

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
JANUARY 17, 2017**

6:00 p.m. Workshop – Presentation of City of Lewiston Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2016 – 45 minutes

6:45 p.m. Executive Session – Pursuant to MRSA Title 1, section 405 (6)(A) to discuss a personnel matter.

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag
Moment of Silence

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

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 3

CONSENT AGENDA: All items with an asterisk (*) are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

- * 1. Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 43 Martin Drive.
- * 2. Order taking possession of 28 Wakefield Street and authorizing the City Administrator to negotiate the sale of this property to the owner at 22 Wakefield Street.
- * 3. Resolve taking possession of 81 Lincoln Street as a result of matured tax lien.
- * 4. Order taking possession of 8 South Temple Street and authorizing the transfer of this property to the owner of the adjacent 6 South Temple Street.
- * 5. Biennial Appointment of the Registrar of Voters.

REGULAR BUSINESS:

- 6. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Elks Lewiston Lodge #371, 1675 Lisbon Street.
- 7. Public Hearing and Final Passage regarding an amendment to the Business Licensing ordinance prohibiting Retail Marijuana Establishments or Retail Social Clubs in the City of Lewiston until the Maine State Licensing Authority has adopted final rules for the proper licensing, regulation and control of such facilities.
- 8. Resolve adopting the New Comprehensive Plan entitled Legacy Lewiston.
- 9. Reconsideration of First Passage for the Conditional Rezoning of the property at 209 Webster Street from the Neighborhood Conservation "A" (NCA) District to the Office Residential (OR) District.
- 10. Order Authorizing the City Administrator to acquire the property at 280 Bartlett Street.
- 11. Resolve making an Appropriation and Transferring a Capital Project balance for purposes of funding the purchase of the property located at 280 Bartlett Street.
- 12. Update from the Lewiston School Committee Representative.
- 13. Reports and Updates.
- 14. Any other City Business Councilors or others may have relating to Lewiston City Government.
- 15. Executive Session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter.
- 16. Executive Session to discuss labor negotiations regarding the International Association of Firefighters, Local 785.

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, JANUARY 17, 2017
6:00 PM

1. Presentation of City of Lewiston Comprehensive Annual Financial Report for the Fiscal Year Ended June 30, 2016 – 45 minutes

Representatives of our auditing firm, RHR Smith, will be present to review the highlight's of the City's audit for the year ending June 30, 2016.

2. Executive Session – Personnel Matter – 10 minutes

IMMEDIATELY FOLLOWING THE REGULAR MEETING

1. Executive Session – Personnel Matter
2. Executive Session -- Labor Negotiations – Fire Fighters

LEWISTON CITY COUNCIL

MEETING OF JANUARY 17, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6:45pm

SUBJECT:

Executive Session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter.

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

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

EAB/klmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an executive session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter.

LEWISTON CITY COUNCIL

MEETING OF JANUARY 17, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 43 Martin Drive.

INFORMATION:

One of the most powerful collection tools in a municipality's arsenal is the ability to lien properties for delinquent taxes (real and special only), water and sewer balances, and most recently stormwater balances. Once a lien is recorded, eighteen months must lapse without payment before the lien matures. Prior to maturity, the City Council may waive the right to foreclose on a maturing lien as you have done in the past. If the lien is permitted to mature, the municipality may elect to foreclose on the property or, if subsequent payment is received, return the property to its owner via a quitclaim deed.

At this time, the Finance Director is asking the Council to approve a municipal quitclaim deed for the property located at 43 Martin Drive. The quitclaim deed will release any interest the City may have by virtue of undischarged real estate tax liens or utility liens on this property. Payments due for this property have all been received in full. Should the Council approve this Order, the quitclaim will be issued to the owners.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 43 Martin Drive.



COUNCIL ORDER

Order, Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 43 Martin Drive.

WHEREAS, the owner, Jeremy Nelson, failed to pay his utility bills on a timely basis for 43 Martin Drive (Tax Map 178, Lot 35, Parcel 00-013975); and

WHEREAS, a stormwater lien was filed on December 6, 2013 (Book 8830 Page 204) and matured on June 7, 2015 in the amount of \$104.27; and

WHEREAS, payment was received in full;

NOW, THEREFORE, BE IT ORDERED by the **CITY COUNCIL** of the **CITY of LEWISTON,**

That a quitclaim deed is hereby authorized to release the City's interest in the property located at 43 Martin Drive to the owner.

LEWISTON CITY COUNCIL

MEETING OF JANUARY 17, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Order taking possession of 28 Wakefield Street and authorizing the City Administrator to negotiate the sale of this property to the owner at 22 Wakefield Street.

INFORMATION:

The City condemned and demolished the property at 28 Wakefield after it was abandoned and the mortgage was dismissed by the bank. A new owner purchased the adjacent property at 22 Wakefield Street only to subsequently discover that, prior to his ownership, it had been illegally converted from a four to a five unit building. Since then, the City has worked with the new owner in an effort to address the problem. This includes a recent zoning and land use code amendment to the Neighborhood Conservation B District to partially address minimum lot sizes per unit. However, even with this change, the property at 22 Wakefield is not large enough to provide the required parking to support the building. The owner has expressed an interest in purchasing the property at 28 Wakefield to provide the necessary parking for his building. Staff is supportive.

We recommend that the City take possession of this property and enter into direct negotiations for its sale with the owner of 22 Wakefield, subject to a positive recommendation for disposal of this property from the Planning Board and final approval of a purchase and sale agreement by the City Council.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAR/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order taking possession of 28 Wakefield Street and authorizing the City Administrator to negotiate the sale of this property to the owner of 22 Wakefield Street.



