

**LEWISTON CITY COUNCIL AGENDA  
CITY COUNCIL CHAMBERS  
JULY 18, 2017**

- 6:00 p.m. Workshop** – Review of Proposed Tree Rebate (Treebate) Program – 30 minutes
- 6:30 p.m. Executive Session** – Pursuant to MRSA Title 1, section 405 (6)(c) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.
- 6:45 p.m. Executive Session** - To discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.
- 7:00 p.m. Regular Meeting**

Pledge of Allegiance to the Flag  
Moment of Silence

LYAC Farewell Recognition & Appointment of New LYAC Youth

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 7.

**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. Resolve Taking Possession of Tax Acquired Properties at 267 ½ Lincoln Street Rear, 12 Anger Street, 4 Roslin Avenue, 264 Lincoln Street and 20 Winn Street.
- \* 2. Orders Authorizing Execution of Municipal Quitclaim Deeds for Real Estate located at 4 Mountain Avenue, 164 South Avenue and 205 East Avenue.
- \* 3. Order Authorizing Execution of a Municipal Quitclaim Deed for Real Estate located at 267 ½ Lincoln Street Rear.
- \* 4. Resolve Accepting Diamond Court as a Public Easement.

**REGULAR BUSINESS:**

- 5. Public Hearing for approval of an Outdoor Entertainment Permit for the Summer Motion Community Day.
- 6. Public Hearing for approval of an Outdoor Entertainment Permit for a live musical event in Pettingill School Park.
- 7. Public Hearing for approval of an Outdoor Entertainment Permit for a musical concert in Kennedy Park.
- 8. Public Hearing for approval of an Outdoor Entertainment Permit for the Annual Great Falls Balloon Festival.
- 9. Public Hearing for approval of outdoor concerts sponsored by Union of Maine Visual Artists at Dufrense Plaza.
- 10. Public Hearing on a new application for a new liquor license for Blue Galangal, 1134 Lisbon Street.
- 11. Public Hearing on the renewal application for a Special Amusement for Live Entertainment for Pelletier's Banquet Facilities, 711 Webster Street.
- 12. Public Hearing on the renewal application for a Special Amusement for Live Entertainment for

- Acme Social Club, Inc., 255 Park Street.
13. Public Hearing on the renewal application for a Special Amusement for Live Entertainment for She Doesn't Like Guthries, 115 Middle Street.
  14. Public Hearing on the renewal application for a Special Amusement for Live Entertainment for Baxter Brewing, 130 Mill Street.
  15. Public Hearing and Final Passage regarding an amendment to the Business Licensing ordinance regarding Food Trucks.
  16. Resolve receiving the Report of the Planning Board on questions referred to the Board regarding the Contract Rezoning of 209 Webster Street.
  17. Public Hearing and First Passage to contractually rezone the property at 209 Webster Street from Neighborhood Conservation "A" (NCA) District to the Office Residential (OR) District.
  18. Public Hearing and First Passage to contractually rezone the property at 299 River Road from the Rural Agricultural (RA) District to the Neighborhood Conservation "B" (NCB) District.
  19. Public Hearing and First Passage for Land Use Code Amendments concerning variances for mobile homes on individual lots.
  20. Public Hearing and First & Final Passage for an extension of the Moratorium Ordinance regarding Lodging Houses in the Neighborhood Conservation "B" District.
  21. Public Hearing and Resolve Adopting Revised Federal FY2017& (City FY18) Community Development Block Grant (CDBG) and HOME Budgets and Final Action Plan.
  22. Resolve Acknowledging Receipt of the Report of the Lewiston Auburn Joint Charter Commission.
  23. Order, Authorizing Execution and Filing of a Notice to Extend Exception Pursuant to 23 M.R.S. Section 3032 – Proposed, Unaccepted Ways.
  24. Resolve Accepting and Reaffirming of certain roads as Public Easements.
  25. Update from the Lewiston School Committee Representative.
  26. Reports and Updates.
  27. Any other City Business Councilors or others may have relating to Lewiston City Government.

LEWISTON CITY COUNCIL  
WORKSHOP AGENDA  
TUESDAY, July 18, 2017  
6:00 PM

1. Review of Proposed Tree Rebate (Treebate) Program – 30 minutes

In May, the City Council discussed a number of approaches to provide some form of benefit to Lewiston residents in light of anticipated increases in the City's property tax rate and sewer and stormwater utility rates. At that time, the Council expressed an interest in establishing a program that would provide rebates for a portion of the cost incurred by residents for purchasing and planting trees on their properties, recognizing that trees offer a number of public benefits, including improved stormwater management. Since then, staff has prepared a more detailed outline of such a program. Please see the attached material.

2. Executive Session – Economic Development – 15 minutes

3. Executive Session – Property Disposition – 15 minutes



## EXECUTIVE DEPARTMENT

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

July 12, 2017

To: Honorable Mayor and Members of the City Council  
Fr: Edward A. Barrett  
Su: Proposed Tree Rebate Program

In May at the request of Councilor Lachance, the City Council discussed a number of approaches to provide some form of benefit to Lewiston residents in light of anticipated increases in the City's property tax rate and sewer and stormwater utility rates. At that time, the Council expressed an interest in establishing a program that would provide rebates for a portion of the cost incurred by residents for purchasing and planting trees on their properties, recognizing that trees offer a number of public benefits including improved stormwater management.

Since then, staff has prepared a more detailed outline of such a program. Attached is a draft policy establishing a "TREEBATE" program including a listing of recommended trees and a draft application form.

Under the proposal, residents would be eligible for a 50% rebate on the cost of a tree purchased and planted on their property up to a maximum of \$100. We would propose an initial allocation of \$50,000 toward this program. At maximum rebate, this would cover 500 trees.

Some work remains to be done, such as a planting and care guide to provide to program applicants.

At this point, we are seeking the Council's preliminary reaction and feedback.

## TREEBATE POLICY

### 1.0 Purpose

Trees enhance the urban environment by reducing stormwater runoff and absorbing rainfall, reducing soil erosion, absorbing odors and polluting gases, conserving energy when strategically placed around buildings, and improving the community's overall aesthetic. The purpose of this policy is to provide incentives to the residents of single family and duplex properties to plant additional trees on their properties to enhance the benefits they provide.

### 2.0 Policy

It is the City's policy to encourage planting trees on private property through providing a "treebate" to residents who plant new trees meeting certain minimum requirements on single family and duplex properties.

### 3.0 Amount of Treebate

The City will credit the property owner's stormwater fee for 50% of the cost of a qualifying tree up to a maximum of \$100. Applicants are eligible for no more than one tree per year.

### 4.0 Qualifying Trees

To qualify, trees must be deciduous, non-invasive and have a caliper measurement of at least 1.5 inches. (Caliper is a measure of the diameter of the trunk 6 inches above the soil surface.) A list of pre-qualifying tree species can be found in Attachment A. Other trees can potentially qualify with written approval from the City Arborist prior to purchase and planting.

### 5.0 Application

In order to qualify for a guaranteed treebate, residents must complete the application form found in Attachment B. Upon notification of approval, the applicant will be assured that funds are available for the purchase. Residents may purchase and plant a tree without prior approval; however, treebates are available on a first come, first served basis with no guarantee that funding will be available without pre-approval.

### 6.0 Planting Requirements

Trees must be planted in a location where they are either visible from the public right of way or within 100 feet of the primary residential structure. They must be planted at least ten feet from intersections, utility poles, hydrants, driveways, and traffic signs/signals. Avoid future tree/utility conflicts, both overhead and

underground. Note that private underground utilities (such as water and sewer service lines and electrical feeds), underground irrigation systems, and dog fences are the responsibility of the property owner.

#### 7.0 Procedure for Claiming Treebate

Once a tree has been purchased and planted, the resident must provide the City with a copy of the invoice or other acceptable proof of payment specifying the species of tree purchased, trunk caliper, and a picture of the planted tree.

Treebate claims should be submitted to: \_\_\_\_\_ . After review, the applicant will be notified whether or not they have qualified for a treebate.

#### 8.0 Planting and Care Guide

Attachment C is a Planting and Care Guide designed to assist residents in ensure appropriate tree placement and survival.

## APPENDIX A

### RECOMMENDED TREES

BOTANICAL NAME: *Acer rubrum*

COMMON NAME: Red Maple

Zone 3, 40-60' in height, spread less than or equal to height. Very tolerant of soils, however, prefers slightly acid, moist conditions.

Cultivars: 'Armstrong' - Narrow Spirelike Crown; 'Autumn Blaze'; 'Red Sunset'

BOTANICAL NAME: *Acer saccharum*

COMMON NAME: Sugar Maple

Zone 3, 60 - 75' in height. Spread is 2/3's or equal to the height. Prefers well drained moderately moist, fertile soil, a slightly acid soil seems to result in greater growth, not extremely air pollution tolerant. Needs ample, unrestricted space to grow.

Cultivars: 'Green mountain' - Upright oval crown, performs better than species in dry restricted growing areas.

BOTANICAL NAME: *Cladrastis lutes*

COMMON NAME: Yellowwood

Zone 3, 30 - 50' in height with a spread of 40 to 50 feet. Tolerates high pH soils as well as acid situations. Requires well drained soils. Fragrant white flowers in spring. Bright yellow foliage in spring gradually change to bright green in summer and yellow in fall.

BOTANICAL NAME: *Fraxinus americana*

COMMON NAME: White ash

Zone 3, 50 - 80' in height with a spread of similar proportions. Prefers deep, moist, well drained soils but also withstands soils which are not excessively dry and rocky.

BOTANICAL NAME: *Fraxinus pennsylvanica*

COMMON NAME: Green ash

Zone 3, 50 - 60' in height by about 1/2 that in spread. Very adaptable tolerates high pH, salt, drought, and sterile soils.

Cultivars: 'Honeyshade' - Glossy foliage; 'Marshall's Seedless' - Vigorous growth with less insect problems than the species.

BOTANICAL NAME: *Ginkgo biloba*

COMMON NAME: Ginkgo

Zone 4, 50 - 80' in height, variable spread 30' plus. Prefers sandy, deep, moderately moist soil but grows in almost any situation. Air pollution tolerant; a durable tree for difficult to landscape situations. Extremely free of pest.

BOTANICAL NAME: *Gleditsia triacanthos* var. *inermis*

COMMON NAME: Thornless Honeylocust

Zone 4, 40 - 60' in height, with comparable spread. Prefers rich, moist soils of a limestone origin, however, it withstands a wide range of conditions including dry soils, high pH and salt spray.

Cultivars: 'Fairview' - Rapid grower; strong sturdy habit of growth; wide upright; 'Shade master' - tall straight trunk with graceful arching branches.

BOTANICAL NAME: *Phellodendron amurense*

COMMON NAME: Amur Corktree

Zone 3, 30 - 45' in height with equal spread. Does well on many types of soils, withstands acid or alkaline conditions.

Cultivars: 'Red Spire' - Compact upright form, hardiest; 'Autumn Blaze' - Wider than Red Spire

BOTANICAL NAME: *Pyrus calleryana* 'Bradford'

COMMON NAME: Bradford Callery Pear

Zone 4, 30 - 50' in height with a 20 - 35' spread. Adaptable to many different soils, tolerates dryness and pollution. White flowers in spring, glossy green foliage, turns scarlet in fall.

BOTANICAL NAME: *Quercus palustris*

COMMON NAME: Pin Oak

Zone 4, 60-70' in height with a crown spread of 30-40'. Strong pyramid shape, tolerant of poor soils. Very common street tree.

BOTANICAL NAME: *Sophora japonica*

COMMON NAME: Japanese Pagoda tree

Zone 4, 50 - 75' in height with comparable spread. Prefers loamy well-drained soil. White mildly fragrant blossoms in spring.

Cultivars: 'Fastigata' - Upright growth habit; 'Regent' - Fast growth rate.

BOTANICAL NAME: *Syringa reticulata* x Ivory Silk

COMMON NAME: Japanese Tree Lilac

Zone 3, 20-30' in height, 15 -25' in crown width. PLANT SINGLE STEM ONLY. One of the most trouble free street trees, this is not a standard lilac shrub. Excellent specimen tree or in groups. Waxy green leaves with fragrant creamy white flowers in late June. Good choice for small or tight areas without much room. Does not tolerate wet soils.

BOTANICAL NAME: *Tilia cordata*

COMMON NAME: Little Leaf Linden

Zone 3, 60 - 70' in height and 1/2 to 2/3's that in spread. Prefers moist, well drained soil, pH adaptable and pollution tolerant. Dark glossy green foliage changing to yellow in fall.

BOTANICAL NAME: *Ulmus americana* 'Princeton'

COMMON NAME: Princeton Elm

Zone 3, 60 - 80' in height and 40-50' in crown spread. American Elm cultivar, vigorous and good resistance to Dutch Elm Disease.

BOTANICAL NAME: *Ulmus* Homestead

COMMON NAME: Homestead Elm

Zone 4, 60 - 70' in height and 30-40' in crown spread. Fast growing tree, good tolerance to poor soil, heat and insects and disease.

APPENDIX B.

TREEBATE APPLICATION FORM

Date: \_\_\_\_\_

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

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Species:

\_\_\_\_ Red Maple

\_\_\_\_ Sugar Maple

\_\_\_\_ Yellowwood

\_\_\_\_ White Ash

\_\_\_\_ Green Ash

\_\_\_\_ Ginko

\_\_\_\_ Thornless Honeylocust

\_\_\_\_ Amur Corktree

\_\_\_\_ Pin Oak

\_\_\_\_ Bradford Callery Pear

\_\_\_\_ Japanese Pagoda Tree

\_\_\_\_ Japanese Tree Lilac

\_\_\_\_ Little Leaf Linden

\_\_\_\_ Princeton Elm

\_\_\_\_ Homestead Elm

Other<sup>1</sup> \_\_\_\_\_

YOU WILL BE NOTIFIED ONCE YOUR APPLICATION HAS BEEN REVIEWED.  
ELIGIBILITY FOR STORMWATER UTILITY CREDITS ARE GRANTED ON THE BASIS OF  
FUND AVAILABILITY.

ONCE APPROVED AND PLANTED, PLEASE ATTACH ALL RECEIPTS (showing species,  
trunk caliper, and price paid) and a photo of the planted tree and submit to:

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<sup>1</sup> Specify the other variety desired; our City Arborist will review your request to determine whether it is appropriate and be back in contact with you.

# LEWISTON CITY COUNCIL

MEETING OF JULY 18, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. ES-1

**SUBJECT:**

Executive Session pursuant to MRSA Title 1, section 405 (6) (c) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

**INFORMATION:**

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

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

State statutes define the purposes for entering into an executive session.

*EAJ/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) (c) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

# LEWISTON CITY COUNCIL

## MEETING OF JULY 18, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. ES-2**

**SUBJECT:**

Executive Session to discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

**INFORMATION:**

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

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

The City Administrator recommends approval of the requested action.

*EAB/KMM*

**REQUESTED ACTION:**

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)(c), to discuss Disposition of Property, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

# LEWISTON CITY COUNCIL

## MEETING OF JULY 18, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 1**

**SUBJECT:**

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

**INFORMATION:**

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

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

The City Administrator recommends approval of the requested action.

*EAB/16mm*

**REQUESTED ACTION:**

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



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



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

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

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

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

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

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

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

**Be it Further Ordered, that**

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

**LEWISTON CITY COUNCIL**  
**MEETING OF JULY 18, 2017**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 2**

**SUBJECT:**

Orders authorizing execution of Municipal Quitclaim Deeds for Real Estate located at 4 Mountain Avenue, 164 South Avenue and 205 East Avenue.

**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 your July 18<sup>th</sup> meeting, there will be three quitclaim deeds requiring your action dealing with a matured tax and utility liens that have since been paid. Approval of the attached quitclaim orders will release these properties from the City to the owners.

**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 Orders authorizing execution of Municipal Quitclaim Deeds for Real Estate located at 4 Mountain Avenue, 164 South Avenue and 205 East Avenue.



CITY OF LEWISTON, MAINE

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July 18, 2017

**COUNCIL ORDER**

**Order,** Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 4 Mountain Avenue.

**WHEREAS,** the owner, Ruth A. Buckley C/O Paul Buckley, failed to pay her bill on a timely basis for 4 Mountain Avenue (Tax Map 193, Lot 171, Parcel 00-001569); and

**WHEREAS,** a tax lien was filed on June 23, 2015 (Book 9164 Page 163) and matured on December 23, 2016 in the amount of \$2,438.41; 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 4 Mountain Avenue to the owner.



**COUNCIL ORDER**

**Order,** Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 164 South Avenue.

**WHEREAS,** the owner, Paul A. Pinette, failed to pay his bills on a timely basis for 164 South Avenue (Tax Map 177, Lot 5, Parcel 00-004908); and

**WHEREAS,** a water lien was filed on June 19, 2014 (Book 8936 Page 187) and matured on December 19, 2015 in the amount of \$199.35; and

**WHEREAS,** a sewer lien was filed on June 19, 2014 (Book 8936 Page 102) and matured on December 19, 2015 in the amount of \$161.26; and

**WHEREAS,** a storm water lien was filed on June 19, 2014 (Book 8936 Page 272) and matured on December 19, 2015 in the amount of \$105.01; 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 164 South Avenue to the owner.



**COUNCIL ORDER**

**Order,** Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 205 East Avenue.

**WHEREAS,** the owners, Thomas B. and Pamela A. Turnell, failed to pay their bills on a timely basis for 205 East Avenue (Tax Map 174, Lot 281, Parcel 00-008559); and

**WHEREAS,** a water lien was filed on June 19, 2014 (Book 8936 Page 154) and matured on December 19, 2015 in the amount of \$149.36; and

**WHEREAS,** a sewer lien was filed on June 19, 2014 (Book 8936 Page 60) and matured on December 19, 2015 in the amount of \$152.36; 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 205 East Avenue to the owner.

**LEWISTON CITY COUNCIL**  
**MEETING OF JULY 18, 2017**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 3**

**SUBJECT:**

Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 267 ½ Lincoln Street Rear.

**INFORMATION:**

Earlier on the agenda, the Council authorized staff to take possession of the property located at 267 ½ Lincoln Street Rear. This represents a 50% interest in this property. The owner of the remaining 50% interest, Donald Tremblay, has offered to pay all amounts due to the City in return for the City's ownership interest. Staff recommends that this offer be accepted and the property be quitclaimed to Mr. Tremblay.

**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 267 ½ Lincoln Street Rear.



COUNCIL ORDER

**Order,** Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 267 ½ Lincoln Street Rear.

**WHEREAS,** the partial owner, Pamela J. A. Whitney C/O Real Fournier, failed to pay her bills on a timely basis for her portion of 267 ½ Lincoln Street Rear (Tax Map 209, Lot 03, Parcel 00-011516); and

**WHEREAS,** a tax lien was filed on June 19, 2013 (Book 8700 Page 214) and matured on December 19, 2014 in the amount of \$195.44; and

**WHEREAS,** a tax lien was filed on June 18, 2014 (Book 88935 Page 131) and matured on December 18, 2015 in the amount of \$211.77; and

**WHEREAS,** a tax lien was filed on June 23, 2015 (Book 9165 Page 253) and matured on December 23, 2016 in the amount of \$216.04; and

**WHEREAS,** a storm water lien was filed on December 6, 2013 (Book 8830 Page 215) and matured on June 7, 2015 in the amount of \$104.78; and

**WHEREAS,** a storm water lien was filed on December 22, 2015 (Book 9282 Page 107) and matured on June 24, 2017 in the amount of \$92.52; and

**WHEREAS,** the other partial owner, Donald Tremblay is prepared to pay-off all outstanding balances on the City acquired property to receive a quit claim property deed ; and

**WHEREAS,** payment will be 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 267 ½ Lincoln Street Rear to Donald Tremblay.

# LEWISTON CITY COUNCIL

## MEETING OF JULY 18, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 4**

**SUBJECT:**

Resolve Accepting Diamond Court as a Public Easement.

**INFORMATION:**

For many years, the City has provided municipal services to the residents of Diamond Court under the assumption that it had been accepted as a public easement. It has recently come to our attention that this Court was never accepted and is a private way.

Public Works has researched the situation and recommends that the Council accepted as a public easement to allow the continued provision of municipal services.

Please see the attached information from Public Works Director David Jones.

**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 Resolve accepting Diamond Court as a Public Easement.



CITY OF LEWISTON, MAINE

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July 18, 2017

COUNCIL RESOLVE

**Resolve, Accepting Diamond Court as a Public Easement.**

Whereas, the City recently learned that Diamond Court was never officially accepted as a public easement; and

Whereas, Diamond Court has been treated as a public easement for a considerable period of time, including pavement maintenance, snow plowing, solid waste collection, and other municipal services; and

Whereas, property owners were notified of the issue in June and were supportive of the City's proposed action to accept Diamond Court as a public easement;

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

Diamond Court is hereby accepted as a public easement as described on Exhibit A: Diamond Court.

Exhibit A: Diamond Court Public Easement





## PUBLIC WORKS DEPARTMENT

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David A. Jones, P.E., Director

June 20, 2017

Mayor and Members of the City Council,

Back in May, Councilor Golden contacted me to ask about when Diamond Court might be getting scheduled for pavement. I did some checking and found Diamond Court was not included in our Pavement Management Survey that was conducted in 2015/2016. That was odd because we included all the City's streets at the time. We checked our status of streets maps and found Diamond Court (formerly Bailey Court) was shown as a private drive. We checked with both Planning/Code Enforcement and the City Clerks office and found there was no record of Diamond Court being accepted as a public easement. Without it being accepted, the City legally cannot provide routine services such as pavement maintenance, snowplowing, or solid waste collection to the properties on Diamond Court. These are services we have been providing for a number of years. We notified Councilor Golden and more recently contacted all the abutting property owners to alert them about the issue.

We told the property owners we were doing research on the deeds to identify the legal description of Diamond Court, and we field verified the description. We told them our plan was to bring an action to the City Council at its meeting on July 18<sup>th</sup> to accept Diamond Court as a public easement and, if the City Council approves accepting Diamond Court as a public easement, the services we have been providing will continue. A copy of a sample letter we sent is attached along with a list of the property owners contacted. I spoke with some of the property owners personally, and they too were surprised by the news as they had thought the City had accepted the road long ago.

Public Works completed the research, and we recommend Diamond Court be accepted as a Public Easement. (It cannot be accepted as a Public Street, because it does not meet many of the specifications required to do so.) Attached is a memo summarizing the deed research performed. The deeds refer to Bailey Court (now Diamond Court) as a "passageway." The memo recommends it be accepted as a Public Easement as depicted on the City's Base Maps. If the City Council approves this action, Public Works will file this with the registry of deeds and all services will continue.

Sincerely,

David A. Jones, P.E.

Cc: E. Barrett, K. Montejo, R. Burnham, D. Boudreau



## Department of Public Works

David A. Jones, P.E.  
Director



To: David A. Jones, P.E.

Fr: Dennis R. Boudreau, Eng. Tech. III

Re: Diamond Court, Formerly Bailey Court

Dave,

I have researched and reviewed deeds, maps and records in regards to the location, description and or acceptance of Diamond Court, formerly known as Bailey Court, off of Orange St. This research begins with current deed descriptions, plans, maps and field notes. I continued to follow these deeds back in an attempt to get to the original parcel. Most of the deeds remain unchanged in description and go back to approximately 1867. The original lot was known as lot 21, on a survey of Lewiston as described in some of the deeds and owned by a Mr. Bailey. However, I have been unsuccessful in locating this map. I have located maps that are at the Androscoggin County Registry of Deeds, but none match the description used in the deeds. These maps merely show an outline of the parcel and lot numbers. Mr. Bailey began dividing said lot 21 in the early 1860's setting aside a strip of land twenty-five feet in width, running from the Westerly Right-of-Way of Orange St. to the back lot. This strip of land was called a passageway in the early deeds. Later on it was referred to as a passageway with a Right-of-Way on said passageway. Sometime between 1867-1869, this passageway was reduced to a fourteen foot wide passageway with a Right-of-Way on it, from the Westerly sideline of Orange St. to the Southerly corner of what is now lot No. 174-69, at which point, it opened to a twenty-five foot wide passageway on the Northerly sideline of said Diamond Court, formerly known as Bailey Court, to the Westerly corner of said lot No. 174-69. The Southerly sideline of said Diamond Court, formerly known as Bailey Court, remained straight and is the Southerly sideline of said lot 21, in the survey of Lewiston done sometime in the early 1800's.

I have found no record of this passageway/Right-of-Way ever being brought to the City for acceptance.

The lot markers called off in these deeds was described as a pile of stones with a stake placed in the said pile of stones. Upon visit to the Diamond Court Passageway, I have found no evidence of the said pile of stones with a stake placed in it.

It is my recommendation that should this passageway be accepted, it should be a Public Easement and be accepted as was intended and defined in the deeds as depicted on the City's Base Maps.

All supporting Documents enclosed.

DRB Eng. Tech. III

**AN EQUAL OPPORTUNITY EMPLOYER**

The City of Lewiston is an EOE. For more information, please visit our website @ [www.lewistonmaine.gov](http://www.lewistonmaine.gov) and click on the Non-Discrimination Policy.  
Department of Public Works • 103 Adams Ave • Lewiston, ME • 04240 • Voice Tel. 207-513-3003 • Fax 207-784-5647 •  
TTY/TDD 207-513-3007 – [www.lewistonmaine.gov](http://www.lewistonmaine.gov)



## PUBLIC WORKS DEPARTMENT

---

David A. Jones, P.E., Director

June 13, 2017

Dear

I am contacting you because your property abuts Diamond Court in Lewiston. Recently, we learned the City had no record of Diamond Court (formerly Bailey Court) being accepted as a public easement. Without it being accepted, the City legally cannot provide routine services such as pavement maintenance, snowplowing or solid waste collection to the properties on Diamond Court. We are in the process of correcting this issue and will continue providing the services until we can rectify it.

We are currently doing the research on the deeds to identify the legal description of Diamond Court and we will be field verifying the description within the next week or so. If you see our folks doing some survey work along Diamond Court, this is what they are doing. Our hope is to bring an action to accept Diamond Court as a public easement to the City Council at their meeting on July 18<sup>th</sup>. If the City Council approves accepting Diamond Court as a public easement, the services we have been providing will continue.

This same letter is being sent to all owners of properties that abut Diamond Court. If you have any questions or comments about this issue, please feel free to contact us.

Sincerely,

David A. Jones, P.E.

Cc: E. Barrett, R. Burnham, D. Boudreau

**LEWISTON CITY COUNCIL**  
**MEETING OF JULY 18, 2017**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 5**

**SUBJECT:**

Public Hearing for approval of an Outdoor Entertainment Permit for the Summer in Motion Community Day.

**INFORMATION:**

Motion 3 Entertainment and Media Services is hosting a Summer in Motion Community Day on Saturday, July 22 (rain date August 5) which will feature live music in Kennedy Park. The Council is asked to approve the standard Outdoor Entertainment Permit for the event.

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

The City Administrator recommends approval of the requested action.

*ERABIKMM*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To conduct a public hearing on an application from Motion 3 Entertainment & Media Services for an outdoor musical concert to be held at Kennedy Park on Saturday, July 22 with a rain date of August 5 as part of their Summer in Motion Community Day, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to them for the outdoor music concert, contingent upon positive recommendations from the Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.

**CITY OF LEWISTON - APPLICATION for EVENTS from 7/1/17- 6/30/18**

- EVENT** (25+ participants) OUTDOOR ENTERTAINMENT
- SPECIAL EVENT** (over 1,000 expected)
- EVENT SPECIFICATIONS** -check one
  - First-Time Event
  - Repeat Event
- PARK USE ONLY** (see page 3)
- GAZEBO/AMPHITHEATER ONLY** (special application required contact Admin)



Application Date: 6/19/17

Event Application must be submitted no later than **90 days prior** to the event.

