

**CITY OF LEWISTON**  
**PLANNING BOARD MEETING**  
Monday, August 14, 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:** None
- III. CORRESPONDENCE:** None
- IV. PUBLIC HEARINGS:** None
- V. OTHER BUSINESS:**
  - a) Recommendation regarding the disposition of city owned property at 4 Roslin Avenue, 12 Anger Street, 20 Winn Street, 264 Lincoln Street, and 148 Bartlett Street.
  - b) Discussion regarding drinking establishments setbacks: Article XII, Section 9 of the Zoning and Land Use Code.
  - c) Update on lodging house moratorium.
  - d) 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 26, 2017 and July 10, 2017 draft minutes
- VII. ADJOURNMENT**



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

**TO: Planning Board**  
**FROM: David Hediger, City Planner**  
**DATE: August 11, 2017, 2017**  
**RE: August 14, 2017 Planning Board Agenda Item V(a)**

**Recommendation regarding the disposition of city owned property at 4 Roslin Avenue, 12 Anger Street, 20 Winn Street, 264 Lincoln Street, and 148 Bartlett Street.**

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

On July 18, 2017 the City Council voted unanimously authorizing staff to take possession of 4 Roslin Avenue, 12 Anger Street, 20 Winn Street, 264 Lincoln Street, and 148 Bartlett Street on which tax liens have matured and to dispose of them, subject to a positive recommendation from the Planning Board. The action taken by the Council also included 267 ½ Lincoln Street rear; however, the City's rights were limited to 50% interest in this property. The owner of the remaining 50% interest, Donald Tremblay, has offered to pay all amounts due to the City in return for the City's ownership interest. The Council approved that a quitclaim deed be authorized to release the City's interest in the property located at 267 ½ Lincoln Street Rear to Donald Tremblay.

On August 15, 2018 the Council is being asked for the City to take formal possession of the property located at 148 Bartlett Street; and, that subject to a positive recommendation from the Planning Board, this property be offered for sale through a formal sealed bid process

Maps and a table referencing the values, condition of the lots, and zoning are attached for reference.

#### **ACTIONS NECESSARY:**

Make a motion pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council for the disposition of:

- 4 Roslin Avenue
- 12 Anger Street
- 20 Winn Street
- 264 Lincoln Street
- 148 Bartlett

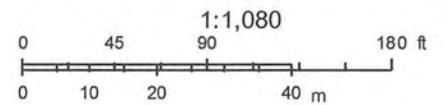
**Properties for Disposition 8/14/2017**

<u>Name</u>	<u>Type</u>	<u>Property Address</u>	<u>Matured Lien years</u>	<u>Total Due</u>	<u>Occupied</u>	<u>Condition</u>	<u>Zoning</u>	<u>Zoning Comments</u>
Bussiere, Daniel A	Land & Bldg	20 Winn St	2015 - 2016	\$8,834.43	No	In process of condemnation for demolition	HB	Legally nonconforming use
Turner, Jon D	Land	12 Anger St	2015 - 2016	\$246.14	N/A		NCA	Located on a paper street. Undevelopable unless street is accepted by the city.
Turner, Jon D	Land	4 Roslin Ave	2015 - 2016	\$267.56	N/A		NCA	Located on a paper street. Undevelopable unless street is accepted by the city. However, property is completely impacted by No Name Brook Tributary "A", shoreland zoning, wetland, and 100-year floodplain. Therefore, most likely undevelopable.
Rickards, Eric	Land	264 Lincoln St	2015 - 2016	\$12,819.96	N/A		M	Small lot. Multifamily and non-residential use only. About 1/3 of the property is located in the 100-year floodplain.
Tremblet, Robert and Claudine	Land	148 Bartlett Street	2015 - 2016	\$5,785.57	N/A		DR	Developable lot. May be desirable to abutter with nonconforming lot.

