

CITY OF LEWISTON
PLANNING BOARD MEETING
Monday, January 22, 2018 – 5:30 P.M.
City Council Chambers – First Floor
Lewiston City Building
27 Pine Street, Lewiston, ME

AGENDA

- I. ROLL CALL**
- II. ADJUSTMENTS TO THE AGENDA**
- III. CORRESPONDENCE**
- IV. ELECTION OF OFFICERS: Election of Chairman, Vice President and Secretary**
- V. ADOPTION OF PLANNING BOARD RULES AND PROCEDURES**
- VI. PUBLIC HEARINGS:**
 - a) A petition submitted by Normand Lamie on behalf of Roger Roberge and Brian Langlois to amend the existing Neighborhood Conservation “B” (NCB) contract zoning agreement for the property at 299 River Road to allow business, professional, and engineering offices occupying less than 5,400 square feet of total floor space.
 - b) An application submitted by Jones Associates, Inc. on behalf of the Estate of Armande A. Poulin for a six-lot residential subdivision of the land at 56 Ferry Road.
 - c) A petition submitted by Walsh Engineering on behalf of Dirigo Credit Union to rezone the property at 381 and 391 Main Street from Community Business (CB) to the Centreville (CV) district to support the redevelopment of the site with new structures and parking.
- VII. OTHER BUSINESS:**
 - a) Recommendation regarding the disposition of 147 Sabattus Street.
 - b) Discussion on the LCIP.
 - c) Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board.
- VIII. READING OF THE MINUTES:** Motion to adopt the December 11, 2017 draft minutes
- IX. ADJOURNMENT**

City of Lewiston Planning Board Meeting Protocol, 2018
(The purpose of this document is to provide guidance to Planning Board members
when conducting a meeting)

A. *Call to Order (by chairman)*

I am, _____, Chairman of the Lewiston Planning Board. I welcome all here this evening and call this meeting to order (gavel). Roll Call please.

B. *Roll Call (by secretary)*

Planning Board Members:

Bruce Damon
Pauline Gudas
Sandy Marquis
John Butler
Normand Anctil
Kristine Kitteridge
Lucy Bisson
Benjamin Martin

City Staff:

David Hediger, City Planner

Identify any other Staff or City representative in attendance.

C. *Planning Board's Procedures (when appropriate, this section may want to be read aloud by the chairman)*

The Planning Board is comprised of seven (7) appointed members. A quorum necessary to conduct an official meeting of the Planning Board shall consist of at least four (4) members.

Agendas for this meeting are available in the wall container at the entrance to this room, should anyone in attendance not have a copy. The agenda for this evening consists of the following items. Is there anyone in attendance present for a matter not on tonight's agenda?

Regarding the agenda items before the Planning Board, I shall first identify the item, and Staff will make a brief presentation followed by Planning Board questions. I will then request a presentation by the applicant/petitioner to explain their proposal followed by board questions. I will then open the meeting for public comment with proponents speaking first followed by anyone in opposition or having questions regarding the proposal. I please ask that everyone who speaks for or against or has a question concerning the subject matter to use the microphone provided by Staff as this meeting is being recorded and to identify themselves by name and address for our record. The applicant/petitioner shall be given the opportunity to make any responses to public comments. The public portion will then be closed and the Planning Board will deliberate and vote on the matter before us. Once the public comment portion of the meeting is closed,

unless there is a specific question from a Board Member to the public, the public portion will remain closed.

The Planning Board must decide on all matters in accordance with the Code of Ordinances of the City of Lewiston along with any other provisions of law within our jurisdiction. Some decisions that this Board makes may also be contrary to public opinion and it is possible that some Board Members may have philosophical differences with some proposals; however, this Board must base its decisions on the law and ordinances rather than on individual sentiments. The concurring vote of at least four (4) members is required to constitute an action on any matter requiring a Public Hearing. All other matters require a simple majority vote.

D. Correspondence

The Chairman will request a motion to accept and place on file correspondence (to be identified) and to include Planning Staff memoranda (this will establish the record as Staff memoranda will reference all submittals the Planning Board has received).

E. Hearings

Any agenda items requiring a public hearing by ordinance or law (i.e. development review, zoning amendments). .

F. Other Business (these items are typically not public hearings, but rather public meetings. Public meetings are not required to be open to the public for comment.)

1. New Business
2. Old Business

G. Minutes

I am proposing to review and accept Minutes at the end of a meeting as a means to address matters of greater public interest first and in addition the Board may take time for Minute modifications without feeling pressured for time.

H. Adjournment



PLANNING BOARD HANDBOOK

Adopted: January 2018

PLANNING BOARD HANDBOOK

CONTENTS

- I. Article IV, City Charter**
- II. Rules of Procedure**
- III. Public Procedures and Freedom of Access Law (Maine Public Right to Know Law)**
- IV. Ethical Principles in Planning**

ALL ORDINANCE PROVISIONS GOVERNING AND REGULATING DEVELOPMENT ACTIVITY IN THE CITY OF LEWISTON, AS REVIEWED BY THE PLANNING AND CODE ENFORCEMENT DEPARTMENT, PLANNING BOARD AND BOARD OF APPEALS ARE CONTAINED IN APPENDIX A OF THE LEWISTON REVISED CODE OF ORDINANCES ENTITLED, "ZONING AND LAND USE CODE".

I. City Charter

EXCERPTS FROM CHARTER OF THE CITY OF LEWISTON

Article IV. Administrative Organization

4.05 PLANNING BOARD

- (a) APPOINTMENTS. There shall be a Planning Board consisting of seven (7) members, each of whom shall be a qualified voter of the City of Lewiston and who shall be appointed by the Mayor. No more than two (2) members may reside in the same ward. The terms of office of members of the Board, appointed following the adoption of this Charter shall be established by the Mayor who shall appoint one (1) member to serve one (1) year; two (2) members to serve two (2) years; one (1) member to serve three (3) years; two (2) members to serve four (4) years; and one (1) member to serve five (5) years. Thereafter, all members shall be appointed for five (5) year terms.

There shall be, in addition to the seven (7) members of the Board, two (2) associate members of the Board, each of whom shall be a qualified voter of the City of Lewiston, appointed by the mayor. The associate members are subject to the same ward residency requirements as the regular members. They shall serve for five-year staggered terms, with initial terms being one (1) associate member serving for four (4) years and one (1) for five (5) years. An associate member shall serve in the place of a member who is absent, disqualified or otherwise unable to participate when designated by the chair person to do so.

- (b) COMPENSATION. Each member shall receive salary at the rate of six hundred (\$600.00) dollars per year, payable monthly.
- (c) DUTIES. The Planning Board shall carry out those duties assigned to it by general law and by ordinance.
- (d) RULES OF PROCEDURE. The Planning Board shall adopt appropriate rules of procedure consistent with the provisions of this Charter to enable it to carry out its functions.
- 4.07. COMPENSATION. Compensation paid to members of the Personnel Board, Planning Board and Board of Appeals may be changed by ordinance.
- 4.08 FORFEITURE OF OFFICE. A member of the Personnel Board, Planning Board, or Board of Appeals shall forfeit his office and a vacancy therein shall exist, if he (1) dies;

(2) resigns; (3) moves from the City; (4) in the case of the Planning Board and Board of Appeals if he moves from his ward into a ward in which there are currently two (2) members of the same Board; (5) is convicted of a crime or offense involving moral turpitude while in office; (6) is found to be in violation of Section 8.04 of this Charter; or (7) exceeds the tenure authorized for the office. If any vacancy should occur, it shall be filled for the remainder of the unexpired term by appointment of the Mayor.

4.09 LIMITATION OF TERMS. No member of any Board established by this Article shall serve more than a full five (5) year term on the same Board within any ten (10) year period. Said period shall be deemed to commence at the time of their first appointment.

Article VI. Financial Procedures

6.05 CAPITAL PROGRAM.

(a) SUBMISSION TO COUNCIL. The administrator shall each year prepare and submit to the Council a five (5) year capital program, including the capital program proposed for the School Department, at least five and on-half (5½) months prior to the end of the fiscal year. The Administrator shall concurrently refer the Capital Program to the Planning Board for its review.

(b) CONTENTS. The capital program shall include:

- (1) A clear general summary of its contents;
- (2) A list of all capital improvements which are proposed to be undertaken during the five (5) years next ensuing, with appropriate supporting information as to the necessity for such improvements;
- (3) Cost estimates, method of financing and recommended time schedules for each improvement; and;
- (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

(c) PLANNING BOARD REVIEW. The Planning Board shall review the proposed capital program each year, and following public hearing thereon, shall forward its recommendations to the City Council at least four and one-half (4½) months prior to the end of the current fiscal year.

Article VIII. General Provisions

- 8.01 (b) APPOINTIVE OFFICERS AND EMPLOYEES: TERMS. Except as may otherwise be provided in this Charter, all City officers, employees and appointees shall serve at the pleasure of the appointing power.
- 8.03 SWEARING IN OFFICERS. All officers provided for in this Charter, whether elective or appointive, shall, before assuming their respective duties, qualify by being sworn to the faithful performance thereof before the City Clerk or some magistrate thereto qualified.
- 8.04 PERSONAL/ FINANCIAL INTEREST. If any elected or appointed official, officer or employee, or the spouse of any such person has financial interest, direct or indirect, in any contract with the City or in the purchase or sale of any land, material, supplies or services to the City or to a contractor supplying the City, he shall make known that interest and shall refrain from voting upon or otherwise participating in his capacity as an elected or appointed official, officer or employee, in the making of such purchase or sale or in the making or performance of such contract. Any such person who willfully conceals the financial interest of himself or his spouse, or willfully violates the requirements of this section shall be guilty of malfeasance in office or position and shall forfeit his office or position. Violation of this section with the knowledge, express or implied, of the person or corporation contracting with or making a purchase from or a sale to the City, shall render the contract, purchase or sale voidable by the City.
- 8.05 PROHIBITIONS.
- (a) ACTIVITIES PROHIBITED. No person shall be appointed to or removed from or in any way favored or discriminated against with respect to any City position or appointive City administrative office because of race, sex, political or religious opinions or affiliations, or on any other basis prohibited by Statute of general application.
- (b) PENALTIES. Any person convicted of any crime involving falsification in official matters, bribery, corrupt practices, or obstructing governmental administration, as these crimes are defined in the Revised Statutes of Maine, as amended, shall be ineligible for a period of two (2) years following said conviction to hold any City office or employment, except as otherwise provided by law.

II. Rules of Procedure Lewiston Planning Board

1. Officers.

The first regular meeting in January shall constitute an annual organizational meeting of the Board. A chairman, vice-chairman, and secretary shall then be elected by a majority vote of members present. The officers will serve for one (1) year until their successors are elected at the next organizational meeting.

Officers may be elected for a shorter term at the discretion of the Planning Board with new elections to be held upon that term's expiration. Should an officer cease to serve for whatever reason, the Planning Board may hold new elections.

2. Duties.

A. The chairman shall call regular meetings of the Planning Board as required. The chairman shall also call meetings of the Planning Board when requested to do so by four (4) members of the Planning Board. The chairman shall preside at all meetings and hearings of the Board, decide all points of order and procedure, be the official spokesman for the Board, act as liaison between the Board and other agencies of the City of Lewiston, and perform any duties required by law, ordinance, charter or the Board.

B. In the absence or disqualification of the chairman, the vice-chairman shall assume the duties of the chairman. In the absence and/or disqualification of both the chairman and vice-chairman, a member shall be chosen by a majority vote of all members present and will assume the duties of chairman for that meeting.

C. The secretary, with the assistance of the Planning and Code Enforcement Staff, shall keep a permanent record of all Board Meetings or other official actions of the Board and shall keep all correspondence of the Board on file in the City Planning and Code Enforcement Department's office. The secretary, with the assistance of the Planning and Code Enforcement Department Staff, shall also be responsible for keeping the records of the various proceedings which may be brought before the Board. All records to be prepared or retained by the secretary are deemed public and may be inspected at reasonable times. The secretary, with the direction of the Planning and Code Enforcement Department Staff, shall conduct, at the direction of the Planning Board, all official correspondence of the Board, send out all required notices, and perform all other duties required by law, ordinance, or the Board.

All correspondence from the City Staff as well as all recommendations presented and actions suggested as necessary shall be incorporated without need for a specific

motion into the record and shall be part of the record of the hearing on the specific issue.

- D. The Planning Board shall request an advisory opinion from the Historic Preservation Review Board concerning development proposals that may potentially impact significant structures or districts as defined in Appendix A, Article XV, Sec. 3 of the Zoning and Land Use Code.

3. Meetings.

- A. Regular meetings of the Planning Board shall be held on the second and fourth Mondays of each month beginning at 5:30 p.m. in the City Building. No new agenda item shall be heard after 9:00 p.m., with meetings adjourning no later than 9:30 p.m. Whenever there are no business matters to be considered at any regular meeting, other than the organizational meeting, the chairman may dispense with such meetings by notifying each member of the Board and each other person who may have been given notice of the meeting at least 24 hours prior to the time set for the meeting, provided that when at least four (4) other members of the Board request that such regular meeting be held, the chairman shall not dispense with it.

Notification by use of electronic mail shall be considered an acceptable means of communication.

- B. Special meetings and executive sessions may be held upon call of the Mayor, the chairman, and at such other times as the Planning Board may determine, provided that at least 24 hours notice of the meeting be given to each member.
- C. A member who misses three (3) consecutive meetings without just cause, as determined by the chairman, shall be reported to the Mayor for an evaluation of his/her willingness to continue to serve on this Board.
- D. Material related to both development and non-development review agenda items which are not included in the Planning Board packet may only be considered if agreed to by a majority vote of the Board.
- E. The order of business at all regular meetings of the Planning Board shall be as follows:
 - 1. Roll Call - Planning Board Members, City Staff, and identify other Staff or City representatives in attendance.
 - 2. Adjustments to the Agenda.
 - 3. Correspondence - The Chairman will request a motion to accept and place on file correspondence (to be identified), other submitted material not in the Planning Board packet, and -Staff memoranda (this will establish the record as Staff memoranda will reference all submittals the Planning Board has received.) Pursuant to 2.C. all correspondence from the City Staff is, without need for

motion, incorporated into the record. All other correspondence may be adopted by motion at this point or later in the proceedings as decided by the Planning Board by four (4) affirmative votes.

4. Public Hearings.

5. Review of Development Proposals.

6. Other Business - New and Old Business.

7. Reading of Minutes of the previous meeting.

8. Adjournment.

- F. Protocol - The Planning Board is comprised of seven (7) appointed members. A quorum necessary to conduct an official meeting of the Planning Board shall consist of at least four (4) members. There shall be, in addition to the seven (7) members of the Board, two (2) associate members. Associate members will sit with the rest of the members and may participate in all Board deliberations, but are not able to vote unless designated by the chair or acting chair to serve in the place of a member who is absent, substantially tardy, recuses themselves, is disqualified or otherwise unable to participate. Such designations should be on a rotating basis between associate members as the opportunity arises during the course of the meeting.

Agendas for meetings shall be made available at the entrance to the meeting room.

Regarding the agenda items before the Planning Board, the chair shall first identify the item, and Staff will make a brief presentation followed by Planning Board questions. The chair will then request a presentation by the applicant/petitioner to explain their proposal followed by Board questions. The chair will then open the meeting for public comment with proponents speaking first followed by anyone in opposition or having questions regarding the proposal. The chair shall request that everyone who speaks for or against or has a question concerning the subject matter to identify themselves by name and address for our record. The applicant/petitioner shall be given the opportunity to make any responses to public comments. The public portion will then be closed and the Planning Board will deliberate and vote on the matter before us. Once the public comment portion of the meeting is closed, unless there is a specific question from a Board Member to the public, the public portion will remain closed.

The Planning Board must decide on all matters in accordance with the Code of Ordinances of the City of Lewiston along with any other provisions of law within the Board's jurisdiction. Some decisions that this Board makes may also be contrary to public opinion and it is possible that some Board Members may have philosophical differences with some proposals. However, the Board must base its decisions on the law and ordinances rather than on individual sentiments. The concurring vote of at least four (4) members is required to constitute an action on any matter requiring a Public Hearing. All other matters require a simple majority vote.

- G. The Planning Board shall act in accordance with the provisions of Appendix A of the Lewiston Revised Code of Ordinances and shall follow as guidance, the standards of development review outlined in the Site Plan Review and Design Guidelines adopted by the Planning Board on October 22, 1987, and as amended.
- H. The secretary, with the assistance of the Planning and Code Enforcement Department staff, shall keep minutes of the proceedings of each meeting of the Planning Board, including workshops, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and the final disposition of matters shall be recorded by resolution indicating the reasons of the Board therefore.
- I. All meetings of the Planning Board shall be conducted in accordance with Maine's Public Right to Know Law. A copy of this statute, Title I, M.R.S.A., Sections 401—410 is enclosed in this handbook and deemed a part of these Rules.
- J. An applicant or petitioner or their agent must appear at the scheduled meeting at which the subject case is to be heard. Failure to appear may result in the dismissal of the case. The Planning Board may, upon majority vote, continue the matter to a date specific for the hearing. Reinstatement of the case shall be allowed upon the filing of a written request. Reinstatement shall be allowed only upon payment of any required fees incurred from re-advertising the case.
- K. A continuance may be granted to an applicant when good cause is shown that they are unable to present their case at the scheduled meeting.

4. Notice.

- A. The secretary of the Planning Board, with the assistance of the Planning and Code Enforcement Department staff, will coordinate with the City Clerk of the City of Lewiston to ensure compliance with required legal notice for public meetings. In addition, it will be assumed by implication that notice of public hearings held by the Planning Board is mandatory and legal notice will consist of a notice conspicuously posted in the office of the City Clerk a reasonable time in advance of the meeting which under normal circumstance will be construed to mean at least seven (7) days before the date of each meeting. The Board at its discretion may determine that a given matter is of particular importance or interest to the community and in addition to posting as required above may insert a paid notice of the subject public hearing in the local newspaper.

On all proposals to amend the code, including rezoning proposals, notice shall be provided in accordance with Title 30-A, Chapter 187 §4352, section 8, 9, and 10 of the Maine Revised Statutes Annotated. In the case of a proposal for conditional or contract zoning, a copy of the proposed conditions and restrictions must be included. Mailed notices shall be sent first class to the addresses shown on the property tax records of the City of Lewiston and shall be deemed given when mailed.

B. The secretary of the Planning Board, with the assistance of Planning and Code Enforcement Department_Staff, will coordinate with the City Clerk of the City of Lewiston to serve notice of such public hearings detailing subject, time, and place of hearing a reasonable time in advance of the hearing, upon those individuals meriting personal notice because of their relationship to the subject matter at issue. By way of example, the following are parties who because of their relationship to the subject matter at issue shall be given official notice of such public hearing: developer of a proposed development, petitioners of a zoning amendment, all land owners whose property abuts the lot or lots involved, and other property owners potentially affected by the proposed development or zoning amendment as determined by the Planning and Code Enforcement_Department Staff. Notice shall be by any method of personal service or substituted personal service authorized by the ordinances of the City of Lewiston and the laws of the State of Maine.

C. Notice of Abutters.

Procedure for Notification of Development to Affected Property Owners.

For projects requiring Planning Board review and approval, the Planning and Code Enforcement Department Staff shall notify abutting and affected property owners, in writing, of the specific nature of the development plans.

The word, “abutting” shall be defined to mean any property which shares a common physical boundary with the area under review and properties located directly across any previously accepted city street.

The word, “affected” shall be defined to mean any property not sharing a common physical boundary but upon whom the proposed development would have impact, as determined by the Planning and Code Enforcement Department Director or designee.

Notification shall be by first-class mail and include a brief description of the project. Notice shall be mailed at least seven (7) days in advance of formal review by the Planning Board and shall include the date(s) and time(s) of review by the reviewing authority.

5. Ad Hoc Committees.

The chairman may from time to time appoint committees necessary to perform special functions of the Board.

6. Parliamentary Procedures.

A. In all cases where parliamentary procedure questions arise in the conduct of the Board’s affairs, the current edition of Robert’s Rules of Order shall be taken as the source of authority to decide the orderly course of the proceedings except as otherwise provided herein.

B. Reconsideration of Items - When an item is voted on by the Board, it shall be in order for any member who voted on the prevailing side to move a reconsideration thereof, during the same meeting or at the immediate next regularly scheduled Planning Board meeting, but not afterwards. In instances where a majority of those present vote in favor of an item but there are less than the normally required four votes, the prevailing side shall be those who voted against the item. No motion to reconsider a vote taken at a previous meeting shall be in order for consideration at the immediate next regularly scheduled Planning Board meeting unless an item to that effect is scheduled on the agenda for such meeting or unless five of the members consent to such reconsideration.

7. Hearing Procedures for all Planning Board Public Hearings.

- I. Staff presentation
- II. Applicant presentation
- III. Public Comment:
 - A. Proponents or their representatives
 - B. Opponents or their representatives.
 - C. Other interested parties.
 - D. When all parties or representatives have presented their position, other parties may ask questions through the chair.
 - E. Testimony or other evidence may be submitted or received in writing when the same shall benefit convenience. This shall not be construed to abridge the right of any person or party to be heard orally by the Board.
- IV. After determining all public representatives have been provided opportunity to be heard, the Chair shall close the review to public comment. (The Board shall reserve the right to question through the Chair, any person present).
- V. The Board shall deliberate on the evidence and take appropriate action which may include tabling the item to a future meeting.
- VI. Within five (5) working days of the meeting, written notification of Board action shall be sent to the applicant.

8. Guide to Ethical Conduct.

The Planning Board adopts for the Board and its staff as a guide to ethical conduct The American Planning Associations (APA) "Ethical Principles in Planning", as applicable, copies of which are enclosed in this handbook and deemed a part of these Rules.

9. Amendment.

These Rules may be suspended, amended, or repealed on an affirmative vote of a majority of all members present.

10. Review and Adoption.

These Rules of Procedure shall be reviewed and adopted annually at the Board's organizational meeting, or during the year should the need arise.

11. Student Members.

Student members are appointed by the Mayor. They will enjoy full honorary Board privileges and should be extended the same courtesy as full Board Members. The only exception is that they have no voting privileges. Student members will have full access to information as regular Board Members and receive meeting information packets as regular Board Members. Student Members will conduct themselves appropriately. Student members serve at the pleasure of the Planning Board Chair and/or the Mayor.

12. Workshops

- a) Workshop meetings shall be held when deemed appropriate and necessary.
- b) Citizens are welcome, and highly encouraged, to attend and participate in workshops, however, discussion may be limited by the Planning Board Chair, if deemed appropriate.

13. Rules of Decorum

The Planning Board will practice civility and decorum in discussion and debate. Each member of the Board shall cooperate with the Chair when presiding in preserving order and decorum and no member shall, by conversation or otherwise, delay or interrupt the proceedings of the Board, nor disturb any member while speaking, or fail to abide by the orders of the Chair except as specifically permitted by these Rules or Roberts Rules of Order.

