

Minimum <u>net</u> lot area per d.u. with public sewer	
Single family detached	60,000 sf
Single family attached	60,000 sf
Two-family dwellings	
Mixed single family residential development (14)	60,000 sf
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
All permitted residential uses	
Minimum <u>net</u> lot area per d.u. without public sewer	
Single family detached, mobile homes on individual lots	60,000 sf
Single family attached	60,000 sf
Two-family dwellings	
Mixed single family residential development (14)	60,000 sf
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
All permitted residential uses	
Minimum frontage	
Single family detached, mobile homes -	200 ft.
Single family attached	200 ft.
Two-family dwellings	
Single family cluster development (with multiple vehicular accesses)	200 ft. (50 feet)
Mixed single family residential development (with multiple vehicular accesses)	200 ft. (50 feet)
Mixed residential development (with multiple vehicular accesses) (14)	
Multifamily dwellings (with multiple vehicular accesses)	
Mixed use structures	
Agriculture	250 ft.
Religious facilities	205 ft.
Veterinary facilities	
Other uses	125 ft.
All permitted uses	
Minimum front setback	
Single family detached, mobile homes on individual lots	25 ft.

Single family attached	50 ft.
Two-family dwellings	
Single family cluster development	50 ft.
Mixed single family residential development (14)	50 ft.
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
Agriculture	50 ft.
Religious facilities	25 ft.
Veterinary facilities	25 ft.
Other uses	25 ft.
All permitted uses	
Minimum front yard	
Single family detached, mobile homes on individual lots	25 ft.
Single family attached	50 ft.
Two-family dwellings	
Single family cluster development	50 ft.
Mixed single family residential development (14)	50 ft.
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	25 ft.
Religious facilities	25 ft.
Veterinary facilities	25 ft.
Other uses	25 ft.
All permitted uses	
Minimum side and rear setback	
Single family detached, mobile homes on individual lots	25 ft.
Single family attached	
Two-family dwellings	
Single family cluster development	50 ft.
Mixed single family residential development (14)	50 ft.
Mixed residential development (14)	
Multifamily dwellings	
Religious facilities	50 ft.
Mixed use structures	
Veterinary facilities	50 ft.
Farm structures for keeping of animals	100 ft.
Other uses	50 ft.
All permitted uses	

Minimum side and rear yard	
Single family detached, mobile homes on individual lots	10 ft.
Single family attached	50 ft.
Two-family dwellings	
Single family cluster development	
Mixed single family residential development (14)	
Mixed residential development (14)	50 ft.
Multifamily dwellings	
Mixed use structures	
Religious facilities	
Veterinary facilities	25 ft.
Farm structures for keeping of animals	25 ft.
Other uses	25 ft.
All permitted uses	
Maximum height	
Agriculture	75 ft.
Other permitted uses	35 ft.
Hospital, nursing homes and medical offices	
Ratios	
Maximum lot coverage	0.15
Maximum impervious coverage	

Applicable footnotes:

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

(3) Or a larger minimum lot size based on the requirements of the Maine Subsurface Wastewater Disposal Rules.

(13) Modifications (i.e. relaxation of standards) of setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios, and maximum building height as contained in the district space and bulk standard may be granted by the board of appeals, planning board, staff review committee and the code enforcement official pursuant to Articles V, VII, VIII, IX, and XIII of this Code.

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

(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.

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

(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 their 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.

(d) The conditions described herein shall run with the subject premises.

(g) In addition to 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 contractually shall be of no force or effect if the proponent fails or refuses to comply with conditions imposed.

(j) Any allowed proposed use, addition, or expansion of the property deemed applicable to Article XIII, Section 2 of the Zoning and Land Use Code shall be subject to the applicable sections of Article XIII of the Zoning and Land Use Code, Development Review and Standards.

(k) By submitting this proposal, the proponent agrees in writing to the conditions

described herein.

The Proponent hereby respectively submits this Proposal as of the 12th day of June 2017.