Event Name: Summer In Motion Community Day

Requested Date: 7/22/17 Rain Date (if applicable): 8/5/17

Event Location: Kennedy Park

Type of Event: (Walk/Run, Festival, Concert, Etc.) Family Community Day

Contact Name: Kassandra Robichaud Telephone: (207) 513-7477

Email: motion3artists@gmail.com

Host Organization: Motion 3 Entertainment & Media Services

Mailing Address: 43 Louise St City: Auburn, Me 04210

- NON-PROFIT (NP)** Documentation Required; check one below and include with application
  - 501(c)(3)
  - IRS Form 990
  - IRS Letter

**FOR-PROFIT ORGAGNIZATION**

**Processing Fee: \$50** -non-refundable and due at the time application is submitted.

- Check
- Credit Card
- Cash

will mail in today 6/19/17

Processing Fee:	COI: <u>NEEDED</u>	Staff Use Only
Park Fees: <u>N/A</u>	NP Documentation:	Event Number:
Other Fees: <u>00</u>	Fundraising Documentation:	

**CITY OF LEWISTON - APPLICATION for EVENTS from 7/1/17- 6/30/18**

**GENERAL INFORMATION Event and/or Park Use (Section 1)**

Person Responsible for Event: Kassandra Robichaud Title: VP - Motion-3 Entertainment

Daytime Phone: (207) 513-7477 Cell: Same Cell During Event: Same

Type of Event (Walk/Run, Festival, Concert, Etc.): Family Community Day

Event Start Time: 9am Event End Time: 3pm Estimated Attendance: 300-400

Set-up Start Time: 8am Clean-up End Time: 4pm

- Open to the Public
- Invitation Only
- Age Restriction

Event Location: Kennedy Park

(If you will utilize a park, please check ALL that apply below)

**FEES APPLY**

- Simard-Payne Park \$ \_\_\_\_\_ x \_\_\_\_\_ days
- Dufresne Plaza \$ \_\_\_\_\_ x \_\_\_\_\_ days

**NO FEE ASSESSED**

- Kennedy Park
- Marcotte Park
- Mark Paradis Park
- Pettingill School Park
- Potvin Park
- Raymond Park
- Sunnyside Park
- Veterans Park

**Location Other Than Parks:**

Street(s) \_\_\_\_\_

Sidewalk(s) \_\_\_\_\_

Other \_\_\_\_\_

**PARK USE ONLY – Provide Overview**

Community day with events for families, music, food, and basketball games.

**PARK FEES & APPLICABLE DISCOUNTS**

**SIMARD-PAYNE PARK (check one)**

- Full Price: \$135 day
- Lewiston-based NP (80% discount): \$27 day
- Out-of-Town, NP Fundraisers (50% discount): \$67.50 day
- Out-of-Town, NP Event (34% discount): \$89.10 day

**DUFRESNE PLAZA (check one)**

- Full Price: \$265 day
- Lewiston-based NP (80 discount): \$53 day
- Out-of-Town, NP Fundraisers (50% discount): \$132.50 day
- Out-of-Town, NP Event (34% discount): \$174.90 day

**LEWISTON CITY COUNCIL**  
**MEETING OF JULY 18, 2017**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 6**

**SUBJECT:**

Public Hearing for approval of an Outdoor Entertainment Permit for a live musical event in Pettingill School Park.

**INFORMATION:**

The Friends of Pettingill Park are holding a free, outdoor music concert on Tuesday, July 25 in Pettingill School Park. The Council is asked to approve the standard Outdoor Entertainment Permit for the event.

**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 conduct a public hearing on an application for an outdoor entertainment event for Pettingill School Park, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, for an outdoor music concert to be held at Pettingill School Park on Tuesday, July 25, contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances.

**CITY OF LEWISTON - APPLICATION for EVENTS from 7/1/17- 6/30/18**

- EVENT** (25+ participants) OUTDOOR
- SPECIAL EVENT** (over 1,000 expected) Entertainment
- EVENT SPECIFICATIONS** -check one CC
- First-Time Event July 18, 2017
- Repeat Event
- PARK USE ONLY** (see page 3)
- GAZEBO/AMPHITHEATER ONLY** (special application required contact Admin)



Application Date: 7/3/17

Event Application must be submitted no later than **90 days prior** to the event.

Event Name: Lenny Breau Pergola-Concert<sup>Free</sup> / Denny Breau  
 Requested Date: 7/25/17 Rain Date (if applicable): \_\_\_\_\_  
 Event Location: Pettingill School Park  
 Type of Event: (Walk/Run, Festival, Concert, Etc.) Free Concert - Denny Breau  
 Contact Name: Bill Mardo Telephone: 795-1386  
 Email: bill@billstuff.com  
 Host Organization: Friends of Pettingill  
 Mailing Address: 405 College St City: Lewiston

- City-Sponsored
- NON-PROFIT (NP)** Documentation Required; check one below and include with application
    - 501(c)(3)       IRS Form 990       IRS Letter
  - FOR-PROFIT ORGAGNIZATION**
  - Processing Fee: \$50** -non-refundable and due at the time application is submitted.
    - N/A  Check       Credit Card       Cash

Processing Fee: <u>N/A</u>	COI: <u>N/A</u>	Staff Use Only
Park Fees: <u>N/A</u>	NP Documentation:	Event Number:
Other Fees:	Fundraising Documentation:	<u>1800</u>

NOTE: CC Approved 2016 event on July 19, 2016

**CITY OF LEWISTON - APPLICATION for EVENTS from 7/1/17- 6/30/18**

**EVENT DETAILS | PERMITTING (Section 2)**

*Please answer all; check and include details if applicable.*

**Contact Administration**

Park Use     N/A

**Contact City Clerk's Office**

Sound Amplification Needed     N/A  
*Permit required*

Live Music  
 Speaker | Presenter  
 Details \_\_\_\_\_

Outdoor Entertainment  
*Permit required/CC Action*  
 Details CONCERT

Food     N/A    *Food Service License may be required  
Sanitarian/Code inspection may*

Sold  
 Given Away  
 Type FOOD TRUCK ?  
Popcorn

Beverages     N/A  
*Food Service License may be required  
Sanitarian/Code inspection may apply*

Sold  
 Given Away  
 Alcoholic Beverages    *RESTRICTIONS apply*  
 Type BOTTLED WATER

\*  Product (Non-Food Item)     N/A  
*A Peddler's/Flea Market permit may apply*

Sold  
 Given Away  
 Type Pettingill School Bricks  
DVDs

**Contact City Clerk's Office**

Carnival     N/A  
*A Carnival Permit is required  
Attach copy of State Permit*

Rides Offered  
 State Permit Required/Obtained \_\_\_\_\_  
 Details \_\_\_\_\_

**Contact Fire Department**

Fireworks     N/A    *F.D. Permit required  
Permit required from State Fire Marshal*  
Minimum of 30-day Notice Required

BBQ     N/A    See policy at:  
[www.lewistonmaine.gov/documentcenter/view/5535](http://www.lewistonmaine.gov/documentcenter/view/5535)

**Associated Fees/Permits-Licensing**

Check one:	Discount
<input checked="" type="checkbox"/> City-Sponsored - Fees waived	none
<input type="checkbox"/> For-Profit Event	none
<input type="checkbox"/> Lewiston-Based NP	80%
<input type="checkbox"/> Out-of-Town NP Fundraiser	50%
<input type="checkbox"/> Out-of-Town NP Event	34%

Amount of full-price permit/license below:

Sound Amplification Permit	\$17/day
Outdoor Entertainment Permit	\$50/event
Food Service License	\$50/up to 3 days
Flea Market Permit	\$34/day (1-75 spaces) \$61/day (76+ spaces)
Outside Alcohol Permit other fees may apply	\$25/event
Carnival Permit	\$180/day

\* Friends of Pettingill will have a table for donations to raise money for a Lenny Breau Sign for pereola

# LEWISTON CITY COUNCIL

## MEETING OF JULY 18, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 7**

**SUBJECT:**

Public Hearing for approval of an Outdoor Entertainment Permit for a musical concert in Kennedy Park.

**INFORMATION:**

The Maine People's Alliance is sponsoring a free music concert on Saturday, July 29 in Kennedy Park. This is being held in conjunction with their L-A Community Unity BBQ. Since they will be having live music, they are required by the Code of Ordinances to obtain an Outdoor Entertainment permit from the City Council. Staff has reviewed their application and has no concerns with this event. Approval is recommended.

**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 conduct a public hearing on an application for an outdoor entertainment event in Kennedy Park, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, for an outdoor music concert to be held at Kennedy Park on Saturday, July 29, contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances.

GENERAL EVENT INFORMATION (Section 1)

GAZEBO/PARK USE INFORMATION

Event Name: L-A Community Unity BBQ Requested Date: 7-29-2017

Rain Date (if applicable): NA

Type of Event/Gazebo Use: BBQ; Reserve Tables, Live Music (Gazebo)  
Presentations (Gazebo) Storytelling corner; Kids Area

Event Start Time: 12 Noon Event End Time: 3:00 PM Estimated Attendance: 199

Set-up Start Time: 9:30 Clean-up End Time: 4:00 PM

- Open to the Public
- Other (full application may be necessary)
- Use of Kennedy Park (please explain)

Gazebo for stage; set up -  
30'x50' tent; 10+ Pop Up tents;  
5 gas grills; Folding tables; 2 Ice  
Refr. Straws; 12 under tent; others under  
Pop-Ups; Children's Area (See Map)

**GAZEBO USE REQUIREMENTS**

- Electricity
- Live Music +  
Announcements
- Presenters; Poet

DETAILS | PERMITTING

Please check all that apply; include detail if applicable. Arrow denotes who to contact.

- Processing Fee & Event Approval → Administration
- Sound Amplification Needed N/A → City Clerk's Office  
  - Live Music
  - Speaker | Presenter
  - Details \_\_\_\_\_

A Permit will be required

- Food N/A → Sanitarian /Code
- Sold → City Clerk's Office
- Given Away
- Type BBQ; Hamburgers, Chicken, veggies;  
Salad; Zambusas and  
Watermelon  

Food Services License may be required

cc July 18 2017

KENNEDY PARK GAZEBO APPLICATION



Application Date: 6/21/2017

Gazebo Use: Stage for Music & Presentations

Requested Date(s): 7/29/2017

CONTACT INFORMATION

Host Organization: Maine Peoples Alliance/Maine Peoples Resource Center Androscoggin Valley Chapter

Mailing Address: 145 Lisbon St. 2nd Floor City: Lewiston, ME 04240

Name of Person Responsible for Event: Jim Lyson Title: Volunteer

Name of Contact Person (if different): Bruce Noddin Title: Volunteer

Daytime Phone: BRUCE: 330-1446 Cell: 330-1446 Cell During Event: 330-1446

JIM: 240-6785 Cell: 240-6785 Cell During Event: 240-6785

Contact Email: Bruce: brunoski5317@gmail.com Jim: Jameslyson2@gmail.com

[X] Processing Fee: \$50 -non-refundable and due at time application is submitted.

- [X] Check
[ ] Credit Card
[ ] Cash

N/A

Staff Use Only
Event File No: 1800260
COI Received:
Fees Received:

DISCLAIMER

The City of Lewiston shall reserve the right to deny any application if the requested information is incomplete; conflicts with City policies, ordinances, events or City services; contains information that is inaccurate or fraudulent; or appears to violate local, state, or federal law.

# LEWISTON CITY COUNCIL

## MEETING OF JULY 18, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 8**

**SUBJECT:**

Public Hearing for approval of an Outdoor Entertainment Permit for the Annual Great Falls Balloon Festival.

**INFORMATION:**

The Great Falls Balloon Festival, Inc., an independent non-profit organization, is planning to hold its twenty-fifth annual festival on August 18 - 20, 2017.

The focus of the festival is to provide a family oriented celebration, promote community pride, and provide an attraction for summer tourists and regional visitors to the Lewiston-Auburn area.

The Festival organizers are planning to hold outdoor music concerts as part of the Festival and are seeking permission for an Outdoor Entertainment permit.

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

The City Administrator recommends approval of the requested action.

*EATB/Kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To conduct a public hearing on an application for an outdoor entertainment event for the Great Falls Balloon Festival, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Great Falls Balloon Festival Committee for outdoor music concerts for the annual Festival to be held at Simard-Payne Memorial Park on August 18-20, 2017, contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances.

**CITY OF LEWISTON - APPLICATION for EVENTS from 7/1/17- 6/30/18**

- EVENT (25+ participants)      OUTDOOR ENTERTAINMENT  
 CC July 18, 2017
- SPECIAL EVENT (over 1,000 expected)
- EVENT SPECIFICATIONS -check one
- First-Time Event
- Repeat Event
- PARK USE ONLY (see page 3)
- GAZEBO/AMPHITHEATER ONLY (special application required contact Admin)



Application Date: 02/28/2017

Event Application must be submitted no later than *90 days prior* to the event.

Event Name: Great Falls Balloon Festival

✓ Requested Date: 08/18 - 8/20 Rain Date (if applicable): NONE

Event Location: Simard Payne Memorial Park

Type of Event: (Walk/Run, Festival, Concert, Etc.) Festival

Contact Name: Mell Hamlyn Telephone: 207-240-5931

Email: hamlyn3@aol.com

Host Organization: Great Falls Balloon Festival

Mailing Address: PO Box 1238 City: Auburn, ME 04211

- NON-PROFIT (NP) Documentation Required; check one below and include with application
- 501(c)(3)       IRS Form 990       IRS Letter

FOR-PROFIT ORGAGNIZATION

- Processing Fee: \$50 -non-refundable and due at the time application is submitted.
- Check       Credit Card       Cash

*HOLD ON PYMT PROC.*

Processing Fee:	COI:	Staff Use Only
Park Fees: <u>\$81 Due</u>	NP Documentation: <u>Form 990 rcd.</u>	Event Number:
Other Fees:	Fundraising Documentation:	<u>FY180019</u>

*Mell & Phil will 3/13 @ 10:00A.*

**CITY OF LEWISTON - APPLICATION for EVENTS from 7/1/17- 6/30/18**

**GENERAL INFORMATION Event and/or Park Use (Section 1)**

Person Responsible for Event: Mell Hamlyn Title: Treasurer

Daytime Phone: 207-240-5931 Cell: 207-240-5931 Cell During Event: 207-240-5931

Type of Event (Walk/Run, Festival, Concert, Etc.): Festival

Event Start Time: 8/18 4p Event End Time: 8/20 10p Estimated Attendance: 100,000

Set-up Start Time: 8/13 8a Clean-up End Time: 8/21 5p

- Open to the Public
- Invitation Only
- Age Restriction

**PARK USE ONLY – Provide Overview**

\_\_\_\_\_

\_\_\_\_\_

Event Location: \_\_\_\_\_  
 (If you will utilize a park, please check ALL that apply below)

**FEES APPLY**

- Simard-Payne Park \$ 27 x 3 days \$81
- Dufresne Plaza \$ \_\_\_\_\_ x \_\_\_\_\_ days

**NO FEE ASSESSED**

- Kennedy Park
- Marcotte Park
- Mark Paradis Park
- Pettingill School Park
- Potvin Park
- Raymond Park
- Sunnyside Park
- Veterans Park

Location Other Than Parks:  
 Street(s) Surrounding area  
 Sidewalk(s) \_\_\_\_\_  
 Other \_\_\_\_\_

**PARK FEES & APPLICABLE DISCOUNTS**

**SIMARD-PAYNE PARK (check one)**

- Full Price: \$135 day
- Lewiston-based NP (80% discount): \$27 day
- Out-of-Town, NP Fundraisers (50% discount): \$67.50 day
- Out-of-Town, NP Event (34% discount): \$89.10 day

**DUFRESNE PLAZA (check one)**

- Full Price: \$265 day
- Lewiston-based NP (80 discount): \$53 day
- Out-of-Town, NP Fundraisers (50% discount): \$132.50 day
- Out-of-Town, NP Event (34% discount): \$174.90 day

# LEWISTON CITY COUNCIL

## MEETING OF JULY 18, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 9**

**SUBJECT:**

Public Hearing for approval of outdoor concerts sponsored by Union of Maine Visual Artists at Dufrense Plaza.

**INFORMATION:**

The Union of Maine Visual Artists has submitted an application requesting permission to hold outdoor concerts on City property. They plan to hold afternoon outdoor concerts at Dufrense Plaza on the third Sunday during the months of August, September and October.

Per the City Code, an outdoor concert cannot be held on city property without approval by a majority of the Council after a public hearing. Staff recommendations are being sought from the Police Department, Fire Department, Code Enforcement/Health Officer and the Land Use Code Officer for compliance.

**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 conduct a public hearing on an application from the Union of Maine Visual Artists for the outdoor concerts to be held at Dufrense Plaza on August 15, September 17 and October 15, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to them for the outdoor concerts, contingent upon positive recommendations from the Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.

**CITY OF LEWISTON - APPLICATION for EVENTS from 7/1/17- 6/30/18**

OUTDOOR Entertainment  
cc July 18, 2017



- EVENT** (25+ participants)
- SPECIAL EVENT** (over 1,000 expected)
- EVENT SPECIFICATIONS** –check one
  - First-Time Event
  - Repeat Event
- PARK USE ONLY** (see page 3)
- GAZEBO/AMPHITHEATER ONLY** (special application required contact Admin)

Application Date: 7/10/17

Event Application must be submitted no later than **90 days prior** to the event.

Event Name: Sunday indie Market

Requested Date: Aug 20 ~~Sept. 17~~ Oct. 15 Rain Date (if applicable): CP

Event Location: Dufresne Plaza

Type of Event: (Walk/Run, Festival, Concert, Etc.) Art in the Park

Contact Name: Sheri Withers Telephone: 254-9753

Email: SheriWithers@gmail.com

Host Organization: Union of maine Visual Artists

Mailing Address: 178 Lisbon St. City: Lewiston

- NON-PROFIT (NP)** Documentation Required; check one below and include with application
  - 501(c)(3)
  - IRS Form 990
  - IRS Letter
- FOR-PROFIT ORGAGNIZATION** EIN - 51-0167615
- Processing Fee: \$50** -non-refundable and due at the time application is submitted.
  - Check
  - Credit Card
  - Cash

Processing Fee:	COI:	Staff Use Only
Park Fees:	NP Documentation:	Event Number:
Other Fees:	Fundraising Documentation:	<u>FY180031</u>

Sarah Horton 502-819-9392  
wishbone.maine@gmail.com

Stanley Hollenbeck 1  
bar mgr- Marche  
cardboardsapien@gmail.com

**CITY OF LEWISTON - APPLICATION for EVENTS from 7/1/17- 6/30/18**

**GENERAL INFORMATION Event and/or Park Use (Section 1)**

Person Responsible for Event: Sheri Withers Title: Treasurer

Daytime Phone: 254-9753 Cell: Same Cell During Event: Same

Type of Event (Walk/Run, Festival, Concert, Etc.): Art in the Park

Event Start Time: noon Event End Time: 4pm Estimated Attendance: 100

Set-up Start Time: 11a Clean-up End Time: 5p

- Open to the Public
- Invitation Only
- Age Restriction

**PARK USE ONLY – Provide Overview**

\_\_\_\_\_  
\_\_\_\_\_

Event Location: Dufresne plaza

(If you will utilize a park, please check ALL that apply below)

**FEES APPLY**

- Simard-Payne Park \$ \_\_\_\_ x \_\_\_\_ days
- Dufresne Plaza \$ \_\_\_\_ x \_\_\_\_ days

**NO FEE ASSESSED**

- Kennedy Park
- Marcotte Park
- Mark Paradis Park
- Pettingill School Park
- Potvin Park
- Raymond Park
- Sunnyside Park
- Veterans Park

**Location Other Than Parks:**

Street(s) \_\_\_\_\_

Sidewalk(s) \_\_\_\_\_

Other \_\_\_\_\_

**PARK FEES & APPLICABLE DISCOUNTS**

**SIMARD-PAYNE PARK (check one)**

- Full Price: \$135 day
- Lewiston-based NP (80% discount): \$27 day
- Out-of-Town, NP Fundraisers (50% discount): \$67.50 day
- Out-of-Town, NP Event (34% discount): \$89.10 day

**DUFRESNE PLAZA (check one)**

- Full Price: \$265 day
- Lewiston-based NP (80 discount): \$53 day
- Out-of-Town, NP Fundraisers (50% discount): \$132.50 day
- Out-of-Town, NP Event (34% discount): \$174.90 day

**LEWISTON CITY COUNCIL**  
**MEETING OF JULY 18, 2017**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 10**

**SUBJECT:**

Public Hearing on a new application for a new liquor license for Blue Galangal, 1134 Lisbon Street.

**INFORMATION:**

We have received an application for a new liquor license from Blue Galangal, 1134 Lisbon Street.

The Police Department has reviewed and approved the application.

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 authorize the City Clerk's Office to approve a new liquor license application for Blue Galangal, 1134 Lisbon Street.

BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS  
 DIVISION OF LIQUOR LICENSING AND ENFORCEMENT  
 8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008  
 10 WATER STREET, HALLOWELL, ME 04347  
 TEL: (207) 624-7220 FAX: (207) 287-3434  
 EMAIL INQUIRIES: [MAINELIQUOR@MAINE.GOV](mailto:MAINELIQUOR@MAINE.GOV)

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application:  Yes  No

PRESENT LICENSE EXPIRES \_\_\_\_\_

INDICATE TYPE OF PRIVILEGE:  MALT  VINOUS  SPIRITUOUS

INDICATE TYPE OF LICENSE:

- |  |   |  |
|--|---|--|
| <input checked="" type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) | <input type="checkbox"/> CLASS A LOUNGE (Class X)        |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV)                 | <input type="checkbox"/> HOTEL NO FOOD (Class I-A)    |  |
| <input type="checkbox"/> CLUB w/o Catering (Class V)               | <input type="checkbox"/> CLUB with CATERING (Class I) | <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV) |
| <input type="checkbox"/> TAVERN (Class IV)                         | <input type="checkbox"/> QUALIFIED CATERING           | <input type="checkbox"/> OTHER: _____                    |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name: <b>GALANGA LLC</b>			Business Name (D/B/A) <b>BLUE GALANGAL</b>		
APPLICANT(S) - (Sole Proprietor) <b>BUNDIT SUKSON</b>		DOB: <b>09/25/1975</b>	Physical Location: <b>1134 LISBON ST</b>		
Address <b>1134 LISBON ST</b>		DOB: <b>LEWISTON</b>	City/Town <b>LEWISTON</b>	State <b>ME</b>	Zip Code <b>04240</b>
Address <b>LEWISTON</b>		State <b>ME</b>	Mailing Address <b>SAME AS ABOVE</b>		
City/Town <b>LEWISTON</b>		State <b>ME</b>	Zip Code <b>04240</b>		
Telephone Number <b>(207) 312 8128</b>		Fax Number <b>(207) 782 7536</b>	Business Telephone Number <b>(207) 782 7526</b>		Fax Number <b>(207) 782 7536</b>
Federal I.D. #			Seller Certificate #: or Sales Tax #: <b>82-1342150</b>		
Email Address: Please Print <b>PRAPIGA@HOTMAIL.COM</b>			Website: <b>WWW.BLUEGALANGAL.COM</b>		

If business is NEW or under new ownership, indicate starting date: 07/20/17  
 Requested inspection date: ANY, SOON Business hours: MON-FRI 11:00-10:00 PM SAT-SUN 11:30-9:00

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: —
2. State amount of gross income from period of last license: ROOMS \$ — FOOD \$ — LIQUOR \$ —
3. Is applicant a corporation, limited liability company or limited partnership? YES  NO

If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you permit dancing or entertainment on the licensed premises? YES  NO
5. If manager is to be employed, give name: JUNLONG BUNLENG
6. Business records are located at: 1134 LISBON ST, LEWISTON, ME 04240
7. Is/are applicant(s) citizens of the United States? YES  NO
8. Is/are applicant(s) residents of the State of Maine? YES  NO

9. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
BUNDIT SOKSON	09/25/1975	Thailand
JUNLONG BUNLENG	06/13/1967	Thailand
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
875 LISBON ST., LEWISTON, ME 04240		5 years.
86 SUMMIT AVE, LEWISTON, ME 04240		10 years.

10. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES  NO

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_  
 Offense: \_\_\_\_\_ Location: \_\_\_\_\_  
 Disposition: \_\_\_\_\_ (use additional sheet(s) if necessary)

11. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?  
 Yes  No  If Yes, give name: \_\_\_\_\_

12. Has/have applicant(s) formerly held a Maine liquor license? YES  NO

13. Does/do applicant(s) own the premises? Yes  No  If No give name and address of owner: \_\_\_\_\_

14. Describe in detail the premises to be licensed: (On Premise Diagram Required) \_\_\_\_\_

15. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
 YES  NO  Applied for: \_\_\_\_\_

16. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 1/4 Mile.  
 Which of the above is nearest? School.

17. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES  NO   
 If YES, give details: \_\_\_\_\_

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: LEWISTON, MAINE on 06/30/2017, 20 2017  
Town/City, State Date

Bundit Sukson  
Signature of Applicant or Corporate Officer(s)  
BUNDIT SUKSON  
Print Name

Please sign in blue ink  
Signature of Applicant or Corporate Officer(s)  
Print Name

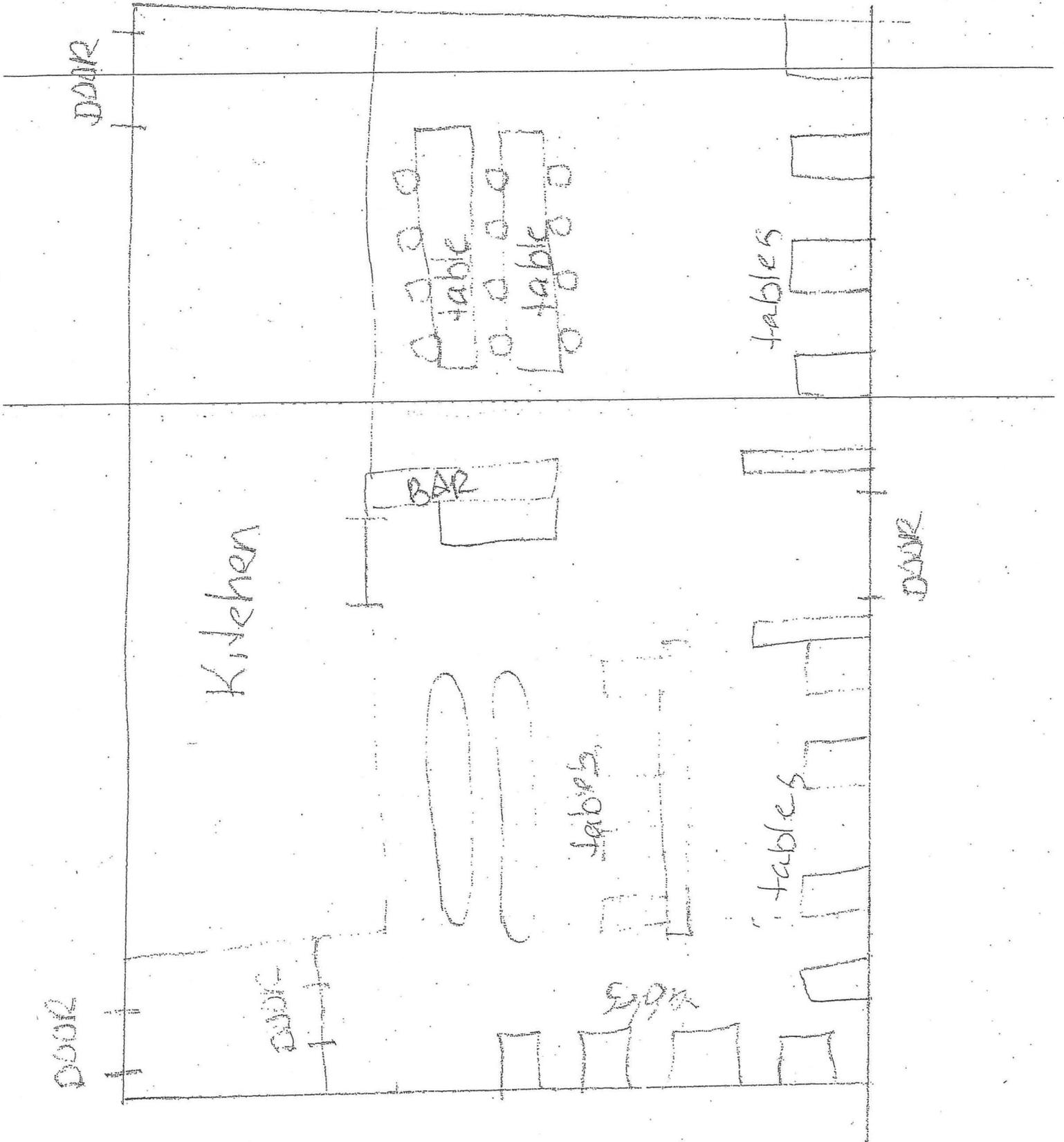
**FEE SCHEDULE**

<b>FILING FEE: (must be included on all applications)</b> .....	<b>\$ 10.00</b>
<b>Class I</b> Spirituous, Vinous and Malt .....	<b>\$ 900.00</b>
<b>CLASS I:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
<b>Class I-A</b> Spirituous, Vinous and Malt, Optional Food (Hotels Only) .....	<b>\$1,100.00</b>
<b>CLASS I-A:</b> Hotels only that do not serve three meals a day.	
<b>Class II</b> Spirituous Only .....	<b>\$ 550.00</b>
<b>CLASS II:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
<b>Class III</b> Vinous Only .....	<b>\$ 220.00</b>
<b>CLASS III:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
<b>Class IV</b> Malt Liquor Only .....	<b>\$ 220.00</b>
<b>CLASS IV:</b> Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	
<b>Class V</b> Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) .....	<b>\$ 495.00</b>
<b>CLASS V:</b> Clubs without catering privileges.	
<b>Class X</b> Spirituous, Vinous and Malt – Class A Lounge .....	<b>\$2,200.00</b>
<b>CLASS X:</b> Class A Lounge	
<b>Class XI</b> Spirituous, Vinous and Malt – Restaurant Lounge .....	<b>\$1,500.00</b>
<b>CLASS XI:</b> Restaurant/Lounge; and OTB.	