COUNCIL RESOLVE

Resolve, Taking Possession of 28 Wakefield Street and Authorizing the City Administrator to Negotiate the Sale of this Property to the Owner of 22 Wakefield Street.

Whereas, the City condemned and demolished the property at 28 Wakefield after it was abandoned and the mortgage was dismissed by the bank; and

Whereas, tax liens have now matured on that property; and

Whereas, a new owner recently purchased the adjacent property at 22 Wakefield Street only to subsequently discover that, prior to his ownership, it had been illegally converted from a four to a five unit building; and

Whereas, since then, the City has worked with the new owner in an effort to address this problem, including a recent zoning and land use code amendment to the neighborhood conservation B district to partially address minimum lot size per unit; and

Whereas, even with this change, the property at 22 Wakefield is not large enough to provide the required parking; and

Whereas, the owner of 22 Wakefield has expressed an interest in purchasing the property at 28 Wakefield to provide the necessary parking; and

Whereas, this would bring the property into conformity with the City's land development code;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the City Administrator is hereby authorized to take possession of the property at 28 Wakefield Street due to matured tax liens and to enter into negotiations with the owner of 22 Wakefield Street for the purchase of 28 Wakefield Street, subject to a positive recommendation for the disposition of 28 Wakefield from the Planning Board and final approval of the purchase by the City Council.

LEWISTON CITY COUNCIL
MEETING OF JANUARY 17, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Resolve taking possession of 81 Lincoln Street as a result of matured tax liens.

INFORMATION:

The City condemned and demolished a multi-unit property on this lot several years ago. It is located in the block bounded by Lincoln, Beech, Oxford, and Cross and is adjacent to the Lewiston House of Pizza. The City already owns significant property in this block. Owning 81 Lincoln will increase this ownership and the potential for a significant redevelopment project. We recommend taking possession and retaining this property for future development.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

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To approve the Resolve taking possession of 81 Lincoln Street as a result of matured tax liens.



COUNCIL RESOLVE

Resolve, Taking Possession of the Property at 81 Lincoln Street Due to Matured Tax Liens.

Whereas, the City condemned and demolished a multi-unit property at 81 Lincoln Street and placed a special tax on the property in an effort to recover the cost of demolition; and

Whereas, this tax and other taxes due has not been paid and liens have matured on the property; and

Whereas, this property is located in the block bounded by Lincoln, Beech, Oxford, and Cross Streets and is adjacent to the Lewiston House of Pizza; and

Whereas, the City already owns significant property in this block and 81 Lincoln will increase this ownership and the potential for a significant redevelopment project;

Now, therefore, be it resolved by the City Council of the City of Lewiston that

The City Administrator is authorized to take possession of the property at 81 Lincoln Street.

LEWISTON CITY COUNCIL

MEETING OF JANUARY 17, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Order taking possession of 8 South Temple Street and authorizing the transfer of this property to the owner of the adjacent 6 South Temple Street.

INFORMATION:

For a number of years, the property at 8 South Temple was never separately assessed. The owner of 6 South Temple, from which Gil's Auto Repair operated, apparently maintained this property and operated under the assumption that it was part of his lot. In 2014, Assessing updated its parcel database and issued supplemental tax bills to the owner of record (the J W Wilbur Land Company, the subdivision developer) for Fiscal Tax Years 2011, 2012, and 2013. Those bills have not been paid and a tax lien has matured on the property.

Given the small lot size (50' by 120'), its location, and the history of its use as a part of the business at 6 South Temple, I would recommend that the City Council take possession of this property to the owner of the adjacent land in return for payment of the back taxes and interest due, subject to a positive recommendation from the Finance Committee. Taxes and interest due are \$1,173.51.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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To approve the Order taking possession of 8 South Temple Street and authorizing the transfer of this property to the owner of the adjacent 6 South Temple Street.



COUNCIL RESOLVE

Resolve, Taking Possession of 8 South Temple Street and Authorizing Issuance of a Quitclaim Deed to Transfer this Property to the Owner of the Adjacent 6 South Temple Street.

Whereas, for years, the property at 8 South Temple was never separately assessed; and

Whereas, the owner of the adjacent property at 6 South Temple maintained 8 South Temple under the assumption that it was part of his property; and

Whereas, in 2014, Assessing updated its parcel database and issued supplemental tax bills to the owner of record (the J W Wilbur Land Company, the subdivision developer) for Fiscal Tax Years 2011, 2012, and 2013; and

Whereas, those bills have not been paid and a tax lien has matured on the property; and

Whereas, the owner of the adjacent property has offered to pay the back taxes due to the City in return for transfer of its ownership; and

Whereas, given the small lot size (50' by 120'), its location, and the history of its use as a part of the business at 6 South Temple, it is appropriate to transfer this property in return for the payment of back taxes;

Now, therefore, be it resolved by the City Council of the City of Lewiston that

The City Administrator is authorized to take possession of the property at 8 South Temple due to matured tax liens and a quitclaim deed is hereby authorized to be issued to Carlene Boucher, the owner of the property at 6 South Temple Street, for the property at 8 South Temple Street, subject to the payment of the outstanding taxes and interest due the City.

LEWISTON CITY COUNCIL
MEETING OF JANUARY 17, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Biennial Appointment of the Registrar of Voters.

INFORMATION:

The Maine State statutes require that the municipal officers appoint a Registrar of Voters every two years during the odd numbered years. In Lewiston, the City Clerk serves as the Registrar of Voters, per the City Charter.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EA/Bkmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To appoint City Clerk Kathleen M. Montejo as the Registrar of Voters for a two-year term of office from January 1, 2017 to December 31, 2018.

**LEWISTON CITY COUNCIL
MEETING OF JANUARY 17, 2017**

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Elks Lewiston Lodge #371, 1675 Lisbon Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from the Elks Lewiston Lodge #371, 1675 Lisbon Street.