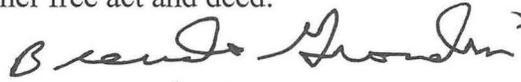
Oram Lawry



Androscoggin, SS
Lewiston, Maine

JUNE 12TH, 2017

Personally appeared the above named Oram Lawry and acknowledged the foregoing to be her free act and deed.

Notary Public 
Commission Expires: 11/16/17

BRENDA GRONDIN
Notary Public, State of Maine
My Commission Expires 11/16/2017

The owner of Provencher Landscape & Nursery, 299 River Road acknowledges and is supportive of this request.

Owners:

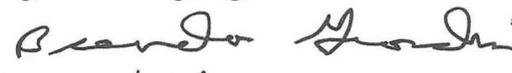

Roger Roberge


Lorraine Roberge

Androscoggin, SS
Lewiston, Maine

JUNE 12TH, 2017

Personally appeared the above named Roger Roberge and Lorraine Roberge and acknowledged the foregoing to be his/her free act and deed.

Notary Public 
Commission Expires: 11/16/17

BRENDA GRONDIN
Notary Public, State of Maine
My Commission Expires 11/16/2017

PARID: RE00010919 299 RIVER RD

Parcel ID RE00010919

Map/Lot 155/000/012

Property Location: 299 RIVER RD

Property Class: Multiple Use - Primarily Commercial

Land Area: (acreage) 11.53

Owners

Owner: ROBERGE ROGER
ROBERGE LORRAINE L

Address: 299 RIVER RD

City: LEWISTON

State: ME

Zip: 04240

Book: 2428

Page: 263

OBJ

Description Area/Quantity

GH1-GREENHSE WD FRAME GLASS WALLS 1,275

CP7-CANOPY SS-ECONOMY 110

CP7-CANOPY SS-ECONOMY 144

RS1-FRAME UTILITY SHED 480

RS1-FRAME UTILITY SHED 132

RG4-GARAGE WITH FIN ATTIC 624

GH1-GREENHSE WD FRAME GLASS WALLS 480

GH1-GREENHSE WD FRAME GLASS WALLS 2,100

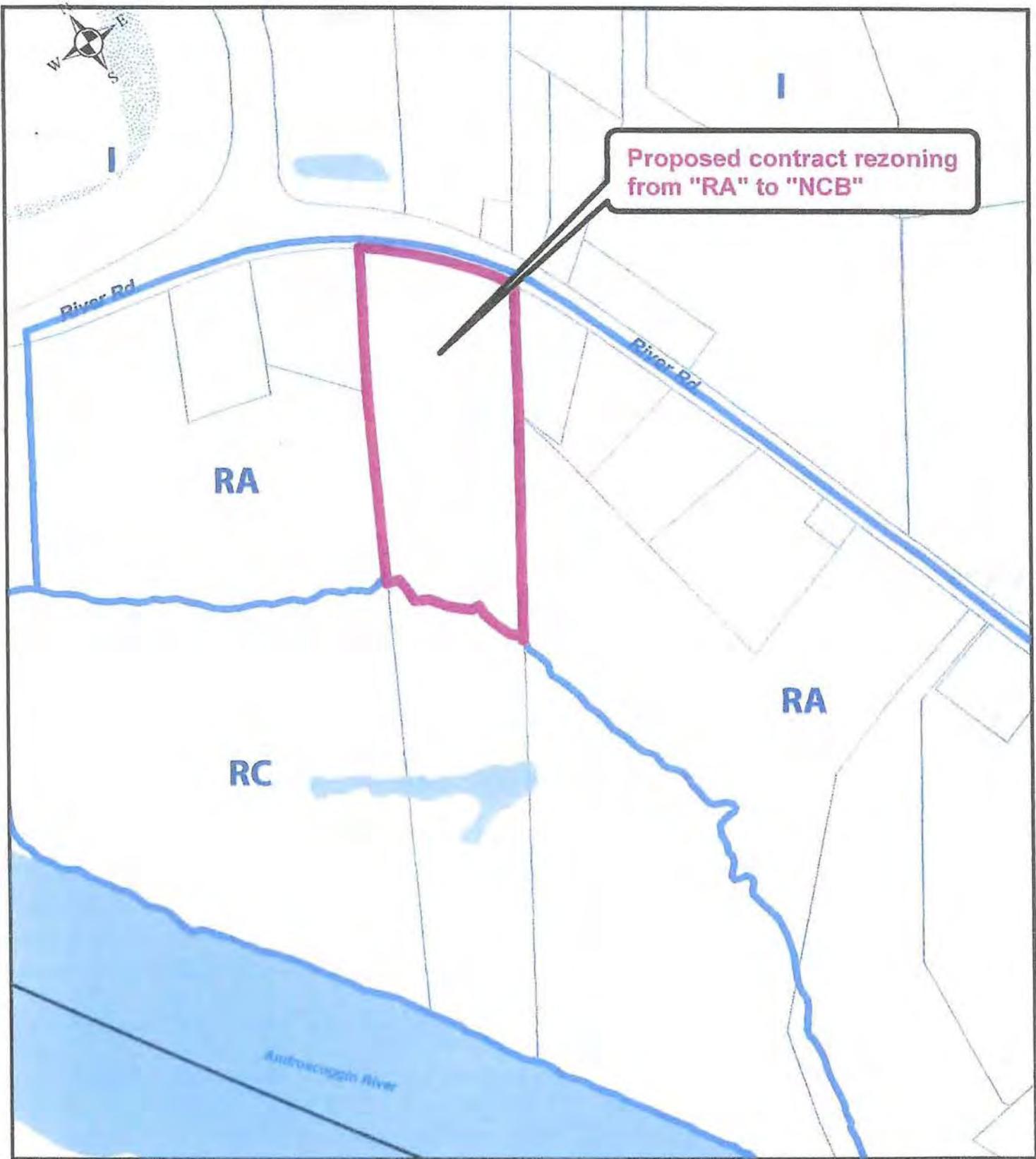
GH1-GREENHSE WD FRAME GLASS WALLS 1,440

PROPERTY DESCRIPTION

The property is currently owned by Roger and Lorraine Roberge. The current use includes a single-family residence, landscape nursery, greenhouses, and a retail sales business, Provencher Landscape & Nursery, which had operated at this location since 1989.

The property contains structures consisting of a single-family residence with 2-car garage constructed in 1978, two framed utility sheds totaling 612 sf, a 2-story barn built in 2000 with a 1,800 sf footprint, and 3 greenhouses totaling 4,020 sf.

EXHIBIT A – PROPERTY DESCRIPTION



Proposed
299 River Road
Contract Rezoning

June 2017

June 7, 2017

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