- (a) Subject to being overruled by a majority vote of the members, which vote shall be taken without debate or comment, the Chair shall maintain order and preserve the decorum of the meeting.
- (b) Every member of the Board desiring to speak shall seek recognition from the Chair and, upon recognition, shall confine remarks to the question under debate, avoiding all indecorous language or reference to personalities, and direct comments to the Chair unless otherwise granted permission.
- (c) A member of the Board, once recognized, shall not be interrupted when speaking unless it is for the purpose of calling such person to order. If a member of the Board, while speaking, is called to order, that person shall cease speaking until the question of order is determined.
- (d) When two or more members request the floor at the same time, the Chair shall name the one entitled to the floor.
- (e) After receiving permission from the Chair, any member may address a question to any other member.
- (f) All members of the Board shall be provided the opportunity to speak and agree or disagree, but no member shall speak twice on any given subject unless all other members have been given the opportunity to speak.
- (g) No Board members shall engage in private conversation while in the Planning Board in such a manner as to interrupt the proceedings of the Board.
- (h) If considered necessary because of grave disorder, the Chair may adjourn or suspend the meeting for a specified time.

III. Public Procedures and Freedom of Access Law (Maine Public Right to Know Law)

Maine Revised Statute Title 1, Chapter 13: PUBLIC RECORDS AND PROCEEDINGS
A portion of which acquired from
<http://www.mainelegislature.org/legis/statutes/1/title1ch13sec0.html> on January 18, 2017.

Maine Revised Statutes

Title 1: GENERAL PROVISIONS

Chapter 13: PUBLIC RECORDS AND PROCEEDINGS

Subchapter 1: FREEDOM OF ACCESS

§400. SHORT TITLE

This subchapter may be known and cited as "the Freedom of Access Act." [2011, c. 662, §1 (NEW).]

SECTION HISTORY
2011, c. 662, §1 (NEW).

§401. DECLARATION OF PUBLIC POLICY; RULES OF CONSTRUCTION

The Legislature finds and declares that public proceedings exist to aid in the conduct of the people's business. It is the intent of the Legislature that their actions be taken openly and that the records of their actions be open to public inspection and their deliberations be conducted openly. It is further the intent of the Legislature that clandestine meetings, conferences or meetings held on private property without proper notice and ample opportunity for attendance by the public not be used to defeat the purposes of this subchapter. [1975, c. 758, (RPR).]

This subchapter does not prohibit communications outside of public proceedings between members of a public body unless those communications are used to defeat the purposes of this subchapter. [2011, c. 320, Pt. B, §1 (NEW).]

This subchapter shall be liberally construed and applied to promote its underlying purposes and policies as contained in the declaration of legislative intent. [1975, c. 758, (RPR).]

SECTION HISTORY
1975, c. 483, §1 (AMD). 1975, c. 758, (RPR). 2011, c. 320, Pt. B, §1 (AMD).

§402. DEFINITIONS

1. Conditional approval. Approval of an application or granting of a license, certificate or any other type of permit upon conditions not otherwise specifically required by the statute, ordinance or regulation pursuant to which the approval or granting is issued.

[1975, c. 758, (NEW) .]

1-A. Legislative subcommittee. "Legislative subcommittee" means 3 or more Legislators from a legislative committee appointed for the purpose of conducting legislative business on behalf of the committee.

[1991, c. 773, §1 (NEW) .]

2. Public proceedings. The term "public proceedings" as used in this subchapter means the transactions of any functions affecting any or all citizens of the State by any of the following:

A. The Legislature of Maine and its committees and subcommittees; [1975, c. 758, (NEW).]

B. Any board or commission of any state agency or authority, the Board of Trustees of the University of Maine System and any of its committees and subcommittees, the Board of Trustees of the Maine Maritime Academy and any of its committees and subcommittees, the Board of Trustees of the Maine Community College System and any of its committees and subcommittees; [1989, c. 358, §1 (AMD); 1989, c. 443, §1 (AMD); 1989, c. 878, Pt. A, §1 (RPR); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF).]

C. Any board, commission, agency or authority of any county, municipality, school district or any regional or other political or administrative subdivision; [1991, c. 848, §1 (AMD).]

D. The full membership meetings of any association, the membership of which is composed exclusively of counties, municipalities, school administrative units or other political or administrative subdivisions; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; [1995, c. 608, §1 (AMD).]

E. The board of directors of a nonprofit, nonstock private corporation that provides statewide noncommercial public broadcasting services and any of its committees and subcommittees; [2009, c. 334, §1 (AMD) .]

F. Any advisory organization, including any authority, board, commission, committee, council, task force or similar organization of an advisory nature, established, authorized or organized by law or resolve or by Executive Order issued by the Governor and not otherwise covered by this subsection, unless the law, resolve or Executive Order establishing, authorizing or organizing the advisory organization specifically exempts the organization from the application of this subchapter; and [2009, c. 334, §2 (AMD) .]

G. The committee meetings, subcommittee meetings and full membership meetings of any association that:

(1) Promotes, organizes or regulates statewide interscholastic activities in public schools or in both public and private schools; and

(2) Receives its funding from the public and private school members, either through membership dues or fees collected from those schools based on the number of participants of those schools in interscholastic activities.

This paragraph applies to only those meetings pertaining to interscholastic sports and does not apply to any meeting or any portion of any meeting the subject of which is limited to personnel issues, allegations of interscholastic athletic rule violations by member schools, administrators, coaches or student athletes or the eligibility of an individual student athlete or coach. [2009, c. 334, §3 (NEW) .]

[2009, c. 334, §§1-3 (AMD) .]

3. Public records. The term "public records" means any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of an agency or public official of this State or any of its political subdivisions, or is in the possession or custody of an association, the membership of which is composed exclusively of one or more of any of these entities, and has been received or prepared for use in connection with the transaction of public or governmental business or contains information relating to the transaction of public or governmental business, except:

A. Records that have been designated confidential by statute; [1975, c. 758, (NEW).]

B. Records that would be within the scope of a privilege against discovery or use as evidence recognized by the courts of this State in civil or criminal trials if the records or inspection thereof were sought in the course of a court proceeding; [1975, c. 758, (NEW).]

C. Legislative papers and reports until signed and publicly distributed in accordance with legislative rules, and records, working papers, drafts and interoffice and intraoffice memoranda used or maintained by any Legislator, legislative agency or legislative employee to prepare proposed Senate or House papers or reports for consideration by the Legislature or any of its committees during the legislative session or sessions in which the papers or reports are prepared or considered or to which the paper or report is carried over; [1991, c. 773, §2 (AMD).]

C-1. Information contained in a communication between a constituent and an elected official if the information:

(1) Is of a personal nature, consisting of:

(a) An individual's medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;

(b) Credit or financial information;

(c) Information pertaining to the personal history, general character or conduct of the constituent or any member of the constituent's immediate family;

(d) Complaints, charges of misconduct, replies to complaints or charges of misconduct or memoranda or other materials pertaining to disciplinary action; or

(e) An individual's social security number; or

(2) Would be confidential if it were in the possession of another public agency or official; [2011, c. 264, §1 (NEW).]

D. Material prepared for and used specifically and exclusively in preparation for negotiations, including the development of bargaining proposals to be made and the analysis of proposals received, by a public employer in collective bargaining with its employees and their designated representatives; [1989, c. 358, §4 (AMD).]

E. Records, working papers, interoffice and intraoffice memoranda used by or prepared for faculty and administrative committees of the Maine Maritime Academy, the Maine Community College System and the University of Maine System. The provisions of this paragraph do not apply to the boards of trustees and the committees and subcommittees of those boards, which are referred to in subsection 2, paragraph B; [1989, c. 358, §4 (AMD); 1989, c. 443, §2 (AMD); 1989, c. 878, Pt. A, §2 (RPR); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF).]

F. Records that would be confidential if they were in the possession or custody of an agency or public official of the State or any of its political or administrative subdivisions are confidential if those records are in the possession of an association, the membership of which is composed exclusively of one or more political or administrative subdivisions of the State; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; [1991, c. 448, §1 (AMD).]

G. Materials related to the development of positions on legislation or materials that are related to insurance or insurance-like protection or services which are in the possession of an association, the membership of which is composed exclusively of one or more political or administrative subdivisions of the State; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; [1991, c. 448, §1 (AMD).]

H. Medical records and reports of municipal ambulance and rescue units and other emergency medical service units, except that such records and reports must be available upon request to law enforcement officers investigating criminal conduct; [1995, c. 608, §4 (AMD).]

I. Juvenile records and reports of municipal fire departments regarding the investigation and family background of a juvenile fire setter; [1999, c. 96, §1 (AMD).]

J. Working papers, including records, drafts and interoffice and intraoffice memoranda, used or maintained by any advisory organization covered by subsection 2, paragraph F, or any member or staff of that organization during the existence of the advisory organization. Working papers are public records if distributed by a member or in a public meeting of the advisory organization; [2001, c. 675, §1 (AMD).]

K. Personally identifying information concerning minors that is obtained or maintained by a municipality in providing recreational or nonmandatory educational programs or services, if the municipality has enacted an ordinance that specifies the circumstances in which the information will be withheld from disclosure. This paragraph does not apply to records governed by Title 20-A, section 6001 and does not supersede Title 20-A, section 6001-A; [2003, c. 392, §1 (AMD).]

L. Records describing security plans, security procedures or risk assessments prepared specifically for the purpose of preventing or preparing for acts of terrorism, but only to the extent that release of information contained in the record could reasonably be expected to jeopardize the physical safety of government personnel or the public. Information contained in records covered by this paragraph may be disclosed to the Legislature or, in the case of a political or administrative subdivision, to municipal officials or board members under conditions that protect the information from further disclosure. For purposes of this paragraph, "terrorism" means conduct that is designed to cause serious bodily injury or substantial risk of bodily injury to multiple persons, substantial damage to multiple structures whether occupied or unoccupied or substantial physical damage sufficient to disrupt the normal functioning of a critical infrastructure; [2003, c. 614, §1 (AMD).]

M. Records or information describing the architecture, design, access authentication, encryption or security of information technology infrastructure, systems and software. Records or information covered by this paragraph may be disclosed to the Legislature or, in the case of a political or administrative subdivision, to municipal officials or board members under conditions that protect the information from further disclosure; [2011, c. 662, §2 (AMD).]

N. Social security numbers; [2011, c. 320, Pt. E, §1 (AMD).]

O. Personal contact information concerning public employees, except when that information is public pursuant to other law. For the purposes of this paragraph:

(1) "Personal contact information" means home address, home telephone number, home facsimile number, home e-mail address and personal cellular telephone number and personal pager number; and

(2) "Public employee" means an employee as defined in Title 14, section 8102, subsection 1, except that "public employee" does not include elected officials; [2009, c. 1, §1 (COR).]

P. Geographic information regarding recreational trails that are located on private land that are authorized voluntarily as such by the landowner with no public deed or guaranteed right of public access, unless the landowner authorizes the release of the information; [2011, c. 149, §1 (AMD).]

(Paragraph P as enacted by PL 2009, c. 339, §3 is REALLOCATED TO TITLE 1, SECTION 402, SUBSECTION 3, PARAGRAPH Q)

Q. (REALLOCATED FROM T. 1, §402, sub-§3, ¶P) Security plans, staffing plans, security procedures, architectural drawings or risk assessments prepared for emergency events that are prepared for or by or kept in the custody of the Department of Corrections or a county jail if there is a reasonable possibility that public release or inspection of the records would endanger the life or physical safety of any individual or disclose security plans and procedures not generally known by the general public. Information contained in records covered by this paragraph may be disclosed to state and county officials if necessary to carry out the duties of the officials or the Department of Corrections under conditions that protect the information from further disclosure; [2015, c. 335, §1 (AMD).]

R. Social security numbers in the possession of the Secretary of State; [2013, c. 518, §1 (AMD).]

S. E-mail addresses obtained by a political subdivision of the State for the sole purpose of disseminating noninteractive notifications, updates and cancellations that are issued from the political subdivision or its elected officers to an individual or individuals that request or regularly accept these noninteractive communications; [2015, c. 161, §1 (AMD).]

T. Records describing research for the development of processing techniques for fisheries, aquaculture and seafood processing or the design and operation of a depuration plant in the possession of the Department of Marine Resources; and [2015, c. 161, §2 (AMD).]

U. Records provided by a railroad company describing hazardous materials transported by the railroad company in this State, the routes of hazardous materials shipments and the frequency of hazardous materials operations on those routes that are in the possession of a state or local emergency management entity or law enforcement agency, a fire department or other first responder. For the purposes of this paragraph, "hazardous material" has the same meaning as set forth in 49 Code of Federal Regulations, Section 105.5. [2015, c. 161, §3 (NEW).]

[2015, c. 161, §§1-3 (AMD); 2015, c. 335, §1 (AMD) .]

3-A. Public records further defined. "Public records" also includes the following criminal justice agency records:

A. Records relating to prisoner furloughs to the extent they pertain to a prisoner's identity, public criminal history record information, as defined in Title 16, section 703, subsection 8, address of furlough and dates of furlough; [2013, c. 267, Pt. B, §1 (AMD).]

B. Records relating to out-of-state adult probationer or parolee supervision to the extent they pertain to a probationer's or parolee's identity, public criminal history record information, as defined in Title 16, section 703, subsection 8, address of residence and dates of supervision; and [2013, c. 267, Pt. B, §1 (AMD).]

C. Records to the extent they pertain to a prisoner's, adult probationer's or parolee's identity, public criminal history record information, as defined in Title 16, section 703, subsection 8, and current address or location, unless the Commissioner of Corrections determines that it would be detrimental to the welfare of a client to disclose the information. [2013, c. 267, Pt. B, §1 (AMD).]

[2013, c. 267, Pt. B, §1 (AMD) .]

4. Public records of interscholastic athletic organizations. Any records or minutes of meetings under subsection 2, paragraph G are public records.

[2009, c. 334, §4 (NEW) .]

5. Public access officer. "Public access officer" means the person designated pursuant to section 413, subsection 1.

[2011, c. 662, §3 (NEW) .]

6. Reasonable office hours. "Reasonable office hours" includes all regular office hours of an agency or official.

[2011, c. 662, §3 (NEW) .]

SECTION HISTORY

1973, c. 433, §1 (AMD). 1975, c. 243, (RPR). 1975, c. 483, §2 (AMD). 1975, c. 758, (RPR). 1977, c. 164, §§1,2 (AMD). 1977, c. 696, §9 (AMD). 1985, c. 695, §§1,2 (AMD). 1985, c. 779, §§1,2 (AMD). 1987, c. 20, §1 (AMD). 1987, c. 402, §A1 (AMD). 1987, c. 477, §1 (AMD). 1989, c. 358, §§1-4 (AMD). 1989, c. 443, §§1,2 (AMD). 1989, c. 878, §§A1,2 (AMD). 1991, c. 448, §§1,2 (AMD). 1991, c. 773, §§1,2 (AMD). 1991, c. 848, §1 (AMD). 1995, c. 608, §§1-5 (AMD). 1997, c. 714, §1 (AMD). 1999, c. 96, §§1-3 (AMD). 2001, c. 477, §1 (AMD). 2001, c. 675, §§1-3 (AMD). 2003, c. 20, §002 (AMD). 2003, c. 20, §004 (AFF). 2003, c. 392, §§1-3 (AMD). 2003, c. 614, §§1-3 (AMD).

2005, c. 381, §§1-3 (AMD). 2007, c. 597, §1 (AMD). RR 2009, c. 1, §§1-3 (COR). 2009, c. 176, §§1-3 (AMD). 2009, c. 334, §§1-4 (AMD). 2009, c. 339, §§1-3 (AMD). 2011, c. 149, §§1-3 (AMD). 2011, c. 264, §1 (AMD). 2011, c. 320, Pt. E, §1 (AMD). 2011, c. 662, §§2, 3 (AMD). 2013, c. 267, Pt. B, §1 (AMD). 2013, c. 339, §§1-3 (AMD). 2013, c. 518, §§1-3 (AMD). 2015, c. 161, §§1-3 (AMD). 2015, c. 335, §1 (AMD).

§402-A. PUBLIC RECORDS DEFINED

(REPEALED)

SECTION HISTORY

1975, c. 483, §3 (NEW). 1975, c. 623, §1 (RPR). 1975, c. 758, (RP).

§403. MEETINGS TO BE OPEN TO PUBLIC; RECORD OF MEETINGS

1. Proceedings open to public. Except as otherwise provided by statute or by section 405, all public proceedings must be open to the public and any person must be permitted to attend a public proceeding.

[2011, c. 320, Pt. C, §1 (NEW) .]

2. Record of public proceedings. Unless otherwise provided by law, a record of each public proceeding for which notice is required under section 406 must be made within a reasonable period of time after the proceeding and must be open to public inspection. At a minimum, the record must include:

A. The date, time and place of the public proceeding; [2011, c. 320, Pt. C, §1 (NEW).]

B. The members of the body holding the public proceeding recorded as either present or absent; and [2011, c. 320, Pt. C, §1 (NEW).]

C. All motions and votes taken, by individual member, if there is a roll call. [2011, c. 320, Pt. C, §1 (NEW).]

[2011, c. 320, Pt. C, §1 (NEW) .]

3. Audio or video recording. An audio, video or other electronic recording of a public proceeding satisfies the requirements of subsection 2.

[2011, c. 320, Pt. C, §1 (NEW) .]

4. Maintenance of record. Record management requirements and retention schedules adopted under Title 5, chapter 6 apply to records required under this section.

[2011, c. 320, Pt. C, §1 (NEW) .]

5. Validity of action. The validity of any action taken in a public proceeding is not affected by the failure to make or maintain a record as required by this section.

[2011, c. 320, Pt. C, §1 (NEW) .]

6. Advisory bodies exempt from record requirements. Subsection 2 does not apply to advisory bodies that make recommendations but have no decision-making authority.

[2011, c. 320, Pt. C, §1 (NEW) .]

SECTION HISTORY

1969, c. 293, (AMD). 1975, c. 422, §1 (AMD). 1975, c. 758, (RPR). 2009, c. 240, §1 (AMD). 2011, c. 320, Pt. C, §1 (RPR).

§404. RECORDED OR LIVE BROADCASTS AUTHORIZED

In order to facilitate the public policy so declared by the Legislature of opening the public's business to public scrutiny, all persons shall be entitled to attend public proceedings and to make written, taped or filmed records of the proceedings, or to live broadcast the same, provided the writing, taping, filming or broadcasting does not interfere with the orderly conduct of proceedings. The body or agency holding the public proceedings may make reasonable rules and regulations governing these activities, so long as these rules or regulations do not defeat the purpose of this subchapter. [1975, c. 758, (RPR).]

SECTION HISTORY

1975, c. 422, §2 (RPR). 1975, c. 483, §4 (AMD). 1975, c. 758, (RPR).

§404-A. DECISIONS

(REPEALED)

SECTION HISTORY

1973, c. 433, §2 (NEW). 1973, c. 704, §§1,2 (AMD). 1975, c. 758, (RP).

§405. EXECUTIVE SESSIONS

Those bodies or agencies falling within this subchapter may hold executive sessions subject to the following conditions. [1975, c. 758, (NEW).]

1. Not to defeat purposes of subchapter. An executive session may not be used to defeat the purposes of this subchapter as stated in section 401.

[2009, c. 240, §2 (AMD) .]

2. Final approval of certain items prohibited. An ordinance, order, rule, resolution, regulation, contract, appointment or other official action may not be finally approved at an executive session.

[2009, c. 240, §2 (AMD) .]

3. Procedure for calling of executive session. An executive session may be called only by a public, recorded vote of 3/5 of the members, present and voting, of such bodies or agencies.

[2009, c. 240, §2 (AMD) .]

4. Motion contents. A motion to go into executive session must indicate the precise nature of the business of the executive session and include a citation of one or more sources of statutory or other authority that permits an executive session for that business. Failure to state all authorities justifying the executive session does not constitute a violation of this subchapter if one or more of the authorities are accurately cited in the motion. An inaccurate citation of authority for an executive session does not violate this subchapter if valid authority that permits the executive session exists and the failure to cite the valid authority was inadvertent.

[2003, c. 709, §1 (AMD) .]

5. Matters not contained in motion prohibited. Matters other than those identified in the motion to go into executive session may not be considered in that particular executive session.

[2009, c. 240, §2 (AMD) .]

6. Permitted deliberation. Deliberations on only the following matters may be conducted during an executive session:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;

(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;

(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and

(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present.

This paragraph does not apply to discussion of a budget or budget proposal; [2009, c. 240, §2 (AMD) .]

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

(1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire; [2009, c. 240, §2 (AMD) .]

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency; [1987, c. 477, §3 (AMD) .]

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions; [1999, c. 144, §1 (RPR) .]

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage; [2009, c. 240, §2 (AMD) .]

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute; [1999, c. 180, §1 (AMD) .]

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and [1999, c. 180, §2 (AMD) .]

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter. [1999, c. 180, §3 (NEW).]

[2009, c. 240, §2 (AMD) .]

SECTION HISTORY

1975, c. 758, (RPR). 1979, c. 541, §A3 (AMD). 1987, c. 477, §§2,3 (AMD). 1987, c. 769, §A1 (AMD). 1999, c. 40, §§1,2 (AMD). 1999, c. 144, §1 (AMD). 1999, c. 180, §§1-3 (AMD). 2003, c. 709, §1 (AMD). 2009, c. 240, §2 (AMD).

§405-A. RECORDED OR LIVE BROADCASTS AUTHORIZED

(REPEALED)

SECTION HISTORY

1975, c. 483, §5 (NEW). 1975, c. 758, (RP).

§405-B. APPEALS

(REPEALED)

SECTION HISTORY

1975, c. 483, §5 (NEW). 1975, c. 758, (RP).

§405-C. APPEALS FROM ACTIONS

(REPEALED)

SECTION HISTORY

1975, c. 483, §5 (NEW). 1975, c. 758, (RP).

§406. PUBLIC NOTICE

Public notice shall be given for all public proceedings as defined in section 402, if these proceedings are a meeting of a body or agency consisting of 3 or more persons. This notice shall be given in ample time to allow public attendance and shall be disseminated in a manner reasonably calculated to notify the general public in the jurisdiction served by the body or agency concerned. In the event of an emergency meeting, local representatives of the media shall be notified of the meeting, whenever practical, the notification to include time and location, by the same or faster means used to notify the members of the agency conducting the public proceeding. [1987, c. 477, §4 (AMD).]

SECTION HISTORY

1975, c. 483, §6 (AMD). 1975, c. 758, (RPR). 1987, c. 477, §4 (AMD).

§407. DECISIONS

1. Conditional approval or denial. Every agency shall make a written record of every decision involving the conditional approval or denial of an application, license, certificate or any other type of permit. The agency shall set forth in the record the reason or reasons for its decision and make finding of the fact, in writing, sufficient to

appraise the applicant and any interested member of the public of the basis for the decision. A written record or a copy thereof shall be kept by the agency and made available to any interested member of the public who may wish to review it.

[1975, c. 758, (NEW) .]

2. Dismissal or refusal to renew contract. Every agency shall make a written record of every decision involving the dismissal or the refusal to renew the contract of any public official, employee or appointee. The agency shall, except in case of probationary employees, set forth in the record the reason or reasons for its decision and make findings of fact, in writing, sufficient to apprise the individual concerned and any interested member of the public of the basis for the decision. A written record or a copy thereof must be kept by the agency and made available to any interested member of the public who may wish to review it.

[2009, c. 240, §3 (AMD) .]

SECTION HISTORY

1975, c. 758, (NEW). 2009, c. 240, §3 (AMD).

§408. PUBLIC RECORDS AVAILABLE FOR PUBLIC INSPECTION AND COPYING

(REPEALED)

SECTION HISTORY

1975, c. 758, (NEW). 2003, c. 709, §2 (RPR). 2007, c. 501, §1 (AMD). 2009, c. 240, §4 (AMD). 2011, c. 662, §4 (RP).

§408-A. PUBLIC RECORDS AVAILABLE FOR INSPECTION AND COPYING

Except as otherwise provided by statute, a person has the right to inspect and copy any public record in accordance with this section within a reasonable time of making the request to inspect or copy the public record. [2011, c. 662, §5 (NEW).]

1. Inspect. A person may inspect any public record during reasonable office hours. An agency or official may not charge a fee for inspection unless the public record cannot be inspected without being converted or compiled, in which case the agency or official may charge a fee as provided in subsection 8.

[2011, c. 662, §5 (NEW) .]

2. Copy. A person may copy a public record in the office of the agency or official having custody of the public record during reasonable office hours or may request that the agency or official having custody of the record provide a copy. The agency or official may charge a fee for copies as provided in subsection 8.

A. A request need not be made in person or in writing. [2011, c. 662, §5 (NEW).]

B. The agency or official shall mail the copy upon request. [2011, c. 662, §5 (NEW).]

[2011, c. 662, §5 (NEW) .]

3. Acknowledgment; clarification; time estimate; cost estimate. The agency or official having custody or control of a public record shall acknowledge receipt of a request made according to this section within 5 working days of receiving the request and may request clarification concerning which public record or public records are being requested. Within a reasonable time of receiving the request, the agency or official shall provide a good faith, nonbinding estimate of the time within which the agency or official will comply with the request, as well as a cost estimate as provided in subsection 9. The agency or official shall make a good faith effort to fully respond to the request within the estimated time. For purposes of this subsection, the date a request is received is the date a

sufficient description of the public record is received by the agency or official at the office responsible for maintaining the public record. An agency or official that receives a request for a public record that is maintained by that agency but is not maintained by the office that received the request shall forward the request to the office of the agency or official that maintains the record, without willful delay, and shall notify the requester that the request has been forwarded and that the office to which the request has been forwarded will acknowledge receipt within 5 working days of receiving the request.

[2015, c. 317, §1 (AMD) .]

4. Refusals; denials. If a body or an agency or official having custody or control of any public record refuses permission to inspect or copy or abstract a public record, the body or agency or official shall provide, within 5 working days of the receipt of the request for inspection or copying, written notice of the denial, stating the reason for the denial or the expectation that the request will be denied in full or in part following a review. A request for inspection or copying may be denied, in whole or in part, on the basis that the request is unduly burdensome or oppressive if the procedures established in subsection 4-A are followed. Failure to comply with this subsection is considered failure to allow inspection or copying and is subject to appeal as provided in section 409.

[2015, c. 494, Pt. A, §1 (RPR) .]

4-A. Action for protection. A body, an agency or official may seek protection from a request for inspection or copying that is unduly burdensome or oppressive by filing an action for an order of protection in the Superior Court for the county where the request for records was made within 30 days of receipt of the request.

A. The following information must be included in the complaint if available or provided to the parties and filed with the court no more than 14 days from the filing of the complaint or such other period as the court may order:

- (1) The terms of the request and any modifications agreed to by the requesting party;
- (2) A statement of the facts that demonstrate the burdensome or oppressive nature of the request, with a good faith estimate of the time required to search for, retrieve, redact if necessary and compile the records responsive to the request and the resulting costs calculated in accordance with subsection 8;
- (3) A description of the efforts made by the body, agency or official to inform the requesting party of the good faith estimate of costs and to discuss possible modifications of the request that would reduce the burden of production; and
- (4) Proof that the body, agency or official has submitted a notice of intent to file an action under this subsection to the party requesting the records, dated at least 10 days prior to filing the complaint for an order of protection under this subsection. [2015, c. 248, §2 (NEW) .]

B. Any appeal that may be filed by the requesting party under section 409 may be consolidated with an action under this subsection. [2015, c. 248, §2 (NEW) .]

C. An action for protection may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require upon the request of any party. [2015, c. 248, §2 (NEW) .]

D. If the court finds that the body, agency or official has demonstrated good cause to limit or deny the request, the court shall enter an order making such findings and establishing the terms upon which production, if any, must be made. If the court finds that the body, agency or official has not demonstrated good cause to limit or deny the request, the court shall establish a date by which the records must be provided to the requesting party. [2015, c. 248, §2 (NEW) .]

[2015, c. 248, §2 (NEW) .]

5. Schedule. Inspection, conversion pursuant to subsection 7 and copying of a public record subject to a request under this section may be scheduled to occur at a time that will not delay or inconvenience the regular activities of the agency or official having custody or control of the public record requested. If the agency or official

does not have regular office hours, the name and telephone number of a contact person authorized to provide access to the agency's or official's records must be posted in a conspicuous public place and at the office of the agency or official, if an office exists.

[2011, c. 662, §5 (NEW) .]

6. No requirement to create new record. An agency or official is not required to create a record that does not exist.

[2011, c. 662, §5 (NEW) .]

7. Electronically stored public records. An agency or official having custody or control of a public record subject to a request under this section shall provide access to an electronically stored public record either as a printed document of the public record or in the medium in which the record is stored, at the requester's option, except that the agency or official is not required to provide access to an electronically stored public record as a computer file if the agency or official does not have the ability to separate or prevent the disclosure of confidential information contained in or associated with that file.

A. If in order to provide access to an electronically stored public record the agency or official converts the record into a form susceptible of visual or aural comprehension or into a usable format for inspection or copying, the agency or official may charge a fee to cover the cost of conversion as provided in subsection 8. [2011, c. 662, §5 (NEW).]

B. This subsection does not require an agency or official to provide a requester with access to a computer terminal. [2011, c. 662, §5 (NEW).]

[2011, c. 662, §5 (NEW) .]

8. Payment of costs. Except as otherwise specifically provided by law or court order, an agency or official having custody of a public record may charge fees for public records as follows.

A. The agency or official may charge a reasonable fee to cover the cost of copying. [2011, c. 662, §5 (NEW) .]

B. The agency or official may charge a fee to cover the actual cost of searching for, retrieving and compiling the requested public record of not more than \$15 per hour after the first hour of staff time per request. Compiling the public record includes reviewing and redacting confidential information. [2011, c. 662, §5 (NEW) .]

C. The agency or official may charge for the actual cost to convert a public record into a form susceptible of visual or aural comprehension or into a usable format. [2011, c. 662, §5 (NEW) .]

D. An agency or official may not charge for inspection unless the public record cannot be inspected without being compiled or converted, in which case paragraph B or C applies. [2011, c. 662, §5 (NEW) .]

E. The agency or official may charge for the actual mailing costs to mail a copy of a record. [2011, c. 662, §5 (NEW) .]

[2011, c. 662, §5 (NEW) .]

9. Estimate. The agency or official having custody or control of a public record subject to a request under this section shall provide to the requester an estimate of the time necessary to complete the request and of the total cost as provided by subsection 8. If the estimate of the total cost is greater than \$30, the agency or official shall inform the requester before proceeding. If the estimate of the total cost is greater than \$100, subsection 10 applies.

[2011, c. 662, §5 (NEW) .]

10. Payment in advance. The agency or official having custody or control of a public record subject to a request under this section may require a requester to pay all or a portion of the estimated costs to complete the request prior to the search, retrieval, compiling, conversion and copying of the public record if:

A. The estimated total cost exceeds \$100; or [2011, c. 662, §5 (NEW) .]

B. The requester has previously failed to pay a properly assessed fee under this chapter in a timely manner. [2011, c. 662, §5 (NEW) .]

[2011, c. 662, §5 (NEW) .]

11. Waivers. The agency or official having custody or control of a public record subject to a request under this section may waive part or all of the total fee charged pursuant to subsection 8 if:

A. The requester is indigent; or [2011, c. 662, §5 (NEW) .]

B. The agency or official considers release of the public record requested to be in the public interest because doing so is likely to contribute significantly to public understanding of the operations or activities of government and is not primarily in the commercial interest of the requester. [2011, c. 662, §5 (NEW) .]

[2011, c. 662, §5 (NEW) .]

SECTION HISTORY

2011, c. 662, §5 (NEW). 2013, c. 350, §§1, 2 (AMD). 2015, c. 248, §§1, 2 (AMD). 2015, c. 249, §1 (AMD). 2015, c. 317, §1 (AMD). 2015, c. 494, Pt. A, §1 (AMD).

§409. APPEALS

1. Records. Any person aggrieved by a refusal or denial to inspect or copy a record or the failure to allow the inspection or copying of a record under section 408-A may appeal the refusal, denial or failure within 30 calendar days of the receipt of the written notice of refusal, denial or failure to the Superior Court within the State for the county where the person resides or the agency has its principal office. The agency or official shall file a statement of position explaining the basis for denial within 14 calendar days of service of the appeal. If a court, after a review, with taking of testimony and other evidence as determined necessary, determines such refusal, denial or failure was not for just and proper cause, the court shall enter an order for disclosure. Appeals may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.

[2015, c. 249, §2 (AMD) .]

2. Actions. If any body or agency approves any ordinances, orders, rules, resolutions, regulations, contracts, appointments or other official action in an executive session, this action is illegal and the officials responsible are subject to the penalties hereinafter provided. Upon learning of any such action, any person may appeal to any Superior Court in the State. If a court, after a trial de novo, determines this action was taken illegally in an executive session, it shall enter an order providing for the action to be null and void. Appeals may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.

[2011, c. 559, Pt. A, §2 (AMD) .]

3. Proceedings not exclusive. The proceedings authorized by this section are not exclusive of any other civil remedy provided by law.

[2009, c. 240, §6 (AMD) .]

4. Attorney's fees. In an appeal under subsection 1 or 2, the court may award reasonable attorney's fees and litigation expenses to the substantially prevailing plaintiff who appealed the refusal under subsection 1 or the illegal action under subsection 2 if the court determines that the refusal or illegal action was committed in bad faith. Attorney's fees and litigation costs may not be awarded to or against a federally recognized Indian tribe.

This subsection applies to appeals under subsection 1 or 2 filed on or after January 1, 2010.

[2009, c. 423, §1 (NEW) .]

SECTION HISTORY

1975, c. 758, (NEW). 1987, c. 477, §5 (AMD). 2007, c. 695, Pt. C, §1 (AMD). 2009, c. 240, §§5, 6 (AMD). 2009, c. 423, §1 (AMD). 2011, c. 559, Pt. A, §§1, 2 (AMD). 2011, c. 662, §6 (AMD). 2013, c. 350, §3 (AMD). 2015, c. 249, §2 (AMD).

§410. VIOLATIONS

For every willful violation of this subchapter, the state government agency or local government entity whose officer or employee committed the violation shall be liable for a civil violation for which a forfeiture of not more than \$500 may be adjudged. [1987, c. 477, §6 (RPR).]

SECTION HISTORY

1975, c. 758, (NEW). 1987, c. 477, §6 (RPR).

IV. Ethical Principles in Planning

(Adopted May 1992 by the American Planning Association and acquired from <http://www.planning.org/ethics/ethicalprinciples.htm> on January 18, 2017)

This statement is a guide to ethical conduct for all who participate in the process of planning as advisors, advocates, and decision makers. It presents a set of principles to be held in common by certified planners, other practicing planners, appointed and elected officials, and others who participate in the process of planning.

The planning process exists to serve the public interest. While the public interest is a question of continuous debate, both in its general principles and in its case-by-case applications, it requires a conscientiously held view of the policies and actions that best serve the entire community.

Planning issues commonly involve a conflict of values and, often, there are large private interests at stake. These accentuate the necessity for the highest standards of fairness and honesty among all participants.

Those who practice planning need to adhere to a special set of ethical requirements that must guide all who aspire to professionalism.

The Code is formally subscribed to by each certified planner. It includes an enforcement procedure that is administered by AICP. The Code, however, provides for more than the minimum threshold of enforceable acceptability. It also sets aspirational standards that require conscious striving to attain.

The ethical principles derive both from the general values of society and from the planner's special responsibility to serve the public interest. As the basic values of society are often in competition with each other, so do these principles sometimes compete. For example, the need to provide full public information may compete with the need to respect confidences. Plans and programs often result from a balancing among divergent interests. An ethical judgment often also requires a conscientious balancing, based on the facts and context of a particular situation and on the entire set of ethical principles.

This statement also aims to inform the public generally. It is also the basis for continuing systematic discussion of the application of its principles that is itself essential behavior to give them daily meaning.

The planning process must continuously pursue and faithfully serve the public interest.

Planning Process Participants should:

1. Recognize the rights of citizens to participate in planning decisions;

2. Strive to give citizens (including those who lack formal organization or influence) full, clear and accurate information on planning issues and the opportunity to have a meaningful role in the development of plans and programs;
3. Strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons;
4. Assist in the clarification of community goals, objectives and policies in plan-making;
5. Ensure that reports, records and any other non-confidential information which is, or will be, available to decision makers is made available to the public in a convenient format and sufficiently in advance of any decision;
6. Strive to protect the integrity of the natural environment and the heritage of the built environment;
7. Pay special attention to the interrelatedness of decisions and the long range consequences of present actions.

Planning process participants continuously strive to achieve high standards of integrity and proficiency so that public respect for the planning process will be maintained.

Planning Process Participants should:

1. Exercise fair, honest and independent judgment in their roles as decision makers and advisors;
2. Make public disclosure of all "personal interests" they may have regarding any decision to be made in the planning process in which they serve, or are requested to serve, as advisor or decision maker.
3. Define "personal interest" broadly to include any actual or potential benefits or advantages that they, a spouse, family member or person living in their household might directly or indirectly obtain from a planning decision;
4. Abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which they have a personal interest, and leave any chamber in which such a matter is under deliberation, unless their personal interest has been made a matter of public record; their employer, if any, has given approval; and the public official, public agency or court with jurisdiction to rule on ethics matters has expressly authorized their participation;
5. Seek no gifts or favors, nor offer any, under circumstances in which it might reasonably be inferred that the gifts or favors were intended or expected to influence a participant's objectivity as an advisor or decision maker in the planning process;
6. Not participate as an advisor or decision maker on any plan or project in which they have previously participated as an advocate;
7. Serve as advocates only when the client's objectives are legal and consistent with the public interest.
8. Not participate as an advocate on any aspect of a plan or program on which they have previously served as advisor or decision maker unless their role as advocate is authorized by applicable law, agency regulation, or ruling of an ethics officer or agency; such participation as an advocate should be allowed only after prior disclosure to, and approval by, their affected client or employer; under no circumstance should such participation

commence earlier than one year following termination of the role as advisor or decision maker;

9. Not use confidential information acquired in the course of their duties to further a personal interest;
10. Not disclose confidential information acquired in the course of their duties except when required by law, to prevent a clear violation of law or to prevent substantial injury to third persons; provided that disclosure in the latter two situations may not be made until after verification of the facts and issues involved and consultation with other planning process participants to obtain their separate opinions;
11. Not misrepresent facts or distort information for the purpose of achieving a desired outcome;
12. Not participate in any matter unless adequately prepared and sufficiently capacitated to render thorough and diligent service;
13. Respect the rights of all persons and not improperly discriminate against or harass others based on characteristics which are protected under civil rights laws and regulations.



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Planning Board
FROM: David Hediger, City Planner
DATE: January 17, 2018
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 Roger Roberge and Brian Langlois have submitted a petition to amend the existing Neighborhood Conservation “B” (NCB) contract zoning agreement for the property at 299 River Road to allow business, professional, and engineering offices occupying less than 5,400 square feet of total floor space.

The property is currently subject to an existing contract zone which was recommended for approval by the Board on June 26, 2017 and adopted by the City Council in August 2017. That rezoning allowed for a prospective buyer to maintain use of the single-family residence and provide the opportunity to operate a neighborhood retail store, art and crafts studio, personal services, and a mixed-use structure consistent with the size and intensity of the current use of site. That sale of the property never occurred. A new buyer is interested in operating a small professional electrical engineering consulting business in the existing barn structure while maintaining the ability to utilize the existing single-family residence. Therefore, the proposed contract zoning includes those provisions of the exiting contract rezoning (i.e. all of the currently permitted and conditional uses of the RA district and the following NCB uses: arts and crafts studio, personal services, neighborhood retail, mixed use structures and, in addition, will permit business, professional, and engineer offices occupying less than 5,400 square feet of total floor space. The petitioner has continued to place specific limitations on the commercial use of the property in effort to maintain neighborhood stability by limiting the intensity of possible uses while continuing to allow those uses allowed in the RA.

The applicant believes allowing uses currently permitted in the RA district while limiting the uses allowed in the NCB district will provide opportunities for additional usage of the site without adversely impacting abutters. The applicant has taken the same into consideration 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 remains to provide the ability to split the lot into two parcels if desired.

This lot of approximately 12.89 acres is currently split zoned with approximately 6.3 acres located in the Rural Agricultural (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 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 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.

With the industrial zoning 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 non-residential district. However, the applicant remains sensitive the existing residential properties and at this time feels a contract rezoning will provide additional 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 remaining 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 contract rezone the property at 299 River Road from Rural Agricultural (RA) to Neighborhood Conservation “B” (NCB).

December 28, 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 Roger Roberge and Brian Langlois I am submitting the enclosed Contract Rezoning request to allow a modification to the Contract Rezoning that was approved on August 15, 2017. The August 15th Contract Rezoning request was approved by the Lewiston City Council following a Public Hearing with Second Passage contractually rezoning the property at 299 River Road from the Rural Agricultural (RA) District to the Neighborhood Conservation "B" (NCB). **This request is to provide a revised Contract Rezoning agreement to allow for the property to remain used as a single-family residence and provide the opportunity operate a small business and professional office as a permitted use.**

The property has been owned by Roger Roberge since 1989. The current use includes a single-family residence, landscape nursery, greenhouses, as an accessory retail sales business. Roger is seeking to retire and has executed a Purchase & Sale Agreement with Brian Langlois. The Purchase & Sale Agreement is subject to approval of the requested Contract Rezoning request to allow Mr. Langlois to operate a small professional office at 299 River Road.

Mr. Langlois's newly established business is a professional electrical engineering consulting office providing engineering design services for electrical and instrumentation technologies. The current business will employ five employees and anticipation of having an additional five employees in the near future.

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 Brian Langlois, as well Roger Roberge (my brother-in-law) to present the information and answer questions.

Sincerely,



Normand Lamie
234 Montello Street
Lewiston, ME 04240

EC: Brian Langlois
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 Neighborhood Conservation B "NCB" to allow for the property to **remain used as a single-family residence and provide the opportunity operate a small business and professional office as a permitted use** as described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		DEREK VACHON	9 St. Pierre St, Lewiston, ME	12/15
2		Roger Castonguay	30 Jeffrey St	12-15
3		KAREN PELLETIER	51 BOSTON AVE	12/15
4		WANDA CASTONGUAY	30 Jeffrey St	12/15
5		FRANK BABB	275 RIVER RD.	12-15
6		George GILBERT	326 River Rd	12-16
7		CONSTANCE GILBERT	326 RIVER RD	12-16
8		Julie Dionne	326 River Rd	12/16
9		Brian Ames	330 River Rd	12-16
10		Donna Racene	289 River Rd	12-16
11		CARMEN COTE	4 Orchard Circle	12/17
12		Danny Cote	4 Orchard Circle	12/17
13		JOHN PARSHALL	2096 MARPCIR	12-17
14		PAULINE PARSHALL	2 Orchard Cir	12-17
15		John Racene	289 River Road	12-17
16		RAYMOND MARTEL	317 RIVER RD	12/18
17		Rhonda MARTEL	317 River Rd	12/18
18		Bonnie Babb	275 River Rd	12/19
19		Allison Roberge	20 Shank Street	12/23
20		Nicholas Roberge	20 Shank Street	12/23

CIRCULATOR'S VERIFICATION

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

Signature of Circulator

Printed Name of Circulator

12/27/17
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: 20

Total Invalid: 0

Signature of Registrar/Deputy Registrar

Date: 12/29/17

AN ORDINANCE PERTAINING TO ZONING BOUNDARIES

THE CITY OF LEWISTON HEREBY ORDAINS:

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

APPENDIX A

ZONING AND LAND USE CODE

ARTICLE IV. ESTABLISHMENT OF DISTRICTS

Sec. 1. Zoning Map

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

REASONS FOR THE PROPOSED AMENDMENT

The reason for the proposed amendment is to allow 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 professional engineering business office. A Contract Rezoning request was approved on August 15, 2017, by the Lewiston City Council following a Public Hearing and second Passage to contractually rezone the property at 299 River Road from the Rural Agricultural (RA) District to the Neighborhood Conservation "B" (NCB). That approval did not include professional business office as a Permitted use. That request allowed a perspective buyer of the porperty to continue using the 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. That buyer has elected no to proceed with the purchase of the property. A new buyer desires to add to the existing Contract Rezoning approval the ability to operate a small professional electrical consulting engineering business in the existing barn structure.

The property contains structures consisting of a single-family residence with 2-car garage constructed in 1978, 2 frame utility sheds totaling 612 sf, a 2-story barn of with an 1,800-sf. footprint, and 3 greenhouses totaling 4,020 sf. built in 2000. The current use includes a single-family residence, landscape nursery, greenhouses, and accessory retail sales business, Provencher Landscape & Nursery, which has operated at this location since 1989. Retail sales are currently limited to being accessory to the agricultural use of the property (i.e. landscape nursely and greenhouses).

The proposed modification of the existing Contract Rezoning approved on August 15, 2017, would maintain the current provisions as outlined in the Contract Rezoning and add professional business as a Permitted Use. The use would be limited to a professional business activity with a facility that occupies less than five thousand (5,400) square feet of total floor space.

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.

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

Business, professional, and engineering offices (occupying less than 5,400 s.f. of total floor space) and <u>NOT</u> including research, experimental, testing laboratories, research, management and related services	P
Restaurants	
Drinking places	
Adult business establishments	
Hotels, motels, inns	
Movie theaters except drive-in theaters	
Places of indoor assembly, amusement or culture	
Art and crafts studios	C
Personal Services (39)	P
Retail stores	
Neighborhood retail stores	P
Lumber and building materials dealer	
Gasoline service stations	
Gasoline service stations which are a part of and subordinate to a retail use	
New and used car dealers	
Recreational vehicle, mobile home dealers	
Equipment dealers and equipment repair	
Automotive services including repair	
Registered dispensary (27)	
Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients.	
Tattoo Establishments	
Industrial	
Light industrial uses	
Industrial uses	
Building and construction contractors	
Fuel oil dealers and related facilities	
Wholesale sales, warehousing and distribution facilities and self-storage facilities	
Self storage facilities	
Commercial solid waste disposal facilities	
Junkyards and auto graveyards	
Recycling and reprocessing facilities	
Private industrial/commercial developments (23)	

Transportation	
Airports or heliports	
Commercial parking facilities	
Transit and ground transportation facilities	
Transportation facilities	
Public and Utility	
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C
Municipal buildings and facilities	C
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways	
Dams	
Institutional	
Religious facilities	P
Cemeteries	P
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities	
Hospitals, medical clinics,	
Museums, libraries, and non-profit art galleries and theaters	
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures,	
Civic and social organizations	
Public community meeting and civic function buildings including auditoriums	
Residential	
Single-family detached dwellings on individual residential lots	P

Mobile homes on individual residential lots	
Two-family dwellings	
Multifamily dwellings in accordance with the standards of Article XIII	
Single-Family attached dwelling in accordance with the standards of Article XIII	P
Mixed single-family residential developments in accordance with the standards of Article XIII	
Mixed residential developments in accordance with the standards of Article XIII	
Mixed use structures	P
Lodging houses	
Home occupations	P
Bed and breakfast establishments as a home occupation	P
In-law apartments in accordance with the standards of Article XII	P
Single family cluster development	P
Family day care home	P
Shelters	
Natural Resource	
Agriculture	P
Farm Stands	P
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P
Earth material removal	
Community gardens (20)	P
Water dependent uses, e.g. docks and marinas	
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet	
Recreation	
Campgrounds	
Public or private facilities for nonintensive outdoor recreation	C
Commercial outdoor recreation and drive-in theaters	

Single family detached, mobile homes on individual lots (24)	60,000 sf
Single family attached	60,000 sf
Two-family dwellings	
Single family cluster development (1)	20 acres
Mixed single family residential development (14)	20 acres
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
Agriculture	120,000 sf
Religious facilities	120,000 sf
Veterinary facilities	120,000 sf
Other uses	
Minimum net lot area per d.u. with public sewer	
Single family detached	60,000 sf
Single family attached	60,000 sf
Two-family dwellings	
Mixed single family residential development (14)	60,000 sf
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
All permitted residential uses	
Minimum net lot area per d.u. without public sewer	
Single family detached, mobile homes on individual lots	60,000 sf
Single family attached	60,000 sf
Two-family dwellings	
Mixed single family residential development (14)	60,000 sf
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
All permitted residential uses	
Minimum frontage	
Single family detached, mobile homes -	200 ft.
Single family attached	200 ft.
Two-family dwellings	
Single family cluster development (with multiple vehicular accesses)	200 ft. (50 feet)

Mixed single family residential development (with multiple vehicular accesses)	200 ft. (50 feet)
Mixed residential development (with multiple vehicular accesses) (14)	
Multifamily dwellings (with multiple vehicular accesses)	
Mixed use structures	
Agriculture	250 ft.
Religious facilities	205 ft.
Veterinary facilities	
Other uses	125 ft.
All permitted uses	
Minimum front setback	
Single family detached, mobile homes on individual lots	25 ft.
Single family attached	50 ft.
Two-family dwellings	
Single family cluster development	50 ft.
Mixed single family residential development (14)	50 ft.
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
Agriculture	50 ft.
Religious facilities	25 ft.
Veterinary facilities	25 ft.
Other uses	25 ft.
All permitted uses	
Minimum front yard	
Single family detached, mobile homes on individual lots	25 ft.
Single family attached	50 ft.
Two-family dwellings	
Single family cluster development	50 ft.
Mixed single family residential development (14)	50 ft.
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	25 ft.
Religious facilities	25 ft.
Veterinary facilities	25 ft.
Other uses	25 ft.
All permitted uses	
Minimum side and rear setback	

Single family detached, mobile homes on individual lots	25 ft.
Single family attached	
Two-family dwellings	
Single family cluster development	50 ft.
Mixed single family residential development (14)	50 ft.
Mixed residential development (14)	
Multifamily dwellings	
Religious facilities	50 ft.
Mixed use structures	
Veterinary facilities	50 ft.
Farm structures for keeping of animals	100 ft.
Other uses	50 ft.
All permitted uses	
Minimum side and rear yard	
Single family detached, mobile homes on individual lots	10 ft.
Single family attached	50 ft.
Two-family dwellings	
Single family cluster development	
Mixed single family residential development (14)	
Mixed residential development (14)	50 ft.
Multifamily dwellings	
Mixed use structures	
Religious facilities	
Veterinary facilities	25 ft.
Farm structures for keeping of animals	25 ft.
Other uses	25 ft.
All permitted uses	
Maximum height	
Agriculture	75 ft.
Other permitted uses	35 ft.
Hospital, nursing homes and medical offices	
Ratios	
Maximum lot coverage	0.15
Maximum impervious coverage	

Applicable footnotes:

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

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

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

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

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

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

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

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

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

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

(g) In addition to other remedies to which the City may be entitled under applicable provisions of statute or ordinance, if any party in possession 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 28th day of December 2017.

Brian Langlois

Androscoggin, SS _____, 2017
Lewiston, Maine

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

Owner:

Roger Roberge
Androscoggin, SS _____, 2017
Lewiston, Maine

Personally appeared the above named Brian Langlois and Roger Roberge and acknowledged their foregoing to be their free act and deed.

Notary Public
Commission Expires: _____

PARID: RE00010919 299 RIVER RD

Parcel ID RE00010919

Map/Lot 155/000/012

Property Location: 299 RIVER RD

Property Class: Multiple Use - Primarily Commercial

Land Area: (acreage) 11.53

Owners

Owner: ROBERGE ROGER
ROBERGE LORRAINE L

Address: 299 RIVER RD

City: LEWISTON

State: ME

Zip: 04240

Book: 2428

Page: 263

OBY

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 or 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

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:

MAINE REAL ESTATE
TRANSFER TAX PAID

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

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
Joane Jandreau, Notary Public
My commission expires 2/11/1990



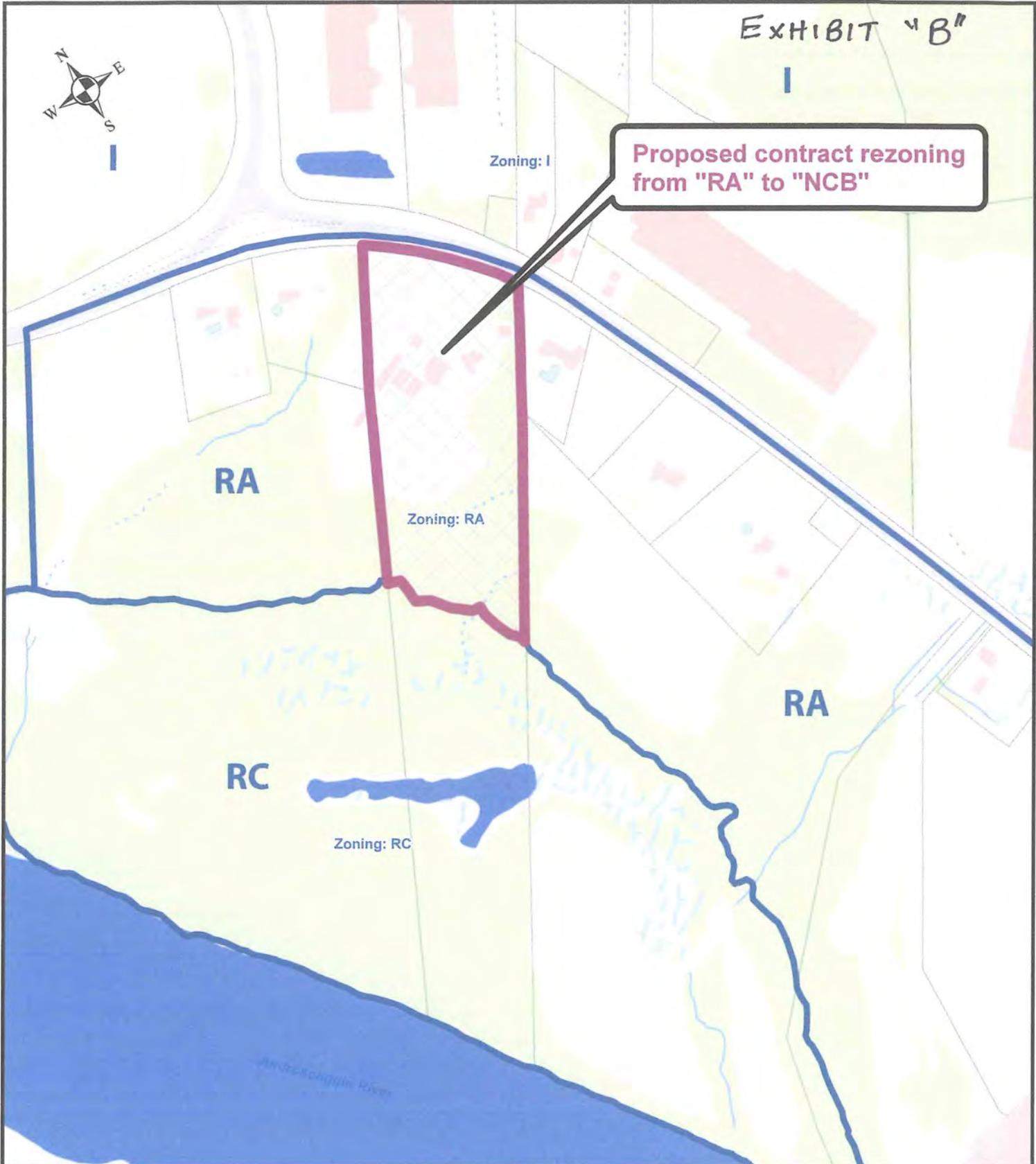
ATTEST

Margaret C. Thompson
REGISTER OF DEEDS

89 JUL -3 AM 9:12

ANDROSCOGGIN, SS.
REGISTRY OF DEEDS

[Faint handwritten text]



Proposed contract rezoning from "RA" to "NCB"

Proposed
299 River Road
Contract Rezoning

January 2018



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Planning Board
FROM: David Hediger, City Planner
DATE: January 17, 2018
RE: An application submitted by Jones Associates, Inc. on behalf of the Estate of Armande A. Poulin for a six-lot residential subdivision of the land at 56 Ferry Road.

Jones Associates, Inc. on behalf of the Estate of Armande A. Poulin has submitted an application for a six-lot residential subdivision of the land at 56 Ferry Road. This property consists of 18.95 acres and is located in the Rural Agricultural (RA) district. Each of the proposed six lots will have frontage on Ferry Road. No new roads or frontage right-of-ways are being proposed to access any of the lots. All of the lots meet or exceed the minimum space and bulk requirements of the RA district. Wetlands have been delineated and soil tests have been completed as evidence that septic systems may be provided for single-family dwellings. The lots will be serviced by private wells. Adequate sight-distance is provided for all of the proposed lots with exception of Lot 1. Given the grade of Ferry Road, the driveway to access Lot 1 will be limited to the southern end of the lot. This is specifically shown and noted on the plan

This is a very straight forward subdivision, simply dividing an existing agricultural field into house lots with no public infrastructure proposed. The applicant has specifically addressed the applicable development and subdivision review criteria of Article XIII, Sections 4 and 5. Staff recommends approval.

ACTION NECESSARY

Make a motion pursuant to Article XIII, Section 4 and 5 of the Zoning and Land Use Code to approve an application submitted by Jones Associates, Inc. on behalf of the Estate of Armande A. Poulin for a six-lot residential subdivision of the land at 56 Ferry Road.

**JONES
ASSOCIATES**
Foresters, Surveyors and
Environmental Consultants



January 8, 2018

David Hediger, City Planner
Planning & Code Enforcement
City of Lewiston
27 Pine Street, 3rd Floor
Lewiston, ME 04240

Re: Poulin's Plateau Subdivision (Tax Map 127, Lot 9)

Dear Mr. Hediger,

On behalf of the Estate of Armande A. Poulin, Jones Associates Inc (JAI) is pleased to submit this letter and attached Development Review Application for Poulin's Plateau Subdivision, a 6-lot residential subdivision of the Estate of Armande A. Poulin (Tax Map 127, Lot 9) located at 56 Ferry Road in Lewiston. The applicant has paid the application fee of \$1,050.00 to the City of Lewiston. We request to be on the agenda for the planning board meeting scheduled for Monday, January 22, 2018.

The property includes 18.95 acres of undeveloped land and has 1405.7 feet of frontage on Ferry Road. The parcel boundaries, wetland areas, drainage area and existing conditions with two-foot contours are shown on plan entitled "Poulin's Plateau" subdivision plan prepared by JAI. The contours and features are based on GIS information obtained from the City of Lewiston. There are no streams located on the property. The property is not located in a flood hazard zone.

The property is located in the Rural Agricultural zone. The intent is to create a standard subdivision with all lots exceeding the minimum lot size of 60,000 square feet with a minimum of 200 feet of frontage on Ferry Road. Home development on each lot will be able to meet all space and bulk requirements for the zone. The lots range in size from 2.40 acres to 4.20 acres. All lots will have a minimum of 200' frontage on Ferry Road for access to the individual lots. Lot #1 driveway access location is restricted (see plan for location detail.) All building setbacks are 25 feet as measured from the proposed lines and sidelines of the road right of way.

Each lot is proposed to be served by an individual well and an individual subsurface wastewater disposal system. Based on Maine Geological Survey maps, groundwater is sufficient in both quantity and quality to serve the needs of the subdivision (see attached MGS map). Soils information for each lot from CES Inc. is included in the application. Soil conditions in the vicinity

280 Poland Spring Road
Auburn, ME 04210
(207) 241-0235

of the test borings TB-1 through TB-6 meet the minimum requirements and are suitable for a subsurface wastewater disposal system serving a single-family dwelling in accordance with the State of Maine Subsurface Waste Water Disposal Rules. Power service will extend overhead from the existing poles on Ferry Road.

Enclosed you will find 15 copies of the following:

- Development Review Application
- Agent Authorization Letter
- Development Review checklist
- Poulin's Plateau Subdivision – Regulations Review of Articles XIII.4 & XIII.5
- Right, Title & Interest Documentation (Deed Bk 2653, Pg 256; Abstract of Will – Bk 9736, Pg 86)
- Maine Geological Survey Map
- Soil Test Pit Data from CES Inc dated May 8, 2017 for TB-1 through TB-6
- Residential Subdivision Plan ("Poulin's Plateau" dated December 27, 2017)

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Jones".

Rick Jones



Development Review Application

City of Auburn Planning and Permitting Department
City of Lewiston Department of Planning and Code Enforcement



PROJECT NAME: Poulin's Plateau Subdivision

PROPOSED DEVELOPMENT ADDRESS: 56 Ferry Road

PARCEL ID#: Tax Map 127, Lot 9

REVIEW TYPE: Site Plan/Special Exception Site Plan Amendment
 Subdivision Subdivision Amendment

PROJECT DESCRIPTION: 6-Lot Residential Subdivision

CONTACT INFORMATION:

Applicant

Name: Estate of Armande A. Poulin

Address: 1891 Lisbon Street
Lewiston, Maine 04240

Zip Code 04240

Work #: 207-795-9672

Cell #: 207-576-3676

Fax #:

Home #:

Email: marcepoulin@masiello.com

Project Representative

Name: Rick Jones, Jones Associates Inc

Address: 280 Poland Spring Road
Auburn, Maine

Zip Code 04210

Work #: 207-241-0235

Cell #: 207-212-9333

Fax #: 207-998-4061

Home #:

Email: rjones@jonesai.com

Property Owner

Name: Heirs of Armande A. Poulin

Address: 1891 Lisbon Street
Lewiston, Maine

Zip Code 04240

Work #: 207-795-9672

Cell #: 207-576-3676

Fax #:

Home #:

Email: marcepoulin@masiello.com

Other professional representatives for the project (surveyors, engineers, etc.),

Name: Mike Hartman, Jones Assoc. Inc.

Address: 280 Poland Spring Road
Auburn, Maine

Zip Code 04210

Work #: 207-241-0235

Cell #: 207-312-9693

Fax #: 207-998-4061

Home #:

Email: mhartman@jonesai.com

PROJECT DATA

The following information is required where applicable, in order to complete the application

IMPERVIOUS SURFACE AREA/RATIO

	<u>N/A</u>	
Existing Total Impervious Area	_____	sq. ft.
Proposed Total Paved Area (<i>and gravel areas</i>)	_____	sq. ft.
Proposed Total Impervious Area	_____	sq. ft.
Proposed Impervious Net Change	_____	sq. ft.
Impervious surface ratio existing	_____	% of lot area
Impervious surface ratio proposed (Net Area)	_____	% of lot area

BUILDING AREA/LOT COVERAGE

	<u>N/A</u>	
Existing Building Footprint	0	sq. ft.
Proposed Building Footprint	0	sq. ft.
Proposed Building Footprint Net change	0	sq. ft.
Existing Total Building Floor Area	0	sq. ft.
Proposed Total Building Floor Area	0	sq. ft.
Proposed Building Floor Area Net Change	0	sq. ft.
New Building	0	sq. ft.
Building Area/Lot coverage existing	0	sq. ft.
Building Area/Lot coverage proposed	0	sq. ft.

ZONING

Existing	<u>Rural Agricultural</u>	
Proposed, if applicable	<u>N/A</u>	

LAND USE

Existing	<u>Undeveloped</u>	
Proposed	_____	

RESIDENTIAL, IF APPLICABLE

Existing Number of Residential Units	N/A	
Proposed Number of Residential Units	N/A	
Subdivision, Proposed Number of Lots	6	

PARKING SPACES

Existing Number of Parking Spaces	N/A	
Proposed Number of Parking Spaces	N/A	
Required Number of Parking Spaces	N/A	
Number of Handicapped Parking Spaces	N/A	

ESTIMATED COST OF PROJECT

_____ N/A

DELEGATED REVIEW AUTHORITY CHECKLIST

SITE LOCATION OF DEVELOPMENT AND STORMWATER MANAGEMENT

Existing Impervious Area	_____	sq. ft.
Proposed Disturbed Area	_____	sq. ft.
Proposed Impervious Area	_____	sq. ft.

1. *If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with MDEP.*
2. *If the proposed impervious area is greater than one acre including any impervious area created since 11/16/05, then the applicant shall apply for a MDEP Stormwater Management Permit, Chapter 500, with the City.*
3. *If total impervious area (including structures, pavement, etc) is greater than 3 acres since 1971 but less than 7 acres, then the applicant shall apply for a Site Location of Development Permit with the City. If more than 7 acres then the application shall be made to MDEP unless determined otherwise.*
4. *If the development is a subdivision of more than 20 acres but less than 100 acres then the applicant shall apply for a Site Location of Development Permit with the City. If more than 100 acres then the application shall be made to MDEP unless determined otherwise.*

TRAFFIC ESTIMATE

Total traffic estimated in the peak hour-existing (Since July 1, 1997)	0	passenger car equivalents (PCE)
Total traffic estimated in the peak hour-proposed (Since July 1, 1997)	<100	passenger car equivalents (PCE)

If the proposed increase in traffic exceeds 100 one-way trips in the peak hour then a traffic movement permit will be required.

AGENT AUTHORIZATION

To Whom it May Concern:

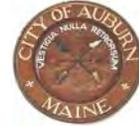
The signature below authorizes Jones Associates, Inc. to act as the applicant's agent in the processing of the enclosed application.

Marcel B Poulin



Development Review Checklist

City of Auburn Planning and Permitting Department
City of Lewiston Department of Planning and Code Enforcement



THE FOLLOWING INFORMATION IS REQUIRED WHERE APPLICABLE TO BE SUBMITTED FOR AN APPLICATION TO BE COMPLETE

PROJECT NAME: Poulin's Plateau

PROPOSED DEVELOPMENT ADDRESS and PARCEL #: 56 Ferry Road; Tax Map 127, Lot 9

Required Information		Check Submitted		Applicable Ordinance	
		Applicant	Staff	Lewiston	Auburn
Site Plan					
	Owner's Names/Address	X			
	Names of Development	X			
	Professionally Prepared Plan	X			
	Tax Map or Street/Parcel Number	X			
	Zoning of Property	X (RA)			
	Distance to Property Lines	X			
	Boundaries of Abutting land	X			
	Show Setbacks, Yards and Buffers	X			
	Airport Area of Influence (Auburn only)	N/A			
	Parking Space Calcs	N/A			
	Drive Openings/Locations	N/A			
	Subdivision Restrictions	N/A			
	Proposed Use	X			
	PB/BOA/Other Restrictions	N/A			
	Fire Department Review				
	Open Space/Lot Coverage	N/A			
	Lot Layout (Lewiston only)				
	Existing Building (s)				
	Existing Streets, etc.				
	Existing Driveways, etc.				
	Proposed Building(s)				
	Proposed Driveways				
Landscape Plan		N/A			
	Greenspace Requirements				
	Setbacks to Parking				
	Buffer Requirements				
	Street Tree Requirements				
	Screened Dumpsters				
	Additional Design Guidelines				

	Planting Schedule				
Stormwater & Erosion Control Plan		N/A			
	Compliance w/ chapter 500				
	Show Existing Surface Drainage				
	Direction of Flow				
	Location of Catch Basins, etc.				
	Drainage Calculations				
	Erosion Control Measures				
	Maine Construction General Permit				
	Bonding and Inspection Fees				
	Post-Construction Stormwater Plan				
	Inspection/monitoring requirements				
	Third Party Inspections (Lewiston only)				
Lighting Plan		N/A			
	Full cut-off fixtures				
	Meets Parking Lot Requirements				
Traffic Information		N/A			
	Access Management				
	Signage				
	PCE - Trips in Peak Hour				
	Vehicular Movements				
	Safety Concerns				
	Pedestrian Circulation				
	Police Traffic				
	Engineering Traffic				
Utility Plan		N/A			
	Water (Individual Wells)	X			
	Adequacy of Water Supply	X			
	Water main extension agreement	(N/A)			
	Sewer (Individual Disposal Systems)	X			
	Available city capacity	X (N/A)			
	Electric				
	Natural Gas				
	Cable/Phone				
Natural Resources					
	Shoreland Zone	X (No)			
	Flood Plain	X (No)			
	Wetlands or Streams	X			
	Urban Impaired Stream	X (No)			
	Phosphorus Check				
	Aquifer/Groundwater Protection	X (No)			
	Applicable State Permits				
	No Name Pond Watershed (Lewiston only)	X(No)			

	Lake Auburn Watershed (Auburn only)				
	Taylor Pond Watershed (Auburn only)				
Right Title or Interest		X			
	Verify	X			
	Document Existing Easements, Covenants, etc.				
Technical & Financial Capacity					
	Cost Est./Financial Capacity				
	Performance Guarantee				
State Subdivision Law					
	Verify/Check	X			
	Covenants/Deed Restrictions	N/A			
	Offers of Conveyance to City	N/A			
	Association Documents	N/A			
	Location of Proposed Streets & Sidewalks	N/A			
	Proposed Lot Lines, etc.	X			
	Data to Determine Lots, etc.	X			
	Subdivision Lots/Blocks	X			
	Specified Dedication of Land	N/A			
Additional Subdivision Standards		N/A			
	Single-Family Cluster (Lewiston only)				
	Multi-Unit Residential Development (Lewiston only)				
	Mobile Home Parks				
	Private Commercial or Industrial Subdivisions (Lewiston only)				
	PUD (Auburn only)				
A jpeg or pdf of the proposed site plan		X			
Final sets of the approved plans shall be submitted digitally to the City, on a CD or DVD, in AutoCAD format R 14 or greater, along with PDF images of the plans for archiving					

Poulin's Plateau Subdivision (Tax Map 127, Lot 9)
Development Review Application – Regulations Review

City of Lewiston, Appendix A – Zoning & Land Use Code
Article XIII. Development Review and Standards
Sec. 4. Approval Criteria.

- (a) Utilization of the site. The plan for the development will reflect the natural capabilities of the site to support development. Buildings, lots and support facilities will be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas such as wetlands, steep slopes, floodplains and unique natural features will be maintained and preserved to the maximum extent. Natural drainage areas will be preserved to the maximum extent. **The property includes 18.95 acres of undeveloped land and has 1405.7 feet of frontage on Ferry Road. The parcel boundaries, wetland areas, drainage areas and existing conditions with two-foot contours are shown on the plan entitled "Poulin's Plateau" subdivision plan prepared by Jones Associates Inc. The property is located in the Rural Agricultural zone. The intent is to create a standard subdivision with all lots exceeding the minimum lot size of 60,000 square feet with a minimum of 200 feet of frontage on Ferry Road. Home development on each lot will be able to meet all space and bulk requirements for the zone. The lots range in size from 2.40 acres to 4.20 acres. All building setbacks are 25 feet as measured from the proposed lines and sidelines of the road right of way.**
- (b) Traffic movement into and out of the development area. The developer has made adequate provision for traffic movement of all types into and out of the development area. Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development. **Access to the lots will be from Ferry Road. No internal roads are proposed. Traffic generated by development of the subdivision will be less than 100 trips in peak hour.**
- (c) Access into the site. Vehicular access into the development will provide for safe and convenient access. **Access to the lots will be from Ferry Road on individual driveways. All lots will have a minimum of 200-foot frontage on Ferry Road for access to the individual lots. Lot #1 driveway access location is restricted (see plan for location detail.) All other sight distances are in accordance with the City of Lewiston's Policy for the Design and Construction of Streets and Sidewalks.**
- (d) Internal vehicular circulation. The layout of the site will provide for the safe movement of passenger, service and emergency vehicles through the site. **Access to the individual lots will be from Ferry Road. There will be no internal roads.**
- (e) Pedestrian circulation. **There are no sidewalks on Ferry Road.**
- (f) Stormwater management. Adequate provisions shall be made for the disposal of all stormwater collected on streets, parking areas, roofs or other impervious surfaces through a stormwater

drainage system which will not have adverse impacts on abutting or downstream properties.
Stormwater management for the individual lots is not required.

- (g) Erosion control. **No development is proposed by the applicant. As the individual lots are developed, the individual land owners will be required to obtain building permits. Erosion control for the individual lots will be addressed at that time.**
- (h) Water supply. **The lots will be served by private wells. Based on the Maine Geological Survey maps, groundwater is sufficient in both quantity and quality to serve the needs of the subdivision.**
- (i) Sewage disposal. **The lots will be served by individual subsurface wastewater treatment systems. Soils information for each lot from CES Inc. is included in the application. Soil conditions in the vicinity of the test borings TB-1 through TB-6 meet the minimum requirements and are suitable for a subsurface wastewater disposal system serving a single-family dwelling in accordance with the State of Maine Subsurface Waste Water Disposal Rules.**
- (j) Utilities. The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project. **There is adequate capacity to service the proposed development. Power service will extend from the existing poles on Ferry Road.**
- (k) Natural features. **As the individual lots are developed, the individual land owners will be required to obtain building permits. The landscape will be preserved in its natural state insofar as practical by minimizing tree removal.**
- (l) Groundwater protection. **The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems. The groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.**
- (m) Water and air pollution. **The proposed development is for a residential subdivision. It will not result in undue water or air pollution.**
- (n) Exterior lighting. **No development is proposed at this time. As the individual lots are developed, the individual land owners will be required to obtain building permits. Exterior lighting for the individual lots will be addressed at that time. The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.**
- (o) Waste disposal. **As the individual lots are developed, the individual land owners will be required to obtain building permits. Waste disposal for the individual lots will be addressed at that time and shall meet all Maine State plumbing code requirements.**

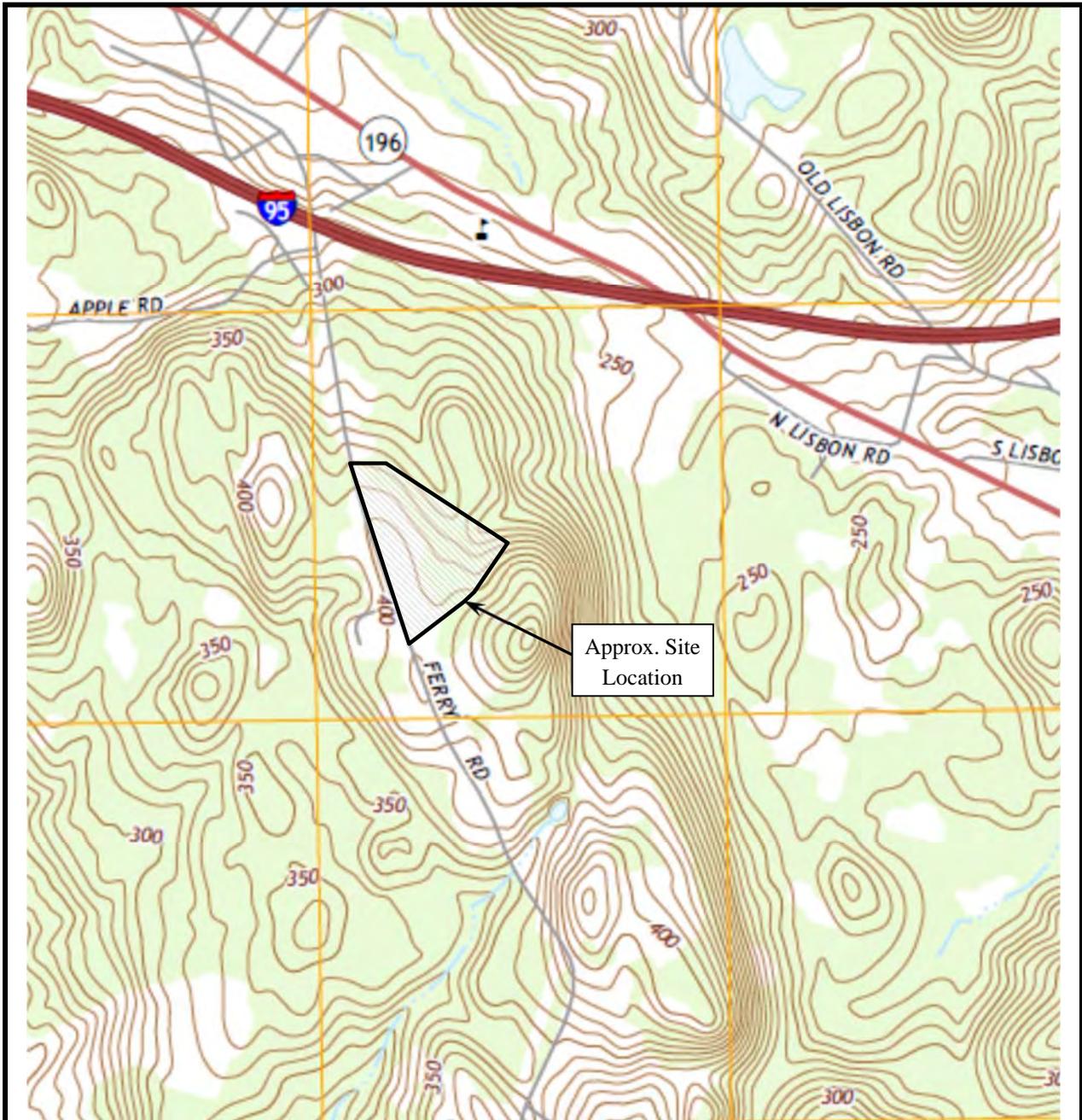
- (p) Lot layout. **The proposed development is for a 6-lot subdivision ranging in size from 2.4 acres to 4.2 acres. All lots will access their property from Ferry Road with a minimum of 200 feet road frontage.**
- (q) Landscaping. **No landscaping is proposed.**
- (r) Shoreland relationship. **The proposed development is not located within the Shoreland.**
- (s) Open space. **Not applicable. No open space is proposed for this project.**
- (t) Technical and financial capacity. **This project will be self funded and is owned by the applicant. The applicant has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.**
- (u) Buffering. **Not applicable. No buffering is proposed for this project.**
- (v) Compliance with district regulations. **The applicant has established that the development will be consistent with the district regulations of article XI.**
- (w) Design consistent with performance standards. **The applicant has designed the development to make it compliant with performance standards of article XII, insofar as they may be applicable.**

City of Lewiston, Appendix A – Zoning & Land Use Code
Article XIII. Development Review and Standards.
Sec. 5. Coordination with State Subdivision Law:

- (1) Will not result in undue water or air pollution. In making this determination, it shall at least consider: the elevation of land above sea level and its relation to the floodplains; the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable state and local health and water resources regulations. **(Will not result in undue water or air pollution.)**
- (2) Has sufficient water available for the reasonably foreseeable needs of the subdivision. **(Has sufficient water available.)**
- (3) Will not cause an unreasonable burden on an existing water supply, if one is to be utilized. **(Will not cause an unreasonable burden on an existing water supply.)**
- (4) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result. **(Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water.)**
- (5) Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed. **(Each lot will have a minimum of 200 feet frontage on Ferry Road. Site distances are adequate for each lot except for Lot #1 which will be restricted as shown on the subdivision plan. It is expected that development of the subdivision will general less than 100 trips in peak hours. Individual lots will be developed by the buyers as they are sold. Each lot will require building permits which will comply with the City requirements.)**
- (6) Will provide for adequate sewage waste disposal. **(The lots will be served by individual subsurface wastewater treatment systems. Soils information for each lot from CES Inc. is included in the application. Soil conditions in the vicinity of the test borings TB-1 through TB-6 meet the minimum requirements and are suitable for a subsurface wastewater disposal system serving a single-family dwelling in accordance with the State of Maine Subsurface Waste Water Disposal Rules.)**
- (7) Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage, if municipal services are to be utilized. **(Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage.)**
- (8) Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline. **(Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.)**

- (9) Is in conformance with this Code and the city's comprehensive plan. **(Is in conformance with this Code and the city's comprehensive plan.)**
- (10) The subdivider has adequate financial and technical capacity to meet the above stated standards. **(The subdivider has adequate financial and technical capacity to meet the above stated standards.)**
- (11) Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water. **(Not applicable. The proposed subdivision is not located in the shoreland zone.)**
- (12) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater. **(Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.)**
- (13) The subdivider will determine, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, whether the subdivision is in a flood-prone area. **(Not applicable. The proposed subdivision is not located in the floodplain per FIRM Panel #23001C0333E and #23001C0341E.)**
- (14) Will not interfere unreasonably with the solar access of existing buildings or adjacent parcels. **(Will not interfere unreasonably with the solar access of existing buildings or adjacent parcels.)**

LOCATION MAP



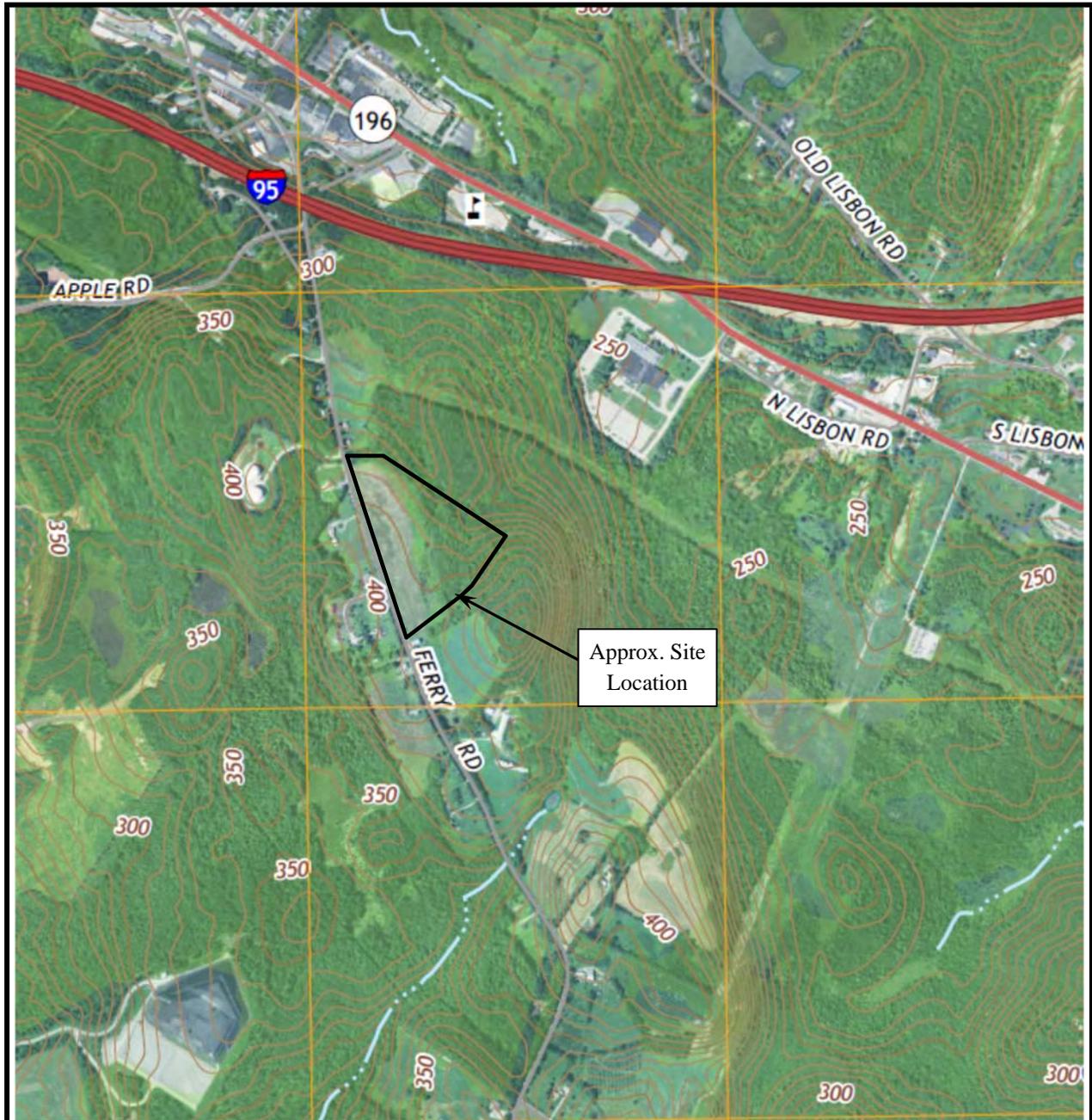
Approx. Coordinates: UTM: 406233 m E; 4879205 m N
Latitude: 44.060016°; Longitude -70.170720°

Poulin's Plateau Subdivision
56 Ferry Road
Lewiston, Maine

USGS Lewiston Quadrangle (7.5 Minute Series)
Jones Associates, Inc., 280 Poland Spring Road, Auburn, Maine 04210

NOT TO SCALE
(207) 241-0235

LOCATION MAP



Approx. Coordinates: UTM: 406233 m E; 4879205 m N
Latitude: 44.060016°; Longitude -70.170720°

Poulin's Plateau Subdivision
56 Ferry Road
Lewiston, Maine

USGS Lewiston Quadrangle (7.5 Minute Series)
Jones Associates, Inc., 280 Poland Spring Road, Auburn, Maine 04210

NOT TO SCALE
(207) 241-0235

RIGHT, TITLE OR INTEREST

BK2653 PG256

02242

WARRANTY DEED

NO MAINE R.E.
TRANSFER TAX PAID

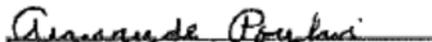
KNOW ALL MEN BY THESE PRESENTS, THAT WE, DOMINIQUE
POULIN and ARMANDE A. POULIN, being husband and wife, both of
1891 Lisbon Street, Lewiston, County of Androscoggin, and
State of MAINE, for consideration paid, grant to ARMANDE A.
POULIN, of 1891 Lisbon Street, Lewiston, County of
ANDROSCOGGIN, State of MAINE, with WARRANTY COVENANTS, the
land and buildings in LEWISTON, County of ANDROSCOGGIN, State
of MAINE, bounded and described as follows:

See Attached Schedule A.

WITNESS our hands and seals this 31st day of January,
1991.


_____ *to both*


_____ DOMINIQUE POULIN


_____ ARMANDE A. POULIN

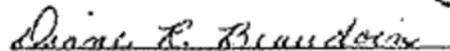
STATE OF MAINE
ANDROSCOGGIN, SS.

January 31, 1991

Then personally appeared the above-named DOMINIQUE POULIN
and ARMANDE A. POULIN and acknowledged the foregoing instrument
to be their free act and deed.

Before me,




_____ Notary Public

DEDAAP

Diane R. Beaudoin

My commission expires August 11, 1996

Being a certain or parcel of land with the buildings thereon, situated in said Lewiston, County of Androscoggin, State of Maine and being more particularly bounded and described as follows:

Beginning at a point on the easterly line of Pleasant Street, also known as Ferry Road, at a monument in a stone wall; thence south eighty-two degrees, four minutes, fifty-six seconds east ($S 82^{\circ} 04' 56'' E$), along the center of said stone wall, two hundred twenty-two and sixty-three hundredths feet (222.63) to another monument; thence south thirty seven degrees, nine minutes east ($S 37^{\circ} 09' E$), along the center of a stone wall, one thousand five hundred eighty-one and fifty-eights hundredths feet (1,581.58), to an iron pipe; thence south seventy-six degrees twenty-one minutes west ($S 76^{\circ} 21' W$) along land conveyed by the said Clementine Lachance to Roger R. Belanger et al by warranty deed dated August 24, 1971 and recorded in the Androscoggin County Registry of Deeds in Book 1039, Page 231, said line following the center of a stone wall for a portion of the distance, one thousand twenty-feet (1,020) more or less, to an iron pipe in said stone wall; thence south fifty-two degrees forty-eight minutes four seconds west ($S 52^{\circ} 48' 04'' W$), along said Belanger's line, fifty-eight and eighteen hundredths feet (58.18) to an iron pipe; thence south sixty-seven degrees, twenty-two minutes, four seconds west ($S 67^{\circ} 22' 04'' W$), along said Belanger's line, one hundred twenty-three and twenty-three hundredths feet (123.23), to an iron pipe located on the easterly line of said Pleasant Street; thence north zero degrees, fifty-two minutes, fifty-six second west ($N 00^{\circ} 52' 56'' W$), along the easterly line of said Pleasant Street, one thousand three hundred seventy-three and sixty-six hundredths feet (1,373.66), to an angle in said road; thence north one degree seventeen minutes, three seconds east ($N 01^{\circ} 17' 03'' E$), two hundred thirty and seven tenths feet (230.7) to the point of beginning.

Excepting and reserving from the above-described premises is a certain lot or parcel of land with the buildings thereon, situated in said Lewiston, County of Androscoggin, State of Maine and being more particularly described in a warranty deed dated July 16, 1973 from Dominique and Armande Poulin to Marcel B. Poulin and recorded at Book

1079, Page 775 of said Registry.

Being a portion of the same premises conveyed by Dominique Poulin to Dominique Poulin and Armande Poulin by deeds recorded in said Registry at Book 1048, Page 635 and Book 1079, Page 773, respectively. Said premises is further subject to a corrective deed from Clementine Lachance to Dominique Poulin and Armande Poulin dated July 10, 1973 and recorded in said Registry at Book 1079, Page 774.

SEAL:

STATE OF MAINE

N-121
(Rev.9-16-81)

(SEAL OF COURT)
PROBATE COURT

Auburn, Maine
Location of Court

ANDROSCOGGIN, SS.

DOCKET 2017-498

Estate of ARMANDE A. FOULIN

CERTIFICATE AND ABSTRACT

To the Register of Deeds of ANDROSCOGGIN County.

An estate has been opened in this court for the above named decedent. The following facts apply to this estate according to the probated will or the petition or application was made or both.

Date of decedent's death 10/29/2017.

- 1. Did decedent leave a will? YES NO
- 2. If item one is YES, will was probated FORMALLY INFORMALLY
- 3. If item one is YES, date of most recent probate of the will was November 17, 2017.
- 4. If item 2 is answered FORMALLY, was there previous informal probate of the same will? YES NO
- 5. If the will was previously probated informally, was that informal probate certified to the Register of Deeds of the county to which this certificate is directed? YES NO
- 6. Has a petition for elective share been filed? (If YES, attach copy.) YES NO
- 7. Has a personal representative been appointed? YES NO
- 8. If item 7 is YES, date of appointment was November 17, 2017.
- 9. If item 7 is YES, appointment was FORMAL INFORMAL
- 10. If item 7 is YES, give name and address of personal representative.

Marcel Poulin, 1891 Lisbon Road, Lewiston, ME 04240
Andre Poulin, 70 South Lisbon Road, Lewiston, ME 04240
Helene Poulin, Redington East #18, Carrabassett Valley, ME 04947

N-121
(Rev. 9-16-81)
Page 2 of 3

Insert here a true copy of so much of decedent's will as devises real estate, if any. In addition, if a more complete description of the real estate involved appears on the petition or application upon which the appointment was made, add that description below the provisions of the will. Label any such description: "DESCRIPTION OF REAL ESTATE FROM APPLICATION OR PETITION". Also, in every case where information is available, list each municipality and county in which decedent owned real estate.

THIRD: Residuary Estate. I give all the rest, residue and remainder of my estate, real, personal and mixed, including all future interests and all property ineffectively disposed of above because of lapse or for any other reason as follows:

- (a) If my husband survives me, I give to him my entire residuary estate outright and free of all trusts.
- (b) If my husband predeceases me, I give my residuary estate to my Trustees...

LEWISTON, MAINE

ANDROSCOGGIN County

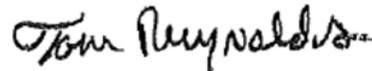
N-121
(Rev. 9-16-81)
Page 3 of 3

Following is a list of Heirs or of all persons who are or may be Devisees of real estate. (List heirs only when there is no probated will. If there is a probated will, list devisees of real estate.)

Marcel Poulin
Andre Poulin
Helene Poulin
Doris Roitman

I certify that the foregoing statements are accurate so far as they may be determined from the will or the petition or application upon which the appointment was made.

Dated: November 17, 2017



Register of Probate
Tom Reynolds

See 18-A MRSA § 1-504.
Andprob

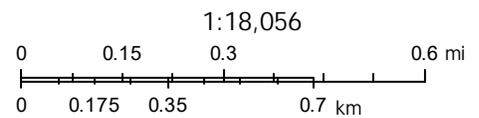
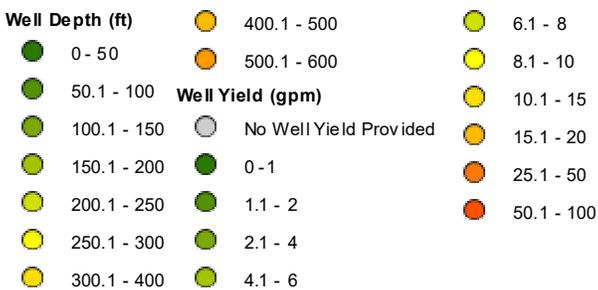
ANDROSCOGGIN COUNTY
Tha. R. Chouinard
REGISTER OF DEEDS

MAINE GEOLOGICAL SURVEY WELL DATABASE MAP

Maine Well Database



12 / 28 / 2017 5 : 11 : 59 PM



Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user community
 Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

SOIL INVESTIGATION DATA

May 8, 2017

Mr. Rick Jones
Jones Associates, Inc.
280 Poland Spring Road
Auburn, ME 04210

RE: Preliminary Soil Investigation, 56 Ferry Road in Lewiston, Maine

Mr. Jones:

At your request, CES, Inc. (CES) completed a Preliminary Soil Investigation at the above referenced property.

The purpose of the investigation was to determine the suitability of soil for installation of “First Time” Subsurface Waste Water Disposal Systems (septic systems) to serve proposed single family dwelling units in accordance with State of Maine Subsurface Waste Water Disposal System Rules (SWWDR-10 CMR 241).

DATE OF INVESTIGATION

May 2, 2017. Weather conditions were overcast with drizzle and a temperature of about 45 degrees. The Lots are undeveloped and consist of primarily open field along Ferry Road and woodland on the eastern (rear of the Lots) portion. The Western portion of the property is relatively flat with moderate slopes on the eastern portion of the Lots.

METHOD OF INVESTIGATION

Six test borings designated TB-1 through TB-6 were advanced using a hand auger with a three-inch bucket auger head. Soil was visually observed and classified on the attached Soil Profile logs. Depths were measured with a steel tape.

METHOD OF GROUND CONTROL

GPS coordinates of the boring locations were recorded by Jones Associates, Inc. (JAI) and the locations are shown on the attached “Proposed Sketch Plan” in **Attachment A**. Boring locations were marked in the field with a pin flag.

FINDINGS

Test borings TB-1 through TB-5 encountered a dark brown, sandy loam in the upper 8-12 inches underlain by a brown, fine sand to silt loam to a depth of 16-20 inches below ground surface (bgs). A dense gray glacial till was present in several borings between 20-28 inches. Soil is classified as Profile 3, Condition C. Evidence of seasonal high water (mottling) and/or restrictive conditions

were observed at depths of 15-20 inches bgs. Slopes in the vicinity of the test borings are on the order of 3-6%. Refusal on boulders or bedrock occurred between 24-28 inches bgs.

Test boring TB-6 encountered an orange/brown medium to coarse sandy loam to a depth of 24 inches below ground surface (bgs). Soil is classified as Profile 3, Condition C with a Limiting Factor greater than 24 inches bgs. Slopes in the vicinity of TB-6 are on the order of 5-10%.

Soil profile logs are included as **Attachment B** for reference.

RECOMMENDATIONS

Soil conditions in the vicinity of test borings TB-1 through TB-6 **meet the minimum requirements and are suitable for a “First Time” subsurface wastewater disposal system** serving a single-family dwelling in accordance with the State of Maine Subsurface Waste Water Disposal Rules.

Note that prior to any installation of a Subsurface Waste Water Disposal System, a complete Site Evaluation is required to develop specific designs, sizes, setbacks, and locations of disposal system components. Designs must be provided on HHE-200 applications prepared by a Licensed Site Evaluator and approved by the Local Plumbing Inspector prior to installation.

If you have any questions concerning this letter, please feel free to contact me by calling 207-795-6009.

Sincerely,



Michael A. Deyling, C.G., LSE
Certified Geologist, Licensed Site Evaluator

MAD/jna
Attachment



ATTACHMENT A

SITE SKETCH

SEE ATTACHED PLAN

ATTACHMENT B

SOIL PROFILE

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services
 Division of Health Engineering, Station 10
 (207) 287-5672 FAX (207) 287-4172

Town, City, Plantation
LEWISTON

Street, Road, Subdivision
FERRY ROAD

Owner or Applicant Name
JONES ASSOCIATES

SITE PLAN

Scale: 1" = _____ ft.

SITE LOCATION MAP
 (Attach map from Maine Atlas
 for First Time System Variance)

SEE ATTACHED SKETCH

SOIL PROFILE DESCRIPTION AND CLASSIFICATION

(Location of Observation Holes Shown Above)

Observation Hole # TB-1 X Test Boring

1 " Depth of organic horizon above mineral soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
	0	SANDY LOAM	FRIABLE	DARK BROWN
6				
12	FINE SAND LOAM	FRIABLE TO FIRM	LIGHT BROWN TO OLIVE	
18	WITH ROCKS COMMON	AT 15"	AT 15"	FEW AT 15"
24	BOTTOM	OF BORING	AT 21"	
30				
36				
42				
48				
Soil Profile <u>3</u>		Classification <u>C</u> Condition	Slope <u>4 +/-</u> percent	Limiting Factor <u>15</u> " Depth
				<input type="checkbox"/> Groundwater <input type="checkbox"/> Restrictive <input type="checkbox"/> Bedrock

Observation Hole # TB-2 X TEST BORING

1 " Depth of organic horizon above mineral soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
	0	SANDY LOAM	FRIABLE	DARK BROWN
6				
12	FINE SANDY LOAM	FRIABLE TO FIRM	LIGHT BROWN	
18		AT 20"		
24	BOTTOM	OF BORING	AT 23"	
30				
36				
42				
48				
Soil Profile <u>3</u>		Classification <u>C</u> Condition	Slope <u>3-5</u> Percent	Limiting Factor <u>20</u> " Depth
				<input type="checkbox"/> Groundwater <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock

Michael P. [Signature]
 Site Evaluator Signature

345
 SE #

5/2/17
 Date

Page 1
 HHE-200 Rev. 10/02

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services
 Division of Health Engineering, Station 10
 (207) 287-5672 FAX (207) 287-4172

Town, City, Plantation
LEWISTON

Street, Road, Subdivision
FERRY ROAD

Owner or Applicant Name
JONES ASSOCIATES

SITE PLAN

Scale: 1" = _____ ft.

SITE LOCATION MAP
 (Attach map from Maine Atlas
 for First Time System Variance)

SEE ATTACHED SKETCH

SOIL PROFILE DESCRIPTION AND CLASSIFICATION

(Location of Observation Holes Shown Above)

Observation Hole # TB-3 X Test Boring
 _____ " Depth of organic horizon above mineral soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling															
0	SANDY LOAM	FRIABLE	DARK BROWN																
6																			
12	FINE SAND LOAM	FRIABLE TO	LIGHT BROWN																
18	WITH ROCKS COMMON	FIRM AT 16"	TO OLIVE AT 16"	FEW AT 16"															
24	SANDY TILL	DENSE	GRAY																
30	BOTTOM	OF BORING	AT 28"																
36																			
42																			
48																			
<table border="0"> <tr> <td>Soil Profile</td> <td>Classification</td> <td>Slope</td> <td>Limiting Factor</td> <td>Groundwater</td> </tr> <tr> <td><u>3</u></td> <td><u>C</u></td> <td><u>4 +/-</u></td> <td><u>16 "</u></td> <td><input type="checkbox"/> Restrictive</td> </tr> <tr> <td></td> <td>Condition</td> <td>percent</td> <td>Depth</td> <td><input type="checkbox"/> Bedrock</td> </tr> </table>					Soil Profile	Classification	Slope	Limiting Factor	Groundwater	<u>3</u>	<u>C</u>	<u>4 +/-</u>	<u>16 "</u>	<input type="checkbox"/> Restrictive		Condition	percent	Depth	<input type="checkbox"/> Bedrock
Soil Profile	Classification	Slope	Limiting Factor	Groundwater															
<u>3</u>	<u>C</u>	<u>4 +/-</u>	<u>16 "</u>	<input type="checkbox"/> Restrictive															
	Condition	percent	Depth	<input type="checkbox"/> Bedrock															

Observation Hole # TB-4 X TEST BORING
 _____ " Depth of organic horizon above mineral soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling															
0	SANDY LOAM	FRIABLE	DARK BROWN																
6																			
12	FINE SANDY LOAM	FRIABLE	ORANGE BROWN TO OLIVE	FEW @ 17															
18																			
24	BOTTOM	OF BORING	AT 20"																
30																			
36																			
42																			
48																			
<table border="0"> <tr> <td>Soil Profile</td> <td>Classification</td> <td>Slope</td> <td>Limiting Factor</td> <td>Groundwater</td> </tr> <tr> <td><u>3</u></td> <td><u>C</u></td> <td><u>3-5</u></td> <td><u>17 "</u></td> <td><input type="checkbox"/> Restrictive Layer</td> </tr> <tr> <td></td> <td>Condition</td> <td>Percent</td> <td>Depth</td> <td><input type="checkbox"/> Bedrock</td> </tr> </table>					Soil Profile	Classification	Slope	Limiting Factor	Groundwater	<u>3</u>	<u>C</u>	<u>3-5</u>	<u>17 "</u>	<input type="checkbox"/> Restrictive Layer		Condition	Percent	Depth	<input type="checkbox"/> Bedrock
Soil Profile	Classification	Slope	Limiting Factor	Groundwater															
<u>3</u>	<u>C</u>	<u>3-5</u>	<u>17 "</u>	<input type="checkbox"/> Restrictive Layer															
	Condition	Percent	Depth	<input type="checkbox"/> Bedrock															

Michael DeLery
 Site Evaluator Signature

345
 SE #

5/2/17
 Date

Page 2
 HHE-200 Rev. 10/02

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Department of Human Services
 Division of Health Engineering, Station 10
 (207) 287-5672 FAX (207) 287-4172

Town, City, Plantation
LEWISTON

Street, Road, Subdivision
FERRY ROAD

Owner or Applicant Name
JONES ASSOCIATES

SITE PLAN

Scale: 1" = _____ ft.

SITE LOCATION MAP
 (Attach map from Maine Atlas
 for First Time System Variance)

SEE ATTACHED SKETCH

SOIL PROFILE DESCRIPTION AND CLASSIFICATION

(Location of Observation Holes Shown Above)

Observation Hole # **TB-5** X Test Boring

1 " Depth of organic horizon above mineral soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
	0	SANDY LOAM	FRIABLE	DARK BROWN
6				
12	FINE SANDY LOAM	FRIABLE TO FIRM AT 16"	LIGHT BROWN TO OLIVE AT 16"	
18				
24	TILL	DENSE	GRAY	
30	BOTTOM OF BORING		AT 24"	
36				
42				
48				
Soil Profile 3		Classification Condition C	Slope percent 3 +/-	Limiting Factor Depth 16 "
<input type="checkbox"/> Groundwater <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock				

Observation Hole # **TB-6** X TEST BORING

1 " Depth of organic horizon above mineral soil

Depth below mineral soil surface (inches)	Texture	Consistency	Color	Mottling
	0	SANDY LOAM	FRIABLE	DARK BROWN
6				
12	SANDY LOAM	FRIABLE TO GRANULAR	ORANGE BROWN	
18				
24	BOTTOM OF BORING		AT 24"	
30				
36				
42				
48				
Soil Profile 3		Classification Condition C	Slope Percent 3-5	Limiting Factor Depth >24 "
<input type="checkbox"/> Groundwater <input type="checkbox"/> Restrictive Layer <input type="checkbox"/> Bedrock				

Michael P. Jones
 Site Evaluator Signature

345
 SE #

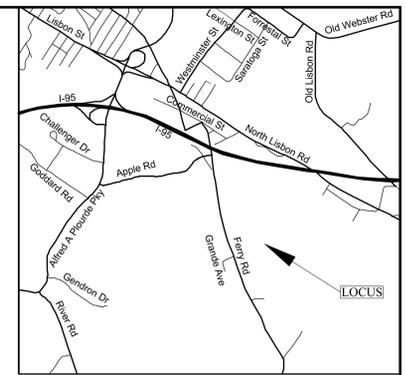
5/2/17
 Date

Page 3
 HHE-200 Rev. 10/02

LEGEND

- SUBJECT BOUNDARY LINE
- ABUTTER OR RIGHT OF WAY LINE
- CONTOURS (2 FT) (PER CITY GIS)
- STONEWALL
- TREELINE
- NOW OR FORMERLY
- DEED BOOK PAGE REFERENCE
- TAX MAP AND LOT NUMBER
- WETLAND
- SURFACE DRAINAGE
- TEST BORING
- IRON PIPE/RCD/REBAR FOUND
- CRBS
- GRANITE MONUMENT FOUND
- SETBACKS (25' ON ALL SIDES)
MEASURED FROM PROPERTY LINES AND
SIDELINES OF ROAD RIGHT OF WAY.

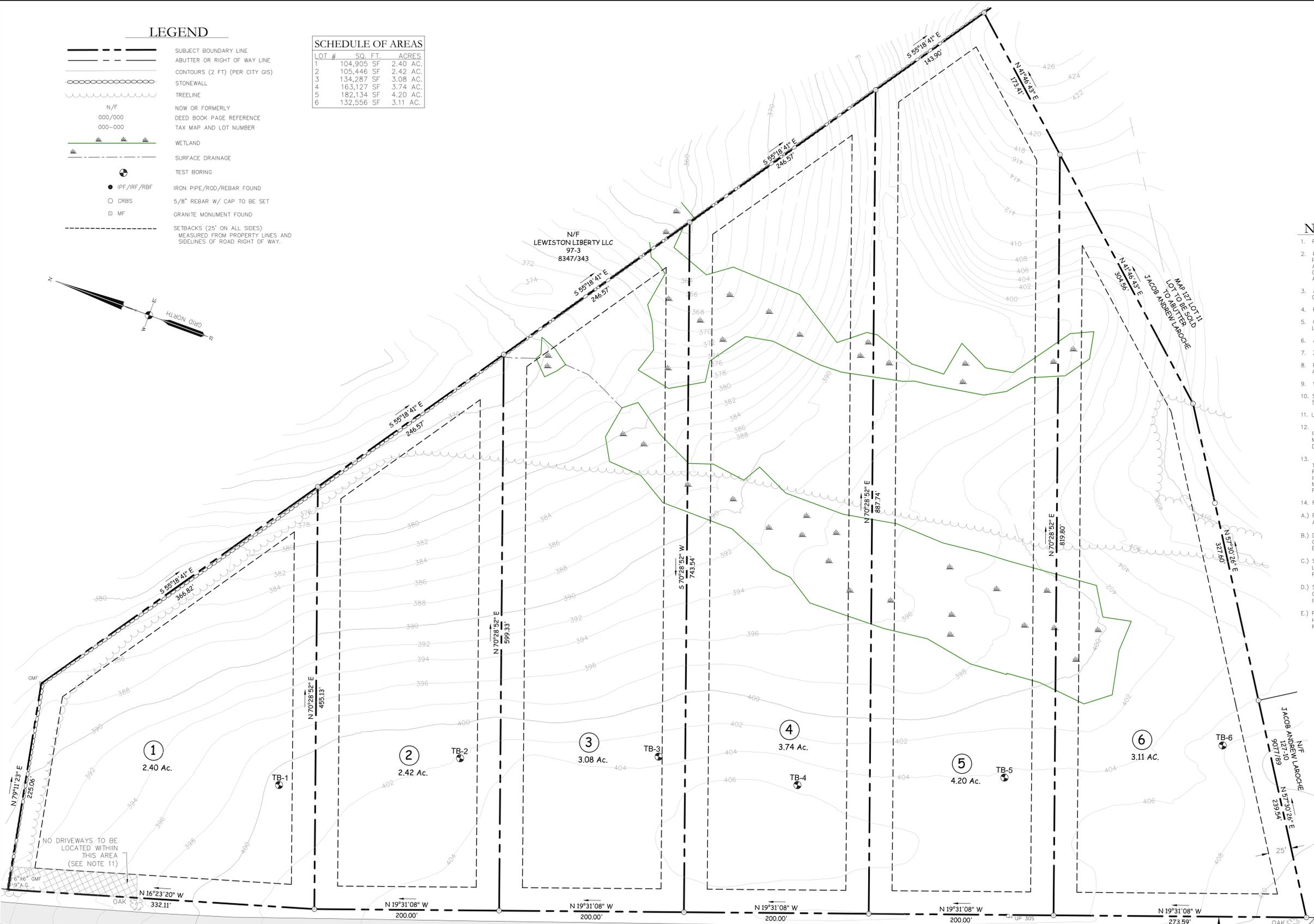
LOT #	SQ. FT.	ACRES
1	104,905 SF	2.40 AC.
2	105,446 SF	2.42 AC.
3	134,287 SF	3.08 AC.
4	163,127 SF	3.74 AC.
5	182,134 SF	4.20 AC.
6	132,556 SF	3.11 AC.



LOCATION MAP
NOT TO SCALE

NOTES:

1. RECORD OWNER: HEIRS OF ARMANDE A. POULIN
2. PARCEL DEED REFERENCE: SEE DEED FROM DOMINIQUE POULIN AND ARMANDE A. POULIN TO ARMANDE A. POULIN DATED JANUARY 31, 1991, RECORDED AT THE ANDROSCOGGIN COUNTY REGISTRY OF DEEDS IN BOOK 2653, PAGE 526; AND CERTIFICATE AND ABSTRACT OF WILL OF ESTATE OF ARMANDE A. POULIN RECORDED AT THE SAID REGISTRY IN BOOK 9736, PAGE 86.
3. ALL BOOK AND PAGE REFERENCES REFER TO THE ANDROSCOGGIN COUNTY REGISTRY OF DEEDS.
4. PARCEL TAX MAP REFERENCES: CITY OF LEWISTON MAP 127, LOT 9
5. CONTOURS AND FEATURES BASED ON GIS INFORMATION OBTAINED FROM THE CITY OF LEWISTON GIS DEPARTMENT.
6. ALL BEARINGS AND REFERENCED TO GRID NORTH.
7. ZONING: RURAL AGRICULTURAL
8. PROPERTY IS NOT LOCATED IN A FLOOD HAZARD ZONE PER FIRM PANEL 2301C0333E AND 2301C0341E.
9. WATER WILL BE SUPPLIED TO LOTS BY INDIVIDUAL WELLS BY LOT OWNERS.
10. SEWAGE DISPOSAL SYSTEMS WILL BE PROVIDED TO LOTS BY INDIVIDUAL DISPOSAL SYSTEMS BY LOT OWNERS.
11. LOT 1 DRIVEWAY ACCESS LOCATION IS RESTRICTED. SEE PLAN FOR LOCATION DETAIL.
12. WETLAND BOUNDARIES WERE IDENTIFIED AND DELINEATED BY JONES ASSOCIATES INC IN JULY 2017 ACCORDING TO U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL (1987) AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION.
13. WETLAND FLAGS WERE LOCATED USING TRIMBLE GLOBAL POSITIONING SYSTEM (GPS) TECHNOLOGY WITH EXPECTED AVERAGE ACCURACY OF SUB-METER. THIS METHOD IS RECOGNIZED BY BOTH STATE AND FEDERAL AGENCIES. HOWEVER, JONES ASSOCIATES INC RECOMMENDS THAT THE WETLAND BOUNDARY BE SURVEY USING A MORE PRECISE METHOD IF ANY FILL OR REGULATED ACTIVITIES ARE TO BE PERFORMED WITHIN 20 FEET OF THE GPS LOCATED WETLAND.
14. PLAN REFERENCE:
 - A.) PROPERTY PLAN, CLEMINTINE LACHANCE, PLEASANT STREET, LEWISTON, PREPARED BY ALIBERTI, LAROCHELLE & HODSON DATED 8/10/1971, NOT RECORDED.
 - B.) DEFINITION OF PLEASANT STREET, EAST AVENUE TO THE GARCELON FERRY BY THE COUNTY COMMISSIONERS, DATED JULY 1929 PREPARED BY GEO.H. BARRON, ENGINEER, BOOK 223, PAGE 1.
 - C.) SUBDIVISION AND TOPOGRAPHIC PLAN OF GRANDE AVENUE ESTATES, FERRY ROAD, LEWISTON, LAST REVISED 12/29/1988 PREPARED BY MAINLAND SERVICES, INC RECORDED IN PLAN BOOK 34, PAGE 162.
 - D.) SUBDIVISION PLAN, FERRY ROAD, LEWISTON PREPARED FOR GENDRON DRIVE LLC DATED 01/13/12 LAST REVISED 3/29/2012 PREPARED BY JONES ASSOCIATES INC RECORDED IN PLAN BOOK 49, PAGE 111.
 - E.) PLAN OF LAND OF ARMANDE POULIN ESTATE, FERRY ROAD, LEWISTON, PREPARED FOR HEIRS OF ARMANDE POULIN DATED DECEMBER 18, 2017, LAST REVISED 12/19/2017, RECORDED IN PLAN BOOK 52, PAGE 51.



APPROVAL

APPROVED BY THE CITY OF LEWISTON

CHAIRMAN _____ DATE _____

ANDROSCOGGIN, SS. REGISTRY OF DEEDS
 RECEIVED _____ AT _____ HR. ____ MIN.
 RECORDED IN PLAN BOOK _____ PAGE _____
 ATTEST _____ REGISTRAR

NO.	DATE	DESCRIPTION	BY

SUBDIVISION PLAN
POULIN'S PLATEAU
 56 FERRY ROAD
 LEWISTON, MAINE

PREPARED FOR:
 ESTATE OF ARMANDE A. POULIN
 1891 LISBON STREET
 LEWISTON, MAINE 04240

PREPARED BY:
JONES ASSOCIATES INC.
 Forester, Surveyors and Environmental Consultants
 280 POLAND SPRING ROAD, AUBURN, MAINE 04210
 (207) 241-0235

RECORD OWNERS:
 HEIRS OF ARMANDE A. POULIN
 1891 LISBON STREET
 LEWISTON, ME 04240

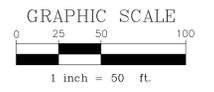
PLAN DATE:
JANUARY 3, 2018

SCALE: 1" = 50'

PROJ. #: 17-035LE

CERTIFICATION:
 I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY CONFORMS TO THE STATE OF MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS, STANDARDS OF PRACTICE (CHAPTER 90, SECTIONS 1 & 2).

Michael A. Hartman
 MICHAEL A. HARTMAN, P.L.S. #2433
 FOR JONES ASSOCIATES INC.



NO DRIVEWAYS TO BE LOCATED WITHIN THIS AREA (SEE NOTE 11)



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Planning Board
FROM: David Hediger, City Planner
DATE: January 17, 2018
RE: Proposed Rezoning: 381-391 Main Street

Walsh Engineering on behalf of Dirigo Credit Union (formerly Rainbow Credit Union) has submitted a petition to rezone the property at 381 and 391 Main Street from Community Business (CB) to the Centreville (CV) district to support the redevelopment of the site with new structures and parking. The lots together consist of .80 acres with two structures housing a customer branch and bank office operations. The credit union is interested in redeveloping the site with a single structure while making improvements to on-site parking and circulation.

Given the small size of the lot and the existing development pattern of abutting properties on Main Street, the applicant is interested developing the site in a manner similar to existing conditions of neighboring Main Street properties while maximizing use of the lot to the greatest extent possible. This property and several blocks on the east side of Main Street are zoned CB. As the applicant notes, the purpose of the CB district is to “provide areas within the city for the location of major shopping facilities, including shopping centers which serve the wider community. The standards of the district are intended to ensure well planned commercial developments which have controlled vehicular access and high standards of site design”. To support this purpose, the space and bulk standards require a 20 foot front, side, and rear setback requirement and limit lot coverage (i.e. percentage of the lot allowed to be covered with structures) to 50%. When considering the smaller lot sizes and the existing development pattern along this section of Main Street and the required space and bulk standards of the CB district, it is apparent that most of the developed properties are nonconforming. Furthermore, redevelopment of these lots will be challenging under the CB provisions, likely limiting the size of development or resulting in the need for additional land acquisition to accommodate a project.

The applicant is proposing a straight rezoning of the property to CV. This same district is located directly across the street from the credit union on the opposite corner of Holland Street (CMMC parking lot and campus). The purpose of the CV district is to “encourage a concentration of economic enterprises in a central business district that is convenient and attractive for a wide range of retail, service, financial, government, professional, entertainment and appropriate residential uses in a setting conducive to a high volume of pedestrian traffic”. The CV provides space and bulk standards that allow for lots to be developed to greatest extent possible. Reference should be made to the applicant’s table comparing the CB and CV space and bulk requirements. The applicant believes the CV district provides the credit union the best option for redevelopment of the site.

Staff supports the applicant’s request. The current CB zoning of this property and other properties in this area is not conducive to infill or redevelopment of properties. A goal of the comprehensive plan is to promote development, redevelopment, and reuse of in-town areas that reinforce traditional development patterns. The current CB zoning makes this challenging along

this section of Main Street given smaller lots sizes and street layout. The applicant's properties at 381 and 391 Main Street are currently legally nonconforming with respect to the CB's space and bulk requirements; thereby, prohibiting the rebuilding these structures in their current location if destroyed more than 80% of their market value. Rezoning this property to CV provides the applicant the ability to utilize the site to the greatest extent possible and provides more opportunity to maintain existing development patterns, both of which are consistent with the current development on this section of Main Street. In fact, their request leads one to question the zoning on the east side of Main Street from Elm Street south to the Rite Aid, all of which is zoned CB, and whether those properties should be considered for a rezoning in the future.

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 rezone the property at 381 and 391 Main Street from Community Business (CB) to the Centreville (CV) district.

File 17161

January 3, 2018

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

RE: Zoning Map Change, 381 & 391 Main Street

Dear Mr. Hediger,

On behalf of Dirigo Credit Union we are requesting the City rezone the property at 381 & 391 Main Street from Community Business (CB) District to Centreville (CV) District.

The property is owned by Rainbow Federal Credit Union doing business as Dirigo Federal Credit Union. They currently operate the Dirigo Credit Union on this site in two existing buildings. The goal is to stay on this site in a single building with parking.

Existing District. This site is currently in the Community Business District (CB). It is adjacent to a contract Downtown Residential District (DR) (the veteran's home), the Community Business District (CB), the Centreville District (CV) and the Neighborhood Conservation "B" (NCB) district.

The contract DR District for Veterans Incorporated was established in April 2013 for *"providing supporting services to United States military veterans, including housing, medical, vocational and nutritional services, and administrative functions related thereto"*.

The purpose of the CB District is to *"provide areas within the city for the location of major shopping facilities, including shopping centers which serve the wider community. The standards of the district are intended to encourage well planned commercial developments which have controlled vehicular access and high standards of site design"*. The credit union fits this purpose.

The current property is non-conforming with respect to setbacks and impervious coverage, as shown in the table below.

WALSH

ENGINEERING ASSOCIATES, INC.

	Required CB District	Existing Site
Front Setback	15	0
Rear and Side Setback	10	0
Lot Coverage (building)	0.5	0.3
Impervious Coverage	0.75	0.8

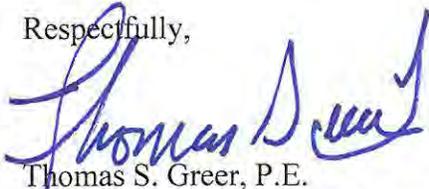
This kind of non-conformity exists on adjacent parcels as well and is not unique to the credit union site. The credit union desires to improve its building and parking. This project doesn't conform to the existing zoning so a new zoning district is required.

New District Request. After review of several options with the City Staff, it appears that a zone change to the Centerville District (CV) would provide the opportunity for the credit union to meet its goals of providing a new structure with a structured parking deck. *"The purpose of the Centerville District is to encourage a concentration of economic enterprises in the central business district that is convenient and attractive for a wide range of retail, service, financial, government, professional, entertainment and appropriate residential uses in a setting conducive to a high volume of pedestrian traffic."*

The new project as currently planned will have the building 8 feet from the right-of-way and a parking deck that will be 1 to 2 feet from the sidelines and on the right-of-way of Oak Street. The parking deck will provide convenient and safe access to the site for employees and customers. The Centerville District allows for these kinds of setbacks creating a downtown feel for the project. Attached is a Table showing the two Districts.

We would like to thank the City Council and Planning Board for their consideration of our request.

Respectfully,



Thomas S. Greer, P.E.
Walsh Engineering Associates, Inc.

- cc. Nathan Henry/The Element Group, Mark Paul Samson/Dirigo FCU, File
- Enc. Cover Letter w/Space & Bulk Table
- Ordinance Reasons for Zone Change
- Petition
- Deed
- Rezoning Map
- Credit Union Letter Supporting Zone Change

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 rezoning for the property at 381 & 391 Main Street as recorded in the Androscoggin County Registry of Deeds Book 2724 Page 19 and Book 3459 page 79, as described in Exhibit “A” and depicted on Exhibit “B”, both of which are attached hereto as follows, from the Community Business (CB) to Centreville (CV).

REASON FOR THE PROPOSED AMENDMENT

The reason for the proposed amendment includes allowing the existing owner of the property to redevelop the site with the same use preserving the neighborhood credit union. The existing two non-conforming buildings are in need of substantial upgrading and/or replacement. A single new well designed building is the most feasible alternative. The addition of the parking garage on site will allow the credit union to provide safe convenient parking for its employees and customers. The parking and building cannot be constructed using the current setbacks. The existing building is non-conforming and redevelopment of this site in a manner consistent with abutting properties is not feasible given the current zoning. Rezoning the property to CV provides the property owner the flexibility to maximize the site to its greatest potential while providing the opportunity to maintain a building pattern that is similar to abutting properties.

This project will provide an enhanced look to the neighborhood for decades to come. The two story building will be complimentary structure to the adjacent property at 393 Main Street, occupied by Veterans Incorporated. The mass and location will provide a consistent streetscape along Main Street. The buildings on this section of Main Street are fronting on Main Street and are within the current setback. This creates a Main Street “wall” effect.

The change to the Centreville District allows the proposed project to meet the setbacks for structures and the lot coverage. Although the new zone would allow a 150 height it is unlikely that it would be used on this site. The site is too small to have that kind of investment made. There are more suitable sites in the City for projects that required that height.

The two story project is a best fit for the site. This is consistent with the surrounding development. The CV District allows the flexibility to fit the project into the current neighborhood with the setbacks, impervious area and height limitations.

CONFORMANCE WITH THE 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) This property is immediately adjacent the Centreville Zone creating a continuing zone.
- 2) This project utilized a city parcel keeping it fully utilized as noted in the Comprehensive Plan. *Insight: Although approximately 12% of total area in Lewiston is non-taxable property, almost 33% of the downtown is comprised of underutilized parcels. The City should first prioritize the development and redevelopment of the large number of unproductive parcels owned by the private sector. PROMOTE MIXED-USE ACTIVITY CENTERS Strengthen and encourage the development of unique activity centers within walking distance of residential neighborhoods while protecting the City's rural character, making efficient use of public services, and removing incentives for sprawl. (pg. 46)*
- 3) This keeps employees in the city and provides growth opportunities as stated in the Comprehensive Plan: *"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." (pg. 116)*
- 4) This continues the development pattern of the neighborhood as note in the Plan: *Continue to promote development/redevelopment/reuse of in-town areas that reinforces the traditional development pattern and increases pedestrian activity. (pg. 129)*
- 5) This is an infill development as noted in the Plan: *Lewiston has a significant amount of underutilized land within the downtown, into which future investment could be directed for many decades. Locating new development within the downtown, as well as other identified growth areas supported by existing infrastructure, makes efficient use of municipal resources and will stimulate the transformation of the City's economy and regional reputation. Encourage infill*

and redevelopment within the downtown, existing service areas, and designated growth areas. (pg. 164)

- 6) The Comprehensive Plans encourage zone changes to better accommodate future projects: *A New Approach In order to implement this Comprehensive Plan and remove barriers to potential investment, the City should pursue a comprehensive rewrite of its zoning and subdivision ordinances, including form-based components to deal with all aspects of community character and design. While conventional zoning may remain prudent and appropriate in certain areas of the City, the adoption of form-based or “character-based” codes will assist in achieving desired outcomes in appropriate areas. (pg. 227)*
- 7) This property is located in the G-3 Intended Growth Sector. This area is appropriate for mixed use development. Walkable neighborhoods with service centers are appropriate: *Allow infill development and redevelopment in established residential neighborhoods that are compatible with traditional development patterns and densities. (pg. 128)*

We believe the new credit union project will meet the purposes of the CV zone. Below is a table showing how the CB District compares to the CV District and how the new plan will conform to the CV zone. Note a Conceptual Layout has been prepared; it is subject to change as it goes through the permitting and budget process.

SPACE AND BULK TABLE:

Space and Bulk Table: All Zoning District 10.06.16	Community Business (CB) (12)	Centreville (CV)
Minimum lot size with public sewer		
Single family detached (24)		
Single family attached		
Two-family dwellings		
Single family cluster development		
Mixed single family residential development (14)		
Mixed residential development (14)		
Multifamily dwellings		
Mixed use structures		
Agriculture		
Religious facilities		
Veterinary facilities		
Other uses		
All permitted uses	None	None
Minimum lot size without public sewer (3)		
Single family detached, mobile homes on individual lots (24)		
Single family attached		
Two-family dwellings		
Single family cluster development (1)		
Mixed single family residential development (14)		
Mixed residential development (14)	20,000 sf	
Multifamily dwellings	20,000 sf	
Mixed use structures		
Agriculture		
Religious facilities	20,000 sf	
Veterinary facilities	20,000 sf	
Other uses	20,000 sf	
Minimum net lot area per d.u. with public sewer		
Single family detached		
Single family attached		
Two-family dwellings		
Mixed single family residential development (14)		
Mixed residential development (14)		
Multifamily dwellings		
Mixed use structures	3,000 sf	
All permitted residential uses	3,000 sf	None
Minimum net lot area per d.u. without public sewer		
Single family detached, mobile homes on individual lots		
Single family attached		
Two-family dwellings		
Mixed single family residential development (14)		
Mixed residential development (14)		
Multifamily dwellings		
Mixed use structures		
All permitted residential uses	3,000 sf	

Minimum frontage		
Single family detached, mobile homes		
Single family attached		
Two-family dwellings		
Single family cluster development (with multiple vehicular accesses)		
Mixed single family residential development (with multiple vehicular accesses)		
Mixed residential development (with multiple vehicular accesses) (14)		
Multifamily dwellings (with multiple vehicular accesses)		
Mixed use structures		
Agriculture		
Religious facilities		
Veterinary facilities		
Other uses		
All permitted uses	100ft	25 ft
Minimum front setback		
Single family detached, mobile homes on individual lots		
Single family attached		
Two-family dwellings		
Single family cluster development		
Mixed single family residential development (14)		
Mixed residential development (14)		
Multifamily dwellings		
Mixed use structures		
Agriculture		
Religious facilities		
Veterinary facilities		
Other uses		
All permitted uses	20 ft	None (22)
Minimum front yard		
Single family detached, mobile homes on individual lots		
Single family attached		
Two-family dwellings		
Single family cluster development		
Mixed single family residential development (14)		
Mixed residential development (14)		
Multifamily dwellings		
Mixed use structures		
Religious facilities		
Veterinary facilities		
Other uses		
All permitted uses	15 ft	None (22)
Minimum side and rear setback		
Single family detached, mobile homes on individual lots		
Single family attached		
Two-family dwellings		
Single family cluster development		
Mixed single family residential development (14)		
Mixed residential development (14)		

Multifamily dwellings		
Mixed use structures		
Religious facilities		
Veterinary facilities		
Farm structures for keeping of animals		
Other uses		
All permitted uses	20 ft	None
Minimum side and rear yard		
Single family detached, mobile homes on individual lots		
Single family attached		
Two-family dwellings		
Single family cluster development		
Mixed single family residential development (14)		
Mixed residential development (14)		
Multifamily dwellings		
Mixed use structures		
Religious facilities		
Veterinary facilities		
Farm structures for keeping of animals		
Other uses		
All permitted uses	10 ft	None
Maximum height		
Agriculture	50 ft	No less than 20 ft; no greater than 150 ft (26)
Other permitted uses		
Hospital, nursing homes and medical offices		
Ratios		
Maximum lot coverage	0.5	1
Maximum impervious coverage	0.75	1

15660

MAINE SHORT FORM WARRANTY DEED

BK2724 PGO19

MAINE REAL ESTATE
TRANSFER TAX PAID

I, KENNETH R. L. FINLEY, of Livermore Falls, County of Androscoggin and State of Maine, for consideration paid, grant to RAINBOW FEDERAL CREDIT UNION, a federally chartered credit union with a place of business at 381 Main Street in Lewiston in said County and State, with WARRANTY COVENANTS, all and the same premises situated in Lewiston, County of Androscoggin and State of Maine, described in a deed given by Robert T. Curtis to Kenneth R. L. Finley dated November 4, 1976, recorded in the Androscoggin County Registry of Deeds in Book 1237, Page 3, a copy of the first page of which deed is attached hereto as "Exhibit A" to which exhibit and to which deed reference may be had for a more particular description.

The consideration being paid by the purchaser to the seller represents the full market value of the premises described herein.

The premises are conveyed subject to any easements and restrictions of record and this deed includes all rights, easements, privileges, and appurtenances belonging to the premises hereinabove described.

WITNESS my hand and seal this 15th day of August, 1991.

Philippe R. Moreau
Witness

Kenneth R. L. Finley
Kenneth R. L. Finley



STATE OF MAINE
ANDROSCOGGIN, SS.

Personally appeared the above named KENNETH R. L. FINLEY, known to me, this 15th day of August, 1991, and acknowledged before me the foregoing instrument to be his free act and deed.



Philippe R. Moreau
Notary Public/Attorney-at-Law

Philippe R. Moreau
Printed Name

Jres79.93
File #17907

My Commission
Expires 4-11-93

OVER

I, ROBERT T. CURTIS, of Greene, County of Androscoggin, State of Maine, for consideration paid, grant to KENNETH R. L. FINLEY, of 15 Church Street, Livermore Falls, County of Androscoggin, State of Maine, with WARRANTY COVENANTS, the land in Lewiston, County of Androscoggin, State of Maine, being more particularly described as follows:

A certain piece or parcel of land situated in said Lewiston, with the buildings thereon, bounded and described as follows, to wit: Beginning on the southerly side of Main Street at a point twelve (12) feet northeasterly from the northeast corner of the dwelling house now on said lot, said point being the northwest corner of the lot now or formerly occupied by John Reade; thence running southwesterly by the southeasterly line of Main Street one hundred (100) feet to a stake and stones on said line of Main Street; thence southeasterly at a right angle to Main Street, about one hundred and twenty (120) feet to land of Edward J. Colby; thence northeasterly by the line of said Colby's land and land occupied by John Reade, about one hundred (100) feet to the southwesterly line of said John Reade's land; thence northwesterly by the said line of said Reade's land about one hundred and twenty (120) feet to the point of commencement on Main Street.

Also a certain lot or parcel of land, situated in Lewiston aforesaid, bounded and described as follows: commencing at a point on the northwesterly line of Oak Street, formerly Brooks Street at the southwesterly corner of land conveyed to Richard C. and James F. Boothby by Daniel Holland by deed dated September 20, 1870; thence running northwesterly on the line of land deeded to said Boothbys by said Holland, September 20, 1870, to the southwesterly corner of land of Mary Scruton, to a stake, one hundred (100) feet; thence running northeasterly and parallel with Oak Street on said Mary Scruton's line, seventy-two (72) feet more or less to the line of land once, and for a long time, occupied by John Read, to a stake; thence on the line of the land occupied by John Read, in a southerly course, to a point on Oak Street forty-three (43) feet northeasterly from the point of commencement; thence southwesterly on Oak Street forty-three (43) feet to the point of beginning. This parcel is subject to the following restrictions which shall remain in force for and during the duration of the life of Elizabeth A. McKenna: First, that no building shall be constructed on said lot; Second, that no funeral procession shall be permitted to pass over the lot herein conveyed and that said lot shall be kept reasonably clean. Said restrictions shall become null and void at Elizabeth A. McKenna's decease.

Being all in the same premises conveyed to this Grantor by deed of Charles D. Jenkins dated July 1, 1965, recorded in the Androscoggin County Registry of Deeds in Book 942, Page 37.

THIS CONVEYANCE IS MADE SUBJECT TO A MORTGAGE FROM THIS GRANTOR TO CHARLES D. JENKINS DATED JULY 1, 1965, RECORDED IN THE ANDROSCOGGIN COUNTY REGISTRY OF DEEDS, BOOK 942, PAGE 38, WHICH MORTGAGE THE GRANTEE ASSUMES AND AGREES TO PAY.

POOR COPY AT TIME OF RECORDING
WILL NOT REPRODUCE CLEARLY

ATTEST:

Jeanine D. Bergerson
REGISTER OF DEEDS

91 AUG 15 PM 2: 23

ANDROSCOGGIN, SS.
REGISTRY OF DEEDS

QUITCLAIM DEED

THE ROMAN CATHOLIC BISHOP OF PORTLAND, a body politic and corporation sole, having a chancery in Portland, County of Cumberland, State of Maine, for consideration paid, grants to **RAINBOW FEDERAL CREDIT UNION**, a federally chartered credit union, of 381 Main Street, Lewiston, County of Androscoggin, State of Maine, with **QUITCLAIM COVENANTS**, the land situated in Lewiston, County of Androscoggin, State of Maine, bounded and described as follows:

PARCEL ONE: Beginning at a point at the intersection of the northwesterly line of Oak Street, so called, with the northeasterly line of Holland Street, so called; thence North thirty-three degrees no minutes nineteen seconds West (N 33° 00' 19" W) along the northeasterly line of said Holland Street, a distance of one hundred and no hundredths (100.00) feet to a point at the southerly corner of land conveyed to St. Joseph's Lewiston Federal Credit Union (now Grantee) by Grantor by deed dated December 1, 1968 and recorded in the Registry of Deeds for Androscoggin County in Book 997, Page 737; thence North forty-four degrees forty-one minutes seven seconds East (N 44° 41' 07" E) along the southeasterly line of said St. Joseph's Lewiston Federal Credit Union's land and parallel to Main Street, so called, a distance of one hundred ten and eighty hundredths (110.80) feet to a point at the easterly corner of said St. Joseph's Lewiston Federal Credit Union's land and at the northerly corner of the Grantor's land; thence South forty-four degrees thirty-seven minutes forty-five seconds East (S 44° 37' 45" E) along the northeasterly line of said Grantor's land, a distance of twelve and one hundredth (12.01) feet to a point; thence South forty-two degrees thirty-five minutes twenty-seven seconds West (S 42° 35' 27" W) a distance of twenty and two hundredths (20.02) feet to a point; thence South forty-four degrees thirty-seven minutes forty-five seconds East (S 44° 37' 45" E) parallel to the northeasterly line of said Grantor's land, a distance of eighty-six and fifty-four hundredths (86.54) feet to a point in the northwesterly line of said Oak Street; thence South forty-five degrees twenty-nine minutes fifty-eight seconds West (S 45° 29' 58" W) along the northwesterly line of said Oak Street, a distance of one hundred ten and ninety-four hundredths (110.94) feet to the point of beginning.

Containing 10,190.38 square feet.

Bearings are magnetic June, 1995.

Being a portion of the premises conveyed to Grantor by Harold N. Skelton, Executor of the Estate of Elizabeth A. McKenna, by deed dated February 27, 1957 and recorded in the Androscoggin County Registry of Deeds in Book 758, Page 114.

PARCEL TWO: Beginning at a point at the easterly corner of land of the first parcel of land conveyed to Grantee by Kenneth R.L. Finley by deed dated August 15, 1991 and recorded in the Registry of Deeds for Androscoggin County in Book 2724, Page 19; thence South forty-four degrees thirty-seven minutes fifty-four seconds East (S 44° 37' 54" E)

0K3459 PG080

along a line which is the projection southeasterly of the northeasterly line of Grantee's land, a distance of seventy-three hundredths (0.73) feet to a point; thence South forty-three degrees twelve minutes forty-eight seconds West (S 43° 12' 48" W) a distance of twenty-eight and fifty-six hundredths (28.56) feet to a point in the southwesterly line of the Grantor's land; thence North twenty-eight degrees twenty-six minutes forty-six seconds West (N 28° 26' 46" W) along the southwesterly line of the Grantor's land, a distance of one and ninety-four hundredths (1.94) feet to a point in the southeasterly line of Grantee's land; thence North forty-five degrees twenty-nine minutes fifty-eight seconds East (N 45° 29' 58" E) along the southeasterly line of Grantee's land and parallel to Oak Street, so called, a distance of twenty-eight and no hundredths (28.00) feet to the point of beginning.

Containing 36.45 square feet.

Bearings are magnetic June, 1995.

Being a portion of the premises conveyed to Grantor by Agnes T. Davis et al. by deed dated May 26, 1953 and recorded in the Androscoggin County Registry of Deeds in Book 686, Page 591.

IN WITNESS WHEREOF, THE ROMAN CATHOLIC BISHOP OF

PORTLAND, by Joseph J. Gerry, Roman Catholic Bishop of Portland, has caused

this instrument to be signed and sealed this 31st day of July, 1995.

THE ROMAN CATHOLIC BISHOP
OF PORTLAND

Rita Mae Beaumont, M.R.
WITNESS

By: Joseph J. Gerry
Joseph J. Gerry, Roman Catholic
Bishop of Portland

STATE OF MAINE

CUMBERLAND, SS.

July 31, 1995

Personally appeared the above named Joseph J. Gerry and acknowledged the foregoing instrument to be his free act and deed individually and in his said capacity and the free act and deed of said corporation sole.

Before me,

Mary A. O'Leary
NOTARY PUBLIC
My Commission expires
May 8, 2002
MARY A. O'LEARY

P:\USERS\JACKIE\DOC\ROMCATH.WD

RECEIVED
ANDROSCOGGIN S.S.

95 AUG -4 PH12: 35

ATTEST:

Joseph J. Gerry
ROCHELLEAU, FOURNIER & LEBEL, P.A., 65 EAST AVENUE, LEWISTON, MAINE 04241-1918 (207)784-0329
REGISTER OF DEEDS



DIRIGO

FEDERAL CREDIT UNION
www.dirigofcu.com

December 28, 2017

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

Dear Mr. Hediger,

We, the owner's, of the property at 381 & 391 Main Street request the City consider the rezoning of the property from Commercial Business (CB) to Centreville (CV) District. This will allow us to redevelop the property with a new building providing our customers and employees with an enhanced facility meeting current safety and environmental standards.

We fully support the zoning map change for 381 & 391 Main Street.

Sincerely,

Mark Paul Samson
President & CEO
Dirigo Federal Credit Union

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 rezone the property at 381 Main Street from the Office Residential (OR) district to the Centreville (CV) districts described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		Cindy Caron	2 1/2 Demicirc	12-26-17
2		Gary Carroll	122 Sabattus st	12-26-17
3		RAYMOND COTE	12 HART FIED	12-28-17
4		Robert Thibault	50 SYLVAN AVE	12-28-17
5		Linda M. Voisine	617 Main St. #6	12-28-17
6		Chad Camire	624 Sabattus st	12-28-17
7		Helen Fairbrother	62 JEFFERSON ST APT 1F	12/29/17
8		Deanne Beau	386 main st	12-29-2017
9		Peter Fratolochi	7 Wood st	12-29-2017
10		Nancy Laline	88 Fairlawn Ave. ^{Lewiston}	12-29-17
11		MAURICE BLONDIN	103 WINTER ST	12-29/17
12		Jessica Hally	S Michaud	10/29/17
13		Ryan Barbael	161 Hilland	12/29/17
14		RANDALL Nelson	95 GAYTON Rd	12/29/17
15		Molly Kivus	350 Randall rd	12/29/17
16		GAMBIA A Elousoh	1021107 AVE	12/29/17
17		Roger Donahue	30 elm street	12/29
18		Samantha IJ Kivus	49 ashmount st	12/29
19		Neal Morin	88 wood ST. APT 3 ^{Lew.}	12/29
20		Makayla Morin	88 wood st	12/29

CIRCULATOR=S VERIFICATION

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

Signature of Circulator

Paris S Nodden
 Printed Name of Circulator

12/29/17
 Date

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 rezone the property at 381 Main Street from the Office Residential (OR) district to the Centreville (CV) districts described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1	<i>Doris C. Bourgain</i>	DORIS BOURGAIN	12 Thompson St - Lewiston, Me	12/27
2	<i>Kevin Bannister</i>	Kevin Bannister	1090 Sabattus Rd	12/27
3	<i>Deborah Roy</i>	Deborah Roy	316 East Ave Lewiston	12/28
4	<i>J. Stretton</i>	THOMAS STRETTON	19 GOGGIN ST LEWISTON	12/28
5	<i>Andrew S. Gayne</i>	ANDREW G. GAYNE	7 Edels St Lewiston	12/28
6	<i>B. Hutchinson</i>	Bartlett Hutchinson	7 Wilson St Lewiston	12/28
7	<i>Samuel Hurl</i>	SAMUEL HURT	377 MAJUS ST LEWISTON	12/28
8	<i>Monica Dube</i>	Monica Dube	614 Main St Lewiston	12/28
9	<i>Cheryl D. Rancourt</i>	Cheryl D Rancourt	10 King Ave - Lew	12-28
10	<i>MORTIMER</i>	MORTIMER	377 MAJUS ST LEWISTON	12/28
11	<i>Mike Kous</i>	Mike Kous	6 Menamara St.	2-28
12	<i>Pat Canning</i>	Pat Canning	331 Pleasant St	12-28-17
13	<i>Nat Allen</i>	Nat Allen	41 Spring St	2-28-17
14	<i>Barbara A Bragdon</i>	Barbara A Bragdon	14 Caron Street	2-29-17
15	<i>Larry R.oux</i>	Larry R.oux	14 Whipple L	12-29-17
16	<i>Richard Brown Jr</i>	Richard Brown Jr.	215 Lisbon St. Lew.	12-29
17	<i>Stacy Coolidge</i>	Stacy Coolidge	11 Poulin Ave Lew	12-29
18	<i>Tina Karkos</i>	Tina Karkos	527 Main ST	12-29-2017
19	<i>Jeffery Baldwin</i>	Jeffery Baldwin	410 MAJUS ST	12/29
20	<i>Jonathan Walther</i>	Jonathan Walther	50 Fairmont St	12/29/17

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.

Julie Karkos
Signature of Circulator

Julie Karkos
Printed Name of Circulator

12/28/17
Date

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

Pursuant to Appendix A, Article XVII, Section 5 AAmendments@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 rezone the property at 381 Main Street from the Office Residential (OR) district to the Centreville (CV) districts described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		Beth wood	76 Tampa st	12/27/17
2		Travis Greeley	76 Tampa st	12/27/17
3		Mamie Morneau	146 Hudson St.	12/27/17
4		Sheryl Wood	33 Scribner Cir	12/27/17
5		Alvin Wood	33 Scribner Cir	12/27/17
6		CHRISTIAN Gumprecht	1140 Sabbath St	12/27/17
7		Robert Peterson	52 Foote Avenue	12/29/17
8		Andrea Peterson	2 Colton Ave	12/29/17
9		Robert Peterson	2 Colton Ave	12/29/17
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CIRCULATOR=S VERIFICATION

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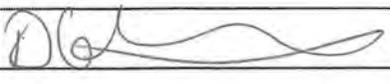
Signature of Circulator

Beth Wood
 Printed Name of Circulator

12/29/17
 Date

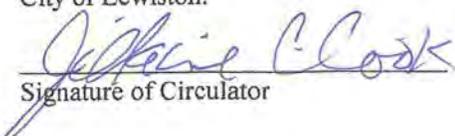
PETITION TO AMEND THE CITY OF LEWISTON
ZONING AND LAND USE CODE

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	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		Donald Couture	245 Grand St	12/26/17
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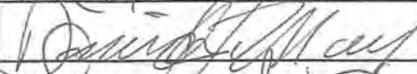

 Signature of Circulator

Jillaine C Cook
 Printed Name of Circulator

12-28-17
 Date

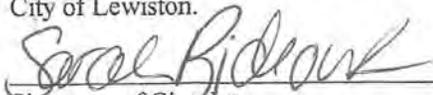
PETITION TO AMEND THE CITY OF LEWISTON
ZONING AND LAND USE CODE

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	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		PAUL N CHOINIERE	56 FLOR ST	12-29-17
2		David J. May	508 Main St	12-29-17
3		TUNA FISH	145 FAIRMOUNT	12-29-17
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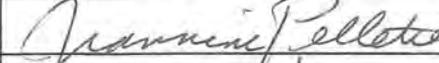
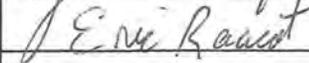

 Signature of Circulator

Sarah Rideout
 Printed Name of Circulator

12/29/2017
 Date

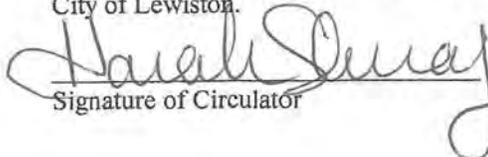
PETITION TO AMEND THE CITY OF LEWISTON
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	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		Scott Mellen	4 Lemieux St	12-28-17
2		MICHELLE GAGNIER	10 DAMON ST	12-29-17
3		JEANNINE PELLETIER	104 ... St	12/29/17
4		Racicot, Eric	138 Spring St Lew	12/29/17
5		DARIO NDALA	253 LINCOLN STREET #3	12/29/17
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 Signature of Circulator

Hannah Shumway
 Printed Name of Circulator

12/29/17
 Date

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

Pursuant to Appendix A, Article XVII, Section 5 AAmendments@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 rezone the property at 381 Main Street from the Office Residential (OR) district to the Centreville (CV) districts described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1	<i>Herdi McKay</i>	Herdi McKay	8 Darcy Dr Lewiston	12/29/17
2	<i>Daniel Welke</i>	Daniel Welke	11 Cabell St Lewiston	12/29
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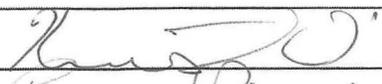
Elizabeth Cuellette
 Signature of Circulator

Elizabeth Cuellette
 Printed Name of Circulator

12/29/17
 Date

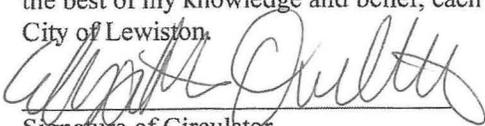
PETITION TO AMEND THE CITY OF LEWISTON
ZONING AND LAND USE CODE

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	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		Kristine Collins	249 Lincoln St. Lewiston	12/29/17
2		Tammy S. Plourde	591 College St.	12/29/17
3		Tanya Grover	25 Pine St. Lewiston, ME	12/29/17
4		Thomas S. Wilder	063 Oxbow	12-29-17
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 Signature of Circulator

Elizabeth Ouellette
 Printed Name of Circulator

12/29/17
 Date

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

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	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		Danita M Mathieu	17 Forest St. Lewiston, ME 04240	12/26/17
2		Brittany Denis	33 Regane Ave. Lewiston, ME 04240	12/26/17
3		Dawn Collins	1570 Sabattus St Lew ¹⁰⁴⁰	12/26/17
4		Elizabeth Ouellette	20 Tourmaline Dr Lewiston ME 04240	12/26/17
5		Sean Collins	156 Sabattus St. Lewiston	12/27/17
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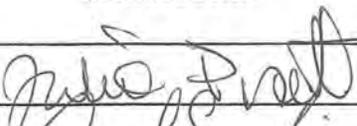
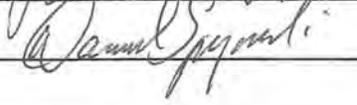
CIRCULATOR=S VERIFICATION

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Dawn Collins 12/28/17
 Signature of Circulator Printed Name of Circulator Date

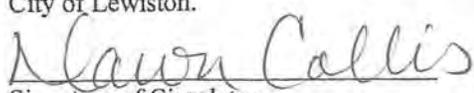
PETITION TO AMEND THE CITY OF LEWISTON
ZONING AND LAND USE CODE

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	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		Julie Pratt	Old Green Rd	12-29
2		David Spagnardi	586 Pleasant St Lewiston	12-29
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Signature of Circulator

Dawn Collins
Printed Name of Circulator

12/28/17
Date

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

Pursuant to Appendix A, Article XVII, Section 5 AAmendments@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 rezone the property at 381 Main Street from the Office Residential (OR) district to the Centreville (CV) districts described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		JIM BELERT	85 ST. CROIX ST	12/28/17
2		TYLER DAULTON	13 W COLLEGE ST	12/29/17
3	ROBERT DUBOIS	ROBERT DUBOIS	316 EAST AVE	12-28-17
4		Shannen Chase	50 Homefield St Lewiston me 04248	12/28/17
5	ESTHER	NOORAH	206 ASH 2	12/28/17
6		Norman Meserve	12 LOCUST ST	12/28/17
7		ERIC TERRIO	70 King Ave Lew	12/28/17
8		KATHLEEN HARKINS	1 DAVIS ST Lew	12/29/17
9		Samantha Dickinson	52 Sabbatus St APT 32 Lewiston me	12-29-17
10		Laurie Chouinard	17 Jans Blvd Lewiston	12-29-17
11		Carol Keith	192 Stetson Rd Lew	12/29-17
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Signature of Circulator

Julie Karkos
Printed Name of Circulator

12/29/17
Date

**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 rezone the property at 381 & 391 Main Street from the Community Business (CB) district to the Centreville (CV) districts described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1	<i>Rebecca Laird</i>	Rebecca Laird	909 Main St.	12/30
2	<i>David Lechar</i>	David Lechar	172 Old Church	12/30
3	<i>John Smedley</i>	John Smedley	12 Abbott St.	12/30
4	<i>Mark Stryng</i>	Mark Stryng	70 South St	12/30
5	<i>Gry Chamber</i>	Gry Chamber	1060 MAIN ST	12/30
6	<i>Wayne Hood</i>	WAYNE HOOD	24 KATIE AVE	12-30
7	<i>Louise G Paulin</i>	Louise G Paulin	82 Weller St	12-30
8	<i>Chris Grimmel</i>	Chris Grimmel	2 Marie Circle	12/30
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CIRCULATOR-S VERIFICATION

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Hannah Shumway Hannah Shumway 1/4/18
 Signature of Circulator Printed Name of Circulator 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: _____ Total Invalid: _____

 Signature of Registrar/Deputy Registrar

Date: _____

**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 rezone the property at 381 & 391 Main Street from the Community Business (CB) district to the Centreville (CV) districts described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1	<i>Albert Robarge</i>	Albert Robarge	70 Blaine St	1/2/18
2	<i>Wayne Hood</i>	WAYNE HOOD	24 KATIE AVE	1-2-18
3	<i>Perry Morneau</i>	PERRY MORNEAU	315 Pond Rd.	1-2-18
4	<i>Edward Morneau</i>	EDWARD MORNEAU	304 SOUTH PLAZA ST	1/2/18
5	<i>Cathy Bryant</i>	Cathy Bryant	456 EAST AVE	1/2/18
6	<i>Kevin Crofts</i>	Kevin Crofts	314 Ponded	1/2/18
7	<i>Doris Bourgois</i>	Doris C. Bourgois	12 Thompson St	1/2/18
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Jessica Clark Jessica Clark 1/3/18
Signature of Circulator Printed Name of Circulator Date

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	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1	<i>[Signature]</i>	TEY L GOODE	115 COLLEGE	10-30
2	<i>[Signature]</i>	Richard Daignault	711 BURLINGTON	12-30
3	<i>[Signature]</i>	MORAN FROST	5 MICHAEL DR	12-22
4	<i>[Signature]</i>	NANCY S. BOILLARD	8 Novella St	12-30
5	<i>[Signature]</i>	ALGER DOUGLASS	211 HOLLAND ST	12-30-17
6	<i>[Signature]</i>	PAUL COLLETT	4 CLASS ST	12-30-17
7	<i>[Signature]</i>	Linda White	309 Pinewood Rd	12-30
8	<i>[Signature]</i>	RONALD N. COULTER	7 Overbrook Rd.	1/2
9	<i>[Signature]</i>	ALBERT G. ASKE	7 Adelast	1/2
10	<i>[Signature]</i>	Celeste Patrie	30 Brown St	1/2
11	<i>[Signature]</i>	Roger Donahue	30 ELM ST APT 1	1/3
12	<i>[Signature]</i>	Raymond Beaulieu	116 S Bates St APT 2	1/3
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[Signature] Dawn Collins 1/3/18
Signature of Circulator Printed Name of Circulator 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: _____ Total Invalid: _____

Signature of Registrar/Deputy Registrar

Date: _____

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 rezone the property at 381 & 391 Main Street from the Community Business (CB) district to the Centreville (CV) districts described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1	<i>Paul Simoneau</i>	PAUL SIMONEAU	111 Randell Rd	1/3/18
2	<i>Charles Wright Jr</i>	Charles WRIGHT Jr	137 College St	1/3/18
3	<i>Yvonne R. Zawista</i>	Tammie Zawista	28 Highland Ave	1/3/18
4	<i>Keri M. Smith</i>	Keri M Smith	26 Nichols St.	1/3/18
5	<i>James Gauthier</i>	JAMES GAUTHIER	76 Ash St	1-3-18
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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.

Elizabeth A Ouellette Elizabeth A Ouellette 1/3/18
 Signature of Circulator Printed Name of Circulator Date

REGISTRAR'S CERTIFICATION

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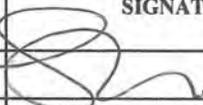
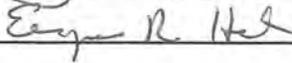
Total Valid: _____ Total Invalid: _____

 Signature of Registrar/Deputy Registrar

Date: _____

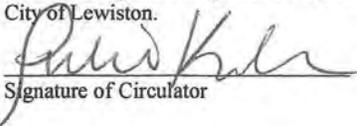
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	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		Lakeisha Stupinski	141 College Ave	1/3/18
2		Eugene R. Hohn	50 Windy Way Lew	1/3/18
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 Signature of Circulator

Julie Karkos
 Printed Name of Circulator

1/4/18
 Date

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	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		Daniel Bussiere	25B Marston St Lewiston ME 04240	12/29
2		Walter Klymko	90 Summit Street Lewiston, ME 04240-727	12/29
3		Jessica Henson	302 Pleasant St 04240	12/29
4		Vincent McEwen	599 WESSAL	12/29
5		Brenda Longtin	179 Super Rd	12/29
6		Shelby Breton	47 Barry Dr.	12-29
7		CINDY CARON	35 Nichols St	12/29
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Signature of Circulator

Julie Karkas
 Printed Name of Circulator

1/3/18
 Date

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	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1	<i>Theresa DUBois</i>	Theresa DUBois	54 Howard St	1/8/18
2	<i>Steven Mans</i>	STEVEN MANS	207 Oak St	1/3/18
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Julie Karkos
 Signature of Circulator

Julie Karkos
 Printed Name of Circulator

1/4/18
 Date

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Date: _____



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Planning Board
FROM: David Hediger, City Planner
DATE: January 18, 2018
RE: Request for the disposition of 147 Sabattus Street

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

On April 8, 2013 the Planning Board voted 3-1-1 to send a favorable recommendation to dispose of the property at 147 Sabattus Street. The City had recently taken possession of the property due to matured tax liens. There were two buildings on the property with a total of ten residential units. At the time, there has been interest by a potential buyer to renovate the structure. Given that interest, Administration requested a favorable recommendation to dispose of said property so that the city could explore options of possible redevelopment of the site.

The potential buyers from that time chose not proceed with the purchase of the property. The structures have since been demolished by the city given their poor condition. The .16 acre parcel located in the Neighborhood Conservation "B" (NCB) district is currently vacant. The land is currently assessed at \$24,240.

Section 3.2.3 of the City's Property Disposition states that a recommendation from the Planning Board will remain valid for three years. Given the time that has lapsed since the initial recommendation, a new recommendation is being requested by Administration to dispose of the property.

ACTION NECESSARY:

Make a motion pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council for the disposition of 147 Sabattus Street.

PROPERTY DISPOSITION

1.0 Purpose

The purpose of this Policy is to provide guidelines for City staff to follow in handling and processing real property in the City's possession which is considered excess to the City's needs.

2.0 Policy

It is the City's policy to periodically review real property in the City's possession to determine whether retention, sale, or lease of such property is in the best interest of the City and to respond in a timely fashion to requests from private parties seeking to purchase or lease such property.

3.0 Determination of Willingness to Sell or Lease City-Owned Property

3.1 City Initiated Sale or Lease

3.1.1 The Planning and Code Department of the City will periodically review real property currently owned by the City but not in active use for municipal purposes to determine whether these properties should be retained or considered for sale or lease. Once properties have been identified for which there is no current City use, the Department will notify the City Administrator.

3.1.2 The City Administrator will then notify all Department Heads of the property or properties being considered for sale and offer them the opportunity to indicate any potential use or need their department might have for the property, including its potential for land banking against future uses.

3.1.3 After consideration of the responses of the various Departments, the Administrator will make a determination if the property should be declared surplus or retained for potential future use.

3.2 Private Sector Request to Purchase or Lease

3.2.1 All requests from the private sector for the purchase or lease of City property shall be directed to the City Administrator.

3.2.2 The Administrator shall notify all Department Heads of the request and provide them with the opportunity to identify any current or potential use which the City may have for the property.

3.2.3 After consideration of the responses of the various Departments, the Administrator will make a determination of whether the property should be declared surplus or retained for current or potential future use.

3.2.3 Once the Administrator has determined a property to be surplus, the Planning Board will be asked to review and make a recommendation on whether to proceed with its disposition. A recommendation from the Planning Board will remain valid for three years; however, should

PROPERTY DISPOSITION

circumstances change during this period, the Administrator may seek an updated review and recommendation.

4.0 Procedure for Disposition of Surplus Property – Substandard Lots

- 4.1 Vacant lots that do not meet minimum space and bulk standards for construction may, at the discretion of the City Administrator, be offered for sale or lease to abutting property owners. If one or more of these owners express an interest in the property, the City Administrator shall make a recommendation to the City Council on the disposition of the property.
- 4.2 The following factors will be considered in determining whether the property should be sold:
 - 4.2.1 The proposed sale price or lease rate, if any, as compared to an estimate of the value of the property prepared by the City Assessor;
 - 4.2.2 The proposed use of the property;
 - 4.2.3 The value of any proposed improvements to the property;
 - 4.2.4 The impact of the sale or lease of the property on the assessed value of the adjacent property in the same ownership; and
 - 4.2.5 The extent to which the sale or lease will support overall City policy in the area or neighborhood within which the property is located.

5.0 Procedure for the Disposition of Surplus Property – Potentially Developable

In instances where surplus property may be redeveloped or developed, that property may be marketed by one of a number of methods based on the nature and estimated value of the property and any specific plans or policies which development of the property might either further or hinder. The following methods may be used to market the property, including a combination of two or more.

- 5.1 **Request for Proposals.** The City may use a Request for Proposals process. This process is generally best suited to significant development parcels for which the City has specific expectations as to the nature, type, and value of the anticipated development.
- 5.2 **Real Estate Broker.** The City may contract with a real estate broker to find a buyer. This method may be most applicable to individual properties or groups of properties that the City is seeking to redevelop or develop for a specified purpose such as single family housing and/or multi-family housing renovation.
- 5.3 **Formal Bid.** The City may advertise for formal bids. This method may be most applicable in instances where the City believes that multiple parties may be interested in the property and the nature of the development or redevelopment is such that the City does not anticipate placing additional restrictions on what is to happen on the property after its sale.
- 5.4 **Self-Brokerage.** The City may employ a sell by owner approach. This would generally be applicable to situations such as the sale of individual lots within a residential or commercial subdivision.

PROPERTY DISPOSITION

- 5.5 Direct Negotiation.** Where alternative methods have failed to produce an acceptable sale and/or in instances where the City has been directly approached by an individual or organization with a proposal that matches or exceeds the City's expectations for development on the parcel, the City may entertain direct negotiations with a private party who expresses interest in purchasing a property.
- 5.6** The City Administrator shall recommend to the City Council the disposition method or methods to be used at the time the Council is asked to approve disposition of the property.

6.0 Council Approval of Disposition

- 6.1** The final decision to accept a bid, proposal, or offer to purchase City-owned property must be made by the City Council.
- 6.2** The normal process for transferring a city-owned property will be by way of municipal quitclaim deed. Warranty deeds may be approved in instances where such action is recommended by the City Administrator for good and reasonable cause.



City of Lewiston
Planning & Code Enforcement
Gil Arsenault, Director
MEMORANDUM



To: City Council Members

From: David Hediger

Date: April 10, 2013

Subject: Planning Board Action

The Planning Board took the following action at their meeting held on April 8, 2013 regarding the disposition of 147 Sabattus Street.

The following motion was made:

MOTION: by **Paul Madore** pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council for the disposition of 147 Sabattus Street. Second by **Paul Robinson**.

VOTED: 3-1-1 (Passed)
Michael Marcotte Opposed
Bruce Damon Abstained
Eric Potvin & Kevin Morissette Recused

Note: While the Planning Board's recommendation was favorable, the Board voiced concern with uncertainty of how the property may be used in the future; the need to demolish structures deemed uninhabitable; and, that the demolition of said structure(s) would remove a nonconforming structure with respect to zoning space and bulk standards including setbacks, density, parking and the number for residential structures allowed on a single property.

c: Ed Barrett, City Administrator
Planning Board Members

The City of Lewiston is an EOE. For more information, please visit our website at www.lewistonmaine.gov and click on the Non-Discrimination Policy.