The Police Department has reviewed and approved the application.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to the Elks Lewiston Lodge #371, 1675 Lisbon Street.

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 1-2-2017

Expiration Date: 1-25-2017

- Class A - \$125.00 - restaurants with entertainment, which **does not have dancing**
- Class B - \$125.00 - lounges/bars with entertainment, which **does not have dancing**
- Class C - \$150.00 - either restaurants or lounges/bars with entertainment, including dancing
- Class D - \$150.00 - function halls with entertainment, including dancing
- Class E - \$150.00 - dance hall or nightclub that admits persons under the age of 21
- Class F - \$150.00 - "chem-free" dance hall or nightclub for patrons aged 18 yrs and older, with no liquor

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

****PLEASE PRINT****

Business Name: EIKS, LEWISTON LODGE #371 Business Phone: 207-784-4801

Location Address: 1675 LISBON ST. LEWISTON, ME 04240

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

Mailing Address: SAME

Email address: LEWISTONEIKS@ROADRUNNER.COM

Contact Person: LYSANDRE DOUETTE - TREASURER Phone: 207-784-4801

Owner of Business: _____ Date of Birth: _____

Address of Owner: _____

Manager of Establishment: _____ Date of Birth: _____

Owner of Premises (landlord): _____

Address of Premises Owner: _____

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

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

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

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

Corporation Name: _____

Corporation Mailing Address: _____

Contact Person: _____ Phone: _____

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

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 1/2 MILE

Please describe the type of proposed entertainment:

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

If new applicant, what is your opening date?: NA

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

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

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

Signature: Real Arnoldy Title: SECRETARY Date: 1-3-2017

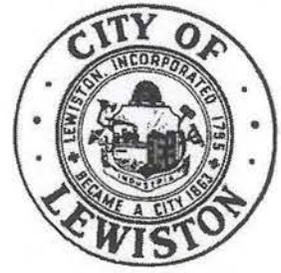
Printed Name: Real Arnoldy

Hearing Date: 1-17-17



POLICE DEPARTMENT

Brian O'Malley
Chief of Police (Interim)



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: January 4, 2017

RE: Liquor License/Special Amusement Permit – **Elks, BPOE**

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

Elks
1675 Lisbon St.



171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007
www.lewistonpd.org



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

LEWISTON CITY COUNCIL

MEETING OF JANUARY 17, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Public Hearing and Final Passage regarding an amendment to the Business Licensing ordinance prohibiting Retail Marijuana Establishments or Retail Marijuana Social Clubs in the City of Lewiston until the Maine State Licensing Authority has adopted final rules for the proper licensing, regulation and control of such facilities.

INFORMATION:

At the November election, Maine voters narrowly approved legalization of recreational marijuana. At the same time, this legislation authorizes municipalities to license and regulate retail marijuana establishments (stores and related processing facilities) and social clubs. Further, the legislation allows municipalities to prohibit the operation of retail marijuana stores and retail marijuana social clubs within its boundaries.

At a recent workshop, various options including an outright prohibition and a moratorium were discussed. It became clear that the Council was not in a position to make a decision about recreational marijuana use in Lewiston until we had a clearer view of the rules and regulations that the State might adopt and the posture of the incoming national administration. Some concern was expressed, however, about the length of time that might be required for state action.

To address this, a further option was proposed: to enact a temporary prohibition on marijuana establishments in Lewiston until state licensing and regulation was in effect. This would allow us, if necessary, to subsequently impose a moratorium should the Council wish to permit but regulate recreational marijuana facilities in Lewiston. Such a temporary prohibition would also send a message to those interested in pursuing a facility in Lewiston that it would be prudent to wait until firm decisions have been made at both the state and local level.

The attached ordinance would impose such a temporary prohibition.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

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That the proposed amendment to the City Code of Ordinances, Chapter 22 "Businesses", Article XVI "Recreational Marijuana", Sections 22-440 through 22-442, receive final passage by a roll call vote.



COUNCIL RESOLVE

Ordinance, Adopting a New Article XVI in Chapter 22 of the Code of Ordinances Prohibiting Retail Marijuana Establishments or Retail Marijuana Social Clubs in the City of Lewiston until the Maine State Licensing Authority has Adopted Final Rules for the Proper Licensing, Regulation and Control of Such Facilities.

Now, therefore, be it ordained by the City Council of the City of Lewiston that

The following Article XVI is hereby added to Chapter 22 of the Code of Ordinances:

ARTICLE XVI, RECREATIONAL MARIJUANA

Sec. 22-440. Purpose

The purpose of this chapter is to prohibit granting any City license, permit, or certificate of occupancy to any retail marijuana facility or retail marijuana social club prior to the Maine State Licensing authority adopting final rules for the proper licensing, regulation and control of such facilities pursuant to 7 MRSA c. 417.

Section 22-441. Definitions

For purposes of this article, the following definitions shall apply:

Cannabis. "Cannabis" means all parts of the plant of the genus Cannabis whether growing or not, the seeds thereof, the resin extracted from any part of the plant and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or its resin including cannabis concentrate. "Cannabis" does not include industrial hemp, fiber produced from the stalks, oil, cake made from the seeds of the plant, sterilized seed of the plant that is incapable of germination or any ingredient combined with cannabis to prepare topical or oral administrations, food, drink or any other product. "Cannabis" also means marijuana.

Marijuana. "Marijuana" means cannabis.

Retail marijuana. "Retail marijuana" means cannabis that is cultivated, manufactured, distributed or sold by a licensed retail marijuana establishment or retail marijuana social club.