**UNORGANIZED TERRITORIES** \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer.

All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.

PREMISE DIAGRAM





## ***POLICE DEPARTMENT***

Brian O'Malley  
Chief of Police



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TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: July 10, 2017

RE: Liquor License– **Blue Galangel**

We have reviewed Liquor License Permit Application and have no objections to the following establishment. This is a new business application for which we do not oppose the issuance of this license.

**Blue Galangel**  
**1134 Lisbon St., Lewiston, Maine**



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# CITY OF LEWISTON

## PUBLIC NOTICE

A hearing on the following liquor license application will be held by the Lewiston City Council in the Council Chambers, City Hall on ***Tuesday, July 18, 2017, at 7:00 p.m.***, or as soon thereafter as they may be heard. Any interested person may appear and will be given the opportunity to be heard before final action on said application.

Blue Galangal  
1134 Lisbon Street  
Bundit Sukson, owners

The City of Lewiston is an EOE. For more information, please visit our website @ [www.lewistonmaine.gov](http://www.lewistonmaine.gov) and click on the Non-Discrimination Policy.

***PUBLISH ON: July 12, 13 & 14, 2017***

Please bill the City Clerk's Dept. account. Thank you.

# LEWISTON CITY COUNCIL

## MEETING OF JULY 18, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 11**

**SUBJECT:**

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Pelletier's Banquet Facilities, 711 Webster Street.

**INFORMATION:**

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Pelletier's Banquet Facilities, 711 Webster 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 Pelletier's Banquet Facilities, 711 Webster Street.

CITY OF LEWISTON  
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 6-29-17

Expiration Date: 6-27-2018

- 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: Pelletier Banquet Facilities Business Phone: 207

Location Address: 711 Webster St

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

Mailing Address: PO Box 85 Lewiston

Email address: NONE

Contact Person: Stan Pelletier Phone: 207 784 7950

Owner of Business: C.J. Hall Date of Birth: 1-25-46

Address of Owner: 28 South sorry lane Lewiston

Manager of Establishment: Same Date of Birth: 1/25/46

Owner of Premises (landlord): Same

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? 200 ft

Please describe the type of proposed entertainment:

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

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

\*\*\*\*\*

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

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

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

Signature: Stanly P Pelletie Title: owner Date: 6-29-17

Printed Name: Stanly P Pelletie

\*\*\*\*\*

Hearing Date: 7-18-17

# LEWISTON CITY COUNCIL

## MEETING OF JULY 18, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 12**

**SUBJECT:**

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Acme Social Club, Inc., 255 Park Street.

**INFORMATION:**

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Acme Social Club, Inc., 255 Park 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.



**REQUESTED ACTION:**

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

To grant a Special Amusement Permit for Live Entertainment to Acme Social Club, Inc., 255 Park Street.

CITY OF LEWISTON  
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 10-21-17

Expiration Date: 7-3-2018

- 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: Acme Social Club, Inc. Business Phone: 782-9309

Location Address: 255 PARK STREET, LEWISTON, ME 04240

(If new business, what was formerly in this location: N/A)

Mailing Address: 255 PARK STREET, LEWISTON, ME 04240

Email address: \_\_\_\_\_

Contact Person: Amy Mason Phone: 240-0531

Owner of Business: Member owned Social Club Date of Birth: \_\_\_\_\_

Address of Owner: N/A

Manager of Establishment: Amy Mason Date of Birth: 11-14-1981

Owner of Premises (landlord): MARC LEE MASON

Address of Premises Owner: 60 LAFAYETTE STREET, LEWISTON, ME 04240

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): Acme Social Club, Inc 255 Park Street, Lewiston, Me 04240

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

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

Corporation Name: Acme Social Club Inc

Corporation Mailing Address: 255 PARK STREET, Lewiston, Me 04240

Contact Person: Amy Mason Phone: 202-9309

Do you permit dancing on premises? X 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? 20'

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?: n/a

\*\*\*\*\*

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: Amy Mason Title: TREASURER Date: 06.21.17

Printed Name: Amy Mason

\*\*\*\*\*

Hearing Date: 7-18-17



## ***POLICE DEPARTMENT***

Brian O'Malley  
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: May 31, 2017

RE: Liquor License/\*Special Amusement Permit – **Acme Social Club**

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

**Acme Social Club**  
**255 Park St., Lewiston, Maine**



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**LEWISTON CITY COUNCIL**  
**MEETING OF JULY 18, 2017**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 13**

**SUBJECT:**

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for She Doesn't Like Guthries, 115 Middle Street.

**INFORMATION:**

We have received a renewal application for a Special Amusement Permit for Live Entertainment from She Doesn't Like Guthries, 115 Middle 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 owners have 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
---	---	---	---	---	---	---	---

To grant a Special Amusement Permit for Live Entertainment to She Doesn't Like Guthries, 115 Middle Street.

**CITY OF LEWISTON  
APPLICATION FOR SPECIAL AMUSEMENT PERMIT**

Date of Application: 7/7/17

Expiration Date: 7-24-18

- 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:** SHE DOESNT LIKE GUTHRIES **Business Phone:** 376-3344

**Location Address:** 115 MIDDLE ST, LEWISTON, ME

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

**Mailing Address:** SAME

**Email address:** guthriesplace@gmail.com

**Contact Person:** RANDY LETOURNEAU **Phone:** 786-4747

**Owner of Business:** RANDY LETOURNEAU **Date of Birth:** 8-29-77

**Address of Owner:** 5 Taylor Hill Rd

**Manager of Establishment:** SAME **Date of Birth:** 8-29-77

**Owner of Premises (landlord):** KP REALTY

**Address of Premises Owner:** 743 Sabbathus St. Suite 2 Lewiston, ME 04240

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): Guthries, past 9 years

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of the law? X Yes      No If yes, please explain: OUI 10+ years ago

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

Corporation Name: SHE DOESNT LIKE GUTHRIES

Corporation Mailing Address: 115 MIDDLE ST LEWISTON ME 04240

Contact Person: RANDY LETOURNEAU Phone: 376-3344

Do you permit dancing on premises?      Yes X 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? 3rd Floor of building

Please describe the type of proposed entertainment:

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

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

\*\*\*\*\*

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

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

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

Signature: [Signature] Title: OWNER Date: 7-7-17

Printed Name: RANDY LETOURNEAU

\*\*\*\*\*

Hearing Date: 7-18-2017



## ***POLICE DEPARTMENT***

Brian O'Malley  
Chief of Police



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TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: May 31, 2017

RE: Liquor License/\*Special Amusement Permit – **She Doesn't Like Guthries**

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

**She Doesn't Like Guthries**  
**115 Middle St., Lewiston, Maine**



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**LEWISTON CITY COUNCIL**  
**MEETING OF JULY 18, 2017**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 14**

**SUBJECT:**

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Baxter Brewing, 130 Mill Street.

**INFORMATION:**

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Baxter Brewing, 130 Mill 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 Baxter Brewing, 130 Mill Street.

**CITY OF LEWISTON  
APPLICATION FOR SPECIAL AMUSEMENT PERMIT**

Date of Application: 7/10/17

Expiration Date: 7/11/17

- 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:** Baxter Brewing **Business Phone:** 207-333-6769

**Location Address:** 130 Mill Street

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

**Mailing Address:** \_\_\_\_\_

**Email address:** operations@baxterbrewing.com

**Contact Person:** Jennifer Lever **Phone:** 207-577-0536

**Owner of Business:** EKTJ LLC **Date of Birth:** \_\_\_\_\_

**Address of Owner:** 2 Great Falls Plaza Auburn, ME

**Manager of Establishment:** Jennifer Lever **Date of Birth:** 11-16-85

**Owner of Premises (landlord):** Mill 1 LLC

**Address of Premises Owner:** 2 Great Falls Plaza Auburn, ME

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? \_\_\_\_\_

Please describe the type of proposed entertainment:

- |   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> dancing           | <input checked="" type="checkbox"/> stand up comedian | <input type="checkbox"/> piano player             |
| <input checked="" type="checkbox"/> music by DJ       | <input checked="" type="checkbox"/> karaoke           | <input type="checkbox"/> other, please list _____ |
| <input checked="" type="checkbox"/> live band/singers | <input type="checkbox"/> magician                     | <input type="checkbox"/> other, please list _____ |

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

\*\*\*\*\*

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

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

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

Signature: Jennifer Lee Title: Director of Ops Date 7/11/17

Printed Name: Jennifer Lee

\*\*\*\*\*

Hearing Date: 7-18-17



## ***POLICE DEPARTMENT***

Brian O'Malley  
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: May 31, 2017

RE: Liquor License/\*Special Amusement Permit – **Baxter Brewing**

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

**Baxter Brewing**  
**130 Mill St., Lewiston, Maine**



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# LEWISTON CITY COUNCIL

## MEETING OF JULY 18, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 15**

**SUBJECT:**

Public Hearing and Final Passage regarding an amendment to the Business Licensing ordinance regarding Food Trucks.

**INFORMATION:**

Operators of local Food Trucks have requested some changes and revisions to the City’s ordinance that regulates mobile food vendors. Misty Parker in the Economic and Community Development Department has been working with local vendors for the past two years to craft these new proposed changes. The City Council held a workshop on this issue on June 6.

Following the June 20 City Council meeting, Misty Parker met with the owner of Victor News to address his concerns regarding the new language proposed in the ordinance. His concerns have been addressed in the language that is attached in the proposed ordinance. Please see the staff memorandum for additional information.

**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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That the proposed amendment to the City Code of Ordinances, Chapter 22 “Businesses”, Article 1 “In General”, Section 22-2 and Article VI “Food Service Establishments”, Sections 22-166 through 22-169 receive final passage by a roll call vote.

# Economic and Community Development

Misty Parker

Economic Development Specialist



**To:** Honorable Mayor and Members of the City Council  
**From:** Misty Parker  
**RE:** Roving Diner Ordinance to Address Food Trucks  
**Date:** July 12, 2017

Following the June 20<sup>th</sup> Council meeting, I worked directly with the owner of Victor News, Philip St. Pierre, and Randy Smith from Pinky D's food truck to address Mr. St. Pierre's concerns regarding the location from which setbacks to food service businesses are measured. Mr. St. Pierre preferred the measurement be taken from the building and not the proposed change measuring from the main entrances. Planning & Code staff have expressed their preference for measuring from the main entrance of food service businesses; however, they understand Mr. St. Pierre's concern and are in agreement with the proposed language measuring from the occupied space of the business. Staff agrees this proposal is a starting point and can be implemented by their department. Mr. St. Pierre and Mr. Smith have also reviewed the final draft and are in agreement with the changes.

Additional changes made to the final draft of the ordinance include revisions to Sec 22-169(b)(2) and Sec 22-169(c) to apply the same setbacks from food service establishments for pushcarts as food trucks and trailers as well as ensuring all setback language is consistent throughout this ordinance.

Sec 22-169(b)(4) was amended to clarify that pushcarts are not allowed in public parks unless part of the permitted event. Regulated through deed restrictions, commercial activity is prohibited in Kennedy Park.

In City parks, streets, schools, or other areas prohibited to food trucks under this ordinance, they may be permitted as part of a special event and not bound to the 100' setback from food service establishments. As part of a permitted event, Sec 22-169(f).4 and Sec 22-169(f).6.a permit this activity. This special exception has been reviewed with Mr. St. Pierre in respect to Defresne Plaza and he is in agreement that in connection with permitted events. this is acceptable.

Staff has reviewed the final draft of the ordinance and as of today, no changes or concerns have been expressed with the final draft proposal.

DIVISION 2. SPECIAL FOOD HANDLERS AND ROVING DINERS Sec. 22-166.

Intent and purpose.

It is the intent and purpose of this division to establish minimum regulations for special food handlers and roving diners, where food is sold within the corporate limits of the city. (Code 1982, § 12-19)

Sec. 22-167. Approval of health ~~officer~~inspector, license required.

No person shall operate a roving diner nor maintain, or otherwise engage in, any business as a special food handler or food service establishment without having first secured the approval of the health ~~officer~~inspector and obtained a license in accordance with the provisions of this article and those of articles I and II of this chapter. (Code 1982, § 12-20)

Sec. 22-168. Display of license or permit.

Any person authorized to do business in accordance with this division as a roving diner shall have displayed in a conspicuous place on the ~~left and right-hand~~ right-hand side of each vehicle, cart, conveyance or carrier used in such business a plate showing that a license or permit has been obtained. Food trucks and trailers shall submit an application on a form provided by the City Clerk's Office with colored pictures of at least two different angles of the unit and a description that includes the length and width, when in its widest configuration. (Code 1982, § 12-21)

Sec. 22-169. ~~Pushcarts, r~~Roving diners in streets and public places.

(a) Pushcarts licensed as roving diners may be operated in the streets, ways and public places in accordance with the provisions of this section. For the purpose of this section, the term "public places" shall include public parks and grounds.

(b) No pushcart shall be operated or stationed:

(1) In the roadway as defined in chapter 66 of this Code, except when specifically authorized to do so by the chief of police on a street which has been blocked to vehicular traffic for purposes of a public event.

(2) Within 100 feet, measured by the most direct line, of ~~any part~~occupied space of a food service ~~BUSINESSES~~ Lewiston Code Chapter 22 CH 22:28 establishment having a fixed location.

(3) On the premises of a public school.

(4) In any City park unless part of a permitted event. ~~In Kennedy Park, with the exception of licensed roving diners who serve as vendors as part of an approved farmer's market.~~

(5) In such a manner as to unreasonably obstruct the normal flow of pedestrian traffic or to expose any pedestrian to a risk of injury.

(6) On any city sidewalk where the remaining pedestrian travel path is less than six feet.

(7) In such a way that any part of the equipment overhangs over private property, unless the owner of the pushcart has authorization from the property owner in writing.

(c) No pushcart shall be operated or stationed in, on or within ~~50~~100 feet of any area subject to an exclusive franchise granted by the city. The city clerk shall maintain a list of such areas and shall advise operators of pushcarts of the location thereof.

(d) Operators of pushcarts shall provide waste paper receptacles for use by their customers and shall maintain the areas in which they operate free of litter generated by their business.

(e) A license to operate a pushcart in the streets, ways and public places pursuant to this division may be suspended by the city clerk upon three days' written notice and hearing, for a period of five days, for a violation of any provision of this section and may be revoked by the municipal officers upon five days' written notice and hearing, for repeated violations of the provisions of this section.

(f) Food Trucks and Trailers

1. Food trucks and trailers may operate on City owned property from 6:00 a.m. to 10:00 p.m and 6:00 a.m. to 1:00 a.m. on private property in zoning districts where restaurants are a permitted use as per Appendix A . Article XI, Section 22(c) of the Code of Ordinances of the City of Lewiston with the permission of the property owner.

2. Police Department has the right to close down or request a food truck or trailer to relocate, where in the opinion of the Department, the food truck or trailer is causing or contributing to an imminent public safety hazard.

3. Food trucks and trailers shall not be permitted on the grounds of any school unless as part of a school authorized function.

4. Food trucks and trailers shall not be permitted in cemeteries, parking garages, city owned parking lots, on Lisbon Street, and within the boundaries of a City park unless part of a permitted event.

5. In locations on public property where food trucks and trailers are permitted to operate, food trucks and trailers shall comply with all parking rules outlined in Chapter 70, Article IV of the City Code of Ordinances, except that food trucks otherwise operating lawfully and actively offering food for sale on public property may, in any twenty-four (24) hour period, "feed" any parking meter once in order to extend the maximum parking time to 4 hours. Hourly parking food trucks or trailers may have a maximum of 4 hours at any timed spot.

6. Separation Requirement:

- a. Except when operating in connection with a festival or special event, food trucks and trailers shall not locate within 100 feet, measured by the most direct line, of occupied space of a food service establishment having a fixed location.
- b. No minimum measured space is required between food trucks and trailers

7. In addition to complying with the City's ordinances related to roving diners and these regulations, the owner and operator of a food truck or trailer is responsible for applying for and obtaining all other necessary city licenses required for the service of food and beverages. The food truck or trailer itself shall be in compliance with the motor vehicle laws of the State of Maine, securing State of Maine Mobile Vendor license, and the food truck or trailer owner is responsible for verifying that a specific location does not violate an ordinance of the City.

8. Food trucks and trailers may not be parked overnight on city streets or in city parking lots.

9. Size limitations: Food trucks and trailers shall not exceed ten (10) feet in width, including any side extensions or awnings. Food trucks and trailers parking in metered parking spaces on city-owned property shall not exceed twenty (22) feet in length including the length of any trailer hitch, trailer, or other extension. Food trucks and trailers parking in non-metered parking spaces on city-owned property shall not exceed twenty-four (24) feet in length, including the length of any trailer hitch, trailer, or other extension.

10. Food trucks and trailers shall be self-contained when operating, except for the required trash and/or recycling receptacles, which shall be in contact with the food truck, in a safe location and in no event shall impede the free movement of automobiles or pedestrians. Owner is responsible for all clean up and waste

11. Food trucks and trailers shall serve to the sidewalk or esplanade next to a sidewalk when parked in spaces parallel to City sidewalks.

12. Food trucks and trailers shall park parallel to sidewalk or esplanade

13. Food trucks and trailers shall be in a timed, metered or legal parking spot.

14. Only food and/or non-alcoholic beverages are allowed to be sold on City property.

15. Each food truck or trailer vendor shall provide the City of Lewiston with a certificate of insurance to cover public liability in the amount of at least \$400,000.00

16. The food truck or trailer shall be inspected and properly licensed. If food is prepared outside of the truck or trailer base station it shall be prepared in a State of Maine licensed food service establishment.

17. Food trucks and trailers shall comply with the City's noise requirements.

18. A license to operate a food truck or trailer in the streets, ways and public places pursuant to this division may be suspended by the city clerk upon three days' written notice and hearing, for a period of five days, for a violation of any provision of this section and may be revoked by the municipal officers upon five days' written notice and hearing, for repeated violations of the provisions of this section.

(Code 1982, § 12-22; Ord. No. 91-3, § 1, 4-5-91; Ord. No. 04-12, 6-3-04)

Sec. 22-2. Definitions.

Roving diner means any portable, ~~mobile or temporary structure,~~ and any vehicle, food truck, trailer, cart, wagon, conveyance or carrier of any kind, capable of being moved from its serving site at any time from which food is sold or caused to be sold, at retail, from house to house, store to store, building to building, or along or upon any sidewalk, street, park or other public property in the city; lunch wagons. The term "roving diner" shall not be construed to include caterers, vendors of dairy products, ice, bakery products, or similarly employed route salesmen while engaged in making deliveries to their regular customers or persons making deliveries on order from customers of retail stores in the city.

# LEWISTON CITY COUNCIL

## MEETING OF JULY 18, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 16**

**SUBJECT:**

Resolve Receiving the Report of the Planning Board on questions referred to the Board regarding the Contract Rezoning of 209 Webster Street.

**INFORMATION:**

At the meeting of January 17, 2017, the City Council referred a proposed Contract Zone change for the property located at 209 Webster Street back to the Planning Board for further research and review of the following items:

- Including a contract condition that the project's residents be limited to 55 years of age or older;
- Review and determine the status of the wetlands on the property;
- Review potential traffic impacts
- Explore the potential of bus service to the property;
- Be limited to independent housing only with no congregate housing; and

The Planning Board has completed this review and submitted its report, which is attached.

NOTE: Councilor Lajoie has requested that the City Council table all items involving the rezoning of 209 Webster to the meeting of August 15, 2017.

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

The City Administrator recommends approval of the requested action.



**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve the Resolve Receiving the Report of the Planning Board on questions referred to the Board regarding the Contract Rezoning of 209 Webster Street.



**COUNCIL RESOLVE**

**Resolve,** Receiving the Report of the Planning Board on Questions Referred to the Board Regarding the Contract Rezoning of 209 Webster.

Whereas, at its meeting of January 17, 2017, the City Council referred a proposed Contract Zone change for the property located at 209 Webster Street back to the Planning Board for further research and review of the following items:

- Including a contract condition that the project's residents be limited to 55 years of age or older;
- Review and determine the status of the wetlands on the property;
- Review potential traffic impacts
- Explore the potential of bus service to the property;
- Be limited to independent housing only with no congregate housing; and

Whereas, the Planning Board has completed this review and submitted its report;

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

The City Council hereby receives the report of the Planning Board addressing the questions raised by the Council about the proposed contract zone change for the property at 209 Webster Avenue.



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

**TO: Mayor and City Council**  
**FROM: David Hediger, City Planner**  
**DATE: July 11, 2017**  
**RE: Planning Board Report -- 209 Webster Street Referral and Research**

At its meeting of January 17, 2017, the City Council referred a proposed Contract Zone change for the property located at 209 Webster Street back to the Planning Board for further research and review of the following items:

- Including a contract condition that the project's residents be limited to 55 years of age or older;
- Review and determine the status of the wetlands on the property;
- Review potential traffic impacts
- Explore the potential of bus service to the property;
- Be limited to independent housing only with no congregate housing.

The Planning Board has undertaken further review and wishes to report the following:

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

# LEWISTON CITY COUNCIL

## MEETING OF JULY 18, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 17**

**SUBJECT:**

Public Hearing and First Passage to contractually rezone the property at 209 Webster Street from the Neighborhood Conservation "A" (NCA) District to the Office Residential (OR) District.

**INFORMATION:**

The Planning Board voted 6-1 to send a favorable recommendation to the City Council to contractually rezone the property at 209 Webster Street from the Neighborhood Conservation "A" (NCA) District to the Office Residential (OR) District, subject to the contract rezoning agreement.

The property owner has submitted a petition to request the rezoning of this property to allow the existing single family home to be combined with other contiguous lots he owns to develop a multi-family structure for senior housing.

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

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

The City Administrator recommends approval of the requested action.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve First Passage of the amendment to the Zoning and Land Use Code and Map to contractually rezone the property at 209 Webster Street from the Neighborhood Conservation "A" (NCA) District to the Office Residential (OR) District, subject to a contractual agreement and to continue the public hearing for final passage to the next regularly scheduled City Council meeting.



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

**TO:** Mayor and City Council  
**FROM:** David Hediger, City Planner  
**DATE:** July 11, 2017  
**RE:** Planning Board action, 209 Webster Street contract zoning

The Planning Board took the following action at their meeting held on June 26, 2017 regarding a petition submitted by Louis Ouellette to contract zone the property at 209 Webster Street from Neighborhood Conservation "A" (NCA) to Office Residential (OR) to allow for the development of a multi-family senior housing project limited to residents 55 years of age or older. The project may also include development of 151 and 153 East Avenue, both currently zoned OR.

**MOTION:** by **Paul Madore** pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council to contractually rezone the property at 209 Webster Street from Neighborhood Conservation "A" (NCA) to Office Residential (OR).  
Second by **John Butler**.

**VOTED:** 6-1 (Passed. Michael Marcotte opposed)

Note: The majority Planning Board remained supportive of the proposed contract rezoning, despite concerns remaining from the neighbors who feel any development of this land is not appropriate and that it should remain zoned NCA. The one opposing vote was cast in-part to concerns with the potential height of the building not to exceed 43' 9", which otherwise would be limited to 35'. The applicant specifically requested 25% increase in height to provide the option of constructing a pitched-roof structure versus a flat-roofed structure, believing that will be more architecturally attractive.

**From:** [Timothy Lajoie](#)  
**To:** [Louis Ouellette](#); [James Lysen](#); [Isobel Golden](#); [Shane Bouchard](#); [Kristen S. Cloutier](#); [Joline Beam](#); [Michael R. Lachance](#)  
**Cc:** [David Hediger](#); [arice@sunjournal.com](mailto:arice@sunjournal.com)  
**Subject:** RE:  
**Date:** Tuesday, July 11, 2017 8:18:08 PM

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Dear all: To be clear...I did not, as Mr. Ouellette suggests, request the meeting "to be canceled." I asked for this particular agenda item to be tabled until next month, when the full council will be present to hear all parties. This is an issue where there is much debate. I represent Ward 2, the mayor does not. Yes, we had a meeting and vote on this issue when one of the councilors "was not present." We had a second meeting after a request for reconsideration by the councilor who was absent. There were two different outcomes. The people affected by this project deserve a full hearing before the full council. The direction the city council takes on this issue will affect every ward and have long-term effects on the balance between the city's development plans and private property rights. I reserve the right, as a councilor who will be absent, to move to reconsider any vote taken in my absence. I saw no objections to reconsider the January 3rd vote, which went against Mr. Ouellette and the mayor participated in, on January 17th.

Tim Lajoie  
City Councilor, Ward 2  
Lewiston, Maine  
207-212-2160

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**From:** Louis Ouellette [[louis@locbidconstruction.com](mailto:louis@locbidconstruction.com)]  
**Sent:** Tuesday, July 11, 2017 3:54 PM  
**To:** James Lysen; Timothy Lajoie; Isobel Golden; Shane Bouchard; Kristen S. Cloutier; Joline Beam; Michael R. Lachance  
**Cc:** David Hediger  
**Subject:**

Dear Council Board members

Businesses have been leaving Lewiston, many believing that this city is unfriendly to business entities. I believe that the Senior facility proposed by me brings needed revenue and keeps people within its borders. When we alienate business, we ultimately alienate families and individuals, who in turn leave the area for better opportunity. Although my facility is for older people, they all have children and grandchildren. They are also vibrant, intelligent, and caring people, adding to a community rather than detracting from it. They spend locally, even if that spending may be more limited for some. Those who are more affluent will remain here if given the right environment.

I began this process on August 11, 2016 when I had my first meeting with the City Planner. I had hope. Then on November 28, 2016 I met with the Planning Board for the first time. They asked me to return with more info. On December 12, 2016, I returned to the Planning Board and they unanimously approved my initial plans.

January 3<sup>rd</sup>, 2017 was the first time I attended the Council Meeting. One member was absent and the Mayor was there as the substitute. Unfortunately, that night, my proposal was shot down. The very next day I was contacted and told that I needed to meet with the Mayor and City Planner again because there was some confusion the night before and that is why my proposal was voted down.

On January 17, 2017, the 2<sup>nd</sup> Council meeting, a vote to negate the January 3<sup>rd</sup> vote passed 4/3. 5 out of 7 of the planning board members were present and spoke in favor of the project.

Next Tuesday, July 18, 2017 is the date set for the next meeting before the Council. One of the Council members will be absent and wants to cancel the meeting. If the Mayor can substitute, why should the meeting be canceled? The City Attorney stated there is no protocol for this type of

request. I ask that you consider moving forward with this meeting. As a taxpayer and long-time businessman in this area, I want to fill a need vocalized by many who are frustrated with the current situation in Lewiston.

Below is a synopsis of what was asked of me. I have fulfilled my obligation, I hope you will fulfill yours.

More detailed information, and where applicable, professional services were enlisted to address the following concerns:

- 1) **Wetlands** – No wetland issue
- 2) **Traffic Impact** – No traffic impact
- 3) **Age Specifications** – Specified in most recent proposal
- 4) **Bus Route** – Tenants of the facility along with neighbors in the area can petition the bus company to be added to the route. The company will determine whether the need is great enough to create a stop in the area.
- 5) **Tax Revenue** – With the existing structures on said property, annual taxes paid to the city are currently ~ \$2,000 (two thousand dollars) per year. Estimated taxes for the Senior facility could garner 20 times that number in property tax per year.
  
- 6) **Personal Property Value of Neighbors** – A professional appraiser's report states that the current properties in the vicinity of this proposed Senior facility would NOT lose their values.

Reports, appraisals, and specific information requested for the above-mentioned items are in writing. They have not only negated any concerns for the neighborhood, but have shown to potentially enhance the area and boost revenues for the City of Lewiston.

The fact that a fire station (lots of noise here), a Murphy Home for troubled teens (that has potential neighborhood problems in itself), a mosque (lots of traffic here), and a bed & breakfast (all sorts of people in and out, day and night) can all be erected without any consideration for any item mentioned above is ridiculous. Think about that for a moment.

There are hundreds of people, active and semi-active, who are waiting for someone to take the initiative to create a safe, affordable place for them to live. Many have been on waiting lists for years in hopes that, to be honest, someone dies so they can have a place that is better suited to their needs. Can't we do better?

Sincerely,  
Louis & Laurie Ouellette  
Louis Ouellette  
President  
LOCBID Construction Inc.  
C: 207-576-3000  
O: 207-375-4454  
F: 207-375-4582  
[www.locbidconstruction.com](http://www.locbidconstruction.com)



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

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

Pursuant to Article XVII, Section 5 of the Zoning and Land Use Code, Louis Ouellette has resubmitted a proposed contract rezoning for the property he owns at 209 Webster Street from the Neighborhood Conservation "A" (NCA) district to the Office-Residential (OR) district to allow multi-family dwellings limited to residents 55 years of age and older. This lot of 2.1 acres consists of a single-family home with frontage on Webster Street and East Avenue. The property currently abuts OR zoned properties along the westerly side. The remaining land abuts the NCA district. The petitioner is interesting in contractually rezoning the property to OR with the intent of combining with other properties he owns in the OR district at 153 East Avenue and 209 Webster Street (and possibly 151 East Ave) to develop a multi-family structure for senior housing. The NCA district essentially limits development to single-family dwellings and does not allow multi-family structures. The abutting OR district allows a variety of residential and non-residential uses, including multi-family structures.

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

- On November 28, 2016 the applicant submitted a petition for a straight rezoning of the property to OR for the development of a multi-family structure for senior housing. All the residents that spoke at that meeting expressed concerns about traffic and access to the site, lighting, loss of privacy, environmental impacts, and proximity of construction to property lines. Many of their concerns and questions relate to the specific site improvements if the site were developed. Those items would be addressed through the development review process, of which they would be notified, if the property were rezoned. However, one underlying concern raised by some residents and Board members was the uncertainty of uses allowed to be permitted if the property was straight rezoned OR. While Mr. Ouellette's intentions seemed clear, a straight rezoning to OR would have allowed for the lot to be developed with any uses allowed in the OR upon meeting applicable Zoning and Land Use Code requirements. This resulted in the Board voting 4-3 to send a recommendation to the Council not to rezone the property.
- On December 19, 2016 Mr. Ouellette returned to the Board with a new petition to conditionally rezone the property at 209 Webster Street to OR. Specifically, the proposed conditional rezoning allowed all of the currently permitted and conditional uses of the NCA district and added the following OR permitted uses: personal services, multifamily dwellings, single-family attached dwellings, mixed residential developments, and mixed use structures. The applicant believed allowing uses currently permitted in the NCA district while limiting uses allowed in the OR district to specific residential development provided him the ability to move forward with his proposal for senior housing while addressing the uncertainty of uses allowed on this property. The Board voted unanimously to send a favorable recommendation to the City Council to conditionally rezone the property at 209 Webster Street from NCA to OR. A number of neighbors

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

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

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

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

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

Having addressed the concerns of the Council, proposed contract rezoning will allow all of the currently permitted and conditional uses of the NCA district and will add the following OR permitted uses: personal services, multifamily dwellings limited to residents 55 years old and

older, single-family attached dwellings, mixed residential developments, and mixed use structures. The applicant believes allowing uses currently permitted in the NCA district while limiting uses allowed in the OR district to specific residential development will provide him the ability to move forward with his proposal for senior housing while addressing the uncertainty of uses allowed on this property. For example, hospitals, offices, and clinics are not allowed as part of this conditional rezoning. The applicant has done the same with the space and bulk standards, allowing all of the current NCA standards to remain and adding the OR standards were applicable to the new uses being proposed. Reference should be made to the table provide by the applicant comparing the uses and space bulk standard for the NCA, OR, and proposed conditional rezoning.

Staff remains supportive of the proposed request. The purpose of the OR district is to provide for the orderly transition of older residential areas along major traffic arteries to low-intensity nonresidential uses and multifamily housing. The OR encourages the conversion of existing properties from residential to nonresidential occur in a manner which preserves the architectural character of the neighborhood, provides controlled traffic access, adequate parking, and protects adjoining residential neighborhoods from undesirable impacts. Contractually rezoning the property to OR to allow for additional residential development meets this purpose.

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

#### **ACTION NECESSARY**

Make a motion pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council to contractually rezone the property at 209 Webster Street from Neighborhood Conservation "A" (NCA) to Office Residential (OR).

# Visbaras Law, LLC

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

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376-3126  
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376-3198

June 20, 2017

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

Dear David:

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

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

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

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

Third, there has been much discussion about the presence of wetlands on this parcel and its potential impact on the proposed project. In response to those discussions, the Ouellettes retained the services of Sebago Technics of South Portland, Maine ("Sebago") to conduct a wetlands delineation of the site. This was performed in May of this year by Gary F. Fullerton, a certified soils scientist for Sebago. His findings are set forth on the attached Wetlands Map identified as Sebago Project No. 17123. Mr. Fullerton's findings are that (a) there are no vernal pools found anywhere on the site and (b) the total wetland area on this parcel is less than ¼ acre and is limited to the northwesterly section of the property. There remains more than 2 acres of land that can be utilized for the project without any impact on the existing wetland area, which according to our clients is adequate in size and configuration for their intended project.

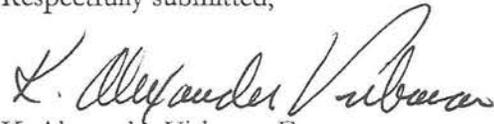
Fourth, the Ouellettes also retained Sebago to provide information on the expected traffic impact the project would have if it were constructed for a "55 and older" resident population. Sebago has provided its trip generation calculation as requested, evidenced by letter dated June 13, 2017 from Bradley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

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

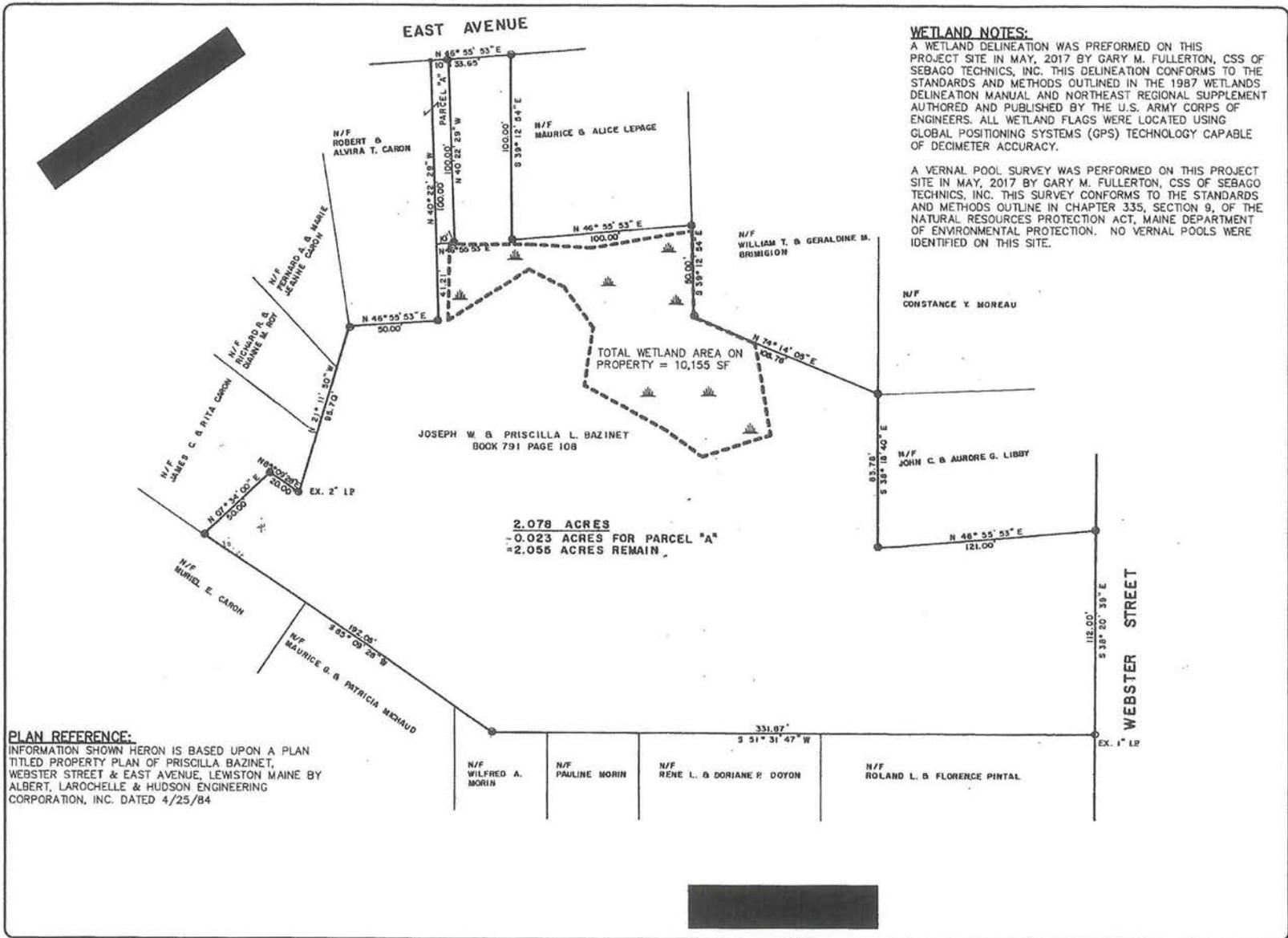
David Hediger  
June 20, 2017  
Page 3

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

Respectfully submitted,



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



**WETLAND NOTES:**

A WETLAND DELINEATION WAS PERFORMED ON THIS PROJECT SITE IN MAY, 2017 BY GARY M. FULLERTON, CSS OF SEBAGO TECHNICS, INC. THIS DELINEATION CONFORMS TO THE STANDARDS AND METHODS OUTLINED IN THE 1987 WETLANDS DELINEATION MANUAL AND NORTHEAST REGIONAL SUPPLEMENT AUTHORED AND PUBLISHED BY THE U.S. ARMY CORPS OF ENGINEERS. ALL WETLAND FLAGS WERE LOCATED USING GLOBAL POSITIONING SYSTEMS (GPS) TECHNOLOGY CAPABLE OF DECIMETER ACCURACY.

A VERNAL POOL SURVEY WAS PERFORMED ON THIS PROJECT SITE IN MAY, 2017 BY GARY M. FULLERTON, CSS OF SEBAGO TECHNICS, INC. THIS SURVEY CONFORMS TO THE STANDARDS AND METHODS OUTLINE IN CHAPTER 335, SECTION 9, OF THE NATURAL RESOURCES PROTECTION ACT, MAINE DEPARTMENT OF ENVIRONMENTAL PROTECTION. NO VERNAL POOLS WERE IDENTIFIED ON THIS SITE.

2.078 ACRES  
 -0.023 ACRES FOR PARCEL "A"  
 =2.055 ACRES REMAIN.

TOTAL WETLAND AREA ON  
 PROPERTY = 10,155 SF

**PLAN REFERENCE:**  
 INFORMATION SHOWN HEREON IS BASED UPON A PLAN TITLED PROPERTY PLAN OF PRISCILLA BAZINET, WEBSTER STREET & EAST AVENUE, LEWISTON MAINE BY ALBERT, LAROCHELLE & HUDSON ENGINEERING CORPORATION, INC. DATED 4/25/84

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

**SEBAGO**  
 T E C H N I C S

WWW.SEBAGOTECHNICS.COM  
 75 John Roberts Rd.  
 South Portland, ME 04108  
 250 Gaddard Rd.  
 Suite B  
 Lewiston, ME 04240  
 Tel. 207-200-2100  
 Tel. 207-783-5656

WETLANDS MAP  
 OF: 209 WEBSTER STREET  
 209 WEBSTER STREET  
 LEWISTON, MAINE  
 FOR: BIDLOC INVESTMENTS, LLC  
 P.O. BOX 807  
 SABATLUS, MAINE 04280

DESIGNED GMF	CHECKED GMF
PROJECT NO. 17123	SCALE 1" = 50'

SHEET 1 OF 1

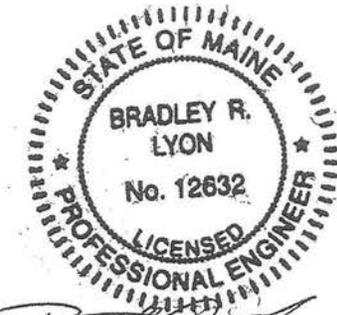
# SEBAGO T E C H N I C S

CIVIL ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE

## Memorandum

17123

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



*Bradley R. Lyon*  
6/13/17

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

### Traffic Generation

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

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

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

<i>Time Period</i>	<i>Average Trip Generation Rate / Dwelling Unit</i>	<i>Total Trips</i>	<i>Entering</i>	<i>Exiting</i>
AM Peak Hour of Generator	0.06	2	1 (50%)	1 (50%)
AM Peak Hour of Adjacent Street Traffic, One Hour Between 7 and 9 AM	0.08	3	1 (33%)	2 (67%)
PM Peak Hour of Generator	0.11	4	2 (53%)	2 (47%)
PM Peak Hour of Adjacent Street Traffic, One Hour Between 4 and 6 PM	0.11	4	2 (61%)	2 (39%)

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

## Conclusions

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

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

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

## AN ORDINANCE PERTAINING TO ZONING BOUNDARIES

THE CITY OF LEWISTON HEREBY ORDAINS:

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

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

#### Sec. 1. Zoning Map

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

#### REASONS FOR THE PROPOSED AMENDMENT

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

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

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

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

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

#### CONFORMANCE WITH COMPREHENSIVE PLAN

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

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

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

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

## CONTRACT REZONING AGREEMENT

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

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

1. Land Use Table:

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

<b>Land Use Table</b>	<b>Contract Rezoning (OR) 209 Webster Street</b>
<b>USES(15)(33)</b>	
Accessory use or structure	P
<b>Commercial-Service</b>	
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	
<b>Industrial</b>	
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)	
<b>Transportation</b>	
Airports or heliports	
Commercial parking facilities	
Transit and ground transportation facilities	
Transportation facilities	
<b>Public and Utility</b>	
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	
<b>Institutional</b>	
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	
<b>Residential</b>	
Single-family detached dwellings on individual residential lots	P
Mobile homes on individual residential lots	
Two-family dwellings	P
Multifamily dwellings in accordance with the standards of Article XIII	P Note: Limited to Residents 55 years old and older
Single-family attached dwelling in accordance with the standards of Article XIII	P
Mixed single-family residential developments in accordance with the standards of Article XIII	
Mixed residential developments in accordance with the standards of Article XIII	P
Mixed use structures	P
Lodging houses	
Home occupations	P
Bed and breakfast establishments as a home occupation	P
In-law apartments in accordance with the standards of Article XIII	P
Single-family cluster development	
Family day care home	P
Shelters	
<b>Natural Resource</b>	
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	
<b>Recreation</b>	
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
<b>Minimum lot size with public sewer</b>	
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	
<b>Minimum lot size without public sewer (3)</b>	
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	
<b>Minimum net lot area per du with public sewer</b>	
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
<b>Minimum net lot area per du without public sewer</b>	
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	
<b>Minimum frontage</b>	
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
<b>Minimum front setback</b>	
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)
<b>Minimum front yard</b>	
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)
<b>Minimum side and rear setback</b>	
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)
<b>Minimum side and rear yard</b>	
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)
<b>Maximum height</b>	
Agriculture	
Other permitted uses	43 ft 9 in
Hospital, nursing homes and medical offices	
<b>Ratios</b>	
Maximum lot coverage	0.30
Maximum impervious coverage	0.60

Applicable Footnotes to Space and Bulk Dimensional Requirements:

- (14) This development shall meet the requirements set forth in Article XIII, Section 8.
- (16) Any required side or rear yard area for uses other than residential located within fifty (50) feet of a residential zoning district or dwelling shall be maintained as a buffer area meeting the standards of Article XIII.
- (21) Notwithstanding, applicable setback and yard requirements and the provisions of Article XII, section 17(f)(3), the area between the required front yard and the front wall of the portion of the building or structure closest to the street and running the full width of that portion of the building shall be maintained as a yard area, except that only one (1) of the two (2) following options may be instituted: a. Access roads or drives in this area are permitted only when a minimum of twenty (20) feet of front yard area can be maintained (forty (40) feet in the NCA District); or b. No more than one (1) parking space shall be created in this area.
- (22) In areas where the existing buildings have an established uniform setback relationship to the street, any new building or modification to an existing building shall maintain this established relationship notwithstanding the setback provisions of that district. An established uniform setback relationship is deemed to exist when the distances between the front face of the building and the edge of the travel way in the adjoining street for the two adjacent parcels fronting on the same street on each side of the subject parcel are within +/- five (5) feet of mean of this distance for the four (4) parcels. For the purposes of this provision, lots shall be deemed to be adjacent even if separated by a street or public easement.
- (23) Fifty (50) percent of the area between the required front yard and the front wall of the portion of the building or structure closest to the street and running the full width of that portion of the building shall not be used for parking and shall be maintained as additional yard area, except that access roads or drives and sidewalks are permitted in this area.
- (24) Minimum lot size may be reduced by the Planning Board for single family cluster developments pursuant to Article XIII section 7.
3. Violations of any of the conditions herein will constitute a violation of the Code.
4. The conditions described herein shall bind the petitioner, his successors and assigns, and any person in possession or occupant of the subject property, or any portion thereof, and shall inure to the benefit of and be enforceable by the City.
5. The petitioner shall, at his own expense, record in the Androscoggin County Registry of Deeds a copy of the conditions within thirty (30) days following final approval of this proposal by the City. Such form of recording is to be in a form satisfactory to the City.
6. The conditions described herein shall run with the subject property.

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

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

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

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

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

Respectfully Submitted,

  
Louis Ouellette

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

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

EXHIBIT "A"

Warranty Deed

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

MAINE REAL ESTATE  
TRANSFER TAX PAID

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

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

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

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

Priscilla D. Debe  
Witness

Priscilla Bazinet  
Priscilla L. Bazinet

As to both  
Witness

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

State of Maine  
Androscoggin, SS.

July 27, 2016

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

Before me,

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

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

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

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

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

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

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

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

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

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

SIGNED, SEALED AND DELIVERED  
in the presence of:

*Dawn Collins*  
*Dawn Collins*

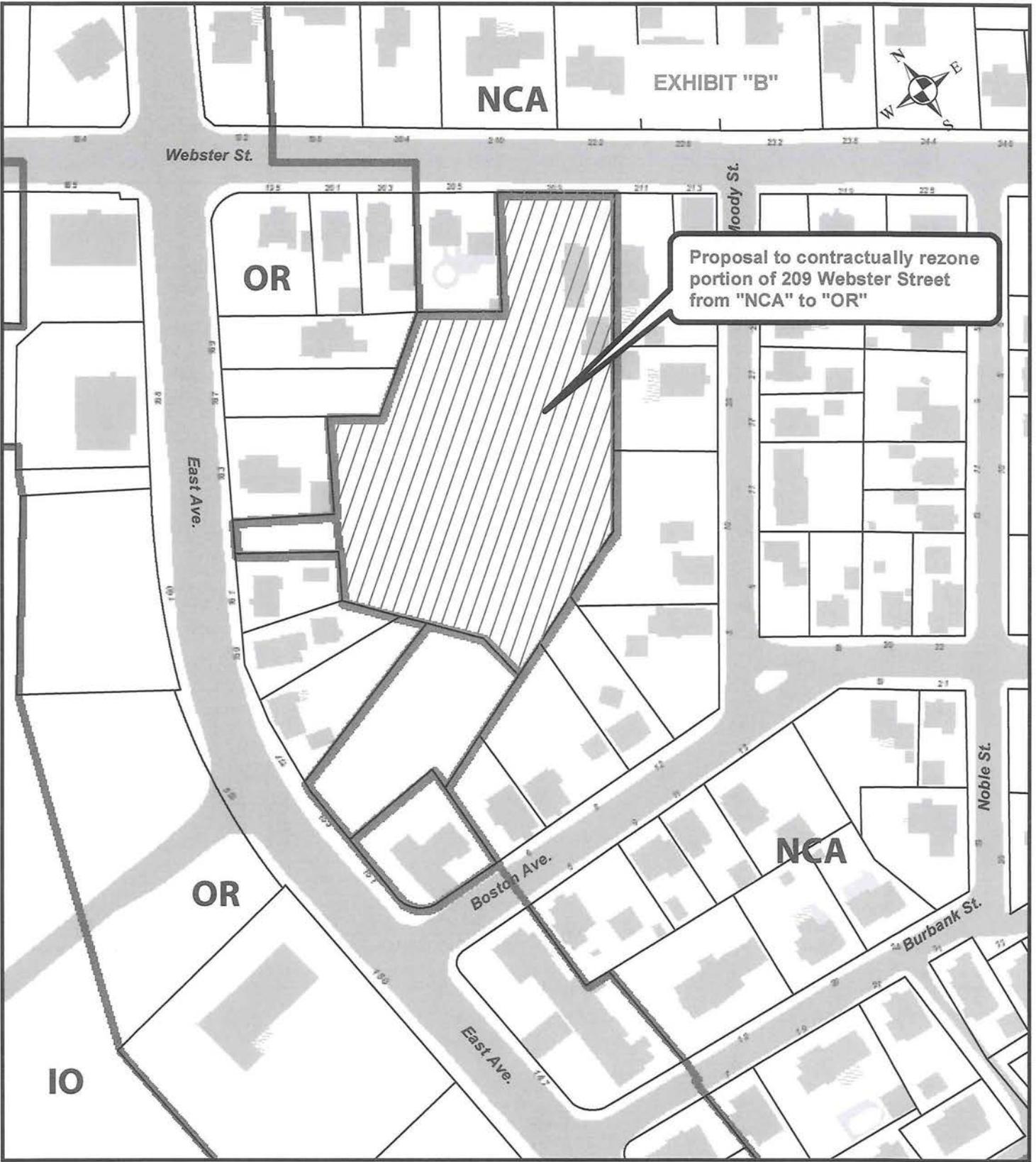
*Priscilla Bazinet*  
Priscilla L. Bazinet

*Rachel Blanchette*  
STATE OF MAINE  
COUNTY OF maine, ss:

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

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

*Penny Lacasse*  
Notary Public



**Proposed  
209 Webster Street  
Contract Rezoning**

June 2017

Land Use Table: All Zoning Districts	Neighborhood Conservation "A" (NCA)	Office Residential (OR)	Proposed "OR" Contract Rezoning of 209 Webster Street
<b>USES(15)(33)</b>			
Accessory use or structure	P	P	P
<b>Commercial-Service</b>			
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			
<b>Industrial</b>			
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)			
<b>Transportation</b>			
Airports or heliports			
Commercial parking facilities			
Transit and ground transportation facilities			
Transportation facilities			
<b>Public and Utility</b>			
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)	
<b>Institutional</b>			
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			
<b>Residential</b>			
Single-family detached dwellings on individual residential lots	P	P	P
Mobile homes on individual residential lots			
Two-family dwellings	P(37)	P	P
Multifamily dwellings in accordance with the standards of Article XIII		P	P Note: limited to Residents 55 years of age and older
Single-Family attached dwelling in accordance with the standards of Article XIII		P	P
Mixed single-family residential developments in accordance with the standards of Article XIII			
Mixed residential developments in accordance with the standards of Article XIII		P	P
Mixed use structures		P	P
Lodging houses			
Home occupations	P	P	P
Bed and breakfast establishments as a home occupation	P	P	P
In-law apartments in accordance with the standards of Article XII	P	P	P
Single family cluster development			
Family day care home	P	P	P
Shelters			
Dormitories			
<b>Natural Resource</b>			
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			
<b>Recreation</b>			
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
<b>Minimum lot size with public sewer</b>			
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			
<b>Minimum lot size without public sewer (3)</b>			
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	
<b>Minimum net lot area per du with public sewer</b>			
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
<b>Minimum net lot area per du without public sewer</b>			
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	
<b>Minimum frontage</b>			
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
<b>Minimum front setback</b>			
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)
<b>Minimum front yard</b>			
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)
<b>Minimum side and rear setback</b>			
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)
<b>Minimum side and rear yard</b>			
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)
<b>Maximum height</b>			
Agriculture			
Other permitted uses	35 ft	35 ft	35 ft.
Hospital, nursing homes and medical offices			
<b>Ratios</b>			
Maximum lot coverage	0.40	0.30	0.30
Maximum impervious coverage		0.60	0.60

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

---

Hi Dave,

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

Thanks,  
Denis

---

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

Denis:

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

Thanks.

David Hediger  
City Planner/Deputy Director Planning and Code Enforcement  
City of Lewiston  
27 Pine Street  
Lewiston, ME 04240-7201  
Phone 207.513.3125 ext. 3223  
TDD/TTY 207.513.3007  
[www.lewistonmaine.gov](http://www.lewistonmaine.gov)

The City of Lewiston is an EOE. For more information, please visit our website @ [www.lewistonmaine.gov](http://www.lewistonmaine.gov) and click on the Non-Discrimination policy.

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

---

Hi Dave,

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

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

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

Marsha

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

77 Sanders Road  
Livermore, ME 04253  
June 26, 2017

David Hediger, City Planner  
City of Lewiston  
27 Pine Street  
Lewiston, ME 04240

RE: Proposed Rezoning of 209 Webster Street

Dear Mr. Hediger:

We are writing to share our concerns for the proposed zoning change and project proposed for the property at 209 Webster Street. We are the owners of 12 Boston Avenue which directly abuts the project area. Our concerns with the project are the loss of privacy and character of the neighborhood and increased traffic and safety in the neighborhood.

The Boston Avenue and Moody Street neighborhoods are primarily single-family homes made up of families who have lived there for many years. When we purchased our home over eleven years ago, we looked for a residential neighborhood with character and with some green space. We could not afford to move to a rural area and were happy to find a home that had some privacy for our growing family. This project will completely destroy that privacy for the whole neighborhood. Not only will our backyard no longer have the privacy, but the apartments could also potentially have a line of sight into our home. The forested area behind the streets also acts as a noise and visual buffer from the busy East Avenue and Webster Street intersection. The woods provide a natural separation from the neighborhoods around us, and placing an apartment building (or any office/commercial property) on that plot of land would make the neighborhood feel more like downtown with a greater population and building density. Losing the wooded area would impact the character of our neighborhood, the reason that many of us purchased our homes here.

Adding a Boston Avenue entrance to the proposed housing project would result in increased traffic and resulting safety issues. We have read the traffic study and understand how it has applied its calculations, but we also know the reality of the traffic in the neighborhood. It is already dangerous entering East Avenue from Boston Avenue. Visibility is an issue, and traffic volume is especially high during the times when Lewiston High School is in session. Many high school students walk through the neighborhood (where there are no sidewalks) and cross the street (where there is no crosswalk) to get to the high school. Cars, hoping to avoid the light at Webster Street and East Avenue, speed through the neighborhood to get to East Avenue. Additional traffic from a multi-family project would compound these safety issues.

Our opposition to this project has nothing to do with being a welcoming community. The neighborhood takes care of each other and knows each other. Simply put, it is not an appropriate location for *any* commercial venture. It's difficult to think about the impact of a 40-unit apartment building in a space that right now makes you forget that you're so close to downtown. We hope that the Planning Board will consider our neighborhood's concerns as they decide on the proposed zoning change and the proposed housing project.

Thank you for your time.

Sincerely,

Daniel Burgess and Amy Poland

**From:** [Daniel Burgess](#)  
**To:** [Michael R. Lachance](#); [David Hediger](#)  
**Cc:** [Amy Poland](#)  
**Subject:** 209 Webster St. Re-Zoning  
**Date:** Monday, June 26, 2017 2:29:21 PM

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Good Afternoon, My name is Dan Burgess and my wife is Amy Poland. We own the property at 12 Boston Ave. I understand that you have received our letter and that it will be distributed to all parties involved. I'm not sure if you will attend or not, but I would just like to re-emphasize that not one property abutting the property to be re-zoned is in agreement with this action. We all purchased a piece of land with residential zoning on all sides. In addition to this, the petition to re-zone is signed by residents with no interest or stake in what happens here. The majority are from River Rd. and areas that probably couldn't give you directions to Boston Ave with the exception of one person who lives up the street and still would not be affected. This whole process is doing a dis-service to us as stakeholders. When you have a complete neighborhood against such action and the council and planning board completely disregard our input and move forward anyway, there should be some serious review of why and how you are serving your community. Some of the Council members didn't even speak at the meetings to give us a reason why they voted against this and should be held to task. Beyond the lack of input by some council members there was even a member that stated that she lives on a property that has a school in her backyard implying that it isn't a big deal. I would rebut this with the fact that she made that choice upon purchase of her current property, I did not. I couldn't be more upset by the fact that there is roughly 150 acres in downtown Lewiston that is underutilized or vacant according to the comprehensive plan yet we would move forward with the destruction of a tight knit neighborhood with all the values and spirit of community and diversity that you could ask for. This is the most appalling disregard for the communities concerns that I have ever experienced. I appreciate your efforts throughout this whole endeavor, but I just needed to express my displeasure towards our elected officials and board members that obviously have no regard for the community they represent on this issue nor do they care about how we feel towards this issue. I will caveat this by saying that I understand Councilman Lachance and a couple of others are on our side and we appreciate your fore-sight and ability to see clearly on this issue. Nonetheless, one man (Mr. Ouellette) is getting his wishes while the whole community that surrounds him is being ignored. That's not how it's supposed to work. I'm disgusted by this!

--

Dan Burgess  
[danburg23@gmail.com](mailto:danburg23@gmail.com)

27 Jun 2017

To all of concern,

I will not be of attendance 27 June 2017 planning board meeting and the 209 Webster St. proposed contract for rezoning to Office Residential (OR).

I want to make some statements, so my voice is heard, even though this neighborhood has done that at the top of its voice to the planning board and city council up to this point.

Mr. Ouellette has acquired the 209 Webster St. and has put a great concept in the city's eye of a 55 + development. This being in the city what a wonderful idea!, problem it just doesn't fit this neighborhood.

This city shows it side with what it thinks is best for development, that will end or destroy neighborhoods.

- Schemengees bar and grille that once was a 15 Lincoln St. was force out for the storm water runoff storage tanks. NO ONE COULD BUILD THERE!!!!  
Today Hampton Inn has a business and parking lot on that site.
- A decade old High School athletic field is being ripped up to make way for new schooling. There was no other planning that could of keep what \$\$ already spent and redeveloped the layout?
- 209 Webster St.  
Not a neighborhood for Office Residential (OR), the planning board and city council believe it's beneficial. Too many neighbors have come forward speaking in behalf of the neighborhood. You're not listening to the sounds of the city talking to you, only the sound of \$\$.

Sincerely,  
Kent Lawrence  
29Moody St.

# LEWISTON CITY COUNCIL

## MEETING OF JULY 18, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 18**

**SUBJECT:**

Public Hearing and First Passage to contractually rezone the property at 299 River Road from the Rural Agricultural (RA) District to the Neighborhood Conservation "B" (NCB) District.

**INFORMATION:**

The Planning Board voted 7-0 to send a favorable recommendation to the City Council to contractually rezone the property at 299 River Road from the Rural Agricultural (RA) District to the Neighborhood Conservation "B" (NCB) District, subject to the contract rezoning agreement.

The property owner has submitted a petition to request the rezoning of this property to allow the existing single family home to remain in use and to provide an opportunity to operate a neighborhood retail store, art and craft studio, personal services and mixed-use structure consistent with the size and intensity of the current use of site.

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

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

The City Administrator recommends approval of the requested action.

*EAB/Kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve First Passage of the amendment to the Zoning and Land Use Code and Map to contractually rezone the property at 299 River Road from the Rural Agriculture (RA) District to the Neighborhood Conservation "B" District, subject to a contractual agreement and to continue the public hearing for final passage to the next regularly scheduled City Council meeting.



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

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

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

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

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

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

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

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

**ACTION NECESSARY ACTION NECESSARY**

Make a motion pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council to conditionally rezone the property at 299 River Road from Rural Agricultural (RA) to Neighborhood Conservation "B" (NCB).



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

**TO:** Mayor and City Council  
**FROM:** David Hediger, City Planner  
**DATE:** July 11, 2017  
**RE:** Planning Board action: 299 River Road contract rezoning

The Planning Board took the following action at their meeting held on June 26, 2017 regarding an application submitted by Normand Lamie on behalf of the owners of 299 River Road, Lorraine and Roger Roberge and Oram Lawry, the purchaser, for a proposed contract rezoning which would allow for the property to remain used as a single-family residence and provide the opportunity to operate a neighborhood retail store, art and crafts studio, personal services, and mixed-use structure consistent with the size and intensity of the current use of site.

**MOTION:** by **Michael Marcotte** 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 contract rezone the property at 299 from Rural Agriculture (RA) to Neighborhood Conservation "B" (NCB).  
Second by **Sandra Marquis**.

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

June 10, 2017

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

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

Dear Mr. Hediger.

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

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

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

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

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

Sincerely,



Normand Lamie  
234 Montello Street  
Lewiston, ME 04240

EC: Oram Lawry  
Lorraine Roberge  
Roger Roberge

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

Pursuant to Appendix A, Article XVII, Section 5 A Amendments of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to establish a contract rezoning of the property at 299 River Road to allow for the establishment of a small retail business as a conditional use as described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1	<i>George E Gilbert</i>	GEORGE E. GILBERT	326 RIVER RD.	06/07/2017
2	<i>Constance A Gilbert</i>	CONSTANCE A GILBERT	326 RIVER RD	06/02/2017
3	<i>Karen Pelletier</i>	KAREN PELLETIER	51 BOSTON AVE	6/7/2017
4	<i>Rhonda Martel</i>	Rhonda Martel	317 River Rd	6/8/2017
5	<i>Donna Dionne</i>	DONNA DIONNE	16 SCHOOL ST	6/8/17
6	<i>Crystal Dionne</i>	Crystal Dionne	16 School Pt.	6-8-17
7	<i>Raymond Martel</i>	RAYMOND MARTEL	317 RIVER RD	6-8-17
8	<i>Frank Babb</i>	FRANK BABB	275 RIVER RD.	6-8-17
9	<i>Bonnie Babb</i>	BONNIE BABB	275 RIVER RD	6-8-17
10	<i>Nicholas Robere</i>	Nicholas Robere	20 Shank St.	6-8-17
11	<i>MAND TRUCHON</i>	MAND TRUCHON	380 RIVER RD	6-8-17
12	<i>Donna Racine</i>	Donna Racine	289 RIVER RD	6-11-17
13	<i>John Racine</i>	John Racine	289 RIVER RD	6-11-17
14	<i>Cory Gagnier</i>	Cory Gagnier	685 Oldbrean Rd	6-11-17
15	<i>Jeffrey Gagnier</i>	Jeffrey Gagnier	84 Cumberland AVE	6-11-17
16	<i>Louis P Roberge</i>	LOUIS P ROBERGE	25 DREW ST	6/11/17
17	<i>Juliette Roberge</i>	Juliette Roberge	25 DREW ST	6/11/17
18	<i>Norma Roberge</i>	NORMA ROBERGE	7 Raymond Ave	6-11-17
19	<i>Allison Roberge</i>	Allison Roberge	20 Shank Street	6-11-17
20	<i>Robert Roberge</i>	ROBERT ROBERGE	7 RAYMOND AVE	6-11-17

**CIRCULATOR-S VERIFICATION**

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

*Robert Roberge*  
Signature of Circulator

Robert Roberge  
Printed Name of Circulator

6/11/2017  
6/7/2017  
Date

**REGISTRAR-S CERTIFICATION**

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

Total Valid: 19

Total Invalid: 1

*Kenac Missett*  
Signature of Registrar/Deputy Registrar

Date: 6/13/17

AN ORDINANCE PERTAINING TO ZONING BOUNDARIES

**THE CITY OF LEWISTON HEREBY ORDAINS:**

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

**APPENDIX A**

**ZONING AND LAND USE CODE**

**ARTICLE IV. ESTABLISHMENT OF DISTRICTS**

**Sec. 1. Zoning Map**

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

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**REASONS FOR THE PROPOSED AMENDMENT**

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

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

### CONFORMANCE WITH COMPREHENSIVE PLAN

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

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

### CONTRACT REZONING AGREEMENT

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

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

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

<b>Land Use Table</b>	<b>Proposed Contract Rezoning Neighborhood Conservation B (NCB) for 299 River Road</b>
<b>USES (15) (33)</b>	
Accessory use or structure	<b>P</b>
<b>Commercial-Service</b>	
Veterinary facilities excluding kennels and humane societies	
Veterinary facilities including kennels and humane societies	<b>C</b>
Small day care facilities	<b>P</b>
Day care centers	
Day care centers accessory to public schools, religious facilities, multifamily or mixed res. developments, and mobile home parks	
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services	
Restaurants	
Drinking places	
Adult business establishments	
Hotels, motels, inns	
Movie theaters except drive-in theaters	
Places of indoor assembly, amusement or culture	
Art and crafts studios	<b>C</b>
Personal Services (39)	<b>P</b>

Retail stores	
Neighborhood retail stores	<b>P</b>
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	
<b>Industrial</b>	
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)	
<b>Transportation</b>	
Airports or heliports	
Commercial parking facilities	
Transit and ground transportation facilities	
Transportation facilities	
<b>Public and Utility</b>	
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	<b>P</b>

Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C
Municipal buildings and facilities	C
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways	
Dams	
<b>Institutional</b>	
Religious facilities	P
Cemeteries	P
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities	
Hospitals, medical clinics,	
Museums, libraries, and non-profit art galleries and theaters	
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures,	
Civic and social organizations	
Public community meeting and civic function buildings including auditoriums	
<b>Residential</b>	
Single-family detached dwellings on individual residential lots	P
Mobile homes on individual residential lots	
Two-family dwellings	
Multifamily dwellings in accordance with the standards of Article XIII	
Single-Family attached dwelling in accordance with the standards of Article XIII	P
Mixed single-family residential developments in accordance with the standards of Article XIII	
Mixed residential developments in accordance with the standards of Article XIII	
Mixed use structures	P
Lodging houses	

Home occupations	P
Bed and breakfast establishments as a home occupation	P
In-law apartments in accordance with the standards of Article XII	P
Single family cluster development	P
Family day care home	P
Shelters	
<b>Natural Resource</b>	
Agriculture	P
Farm Stands	P
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P
Earth material removal	
Community gardens (20)	P
Water dependent uses, e.g. docks and marinas	
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet	
<b>Recreation</b>	
Campgrounds	
Public or private facilities for nonintensive outdoor recreation	C
Commercial outdoor recreation and drive-in theaters	
Fitness and recreational sports centers as listed under NAICS Code 713940	

Applicable footnotes:

(15) Buildings, structures and uses accessory to permitted or conditional uses are allowed in all districts.

(20) Shall comply with Article XII, Section 4

(33) The performance standards of Article XII shall apply, unless otherwise specified.

(39) Personal Services is limited to occupying within existing retail space limitation of 5,000 sf.

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

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

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

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

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

Applicable footnotes:

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

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

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

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

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

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

(c) Violations of any of the conditions herein will constitute a violation of the Code.

(d) The conditions described herein shall bind the proponent, its successors and assigns, and any person in possession or occupant of the subject premises, or any portion thereof, and shall inure to the benefit of and be enforceable by the City.

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

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

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

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

(i) Any rezoning approved by the City contractually shall be of no force or effect if the proponent fails or refuses to comply with conditions imposed.

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

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

described herein.

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

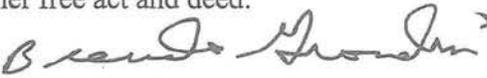
Oram Lawry



JUNE 12<sup>TH</sup>, 2017

Androscoggin, SS  
Lewiston, Maine

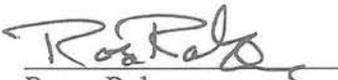
Personally appeared the above named Oram Lawry and acknowledged the foregoing to be her free act and deed.

Notary Public   
Commission Expires: 11/16/17

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

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

Owners:

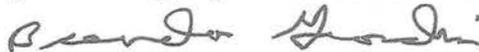
  
Roger Roberge

  
Lorraine Roberge

Androscoggin, SS  
Lewiston, Maine

June 12<sup>th</sup>, 2017

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

Notary Public   
Commission Expires: 11/16/17

BRENDA GRONDIN  
Notary Public, State of Maine  
My Commission Expires 11/16/17

**PARID: RE00010919 299 RIVER RD**

Parcel ID RE00010919  
Map/Lot 155/000/012

Property Location: 299 RIVER RD  
Property Class: Multiple Use - Primarily Commercial  
Land Area: (acréage) 11.53

**Owners**

Owner: ROBERGE ROGER  
ROBERGE LORRAINE L

Address: 299 RIVER RD

City: LEWISTON

State: ME

Zip: 04240

Book: 2428

Page: 263

**OBJ**

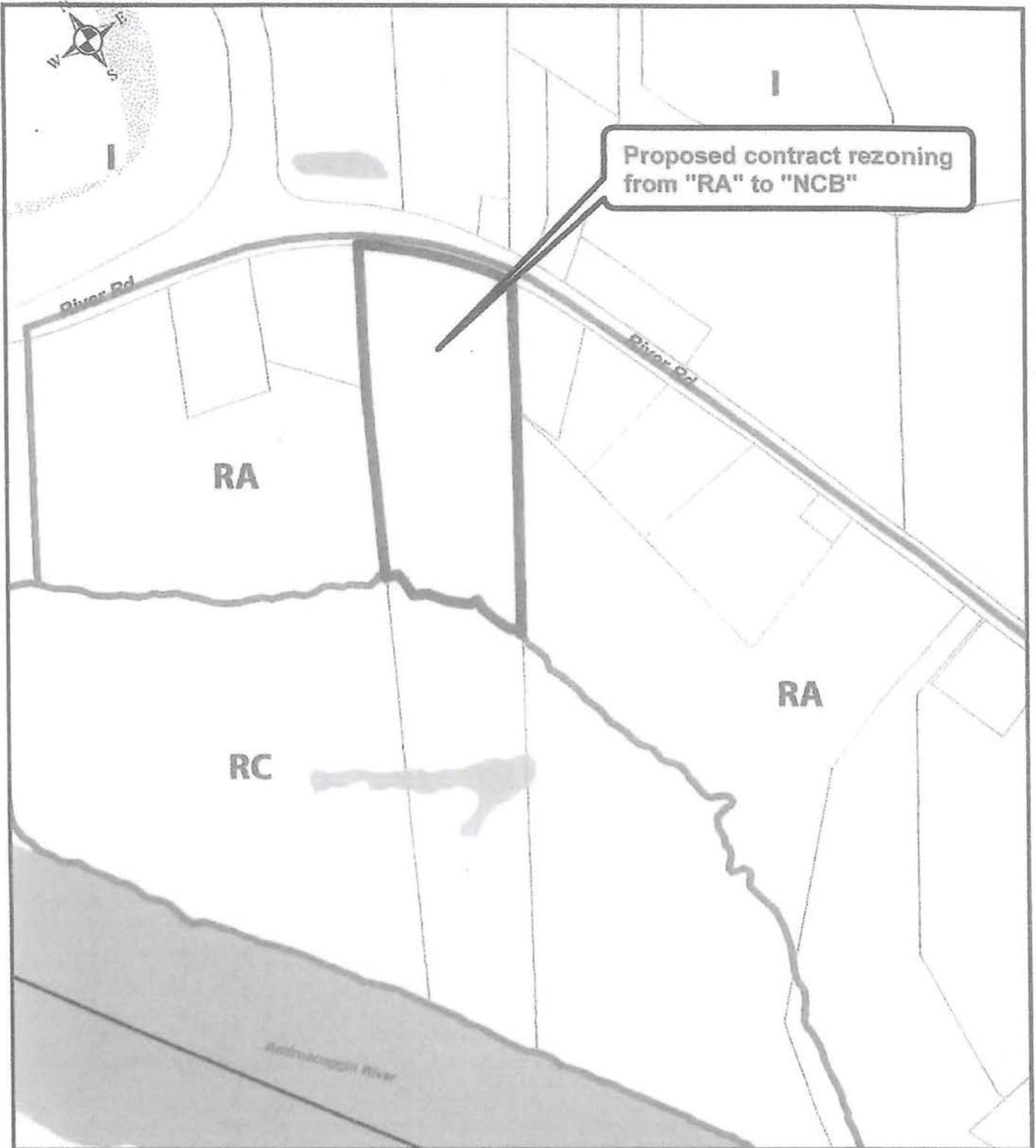
Description Area/Quantity  
GH1-GREENHSE WD FRAME GLASS WALLS 1,275  
CP7-CANOPY SS-ECONOMY 110  
CP7-CANOPY SS-ECONOMY 144  
RS1-FRAME UTILITY SHED 480  
RS1-FRAME UTILITY SHED 132  
RG4-GARAGE WITH FIN ATTIC 624  
GH1-GREENHSE WD FRAME GLASS WALLS 480  
GH1-GREENHSE WD FRAME GLASS WALLS 2,100  
GH1-GREENHSE WD FRAME GLASS WALLS 1,440

**PROPERTY DESCRIPTION**

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

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

**EXHIBIT A – PROPERTY DESCRIPTION**



Proposed  
**299 River Road**  
**Contract Rezoning**

June 2017

June 7, 2017

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

Dear Mr. Hediger.

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

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

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

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

Sincerely,



Roger Roberge



Lorraine Roberge

12287

DK2428 PG263

WARRANTY DEED

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

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

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

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

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

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

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

MAINE REAL ESTATE  
TRANSFER TAX PAID

BK2428 PG264

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

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

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

*[Signature]*  
Witness

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

*[Signature]*  
Witness

*Susan B. Martin*  
Susan B. Martin

STATE OF MAINE  
ANDROSCOGGIN, SS.

June 30, 1989

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

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



ATTEST:  
*Margaret C. Thompson*  
REGISTER OF DEEDS

89 JUL -3 AM 9:12

ANDROSCOGGIN, SS.  
REGISTRY OF DEEDS

*[Faint handwritten text]*

Land Use Table: All Zoning Districts 05.05.16	Rural Agricultural (RA)	Neighborhood Conservation "B" (NCB)	Proposed Contract Zoning for 299 River Road
<b>USES(15)(33)</b>			
Accessory use or structure	P	P	P
<b>Commercial-Service</b>			
Veterinary facilities excluding kennels and humane societies			
Veterinary facilities including kennels and humane societies	C		C
Small day care facilities	C	P	P
Day care centers	C		
Day care centers accessory to public schools, religious facilities, multifamily or mixed res. developments, and mobile home parks		C(22)	
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services		C(31)	
Restaurants			
Drinking places			
Adult business establishments			
Hotels, motels, inns			
Movie theaters except drive-in theaters			
Places of indoor assembly, amusement or culture			
Art and crafts studios		C	C
Personal Services		P	P
Retail stores			
Neighborhood retail stores (< 5,000 sf)		P	P
Lumber and building materials dealer			
Gasoline service stations			
Gasoline service stations which are a part of and subordinate to a retail use			
New and used car dealers			
Recreational vehicle, mobile home dealers			
Equipment dealers and equipment repair			
Automotive services including repair			
Registered dispensary(27)			
Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients.			
Tattoo Establishments			
<b>Industrial</b>			
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)			
<b>Transportation</b>			
Airports or heliports	C		
Commercial parking facilities		C	
Transit and ground transportation facilities			
Transportation facilities			
<b>Public and Utility</b>			
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P	P	P
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C	C	C
Municipal buildings and facilities	C	C	C
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways			
Dams			

Land Use Table: All Zoning Districts 05.05.16	Rural Agricultural (RA)	Neighborhood Conservation "B" (NCB)	Proposed Contract Zoning for 299 River Road
<b>Institutional</b>			
Religious facilities	P	P	P
Cemeteries	P	P	P
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities		C	
Hospitals, medical clinics, Museums, libraries, and non-profit art galleries and theaters		C	
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures,		C(13)	
Civic and social organizations Public community meeting and civic function buildings including auditoriums		C	
<b>Residential</b>			
Single-family detached dwellings on individual residential lots	P(8)	P(2)	
Mobile homes on individual residential lots	P(8)		
Two-family dwellings		P	
Multifamily dwellings in accordance with the standards of Article XIII		P	
Single-Family attached dwelling in accordance with the standards of Article XIII	C	P	P
Mixed single-family residential developments in accordance with the standards of Article XIII	C	P	
Mixed residential developments in accordance with the standards of Article XIII		P	
Mixed use structures		P	P
Lodging houses		P	
Home occupations	P	P	P
Bed and breakfast establishments as a home occupation	P	P	P
In-law apartments in accordance with the standards of Article XII	P	P	P
Single family cluster development	P		P
Family day care home	P	P	P
Shelters		C	
Dormitories			
<b>Natural Resource</b>			
Agriculture	P(8)		P
Farm Stands	P		P
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P	P	P
Earth material removal	C		
Community gardens(20)	P	P	P
Water dependent uses, e.g. docks and marinas Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet			
<b>Recreation</b>			
Campgrounds	C		
Public or private facilities for nonintensive outdoor recreation	C	C	C
Commercial outdoor recreation and drive-in theaters Fitness and recreational sports centers as listed under NAICS Code 713940			

P = Permitted

C = Conditional Use Requiring Approval

**Space and Bulk Table: All Zoning District 10.06.16**

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

**Space and Bulk Table: All Zoning District 10.06.16**

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

# LEWISTON CITY COUNCIL

## MEETING OF JULY 18, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 19**

**SUBJECT:**

Public Hearing & First Passage for Land Use Code Amendments concerning variances for mobile homes on individual lots.

**INFORMATION:**

The Planning Board, at their June 26, 2017 meeting, voted unanimously (7-0) to send a favorable recommendation to the City Council regarding the proposed amendment, Article IX, Section 12 of the Zoning and Land Use Code. The proposed amendment will allow a mobile home on an individual residential lot which as received a frontage, setback or lot size variance to further develop their parcel, subject to all other space and bulk standards of the district in which the lot is located, without having to obtain an additional variance. This language is currently in the Land Use Code for single family detached dwellings, so this new language would make this permission allowable for mobile homes as well.

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

The City Administrator recommends approval of the requested action.

*EAIB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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That the proposed amendment to Appendix A, Article IX "Appeals", Section 12, "Effect of granting a variance for single family detached dwelling and mobile homes on individual residential lot", of the City Zoning and Land Use Code, receive first passage by a roll call vote and that the public hearing on said ordinance be continued for final passage to the next regularly scheduled City Council meeting.

## AN ORDINANCE PERTAINING TO VARIANCES FOR MOBILE HOMES

### THE CITY OF LEWISTON HEREBY ORDAINS:

Appendix A of the code of ordinances of the City of Lewiston, Maine is hereby amended as follows:

#### APPENDIX A ZONING AND LAND USE CODE ARTICLE IX. APPEALS

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

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

#### REASONS FOR PROPOSED AMENDMENT

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

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

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



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

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

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

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

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

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

#### **ACTION NECESSARY:**

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



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

**TO:** Mayor and City Council  
**FROM:** David Hediger, City Planner  
**DATE:** July 11, 2017  
**RE:** Planning Board Action

The Planning Board took the following action at their meeting held on June 26, 2017 regarding a request to initiate an amendment to Article IX, Section 12 of the Zoning and Land Use Code.

**MOTION:** by **John Butler** pursuant to Article XVII, Section 5 of the Zoning and Land Use to send a favorable recommendation for the City Council's consideration an amendment to Article IX, Section 12 of the Zoning and Land Use Code pertaining to variances for single-family dwelling and mobile homes on individual lots.  
Second by **Norm Anctil**.

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

# LEWISTON CITY COUNCIL

## MEETING OF JULY 18, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 20**

**SUBJECT:**

Public Hearing and First & Final Passage for an extension of the Moratorium Ordinance regarding Lodging Houses in the Neighborhood Conservation "B" District.

**INFORMATION:**

For almost a year, the Council has discussed the issue of lodging houses in the area of the Bates College. There have been recent issues such as noise, overcrowding, increased parking demand, large gatherings, trash, public urination and other related issues occurring in the neighborhoods around the campus.

In February 2017, the Council approved an 180 day moratorium on the issuance of new lodging houses in the Neighborhood Conservation "B" District. The moratorium is set to expire August 13, 2017.

City staff is requesting an extension of this moratorium for another 180 days to allow additional time to develop policies and regulations regarding this issue. If approved, the extension will expire February 9, 2018 unless repealed sooner by Council.

Please see the attached memorandum from City Planner David Hediger regarding this matter.

**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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- 1) That the proposed Moratorium Ordinance regarding Lodging Houses in the Neighborhood Conservation "B" District, to be effective August 14, 2017, receive first passage by a roll call vote.
- 2) To waive Section 7c of the Rules Governing the City Council and to allow for final reading at this time.
- 3) That the proposed Moratorium Ordinance regarding Lodging Houses in the Neighborhood Conservation "B" District, to be effective August 14, 2017, receive final passage by a roll call vote.



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

**TO:** Mayor  
City Council  
**FROM:** David Hediger, City Planner  
**DATE:** July 12, 2017  
**RE:** Extension of Lodging House Moratorium

The City Council is asked to consider an extension of the moratorium on lodging houses. The initial moratorium was adopted by the Council effective February 14, 2017 with an expiration of August 13, 2017. Since the adoption, staff has begun to review existing provisions and research possible amendments that may address lodging houses and tenant behavior, parking, and the number of unrelated occupants in a dwelling. Staff from Planning/Code Enforcement, Fire, and Police has met with representative of Bates College to discuss off-campus student behavior and learn about their policies. Meetings with the impacted neighborhoods are in the process of being scheduled.

The extension is being requested to provide staff additional time to hold public meetings and draft amendments to existing provisions. Outreach and input from property owners is needed. More research and legal review of proposed amendments is also needed. A 180-day extension of the existing moratorium will provide staff the ability to complete these tasks. Said extension would expire February 9, 2018.

The initial moratorium was adopted in response to constituent complaints to Councilor Jim Lysen from residents in the neighborhood of Bates College. Specifically, it involved the number of students living in dwelling units and the adverse impact this creates, such as noise, overcrowding, increased parking demand, etc. While this activity has occurred for many years in neighborhoods around Bates College, it appears more single-family dwellings are accommodating students including, but not limited to, the Davis and White Street neighborhoods.

From a zoning perspective, the City allows lodging houses in the Neighborhood Conservation "B" (NCB) and Downtown Residential (DR) districts. The NCB abuts the southwestern side of the Bates campus. Planning and Code Enforcement will allow for the conversion of structures with a dwelling(s) into a lodging house as long as zoning, parking, and building code requirements are met. Lewiston Fire Prevention regulates one- and two-family dwelling as lodging houses if each dwelling unit is occupied by members of a single family and more than three outsiders, at which time a sprinkler and alarm system is required. If zoning and fire codes can be met, the applicant must also apply for a lodging license from the city. This is resulting in homes being converted into lodging houses for Bates students.

The adopted moratorium is providing the city time to investigate and prepare amendments to various sections of our code with respect to lodging houses. There is a concern that current provisions may not be protecting the residential character of certain neighborhoods or protecting against unhealthy or unsafe conditions.

The City Attorney has advised that a temporary moratorium on approvals of lodging houses should be permissible. 30-A MRS §4301 defines a moratorium to include an ordinance that “temporarily defers all development, or a type of development, by withholding any permit, authorization or approval necessary for the specified type or types of development.” With appropriate factual findings as to the need for the moratorium, it should be possible to justify the moratorium on the following basis: “Because the application of existing comprehensive plans, land use ordinances or regulations or other applicable laws, if any, is inadequate to prevent serious public harm from residential, commercial or industrial development in the affected geographic area.” 30-A MRS §4356(1)(B).

The adopted moratorium has provided staff time to investigate options for regulating lodging houses, specifically student housing. Staff has been advised that ordinances targeting student housing have resulted in a number of legal challenges around the country. Therefore, we may need to consider an ordinance that limits the number of unrelated persons that can live together in one household. Another consideration may be to change the boundaries of the NCB district, so lodging houses are simply no longer allowed. However, this may invoke a larger discussion about where the NCB districts are located, as they cover a diverse range of neighborhoods with different densities and housing types. Another option may be an overlay district in which lodging houses are permitted or prohibited within specific areas of the NCB and DR districts. Other considerations included adopting a “resident only” off-street parking requirement during specific hours of the day and additional education and outreach to the community of existing disorderly property policies.

The requested extension will provided additional time to investigate and develop ordinances regulating student housing and lodging houses.

## CITY OF LEWISTON

### EXTENTSION OF MORATORIUM ON LODGING HOUSES IN THE NEIGHBORHOOD CONSERVATION “B” DISTRICT

WHEREAS, the City Council of the City of Lewiston finds that lodging houses, as defined in the Code of Ordinances, Chapter 22, Article I and Appendix A, Zoning and Land Use Code as “lodging house”(s), located in the Neighborhood Conservation “B” (NCB) zoning district have had an adverse impact on the intended uses of properties in the area and have adversely impacted residents’ quality of living and the ability of property owners to improve and increase the values of their properties; and

WHEREAS, property owners in proximity to Bates College have been converting dwelling units into lodging houses to providing housing for students; and

WHEREAS, the number of students living in dwelling units is creating an adverse impact with respect to noise, overcrowding, increased parking demand, large gatherings, trash, public urination, and other nuisances; and

WHEREAS, the City Council finds that a concentration of lodging houses and dwellings providing student housing in proximity to Bates College creates unique public safety issues and excessive demand on the City’s ability to provide public safety services; and

WHEREAS, it has come to the City Council’s attention that the existing provisions of Lewiston’s Code of Ordinances and the Lewiston Zoning and Land Use Code relating to the licensing and allowance of lodging houses and the number of unrelated occupants in a dwelling unit in the NCB district and other zoning districts are not working effectively to prevent the problems described above and are inadequate to protect against the risk of serious public harm occurring as a result of improperly located lodging houses and dwellings housing students; and

WHEREAS, the City Council adopted a moratorium effective February 14, 2017 on the issuance of any permits and/or licenses for lodging houses or dwellings with more than three unrelated; and

WHEREAS, the City has begun to review and research regulations governing lodging houses and tenant behavior, parking, and the number of unrelated occupants in a dwelling during the time this moratorium is in effect; and

WHEREAS, additional time is need as the City intends to hold public hearings and amend its existing regulations governing lodging houses and the number of unrelated occupants in a dwelling during the time this moratorium is in effect; and

WHEREAS, these circumstances create the need to extend the initial moratorium an additional 180 days on the issuance of any permits and/or licenses for lodging houses or dwellings with more than three unrelated persons;

NOW, THEREFORE, be it ordained by the City Council of the City of Lewiston, Maine, in City Council assembled that, based on the foregoing findings, the following moratorium provisions are hereby adopted:

**1. Applicability**

During the time this moratorium is in effect, no official, officer, board, body, agency, agent or employee of the City of Lewiston shall accept, process, or act upon any application for any approval required under any ordinance of the City of Lewiston to establish a lodging house in the Neighborhood Conservation “B” (NCB) district.

**2. Definitions**

As used in this Ordinance, the following terms have the following meanings:

*Dwelling unit* means a room or group of rooms, containing at least three hundred (300) square feet of living area, designed and equipped exclusively for use as living quarters for one (1) family, including provisions for living, sleeping, cooking, and eating. The term shall not include hotel or motel rooms or suites, rooming house rooms, or similar accommodations

*Lodging house* means a building or group of attached or detached buildings containing lodging and/or dwelling units for occupancy for daily or weekly periods by persons not within the second degree of kindred to the person conducting the lodging house with or without board, in which common kitchen or living facilities may or may not be provided. The term "lodging house" shall not be meant to include the dormitories of charitable, educational or philanthropic institutions or associations, or any house where lodgings are let to less than five lodgers. A boarding house shall be considered a type of lodging house.

*Lodging house* means a building or group of attached or detached buildings containing three (3) or more lodging units for occupancy for weekly or longer periods of time with or without board, for compensation, in which common kitchen or living facilities may or may not be provided, as distinguished from hotels and tourist homes in which rentals are generally for daily or weekly periods and occupancy is by transients. Lodging units shall not meet the definition of a dwelling unit and for the purposes of computing density and parking requirements; two (2) lodging units shall equal one (1) multi-family dwelling unit. A boarding house shall be considered a type of lodging house.

*Neighborhood Conservation “B” (NCB) district* consists of areas to promote the stability and improvement of older multifamily residential neighborhoods by requiring the development of new buildings or the replacement, reuse or conversion of existing buildings to conform to the

type and density of housing existing within the immediate neighborhood as shown on the official zoning map. The standards of the district allow multifamily housing while encouraging the upgrading of this housing stock.

*Official zoning map* means a map prepared by the City of Lewiston planning board and adopted by the city council outlining each district established or modified by the municipality.

Terms not defined in this Ordinance shall have the same meanings as they have in the Code of Ordinances and the Zoning and Land Use Code Ordinance.

### **3. Establishment of Lodging Houses are prohibited**

No person or organization shall develop or operate a new lodging house or expand a lodging house within the NCB district within the City of Lewiston on or after the effective date of this ordinance and during the period in which this ordinance remains in effect. No new application for a license or permit to develop or operate a new lodging house within the NCB district within the City of Lewiston shall be processed or approved by any official, officer, board, body, agency, agent or employee of the City of Lewiston while this moratorium ordinance remains in effect.

### **4. Enforcement, Violation, and Penalties**

This ordinance shall be enforced by the Code Enforcement Officer of the City of Lewiston. Development, expansion, operation, or relocation of a new lodging house within the NCB district in the City of Lewiston in violation of this ordinance shall constitute a land use violation pursuant to 30-A MRSA sec. 4452. If a lodging house is established in violation of this ordinance, each day such use continues to exist constitutes a separate violation.

### **5. Effective Date**

Upon its enactment, this Ordinance takes effect on August 14, 2017 and shall remain in effect for a period of 180 days after the effective date, until February 9, 2018, unless earlier extended, repealed, or modified by the Lewiston City Council.

### **6. Applicability**

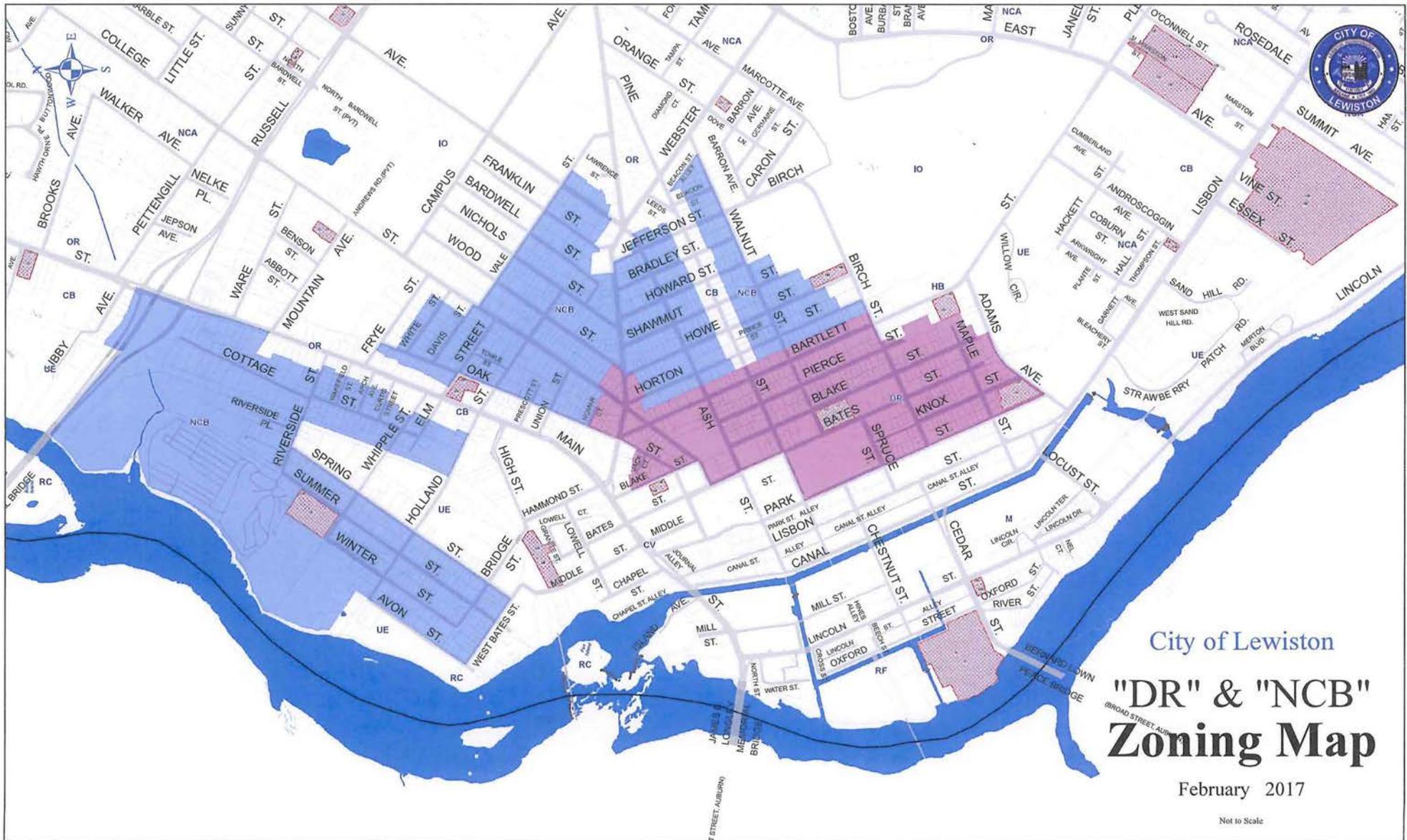
Notwithstanding the provisions of 1 M.R.S.A. § 302, this Ordinance shall apply to any proposal to establish a lodging house, whether or not an application or proceeding to establish said use would be deemed a pending proceeding under 1 M.R.S.A. § 302.

### **7. Severability**

Should any section or provision of this Ordinance be declared by any court to be invalid, such a decision shall not invalidate any other section or provision.

Adopted by the City Council: July 18, 2017 (effective July 18, 2017, being an extension of the moratorium initially adopted Council February 21, 2017, retroactively effective February 14, 2017).

Ordinance Expires: February 9, 2018



City of Lewiston

# "DR" & "NCB" Zoning Map

February 2017

Not to Scale

# LEWISTON CITY COUNCIL

MEETING OF JULY 18, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 21**

**SUBJECT:**

Public Hearing and Resolve Adopting Revised Federal FY2017 (City FY18) Community Development Block Grant (CDBG) and HOME Budgets and Final Action Plan.

**INFORMATION:**

The Council initially adopted the CDBG budget in May and reviewed the HOME budget in April. Since then, the federal CDBG allocation has increase by \$8,425. Staff recommends that this increase be appropriated toward the necessary match for the recently announced Lead and Healthy Homes grant we have received. In addition, the U.S. Department of Health and Human Services has recommended that we also take formal action to approve the HOME budget, something we have not traditionally done. The revised and final budgets are attached.

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

The City Administrator recommends approval of the requested action.

*EVAB/kmm*

**REQUESTED ACTION:**

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1) To conduct a Public Hearing regarding the revised CDBG and HOME Budgets and Final Action Plan

2) To approve the Resolve Adopting Revised Federal FY2017 (City FY18) Community Development Block Grant (CDBG) and HOME Budgets and Final Action Plan.



CITY OF LEWISTON, MAINE

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July 18, 2017

COUNCIL RESOLVE

**Resolve,** Adopting Revised Federal Fiscal Year 17 (City FY 18) Community Development Block Grant and HOME Budgets and Final Action Plan.

Whereas, in May, the City Council adopted a tentative FFY17 (City FY 18) Community Development Budget; and

Whereas, since then, we have received final notification of the grant amount including a \$8,425 increase in anticipated funding; and

Whereas, at an April 6<sup>th</sup> Council workshop, the Council reviewed the projected utilization of HOME funds; and

Whereas, we have been advised by the U.S. Department of Housing and Urban Development that the HOME budget should also be formally approved;

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

The attached Federal Fiscal Year 17 budgets for the Community Development Block Grant and HOME programs are hereby adopted.



COMMUNITY DEVELOPMENT BLOCK GRANT  
CITY FY 2018 BUDGET

	CFY 2017		CFY 2017	CFY 2017	CFY 2018		CFY 2018	CFY 2018
<b>SOURCES OF FUNDS:</b>								
A. FFY 17 Allocation: \$	\$800,805							
Less Social Services								
Less Enhanced Code Enforcement								
Less Rehab Admin: \$								
Less CD Admin: \$								
<b>Total available for programs:</b>	<b>\$800,805</b>							
B. FY 16 Program Income (FFY15)	\$268,840							
C. FY17 Projected Program Income								
Housing	\$84,000							
Commercial	\$80,000							
ESLP:	\$40,000							
<b>Total FY17 Projected Program Income</b>	<b>\$204,000</b>							
<b>*Note: Program Income generated from CDBG Revolving Loan Pools cannot be used to fund other projects. It Must be used to recapitalize the loan pools. However, total program income is used when determining the caps set for Administrative Expenses and Public Service Agency funding (CFR 24.200(g)) CFR24.201(e)(1). Program Income generated by the Economic Stimulus Loan Pool (ESLP), administered by the LAEGC is counted as CDBG program income</b>								
Caps:								
CD: Administration - (20% of Entitlement \$):			\$160,161					
Public Services -								
15% x (Grant + FY17 Program Income):			\$160,447					
Administration & Planning -								
20% x (Grant + Projected FY17 Program Income):			\$200,961					

City of Lewiston HOME Investment Partnership Program

	FY 2016 Beginning Balance	Expenses FFY 2016	Income FFY 2016	Balance of funds remaining FFY 2016	FY 2017 HOME Fund Allocation	FY 2017 Projected Program Income	Total Funds Available w/ the new allocation & projected income by category	Minus Projected 2017 Program income	Funds available to reallocate in FFY 2017 Budget	Proposed FFY 2017 Budget
<b>Activities</b>										
<b>Administration (10%)</b>							\$ -			
Salaries & Benefits	\$ 14,634.00	\$ 14,752.81		\$ (118.81)	\$ 15,493.00		\$ 15,374.19		\$ 15,374.19	\$ 15,374.19
		\$ -								
<b>Sub-Total Administration</b>	<b>\$ 14,634.00</b>	<b>\$ 14,752.81</b>		<b>\$ (118.81)</b>	<b>\$ 15,493.00</b>		<b>\$ 15,374.19</b>		<b>\$ 15,374.19</b>	<b>\$ 15,374.19</b>
<b>Programs</b>					\$ 139,445.00		\$ 139,445.00		\$ 139,445.00	
Special Project 11 Walker	\$ 5,000.00	\$ 17,398.05	\$ 99,231.48	\$ 86,833.43			\$ 86,833.43		\$ 86,833.43	\$ -
Homebuyer	\$ 42,370.00	\$ 7,812.60	\$ 8,201.96	\$ 42,759.36		\$ 6,675.00	\$ 49,434.36	\$ (6,675.00)	\$ 42,759.36	\$ 35,000.00
Homeowner Rehab	\$ 150,000.00	\$ 125,435.38	\$ 11,463.04	\$ 36,027.66		\$ 7,085.00	\$ 43,112.66	\$ (7,085.00)	\$ 36,027.66	\$ 140,082.80
Tenant Security Deposits	\$ 14,871.00	\$ 14,102.00	\$ 9,913.50	\$ 10,682.50		\$ 7,880.00	\$ 18,562.50	\$ (7,880.00)	\$ 10,682.50	\$ 17,000.00
Rental Housing Development	\$ 248,880.00	\$ 46.89		\$ 248,833.11			\$ 248,833.11		\$ 248,833.11	\$ 350,000.00
COOP	\$ 214,750.00	\$ 166,538.26		\$ 48,211.74			\$ 48,211.74		\$ 48,211.74	\$ 70,710.00
<b>Sub-Total Programs</b>	<b>\$ 675,871.00</b>	<b>\$ 331,333.18</b>	<b>\$ 128,809.98</b>	<b>\$ 473,347.80</b>	<b>\$ 139,445.00</b>	<b>\$ 21,640.00</b>	<b>\$ 634,432.80</b>	<b>\$ (21,640.00)</b>	<b>\$ 612,792.80</b>	<b>\$ 612,792.80</b>
<b>Total Budget</b>	<b>\$ 690,505.00</b>	<b>\$ 346,085.99</b>	<b>\$ 128,809.98</b>	<b>\$ 473,228.99</b>	<b>\$ 154,938.00</b>	<b>\$ 21,640.00</b>	<b>\$ 649,806.99</b>	<b>\$ (21,640.00)</b>	<b>\$ 628,166.99</b>	<b>\$ 628,166.99</b>

# Economic and Community Development

Lincoln Jeffers  
Director



**To:** Honorable Mayor and Members of the City Council  
**From:** Lincoln Jeffers  
**RE: Revisions to CDBG/HOME Budget and Final Action Plan Approval**  
**Date:** July 11, 2017

The City Council approved the tentative FY18 CDBG budget and Action Plan at the May 2<sup>nd</sup> City Council Meeting. That budget was based on the recommendation from HUD to budget using flat funding from the prior year. A copy of my April 4<sup>th</sup> and April 27<sup>th</sup> memos on the budget are attached.

Since that action was taken, Congress has approved a budget appropriation that did flat fund HOME and CDBG. However, for the first time in the CDBG program's 43 year history, the number of CDBG entitlement grantees declined by three communities in FY18, resulting in more funding going to each of the remaining entitlement grantees. In FY17, Lewiston received \$792,380 in CDBG funds. In FY18, Lewiston has been awarded \$800,805 in CDBG funds; an increase of \$8,425 (1.06%).

At the time the draft CDBG budget was approved, the City had applied for but not yet received notice that we have been awarded a \$3 million lead grant and a \$400,000 Green and Healthy Homes grant. Those grants will require a total of \$506,000 in matching funds over the three year grant term. It is recommended that all \$8,425 of additional CDBG funds be used to increase the amount of funding available for lead match in FY18, and that the rest of the budget allocation remain the same as already approved by the City Council

## **HOME Budget**

Lewiston is part of a HOME Investment Partnership Consortium with Auburn. The Consortium receives a formula derived allocation of HOME funds annually which can only be used to provide assistance to low income homeowners, tenant based rental assistance, or the creation of new affordable housing. Auburn is the lead administrative entity for the grant and receives 4% of the total grant amount for doing so. The remaining balance is split evenly between the two cities.

At the April 6<sup>th</sup> City Council Workshop on the CDBG budget and Action Plan there was a slide included that showed the projected utilization of HOME funds. It is attached and marked as having been shown on that date. Historically the

Lewiston City Council has been made aware of the annual HOME budget but has not taken formal action. Lewiston's HOME budget has been approved as part of Auburn Council actions. Feedback received by HUD as to best management practices indicate that the Lewiston City Council should approve the HOME budget. We will be amending the CDBG Citizen Participation Plan policy at the August City Council meeting to codify that policy change.

For FY18 (Federal Fiscal Year – FFY17) the Consortium has been allocated \$322,787. Lewiston's share of that allocation is \$154,938. Attached is a revised HOME budget that shows recommendations for how the HOME funds should be used in FY18. HOME funds can be carried forward from year to year and be combined with program income and the new allocation be utilized as approved by the City Council.

### **HOME Budget Recommendations**

- Salaries & Benefits  
The HOME program allows 10% of the grant received to be used for program administration.
- Homebuyer Savings Program  
This program assists low income homebuyers to save money for the down payment and closing costs associated with buying their primary home. The program provides a 5:1 grant match for every dollar saved by the homebuyer, up to a maximum \$5,000 match from the city. There has been increasing interest in this program, and, accordingly, it is recommended that \$41,675 be allocated to the program for FY18.
- Homeowner Rehabilitation Program  
This program was well utilized in FY17, with \$125,438 in loans funded by the city. It is recommended that \$156,048 be allocated to the program for FY18.
- Tenant Security Deposit  
The city makes low interest loans to pay security deposits for tenants who are homeless or at risk of becoming homeless. The default rate on these loans is very low. Based on historic utilization patterns, it is recommended that this loan program be capitalized at \$16,000
- Rental Housing  
The city has committed to providing \$325,000 in HOME funds to assist in the development of the 63 unit mixed income Hartley Block. The project is expected to begin construction this fall. The \$350,000 provides the funds to meet that commitment and allows for staff time allocated to the project.
- COOP  
The Raise-Op Cooperative is in the midst of renovating 141 Pierce Street. The recommended funding of \$70,710 will fully fund the agreed to renovation costs.

The City Council is asked to hold a public hearing regarding the revised CDBG and HOME budgets and to take action approving the same.

*April 6, 2017 Workshop*

**City of Lewiston HOME Investment Partnership Program**

	<b>Cumulative Funds Available at FY 2016 End</b>	<b>FY 2017 HOME Fund Allocation</b>	<b>FY 2017 Projected Program Income</b>	<b>Funds Available for Program Reallocation</b>	<b>Proposed Reallocation for the FY 2017 Budget</b>
<b>Activities</b>					
<b>Administration (10%)</b>		\$ 15,537.00		\$ 15,537.00	
Salaries & Benefits	\$ -				\$ 14,037.00
Office Supplies, Printing	\$ -				\$ 1,500.00
<b>Sub-Total Administration</b>					<b>\$ 15,537.00</b>
<b>Programs</b>		\$ 139,842.00		\$ 139,842.00	
Homebuyer *	\$ 123,359.00		\$ 6,189.00	\$ 129,548.00	\$ -
Homeowner Rehab* *	\$ 57,904.00		\$ 8,100.00	\$ 66,004.00	\$ 52,449.00
Tenant Security Deposits	\$ -		\$ 2,750.00	\$ 2,750.00	\$ 25,000.00
Rental Housing Development	\$ 249,305.00			\$ 249,305.00	\$ 360,000.00
CHDO Project					\$ 150,000.00
<b>Sub-Total Programs</b>					<b>\$ 587,449.00</b>
<b>Total Budget</b>	<b>\$ 430,568.00</b>	<b>\$ 155,379.00</b>	<b>\$ 17,039.00</b>	<b>\$ 602,986.00</b>	<b>\$ 602,986.00</b>

\* Includes Income from Sale of 11 Walker Avenue

\*\* Includes Coop Project and 9 homeowner rehabs

**At the beginning of each budget year, the City is authorized to reallocate program funding based on program need.**

# Economic and Community Development

Lincoln Jeffers

Director



**To:** Honorable Mayor and Members of the City Council  
**From:** Lincoln Jeffers  
**RE: Proposed CDBG Budget and Action Plan**  
**Date:** April 4, 2017

Lewiston is a Community Development Block Grant (CDBG) Entitlement Community. The City receives a Federal grant each year which is to be spent to benefit low to moderate income residents. As with the municipal budget, the City Council decides how CDBG funds are invested each year. However, as a Federal grant, there are regulations and processes which must be abided by in coming to that decision. Following is more detail on CDBG and the process for how those funds are to be spent.

## Background

The CDBG program was created in 1974 to help states and communities combat poverty and assist in the development of viable urban communities. It is administered by the Department of Housing and Urban Development (HUD). The overarching goals of the program are to help provide the following, principally for persons of low and moderate income:

- Decent housing
- A suitable living environment
- Expanded economic opportunities

To achieve these goals, CDBG regulations set forth eligible activities and the national objectives that each activity must meet. As a recipient of CDBG funds, Lewiston is charged with ensuring that these requirements are met.

Lewiston has been a CDBG Entitlement Community since 1974 and annually receives a funding allocation directly from HUD based on a formula established by Congress. Other communities in Maine designated as Entitlement Communities are Portland, Bangor, Auburn, Biddeford, and Cumberland County. The State of Maine also receives a funding allocation that is distributed by the state to other non-entitlement communities on a competitive, per project basis each year.

The bulk of Lewiston's CDBG funds are invested in or to the benefit of the residents of a Target Area, Census Tracts 201 -204 (map attached). Historically, the city has used its funds primarily on housing improvements, economic

development, infrastructure improvements in the Target Area, and social services. So long as the broad national goals of the program are met there is considerable flexibility in how the funds are spent.