# 20 Winn Street



August 10, 2017



FEMA  
Lewiston, Maine

City of Lewiston  
City of Lewiston

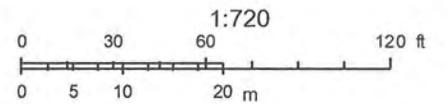




# 264 Lincoln Street



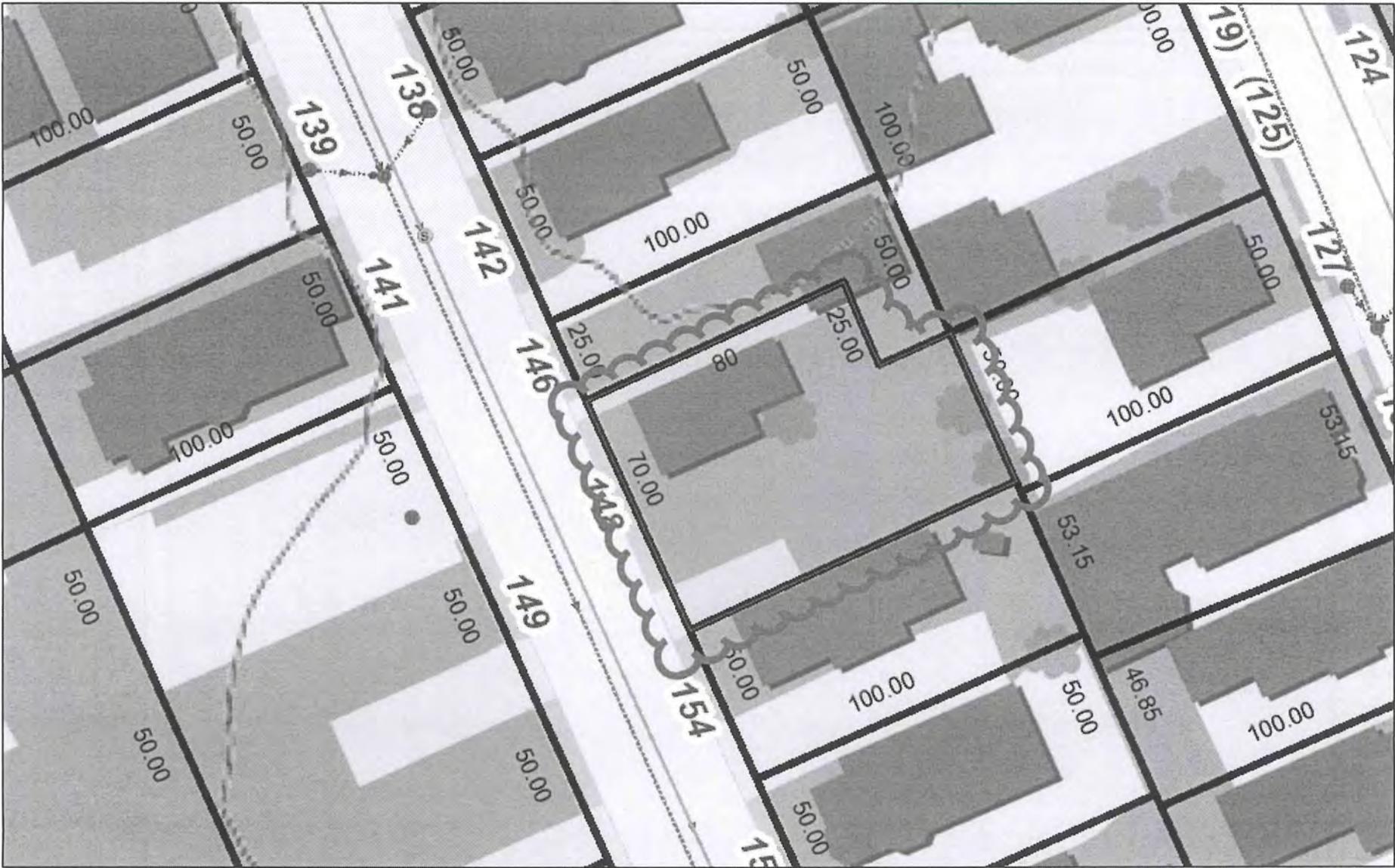
August 10, 2017



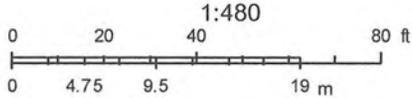
FEMA  
Lewiston, Maine

City of Lewiston  
City of Lewiston

148 Bartlett Street



August 11, 2017



FEMA  
Lewiston, Maine

City of Lewiston  
City of Lewiston

# LEWISTON CITY COUNCIL

## MEETING OF JULY 18, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 1**

**SUBJECT:**

Resolve taking possession of Tax Acquired Properties at 267 ½ Lincoln Street Rear, 12 Anger Street, 4 Roslin Avenue, 264 Lincoln Street and 20 Winn Street.

**INFORMATION:**

Staff has recently undertaken a review of properties on which tax liens have matured. Among these properties are four vacant parcels of land and one vacant residence. After numerous attempts to contact the owners through the normal collection and tax lien process and in accordance with City Policy #92, Properties with Matured Tax or Sewer Liens, a thirty-day matured lien demand letter was sent to property owners in which they were informed that if amounts due the City were not paid, the City Council would consider taking possession of the property. In spite of these additional efforts, the amounts due to the City have not been paid. As a result, it is now time for the City Council to act to take possession of these properties and consider their future use or disposition. This Resolve would do so and would authorize the sale of four of these properties through a formal bid process subject to a positive recommendation from the Planning Board. The final parcel represents a 50% ownership interest where the owner of the other 50% has offered to pay the City all amounts due in return for a quitclaim deed to the property. A separate item appears later on the agenda regarding this property at 267 ½ Lincoln Street.