Dear Mr. Hediger.

We are the owners of property at 299 River Road. We have lived at this location and owned and operated a small retail business, Provencher Landscape & Nursery, for the past 28 years.

As we approach retirement we wish to divest of the property.

We have a Purchase and Sale Agreement with Oram Lawry for purchase of the property conditioned on approval of the enclosed Contract Zoning by the City of Lewiston.

We fully support the request for Contract Zoning amendment at 299 River Road.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Roberge". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Roger Roberge

A handwritten signature in black ink, appearing to read "Lorraine Roberge". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Lorraine Roberge

12287

BK2428 PG263

WARRANTY DEED

Kenneth W. Martin, Jr. and Susan B. Martin of Lewiston, County of Androscoggin, State of Maine for consideration paid grant to Roger Roberge and Lorraine L. Roberge, both of Lewiston, County of Androscoggin, State of Maine, as joint tenants, with WARRANTY COVENANTS, the land situated in Lewiston, Androscoggin County, State of Maine, bounded and described as follows:

PARCEL ONE: A certain lot or parcel of land situated on the Westerly side of the River Road in said Lewiston, bounded and described as follows:

Beginning at a point in a stone wall on the Westerly side of the River Road, which point is the Southeasterly boundary on said road of the Old Carville Farm described in a deed of Luella H. Carville to Rhea M. Horner and Virginia C. Martin dated June 20, 1970, and recorded in the Androscoggin County Registry of Deeds in Book 1020, Page 39; thence Westerly along said stone wall and Southerly line of land of Rhea M. Horner and Virginia C. Martin to high water mark of the Androscoggin River; thence Northerly by said high water mark a distance of three hundred (300) feet, more or less, to a point; thence Easterly by a line parallel to the first mentioned bound to a point on the Westerly side of said River Road three hundred (300) feet Northerly from the point of beginning; thence by said River Road Southerly three hundred (300) feet to the point of beginning.

Meaning and intending to convey a parcel of land containing ten (10) acres more or less.

Being the same premises conveyed to these grantors by deed of Rhea M. Horner and Virginia C. Martin dated April, 1977 and recorded in the Androscoggin County Registry of Deeds in book 1266, Page 86.

PARCEL TWO: A certain lot or parcel of land situated on the westerly side of the River Road in said Lewiston, bounded and described as follows:

Beginning at an iron pin on the westerly side of the River Road at the northeast corner of the parcel of land described as parcel one, above; thence westerly along the northerly boundary of the land of the Grantors herein to an iron pin at the high water mark of the Androscoggin River at the northwest corner of the land of the Grantors herein; thence northerly along the high water mark of the Androscoggin River a distance of seventy-five (75) feet to an iron pin; thence easterly parallel to the

MAINE REAL ESTATE
TRANSFER TAX PAID

BK2428 PG264

northerly boundary of the land of the Grantors herein to an iron pin on the westerly side of the River Road; thence southerly along the westerly side of the River Road a distance of seventy-five (75) feet to the point of beginning

Being the same premises conveyed to these grantors by deed of Rhea M. Horner and Virginia C. Martin dated May 31, 1989 and recorded in The Androscoggin County Registry of Deeds in Book 2415, Page 57.

IN WITNESS WHEREOF, the parties have hereunto set their respective hands and seals this 30th of June, 1989.

[Signature]
Witness

Kenneth W. Martin, Jr.
Kenneth W. Martin, Jr.

[Signature]
Witness

Susan B. Martin
Susan B. Martin

STATE OF MAINE
ANDROSCOGGIN, SS.

June 30, 1989

Personally appeared the above-named KENNETH W. MARTIN, JR. and SUSAN B. MARTIN and acknowledged the foregoing instrument to be their free act and deed.

Before me,
[Signature]
Notary Public
Jeane Jandreau, Notary Public
My commission expires 2/11/1990



ATTEST:
Margaret C. Thompson
REGISTER OF DEEDS

89 JUL -3 AM 9:12

ANDROSCOGGIN, SS.
REGISTRY OF DEEDS

[Faint signature]

Land Use Table: All Zoning Districts 05.05.16	Rural Agricultural (RA)	Neighborhood Conservation "B" (NCB)	Proposed Contract Zoning for 299 River Road
USES(15)(33)			
Accessory use or structure	P	P	P
Commercial-Service			
Veterinary facilities excluding kennels and humane societies			
Veterinary facilities including kennels and humane societies	C		C
Small day care facilities	C	P	P
Day care centers	C		
Day care centers accessory to public schools, religious facilities, multifamily or mixed res. developments, and mobile home parks		C(22)	
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services		C(31)	
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		C	C
Personal Services		P	P
Retail stores			
Neighborhood retail stores (< 5,000 sf)		P	P
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	C		
Commercial parking facilities		C	
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	Rural Agricultural (RA)	Neighborhood Conservation "B" (NCB)	Proposed Contract Zoning for 299 River Road
Institutional			
Religious facilities	P	P	P
Cemeteries	P	P	P
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities		C	
Hospitals, medical clinics,		C	
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(13)	
Civic and social organizations		C	
Public community meeting and civic function buildings including auditoriums			
Residential			
Single-family detached dwellings on individual residential lots	P(8)	P(2)	
Mobile homes on individual residential lots	P(8)		
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	C	P	P
Mixed single-family residential developments in accordance with the standards of Article XIII	C	P	
Mixed residential developments in accordance with the standards of Article XIII		P	
Mixed use structures		P	P
Lodging houses		P	
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	P		P
Family day care home	P	P	P
Shelters		C	
Dormitories			
Natural Resource			
Agriculture	P(8)		P
Farm Stands	P		P
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P	P	P
Earth material removal	C		
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	C		
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 = Permitted

C = Conditional Use Requiring Approval

Space and Bulk Table: All Zoning District 10.06.16

Dimensional Requirements (13)	Rural Agricultural (RA)	Neighborhood Conservation B (NCB)	PROPOSED Contract Zoning for 299 River Road
Minimum lot size with public sewer			
Single family detached (24)	60,000 sf		60,000 sf
Single family attached	20 acres		20 acres
Two-family dwellings			
Single family cluster development	20 acres		20 acres
Mixed single family residential development (14)	20 acres		20 acres
Mixed residential development (14)			
Multifamily dwellings			
Mixed use structures			
Agriculture	120,000 sf		120,000 sf
Religious facilities	120,000 sf		120,000 sf
Veterinary facilities	120,000 sf		120,000 sf
Other uses	40,000		40,000 sf
All permitted uses		None	
Minimum lot size without public sewer (3)			
Single family detached, mobile homes on individual lots (24)	60,000 sf		60,000 sf
Single family attached	60,000 sf		60,000 sf
Two-family dwellings			
Single family cluster development (1)	20 acres		20 acres
Mixed single family residential development (14)	20 acres		20 acres
Mixed residential development (14)			
Multifamily dwellings			
Mixed use structures			
Agriculture	120,000 sf		120,000 sf
Religious facilities	120,000 sf		120,000 sf
Veterinary facilities	120,000 sf		120,000 sf
Other uses	4000 sf	None	4000 sf
Minimum net lot area per d.u. with public sewer			
Single family detached	60,000 sf		60,000 sf
Single family attached	60,000 sf		60,000 sf
Two-family dwellings			
Mixed single family residential development (14)	60,000 sf		60,000 sf
Mixed residential development (14)			
Multifamily dwellings			
Mixed use structures			
All permitted residential uses			
Minimum net lot area per d.u. without public sewer			
Single family detached, mobile homes on individual lots	60,000 sf		60,000 sf
Single family attached	60,000 sf		60,000 sf
Two-family dwellings			
Mixed single family residential development (14)	60,000 sf		60,000 sf
Mixed residential development (14)			
Multifamily dwellings			
Mixed use structures			
All permitted residential uses			
Minimum frontage			
Single family detached, mobile homes -	200 ft		200 ft
Single family attached	200 ft		200 ft
Two-family dwellings			
Single family cluster development (with multiple vehicular accesses)	200 ft (50 feet)		200 ft (50 feet)
Mixed single family residential development (with multiple vehicular accesses)	200 ft (50 feet)		200 ft (50 feet)
Mixed residential development (with multiple vehicular accesses) (14)			
Multifamily dwellings (with multiple vehicular accesses)			
Mixed use structures			
Agriculture	250 ft		250 ft
Religious facilities	250 ft		250 ft
Veterinary facilities			
Other uses	200		125 ft
All permitted uses		50 ft	
Minimum front setback			
Single family detached, mobile homes on individual lots	25 ft		25 ft
Single family attached	50 ft		50 ft
Two-family dwellings			
Single family cluster development	50 ft		50 ft
Mixed single family residential development (14)	50 ft		50 ft
Mixed residential development (14)			

Space and Bulk Table: All Zoning District 10.06.16

Dimensional Requirements (13)	Rural Agricultural (RA)	Neighborhood Conservation B (NCB)	PROPOSED Contract Zoning for 299 River Road
Multifamily dwellings			
Mixed use structures			
Agriculture	50 ft		50 ft
Religious facilities	25 ft		50 ft
Veterinary facilities	25 ft		50 ft
Other uses	25 ft		50 ft
All permitted uses		10 ft (21,22)	
Minimum front yard			
Single family detached, mobile homes on individual lots	25 ft		25 ft
Single family attached	50 ft		50 ft
Two-family dwellings			
Single family cluster development	50 ft		50 ft
Mixed single family residential development (14)	50 ft		50 ft
Mixed residential development (14)			
Multifamily dwellings			
Mixed use structures	25 ft		25 ft
Religious facilities	25 ft		25 ft
Veterinary facilities	25 ft		25 ft
Other uses	25 ft		25 ft
All permitted uses		10 ft (21,22)	
Minimum side and rear setback			
Single family detached, mobile homes on individual lots	25 ft		25 ft
Single family attached			
Two-family dwellings			
Single family cluster development	50 ft		50 ft
Mixed single family residential development (14)	50 ft		50 ft
Mixed residential development (14)			
Multifamily dwellings			
Religious facilities	50 ft		50 ft
Mixed use structures			
Veterinary facilities	50 ft		50 ft
Farm structures for keeping of animals	100 ft		100 ft
Other uses	50 ft		50 ft
All permitted uses		5 ft	
Minimum side and rear yard			
Single family detached, mobile homes on individual lots	10 ft		10 ft
Single family attached	50 ft		50 ft
Two-family dwellings			
Single family cluster development			
Mixed single family residential development (14)	50 ft		50 ft
Mixed residential development (14)	50 ft		50 ft
Multifamily dwellings			
Mixed use structures			
Religious facilities			
Veterinary facilities	25 ft		25 ft
Farm structures for keeping of animals	25 ft		25 ft
Other uses	25 ft		25 ft
All permitted uses	25 ft	5 ft (16,21)	25 ft
Maximum height			
Agriculture	75 ft		
	35 ft	65 ft	35 ft
Other permitted uses			
Hospital, nursing homes and medical offices			
Ratios			
Maximum lot coverage	0.15	0.65	0.15
Maximum impervious coverage		0.85	

Space and Bulk Table: All Zoning District 10.06.16

Dimensional Requirements (13)	Rural Agricultural (RA)	Neighborhood Conservation B (NCB)	PROPOSED Contract Zoning for 299 River Road
Minimum lot size with public sewer			
Single family detached (24)	60,000 sf		60,000 sf
Single family attached	20 acres		20 acres
Two-family dwellings			
Single family cluster development	20 acres		20 acres
Mixed single family residential development (14)	20 acres		20 acres
<small>Mixed residential development (14)</small>			
Multifamily dwellings			
Mixed use structures			
Agriculture	120,000 sf		120,000 sf
Religious facilities	120,000 sf		120,000 sf
Veterinary facilities	120,000 sf		120,000 sf
Other uses	40,000		40,000 sf
All permitted uses		None	
Minimum lot size without public sewer (3)			
Single family detached, mobile homes on individual lots (24)	60,000 sf		60,000 sf
Single family attached	60,000 sf		60,000 sf
Two-family dwellings			
Single family cluster development (1)	20 acres		20 acres
Mixed single family residential development (14)	20 acres		20 acres
Mixed residential development (14)			
Multifamily dwellings			
Mixed use structures			
Agriculture	120,000 sf		120,000 sf
Religious facilities	120,000 sf		120,000 sf
Veterinary facilities	120,000 sf		120,000 sf
Other uses	4000 sf	None	4000 sf
Minimum net lot area per d.u. with public sewer			
Single family detached	60,000 sf		60,000 sf
Single family attached	60,000 sf		60,000 sf
Two-family dwellings			
Mixed single family residential development (14)	60,000 sf		60,000 sf
<small>Mixed residential development (14)</small>			
Multifamily dwellings			
Mixed use structures			
All permitted residential uses			
Minimum net lot area per d.u. without public sewer			
Single family detached, mobile homes on individual lots	60,000 sf		60,000 sf
Single family attached	60,000 sf		60,000 sf
Two-family dwellings			
Mixed single family residential development (14)	60,000 sf		60,000 sf
Mixed residential development (14)			
Multifamily dwellings			
Mixed use structures			
All permitted residential uses			
Minimum frontage			
Single family detached, mobile homes	200 ft		200 ft
Single family attached	200 ft		200 ft
Two-family dwellings			
Single family cluster development (with multiple vehicular accesses)	200 ft (50 feet)		200 ft (50 feet)
Mixed single family residential development (with multiple vehicular accesses)	200 ft (50 feet)		200 ft (50 feet)
Mixed residential development (with multiple vehicular accesses) (14)			
Multifamily dwellings (with multiple vehicular accesses)			
Mixed use structures			
Agriculture	250 ft		250 ft
Religious facilities	250 ft		250 ft
Veterinary facilities			
Other uses	200		125 ft
All permitted uses		50 ft	
Minimum front setback			
Single family detached, mobile homes on individual lots	25 ft		25 ft
Single family attached	50 ft		50 ft
Two-family dwellings			
Single family cluster development	50 ft		50 ft
Mixed single family residential development (14)	50 ft		50 ft
Mixed residential development (14)			

Space and Bulk Table: All Zoning District 10.06.16

Dimensional Requirements (13)	Rural Agricultural (RA)	Neighborhood Conservation B (NCB)	PROPOSED Contract Zoning for 299 River Road
Multifamily dwellings			
Mixed use structures			
Agriculture	50 ft		50 ft
Religious facilities	25 ft		50 ft
Veterinary facilities	25 ft		50 ft
Other uses	25 ft		50 ft
All permitted uses		10 ft (21,22)	
Minimum front yard			
Single family detached, mobile homes on individual lots	25 ft		25 ft
Single family attached	50 ft		50 ft
Two-family dwellings			
Single family cluster development	50 ft		50 ft
Mixed single family residential development (14)	50 ft		50 ft
Mixed residential development (14)			
Multifamily dwellings			
Mixed use structures	25 ft		25 ft
Religious facilities	25 ft		25 ft
Veterinary facilities	25 ft		25 ft
Other uses	25 ft		25 ft
All permitted uses		10 ft (21,22)	
Minimum side and rear setback			
Single family detached, mobile homes on individual lots	25 ft		25 ft
Single family attached			
Two-family dwellings			
Single family cluster development	50 ft		50 ft
Mixed single family residential development (14)	50 ft		50 ft
Mixed residential development (14)			
Multifamily dwellings			
Religious facilities	50 ft		50 ft
Mixed use structures			
Veterinary facilities	50 ft		50 ft
Farm structures for keeping of animals	100 ft		100 ft
Other uses	50 ft		50 ft
All permitted uses		5 ft	
Minimum side and rear yard			
Single family detached, mobile homes on individual lots	10 ft		10 ft
Single family attached	50 ft		50 ft
Two-family dwellings			
Single family cluster development			
Mixed single family residential development (14)	50 ft		50 ft
Mixed residential development (14)	50 ft		50 ft
Multifamily dwellings			
Mixed use structures			
Religious facilities			
Veterinary facilities	25 ft		25 ft
Farm structures for keeping of animals	25 ft		25 ft
Other uses	25 ft		25 ft
All permitted uses	25 ft	5 ft (16,21)	25 ft
Maximum height			
Agriculture	75 ft		
	35 ft	65 ft	35 ft
Other permitted uses			
Hospital, nursing homes and medical offices			
Ratios			
Maximum lot coverage	0.15	0.65	0.15
Maximum impervious coverage		0.85	

Land Use Table: All Zoning Districts 05.05.16	Rural Agricultural (RA)	Neighborhood Conservation "B" (NCB)	Proposed Contract Zoning for 299 River Road
USES(15)(33)			
Accessory use or structure	P	P	P
Commercial-Service			
Veterinary facilities excluding kennels and humane societies			
Veterinary facilities including kennels and humane societies	C		C
Small day care facilities	C	P	P
Day care centers	C		
Day care centers accessory to public schools, religious facilities, multifamily or mixed res. developments, and mobile home parks		C(22)	
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services		C(31)	
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		C	C
Personal Services		P	P
Retail stores			
Neighborhood retail stores (< 5,000 sf)		P	P
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	C		
Commercial parking facilities		C	
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	Rural Agricultural (RA)	Neighborhood Conservation "B" (NCB)	Proposed Contract Zoning for 299 River Road
Institutional			
Religious facilities	P	P	P
Cemeteries	P	P	P
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities		C	
Hospitals, medical clinics, Museums, libraries, and non-profit art galleries and theaters		C	
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(13)	
Civic and social organizations Public community meeting and civic function buildings including auditoriums		C	
Residential			
Single-family detached dwellings on individual residential lots	P(8)	P(2)	
Mobile homes on individual residential lots	P(8)		
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	C	P	P
Mixed single-family residential developments in accordance with the standards of Article XIII	C	P	
Mixed residential developments in accordance with the standards of Article XIII		P	
Mixed use structures		P	P
Lodging houses		P	
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	P		P
Family day care home	P	P	P
Shelters		C	
Dormitories			
Natural Resource			
Agriculture	P(8)		P
Farm Stands	P		P
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P	P	P
Earth material removal	C		
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	C		
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 = Permitted

C = Conditional Use Requiring Approval



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Planning Board
FROM: David Hediger, City Planner
DATE: June 22, 2017
RE: An amendment to Article IX, Section 12 of the Zoning and Land Use Code.

On May 22, 2017 Planning Board, per staff's request, initiated an amendment pursuant to Article XVII, Section 5(b)(1) of the Zoning and Land Use Code to exempt mobile homes from additional variances similar to that of single-family dwellings on individual lots as per Article IX, Section 12 of the aforementioned code.

The existing ordinance allows single-family dwellings on properties that have obtained a space and bulk (frontage or lot size) variance to be developed the ability to construct additions or accessory structures without returning to the board of appeals for a variance.

Recently, a permit application was submitted for an addition to a mobile home on an individual lot that was developed as the result of a frontage variance. This request was denied, because mobile homes are specifically excluded from the definition of single-family dwellings in the zoning ordinance. The intent of this distinction in definitions is to regulate the placement of mobile homes in zoning districts where they may alter the characteristics of a predominantly single-family neighborhood, such as the Neighborhood Conservation "A" (NCA) district.

With the proposed amendment, the distinction in definitions will remain. However, the amendment will allow affected properties that have been granted a space and bulk variance, developed with either a single-family dwelling or a mobile home on an individual lot, to construct additions and accessory structures as a matter of right. This ability is currently limited to single-family dwellings.

ACTION NECESSARY:

Make a motion pursuant to Article XVII, Section 5 of the Zoning and Land Use to send a favorable recommendation for the City Council's consideration an amendment to Article IX, Section 12 of the Zoning and Land Use Code pertaining to variances for single-family dwelling and mobile homes on individual lots.

AN ORDINANCE PERTAINING TO VARIANCES FOR MOBILE HOMES

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 IX. APPEALS

Sec. 12. Effect of granting of a variance for single-family detached dwelling and mobile homes on individual residential lot.

Unless specifically limited by conditions imposed in accordance with Article IX, Section 6 by the board of appeals upon the granting of a space or bulk variance for a single family detached dwelling or mobile home on an individual residential lot, subsequent additions or improvements to the lot shall not require ~~an other additional variances with respect to the space or bulk standard which was the subject of the prior variance,~~ but shall be subject to all other use and space and bulk standards, existing as of the time of subsequent additions or improvements, for the district in which the lot is located.

REASONS FOR PROPOSED AMENDMENT

The existing ordinance allows single-family dwellings on properties that have obtained a space and bulk (frontage or lot size) variance to be developed the ability to construct additions or accessory structures without returning to the board of appeals for a variance.

Recently, a permit application was submitted for an addition to a mobile home on an individual lot that was developed as the result of a frontage variance. This request was denied, because mobile homes are specifically excluded from the definition of single-family dwellings in the zoning ordinance. The intent of this distinction in definitions is to regulate the placement of mobile homes in zoning districts where they may alter the characteristics of a predominantly single-family neighborhood, such as the Neighborhood Conservation "A" (NCA) district.

With the proposed amendment, the distinction in definitions will remain. However, the amendment will allow affected properties that have been granted a space and bulk variance, developed with either a single-family dwelling or a mobile home on an individual lot, to construct additions and accessory structures as a matter of right. This ability is currently limited to single-family dwellings.