The level of funding Lewiston will receive in FY 2018 is uncertain. Under President Trump's proposed initial budget the CDBG Program is eliminated. There is push back from Congress on its elimination, with Senator Collins, Senate Chair of Appropriations, Subcommittee on Transportation, Housing and Urban Development being a strong proponent for continuing CDBG funding. HUD has recommended that Entitlement Communities use flat funding from FY 2017 to develop their proposed budgets for FY 2018. Lewiston received \$792,380 in FY 2017. If Congress appropriates a different level of funding for FY 2018 the City Council will need to revisit the CDBG budget allocations. It is worth noting that over the last 8 years Lewiston's allocation has shrunk 24%, from \$1,040,235 in FY 2010 to an estimated \$792,380 in FY 2018.

### **Planning and Goals**

As an Entitlement Community, Lewiston must meet significant administrative and reporting requirements from HUD. Among those requirements is developing and adopting a 5 year strategic plan, known as the *Consolidated Plan*, which outlines how CDBG funds will be utilized over the term of the plan. Beginning in the fall of 2014 Lewiston's 7 member CDBG Citizen Advisory Committee (CAC), along with staff and consultant, held six public meetings and numerous interviews with stakeholder groups to identify the most critical eligible needs to which Lewiston's CDBG funds should be targeted. Those discussions informed development of the 2015 -2019 Consolidated Plan, which was approved by the City Council in 2015.

To very briefly summarize, the Plan has 4 high priority, 3 medium priority and 1 low priority goals. They are:

#### High Priority

- A. Support people in their efforts to transition out of poverty
- B. Prevent homelessness
- C. Improve the safety and energy efficiency of the housing stock
- D. Reduce lead hazards in housing

#### Medium Priority

- A. Increase neighborhood pride through investment in infrastructure
- B. Promote jobs and economic growth
- C. Create more stable and diverse mixed income neighborhoods

#### Low Priority

- A. Support Fair Housing and increase housing choice.

The full Consolidated Plan can be viewed on the city's web site at <http://www.lewistonmaine.gov/DocumentCenter/View/151> .

## **Citizen Advisory Committee FY 2018 Funding Recommendations**

In December 2016 the City issued a Notice of Funding Availability and invited social service providers and others to submit requests for CDBG funds. The CAC goes through an exhaustive review of the applications and interviews those with new programs or ones about which they have questions. The CAC then scores those applications based on how well each application meets the following criteria:

- a) Supports the 5 Year Strategic Plan and its goals (can score up to 35 points)
- b) Meets a critical unmet need (can score up to 35 points)
- c) Is within the applicants capacity to carry out (can score up to 20 points)
- d) Is cost effective (can score up to 10 points)

The majority of the CAC's time is spent evaluating the agency and public infrastructure requests. The scoring process has evolved and been fine-tuned by the CAC over the last few years to improve its objectivity. The integrity of the process has been maintained in each funding cycle, with improvements identified implemented in the following budget year.

Attached is the budget showing the CAC's recommendations for the city's CDBG spending in FY 2018. The City received 15 social service agency applications requesting \$221,988 in funding. CAC recommends investing \$152,222 on fourteen social service agencies/programs including \$58,500 to fund one full time position with benefits in Lewiston's General Assistance Office. Lewiston's GA office provides front line assistance to help very low income residents meet their most basic needs, meeting the national objectives of providing decent housing and a suitable living environment.

The CAC developed their funding recommendations for the other 13 agencies based on the following formulas:

For those agencies that scored 90 or above:

***Amount requested X score expressed as a % X 70%***

For those agencies that scored 85 - 89

***Amount requested X score expressed as a % X 60%***

For those agencies that scored 84

***Amount requested X score expressed as a % X 50%***

For those agencies that scored 81 – 83

***Amount requested X score expressed as a % X 40%***

HUD calculates the 15% social service agency cap on the annual allocation plus the prior year's program income. The program income is estimated, and, accordingly, staff does not recommend funding all the way up to the cap. If loan repayments are less than projected the cap could be exceeded, which would cause compliance and possible repayment issues with HUD. The recommended level of funding is 4.4% below the cap.

### **Administration**

HUD regulations have a 20% cap on CD Office Administration and Planning. The recommended budget includes \$144,219 to fund staff salaries and costs of operation for the Community Development office; which is 7.2% (\$14,257) below the HUD cap of \$199,276. It should be noted that Economic and Community Development Department staff salaries and benefits are paid from a variety of federal grants and TIF agreements and do not affect the General Fund.

### **Housing**

CDBG has been funding a Code Enforcement position dedicated to the target area since FY 2012. The position has played an essential role in identifying and recommending properties to be demolished, working with landlords to improve the quality of the housing stock, and addressing resident concerns. The CAC recommends continuing to fund the position at a cost of \$68,551.

Also recommended for funding is \$104,836 for administration of the city's rehabilitation loan programs. This funding is used for salaries, benefits and office supplies for the staff that promote, intake, and underwrite loans, document and process disbursements for those loans, and report to HUD.

Community Concepts (CCI) work with city code enforcement and CDBG staff on rehabilitation projects to identify issues in buildings, then write the scope of services for improvements to be made, manage the bidding process, and ride herd during construction. The proposed budget recommends \$15,000 to fund this assistance.

CCI also runs a weatherization program that helps low/moderate income residents weatherize their homes. The CAC recommends \$50,000 be allocated to this program which provides grants to very low income individuals for replacement of roofs, upgrading of electrical systems, or other improvements that must be made to leverage and allow weatherization grant funding to be invested in these owner occupied properties. This program benefits Lewiston's most needy homeowners, many of who are elderly.

Two other programs are recommended for funding under the national objective of improving housing. Both are new programs that will be run by the City. A Bed Bug Encasement Program is recommended for \$7,300 in funding. It will provide bed bug encapsulation covers for mattresses after a landlord has provided proof from a pest management company that their apartment building has been treated and is bed bug free.

The second program is Energy Smart Lewiston, which is recommended for \$24,500 in funding. The Energy Smart Program will work in conjunction with Efficiency Maine Energy Upgrade and Insulation Bundle and is targeted to low income homeowners of one and two unit owner occupied buildings, as well as mobile homes. The total assessed value of the property of those assisted under the program must be no more than \$80,000. The program will pay the \$50 enrollment fee of the Efficiency Main program for those at or below 65% of the Area Median Family Income (\$29,575 for a family of two); providing them access to a comprehensive bundle of energy efficiency upgrades, including an energy assessment and evaluation of existing R Values of building elements and air infiltration, insulation of box sills and/or the underside of mobile homes and air sealing as recommended by the assessment, and installation of LED lights, low flow showers and faucet aerators. Participation in the program makes participants eligible for deep discounts on further energy upgrades and the installation of ductless heat pumps. CDBG funds will be used to pay the enrollment fee for income qualified residents, as well as to fund minor repairs or major energy improvements up to a total of \$2,500 per address with forgivable loans so long as the borrower stays in the home as their primary residence for at least five years.

### **Infrastructure**

CDBG regulations allow funding of public infrastructure improvements that will improve the quality of life of residents in the target area.

In FY 2017 the CAC recommended \$25,000 in CDBG funds to serve as seed capital for a \$787,000 capital campaign for Shane's Inspiration, a universally accessible playground to be built on the site of Marcotte Park.. It was originally anticipated that the \$25,000 would be used for site work. As more details in the design of the park came to light it became evident that more funds were needed to complete the site work. To date, \$159,569 in non CDBG funds has been raised for the project. The CAC is recommending an additional \$150,000 in CDBG funds that can be used in conjunction with other funds to complete the site work for the entire park, and to complete one phase of the playground equipment planned for installation.

Healthy Androscoggin submitted a \$32,286 funding request to improve communication among stakeholders that will result in an expanded trail network, improved trail conditions, and to install additional wayfinding signage to improve knowledge about and the visibility of Lewiston's trail network. These funds will be used to better inform and coordinate the installation of a previously approved \$50,000 bond allocation for wayfinding signage.

There are buildings on Lisbon Street between Ash and Main Street that do not have fiber optic internet connectivity. The rest of the downtown commercial corridor has that capacity. This is an area of the city with historic buildings that are prime for residential and commercial redevelopment. An initial bid of \$10,000 was submitted by Oxford Networks to provide service to one of the unserved buildings. City Staff is working with Oxford Networks to determine the cost of providing access to all of the unserved buildings. Doing so will improve

the livability and marketability of this portion of the downtown, located in the heart of the CDBG Target Area. In the draft budget, \$15,000 is allocated for installation of broadband fiber optics in this area of the City. This number may change as more information about the cost of installing broadband to fully serve this area of the city becomes available. Depending upon the cost, the investment may be phased over several years.

The amount not needed for expansion of broadband is recommended to be used for match for the city's share of the \$3 million Lead Hazard Reduction Demonstration Grant and \$400,000 Green and Healthy Homes Grant that the City recently applied for. The grants require a match of 25%, of which the city's share is \$506,000 over the next three years if the City is awarded a grant.

### **Conclusion**

The CAC takes considerable time and care in developing their recommendations for the City Council. Their deliberations are always engaged and spirited with many viewpoints expressed. Their challenge is significant. The CAC's goal is to make recommendations to invest these scarce dollars in ways that will provide the most benefit to the city and its low to moderate income residents, following the guidelines of the *Consolidated Plan*.

While the CAC makes recommendations, the final decision on how CDBG dollars are invested is the City Council's.

# Economic and Community Development

Lincoln Jeffers

Director



**To:** Honorable Mayor and Members of the City Council  
**From:** Lincoln Jeffers  
**RE: 2018 CDBG Budget**  
**Date:** April 27, 2017

Included in your packet is my April 4<sup>th</sup> memo which outlined the recommendation process and proposed CDBG budget for FY 2018. One change has been made to the proposed CDBG budget since that memo and the April 6 council workshop on the budget.

In the original proposed budget \$15,000 was recommended for funding to extend fiber optic to an unserved portion of the north end of Lisbon Street. In my exchanges with First Light (formerly Oxford Networks) the company has decided to self-fund the initial extension of fiber to that area of Lisbon Street.

The recommended CDBG budget has been amended to reallocate the fiber optic extension funds to the Lead Grant match, increasing that allocation to \$90,265. As noted in my April 4<sup>th</sup> memo, the lead grant funds will be used to meet the 25% match requirement if the city is successful in securing a new, \$3 million lead grant and \$400,000 Green and Healthy Homes Grant. If the city receives the grant, our match requirement is \$506,000 over the 3 year term of the grant.

This possible reallocation of the fiber optic funds if the situation warranted it was discussed with and agreed to by the CDBG Citizen Advisory Committee at their last meeting.

**LEWISTON CITY COUNCIL**  
**MEETING OF JULY 18, 2017**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 22**

**SUBJECT:**

Resolve Acknowledging Receipt of the Report of the Lewiston Auburn Joint Charter Commission.

**INFORMATION:**

The Members of the Lewiston Auburn Joint Charter Commission were elected in November 2015 in accordance with Maine Revised Statutes Title 30-A Section 2152 and have worked since then to draft an agreement between the participating municipalities, including the names of the municipalities; the name proposed for the consolidating municipalities; the property belonging to each municipality and its fair value; the indebtedness of each municipality; the proposed name and location of the municipal office; the proposed charter; the terms for apportioning tax rates to service the existing bonded indebtedness of the respective municipalities; and any other necessary and proper facts and terms.

The Commission has now submitted its report and this action will acknowledge its receipt. The report is also available to the public on their website.

<http://newlacherter.ning.com/reference/document-set-delivered-to-cities-june-30-2017>

Prior to submitting the consolidation agreement to the voters, the municipal officers must hold a public hearing on the report and schedule an election on the consolidation question.

**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 Acknowledging Receipt of the Report of the Lewiston Auburn Joint Charter Commission.



COUNCIL RESOLVE

**Resolve,** Acknowledging Receipt of the Report of the Lewiston Auburn Joint Charter Commission.

Whereas, the Members of the Lewiston Auburn Joint Charter Commission were elected in November 2015 in accordance with Maine Revised Statutes Title 30-A Section 2152; and

Whereas, the Commission has worked since then to draft an agreement between the participating municipalities including the names of the municipalities; the name proposed for the consolidating municipalities; the property belonging to each municipality and its fair value; the indebtedness of each municipality; the proposed name and location of the municipal office; the proposed charter; the terms for apportioning tax rates to service the existing bonded indebtedness of the respective municipalities; and any other necessary and proper facts and terms; and

Whereas, the Commission has submitted its report; and

Whereas, prior to submitting the consolidation agreement to the voters, the municipal officers must hold a public hearing on the report and schedule an election on the consolidation question;

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

The City Council hereby acknowledges receipt of the report of the Lewiston Auburn Charter Commission.

## Maine Revised Statutes

### Title 30-A: MUNICIPALITIES AND COUNTIES

#### Part 2: MUNICIPALITIES

#### Subpart 2: ORGANIZATION AND INTERLOCAL COOPERATION

#### Chapter 113: CONSOLIDATION, SECESSION AND ANNEXATION

#### Subchapter 1: CONSOLIDATION

### §2152. Joint charter commission

**1. Petition.** The voters of a municipality may file a petition in the municipal office that must:

A. Be addressed to the municipal officers; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Be signed by at least 10% of the voters of that municipality, except that only 1,000 signatures are necessary in municipalities of 10,000 or more voters; [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Propose that the municipality be consolidated with another municipality, or other municipalities, named in the petition; and [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

D. Request that 3 persons be elected by the voters of the municipality to serve as members of a joint charter commission for the purpose of drafting a consolidation agreement. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**2. Joint charter commission.** If a petition is filed as required under subsection 1, the 3 members of a joint charter commission shall be elected at the next special or regular election in

the manner provided for the election of municipal officers. The election of members by 2 or more municipalities authorizes the commission to draft the consolidation agreement. If a municipality does not elect members, it may not participate in the consolidation.

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**3. Consolidation agreement.** The joint charter commission shall draft an agreement between the consolidating municipalities which includes:

**A. The names of the municipalities;** [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**B. The name under which it is proposed to consolidate, which must be distinguishable from the name of any other municipality in the State, other than the consolidating municipalities;** [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**C. The property, real and personal, belonging to each municipality, and its fair value;** [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**D. The indebtedness, bonded and otherwise, of each municipality;** [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**E. The proposed name and location of the municipal office;** [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**F. The proposed charter;** [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**G. The terms for apportioning tax rates to service the existing bonded indebtedness of the respective municipalities; and** [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

**H. Any other necessary and proper facts and terms.** [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

**4. Submission of consolidation agreement.** The consolidation agreement shall be submitted to the voters of each municipality at a municipal election after notice and hearing as provided in paragraphs A and B. The consolidation agreement may be amended, provided that the amended agreement meets the notice and hearing requirements of paragraphs A and B. Upon approval of a majority of those voting in each of 2 or more municipalities, the consolidation agreement becomes effective, according to its terms, in those municipalities.

A. The municipal officers of each municipality shall hold a public hearing on the consolidation agreement. The public hearing may be held on more than one day, provided that it adjourns permanently at least 10 days before the election. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. The municipal officers shall notify the voters of each municipality of the consolidation agreement and of the time and place of the public hearing in the same manner that the voters of each municipality are notified of ordinances to be enacted. This notice must be given at least 30 days before the election and at least 10 days before the hearing. [1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[ 1987, c. 737, Pt. A, §2 (NEW); 1987, c. 737, Pt. C, §106 (NEW); 1989, c. 6, (AMD); 1989, c. 9, §2 (AMD); 1989, c. 104, Pt. C, §§8, 10 (AMD) .]

#### SECTION HISTORY

1987, c. 737, §2, §106 (NEW). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§8, 10 (AMD).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.

If you need legal advice, please consult a qualified attorney.

[Office of the Revisor of Statutes \(mailto:webmaster\\_ros@legislature.maine.gov\)](mailto:webmaster_ros@legislature.maine.gov) • 7 State House Station • State House Room 108 • Augusta, Maine 04333-0007

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# LEWISTON CITY COUNCIL

## MEETING OF JULY 18, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 23**

**SUBJECT:**

Order, Authorizing Execution and Filling of a Notice to Extend Exception Pursuant to 23 M.R.S. Section 3032 – Proposed, Unaccepted Ways.

**INFORMATION:**

Over twenty years ago, a statute was approved by the State Legislature that automatically eliminated all proposed, unaccepted ways (frequently referred to as paper streets) shown on subdivision plans recorder prior to September 17, 1987 unless municipalities took action to except certain of them from this automatic vacation. The City of Lewiston has an unusually large number of such streets, many of which provide the only point of access to certain lots that otherwise would may not have street frontage. In 1997, the City took action to except all paper streets in Lewiston from elimination for a twenty year period. That period ends this summer, and the City has the authority to further exempt such streets for an additional twenty-year period.

Before allowing such streets to be eliminated, the City would have to review the specific situation of each street to determine whether such elimination was appropriate or if it could potentially adversely affect the rights of property owners abutting those “streets.” We currently have neither the staff nor the resources to undertake the necessary research. As a result, staff recommends that we take the necessary steps to preserve these paper streets for an additional twenty year period.

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

The City Administrator recommends approval of the requested action.



**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve the Order, Authorizing Execution and Filling of a Notice to Extend Exception Pursuant to 23 M.R.S. Section 3032 – Proposed, Unaccepted Ways.



COUNCIL ORDER

**Order**, Authorizing Execution and Filing of a Notice to Extend Exception Pursuant to 23 M.R.S. § 3032

**WHEREAS**, the City Council, at a meeting held on July 15, 1997, authorized the City Administrator to file in the Androscoggin County Registry of Deeds on behalf of the municipal officers a Notice of Exception pursuant to 23 M.R.S. § 3032(2) that all proposed, unaccepted ways or portion of proposed, unaccepted ways located within the City of Lewiston, and shown upon a plan recorded prior to September 17, 1987 in the Androscoggin County Registry of Deeds, be excepted from the operation of the time limitations of 23 M.R.S. § 3032(1) for a period of twenty years ("Notice"); and

**WHEREAS**, on August 26, 1997, the City Administrator recorded the Notice in the Androscoggin County Registry of Deeds in Book 3836, Page 288; and

**WHEREAS**, pursuant to said Notice and 23 M.R.S. § 3032, the exception will expire August 26, 2017 unless extended by the municipal officers for a subsequent twenty year period by filing a new notice; and

**WHEREAS**, the City desires to extend the exception for an additional twenty year period;

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

the Notice to Extend Exception Pursuant to 23 M.R.S. § 3032 extending the exception for an additional twenty year period, in the form attached, is hereby authorized and the City Administrator is authorized to execute and file the notice as contemplated by this Order.

**NOTICE TO EXTEND EXCEPTION PURSUANT TO 23 M.R.S. § 3032**

**CITY OF LEWISTON**

After due consideration, at a meeting held on \_\_\_\_\_, 2017, the Lewiston City Council authorized Edward A. Bartlett, City Administrator, to file this Notice pursuant to 23 M.R.S. § 3032.

The Municipal Officers of the City of Lewiston hereby extend its Notice of Exception Pursuant to 23 M.R.S. § 3032(2) dated August 18, 1997 and recorded in the Androscoggin County Registry of Deeds in Book 3836, Page 288, all proposed, unaccepted ways or portions of proposed, unaccepted ways located within the City of Lewiston, and shown upon a plan recorded prior to September 17, 1987 in the Androscoggin County Registry of Deeds are excepted from the operation of the time limitations of 23 M.R.S. § 3032(1) for an additional period of twenty years from the date of the filing of this notice.

Dated this \_\_\_\_\_, 2017

CITY OF LEWISTON

By: \_\_\_\_\_  
Edward A. Barrett  
Its: City Administrator

STATE OF MAINE  
COUNTY OF ANDROSCOGGIN \_\_\_\_\_, 2017

Personally appeared the above-named Edward A. Barrett, City Administrator for the City of Lewiston and acknowledged the above instrument to be his free act and deed and the free act and deed of the City of Lewiston.

Before me,

\_\_\_\_\_  
Notary Public/Attorney-at-Law

\_\_\_\_\_  
(Print Name)

# LEWISTON CITY COUNCIL

## MEETING OF JULY 18, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 24**

**SUBJECT:**

Resolve Accepting and Reaffirming the Acceptance of certain roads as Public Easements.

**INFORMATION:**

As a part of the City's overall agreement with Franklin Property Trust allowing for the division of Franklin property into individual lots, Franklin agreed to deed to the City certain previously accepted public easements that provide access to these various properties. In addition, two other small parcels will be deeded to the City for use as public easements along with a trail easement along the river. The attached resolve will accept the new access roads as public easements, reaffirm the status of the previous public easements and adjust them where necessary to more clearly defined boundaries, and grant to Franklin an easement over two parcels (256 and 260 Lincoln Street) that the City will own as public green space. The grant of an easement to Franklin recognizes that there may potentially be utilities located in these open spaces that serve other nearby properties.

Attached are a listing of the "roads" to be transferred to the City, a copy of the quitclaim release deed to these properties and easements from Franklin, and maps delineating the exact boundaries involved.

**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 Accepting and Reaffirming the Acceptance of certain roads as Public Easements.



COUNCIL RESOLVE

**Resolve, Accepting and Reaffirming the Acceptance of Certain Roads as Public Easements.**

**Whereas, the City and Franklin Property Trust recently entered into an agreement under which various properties owned by Franklin were divided into lots to provide the opportunity for individuals who own buildings on land leased from Franklin to purchase the land on which their building is located; and**

**Whereas, as part of this division, Franklin has agreed to deed certain roads and passages to the City to allow for access to the various properties that have been created; and**

**Whereas, while a number of these roads have previously been accepted by the City as public easements, it is possible that their legal descriptions have changed over time; and**

**Whereas, in addition, two new right of ways have been created and should be accepted by the City as public easements;**

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

The acceptance of the following public easements is hereby reaffirmed with the boundaries as described on the attached Exhibit A: Sand Hill Road, Strawberry Patch Road, Merton Boulevard, Willow Circle, River Street, Oxford Street, Lincoln Terrace, Lincoln Drive, Lincoln Circle, and Nel's Court.

**Be it Further Resolved,** that the following Parcels are hereby accepted as public easements as described on Exhibit A: Right of Way "A" and Right of Way "B".

**Be It Further Resolved,** that the City acknowledges Franklin Property Trust's reservation of an easement over, in and to certain 256 Lincoln Street and 260 Lincoln Street for the purpose of maintaining, repairing, and replacing all of the existing utilities, structures, and other improvements located in whole or in part within these parcels.

### Franklin Company "Road" Transfers

Street/Road	Notes	City Clerk Street Acceptance Book		
		Volume	Page	Date
Lincoln Circle	Easement	4	73	10/6/1987
Lincoln Drive	Easement	4	73	10/6/1987
Lincoln Terrace	Easement	4	73	10/6/1987
Merton Blvd	Easement	4	73	10/6/1987
Sand Hill Rd	Easement	4	73	10/6/1987
Strawberry Patch Rd	Easement	4	73	10/6/1987
Willow Circle	Easement	4	73	10/6/1987
Oxford St		1	388-389	7/5/1912
River St		1	319	10/30/1891
Right of Way A	Off Sand Hill Rd - Not Accepted			
Right of Way B	Off Sand Hill Rd - Not Accepted			

**QUITCLAIM RELEASE DEED**

FRANKLIN PROPERTY TRUST LLC (hereinafter sometimes referred to as the “Grantor”), a limited liability company duly organized and existing under the laws of the State of Maine, with an office in Lewiston, County of Androscoggin, State of Maine, releases to THE CITY OF LEWISTON (hereinafter sometimes referred to as the “Grantee”), a body politic and corporate with an office at 27 Pine Street, Lewiston, Maine, 04240, certain lots or parcels of land situated in Lewiston, County of Androscoggin, State of Maine, bounded and described as follows:

See Exhibit A annexed hereto and incorporated herein.

**IN WITNESS WHEREOF**, the Grantor has caused this instrument to be executed on this \_\_\_\_ day of \_\_\_\_\_, 2017.

FRANKLIN PROPERTY TRUST LLC

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Stanley Sclar  
Its Manager, thereunto duly authorized

STATE OF MAINE  
ANDROSCOGGIN COUNTY \_\_\_\_\_, 2017

Then personally appeared the above-named Stanley Sclar and acknowledged the foregoing instrument to be his free act and deed.

Before me,

\_\_\_\_\_  
Notary Public/Attorney at Law  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

## EXHIBIT A

### SECTION I: THE PARCELS

Certain lots or parcels of land in Lewiston, County of Androscoggin, State of Maine, bounded and described as follows:

**Parcel 1: Sand Hill Road.** The parcel depicted as “Sand Hill Road” on the Division Plan, Sand Hill, Lewiston, Maine, prepared for Franklin Property Trust LLC by Jones Associates Inc., dated March 9, 2016, revised through April 26, 2016, and recorded in the Androscoggin County Registry of Deeds in Plan Book 51, Page 105, comprising approximately 42,876 square feet.

**Parcel 2: Strawberry Patch Road.** The parcel depicted as “Strawberry Patch Road” on the Division Plan, Sand Hill, Lewiston, Maine, prepared for Franklin Property Trust LLC by Jones Associates Inc., dated March 9, 2016, revised through April 26, 2016, and recorded in the Androscoggin County Registry of Deeds in Plan Book 51, Page 105, comprising approximately 5,052 square feet.

**Parcel 3: Right of Way “A”.** The parcel depicted as “Right of Way ‘A’” extending from Sand Hill Road westerly to land now or formerly of St. Laurent & Son, Inc., on the Division Plan, Sand Hill, Lewiston, Maine, prepared for Franklin Property Trust LLC by Jones Associates Inc., dated March 9, 2016, revised through April 26, 2016, and recorded in the Androscoggin County Registry of Deeds in Plan Book 51, Page 105, comprising approximately 9,887 square feet.

**Parcel 4: Right of Way “B”.** The parcel depicted as “Right of Way ‘B’” extending from Sand Hill Road northwesterly to land now or formerly of St. Laurent & Son, Inc., on the Division Plan, Sand Hill, Lewiston, Maine, prepared for Franklin Property Trust LLC by Jones Associates Inc., dated March 9, 2016, revised through April 26, 2016, and recorded in the Androscoggin County Registry of Deeds in Plan Book 51, Page 105, comprising approximately 8,176 square feet.

**Parcel 5: Merton Boulevard.** The parcel depicted as “Merton Boulevard” on the Division Plan, Merton Boulevard, Lewiston, Maine, prepared for Franklin Property Trust LLC by Jones Associates Inc., dated March 7, 2016, revised through April 26, 2016, and recorded in the Androscoggin County Registry of Deeds in Plan Book 51, Page 107, comprising approximately 23,325 square feet.

**Parcel 6: Willow Circle.** The parcel depicted as “Willow Circle” on the Division Plan, Willow Circle, Lewiston, Maine, prepared for Franklin Property Trust LLC by Jones Associates Inc., dated March 11, 2016, revised through April 26, 2016, and recorded in the Androscoggin County Registry of Deeds in Plan Book 51, Page 106, comprising approximately 65,309 square feet.

**Parcel 7: 3,416 S. F. to Be Conveyed to City of Lewiston.** The parcel depicted as “3,416 S. F. to Be Conveyed to City of Lewiston” on the Division Plan, Willow Circle, Lewiston, Maine, prepared for Franklin Property Trust LLC by Jones Associates Inc., dated March 11, 2016, revised through April 26, 2016, and recorded in the Androscoggin County Registry of Deeds in Plan Book 51, Page 106, comprising approximately 3,416 square feet.

**Parcel 8: 12,646 S. F. to Be Conveyed to City of Lewiston.** The parcel depicted as “12,646 S. F. to Be Conveyed to City of Lewiston” on the Division Plan, Willow Circle, Lewiston, Maine, prepared for Franklin Property Trust LLC by Jones Associates Inc., dated March 11, 2016, revised through April 26, 2016, and recorded in the Androscoggin County Registry of Deeds in Plan Book 51, Page 106, comprising approximately 12,646 square feet.

**Parcel 9: River Street.** That portion of the parcel depicted as “River Street” on the Division Plan, Lincoln Place, Lewiston, Maine, prepared for Franklin Property Trust LLC by Jones Associates Inc., dated March 7, 2016, and recorded in the Androscoggin County Registry of Deeds in Plan Book 51, Page 101, extending southwesterly from the southwesterly line of Oxford Street to the Androscoggin River, comprising approximately 5,346 square feet, and does not include that portion of the parcel depicted on said plan as “River Street” which extends in a northwesterly direction from the northwesterly line of River Street.

**Parcel 10: Oxford Street.** That portion of the parcel depicted as “Oxford Street” on the Division Plan, Lincoln Court, Lewiston, Maine, prepared for Franklin Property Trust LLC by Jones Associates Inc., dated February 10, 2016, and recorded in the Androscoggin County Registry of Deeds in Plan Book 51, Page 102, extending southwesterly from the southwesterly line of Lincoln Street to the northeasterly terminus of River Street and then extending northwesterly to an extension southwesterly (bearing South 31° 18’ 10” West) of the northwesterly line of the parcel depicted on said plan as #257 Lincoln Street, comprising approximately 4,429 square feet.

**Parcel 11: Lincoln Terrace.** That portion of the parcel depicted as “Lincoln Terrace” on the Division Plan, Lincoln Drive, Lewiston, Maine, prepared for Franklin Property Trust LLC by Jones Associates Inc., dated March 9, 2016, revised through April 26, 2016, and recorded in the Androscoggin County Registry of Deeds in Plan Book 51, Page 103, extending southeasterly from an extension northeasterly (bearing North 35° 43’ 28” East) of the northwesterly line of the parcel depicted on said plan as #13 Lincoln Drive, comprising approximately 11,166 square feet.

**Parcel 12: Lincoln Drive.** That portion of the parcel depicted as “Lincoln Drive” on the Division Plan, Lincoln Drive, Lewiston, Maine, prepared for Franklin Property Trust LLC by Jones Associates Inc., dated March 9, 2016, revised through April 26, 2016, and recorded in the Androscoggin County Registry of Deeds in Plan Book 51, Page 103, extending southeasterly from an extension northeasterly (bearing North 35° 43’ 28” East) of the northwesterly line of the parcel depicted on said plan as #268 Lincoln Street, comprising approximately 13,560 square feet.

**Parcel 13: #256 Lincoln Street.** That parcel depicted as “#256 Lincoln Street” on the Division Plan, Lincoln Circle, Lewiston, Maine, prepared for Franklin Property Trust LLC by Jones Associates Inc., dated January 6, 2016, revised through April 26, 2016, and recorded in the Androscoggin County Registry of Deeds in Plan Book 51, Page 100, comprising approximately 5,751 square feet.

**Parcel 14: #260 Lincoln Street.** That parcel depicted as “#260 Lincoln Street” on the Division Plan, Lincoln Circle, Lewiston, Maine, prepared for Franklin Property Trust LLC by Jones Associates Inc., dated January 6, 2016, revised through April 26, 2016, and recorded in the Androscoggin County Registry of Deeds in Plan Book 51, Page 100, comprising approximately 2,399 square feet.

**Parcel 15: Lincoln Circle.** That parcel depicted as “Lincoln Circle” on the Division Plan, Lincoln Circle, Lewiston, Maine, prepared for Franklin Property Trust LLC by Jones Associates Inc., dated January 6, 2016, revised through April 26, 2016, and recorded in the Androscoggin County Registry of Deeds in Plan Book 51, Page 100, comprising approximately 8,027 square feet.

**Parcel 16: Nel’s Court.** That parcel, being part of Nel’s Court, depicted as “To Be Deeded to City 757 S. F.” on the Division Plan, Lincoln Terrace, Lewiston, Maine, prepared for Franklin Property Trust LLC by Jones Associates Inc., dated March 7, 2016, revised through April 26, 2016, and recorded in the Androscoggin County Registry of Deeds in Plan Book 51, Page 104, comprising approximately 757 square feet.

## **SECTION II: BIKE AND PEDESTRIAN EASEMENT**

An easement in common with the Grantor relating to land in Lewiston, County of Androscoggin, and State of Maine, bounded and described as follows:

(1) that parcel depicted as “20’ Bike/Pedestrian Easement” on the Division Plan, Lincoln Terrace, Lewiston, Maine, prepared for Franklin Property Trust LLC by Jones Associates Inc., dated March 7, 2016, revised through April 26, 2016, and recorded in the Androscoggin County Registry of Deeds in Plan Book 51, Page 104, which extends from the southwesterly line of Lincoln Street in a westerly and then northwesterly direction to the northwesterly line of the parcel depicted as #271 Lincoln Street on said plan, comprising approximately 10,011 square feet; and

(2) that parcel depicted as “20’ Bike/Pedestrian Easement” on the Division Plan, Lincoln Place, Lewiston, Maine, prepared for Franklin Property Trust LLC by Jones Associates Inc., dated March 7, 2016, and recorded in the Androscoggin County Registry of Deeds in Plan Book 51, Page 101, which extends from the southeasterly line of that parcel depicted as #267 ½ Lincoln Street on said plan in a northwesterly direction to the southeasterly line River Street, comprising approximately 3,483 square feet.

Both parcels together comprise approximately 13,494 square feet.

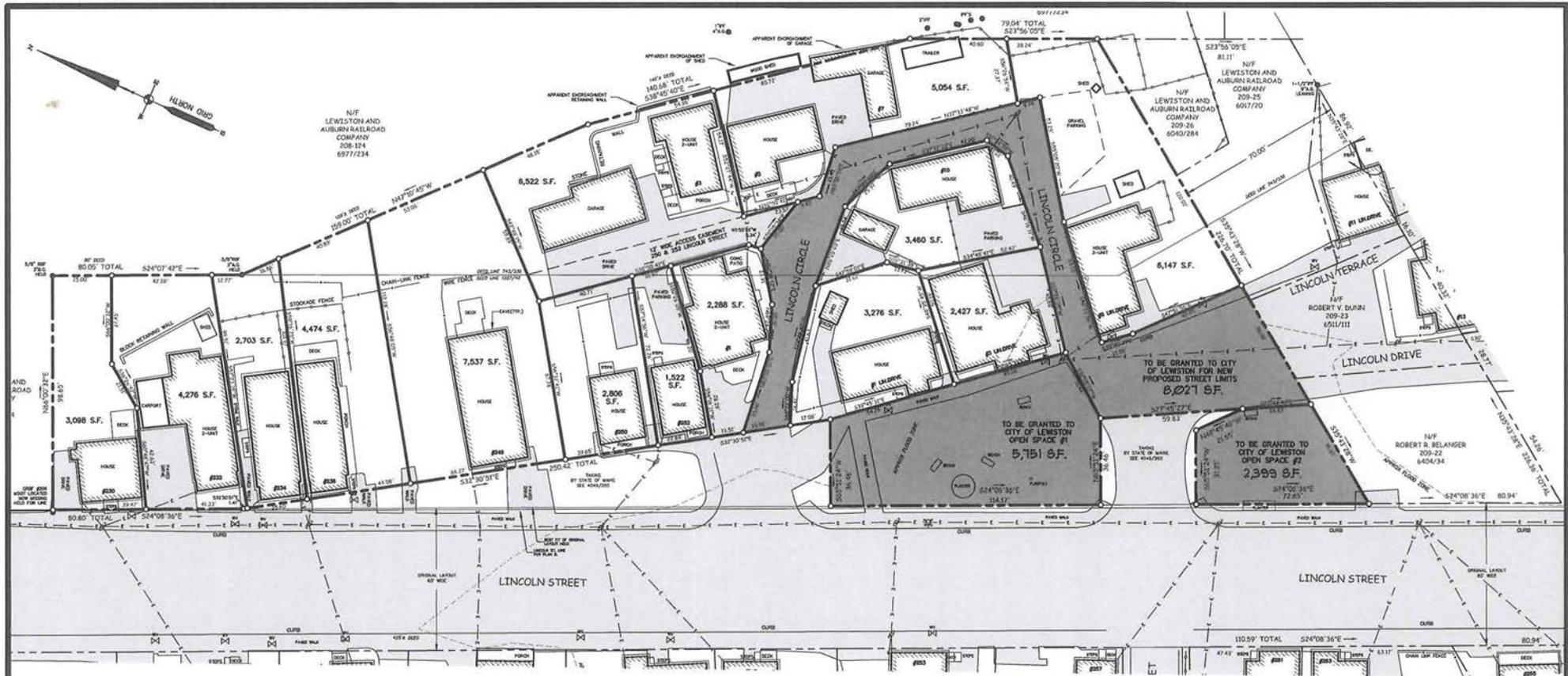
This easement is for a right of way to benefit the public and is limited to use by pedestrians and self-propelled bicyclists (except as provided in the next sentence). The easement includes the right to construct, maintain, repair, grade, excavate, fill, pave and improve the full width of the right of way, and for these purposes, only, mechanized vehicles may be utilized.

### **SECTION III: RESERVATION**

The Grantor reserves an easement over, in and to the Parcels numbered 13 and 14 described above to benefit the real estate of the Grantor described in the deed from Stanley Sclar, as Trustee of the Franklin Property Trust, to the Grantor dated January 16, 2008, and recorded in the Androscoggin County Registry of Deeds in Book 7352, Page 348. This easement is appurtenant to and shall run with said real estate and shall be for the purpose of maintaining, repairing and replacing all of the existing utilities, structures and other improvements located in whole or in part within the Parcels numbered 13 and 14 described above.

### **SECTION IV: SOURCE OF TITLE**

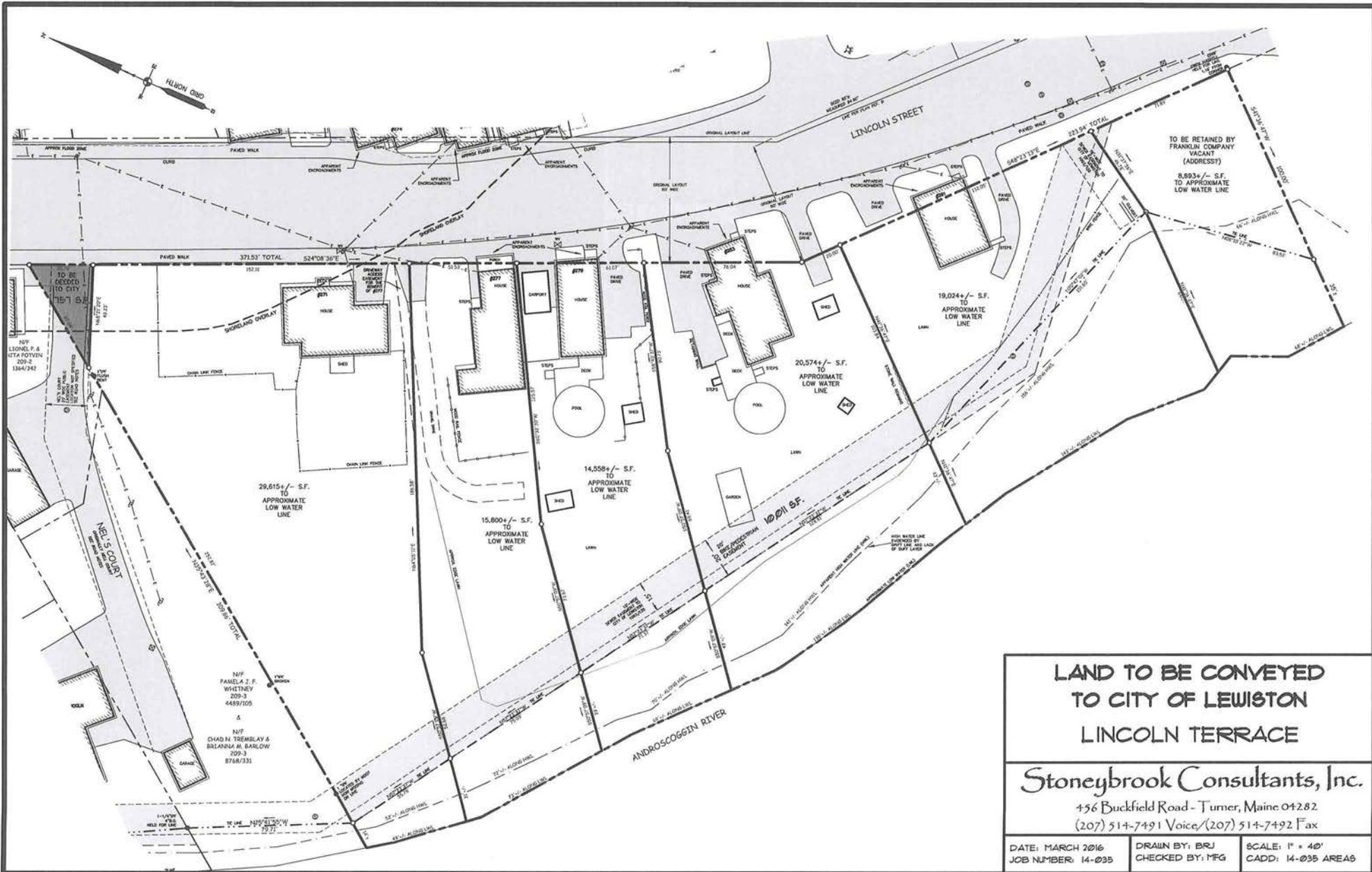
For the Grantor's source of title see the deed from Stanley Sclar, as Trustee of the Franklin Property Trust, to the Grantor dated January 16, 2008, and recorded in the Androscoggin County Registry of Deeds in Book 7352, Page 348.



**LAND TO BE CONVEYED  
TO CITY OF LEWISTON  
LINCOLN CIRCLE**

**Stoneybrook Consultants, Inc.**  
 456 Buckfield Road - Turner, Maine 04282  
 (207) 514-7491 Voice / (207) 514-7492 Fax

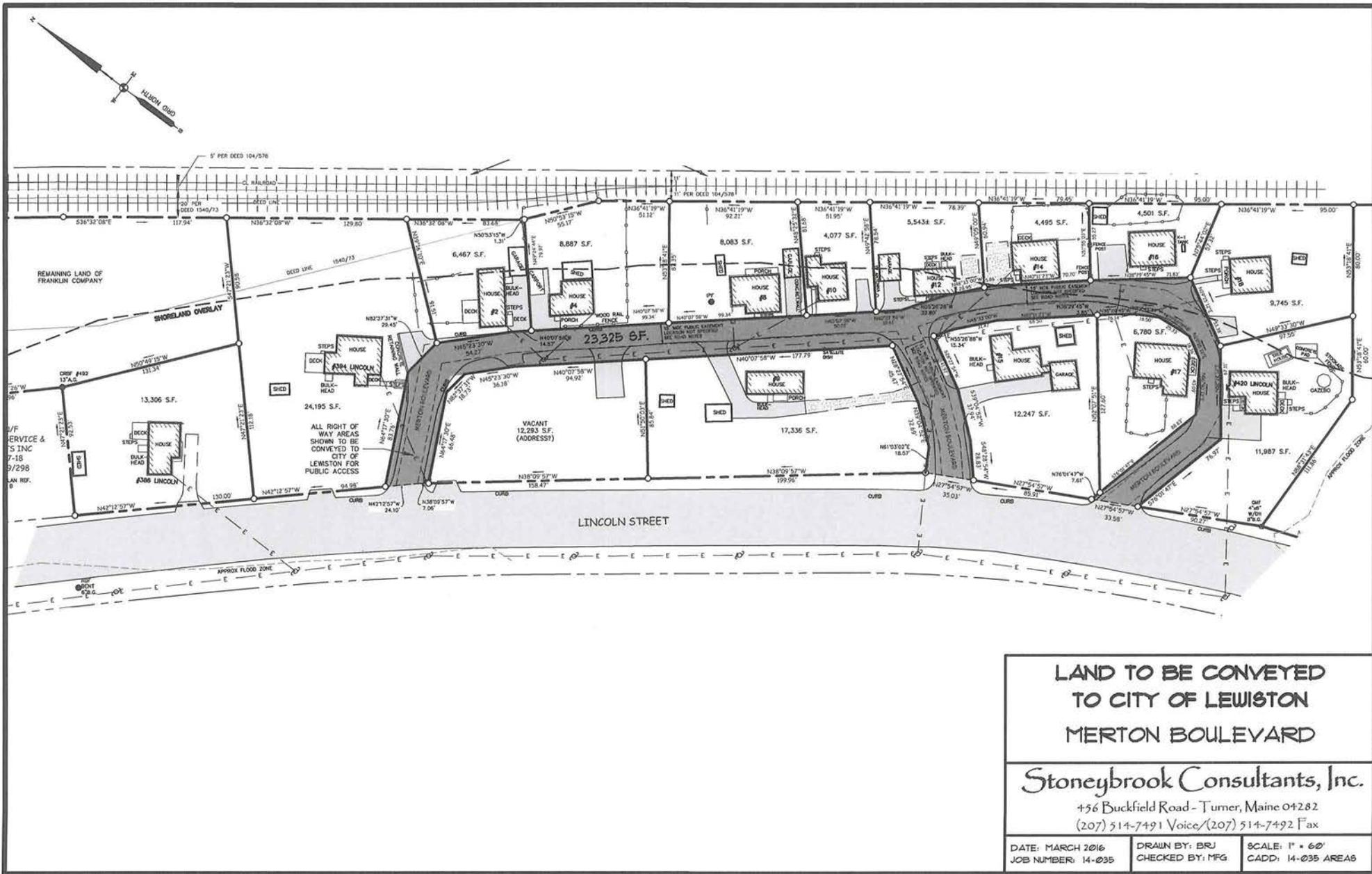
DATE: MARCH 2016	DRAWN BY: BRJ	SCALE: 1" = 40'
JOB NUMBER: 14-035	CHECKED BY: MFG	CADD: 14-035 AREA5



**LAND TO BE CONVEYED  
 TO CITY OF LEWISTON  
 LINCOLN TERRACE**

**Stoneybrook Consultants, Inc.**  
 456 Buckfield Road - Turner, Maine 04282  
 (207) 514-7491 Voice / (207) 514-7492 Fax

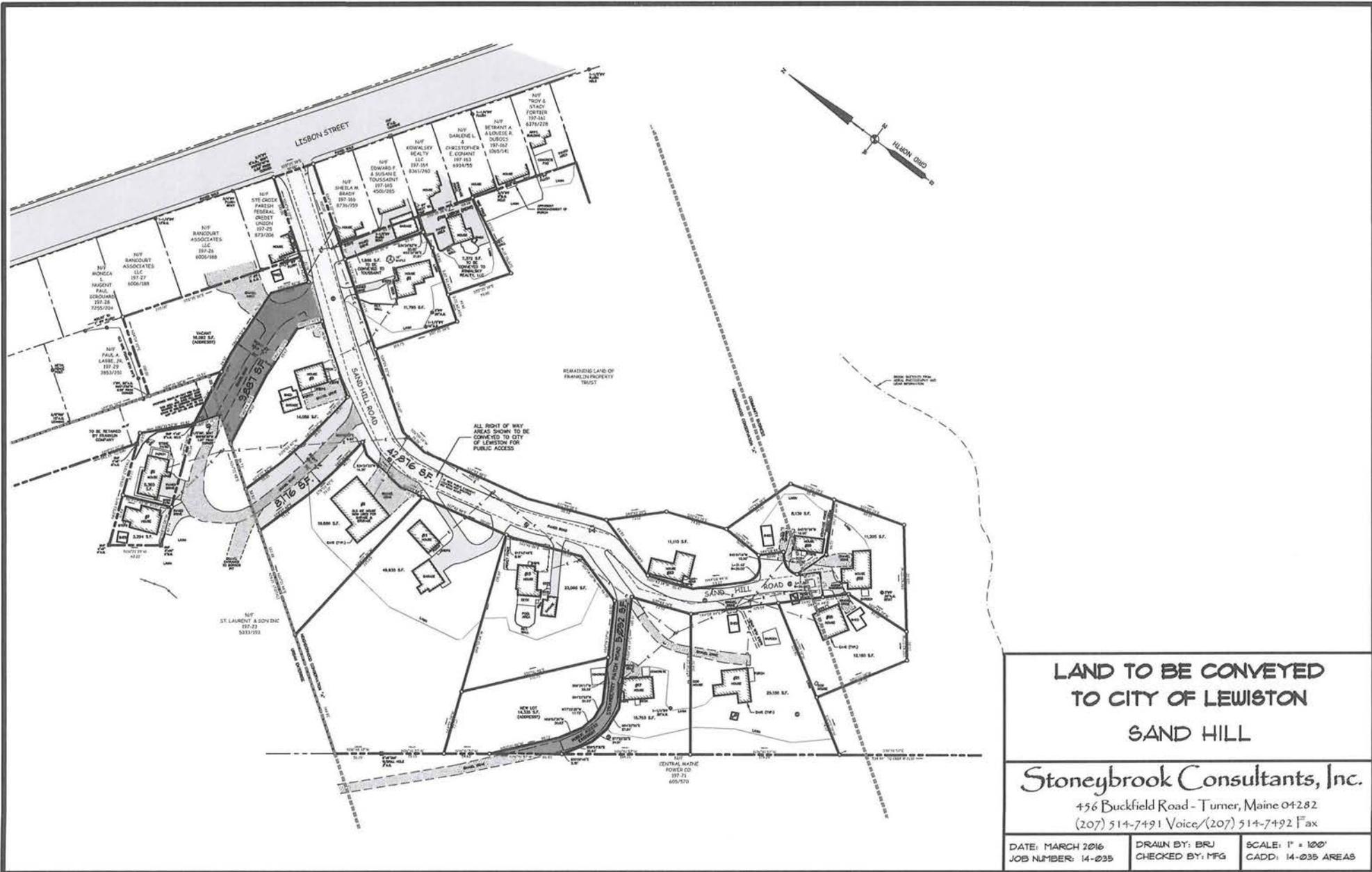
DATE: MARCH 2016	DRAWN BY: BRJ	SCALE: 1" = 40'
JOB NUMBER: 14-035	CHECKED BY: MFG	CADD: 14-035 AREA6



**LAND TO BE CONVEYED  
TO CITY OF LEWISTON  
MERTON BOULEVARD**

*Stoneybrook Consultants, Inc.*  
456 Buckfield Road - Turner, Maine 04282  
(207) 514-7491 Voice / (207) 514-7492 Fax

DATE: MARCH 2016	DRAWN BY: BRJ	SCALE: 1" = 60'
JOB NUMBER: 14-035	CHECKED BY: MFG	CADD: 14-035 AREA6



**LAND TO BE CONVEYED  
TO CITY OF LEWISTON  
SAND HILL**

**Stoneybrook Consultants, Inc.**  
456 Buckfield Road - Turner, Maine 04282  
(207) 514-7491 Voice / (207) 514-7492 Fax

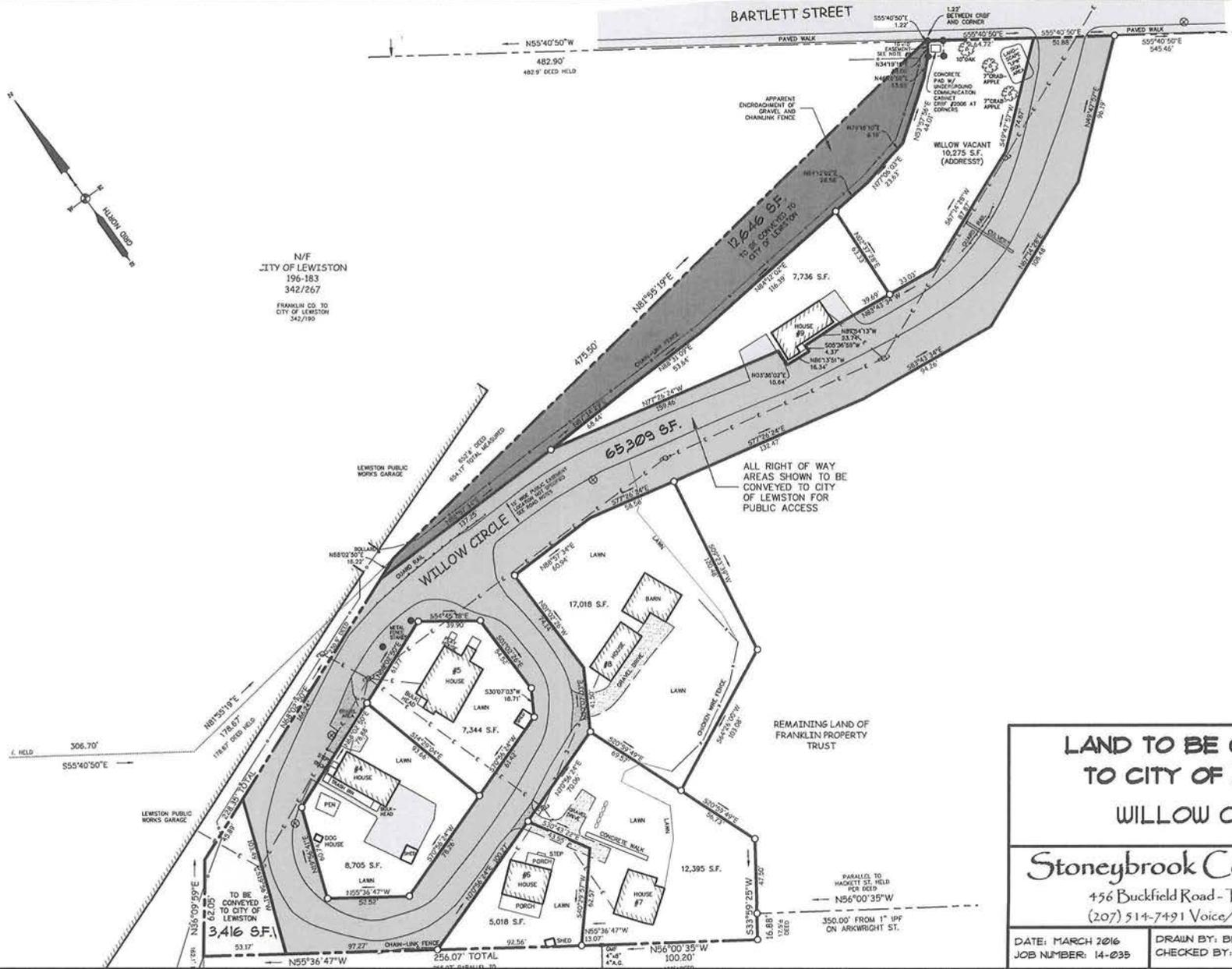
DATE: MARCH 2016  
JOB NUMBER: 14-035

DRAWN BY: BRJ  
CHECKED BY: MFG

SCALE: 1" = 100'  
CADD: 14-035 AREAS



N/F  
CITY OF LEWISTON  
196-183  
342/267  
FRANKLIN CO. TO  
CITY OF LEWISTON  
342/190



**LAND TO BE CONVEYED  
TO CITY OF LEWISTON  
WILLOW CIRCLE**

**Stoneybrook Consultants, Inc.**  
456 Buckfield Road - Turner, Maine 04282  
(207) 514-7491 Voice / (207) 514-7492 Fax

DATE: MARCH 2016  
JOB NUMBER: 14-035

DRAWN BY: BRJ  
CHECKED BY: MFG

SCALE: 1" = 60'  
CADD: 14-035 AREA6

FRANKLIN CO. TO  
CITY OF LEWISTON  
342/204