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

The City Administrator recommends approval of the requested action.

*EAB/16mm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve the Resolve taking possession of Tax Acquired Properties at 267 ½ Lincoln Street Rear, 12 Anger Street, 4 Roslin Avenue, 264 Lincoln Street and 20 Winn Street.



City of Lewiston Maine  
City Council Resolve  
July 18, 2017



**Order,** Taking Possession of Tax Acquired Properties at 267 ½ Lincoln Street Rear, 12 Anger Street, 4 Roslin Avenue, 264 Lincoln Street, and 20 Winn Street.

Whereas, staff has recently undertaken a review of properties on which tax liens have matured; and

Whereas, among such properties are four vacant parcels of land, and one vacant building; and

Whereas, after numerous attempts to contact the owners through the normal collection and tax lien process in accordance with City Policy #92, Properties with Matured Tax or Utility Liens; and

Whereas, in spite of these additional efforts, the amounts due to the City have not been paid; and

Whereas, as a result, it is appropriate for the City Council to act to take possession of these properties and consider their future use and/or disposition;

**Now, therefore, be it Ordered by the City Council of the City of Lewiston** that, based on matured liens, the City take formal possession of the following properties: 267 ½ Lincoln Street Rear, 12 Anger Street, 4 Roslin Avenue, 264 Lincoln Street, and 20 Winn Street; and

**Be it Further Ordered, that**

Subject to a positive recommendation from the Planning Board, the following properties be offered for sale through a formal sealed bid process: 12 Anger Street, 4 Roslin Avenue, 264 Lincoln Street, and 20 Winn Street.

# LEWISTON CITY COUNCIL

## MEETING OF AUGUST 15, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. X**

**SUBJECT:** **Resolve,** Taking Possession of the Tax Acquired Property at 148 Bates Street.

**INFORMATION:**

Following staff's recent review of properties on which tax liens have matured, an additional property has been identified at 148 Bartlett Street, a vacant parcel on which a previous structure was condemned and demolished. After numerous attempts to contact the owners through the normal collection and tax lien process and in accordance with City Policy #92, Properties with Matured Tax or Sewer Liens, taxes and interest in the amount of \$5,785.57 remain unpaid, and it appears the prior owners have no further interest in this property. In addition, the Maine Department of Transportation is seeking a temporary construction easement on this property as a part of the Bartlett Street project and has been unable to contact the prior owners. As a result, it is now time for the City Council to act to take possession of these properties and consider their future use or disposition. This Resolve would do so and would authorize the sale of these properties through the formal bid process subject to a positive recommendation from the Planning Board.

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

The City Administrator recommends approval of the requested action.

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To adopt the Resolve, Taking Possession of the Property at 148 Bartlett Street.



**City of Lewiston Maine  
City Council Resolve  
July 18, 2017**



**Order,** Taking Possession of Tax Acquired Property at 148 Bartlett Street

Whereas, staff has recently undertaken a review of properties on which tax liens have matured; and

Whereas, among such properties is the vacant parcels of land located at 148 Bartlett Street; and

Whereas, numerous attempts have been made to contact the owner through the normal collection and tax lien process in accordance with City Policy #92, Properties with Matured Tax or Utility Liens; and

Whereas, in spite of these additional efforts, the amounts due to the City have not been paid; and

Whereas, as a result, it is appropriate for the City Council to act to take possession of this property and consider its future use and/or disposition;

**Now, therefore, be it Ordered by the City Council of the City of Lewiston** that, based on matured liens, the City take formal possession of the property located at 148 Bartlett Street; and

**Be it Further Ordered, that**

Subject to a positive recommendation from the Planning Board, this property be offered for sale through a formal sealed bid process.



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

**TO:** Planning Board  
**FROM:** David Hediger, City Planner  
**DATE:** August 11, 2017, 2017  
**RE:** August 14, 2017 Planning Board Agenda Item V(b)

**Discussion regarding drinking establishments setbacks: Article XII, Section 9 of the Zoning and Land Use Code.**

As the Board may be aware, Lewiston's Zoning and Land Use Code has a more restrictive setback requirements than the State with respect to proximity of drinking establishments to churches and schools.