Retail marijuana cultivation facility. "Retail marijuana cultivation facility" means an entity licensed to cultivate, prepare and package retail marijuana and sell retail marijuana to retail marijuana establishments and retail marijuana social clubs.

Retail marijuana establishment. "Retail marijuana establishment" means a retail marijuana store, a retail marijuana cultivation facility, a retail marijuana products manufacturing facility or a retail marijuana testing facility.

Retail marijuana product. "Retail marijuana product" means concentrated retail marijuana and retail marijuana products that are composed of retail marijuana and other ingredients and are intended for use or consumption, including, but not limited to, edible products, ointments and tinctures.

Retail marijuana products manufacturing facility. "Retail marijuana products manufacturing facility" means an entity licensed to purchase retail marijuana; manufacture, prepare and package retail marijuana products; and sell retail marijuana and retail marijuana products only to other retail marijuana products manufacturing facilities, retail marijuana stores and retail marijuana social clubs.

Retail marijuana social club. "Retail marijuana social club" means an entity licensed to sell retail marijuana and retail marijuana products to consumers for consumption on the licensed premises.

Retail marijuana store. "Retail marijuana store" means an entity licensed to purchase retail marijuana from a retail marijuana cultivation facility and to purchase retail marijuana products from a retail marijuana products manufacturing facility and to sell retail marijuana and retail marijuana products to consumers.

Retail marijuana testing facility. "Retail marijuana testing facility" means an entity licensed and certified to analyze and certify the safety and potency of retail marijuana and retail marijuana products.

Section 22-442. Prohibition

No retail marijuana establishment or retail marijuana social club may be established in the City of Lewiston until such time as the Maine state licensing authority, as defined in 7 MRSA c. 417, has adopted final rules for the proper licensing, regulation and control of the cultivation, manufacture, distribution, sale, and testing of retail marijuana and retail marijuana products.

LEWISTON CITY COUNCIL

MEETING OF JANUARY 17, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Resolve adopting the New Comprehensive Plan entitled Legacy Lewiston.

INFORMATION:

The City began working on replacing the 1997 comprehensive plan in June 2013. Development of the new Plan has involved extensive public participation and input as well as work by a stakeholder advisory group, a Comprehensive Plan Advisory Committee, the Planning Board, City Council, an outside consulting firm and others. The proposed new plan is entitled Legacy Lewiston. This Plan has been reviewed by the State and found to be complete and consistent with the Growth Management Act.

Please see the memorandum from City Planner David Hediger for additional information.

A copy of this Plan is provided as a separate document from this agenda binder.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator supports the requested action.

EAR/kmm

REQUESTED ACTION:

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To approve the Resolve adopting the New Comprehensive Plan entitled Legacy Lewiston.



COUNCIL RESOLVE

Resolve, Adopting New Comprehensive Plan: Legacy Lewiston

Whereas, the City began working with a consulting firm on a new comprehensive plan in June of 2013 with the intent of replacing the City's prior plan adopted in 1997; and

Whereas, work on the plan included an intensive initial five days of public participation and stakeholder workshops that assisted in developing the overall framework for a new plan; and

Whereas, the initial draft of the plan was reviewed in detail by a stakeholder advisory group appointed by the Mayor; and

Whereas, a revised draft was then reviewed in detail by the Planning Board at a series of meetings and public hearings designed to solicit comments and ideas from the public and from members of the Board; and

Whereas, the Planning Board subsequently approved and forwarded to the City Council a revised plan that incorporated its changes; and

Whereas, the City Council and the Planning Board held a joint meeting in November 2015 to review and discuss the draft plan; and

Whereas, the City Council subsequently conducted a public hearing on the plan on May 3, 2016 followed by several workshops where details of the plan were reviewed and discussed; and

Whereas, the plan has also been reviewed by the State of Maine and found to be complete and consistent with the Growth Management Act ; and

Whereas, after an unprecedented level of public participation and scrutiny by the Comprehensive Plan Advisory Committee, the Planning Board, and the City Council, the plan is now ready to be enacted;

Now, therefore, be it resolved by the City Council of the City of Lewiston that

A new comprehensive plan, "Legacy Lewiston" is hereby approved and adopted.

Be it Further Resolved that The City Council hereby expresses its appreciation to all who participated in the creation of this plan. Without an unprecedented level of community involvement, this plan would not have been possible.



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: City Council Members
Mayor Robert E. Macdonald
FROM: David Hediger, City Planner
DATE: January 12, 2017
RE: Adoption of Comprehensive Plan – Legacy Lewiston

Staff is pleased to provide the final draft of the Lewiston Comprehensive Plan – Legacy Lewiston – to the Council for adoption. Last discussed with the Council on October 11, 2016, staff has been working with the consultant Town Planning and Urban Design Collaborative, LLC (TPUDC) on making final revisions in response to comments and concerns shared by the Council during their review in 2016. At this time, the draft being provided has addressed those concerns.

Upon adoption, the plan will be forward to the Maine Department of Agriculture, Conservation and Forestry for a finding of consistency with the goals and guidelines of the Maine Growth Management Act. The State has already provided a finding of consistency in March 2015; however, it's prudent for the city to be provided with an updated finding given the changes requested by the Council. Once that finding is completed, staff will make arrangements for color copies of the plan for interested members of the Planning Board and Council.

This has been a long planning process, longer than anticipated by all those involved beginning in June 2013. The plan presented for adoption is a departure from the traditional comprehensive plans that most communities in Maine are familiar with. The selection committee chose TPUDC for that specific reason, feeling the time was right for a new approach, ideas, and vision for the community. This process has resulted in a plan well vetted by the public, the Comprehensive Plan Advisory Committee, Planning Board, and City Council. The plan has also attracted the attention of other Maine communities.

Comprehensive plans are the basis for determining effective public policy, master planning, land use decisions for the future, and provide an ongoing framework for informed and directed development. The plan includes goals, objectives, and strategies and utilizes maps, graphs, and other info-graphics to analyze, assess, and recommend practices for land-use planning, economic development, housing, infrastructure, and other improvements. The plan reflects and responds to the priorities, values, and requirements of Lewiston's residents, safeguarding the city's history and sense of place while stimulating the conditions to meet the short and long-term needs and desires of Lewiston residents.

The current plan, adopted in 1997, ceased to be consistent with MSRA Title 30-A and Chapter 208 of the State of Maine's Comprehensive Plan Revision Criteria Rule at the end of 2012. The adoption of a new comprehensive plan will address new and future planning issues and will result in a plan that is consistent with the Growth Management Act of the State of Maine and will be deemed valid for twelve (12) years from the date of adoption issue.

The plan may be view at <http://www.lewistonmaine.gov/comprehensiveplan>

The following groups and individuals should be thanked and recognized for their efforts toward the adoption of the comprehensive plan:

2013-2016 Planning Board; 2012-2016 City Council; City Staff; City Administrator, Ed Barrett; Department of Planning and Code Enforcement;

Planapalooza Acknowledgements: Lewiston Public Library; Leighton Cooney - 219 Lisbon Street; Photo Contributors: Dan Marquis and Others Credited Throughout; 2013-2015 Think Tank Committee: Bruce Damon, Craig Saddlemire, Dan Marquis, Eric Potvin, Jake Langlais, John Butler, Judy Andrucki, Kristen S. Cloutier, Mark Lee, Michael R. Lachance, Rick Belanger, Tom Peters, Tony Ferguson; Consultants: Town Planning & Urban Design Collaborative (TPUDC). Special thanks to Christine Holden, Volunteer Citizen Editor

Background Material for Agenda Item 8:

**Resolve Adopting the New Comprehensive Plan entitled
“Legacy Lewiston”**

Please note the full document of the Comprehensive Plan is
257 pages.

A copy of the Plan is available on line at the City’s website at:

<http://www.lewistonmaine.gov/index.aspx?NID=603>

LEWISTON CITY COUNCIL

MEETING OF JANUARY 17, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Reconsideration of First Passage of the Conditional Rezoning of the property at 209 Webster Street from the Neighborhood Conservation "A" (NCA) District to the Office Residential (OR) District.

INFORMATION:

Mayor Macdonald and Councilor Beam have both requested that this item be placed on the agenda for reconsideration. Please see the attached memo outlining the procedure that must be followed to reconsider an item and the options available to the Council should the reconsiderations be approved.

If a motion to reconsider passes, the proceedings on this item continue as if the initial vote had not taken place. The motion on the floor would be to approve First Passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the property at 209 Webster Street from the Neighborhood Conservation "A" (NCA) District to the Office Residential (OR) District, subject to a conditional agreement and to continue the public hearing for final passage to the next regularly schedule City Council meeting."

The Council could then vote on this motion. Alternatively, as appears to be the interest of some, the motion could be amended to refer this item back to the Planning Board for consideration of potential additional conditions to be imposed on the property. The potential form of this motion would be to "refer this item back to the Planning Board for consideration of additional conditions to include a restriction on the occupancy of the property by individuals 55 years of age or over."

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

Should the Council reconsider this item and refer it back to the Planning Board, it would be helpful to provide guidance on any additional conditions the Council might be interested in having the Planning Board consider.

EAB/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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- 1) To approve reconsideration of the vote taken at the December 29, 2016 City Council meeting regarding First Passage of the Conditional Rezoning of the property at 209 Webster Street from the NCA District to the OR District, subject to a conditional agreement

If the above motion passes, then this motion will automatically be before the City Council for consideration and action:

- 2) To approve First Passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the property at 209 Webster Street from the Neighborhood Conservation "A" (NCA) District to the Office Residential (OR) District, subject to a conditional agreement and to continue the public hearing for final passage to the next regularly scheduled City Council meeting.



EXECUTIVE DEPARTMENT

Edward A. Barrett, City Administrator
Phil Nadeau, Deputy City Administrator

January 11, 2017

To: Honorable Mayor and Members of the City Council
Fr: Edward A. Barrett
Su: Proposed Reconsideration of Conditional Rezoning of 209 Webster Street

Mayor Macdonald, who voted with the prevailing side in opposing this rezoning, and Councilor Beam, who was not present, have requested that this item be placed on the January 17th meeting agenda for reconsideration. The following outlines the procedure that should be followed.

Reconsideration

The first step is a motion to reconsider, which must be made by a member who voted on the prevailing side or who was not present at the time the vote was taken. The motion must be seconded, but any member can do so. The motion is debatable and requires a majority vote to pass.

If the reconsider is adopted, the original action is once again before the Council – “first passage for the conditional rezoning of the property at 209 Webster Street from Neighborhood Conservation “A” District to the Office Residential District, subject to the conditional rezoning agreement.” Since the item would now be back for discussion, the Council can debate it and determine how to proceed.

Available Options

The Council would then have a number of options. First, it could simply once again vote on the initial proposal, either approving first reading or rejecting it. However, the Council could also consider amending or modifying it by, for example, adding conditions such as an age limitation on residents of the building.

Modifying Conditions

Should the item be reconsidered and the Council wish to modify the conditions, the process becomes more complicated since we must comply not only with our ordinances, but with the provisions of state law governing conditional rezoning. State law requires that the Planning Board hold a public hearing on a conditional rezoning and meet certain publication and public notice requirements. The public notice, for example, must include all of the proposed conditions. As a result, any proposed changes to the conditional rezoning will require a new notice and public hearing before the Planning Board and a subsequent recommendation to the City Council.

To utilize this option, therefore, the City Council should vote to refer the item back to the Planning Board along with guidance as to any condition or conditions that the Council desires to have added to the conditional zone change. Once the exact language of the conditions was developed, the Planning Board would then hold a public hearing on the new proposal and return it to the Council for consideration.

At that point, the proposal would be before you for first reading and a public hearing. If approved, it would follow the normal process of second reading and action.

Should you have any questions about the process to be followed and options that are available, please let me know.



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: City Council and Mayor
FROM: David Hediger, City Planner
DATE: December 26, 2016
RE: Proposed Conditional Rezoning of 209 Webster Street

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

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

The applicant has since withdrawn that request and has submitted a new petition to conditionally rezone the property at 209 Webster Street to OR. Specifically, the proposed conditional rezoning will allow all of the currently permitted and conditional uses of the NCA district and will add the following OR permitted uses: personal services, multifamily dwellings, single-family attached dwellings, mixed residential developments, and mixed use structures. The applicant believes allowing uses currently permitted in the NCA district while limiting uses allowed in the OR district to specific residential development will provide him the ability to move forward with his proposal for senior housing while addressing the uncertainty of uses allowed on this property. For example, hospitals, offices, and clinics are not allowed as part of this conditional rezoning. The applicant has done the same with the space and bulk standards, allowing all of the current NCA standards to remain and adding the OR standards were applicable to the new uses being

proposed. Reference should be made to the table provide by the applicant comparing the uses and space bulk standard for the NCA, OR, and proposed conditional rezoning.

Staff is supportive of the proposed request. The purpose of the OR district is to provide for the orderly transition of older residential areas along major traffic arteries to low-intensity nonresidential uses and multifamily housing. The OR encourages that the conversion of existing properties from residential to nonresidential occur in a manner which preserves the architectural character of the neighborhood, provides controlled traffic access, adequate parking, and protects adjoining residential neighborhoods from undesirable impacts. Conditionally rezoning the property to OR to allow for additional residential development meets this purpose. This is a large lot abutting existing OR zoned properties with potential access to two major arterials. Zoned NCA and having only 112' of frontage on Webster Street, additional development of this lot is currently limited to single-family homes, which will require the construction of a frontage right-of-way or city street. Without those additional improvements, the lot may not be developed with more than one, single-family dwelling. The OR zoned properties on East Ave are small and do not easily lend themselves to new or redevelopment unless combined with abutting lots.

Conditionally rezoning 209 Webster provides the lot depth and the potential for additional in-fill development in an orderly transition limited to residential uses, including multifamily housing, in an older residential area along two major traffic arteries. This includes the development of senior housing, which is a goal of the existing and pending comprehensive plans for Lewiston. The petitioner's proposal has referenced applicable sections of both plans, noting that senior housing needs will continue to grow as the population's overall age increases and that Lewiston can enhance its ability to attract and retain seniors by expanding their available housing options.

On December 19, 2016, the Planning Board voted 6-1 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). A number of neighbors remained concerned about the potential increase in traffic, access to the site, and impacts to wetlands. These remain items that must be addressed by the Planning Board upon development review once a project is submitted for review and approval.



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Mayor and City Council
FROM: David Hediger, City Planner
DATE: December 20, 2016
RE: 209 Webster Street Rezoning

The Planning Board took the following action at their meeting held on December 19, 2016 regarding the rezoning of 209 Webster Street:

MOTION: by **Walter Hill** 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). Second by **Paul Ouellette**.

VOTED: **6-1 (Passed)**
Michael Marcotte Opposed

Visbaras Law, LLC

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

195 Center Street
Auburn, Maine 04210
email: kalex@visbaras.com

Phone: (207)376-3127
376-3126
Fax: (207) 783-4994
376-3198

December 6, 2016

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

Dear David:

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

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

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

David Hediger
December 7, 2016
Page 2

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

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

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

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

Respectfully submitted,



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

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

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

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

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

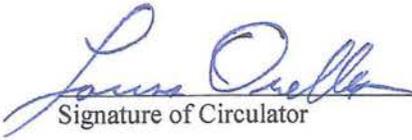
**PETITION TO AMEND THE CITY OF LEWISTON
ZONING AND LAND USE CODE**

Pursuant to Appendix A, Article XVII, Section 5 A Amendments of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to conditionally rezone the property at 209 Webster Street from the Neighborhood Conservation "A" (NCA) district to the Office Residential (OR) districts described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1	<i>Clair Pinette</i>	CLAIRE PINETTE	4 Beauvoir Ave	12/2/16
2	<i>Nancy Mahar</i>	Nancy Mahar	1 FORTIER RD	12/2/16
3	<i>Pauline Wilzer</i>	PAULINE WILZER	Madall Rd.	12/2
4	<i>Constance Lamo</i>	Constance Lamo	Scribner Bl	12/2
5	<i>Sidney Wilzer</i>	Sidney Wilzer	Randall Rd	12/2
6	<i>Roger Paradis</i>	ROGER R PARADIS	301 Old Green Rd	12/2
7	<i>Cecile Paradis</i>	Cecile Paradis	301 Old Green Rd	12/2
8	<i>Jeanne Blabbe</i>	Jeanne Blabbe	1328 Sabbath St	12/2
9	<i>Linda Chouette</i>	LINDA CHOUETTE	33 Robert Ave	12/2
10	<i>Jeffrey Leresque</i>	JEFFREY LERESQUE	5 Grande Pointe	12/2
11	<i>Martine Gagne</i>	MARTINE GAGNE	41 Homefield	12/2
12	<i>Steven Caouette</i>	STEVEN CAOUCETTE	33 ROBERT AVE	12/2
13	<i>Pauline Turcotte</i>	PAULINE TURCOTTE	25 Custom Ln	12/2
14	<i>Jos Boisvert</i>	JOS BOISVERT	30 Sturbridge Ave	12/2
15	<i>Ronald H Boisvert</i>	RONALD H BOISVERT	" "	" "
16	<i>Joanne Arnoldy</i>	JOANNE ARNOLDY	18 Gaskill Ave	12/2
17	<i>Trena Arnoldy</i>	TRENA ARNOLDY	18 GASKILL AVE	12/2
18	<i>Stacy Arnoldy</i>	STACY ARNOLDY	19 GASKILL AVE	12/2
19	<i>Marlene Whitten</i>	MARLENE WHITTEN	20 FOX RUN DR	12/2
20	<i>Marian Whitten</i>	MARIAN WHITTEN	20 FOX RUN DR	12/2

CIRCULATOR-S VERIFICATION

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


Signature of Circulator

Louis Ouellette
Printed Name of Circulator

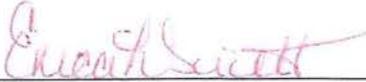
12-2-2016
Date

REGISTRAR=S CERTIFICATION

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

Total Valid: 10

Total Invalid: _____


Signature of Registrar/Deputy Registrar

Date: 12/6/16

AN ORDINANCE PERTAINING TO ZONING BOUNDARIES

THE CITY OF LEWISTON HEREBY ORDAINS:

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

APPENDIX A ZONING AND LAND USE CODE ARTICLE IV. ESTABLISHMENT OF DISTRICTS

Sec. 1. Zoning Map

The "Official Zoning Map, City of Lewiston," adopted pursuant to this Section, is hereby amended by conditionally rezoning the parcel more fully described in Exhibit "A" attached hereto, and as shown on Exhibit "B," said parcel being located at 209 Webster Street, Lewiston, Maine, from the Neighborhood Conservation A (NCA) zoning district to the Office Residential (OR) zoning district, with the primary intent of developing a multi-family senior housing complex.

REASONS FOR THE PROPOSED AMENDMENT

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

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

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

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

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

CONFORMANCE WITH COMPREHENSIVE PLAN

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

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

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

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

CONDITIONAL REZONING AGREEMENT

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

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

1. Land Use Table:

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

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

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

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

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

Applicable Footnotes to Land Use Table:

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

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

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

2. Space and Bulk Table:

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

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

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

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

Applicable Footnotes to Space and Bulk Dimensional Requirements:

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

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

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

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

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

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

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

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

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

6. The petitioner shall, at his own expense, record in the Androscoggin County Registry of Deeds a copy of the conditions within thirty (30) days following final approval of this proposal by the City. Such form of recording is to be in a form satisfactory to the City.

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

8. In addition to other remedies to which the City may be entitled under applicable provisions of statute or ordinance, if any party in possession or in use of the subject property fails or refuses to comply with any of the conditions imposed, any rezoning by the City in accordance with the conditions shall be of no force or effect. In that event, any use of the subject property and any building or structure developed pursuant to the rezoning shall be immediately abated and brought into compliance with all applicable provisions of the Code with the same effect as if the rezoning had never occurred.

9. If any of the conditions found by a court of competent jurisdiction to be invalid, such determination shall not invalidate any of the other conditions.

10. Any rezoning approved by the City conditionally shall be of no force or effect if the petitioner fails or refuses to comply with the conditions imposed.

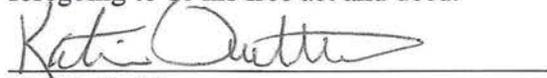
11. Any allowed proposed use, addition or expansion of the subject property deemed applicable to Article XIII, Section 2 of the Code shall be subject to the applicable sections of Article XIII of the Code, Development Review and Standards.

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

Respectfully Submitted,


Louis Ouellette

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


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

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



EXHIBIT "A"

Warranty Deed

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

MAINE REAL ESTATE
TRANSFER TAX PAID

Commencing at a point on the northwesterly corner of a lot of land now or formerly owned by one Silas Bartlett; thence westerly along the southerly line of East Avenue about forty-two (42) feet to land now or formerly of one Babb; thence southeasterly along the easterly line of said Babb's land and land now or formerly of one Martin Sinnott about two hundred fifty feet; thence westerly along the southerly line of said Sinnott's land twenty (20) feet to land now or formerly owned by one Urquhart; thence southerly along the easterly line of said Urquhart's lot and parallel with East Avenue fifty (50) feet; thence southeasterly on a line which would be formed by the continuation of the southerly line of said Urquhart's lot in an easterly direction about one hundred ninety-five (195) feet to a stake; thence northeasterly by land of Highland Terrace and lot now or formerly owned by one Keegan about three hundred thirty (330) feet to Webster Street; thence northwesterly along the line of said Webster Street about one hundred thirty-two (132) feet to land now or formerly owned by one Thornton; thence southwest 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 J. Debe
Witness

Priscilla L. Bazinet
Priscilla L. Bazinet

As to both
Witness

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

State of Maine
Androscoggin, SS.

July 27, 2016

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

Before me,

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

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

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

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

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

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

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

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

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

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

SIGNED, SEALED AND DELIVERED
in the presence of:

Dawn Collins
Dawn Collins

Priscilla Bazinet
Priscilla L. Bazinet

Rachel Blanchette
STATE OF MAINE
COUNTY OF Maine, ss:

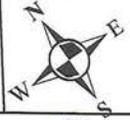
On this 23 day of July, 2016, personally appeared before me the above named PRISCILLA L. BAZINET, and acknowledged that the foregoing instrument was her free act and deed.

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

Penny Lacasse
Notary Public

EXHIBIT "B"

NCA



Webster St.

Goody St.

OR

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

East Ave.

OR

NCA

Boston Ave.

Noble St.

Burbank St.

East Ave.

IO

Proposed 209 Webster Street Conditional Rezoning

December 2016

LEWISTON CITY COUNCIL

MEETING OF JANUARY 17, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Order Authorizing the City Administrator to acquire the property at 280 Bartlett Street.

INFORMATION:

The School Department is in the process of construction a new elementary school on athletic fields adjacent to Lewiston High School. These fields were initially constructed in part through a federal Land and Water Conservation Fund Grant that imposed a restriction that the area be used for open space and recreation in perpetuity. The School Department has received federal approval to convert this property to educational purposes; however, properties of equal or greater market value must be identified to substitute for the converted property. A portion of this requirement has been met by the School Department's acquisition of Drouin Field. Additional property is required. The 280 Bartlett Street property is effectively an out-parcel surrounded by other City owned Franklin Pasture property and is suitable for redevelopment for open space and recreation purposes. The School Department has an option to purchase this property for \$345,000 which expires at the end of January. This Oder would authorize the City Administrator to purchase this property. A separate item would provide the necessary funding.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

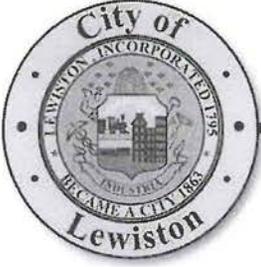
The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order Authorizing the City Administrator to acquire the property at 280 Bartlett Street.



January 17, 2017

COUNCIL ORDER

Order, Authorizing the City Administrator to Acquire the Property at 280 Bartlett Street

Whereas, the Lewiston School Department plans to construct a new elementary school on property in Franklin Pasture adjacent to Lewiston High School; and

Whereas, the location of the new school will impact current athletic fields originally constructed with the assistance of a Federal Land and Conservation Fund (LWCF) grant; and

Whereas, this grant requires any assisted property to remain forever as recreation and open space; and

Whereas, the School Department has received advanced approval from the National Park Service to convert the Franklin Pasture space to educational uses, subject to replacing the lost space with other recreational property; and

Whereas, the School Department's purchase of Druin Field will partially meet this obligation; however, additional recreational space must be provided to meet federal requirements; and

Whereas, the School Department currently holds an option to purchase the property at 280 Bartlett Street, the current location of Hudson Bus; and

Whereas, this option will expire on January 31, 2017; and

Whereas, the intent is to convert this property for future development of an athletic field and related amenities;

Now, therefore, be it ordered by the City Council of the City of Lewiston that

The City Administrator is hereby authorized to acquire the property at 280 Bartlett Street in an amount not to exceed \$345,000, subject to his determination that any environmental issues are addressed, with the intent of using this property to partially replace the value of the Franklin Pasture property to be converted from Land and Water Conservation Fund purposes to educational purposes through construction of an elementary school. Once this substitution has been approved by state and federal officials, it will be the intent of the City to designate this property for recreation and open space purposes.

LEWISTON CITY COUNCIL

MEETING OF JANUARY 17, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Resolve making an Appropriation and Transferring a Capital Project balance for purposes of funding the purchase of the property located at 280 Bartlett Street.

INFORMATION:

This Resolve will provide the necessary funding for the City to purchase the property at 280 Bartlett Street as part of an overall effort to replace the federal Land and Water Conservation Fund property on which a new elementary school will be built and which is restricted by grant conditions to be used only for recreational and open space purposes. The School Department has received federal approval to convert this property to educational purposes; however, properties of equal or greater market value must be identified to substitute for the converted property. A portion of this requirement has been met by the School Department's acquisition of Drouin Field. Additional property is required. The property at 280 Bartlett Street has been identified as another potential replacement property and an Order (agenda item number 10) authorizing its purchase in an amount not to exceed \$345,000 will be reviewed by the Council prior to this agenda item. Funding would be provided from the completed Gendron Business Park Phase II project balance (\$98,200) and interest and premium received on our most recent bond issue (\$246,800).

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve making an Appropriation and Transferring a Capital Project balance for purposes of funding the purchase of the property located at 280 Bartlett Street.



COUNCIL RESOLVE

Resolve, Making an Appropriation and Transferring a Capital Project Balance for Purposes of Funding the Purchase of the Property Located at 280 Bartlett Street.

Whereas, the Lewiston School Department plans to construct a new elementary school on property in Franklin Pasture adjacent to Lewiston High School; and

Whereas, the location of the new school will impact current athletic fields originally constructed with the assistance of a Federal Land and Conservation Fund (LWCF) grant; and

Whereas, property located at 280 Bartlett Street has been identified as a potential partial replacement for the land to be converted from Land and Water Conservation Fund purposes; and

Whereas, the School Department currently holds an option to purchase this property; and

Whereas, this option will expire on January 31, 2017;

Now, therefore, be it resolved by the City Council of the City of Lewiston that

The following funds are hereby transferred or appropriated for the purpose of purchasing the property at 280 Bartlett Street: \$98,200 transferred from the Gendron Business Park Phase II project and \$246,800 appropriated from interest and premium received from the City's most recent bond issue.

LEWISTON CITY COUNCIL
MEETING OF JANUARY 17, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 15

SUBJECT:

Executive Session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter.

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

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

EAB/6mm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an executive session pursuant to MRSA Title 1, section 405(6)(A) to discuss a personnel matter.

LEWISTON CITY COUNCIL

MEETING OF JANUARY 17, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 16

SUBJECT:

Executive Session to discuss labor negotiations regarding the International Association of Firefighters, Local 785.

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAD/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the International Association of Firefighters, Local 785.