Recently, staff received an inquiry about establishing a religious facility downtown on lower Lisbon Street. If established, this will result in four religious facilities within a quarter mile of each other on Lisbon Street. Seven if one includes existing religious facilities at Cedar/Lincoln Street and on Park Street. While staff is not aware of any proposals to open new drinking establishments downtown, there has been discuss by the Board in the past that our current standards should not be more restrictive than the states. If there is a desire to be consistent with state law with respect to setbacks for drinking establishments from churches and schools in the downtown, an amendment is needed. It should be noted that the city cannot prohibit religious uses.

Attached are the current performance standards that apply to drinking establishments with some recommended changes. Also attached is the current state law referencing setbacks to schools and churches.

If the Board is interested, an action is needed to initiate an amendment to the Zoning and Land Use Code, such that public hearing may be scheduled.

**ACTION NECESSARY:**

Make a motion pursuant to Article XVII, Section 5(b) of the Zoning and Land Use Code for the Planning Board to initiate an amendment to Article XII, Section 9 of the Zoning and Land Use Code, pertaining to drinking establishment setbacks from schools and churches.

## Lewiston Zoning and Land Use Code

### Article II. Definitions

*Drinking place (alcoholic beverages)* means a business or commercial establishment which customarily excludes persons under the age of twenty-one (21) from admission to its premises, including, but not limited to, uses for which a special amusement permit is required pursuant to Chapter 10, Article III of the Code of Ordinances of the City of Lewiston, class A lounges, dance halls and establishments serving alcoholic beverages other than restaurants as defined herein. Drinking places shall not include retail stores where alcoholic beverages are sold for consumption off premises.

### Article XII. Performance Standards

#### Sec. 9. Adult business establishment, tattoo establishment, and drinking place standards.

The regulation of the density of adult business establishments, tattoo establishments, and drinking places is intended to permit the location of such establishments within the community, yet ensure that they will not become overly concentrated in neighborhoods or areas to the detriment of other uses. Therefore, in addition to the regulations of article XI, adult business establishments, tattoo establishments, and drinking places shall conform to the following standards:

- (1) The minimum distance between an adult business establishment, tattoo establishments, and/or drinking place and any two other adult business establishments, tattoo establishments, and/or drinking places in the same or adjoining zoning district shall be 300 feet for businesses located within the Centreville district as measured along the ordinary course of travel between the main entrance of each premises.
  - (a) Drinking places with 5,000 square feet or greater on the first floor are exempt from the above referenced standard. Drinking places of 5,000 square feet or greater shall not be included in the locational criteria determinations for drinking places of less than 5,000 square feet or adult business establishments.
- (2) The minimum distance between an adult business establishment, tattoo establishments, and/or drinking place and any two other adult business establishments, tattoo establishments, and/or drinking places in the same or adjoining zoning district shall be 500 feet for businesses located in any other district as measured along the ordinary course of travel between the main entrance of each premises.
- (3) An adult business establishment, ~~or drinking place~~ may not be located within 300 feet, as measured along the ordinary course of travel between the main entrance of each premises, of a public or private school, school dormitory, church, chapel or parish house, or legally-established dwelling in a residential zoning district, in existence prior to the establishment of the business.

(4) A drinking place may not be located within 300 feet, as measured along the ordinary course of travel, between the main entrance of each premises legally-established dwelling in a residential zoning district, in existence prior to the establishment of the business.

**MRS Title 28-A: LIQUORS**  
**Chapter 29: LICENSE RESTRICTIONS**

**§701. PROXIMITY TO SCHOOLS; EXCEPTION**

**1. Location within 300 feet of churches and schools.** Except as provided in paragraphs B and C, the bureau may not issue a new license for the sale of liquor to be consumed on the premises to new premises within 300 feet of a public or private school, school dormitory, church, chapel or parish house in existence as such at the time the application for the new license is made.

A. [1987, c. 342, §33 (RP).]

B. The bureau may after holding a public hearing near the proposed location issue licenses to premises that are either in or within 300 feet of a church, chapel, parish house or postsecondary school. [1997, c. 373, §64 (AMD).]

C. The restriction in this subsection does not apply if a public or private school, school dormitory, church, chapel or parish house:

(1) Locates in a commercial zone that includes restaurants or bars as permitted uses and that had been established pursuant to a zoning ordinance as defined in Title 30-A, section 4301, subsection 15-A prior to the public or private school, school dormitory, church, chapel or parish house locating in the commercial zone; or

(2) Is located in a downtown as defined in Title 30-A, section 4301, subsection 5-A. [2005, c. 269, §1 (NEW).]

[2005, c. 269, §1 (AMD) .]

**2. Method of measurement.** The distance must be measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel.