

**LEWISTON CITY COUNCIL AGENDA  
CITY COUNCIL CHAMBERS  
SEPTEMBER 18, 2018**

**6:00 p.m. Workshops**

- A. Request to Eliminate On-Street Parking on a Section of Main Street Near Whipple and Curtis Streets – 30 minutes
- B. Update on Possible Changes to NCA Zone – 15 minutes

**7:00 p.m. Regular Meeting**

Pledge of Allegiance to the Flag

Update from the Lewiston Youth Advisory Council

Acceptance of the minutes of the June 19 and September 4, 2018 meetings.

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

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 2.

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

- \* 1. Appointment of City Council representative to the Auburn Lewiston Airport Board of Directors.
- \* 2. Indefinitely postpone the request to amend the Traffic Schedule to add two stop signs at Mark Street at the intersection with Gina Street.
- \* 3. Amendment to the Traffic Schedule to add a stop sign at Judith Street at the intersection with Mark Street.

**REGULAR BUSINESS:**

- 4. Public Hearing for approval of an Outdoor Entertainment Permit for a live musical event in Pettingill Park.
- 5. Public Hearing on a new liquor license application for Dave's American Buffet, 40 East Avenue.
- 6. Public Hearing on a new application for a new liquor license for the Pop Shoppe Diner, 413 Main Street.
- 7. Public Hearing on applications for a new liquor license and special amusement permit for Live Entertainment for Agora Grand Event Center, 220 Bates Street.
- 8. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Fast Breaks, 1465 Lisbon Street.
- 9. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Baxter Brewpub, 130 Mill Street.
- 10. Public Hearing on an application from Dana's Garage, 193 Crowley Road, for an Automobile Graveyard/Junkyard permit.
- 11. Public Hearing on an application from Maine Heavy Equipment, 1445 Sabattus Street, for an Automobile Graveyard/Junkyard permit.

12. Public Hearing on an application from Grimmel's Industries, 50 River Road, for an Automobile Graveyard/Junkyard permit.
13. Public Hearing on an application from the Lewiston Public Works Department, 424-482 River Road, for an Automobile Graveyard/Junkyard permit.
14. Public Hearing on an application from ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway for an Automobile Graveyard/Junkyard permit.
15. Public Hearing and Final Passage to contractually rezone the property at 230 Bartlett Street from the Highway Business (HB) District to the Downtown Residential (DR) District.
16. Condemnation Hearing for the building located at 1314 Sabattus Street.
17. Reports and Updates.
18. Any other City Business Councilors or others may have relating to Lewiston City Government.
19. Executive Session pursuant to MRSA Title 1, section 405 (6)(c) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL  
WORKSHOP AGENDA  
TUESDAY, SEPTEMBER 18, 2018  
6:00 PM

1. Request to Eliminate On-Street Parking on a Section of Main Street Near Whipple and Curtis Streets – 30 minutes

The owner of the Dunkin Donuts located across Main Street from Central Maine Medical Center is interested in relocating his operation to the currently vacant lot at the intersection of Whipple and Main Streets. For the new location to be feasible, some on-street parking on Main Street will need to be eliminated. Eliminating parking will require Council action. Opposition to parking changes has been expressed from others in the area. Please see the attached information.

2. Update on Possible Changes to NCA Zone – 15 minutes

A request was made to review the current Zoning standards for the NCA zone regarding the conditions under which duplexes were permitted, either through conversion of single family residences or new construction. Planning staff has been reviewing this request and recently discussed possible changes with the Planning Board. We would like to update the Council on the status of this effort. Please see the attached information.

IMMEDIATELY FOLLOWING THE REGULAR MEETING

3. Executive Session – Economic Development Issue –

I would like to start by saying thank you to all the council for taking the time to look at my project.

My name is Normand Boulay. I reside at 17 Waters Edge Drive in Lewiston. I am a life time resident of Lewiston. A proud graduate of Lewiston High school.

I am the owner of two Dunkin Donuts in Lewiston - 319 Main Street and 590 Main Street. I also own one in Gardiner and in Farmingdale, Maine.

I am writing to you about a proposed project at 420 Main St. in Lewiston. As many of you know, we have outgrown our current location at 319 Main Street. This location was built in 1962. My father purchased it in 1973. It has been a fixture in Lewiston for many years.

The purpose of this project is to upgrade our location to a state of the art Dunkin Donuts. We are proposing a dual drive-thru location. Also with a mobile on-the-go order pick up window. This new design will not work at

the current location. The property at 420 Main Street will accommodate this new design.

This design and larger lot will greatly improve our throughput while minimizing the impact to traffic on Main Street. As you all know, the current location has many issues with traffic and also with our deliveries. We have done our best to try to correct these issues, but the current site just cannot accommodate the changes needed to make this a much safer location. We are looking to improve the traffic flow, safety and our business.

I am asking the council to look at our plan. It was presented to the residents in the neighborhood, but was met with hostility due to misinformation. We are not only looking to improve our business, but also the problem along the corridor with parking. Parking was the biggest problem identified by the neighbors attending the meeting. I am not sure why they came out against it before they had any details about the plan. I know people are afraid of change, but I would hope that the council could keep an open mind. I am looking to improve the corridor for all of the Lewiston residents. I am not sure why they do not want to help solve the problem.

The proposal we are making would greatly improve the parking issues.

1. The City could place time limits for parking along this corridor, except on weekends. This would help to make parking available for the customers of the business in this corridor.
2. We would build 11 spaces along Whipple Street.
3. We would work with the City to provide more spaces on Curtis Street.

These changes would mitigate the loss of spaces on our side of the road. We have also offered to help with parking on the other side of the street, but we were met with a firm NO!

So I am asking the council to take a look at the benefit for the entire community. The Police have stated that this would be far safer than the current design. We are willing to work with the council to add another crosswalk, which would help slow down traffic, thus making it a safer corridor. I am seeking

input from any council member willing to work with me on this project.

We discussed this plan with the Planning Board and we had 100 percent support, which I am not sure if that is normal. But I was very encouraged by their comments and support.

In closing, I would like to speak to a comment made at the neighborhood meeting.

*“Why do we need another donut shop in Lewiston?”*

Well I usually do not tout what I and other franchisees do for this community, but I think it is very relevant.

Dunkin Donuts has raised between \$300,000 and \$400,000 for youth hockey in Lewiston Auburn. I personally give \$2000.00 a year to Lewiston high school hockey. I am told I am their largest supporter.

I also support the Lewiston police, through the Special Olympics. Since I started this 17 years ago, we are now the largest supporter of Special Olympics' in Maine.

I started the senior mug program in Lewiston. We give out 100's of community mugs throughout Lewiston Auburn to support various charities in the area.

We sponsor the Balloon festival and any money raised is given back to the festival.

We sponsor little league, Rec basketball and many other activities in the area.

We sponsor countless other charities in our area.

The reason I am telling you this is that we are a good thing for our community. We believe as franchisees that it is very important to support those who support us. It is not just me, but this is how most Dunkin Donut franchisees feel about our communities.

So I am asking for your support to improve my business, Main Street and our community.

If any council member has questions, please feel free to contact me at 207 240 4187

Sincerely  
Normand Boulay



# Stoneybrook Consultants, Inc.

P.O. Box 459  
456 Buckfield Road  
Turner, Maine 04282  
(207) 224-0252

September 12, 2018

Edward A. Barrett, City Administrator  
City of Lewiston  
27 Pine Street  
Lewiston, ME 04240-7201

Re: Dunkin Donuts  
420 Main Street

Dear Mr. Barrett:

On behalf of Norm Boulay, Jr., I have prepared this letter and attached graphics to seek City Council support for his proposed Dunkin Donuts shop at 420 Main Street. The property is shown on Tax Map 194 as Lots 60 and 61. These parcels contain about 37,300 square feet and are located in the Community Business District. A restaurant with a drive-thru is a permitted use in this zoning district.

As with any Dunkin project, traffic generation will very likely require a left turn lane. Main Street pavement width can support a center turn lane, but existing on-street parking would be reduced. Since the City Council controls all on-street parking areas within the City, we are seeking their support to make the required changes to the City parking code to allow this project to move forward.

After discussing parking changes with City Planning staff, Engineering and Police, we truly believe that a center turn lane and the elimination of parking along Main Street will improve the safety for vehicle and pedestrian movements along this section of Main Street. While this would be good for the

entire community, loss of parking along Main Street will hurt the businesses that rely upon those spaces for their customers and employees.

As a lifelong resident of Lewiston and a successful businessman, Mr. Boulay understands how important those parking spaces are to the existing businesses. That is why he is willing to work with those businesses and the City to replace any parking lost as a result of this project at no cost to the City or those businesses. This needs to be a project that is beneficial for the entire community, for the existing businesses and for Dunkin or the project will not move forward.

At a recent public informational meeting, we heard from several area businesses that parking is their number one concern. Dunkin is proposing to construct eleven new parking spaces along Whipple Street. We are also prepared to construct parking along Curtis Street. Parking along these two streets would help support the existing businesses on the west side of Main Street.

To support the businesses on the east side of Main Street, we offered to construct parking at 437 Main Street in an existing green space located off Oak Street. The property at 437 Main Street is unique as it has frontage on Main Street and Oak Street. That property also offers an opportunity for development of a walkway between these two streets. This simple improvement could allow better use of the existing parking on Oak Street to support the Main Street businesses located on the east side of the street.

The point is that there are opportunities to address the neighborhood issues, while at the same time allowing improvements to Main Street that will be safer for the entire community as they travel along this area of Main Street. Those proposed Main Street improvements will also support the Dunkin project and allow them the ability to improve a long vacant property. With a larger property, the new Dunkin site will allow them to improve many of the traffic issues experienced at the current location.

To address pedestrian movements and concerns raised at the public informational meeting about those movements, Dunkin is prepared to add a

crosswalk with safety signals at a location to be determined by the City. Some citizens raised concerns about the property being part of a City Historical District. City Planning staff have confirmed that the site is not located in a Historical District, but Dunkin is prepared to construct a building with historical architectural features similar to the nearby structures.

I have attached two of several graphics we have prepared for this area. These graphics are based upon existing City mapping information and are simple conceptual layouts at this time. The first graphic is an Existing Condition graphic done to determine the total number of existing parking spaces on Main Street in this area today. Using City requirements for allowed parking space size, we have determined that there are 29 spaces existing along Main Street. The City does not stripe parking spaces and we can all agree that, without that striping, more cars can be parked along the street. We agree with City staff that we should use the design standards to determine our baseline impacts to the parking space count in the corridor.

The second graphic is our Option #2 concept plan. This concept illustrates what we believe will be the minimum turn lane required to support the Dunkin project. The proposal would pick up the recently approved center turn lane for the Dirigo Credit Union project at the Elm Street intersection and offset the center turn lane westerly to create two 12' wide travel lanes and a 12' wide center turn lane. This layout would leave some of the existing parking along the easterly side of Main Street.

Under Option #2, Dunkin would create 11 parking spaces along Whipple Street adjacent to the project site and 17 parking spaces would be retained on Main Street. This option would result in a net loss of one parking space. Dunkin is also prepared to construct more parking spaces in the area where the neighbors are prepared to allow that construction.

We have prepared two other options that are not included with this submittal. These can be discussed if time allows. We are only asking for City Council support of these conceptual plans. We don't want to proceed with full designs and surveys for the project, if there is no City support for this project. With Council support, we are prepared to complete all studies and design

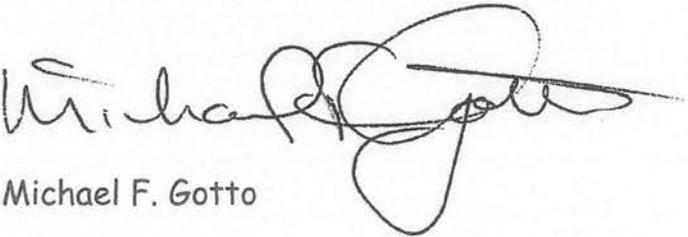
September 12, 2018  
Edward A. Barrett  
RE: 420 Main Street  
Page 4

required to make this project work for the community and the neighborhood. We can return to the City Council after the designs have been completed and detailed plans are available for final action with all specific parking impacts defined.

We will attend the City Council workshop meeting to address any questions or concerns you or the City Council may have.

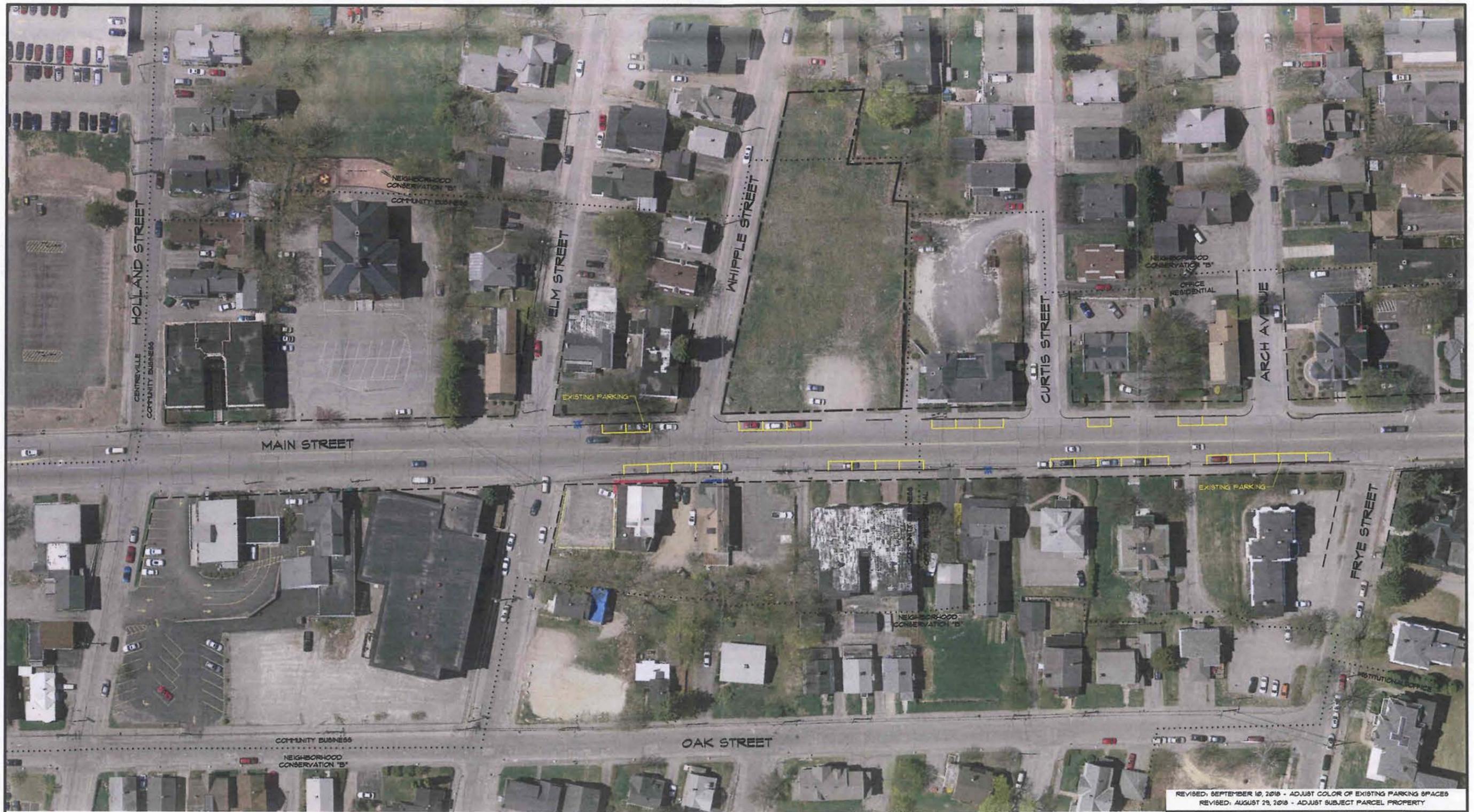
Respectfully Yours

STONEBROOK CONSULTANTS, INC.

A handwritten signature in black ink, appearing to read "Michael F. Gotto". The signature is stylized with a large, looping flourish at the end.

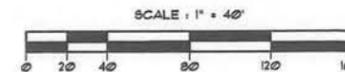
Michael F. Gotto

cc: Norm Boulay, Jr.  
David Hediger, Director



**NOTES**

- 1) THE PURPOSE OF THIS PLAN IS TO SHOW CHANGES TO ON-STREET PARKING ON MAIN STREET. 23 PARKING SPACES (8' X 22') ARE SHOWN.
- 2) BOUNDARY INFORMATION WAS TAKEN FROM THE CITY OF LEWISTON TAX MAPS.
- 3) THE AERIAL PHOTO BACKGROUND WAS TAKEN FROM THE MAINE OFFICE OF GIS AND IS DATED 2013.



REVISED: SEPTEMBER 10, 2018 - ADJUST COLOR OF EXISTING PARKING SPACES  
 REVISED: AUGUST 29, 2018 - ADJUST SUBJECT PARCEL PROPERTY

**2013 AERIAL GRAPHIC - EXISTING CONDITIONS  
 MAIN STREET PARKING**

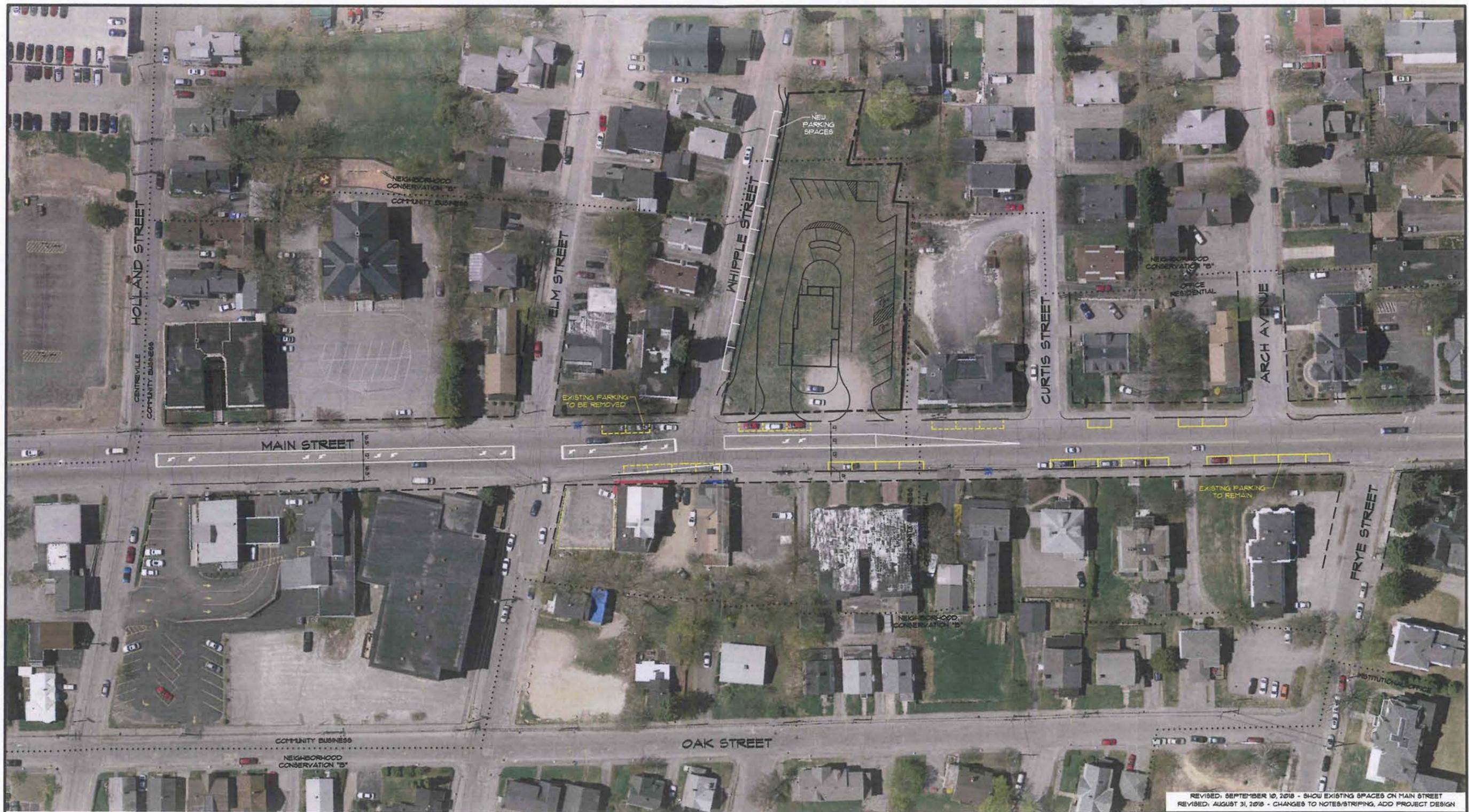
LEWISTON, MAINE  
 ANDROSCOGGIN COUNTY

PREPARED FOR  
**NORM BOULAY**

32 WATERS EDGE DRIVE - LEWISTON, MAINE 04240

**Stoneybrook Consultants, Inc.**  
 P.O. Box 459 - Turner, Maine 04282 - (207) 224-0252

DATE: AUGUST 2018	DRAWN BY: BRJ	SCALE: 1" = 40'	SHEET
JOB NUMBER: 18-020	CHECKED BY: MFG	CADD: 18-020 AER	1



REVISED: SEPTEMBER 10, 2018 - SHOW EXISTING SPACES ON MAIN STREET  
 REVISED: AUGUST 31, 2018 - CHANGES TO NOTES/STRIPING, ADD PROJECT DESIGN

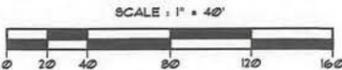
**2013 AERIAL GRAPHIC - OPTION #2**  
**MAIN STREET STRIPING**  
 LEWISTON, MAINE  
 ANDROSCOGGIN COUNTY  
 PREPARED FOR  
**NORM BOULAY**  
 32 WATERS EDGE DRIVE - LEWISTON, MAINE 04240

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DATE: AUGUST 2018 DRAIN BY: BRJ SCALE: 1" = 40' SHEET  
 JOB NUMBER: 18-020 CHECKED BY: MFG CADD: 18-020 AER 1

**NOTES**

- 1) THE PURPOSE OF THIS PLAN IS TO SHOW CHANGES TO ON-STREET PARKING ON MAIN STREET. II PARKING SPACES ARE SHOWN ON WHIPPLE STREET AND II PARKING SPACES ARE SHOWN ON MAIN STREET (8' X 22'). I PARKING SPACE WILL BE LOST UNDER THIS OPTION.
- 2) BOUNDARY INFORMATION WAS TAKEN FROM THE CITY OF LEWISTON TAX MAPS.
- 3) THE AERIAL PHOTO BACKGROUND WAS TAKEN FROM THE MAINE OFFICE OF GIS AND IS DATED 2013.





## CITY OF LEWISTON

### Department of Planning & Code Enforcement

**TO:** Mayor Shane Bouchard and the Lewiston City Council

**FROM:** Douglas Greene, AICP, RLA; Deputy Director/City Planner

**DATE:** September 18, 2018

**RE:** Proposal to Minimize Conversions of Single-Family Dwellings into Two-family Dwellings in the Neighborhood Conservation "A" District

Back in May at the direction of the City Council, Staff was asked to review a section of the Zoning Ordinance that allows the conversion of single-family homes into two-family dwellings or the development of two-family dwellings on vacant lots in the Neighborhood Conservation "A" District (NCA). Concern had been raised the NCA District was being negatively impacted by conversions of single-family dwellings into two-family dwellings.

The Staff made a presentation at a June 12<sup>th</sup> City Council workshop. The presentation included statistics on the number of single-family homes, two-family dwellings, multi-family structures and other land uses including vacant land within the NCA District. A proposed text amendment was also provided that would remove the ability to convert single-family dwellings into two-family dwellings or develop vacant lots into two-family dwellings in the NCA District. After some discussion, the City Council asked Staff to look at other options to reduce or prohibit the conversions.

In developing options and recommendations, the Staff questioned and analyzed the directive:

- What is the purpose of the NCA District, as described in the Zoning Ordinance?  
**Sec. 6. Neighborhood conservation "A" district (NCA)**  
*(a) Statement of purpose. The purpose of the neighborhood conservation "A" district is to promote neighborhood stability by requiring the development of new buildings or the reuse or conversion of existing buildings to conform to the type and density of housing existing within the immediate neighborhood. The standards of the district restrict housing to single-family detached dwellings unless the existing pattern of use in the immediate neighborhood is two-family or predominantly multifamily dwellings.*
- What does the Comprehensive Plan recommend for neighborhoods?  
**2017 Comprehensive Plan- Strengthen Neighborhoods and Expand Housing Choices, Accessory Units**  
*"An accessory unit is a flexible space that shares ownership, site, and utility connections with the principal building on the lot, but has its own entrance. Usually situated over a garage toward the rear of the principal house, the outbuilding increases privacy and enclosure in the backyard by screening the yard from the house next door. Accessory units are significantly different from the "bonus rooms" or in-law apartments that are found in conventional suburban subdivisions because they are not connected to the rest*

of the house. Instead it is much more private—making it well-suited for use as a home office, guest room, or rental property. If rented out, the additional “eyes on the street” help make the neighborhood a safer and livelier place. In addition to providing a potential source of income for the primary mortgage holder, accessory units provide additional low-cost housing options within the community. In Lewiston, permitting accessory units would be a sustainable and cost effective way for the City to encourage affordable housing that complements the character of the existing neighborhoods, by putting the control in the hands of the residents. A program like this compels the City to encourage home ownership in the downtown.” (Legacy Lewiston-2017, pg. 177)

- Are two-family dwellings and multi-family dwelling units detrimental to neighborhoods in the NCA District? *In the Staff's opinion, absentee landlords / property owners are the biggest threat to neighborhoods in the NCA District.*
- How many conversions of single-family homes into two-family dwellings have occurred in recent years; is it a problem? *Planning and Code Enforcement records indicate 3 conversions of single-family dwellings into two-family dwellings in the last 5 years.*
- What types of residential uses are currently allowed in the NCA District? *Single-family dwellings, two-family dwellings and in-law apartments are permitted uses in the NCA District. Two-family dwellings and in-law apartments have to meet specific criteria. (See Attachment 1 for two-family dwelling and in-law apartment criteria)*
- What are the differences between two-family dwellings, in-law apartments and accessory dwelling units? *The Staff has prepared a chart that compares the attributes of these residential types. (Attachment 2)*
- How would accessory dwelling units differ from in-law apartments?
  - *The size of the accessory dwelling unit would be limited to 600 square feet or 25% of the total habitable space of the dwelling*
  - *Accessory dwelling units would not require the formal documentation of family members being occupants*
  - *Both accessory dwelling units and in-law apartments must have one owner occupied unit*

Based on that evaluation, the Staff now presents 3 options for the Council to consider:

1. Create an overlay in the NCA District where single-family dwellings could be converted into two-family dwellings using the current criteria. Areas outside of the Overlay would no longer allow two-family dwelling conversions or development. Staff prepared a draft map that creates overlay districts based on concentrations of two-family dwellings. This greatly reduces the area in the NCA District where conversions could take place. The overlay areas are generally groupings of parcels where close to 50% of the lots are two-family dwellings or multi-family structures. (Attachment 3)
2. Do nothing. There have been only 3 conversions of single-family dwellings into two-family dwellings in the NCA over the last 5 years.
3. Prohibit the conversion of single-family dwellings into a two-family dwellings or the development of vacant lots into two-family dwellings in the NCA District and continue to allow in-law apartments.
4. Prohibit the conversion of single-family dwellings into a two-family dwellings or the development of vacant lots into two-family dwellings in the NCA District and either transition away from or prohibit in-law apartments and instead allow accessory dwellings units.

**STAFF RECOMMENDATION:**

Staff recommends **Option 4**. While there are few conversions of single-family dwellings into two-family dwellings in the NCA District at this time, removing that provision would help stabilize and protect NCA neighborhoods. Transitioning away from or replacing in-law apartments with accessory dwelling units would provide multiple benefits to the NCA District and property owners:

- Having one of the units be owner-occupied will promote better maintenance of the property and protect and strengthen neighborhoods
- Accessory dwelling units would provide additional income
- Accessory dwelling units fit in well with the current demographic trends of smaller families and an aging population
- Accessory dwelling units would not change the character of the neighborhood, it that they would essentially be required to meet all of the existing in-law provisions
- Accessory dwelling units would be easier to administrate than in-law apartments

Additional information on accessory dwelling units is provided in **Attachment 4**.

## ATTACHMENT 1

Lewiston Zoning Ordinance:

The current criteria required to convert single family dwellings into two family dwellings reads as follows:

**Article XII, District Regulations, Section 22, Land Use Requirements, Note 37**

***Conversions of Single Family Dwellings into Two Family Dwellings or the development of parcels into Two Family Dwellings in the Neighborhood Conservation "A" District (NCA)***

- (37) *A parcel may be developed with a two-family dwelling, only if both of the following criteria are met:*
- a. *More than 50 percent of the impacted properties that are developed contain residential structures with two or more dwelling units; and*
  - b. *More than 50 percent of the adjoining properties that are developed contain residential structures with two or more dwelling units.*
- An existing single-family dwelling may be converted to a two-family dwelling only if both of the following criteria are met:*
- a. *Forty percent or more of the impacted properties that are developed contain residential structures with two or more dwelling units; and*
  - b. *Forty percent or more of the adjoining properties that are developed contain residential structures with two or more dwelling units.*

The current In-law Apartment performance standards read as follows:

**Article XII. Performance Standards, Section 11, In-law apartment standards.**

*An in-law apartment meeting the following standards shall be considered to be part of a single-family detached dwelling and shall not be considered to be a dwelling unit in terms of the space and bulk standards of article XI. In-law apartments shall be permitted only in those districts where they are allowed uses. Apartments not meeting these requirements shall be considered to be separate dwelling units and shall meet the use and space and bulk requirements of article XI:*

- (1) *The in-law apartment shall be accessory to the use of the premises as a single-family detached dwelling and only one in-law apartment shall be created as part of a single-family dwelling.*
- (2) *The in-law apartment shall be created within or attached to a single-family detached dwelling.*
- (3) *The person(s) occupying the in-law apartment must be a family member of the principal occupant(s) of the single-family home and the burden of proof of this relationship shall be on the homeowner.*
- (4) *The creation of the in-law apartment unit shall not alter the single-family character of the property. The following standards shall be met in creating the unit:*
  - a. *The in-law apartment must share a joint entrance with the single-family home and the in-law apartment shall not have a separate front entrance from the outside. A joint entrance shall consist of an enclosed structure with access to the in-law apartment and the single-family dwelling. Any second-story side entrance must be contained within the building envelope; and*

- b. *Provisions for one (1) additional parking space shall be made in conformance with article XII, section 17. However, no additional curb cuts or driveways may be created to facilitate the creation of the in-law apartment and any new or expanded driveway entrance curb cut on the property must not exceed twenty-four (24) feet in width.*
  - c. *The habitable area of the in-law apartment shall not exceed 900 square feet and shall not contain more than two (2) bedrooms.*
- (5) *One of the units must be owner-occupied.*
  - (6) *All applicable fire safety and egress laws must be observed in the creation of the in-law apartment.*
  - (7) *There shall not be separately metered electric or water service for the in-law apartment.*
  - (8) *In-law apartments on properties with private sewer shall comply with the State of Maine Subsurface Wastewater Disposal Rules for new or expanded systems, as applicable.*
  - (9) *Evidence of documentation recorded in the Androscoggin Registry of Deeds identifying that the in-law apartment and the use of the in-law apartment must conform to the performance standards of Appendix A, article XII, section 11 of the Zoning and Land Use Code. Said evidence must be provided to the City prior to issuance of an occupancy permit for said in-law apartment.*

## ATTACHMENT 2

### Attribute Comparison of

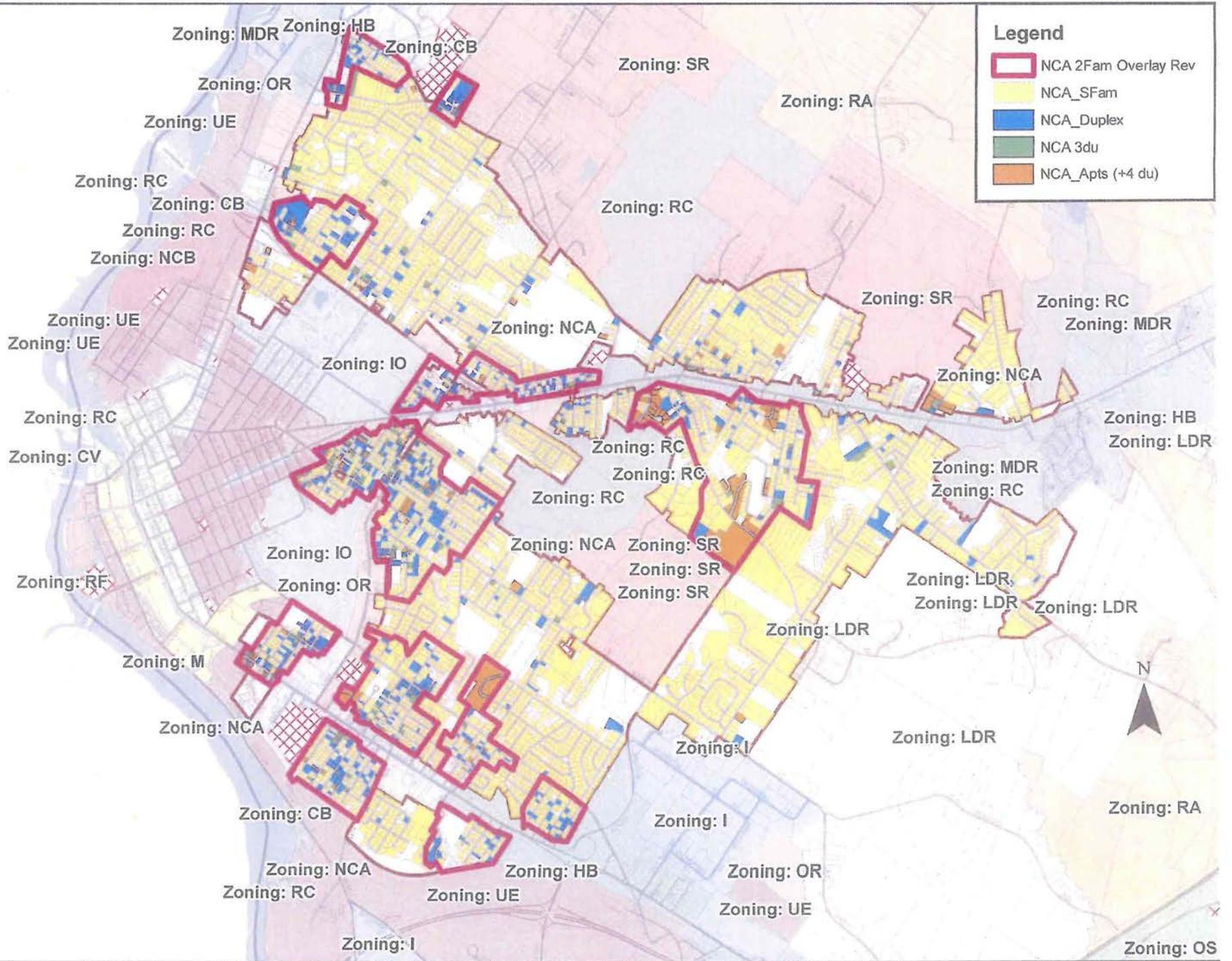
### Two Family Dwellings, In-Law Apartments and Accessory Dwelling Units

Attribute\Housing Type	Two Family Dwelling	In-Law Apartment	Accessory Dwelling Unit*
Zoning Status in NCA	Must Meet Criteria #	Permitted Use	Proposed as Permitted Use
Dwelling Unit as per Art. XI	Yes	No	No
Principle or Accessory use	Principle	Accessory	Accessory
Size	No Limit	900 sf.	600 sf.
Separate Entrance	Yes	No	No
Owner-Occupied Required	No	Yes For One Unit	Yes For One Unit
Family Member Required	No	Yes	No
Record Proof of Family/ Owner Occupancy	No	Yes	Yes for Owner Occupancy
Impact on Neighborhood Character	Noticeable From Street	No Exterior Impact	No Exterior Impact
Parking Required	2 Spaces Per Unit	1 Extra Space	1 Extra Space
Separate Kitchen	Yes	Yes	Yes
Number of Bedrooms	No Limit	Maximum of 2	Maximum of 2
Separate Utility Connection	Yes	No	No
Lot Size	Lot Size is Increased	Same as Single Fam.	Same as Single Fam.
Administration and Enforcement	Not Difficult	Difficult	TBD

\* As proposed

# See Article XI, Sec. 22, Note 37

Attachment 3



# NCA District- Duplex Conversion Overlay Test

## Accessory Apartments Can Help Seniors Age in Place <sup>1</sup>

Your town can join Maine communities which have already improved housing options for elders who want to age in place. By adding a simple provision for accessory apartments to its zoning ordinance, your town or city can help elders and families live economically and maintain community ties.

Accessory apartments are complete dwelling units typically created from surplus space in existing homes, or sometimes as additions, or as freestanding cottages. Accessory apartment provisions in a zoning ordinance allow a small new dwelling unit to be added to existing single family house. Provisions can be written in a variety of ways, but typically include size limits, requirements for adequate sewerage and parking. Some towns require exterior design review and sometimes owner occupancy of either unit. Some provisions limit the occupancy of the accessory unit to relatives, but this is difficult to enforce.

An accessory apartment is an inexpensive option for both homeowner and renter. Because construction costs are lower than for free-standing rental units, the renter often gets an apartment at below market rates. Family members often pay a modest rent or nothing. The occupancy of the units often switches from renters to family and back again as ownership and family needs change.

People are living in larger houses with smaller households than they did 30 or 40 years ago. There are more single people living longer after their spouses die and because of divorce and later marriages. Families have fewer children and are left with a large empty nest after a few peak years.

When zoning prohibits legal accessory apartments, illegal make-shift arrangements often emerge with bar sinks and unsafe cooking appliances used to avoid the rules.

Accessory apartments rarely have negative impacts on neighborhoods and offer many benefits. In fact, after community officials and neighbors become familiar with accessory apartments, they tend to loosen zoning restrictions to allow them under more circumstances and encouraging them. Accessory apartments are a simple way to create owner occupied affordable housing without public subsidy or negative impacts.

The benefits extend to the homeowner, to the renter, and the community. Accessory units add affordable housing stock, especially for elders, without dramatically changing the nature of neighborhoods. Adding a few such units in a neighborhood can help build community and reduce sprawl, and help a person maintain a family home.

### *Benefits of accessory apartments:*

- Benefits older homeowners, single parents, young home buyers, and the disabled.
- Produces extra income to help elder homeowner meet rising home ownership costs.
- Provide a means for adult children to give care and support to a parent in a semi independent living arrangement.
- Fosters better housing maintenance and neighborhood stability.
- Provides the opportunity for increased security and companionship for elderly and other homeowners.
- Increases the supply of affordable housing without government subsidies.
- Permits existing infrastructure to serve more people, rather than requiring the construction of new infrastructure.

(List adapted from Zoning for Accessory Dwelling Units, by Rodney L Cobb, Zoning News, APA , January 1997.

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<sup>1</sup> From Maine Aging In Place Task- Planning Sub-Committee 2014

# Accessory Dwelling Units:

## A Smart Growth Tool for Providing Affordable Housing

By Jaimie Ross, President & CEO of the Florida Housing Coalition

An accessory dwelling unit (ADU) is a residential unit that is secondary to the primary residence of the homeowner. It can be an apartment within the primary residence or it can be an attached or freestanding home on the same lot as the primary residence. The concept of an accessory dwelling unit is to have an additional complete residence, meaning a place for sleeping, bathing, and eating independent of the primary home. An ADU is a tool for providing affordable rental housing and promoting smart growth. These smaller housing units are typically infill units built where there is existing infrastructure, making greater use of the already developed land.

### The Value of an Accessory Dwelling Unit

An accessory dwelling unit creates affordable housing in two ways: the secondary (accessory) dwelling is a small rental unit that will ordinarily rent at a price within the means of lower income persons; at the same time, the rental income from the accessory dwelling unit can render the primary residence more affordable by virtue of the income it generates for the resident owner of the primary residence.

Ordinarily, the accessory dwelling unit is smaller than the primary residence of the homeowner. But, if permitted by the local government, the owner may choose to live in the smaller unit and rent out what was the primary residence. At first blush this arrangement may seem odd, but in the case of a family that now has a single elderly member living on a fixed income, this arrangement can provide the perfect affordable living solution; a more appropriately sized living space and a higher rental income.

AARP engaged the American Planning Association (see resources sidebar on page 20) to develop a model state act and local ordinance as a resource for meeting the affordable needs of elder Americans. ADUs are particularly well suited for lower income elderly because in addition to increasing affordability, the elderly homeowner may also obtain companionship and needed services from the tenant in the ADU. The use of ADUs can assist the elderly to “age in place”. An example of this cited in the Public Policy Institute publication is from Daly City, California:



This cottage is an example of a detached accessory dwelling unit built in the side/backyard with roof lines, colors, and architectural design that matches the larger primary home.

“One homeowner with Alzheimer’s was able to trade ADU quarters for medical services from an ADU tenant, a nurse, who was also delighted by the arrangements.”

Permitting accessory dwelling units is a way for government to create an environment in which the private sector can produce affordable housing, without having to invest public dollars. Removing the land use barriers which prevent accessory dwelling units from being built may be all that local government needs to do for affordable accessory dwelling units to be built. This is an example of how regulatory reform can increase the supply of affordable housing.

However, if the purpose in permitting accessory dwelling units is to increase the supply of affordable housing, local governments need to be thoughtful about the manner in which ADUs are permitted. Without conditions placed upon the use of ADUs, the garage apartment in an expensive or desirable area could end up an “illegal use” such as a Bed and Breakfast. If local governments want to encourage the production of ADUs for affordable housing, a loan program to assist the homeowner in developing the unit is an effective way of providing an incentive for development together with an assurance of affordability through a recorded land use restriction agreement made in conjunction with the loan.

### **Obstacles to Accessory Dwelling Units**

Traditional “Euclidian” zoning separates land uses in a way that prohibits more than one single residence on a platted lot, regardless of the acreage. If two or more residences are situated on a single lot, they would need to be in a more intensive residential zone, such as one that permits duplexes or multi-family housing.

Some single family zoning may permit an accessory dwelling unit, but require that special circumstances be shown to warrant the use, such as a unit limited to use as a “granny

flat” or “mother-in law” suite to accommodate immediate family members. The local zoning code may also limit the accessory dwelling use by proscribing separate metering of the accessory dwelling unit. In short, there may be a number of land use regulations to overcome. Another obstacle to ADUs may be neighborhood or community resistance. The owners of single family homes may object to having renters in their neighborhood; they may fear increased traffic and parking, or perceive a threat to their property value.

### **Promotion of ADUs as an Affordable Housing Strategy**

When the SHIP Legislation was adopted in 1992\*, included in the list of regulatory reform items for consideration by all SHIP jurisdictions (all counties and entitlement cities in Florida), was permitting accessory dwelling units in all residential areas. Most jurisdictions did not opt to include this incentive, but a number of jurisdictions in Florida do make some provision for accessory dwelling units.

In 2004, Chapter 163 Florida Statutes, was amended to include Section 163.31771 entitled “Accessory dwelling units.” The law encourages local governments in Florida, especially those in urban areas, to permit accessory dwelling units in all areas zoned for single-

family residential use. The purpose of this legislation is to increase the production of affordable rental housing. To that end, the statute provides that “an application to construct an accessory dwelling unit must include an affidavit from the applicant which attests that the unit will be rented at an affordable rate to extremely low income, very low income, low income or moderate income person or persons.” The statute also states that each affordable accessory dwelling unit shall apply toward satisfying the affordable housing component of the housing element in the local government’s comprehensive plan. Local governments in Florida are, of course, empowered to permit accessory dwelling units without this statute, but the statute brings this underutilized tool to the fore and makes

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Permitting accessory dwelling units is a way for government to create an environment in which the private sector can produce affordable housing, without having to invest public dollars.

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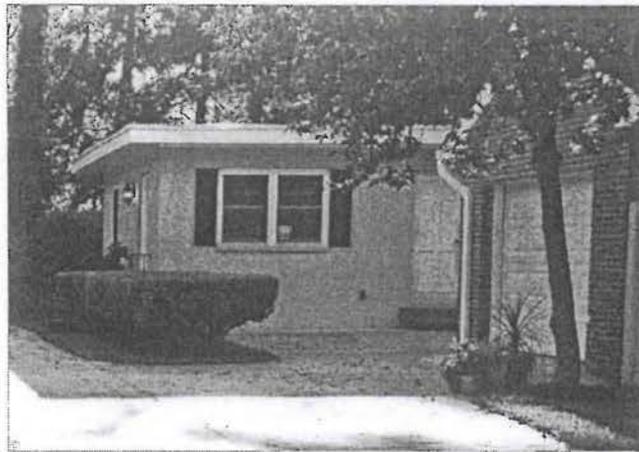
explicit the connection to local government comprehensive planning obligations.

### Considerations for ADU Ordinances

Accessory dwelling units could be permitted without adoption of a separate ordinance by simply having accessory dwelling units enumerated as a permitted use within the single family residential use category. It is unlikely, however, that this will be the chosen vehicle, as it fails to provide the parameters for the development and use of accessory dwelling units, which are key to successfully balancing the production of affordable rental housing with the concerns of the existing single family homeowners.

Virtually all ADU ordinances require that the owner reside in either the primary or the secondary unit. But there are a number of issues that can be decided differently depending upon community needs. All programs for the development of ADUs should consider the following:

- Conditional use or “by right” – If the ADU is a conditional use, a public hearing would be required – this makes the process more difficult for the applicant, but provides a forum for input from the neighborhood. If the ADU is “by right” it is a permitted use and, provided the application meets the requirements in the ordinance, it will be approved administratively, without public hearing.
- Permitting process – To encourage the development of ADUs, local government can create a user friendly process for construction which includes expedited processing (a requirement under the SHIP program), a manual to help the homeowner, and a staff person charged with overseeing the program.



This is an example of an attached accessory apartment in the back of this single family home. Neither the accessory apartment or the off-street parking are visible from the front of the house.

- Size regulations – ADU ordinances commonly have a minimum lot size for the total parcel and a maximum ADU size. The goal is to maintain the aesthetic integrity of the single family neighborhood. Performance standards rather than arbitrary size limitations may better address neighborhood concerns.
- Design requirements – To ensure compatibility and maintain the aesthetic character of the neighborhood, an ADU ordinance may set forth minimum design standards and have architectural review requirements.
- Parking requirements – To avoid parking problems in an urban area, the ordinance may require that there be sufficient on-street parking or off-street parking, or may require that parking be at the back of the residence.
  - Type of unit – Different considerations may apply if the ADUs are within the primary residence, such as a basement apartment; attached to the primary residence, such as a garage apartment; or detached from the primary residence, such as a cottage.
  - Occupancy restrictions
    - Some ordinances may prescribe the maximum number of people who can live in the ADU or the type of renters, such as limiting the rental to relatives or the elderly.
- Incentives to produce ADUs – Loans for the production of the ADU may make it easier to monitor for affordability and assist the local government in directing applicants on its rental waiting lists to affordable ADUs.
- Monitoring – Some ADU programs have an annual affidavit requirement or other means for monitoring whether the ADU continues to be used in accordance with the local ADU requirements.



ADUs do not have to be an afterthought. New construction of single-family homes could also include construction of an ADU. "Carriage houses" accessible from alleys are commonly found in the "New Urbanism" or Traditional Neighborhood Design. But without an ADU ordinance requirement that these units be affordable, the carriage houses in this "new urbanism" community exceed affordable rents, as the desirability of the traditional neighborhood design development drives housing prices out of the affordable range.

One of the keys to a successful program is the information and technical assistance provided to the community and the prospective developer/owner of an ADU. To ensure the success of its program, Montgomery County, Maryland has a guidebook to assist applicants through the permitting process for accessory apartments. The County also assists the applicant by having a staff person assigned to help applicants through the process.

In 2004, the Environmental Protection Agency gave the city of Santa Cruz California the National Award for Smart Growth Achievement for its Accessory Dwelling Unit Policies and Regulations, which includes a manual for developing ADUs, including architectural designs. You can access the Santa Cruz manual and ADU prototypes on line at: <http://www.cityofsantacruz.com/home/showdocument?id=8875>

If your local government would like technical assistance to help develop an accessory dwelling unit ordinance or navigate the issues to be addressed with accessory dwelling unit ordinances, contact the Florida Housing Coalition at (850) 878-4219, or Jaimie Ross at [ross@flhousing.org](mailto:ross@flhousing.org) 

\*Florida Statute 420.9076 (4) "At a minimum, each advisory committee shall make recommendations on affordable housing incentives in the following areas: (c) the allowance of affordable accessory residential unit in residential zoning districts.



JAIMIE ROSS

**Jaimie A. Ross** is the President & CEO of the Florida Housing Coalition. Ms. Ross served as the Affordable Housing Director at 1000 Friends of Florida, a statewide nonprofit smart growth organization, from 1991-2015. Prior to her tenure at 1000 Friends of Florida, Ross was a land use and real property lawyer representing for profit and nonprofit developers and financial institutions with a law firm in Orlando. Nationally, she serves on the Boards of Grounded Solutions Network and the Innovative Housing Institute. Ross is the past Chair of the Affordable Housing Committee of the Real Property Probate & Trust Law Section of the Florida Bar.

## Resources for ADU Models

"Accessory Dwelling Units: Model State Act and Local Ordinance," Public Policy Institute, Rodney L. Cobb & Scott Dvorak, American Planning Association  
[http://assets.aarp.org/rgcenter/consume/d17158\\_dwell.pdf](http://assets.aarp.org/rgcenter/consume/d17158_dwell.pdf)

### Examples:

Massachusetts Smart Growth Toolkit Bylaws  
<http://www.horsleywitten.com/services/planning/smart-growth-low-impact-development/>

Santa Cruz California ADU Manual  
<http://www.cityofsantacruz.com/home/showdocument?id=8875>

State of Georgia  
(Department of Community Affairs)  
[http://www.dca.state.ga.us/intra\\_nonpub/Toolkit/ModelOrdinances/TND\\_ModOrd.pdf](http://www.dca.state.ga.us/intra_nonpub/Toolkit/ModelOrdinances/TND_ModOrd.pdf)

Municipal Research & Service Center of Washington "Accessory Dwelling Units Issues and Options"  
<http://mrsc.org/getmedia/54c058a5-4d57-4192-a214-15f2fa5ac123/ADU30.pdf.aspx>

Vermont "Accessory Dwelling Units: A Guide for Homeowners"  
[http://accod.vermont.gov/sites/accod/files/Documents/strongcommunities/housing/2013Edition\\_Accessory\\_Apts\\_Brochure.pdf](http://accod.vermont.gov/sites/accod/files/Documents/strongcommunities/housing/2013Edition_Accessory_Apts_Brochure.pdf)

Accessory Dwelling Units: Model State Act and Local Ordinance  
<http://www.docdataabase.net/more-accessory-dwelling-units-model-state-act-and-local-ordinance-577583.html>

Accessory Dwelling Units Report to the Florida Legislature  
[http://landuselaw.wustl.edu/Articles/ADU\\_Report.pdf](http://landuselaw.wustl.edu/Articles/ADU_Report.pdf)

City of Santa Cruz Accessory Dwelling Unit Development Program  
<http://www.cityofsantacruz.com/departments/planning-and-community-development/programs/accessory-dwelling-unit-development-program>

# Accessory Apartments For Today's Communities

by Patrick Hare

Among the intractable problems that planning commissioners face is affordable housing.

There is a form of affordable housing that requires no tax subsidy, is integrated into single family neighborhoods, and is accepted in a growing number of communities. It is not a panacea, but it deserves more attention than it gets. What I am referring to is the accessory apartment or unit. [V]

A zoning amendment is often needed to permit accessory units, and, as I will discuss, the zoning process can be used to severely limit the installation of accessory units.

Interest in accessory units surfaced in the early 1980s, but they have almost been forgotten. This is probably because accessory units are installed one by one, providing little opportunity for ribbon cuttings.

How is it possible that accessory units can provide affordable housing with no subsidy?

Part of the answer lies in the fact that the baby boom has left behind an empty nester boom — families whose children have grown, and now find themselves with excess space in their homes. In addition, baby boomers generally have small families. As a result of these two facts, roughly one single family home in three has enough surplus space for a complete separate rental unit.

Accessory units do not require development of new land. In the case of accessory apartments, they don't even require much construction — and they cost only about one third that of conventional rental units to complete.

Accessory units provide older homeowners with added income, security, companionship, and, in the case of

the frail elderly, the ability to trade rent reductions for needed health and social services. This extra income can also be critical to a homeowner who has just retired, but must still pay high property taxes.

Accessory units can also provide first time homebuyers with rental income to help meet mortgage payments. They provide single parents, typically mothers, with rental income to help pay mortgages that assumed two incomes. They provide disabled homeowners or disabled adult children with privacy in close proximity to support.

My firm analyzed responses from forty-seven communities about their use of accessory units. We found that communities with zoning that does not put roadblocks in the way of homeowners seeking to install accessory units could expect to get about 1 accessory unit per 1,000 single family homes per year. [S]

This should be reassuring to planning commissions and neighborhood associations. It is hard to argue that this kind of installation rate — or even an installation rate two or three times higher — will have a major impact on a neighborhood. Any remaining fears can be reduced by adopting zoning provisions that prevent the concentration of accessory units in any given area. For example, Boulder, Colorado's zoning ordinance prohibits new accessory apartments when more than 10% of the homes within 300' of the applicant's lot line already have accessory apartments. Moreover, as far as I know, no community that has permitted accessory units has later revised its zoning code to prohibit them.

Over the long term an installation rate of 1 unit per 1,000 single family homes per year would result in a signifi-

cant increase in the production of affordable rental housing. In a town of 20,000 homes, 20 units a year would be created. In five years time, this could mean about 100 units. Nationally, the annual production of rental housing could be increased by about 14%.

Studies have shown that accessory apartments typically rent for below HUD fair market rents. They are also frequently rented to relatives at what housing advocates would call "deep subsidies," often rent-free.

Accessory units also support the evolving concept of "sustainable communities." They can help make better use of existing housing resources, while making homeownership possible for more young households. They can also help recreate the extended family. Finally, they can turn a house into a flexible resource that can provide either income or living space, as required by the owner at the time.

## HELPING HOMEOWNERS WITH ACCESSORY UNITS

There is a need to help homeowners through the process of installing accessory units. Homeowners will typically need to deal with a wide range of concerns, only one of which is zoning approval. These concerns include: finding a remodeler or builder; making design decisions; finding financing; determining a rental rate; finding a tenant; managing the tenant; and dealing with tax and insurance issues. Put together, homeowners considering accessory units often see more problems than they can handle. [S]

Finally, many homeowners in existing single family districts view any proposed zoning amendments — including those to allow accessory units — as a potential threat. Zoning is seen as protect-

ing both the quality of families' lives and their largest financial asset. Amending single family zoning has to be done carefully, without the use of terms like "NIMBY." Homeowners' concerns can be quite legitimate, emotionally, even if they have little substance in fact or logic. They cannot be answered exclusively with a dispassionate presentation. Those who may directly benefit from accessory units should also be heard from: individual homeowners needing extra income to meet mortgage and tax payments; first-time homebuyers; single-parents; people with disabilities; and others.

Getting zoning amendments that permit accessory units should be possible in most communities. It is becoming harder to claim that accessory units will run down neighborhoods, when they are accepted in wealthier communities like Westport and Greenwich, Connecticut; Marin County, California; and Montgomery County, Maryland. In Westchester County, New York efforts to amend zoning to permit accessory units have been debated in twelve communities, and have been approved in eleven of them.

#### SUMMING UP:

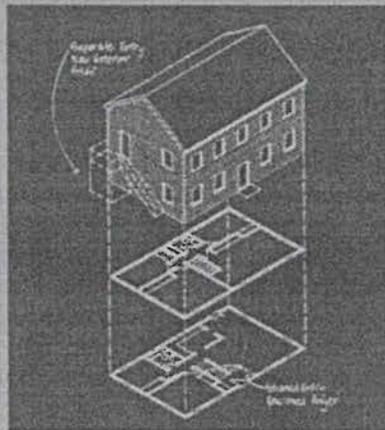
The success of many communities with accessory units over the last ten years makes it more difficult to argue against allowing accessory units in residential areas. Criticism will also be muted by the increasing evidence that accessory units help many homeowners and create affordable units with no taxpayer subsidy.

*Patrick Hare is a planner living in Washington, D.C. His firm, Patrick H. Hare Planning & Design, does consulting, conducts seminars, and produces publications related to accessory units.*



## Glossary

Accessory apartments are complete, independent housing units created out of surplus space in single family homes. Accessory cottages are complete separate units installed on the same lot as a single family home. Together, the two housing types are known as accessory units. In California, they are known as *second units*, and in Hawaii, as *ohana* units.



### Two Story House - Second Floor Conversion

*Conversion of a second floor is another approach to creating an accessory apartment. Entry may be through a shared foyer at the front door, or a new exterior stair may be provided. From Creating An Accessory Apartment (cited in Resources). Additional illustrations and floor plans are in the book.*



## Barriers to Conversion

The survey, "Installations of Accessory Units in Communities Where They Are Legal," found three different kinds of zoning "barriers" to significantly reduce the number of accessory units installed:

- (1) zoning that only permits accessory units where the homeowner or tenant is elderly or disabled;
- (2) lengthy permit processing times; and
- (3) high zoning or building permit fees.



## Pointing the Way

Planning commissioners can provide the leadership in bringing together the many groups that can help "package" the installation process for homeowners. These groups include remodelers, real estate agents, bankers, aging groups, single parent groups, hospital discharge planners, home health care agencies, new home builders, affordable housing groups, disabled groups, and others.



## Resources:

*Accessory Units: The State of the Art*, by Patrick H. Hare Planning and Design, 1991. A series of four reports:

- (1) summary and synthesis of community experience;
- (2) annotated bibliography and resource guide;
- (3) model zoning ordinance with discussion of provisions; and
- (4) survey of installation rates.

*Creating An Accessory Apartment*, by Patrick H. Hare and Jolene Ostler (McGraw-Hill 1986). Illustrations by Hattie H. Hartman. For ordering information, contact PHHPD, 1246 Monroe St. NE, Washington, DC 20017; (202) 269-9334.

"A Consumers Guide to Accessory Apartments (1987); "Echo [Accessory] Housing: A Review of Zoning Issues (1983);" and "Echo Housing: Recommended Construction and Installation Standards (1984)." All available at no charge from the American Ass'n. of Retired Persons, Publications, 601 E. St. NW, Washington, DC 20049; (202) 424-2277.



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

**TO:** Mayor Shane Bouchard and the Lewiston City Council

**FROM:** Douglas Greene, AICP, RLA; Deputy Director/City Planner

**DATE:** September 18, 2018

**RE:** Proposal to Minimize Conversions of Single-Family Dwellings into Two-family Dwellings in the Neighborhood Conservation "A" District

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Back in May at the direction of the City Council, Staff was asked to review a section of the Zoning Ordinance that allows the conversion of single-family homes into two-family dwellings or the development of two-family dwellings on vacant lots in the Neighborhood Conservation "A" District (NCA). Concern had been raised the NCA District was being negatively impacted by conversions of single-family dwellings into two-family dwellings.

The Staff made a presentation at a June 12<sup>th</sup> City Council workshop. The presentation included statistics on the number of single-family homes, two-family dwellings, multi-family structures and other land uses including vacant land within the NCA District. A proposed text amendment was also provided that would remove the ability to convert single-family dwellings into two-family dwellings or develop vacant lots into two-family dwellings in the NCA District. After some discussion, the City Council asked Staff to look at other options to reduce or prohibit the conversions.

In developing options and recommendations, the Staff questioned and analyzed the directive:

- What is the purpose of the NCA District, as described in the Zoning Ordinance?  
**Sec. 6. Neighborhood conservation "A" district (NCA)**  
*(a) Statement of purpose. The purpose of the neighborhood conservation "A" district is to promote neighborhood stability by requiring the development of new buildings or the reuse or conversion of existing buildings to conform to the type and density of housing existing within the immediate neighborhood. The standards of the district restrict housing to single-family detached dwellings unless the existing pattern of use in the immediate neighborhood is two-family or predominantly multifamily dwellings.*
- What does the Comprehensive Plan recommend for neighborhoods?  
**2017 Comprehensive Plan- Strengthen Neighborhoods and Expand Housing Choices, Accessory Units**  
*"An accessory unit is a flexible space that shares ownership, site, and utility connections with the principal building on the lot, but has its own entrance. Usually situated over a garage toward the rear of the principal house, the outbuilding increases privacy and enclosure in the backyard by screening the yard from the house next door. Accessory units are significantly different from the "bonus rooms" or in-law apartments that are found in conventional suburban subdivisions because they are not connected to the rest*

*of the house. Instead it is much more private—making it well-suited for use as a home office, guest room, or rental property. If rented out, the additional “eyes on the street” help make the neighborhood a safer and livelier place. In addition to providing a potential source of income for the primary mortgage holder, accessory units provide additional low-cost housing options within the community. In Lewiston, permitting accessory units would be a sustainable and cost effective way for the City to encourage affordable housing that complements the character of the existing neighborhoods, by putting the control in the hands of the residents. A program like this compels the City to encourage home ownership in the downtown.” (Legacy Lewiston-2017, pg. 177)*

- Are two-family dwellings and multi-family dwelling units detrimental to neighborhoods in the NCA District? *In the Staff’s opinion, absentee landlords / property owners are the biggest threat to neighborhoods in the NCA District.*
- How many conversions of single-family homes into two-family dwellings have occurred in recent years; is it a problem? *Planning and Code Enforcement records indicate 3 conversions of single-family dwellings into two-family dwellings in the last 5 years.*
- What types of residential uses are currently allowed in the NCA District? *Single-family dwellings, two-family dwellings and in-law apartments are permitted uses in the NCA District. Two-family dwellings and in-law apartments have to meet specific criteria. (See Attachment 1 for two-family dwelling and in-law apartment criteria)*
- What are the differences between two-family dwellings, in-law apartments and accessory dwelling units? *The Staff has prepared a chart that compares the attributes of these residential types. (Attachment 2)*
- How would accessory dwelling units differ from in-law apartments?
  - *The size of the accessory dwelling unit would be limited to 600 square feet or 25% of the total habitable space of the dwelling*
  - *Accessory dwelling units would not require the formal documentation of family members being occupants*
  - *Both accessory dwelling units and in-law apartments must have one owner occupied unit*

Based on that evaluation, the Staff now presents 3 options for the Council to consider:

1. Create an overlay in the NCA District where single-family dwellings could be converted into two-family dwellings using the current criteria. Areas outside of the Overlay would no longer allow two-family dwelling conversions or development. Staff prepared a draft map that creates overlay districts based on concentrations of two-family dwellings. This greatly reduces the area in the NCA District where conversions could take place. The overlay areas are generally groupings of parcels where close to 50% of the lots are two-family dwellings or multi-family structures. **(Attachment 3)**
2. Do nothing. There have been only 3 conversions of single-family dwellings into two-family dwellings in the NCA over the last 5 years.
3. Prohibit the conversion of single-family dwellings into a two-family dwellings or the development of vacant lots into two-family dwellings in the NCA District and continue to allow in-law apartments.
4. Prohibit the conversion of single-family dwellings into a two-family dwellings or the development of vacant lots into two-family dwellings in the NCA District and either transition away from or prohibit in-law apartments and instead allow accessory dwellings units.

**STAFF RECOMMENDATION:**

Staff recommends **Option 4**. While there are few conversions of single-family dwellings into two-family dwellings in the NCA District at this time, removing that provision would help stabilize and protect NCA neighborhoods. Transitioning away from or replacing in-law apartments with accessory dwelling units would provide multiple benefits to the NCA District and property owners:

- Having one of the units be owner-occupied will promote better maintenance of the property and protect and strengthen neighborhoods
- Accessory dwelling units would provide additional income
- Accessory dwelling units fit in well with the current demographic trends of smaller families and an aging population
- Accessory dwelling units would not change the character of the neighborhood, it that they would essentially be required to meet all of the existing in-law provisions
- Accessory dwelling units would be easier to administrate than in-law apartments

Additional information on accessory dwelling units is provided in **Attachment 4**.

# LEWISTON CITY COUNCIL

## MEETING OF SEPTEMBER 18, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

**SUBJECT:**

Appointment of City Council representative to the Auburn Lewiston Airport Board of Directors.

**INFORMATION:**

Councilor Pettengill has been serving as the City Council representative to the Airport Board of Directors however due to scheduling conflicts has been unable to attend meetings and has resigned.

Mayor Bouchard has nominated Councilor Marcotte to serve as the Council's representative to that Board. This appointment needs to be confirmed by a vote of the City Council.

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

Appointments to boards and committees are a policy decision of the Council.

*EAR/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To receive Mayor Bouchard's nomination and to appoint Councilor Marcotte as the City Council's representative to the Auburn Lewiston Airport Board of Directors, said term to expire January 7, 2020.

**LEWISTON CITY COUNCIL**  
**MEETING OF SEPTEMBER 18, 2018**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 2**

**SUBJECT:** Indefinitely Postpone the Request to Amend the Traffic Schedule to Add Two Stop Signs at Mark Street at the Intersection with Gina Street.

**INFORMATION:**

This request was tabled at the Council's September 4<sup>th</sup> meeting. Since then, the individual requesting this change has withdrawn the request. At this point, therefore, staff recommends that the request be indefinitely postponed, a parliamentary action that effectively kills the item.

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

The City Administrator recommends this item be indefinitely postponed.

*EAB/Kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve a motion to indefinitely postpone the Request to Amend the Traffic Schedule to Add Two Stop Signs at Mark Street at the Intersection with Gina Street.



## **POLICE DEPARTMENT**

Sgt. Derrick St. Laurent  
Administration / Accreditation



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Date: August 15, 2018  
To: Traffic Schedule Review  
From: Sgt. Derrick St. Laurent  
Subject: Traffic Schedule Amendment – Councilor Beam: 4 Way Stop @ Mark/Gina

Councilor Beam has received a request from a resident of Mark St. for a stop sign on Mark St where it intersects with Gina, citing unsafe conditions. The resident has observed cars going down Mark St very fast and is sure there will be an accident if something isn't done. Traffic on Gina has a stop sign; Mark Street does not.

Federal guidelines set out in the Manual on Universal Traffic Control Devices outline considerations that should be taken into account in establishing stop sign control at intersections. Each of these are discussed below:

Stop signs should be considered at the intersection of two minor streets or local roads where the intersection has more than three approaches (Gina and Mark has four), the use of a yield or stop sign should be considered where one or more of the following conditions exist:

1. The combined vehicular, bicycle, and pedestrian volume entering the intersection from all approaches averages more than 2,000 units per day.

Traffic passing through the intersection of Gina and Mark generally provides access and service to the dead end sections of Gina Street and Mark Street. There are 18 homes located on the section of Gina Street for Mark Street to its dead end and 14 homes located on Mark Street from the intersection to its dead end. The standard traffic engineering estimate for vehicle trips to and from single family homes in a day is ten per home. Given the 32 homes served, the traffic volume generated by them and using the intersection can be estimated at 320 trips per day. Given that Jerome Street ends at a T intersection with Gina and Chelsea Lane does the same at Mark Street, these areas may add slightly to the traffic volume. However, it is clear that this intersection does not meet the traffic volume guideline of 2,000 units per day.

2. The ability to see conflicting traffic on an approach is not sufficient to allow a road user to stop or yield in compliance with the normal right-of-way rule if such stopping or yielding is necessary.

There are some sight line restrictions at the intersection. Gina curves as it approaches the intersection with Mark, limiting the visibility to the left, and a pine tree is planted near the intersection, limiting the visibility to the right. From the dead end stretch of Gina, homes located to both sides of the intersection also limit visibility. Similarly, visibility on Mark is limited by the presence of homes and driveways. Given these visibility



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[www.lewistonpd.org](http://www.lewistonpd.org)





## **POLICE DEPARTMENT**

Sgt. Derrick St. Laurent  
Administration / Accreditation



restrictions, stop signs are currently installed on Gina Street where visibility is slightly more restricted than on Mark. Mark Street traffic is not required to stop. This provides a clear statement to motorists that Mark Street has the right of way, requiring drivers on Gina to stop at the intersection where visibility is more limited. Traffic traveling from the dead end section of Mark Street also has some visibility limitations due to a curve in the road. Vehicles approaching Gina from the dead end of Mark can, however, see vehicles entering the intersection from about 200 feet away. A vehicle traveling on Mark at 25 mph can normally stop within 56 feet. With 200 feet of visibility, vehicles traveling as fast as 45 to 50 mph should have adequate time to stop. Given this, the current stop signs on Gina appear adequate to address safety concerns at the intersection.

3. Crash records indicate that five or more crashes that involve the failure to yield the right-of-way at the intersection have been reported within a 3-year period or that three or more such crashes have been reported within a 2-year period.

Accident data does report any accidents occurring at this location in the past 10 years. A search of the call log reveals police have not received any complaints from residents/public about ongoing stop sign/speed violations at this intersection. In the past 5 years, we have received several complaints about snowmobiles operating on the public way during winter months and police have responded, issuing several warnings.

4. Yield or Stop signs should not be used for speed control.

The requesting resident specifically noted a desire for the stop sign to slow down traffic. Studies have shown that stop signs are not effective at controlling drivers' speeds between intersections. In fact, motorists sometimes drive even faster between stop signs to make up for time "lost" while stopped—actually increasing peak speeds and potentially making neighborhoods more dangerous.

In addition, research has shown the following in regard to unwarranted stop signs.

- Stop compliance is poor at unwarranted multi-way stop signs. This is based on the drivers' feeling that the signs have no traffic control purpose. There is little reason to yield the right-of-way because there are usually no vehicles on the minor street.
- Unwarranted multi-way stops increased speed some distance from intersections. Studies hypothesize that motorists are making up the time they lost at the unnecessary stop sign.
- Pedestrian safety is decreased at unwarranted multi-way stops, especially for small children given that pedestrians expect vehicles to stop at the stop signs but many vehicles have gotten into the habit of funning the "unnecessary" stop sign.



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*Pride*

*Dependability*



## POLICE DEPARTMENT

Sgt. Derrick St. Laurent  
Administration / Accreditation



- Stop signs increase noise in the vicinity of an intersection due to vehicle braking noise and cars accelerating up to speed.
- Unwarranted stop signs do not significantly change the safety of intersections.



Given this analysis, the installation of stop signs on Mark Street is not recommended.

Should the Council, however, decide to do so, the following language should be added to the City's Traffic Schedule.



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**LEWISTON CITY COUNCIL**  
**MEETING OF SEPTEMBER 18, 2018**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 3**

**SUBJECT:**

Amendment to the Traffic Schedule to add a stop sign at Judith Street at the intersection with Mark Street.

**INFORMATION:**

At the request of Councilor Beam and area residents, the Police Department reviewed the three way intersection of Judith Street and Mark Street and concur that a stop sign should be placed at Judith Street for improved traffic safety.

Passage is recommended.

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

The City Administrator recommends approval of the requested action.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve amendments to the Traffic Schedule to add a stop sign on Judith Street at the intersection with Mark Street.



## POLICE DEPARTMENT

Sgt. Derrick St. Laurent  
Administration / Accreditation



TO: Traffic Schedule Control Committee  
FROM: Sergeant Derrick St. Laurent  
SUBJECT: Traffic Control Device @ Judith St. and Mark St.  
DATE: September 11, 2018

Councilor Beam has requested the intersection of Judith and Mark St. be examined for a Traffic Schedule amendment. She has received complaints from constituents regarding the intersection and the need for a stop sign.

After receiving this complaint, I checked the current traffic scheduled and did not find any listings for this intersection. The intersection of Judith and Mark is a 3-legged intersection (T-intersection) in a residential neighborhood.

After examining the intersection, the Lewiston Police Department recommends that a stop sign be placed at the intersection of Judith St. and Mark St. (Stop for Judith St. Traffic) this will give Mark St. traffic the right-of-way.

Add:  
Traffic Section 38: Stop Signs  
Judith St 1 sign at Mark St. (northwest end)



If this amendment is approved, this would require Public Works Department to remove sign(s) and/or marking(s) designating the above change.

Respectfully Submitted,

Sgt. Derrick St. Laurent  
Lewiston Police Department



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# LEWISTON CITY COUNCIL

## MEETING OF SEPTEMBER 18, 2018

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 4**

**SUBJECT:**

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

**INFORMATION:**

The Lewiston Education Association is holding an event on Thursday, September 27 in Pettingill Park. Part of their event will involve live music and as such the Council is asked to approve the standard Outdoor Entertainment Permit for the event.

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

The City Administrator recommends approval of the requested action.

*EAB/Kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To conduct a public hearing on an application for an outdoor entertainment event for Pettingill Park, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, for an outdoor music concert to be held at Pettingill Park on Thursday, September 27, contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances.



# 2018 Event Application for events from 7/1/18 to 6/30/19

Event (25+ participants)  First-Time Event  Repeat Event   
 Special Event (over 1,000 expected) \_\_\_\_\_ (requires City Council approval)  
 Park Use Only  Gazebo Use \_\_\_\_\_ Amphitheater Use \_\_\_\_\_

\$50 PROCESSING FEE DUE AT THE TIME APPLICATION IS SUBMITTED, Thank you

EVENT NAME: LEA Social EVENT LOCATION: Pettingill Park

REQUESTED DATE: 9/27/18 RAIN DATE (if applicable): \_\_\_\_\_ Application Date: 9/5/18

RECURRING DATES: \_\_\_\_\_ NON-PROFIT: \_\_\_\_\_ FOR-PROFIT: \_\_\_\_\_

TYPE OF EVENT (indicate all that apply) ESTIMATED ATTENDANCE: 50

Walk/Run \_\_\_\_\_ Festival \_\_\_\_\_ Concert \_\_\_\_\_ Road Race \_\_\_\_\_ Parade \_\_\_\_\_ Carnival \_\_\_\_\_ Fireworks \_\_\_\_\_  
 Picnic/BBQ  Arts \_\_\_\_\_ Live Performance \_\_\_\_\_ Wedding Ceremony \_\_\_\_\_ Wedding Reception \_\_\_\_\_

Other (please specify): \_\_\_\_\_ Open to Public \_\_\_\_\_ Invitation Only  Age Restricted \_\_\_\_\_

ACTUAL HOURS OF EVENT: 4pm to 7:30pm SET-UP TIME: 3:30 TAKE-DOWN TIME: 8:00pm

NAME OF ORGANIZATION: Lewiston Education Association APPLICANT NAME: Gabrielle Blais

ORGANIZATION ADDRESS: 36 Oak st. CITY: Lewiston STATE: ME

DAYTIME PHONE: \_\_\_\_\_ CELL: 740-2717 EM: ngblais21@gmail.com

ON-SITE MANAGER (Day of Event): Gabrielle Blais CELL/PAGER: 740-2717

**STAFF USE ONLY** Event Number: FY190040

**At-A-Glance**

Outdoor Entertainment  CC Date: \_\_\_/\_\_\_/\_\_\_  
 Sound Amplification  Vendors \_\_\_\_\_  
 Food Service License  Outside Alcohol   
 Carnival Permit \_\_\_\_\_ Police Assistance \_\_\_\_\_  
 Electrical Access  Fire Inspection \_\_\_\_\_  
Small amp  
 Road Closure \_\_\_\_\_ Group Notification \_\_\_\_\_  
 Business Contact Plan \_\_\_\_\_ Advertising Req. \_\_\_\_\_  
 Cash Donation or In-kind Services Req. \_\_\_\_\_

**STAFF USE ONLY** Final Approval:

**Administration**

CITY CLERKS | Kelly Brooks \_\_\_\_\_  
 FIRE | Paul Ouellette \_\_\_\_\_  
 POLICE | Derrick St. Laurent \_\_\_\_\_  
 PUBLIC WORKS | Megan Bates \_\_\_\_\_  
 SANITARIAN-CODE | Sue Reny \_\_\_\_\_  
 CK 2376 CC \_\_\_\_\_ CA \_\_\_\_\_  
 Processing Fee: 50.00 Park Fee: N/A COI: Req.  
 Clerk's Fees: \_\_\_\_\_ Map(s) Received: \_\_\_\_\_  
 NP:  501(C)3 \_\_\_\_\_ IRS Letter \_\_\_\_\_ Form 990 \_\_\_\_\_

# Event Details

EVENT LOCATION (specific street/sidewalks): \_\_\_\_\_ # of days \_\_\_\_\_

Events in our Park (Please select one)

PARK MAP REQUIRED (see page 5)

Non-profit (NP) Discounts (if applicable)

Lewiston-based NP  80%

Out-of-Town NP/Fundraiser \_\_\_ 50%

Out-of-Town NP \_\_\_ 34%

## PARK FEE(S)

Simard-Payne Park | \$135 day \_\_\_ Dufresne Plaza | \$265 day \_\_\_ Amphitheater Only | \$25 hr. \_\_\_  
Amount \$ \_\_\_\_\_ (other fees may apply)

## NO FEES ASSESSED

Kennedy Park \_\_\_ Gazebo \_\_\_ Marcotte Park \_\_\_ Pettingill School Park  Potvin Park \_\_\_  
Raymond Park \_\_\_ Sunnyside Park \_\_\_ Veterans Park \_\_\_ (Are you a veteran? Yes \_\_\_ No \_\_\_)

City Clerk's Office (Please check all that apply)

Sound Amplification Needed? Yes  No \_\_\_ Please describe \_\_\_\_\_

SOUND AMPLIFICATION PERMIT may be required \$17 per day Amount \$ 3.40

Live Performance? Yes  No \_\_\_ Please describe \_\_\_\_\_

OUTDOOR ENTERTAINMENT PERMIT City Council approval is required \$50 Amount \$ 10

Food? Yes  No \_\_\_ Sold \_\_\_ Given Away \_\_\_ Type \_\_\_\_\_ Food Truck \_\_\_

Food Truck Name MACS BBQ \_\_\_ (review rules & regs see page 4|Fire)

FOOD SERVICE LICENSE may be required \$50 up to 3 days Amount \$ \_\_\_\_\_

sanitarian/code inspection may apply

Beverages? Yes  No \_\_\_ Sold \_\_\_ Given Away \_\_\_ Type \_\_\_\_\_

Alcohol  (restrictions apply) Name of Licensed Business MACS

FOOD SERVICE LICENSE may be required \$50 up to 3 days Amount \$ \_\_\_\_\_

OUTDOOR ALCOHOL PERMIT REQUIRED \$25 per event & other fees may apply Amount \$ \_\_\_\_\_

Product? Yes \_\_\_ No  Sold \_\_\_ Given Away \_\_\_ Type \_\_\_\_\_

PEDDLERS/FLEA MARKET PERMIT may apply \$34 per day for 1-75 spaces & \$61 per day for 76+ spaces  
Amount \$ \_\_\_\_\_

Carnival? Yes \_\_\_ No  Rides Offered \_\_\_ Details \_\_\_\_\_

STATE PERMIT REQUIRED Has it been obtained? Yes \_\_\_ No \_\_\_

CARNIVAL PERMIT REQUIRED \$180 Amount \$ \_\_\_\_\_

Total Due Admin:

Total Due City Clerks:

# LEWISTON CITY COUNCIL

## MEETING OF SEPTEMBER 18, 2018

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 5**

**SUBJECT:**

Public Hearing on a new liquor license application for Dave's American Buffet, 40 East Avenue.

**INFORMATION:**

We have received an application for a liquor license for Dave's American Buffet, 40 East Avenue.

The liquor license application is for malt, vinous and spirituous.

The police department has reviewed and approved the application.

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

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

The City Administrator recommends approval of the requested action.

*EARB/KMM*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To authorize the City Clerk's Office to approve a new liquor license application for Dave's American Buffet, 40 East Avenue.

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

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

NEW application:  Yes  No

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

INDICATE TYPE OF PRIVILEGE:  MALT  VINOUS  SPIRITUOUS

**INDICATE TYPE OF LICENSE:**

- RESTAURANT (Class I,II,III,IV)  RESTAURANT/LOUNGE (Class XI)  CLASS A LOUNGE (Class X)  
 HOTEL (Class I,II,III,IV)  HOTEL NO FOOD (Class I-A)  
 CLUB w/o Catering (Class V)  CLUB with CATERING (Class I)  GOLF COURSE (Class I,II,III,IV)  
 TAVERN (Class IV)  QUALIFIED CATERING  OTHER: \_\_\_\_\_

REFER TO PAGE 3 FOR FEE SCHEDULE

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

Corporation Name: <b>HADLEY'S RESTAURANT LLC</b>			Business Name (D/B/A) <b>DAVE'S AMERICAN BUFFET</b>		
APPLICANT(S) - (Sole Proprietor) <b>DAVID H. PAINE</b>		DOB: <b>9/2/52</b>	Physical Location: <b>40 EAST AVE</b>		
			City/Town <b>LEWISTON</b>	State <b>ME</b>	Zip Code <b>04240</b>
Address <b>128 OLD WESSSTER ROAD</b>			Mailing Address <b>128 OLD WESSSTER ROAD</b>		
City/Town <b>LEWISTON</b>	State <b>ME</b>	Zip Code <b>04240</b>	City/Town <b>LEWISTON</b>	State <b>ME</b>	Zip Code <b>04240</b>
Telephone Number <b>207-754-8289</b>		Fax Number	Business Telephone Number		Fax Number
Federal I.D. #			Seller Certificate #: or Sales Tax #:		
Email Address: Please Print <b>HADLEYP52@AOL.COM</b>			Website:		

If business is NEW or under new ownership, indicate starting date: 10/15/18  
 Requested inspection date: 10/10/18 Business hours: 7AM TO 10PM

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

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

- Do you permit dancing or entertainment on the licensed premises? YES  NO
- If manager is to be employed, give name: \_\_\_\_\_
- Business records are located at: 40 EAST AVE, LEWISTON, ME
- Is/are applicant(s) citizens of the United States? YES  NO
- Is/are applicant(s) residents of the State of Maine? YES  NO

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

Name in Full (Print Clearly)	DOB	Place of Birth
DAVID H. PAINE	9/2/52	BANGOR, ME
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
LEWISTON, ME		

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

Name: DAVID PAINE Date of Conviction: 2000 ?  
 Offense: LIQUOR SERVED TO MINOR Location: TURNER, ME  
 Disposition: PAID FINE (use additional sheet(s) if necessary)

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

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

13. Does/do applicant(s) own the premises? Yes  No  If No give name and address of owner:  
40 EAST PLAZA, INC 139 FRONT STREET, FALL RIVER, MA 02721

14. Describe in detail the premises to be licensed: (On Premise Diagram Required) 40 EAST AVE, LEWISTON (PISCOR HERACHE SUPER BUFFET)

15. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
YES  NO  Applied for: 9/5/18

16. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 6/10 MILE  
Which of the above is nearest? LEWISTON HIGH SCHOOL

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

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

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

Dated at: Worcester MA on 9/4/18, 2018  
Town/City, State Date

**Please sign in blue ink**

[Signature]  
 Signature of Applicant or Corporate Officer(s)  
DAVID H. PAVUS  
 Print Name

\_\_\_\_\_  
 Signature of Applicant or Corporate Officer(s)  
 \_\_\_\_\_  
 Print Name

**FEE SCHEDULE**

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

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

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

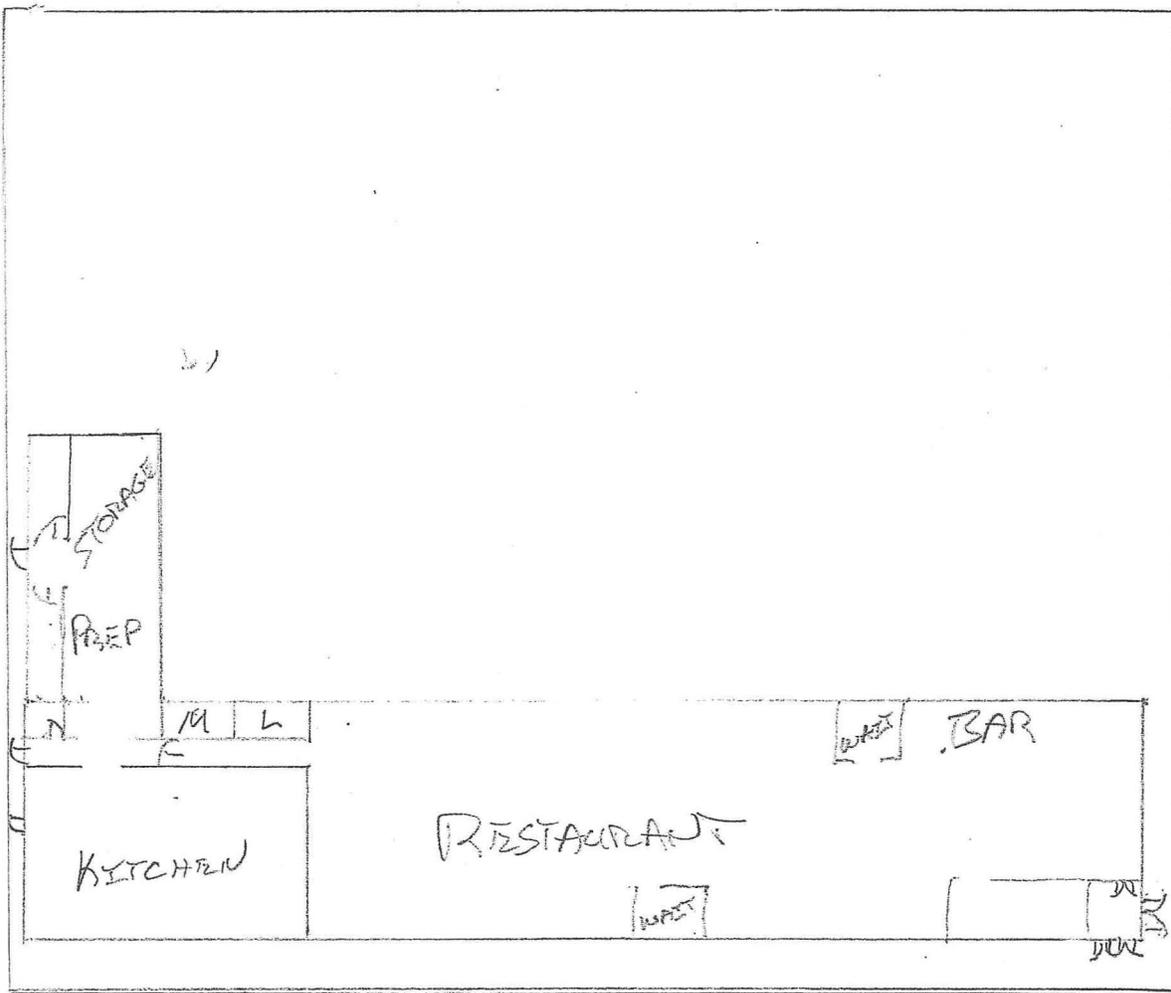
Bureau of Alcoholic Beverages and Lottery Operations  
Division of Liquor Licensing & Enforcement  
8 State House Station, Augusta, ME 04333-0008  
10 Water Street, Hallowell, ME 04347  
Tel: (207) 624-7220 Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@maine.gov](mailto:MaineLiquor@maine.gov)

DIVISION USE ONLY	
<input type="checkbox"/>	Approved
<input type="checkbox"/>	Not Approved
BY:	

### ON PREMISE DIAGRAM

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, restrooms, decks and all areas that you are requesting approval from the Division for liquor consumption.





Division of Alcoholic Beverages and Lottery  
Operations  
Division of Liquor Licensing and Enforcement

**Corporate Information Required for  
Business Entities Who Are Licensees**

<b>For Office Use Only:</b>	
License #:	_____
SOS Checked:	_____
100% Yes	<input type="checkbox"/> No <input type="checkbox"/>

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

- Exact legal name: HADLEY'S RESTAURANT LLC
- Doing Business As, if any: DAVE'S AMERICAN BUFFET
- Date of filing with Secretary of State: 2/17/17 State in which you are formed: MAINE
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:  
\_\_\_\_\_
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
DAVID H. PAINE	128 OLD WESSSTER ROAD LEWISTON, ME	9/2/52	OWNER	100

(Stock ownership in non-publicly traded companies must add up to 100%.)

- If Co-Op # of members: \_\_\_\_\_ (list primary officers in the above boxes)

7. Is any principal person involved with the entity a law enforcement official?

Yes  No  If Yes, Name: \_\_\_\_\_ Agency: \_\_\_\_\_

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes  No

9. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: DAVID H. PAENE

Date of Conviction: 2000 ?

Offense: LIQUOR SERVICES TO A MINOR

Location of Conviction: TURNER, ME

Disposition: PAID FINE

Signature:

  
Signature of Duly Authorized Person

9/4/18  
Date

DAVID H. PAENE  
Print Name of Duly Authorized Person

Submit Completed Forms to:

Bureau of Alcoholic Beverages  
Division of Liquor Licensing and Enforcement  
8 State House Station, Augusta, Me 04333-0008 (Regular address)  
10 Water Street, Hallowell, ME 04347 (Overnight address)  
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@Maine.gov](mailto:MaineLiquor@Maine.gov)



## ***POLICE DEPARTMENT***

Brian T. O'Malley  
Chief of Police



---

TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: September 06, 2018

RE: Liquor/Special Amusement Permit – **Dave's American Buffet**

We have reviewed the request for a NEW Liquor License Application and have no objections to the following establishment or owner David H Paine;

**Dave's American Buffet**  
**40 East Ave., Lewiston**



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# CITY OF LEWISTON

## PUBLIC NOTICE

A hearing on the following liquor license applications will be held by the Lewiston City Council in the Council Chambers, City Hall on ***Tuesday, September 18, 2018, at 7:00 p.m.***, or as soon thereafter as they may be heard. Any interested person may appear and will be given the opportunity to be heard before final action on said applications.

Pop Shoppe Diner  
413 Main Street  
Monique Wood, owner

Agora Grand Event Center  
220 Bates Street  
Billie Jayne B. Cook, owner

Dave's American Buffet  
40 East Avenue  
David H. Paine, owner

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

***PUBLISH ON: September 13, 14 & 15, 2018***

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

**LEWISTON CITY COUNCIL**  
**MEETING OF SEPTEMBER 18, 2018**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 6**

**SUBJECT:**

Public Hearing on a new application for a new liquor license for the Pop Shoppe Diner, 413Main Street.

**INFORMATION:**

We have received an application for a new liquor license from the Pop Shoppe Diner, 413Main Street.

This application is for malt, vinous and spirituous.

The Police Department has reviewed and approved the application.

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

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

The City Administrator recommends approval of the requested action.

*EPAB/KMM*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To authorize the City Clerk's Office to approve a new liquor license application for the Pop Shoppe Diner, 413Main Street.

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

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

NEW application:  Yes  No

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

INDICATE TYPE OF PRIVILEGE:  MALT  VINOUS  SPIRITUOUS

INDICATE TYPE OF LICENSE:

- RESTAURANT (Class I,II,III,IV)  RESTAURANT/LOUNGE (Class XI)  CLASS A LOUNGE (Class X)  
 HOTEL (Class I,II,III,IV)  HOTEL NO FOOD (Class I-A)  
 CLUB w/o Catering (Class V)  CLUB with CATERING (Class I)  GOLF COURSE (Class I,II,III,IV)  
 TAVERN (Class IV)  QUALIFIED CATERING  OTHER: \_\_\_\_\_

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name:	Business Name (D/B/A) <b>Pop Shoppe Diner</b>
APPLICANT(S) –(Sole Proprietor) <b>Monique L. McDaniel-Wood</b>	DOB: <b>9/10/50</b> Physical Location: <b>413 Main St.</b>
DOB:	City/Town State Zip Code <b>Lewiston Me. 04240</b>
Address <b>32 Central ave.</b>	Mailing Address <b>SAME</b>
City/Town State Zip Code <b>Lewiston, Me. 04240</b>	City/Town State Zip Code
Telephone Number Fax Number <b>207-330-4927</b>	Business Telephone Number Fax Number <b>207-777-7467 -</b>
Federal I.D. # <b>113737887</b>	Seller Certificate #: or Sales Tax #: <b>1080735</b>
Email Address: Please Print <b>mwood1890@gmail.</b>	Website:

If business is NEW or under new ownership, indicate starting date: **Jan. 2005**

Requested inspection date: \_\_\_\_\_ Business hours: **7AM - 2pm**

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: \_\_\_\_\_
- State amount of gross income from period of last license: ROOMS \$  FOOD \$ ~~90,000~~ LIQUOR \$
- Is applicant a corporation, limited liability company or limited partnership? YES  NO

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

- Do you permit dancing or entertainment on the licensed premises? YES  NO
- If manager is to be employed, give name: \_\_\_\_\_
- Business records are located at: **32 Central ave. Lew, Me. 04240**
- Is/are applicants(s) citizens of the United States? YES  NO
- Is/are applicant(s) residents of the State of Maine? YES  NO

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

Name in Full (Print Clearly)	DOB	Place of Birth
Monique Lee McDaniel (Wood)	9/10/50	lew., Me.
Residence address on all of the above for previous 5 years (Limit answer to city & state)		

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

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_ (use additional sheet(s) if necessary)

11. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?

Yes  No  If Yes, give name: \_\_\_\_\_

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

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

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

See Attachment

15. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES  NO  Applied for: \_\_\_\_\_

16. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? over 1000 ft.

Which of the above is nearest? Christian School Academy

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

If YES, give details: \_\_\_\_\_

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

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

Dated at: \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_  
Town/City, State Date

*Monique L. Wood*  
 Signature of Applicant or Corporate Officer(s)  
Monique L. Wood  
 Print Name

Please sign in blue ink

\_\_\_\_\_  
 Signature of Applicant or Corporate Officer(s)  
 \_\_\_\_\_  
 Print Name

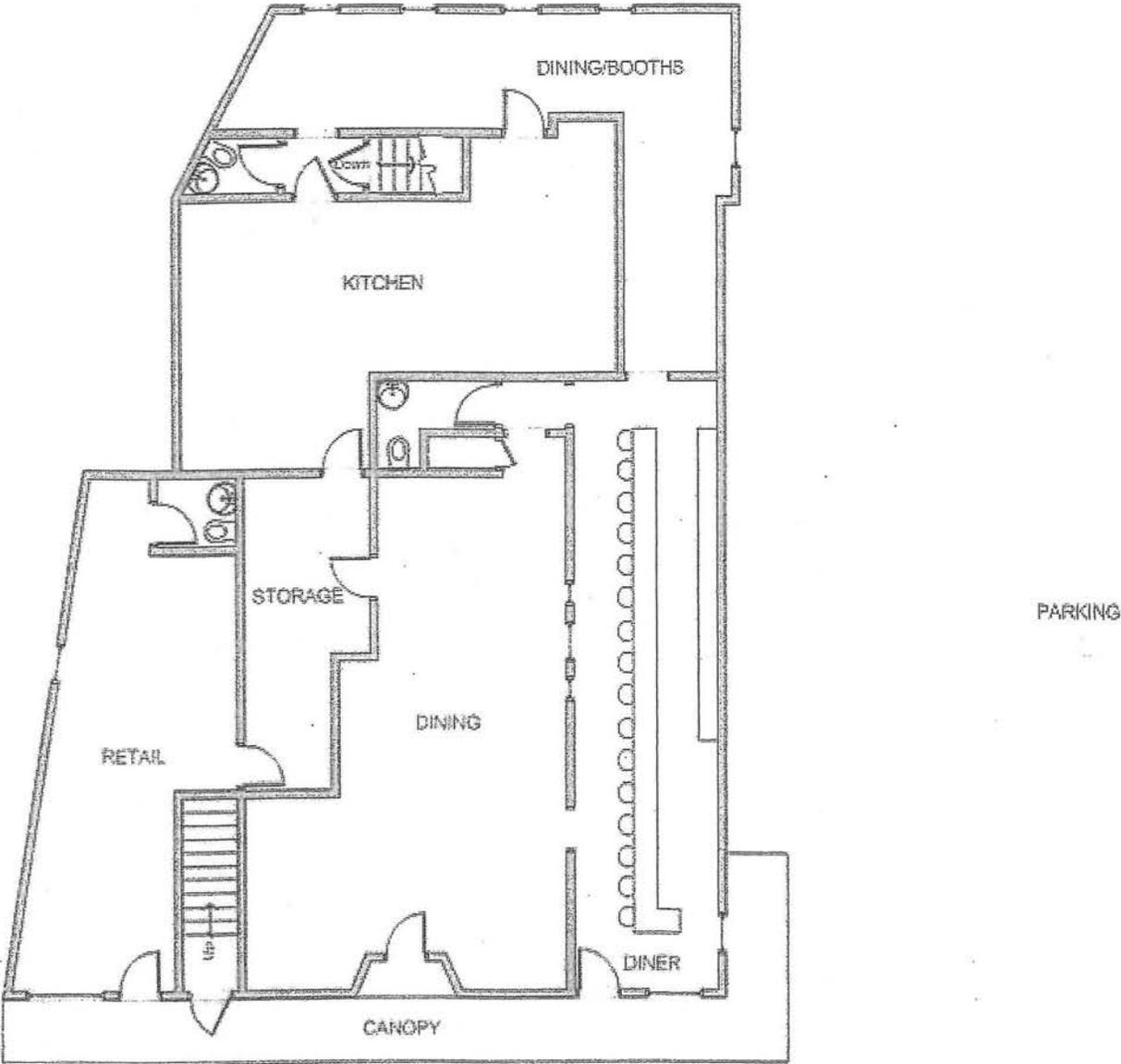
**FEE SCHEDULE**

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

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

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

# 413 MAIN ST - LEWISTON FLOOR PLAN



Note: These drawings are not to scale. They are for representational purposes only.



Division of Alcoholic Beverages and Lottery  
Operations  
Division of Liquor Licensing and Enforcement

**Corporate Information Required for  
Business Entities Who Are Licensees**

<b>For Office Use Only:</b>	
License #:	_____
SOS Checked:	_____
100% Yes	<input type="checkbox"/> No <input type="checkbox"/>

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

- Exact legal name: Pop Shoppe Diner
- Doing Business As, if any: Restaurant
- Date of filing with Secretary of State: \_\_\_\_\_ State in which you are formed: Maine
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:  
\_\_\_\_\_
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Monique L. McDaniel- D Wood	32 Central ave Lew., Me 04240	9/10/50	owner	100%

(Stock ownership in non-publicly traded companies must add up to 100%.)

- If Co-Op # of members: \_\_\_\_\_ (list primary officers in the above boxes)

7. Is any principal person involved with the entity a law enforcement official?

Yes  No  If Yes, Name: \_\_\_\_\_ Agency: \_\_\_\_\_

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes  No

9. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

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

Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_

Location of Conviction: \_\_\_\_\_

Disposition: \_\_\_\_\_

Signature:

*Monique L. McDaniel-Wood* 8/30/18  
Signature of Duly Authorized Person Date

Monique L. McDaniel-Wood  
Print Name of Duly Authorized Person

Submit Completed Forms to:

Bureau of Alcoholic Beverages  
Division of Liquor Licensing and Enforcement  
8 State House Station, Augusta, Me 04333-0008 (Regular address)  
10 Water Street, Hallowell, ME 04347 (Overnight address)  
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@Maine.gov](mailto:MaineLiquor@Maine.gov)



## ***POLICE DEPARTMENT***

Brian T. O'Malley  
Chief of Police



---

TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: September 03, 2018

RE: Liquor License – **Pop Shoppe Diner**

We have reviewed the request for a NEW Liquor License Application and have no objections to the following establishment;

**Pop Shoppe Diner**  
**413 Main St., Lewiston**



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171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007  
[www.lewistonpd.org](http://www.lewistonpd.org)



*Professionalism*

*Integrity*

*Compassion*

*Dedication*

*Pride*

*Dependability*

# CITY OF LEWISTON

## PUBLIC NOTICE

A hearing on the following liquor license applications will be held by the Lewiston City Council in the Council Chambers, City Hall on ***Tuesday, September 18, 2018, at 7:00 p.m.***, or as soon thereafter as they may be heard. Any interested person may appear and will be given the opportunity to be heard before final action on said applications.

Pop Shoppe Diner  
413 Main Street  
Monique Wood, owner

Agora Grand Event Center  
220 Bates Street  
Billie Jayne B. Cook, owner

Dave's American Buffet  
40 East Avenue  
David H. Paine, owner

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

***PUBLISH ON: September 13, 14 & 15, 2018***

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

# LEWISTON CITY COUNCIL

## MEETING OF SEPTEMBER 18, 2018

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 7**

**SUBJECT:**

Public Hearing on applications for a new liquor license and special amusement permit for Live Entertainment for Agora Grand Event Center, 220 Bates Street.

**INFORMATION:**

We have received applications for a new liquor license and special amusement permit for Live Entertainment from the Agora Grand Event Center, 220 Bates Street. This liquor license application is for malt, vinous and spirituous.

The Police Department has reviewed and approved the application.

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

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

The City Administrator recommends approval of the requested action.

*EAAB/KMM*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To authorize the City Clerk's Office to approve a new liquor license application and special amusement permit for Agora Grand Event Center, 220 Bates Street.

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

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

NEW application:  Yes  No

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

INDICATE TYPE OF PRIVILEGE:  MALT  VINOUS  SPIRITUOUS

**INDICATE TYPE OF LICENSE:**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input type="checkbox"/> RESTAURANT/LOUNGE (Class XI) | <input type="checkbox"/> CLASS A LOUNGE (Class X)                          |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV)      | <input type="checkbox"/> HOTEL NO FOOD (Class I-A)    |  |
| <input type="checkbox"/> CLUB w/o Catering (Class V)    | <input type="checkbox"/> CLUB with CATERING (Class I) | <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV)                   |
| <input type="checkbox"/> TAVERN (Class IV)              | <input type="checkbox"/> QUALIFIED CATERING           | <input checked="" type="checkbox"/> OTHER: <u>Civic Auditorium Class 1</u> |

REFER TO PAGE 3 FOR FEE SCHEDULE

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

Corporation Name: <u>Agora Properties Inc</u>		Business Name (D/B/A) <u>Agora Grand Event Center</u>	
APPLICANT(S) –(Sole Proprietor) DOB:		Physical Location: <u>220 Bates St.</u>	
DOB:		City/Town <u>Lewiston</u>	State <u>ME</u>
		Zip Code <u>04240</u>	
Address <u>1 Walnut St.</u>		Mailing Address <u>1 Walnut St.</u>	
City/Town <u>Lewiston</u>	State <u>ME</u>	City/Town <u>Lewiston</u>	State <u>ME</u>
Zip Code <u>04240</u>		Zip Code <u>04240</u>	
Telephone Number <u>717-468-1984</u>	Fax Number	Business Telephone Number <u>844-55-AGORA</u>	Fax Number
Federal I.D. # <u>83-1273768</u>		Seller Certificate #: or Sales Tax #: <u>1193448</u>	
Email Address: Please Print <u>Inquiry@AgoraGrand.com</u>		Website: <u>www.agoragrand.com</u>	

If business is NEW or under new ownership, indicate starting date: 9/28/18

Requested inspection date: ASAP Business hours: 9-5

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

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

- Do you permit dancing or entertainment on the licensed premises? YES  NO
- If manager is to be employed, give name: Billie Jayne Cooke
- Business records are located at: 1 Walnut St Lewiston, ME 04240
- Is/are applicant(s) citizens of the United States? YES  NO
- Is/are applicant(s) residents of the State of Maine? YES  NO

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

Name in Full (Print Clearly)	DOB	Place of Birth
Billie Jayne Bichrest Cooke	6/1/67	Philadelphia PA
prior last names: Wolf & Dastra		
Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Lewiston, ME		
Lancaster, PA		

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

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

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

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

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

14. Describe in detail the premises to be licensed: (On Premise Diagram Required) \_\_\_\_\_  
 Former church repurposed to auditorium use

15. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
 YES  NO  Applied for: 9/4/18

16. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 338 ft.  
 Which of the above is nearest? Trinity Church

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

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

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

Dated at: Lewiston ME on Sept. 4, 20 15  
Town/City, State Date

Billie Jayne B Cooke  
 Signature of Applicant or Corporate Officer(s)

Please sign in blue ink

\_\_\_\_\_  
 Signature of Applicant or Corporate Officer(s)

BILLIE JAYNE B COOKE  
 Print Name

\_\_\_\_\_  
 Print Name

**FEE SCHEDULE**

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

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

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

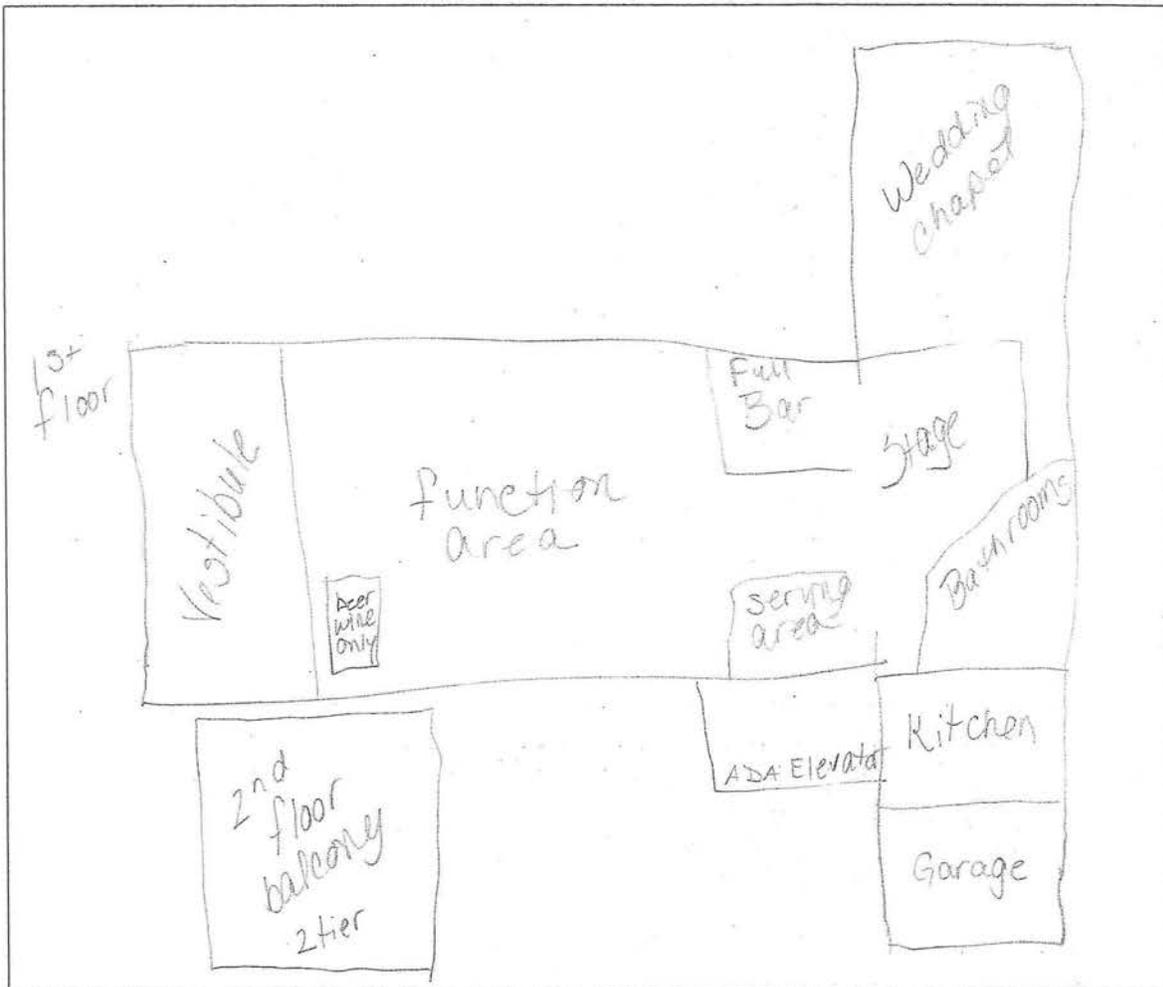
Bureau of Alcoholic Beverages and Lottery Operations  
Division of Liquor Licensing & Enforcement  
8 State House Station, Augusta, ME 04333-0008  
10 Water Street, Hallowell, ME 04347  
Tel: (207) 624-7220 Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@maine.gov](mailto:MaineLiquor@maine.gov)

DIVISION USE ONLY	
<input type="checkbox"/>	Approved
<input type="checkbox"/>	Not Approved
BY:	

### ON PREMISE DIAGRAM

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram including entrances, office area, kitchen, storage areas, dining rooms, lounges, function rooms, restrooms, decks and all areas that you are requesting approval from the Division for liquor consumption.





Division of Alcoholic Beverages and Lottery  
Operations  
Division of Liquor Licensing and Enforcement

**Corporate Information Required for  
Business Entities Who Are Licensees**

<b>For Office Use Only:</b>	
License #:	_____
SOS Checked:	_____
100% Yes	<input type="checkbox"/> No <input type="checkbox"/>

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

- Exact legal name: Agora Properties Inc
- Doing Business As, if any: Agora Grand event Center
- Date of filing with Secretary of State: 7/5/18 State in which you are formed: ME
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:  
\_\_\_\_\_
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Billie Jayne B Cooke	1 Walnut St Lewiston, ME 04240	6/1/67	President	100%
	757 New Holland Ave Lancaster, PA 17602			

(Stock ownership in non-publicly traded companies must add up to 100%.)

- If Co-Op # of members: N/A (list primary officers in the above boxes)

7. Is any principal person involved with the entity a law enforcement official?

Yes  No  If Yes, Name: \_\_\_\_\_ Agency: \_\_\_\_\_

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes  No

9. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

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

Date of Conviction: \_\_\_\_\_

Offense: \_\_\_\_\_

Location of Conviction: \_\_\_\_\_

Disposition: \_\_\_\_\_

**Signature:**

Billie Jayne B Cooke 9/4/18  
Signature of Duly Authorized Person Date

BILLIE JAYNE B COOKE  
Print Name of Duly Authorized Person

Submit Completed Forms to:

Bureau of Alcoholic Beverages  
Division of Liquor Licensing and Enforcement  
8 State House Station, Augusta, Me 04333-0008 (Regular address)  
10 Water Street, Hallowell, ME 04347 (Overnight address)  
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@Maine.gov](mailto:MaineLiquor@Maine.gov)

CITY OF LEWISTON  
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 9-4-18

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

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

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

\*\*\*\*PLEASE PRINT\*\*\*\*

Business Name: Agora Grand Event Center Business Phone: 844-552-4672

Location Address: 220 Bates St. Lewiston, ME 04240

(If new business, what was formerly in this location: Agora Grand Event Center)

Mailing Address: 1 Walnut St. Lewiston, ME 04240

Email address: Inquiry@AgoraGrand.com

Contact Person: Billie Jayne B Cooke Phone: 717-468-1984

Owner of Business: Agora Properties Inc. Date of Birth: 6/1/67

Address of Owner: 1 Walnut St. Lewiston, ME 04240

Manager of Establishment: Billie Jayne B Cooke Date of Birth: 6/1/67

Owner of Premises (landlord): Agora Properties

Address of Premises Owner: 1 Walnut St. Lewiston, ME 04240

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

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

In process - Inn at the Agora 1 Walnut St. Lewiston, ME 04240

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

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

Corporation Name: Agora Properties Inc

Corporation Mailing Address: 1 Walnut St. Lewiston, ME 04240

Contact Person: Billie Jayne B Cooke Phone: 717-468-1984

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

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 50 feet - Inn at the Agora owner's residence & lodging business

Please describe the type of proposed entertainment:

- dancing
- music by DJ
- live band/singers
- stand up comedian
- karaoke
- magician
- piano player
- other, please list entertainment associated w/ wedding or other
- other, please list venue rental for events

If new applicant, what is your opening date?: 9/28/18

\*\*\*\*\*

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

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

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

Signature: Billie Jayne B Cooke Title: President Date: 9/4/18

Printed Name: BILLIE JAYNE B COOKE

\*\*\*\*\*

Hearing Date: 9-18-18



## ***POLICE DEPARTMENT***

Brian T. O'Malley  
Chief of Police



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TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: September 06, 2018

RE: Liquor/Special Amusement Permit – **Agora Grand Event Center**

We have reviewed the request for a NEW Liquor/Special Amusement Permit Application and have no objections to the following establishment;

**Agora Grand Event Center**  
**220 Bates St., Lewiston**



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# CITY OF LEWISTON

## PUBLIC NOTICE

A hearing on the following liquor license applications will be held by the Lewiston City Council in the Council Chambers, City Hall on ***Tuesday, September 18, 2018, at 7:00 p.m.***, or as soon thereafter as they may be heard. Any interested person may appear and will be given the opportunity to be heard before final action on said applications.

Pop Shoppe Diner  
413 Main Street  
Monique Wood, owner

Agora Grand Event Center  
220 Bates Street  
Billie Jayne B. Cook, owner

Dave's American Buffet  
40 East Avenue  
David H. Paine, owner

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

***PUBLISH ON: September 13, 14 & 15, 2018***

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

# LEWISTON CITY COUNCIL

## MEETING OF SEPTEMBER 18, 2018

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 8**

**SUBJECT:**

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Fast Breaks, 1465 Lisbon Street.

**INFORMATION:**

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Fast Breaks, 1465 Lisbon Street.

The Police Department has reviewed and approved the application.

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

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

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

The City Administrator recommends approval of the requested action.

*EMB/KMM*

**REQUESTED ACTION:**

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

To grant a Special Amusement Permit for Live Entertainment to Fast Breaks, 1465 Lisbon Street.

CITY OF LEWISTON  
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 9-6-18

Expiration Date: 9-15-18

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

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

\*\*\*\*PLEASE PRINT\*\*\*\*

Business Name: Fast Breaks Business Phone: 207 782 3305

Location Address: 1465 Lisbon St Lewiston, ME 04240

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

Mailing Address: Same as Above

Email address: fastbreaksme@roadrunner.com

Contact Person: Lela M Richard Phone: 207 754 7664

Owner of Business: Lela M Richard Date of Birth: 11-14-63

Address of Owner: 9 Sunset Ave Lisbon Falls, ME 04252

Manager of Establishment: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Owner of Premises (landlord): Serry Millett

Address of Premises Owner: Auburn ME - Millett Realty

Does the issuance of this license directly or indirectly benefit any City employee(s)?  Yes  No

If yes, list the name(s) of employee(s) and department(s): \_\_\_\_\_

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

Lisbon St Lewiston, ME 04240

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

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

Corporation Name: First Break's Inc

Corporation Mailing Address: 1465 Lisbon Stt Lewiston ME 04240

Contact Person: Lela M. Richard Phone: 707 782-3305

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

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? .25 School

Please describe the type of proposed entertainment:

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

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

\*\*\*\*\*

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

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

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

Signature: [Signature] Title: owner Date: 9-6-18

Printed Name: Lela M Richard

\*\*\*\*\*

Hearing Date: 9-18-18



## ***POLICE DEPARTMENT***

Brian T. O'Malley  
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: August 22, 2018

RE: Liquor License/Special Amusement Permit – **Fastbreaks**

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

While we found a few incidents of note and of concern, overall there has been limited issues.

**Fastbreaks**  
**1465 Lisbon St., Lewiston**



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# LEWISTON CITY COUNCIL

## MEETING OF SEPTEMBER 18, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

**SUBJECT:**

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

**INFORMATION:**

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

The Police Department has reviewed and approved the application.

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

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

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

The City Administrator recommends approval of the requested action.

*EAB/KMM*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to Baxter Brewpub, 130 Mill Street.

CITY OF LEWISTON  
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 9/11

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

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

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

\*\*\*\*PLEASE PRINT\*\*\*\*

Business Name: Baxter Brewpub LLC Business Phone: 207 333 6769

Location Address: 120 Mill Street

(If new business, what was formerly in this location: Previously Empty Space)

Mailing Address: PO Box 603

Email address: events@baxterbrewing.com

Contact Person: adam Platz Phone: \_\_\_\_\_

Owner of Business: Baxter Brewing Co Date of Birth: \_\_\_\_\_

Address of Owner: 136 Mill street Lewiston

Manager of Establishment: Jesse Hardie Date of Birth: 9/17/83

Owner of Premises (landlord): Mill #1 LLC

Address of Premises Owner: 2 Great Falls Plaza

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

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Lewiston?  Yes \_\_\_\_\_ No  
If yes, please list business name(s) and location(s): Baxter Brewing Co, the owner of Baxter Brewpub LLC, already holds a business license with city of Lewiston

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

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

Corporation Name: Baxter Brewing Co. LLC

Corporation Mailing Address: PO Box 603 Auburn ME 04212

Contact Person: Adam Platz Phone: 207 576 5318

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

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? In both cases, greater than 400 ft

Please describe the type of proposed entertainment:

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

If new applicant, what is your opening date?: End of Sept/Early Oct  
Shooting for Sept/24  
\*\*\*\*\*

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

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

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

Signature: Adam Platz Title: Director Date: 9/11

Printed Name: Adam Platz

Hearing Date: 9-18-18  
\*\*\*\*\*



## ***POLICE DEPARTMENT***

Brian T. O'Malley  
Chief of Police



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TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: June 15, 2018

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

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

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



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# LEWISTON CITY COUNCIL

## MEETING OF SEPTEMBER 18, 2018

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 10**

**SUBJECT:**

Public Hearing on an application from Dana's Garage, 193 Crowley Road, for an Automobile Graveyard/Junkyard permit.

**INFORMATION:**

Dana's Garage, 193 Crowley Road, is requesting renewal of their Automobile Graveyard/Junkyard permit.

The Police Department, Code Enforcement Division and Fire Department have approved the application.

The yard has been inspected and meets all local and state requirements.

Approval is recommended.

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

The City Administrator recommends approval of the requested action.

*EHB/KMM*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To grant an Automobile Graveyard/Junkyard permit to Dana's Garage, 193 Crowley Road, subject to the condition that no more than 1,000 tires may be stored on the property.

**CITY OF LEWISTON  
RENEWAL APPLICATION  
FOR AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT**

DATE OF APPLICATION: \_\_\_\_\_

PUBLICATION FEE: \$25.00 LICENSE FEE: \$75.00

LICENSE EXPIRES: September 30, 2019

PUBLIC HEARING DATE: SEPTEMBER 18, 2018

NAME OF BUSINESS DANA'S GARAGE

BUSINESS ADDRESS 193 CROWLEY ROAD

CITY/STATE LEWISTON, ME 04240

BUSINESS TELEPHONE 7820777

NAME OF OWNER(S) NORMAN JALBERT

CONTACT PERSON/GENERAL MANAGER NORMAN JALBERT

HOME ADDRESS 199 CROWLEY ROAD

CITY/STATE LEWISTON, ME 04240

HOME TELEPHONE 7821143

**CITY & STATE REGULATIONS**

(In accordance with Title 30 A, M.R.S.A., Sections 3751 to 3760, and Chapter 22 of the Code or Ordinances of the City of Lewiston)

Location of Automobile Graveyard/Junkyard 193 CROWLEY ROAD  
LEWISTON, ME 04240  
(Street address)

How is yard "screened" - Fence? (Type) TREES Height? \_\_\_\_\_

Trees? (Type) SOFT & HARDWOOD Embankment? \_\_\_\_\_

Gully? \_\_\_\_\_ Hill?  Other? \_\_\_\_\_

How far is edge of "yard" from center of highway? 150 YARDS +

Can junk be seen from any part of highway? Yes \_\_\_\_\_ No

Was junkyard law, requirements and fees explained to you?

Yes ✓ No \_\_\_\_\_

When was last permit issued? 2017

To whom? Norman Jalbert

How does applicant intend to dispose of tires, fuel tanks, batteries, engine lubricant, transmission fluid, brake fluid and engine coolant:

TIRES DISPOSE TO BPS, FUEL TANKS & BATTERIES  
DISPOSE TO GAINNELS. ALL LUBRICANT DISPOSE TO  
PROPER RECYCLE

The undersigned certifies that all of the requirements listed below will be complied with:

1. A visual screen at least six (6) feet in height shall be maintained around all sides of the area where vehicles and junk will be located.
2. All screening & location requirements of Title 30 A, M.R.S.A., Section 3755 have been satisfied.
3. Upon receiving a motor vehicle, the fuel tank, battery shall be removed and the fuel, engine lubricant, transmission fluid, brake fluid and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules and regulations regarding disposal of waste oil and hazardous materials.
4. All federal and state hazardous waste laws and regulations will be satisfied.
5. All required state and/or federal permits will be obtained.
6. No noise, vibration, glare, fumes or odor shall be emitted which is detectable to the normal senses from any abutting property.

SIGNED BY Norman Jalbert

FOR DANA'S GARAGE INDIVIDUAL  
(Name of Company, corporation, partnership or individual)



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

**TO:** City Clerks  
**FROM:** David Hediger, City Planner  
**SUBJECT:** Automobile Graveyard/Junkyard Permits  
**DATE:** September 14, 2018

Planning and Code Enforcement staff recommends the license renewal be granted for **Dana's Garage-193 Crowley Road.**



## FIRE DEPARTMENT

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Brian D. Stockdale, Fire Chief  
Bruce H. McKay, Assistant Chief

August 21, 2018

Kelly Brooks  
Deputy City Clerk  
City Clerk's Office  
27 Pine Street  
Lewiston ME 04240

**RE: 193 Crowley Rd., Dana's Garage Auto Grave Yard 2018 Permit**

Dear Kelly,

I have no issues or concerns regarding **Dana's Auto Grave Yard** located at **193 Crowley Rd.** at this time that prohibits the issuance of their city permit.

Respectfully,

A handwritten signature in black ink, appearing to read "Paul Ouellette".

Paul Ouellette  
Certified Fire Inspector / Certified Fire Investigator  
Lewiston Fire Prevention Bureau

Paul / General Files / 2018 Letters / Dana's Garage Graveyard-Junkyard 2018 Letter / Msw.

Lewiston Fire Department, 2 College Street, Lewiston, ME 04240 • Tel. (207) 513-3002 • TTY/TDD (207) 513-3121 • Fax (207)783-6138

Email: [bstockdale@lewistonmaine.gov](mailto:bstockdale@lewistonmaine.gov) • [Bmckay@lewistonmaine.gov](mailto:Bmckay@lewistonmaine.gov)

Web Page: [www.lewistonmaine.gov](http://www.lewistonmaine.gov)



## ***POLICE DEPARTMENT***

Brian T. O'Malley  
Chief of Police



TO: Kelly J. Brooks, Deputy City Clerk  
FROM: Lt. David St.Pierre, Lewiston PD  
REF: Automobile Graveyard/Junkyard Permits (Renewals)  
DATED: September 06, 2018

We have researched our records, and have no objections to the issuance of an automobile graveyard/junkyard permit to the following:

**Dana's Garage, 193 Crowley Road**

**PUBLIC NOTICE**

**CITY OF LEWISTON**

Notice is hereby given that a public hearing will be held by the Municipal Officers of the City of Lewiston on the following applications for Automobile Graveyard/Junkyard Permits. The public hearing will be held on *Tuesday, September 18, 2018*, in the Council Chambers, City Hall, at 7:00 P.M. or as soon thereafter as it may be heard. Any interested person may appear and will be given the opportunity to be heard before final action is taken on said applications.

Grimmel's Industry, 50 River Road

ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway

City of Lewiston, Public Works Dept., 424-482 River Road

Maine Heavy Equipment, 1445 Sabattus Street

Dana's Garage, 193 Crowley Road

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**PUBLISH ON: Friday, September 7, 2018**

# LEWISTON CITY COUNCIL

## MEETING OF SEPTEMBER 18, 2018

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 11**

**SUBJECT:**

Public Hearing on an application from Maine Heavy Equipment, 1445 Sabattus Street, for an Automobile Graveyard/Junkyard permit.

**INFORMATION:**

Maine Heavy Equipment, 1445 Sabattus Street are requesting renewal of their Automobile Graveyard/Junkyard permit.

The Police Department, Code Enforcement Division and Fire Department have approved the renewal application.

The yard has been inspected and meets all local and state requirements.

Approval is recommended.

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

The City Administrator recommends approval of the requested action.

*EAAS/KMM*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To grant an Automobile Graveyard/Junkyard permit to Maine Heavy Equipment, 1445 Sabattus Street.

**CITY OF LEWISTON  
RENEWAL APPLICATION  
FOR AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT**

DATE OF APPLICATION: 8/16/18

PUBLICATION FEE: \$25.00 LICENSE FEE: \$75.00

LICENSE EXPIRES: September 30, 2019

PUBLIC HEARING DATE: SEPTEMBER 18, 2018

NAME OF BUSINESS Maine Heavy Equipment

BUSINESS ADDRESS 20 Highland Spring Rd. Lewiston ME 04240

CITY/STATE Lewiston ME

BUSINESS TELEPHONE 207-784-7944

NAME OF OWNER(S) Gary St. Laurent

CONTACT PERSON/GENERAL MANAGER Gary St. Laurent

HOME ADDRESS 18 Woodman Lane

CITY/STATE Monmouth, ME 04259

HOME TELEPHONE 207-754-0002

**CITY & STATE REGULATIONS**

(In accordance with Title 30 A, M.R.S.A., Sections 3751 to 3760, and Chapter 22 of the Code or Ordinances of the City of Lewiston)

Location of Automobile Graveyard/Junkyard 1445 Sabattus Street  
Lewiston, ME 04240  
(Street address)

How is yard "screened" - Fence? (Type) \_\_\_\_\_ Height? \_\_\_\_\_

Trees? (Type) ✓ Embankment? \_\_\_\_\_

Gully? \_\_\_\_\_ Hill? \_\_\_\_\_ Other? \_\_\_\_\_

How far is edge of "yard" from center of highway? Over 100 Feet

Can junk be seen from any part of highway? Yes \_\_\_\_\_ No ✓

Was junkyard law, requirements and fees explained to you?

Yes ✓ No \_\_\_\_\_

When was last permit issued? 10/01/2017

To whom? Maine Heavy Equipment

How does applicant intend to dispose of tires, fuel tanks, batteries, engine lubricant, transmission fluid, brake fluid and engine coolant:

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

The undersigned certifies that all of the requirements listed below will be complied with:

1. A visual screen at least six (6) feet in height shall be maintained around all sides of the area where vehicles and junk will be located.
2. All screening & location requirements of Title 30 A, M.R.S.A., Section 3755 have been satisfied.
3. Upon receiving a motor vehicle, the fuel tank, battery shall be removed and the fuel, engine lubricant, transmission fluid, brake fluid and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules and regulations regarding disposal of waste oil and hazardous materials.
4. All federal and state hazardous waste laws and regulations will be satisfied.
5. All required state and/or federal permits will be obtained.
6. No noise, vibration, glare, fumes or odor shall be emitted which is detectable to the normal senses from any abutting property.

SIGNED BY Jill Bergerson Office Manager

FOR Maine Heavy Equipment  
(Name of Company, corporation, partnership or individual)



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

**TO:** City Clerks  
**FROM:** David Hediger, City Planner  
**SUBJECT:** Automobile Graveyard/Junkyard Permits  
**DATE:** September 14, 2018

Planning and Code Enforcement staff recommends the license renewal be granted for **Gary St. Laurent/Maine Heavy Equipment-1445 Sabattus Street.**



FIRE DEPARTMENT

Brian D. Stockdale, Fire Chief  
Bruce H. McKay, Assistant Chief

August 23, 2018

Kelly Brooks  
Deputy City Clerk  
City Clerk's Office  
27 Pine St.  
Lewiston, ME 04240

**RE: Gary St. Laurent / Heavy Equipment – Auto Graveyard/ Junkyard 2018 Permit**

Dear Kelly,

I have no issues or concerns regarding **Gary St. Laurent / Heavy Equipment Auto Graveyard / Junkyard** located at **1445 Sabattus St.** at this time that prohibits the issuance of their 2018 city permit.

Respectfully,

A handwritten signature in black ink, appearing to read "Paul Ouellette".

Paul Ouellette  
Certified Fire Inspector / Certified Fire Investigator  
Lewiston Fire Prevention Bureau

Paul / General Files / 2018 Letters / Gary St. Laurent / Heavy Equipment Auto Graveyard / Junkyard 2018 Letter / Msw.

Lewiston Fire Department, 2 College Street, Lewiston, ME 04240 • Tel. (207) 513-3002 • TTY/TDD (207) 513-3121 • Fax (207)783-6138

Email: [bstockdale@lewistonmaine.gov](mailto:bstockdale@lewistonmaine.gov) • [Bmckay@lewistonmaine.gov](mailto:Bmckay@lewistonmaine.gov)

Web Page: [www.lewistonmaine.gov](http://www.lewistonmaine.gov)



***POLICE DEPARTMENT***

Brian T. O'Malley  
Chief of Police



TO: Kelly J. Brooks, Deputy City Clerk  
FROM: Lt. David St.Pierre, Lewiston PD  
REF: Automobile Graveyard/Junkyard Permits (Renewals)  
DATED: September 06, 2018

We have researched our records, and have no objections to the issuance of an automobile graveyard/junkyard permit to the following:

**Maine Heavy Equipment, 1445 Sabattus Street**

**PUBLIC NOTICE**

**CITY OF LEWISTON**

Notice is hereby given that a public hearing will be held by the Municipal Officers of the City of Lewiston on the following applications for Automobile Graveyard/Junkyard Permits. The public hearing will be held on *Tuesday, September 18, 2018*, in the Council Chambers, City Hall, at 7:00 P.M. or as soon thereafter as it may be heard. Any interested person may appear and will be given the opportunity to be heard before final action is taken on said applications.

Grimmel's Industry, 50 River Road

ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway

City of Lewiston, Public Works Dept., 424-482 River Road

Maine Heavy Equipment, 1445 Sabattus Street

Dana's Garage, 193 Crowley Road

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

**PUBLISH ON: Friday, September 7, 2018**

# LEWISTON CITY COUNCIL

## MEETING OF SEPTEMBER 18, 2018

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 12**

**SUBJECT:**

Public Hearing on an application from Grimmel's Industries, 50 River Road, for an Automobile Graveyard/Junkyard permit.

**INFORMATION:**

Grimmel's Industries, 50 River Road is requesting renewal of their Automobile Graveyard/Junkyard permit.

The Police Department, Code Enforcement Division and Fire Department have approved the renewal application.

The yard has been inspected and meets all local and state requirements.

Approval is recommended.

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

The City Administrator recommends approval of the requested action.

*EAAB/KMM*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To grant an Automobile Graveyard/Junkyard permit to Grimmel's Industries, 50 River Road, subject to the following conditions:

1. The hours of operation shall be limited to 7:00 a.m. to 5:00 p.m., Monday through Saturday.
2. Maintain screening from the Maine Turnpike.

**CITY OF LEWISTON  
RENEWAL APPLICATION  
FOR AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT**

DATE OF APPLICATION: 8/20/18

PUBLICATION FEE: \$25.00 LICENSE FEE: \$75.00

LICENSE EXPIRES: September 30, 2019

PUBLIC HEARING DATE: SEPTEMBER 18, 2018

NAME OF BUSINESS Grimmel Industries

BUSINESS ADDRESS 50 River Rd.

CITY/STATE Lewiston, Me.

BUSINESS TELEPHONE 784-6754

NAME OF OWNER(S) Gary + Betty Grimmel

CONTACT PERSON/GENERAL MANAGER Cory Prindall

HOME ADDRESS 14 Bottonwood Lane

CITY/STATE Lewiston, Me.

HOME TELEPHONE 784-6369

**CITY & STATE REGULATIONS**

(In accordance with Title 30 A, M.R.S.A., Sections 3751 to 3760, and Chapter 22 of the Code or Ordinances of the City of Lewiston)

Location of Automobile Graveyard/Junkyard 50 River Rd.  
Lewiston, Me.  
(Street address)

How is yard "screened" - Fence? (Type) Cyclone Height? 10<sup>ft</sup>

Trees? (Type) Pine Embankment? yes

Gully? \_\_\_\_\_ Hill? \_\_\_\_\_ Other? \_\_\_\_\_

How far is edge of "yard" from center of highway? \_\_\_\_\_

Can junk be seen from any part of highway? Yes  No \_\_\_\_\_

Was junkyard law, requirements and fees explained to you?

Yes   X   No \_\_\_\_\_

When was last permit issued?   10/1/17  

To whom?   Grimmel Industries  

How does applicant intend to dispose of tires, fuel tanks, batteries, engine lubricant, transmission fluid, brake fluid and engine coolant:

  We do not Take Any Fluids whatsoever  

  Batteries are properly Palletized and shipped to be recycled  

  Tires + Empty Fuel tanks are shipped off site to be shredded  

The undersigned certifies that all of the requirements listed below will be complied with:

1. A visual screen at least six (6) feet in height shall be maintained around all sides of the area where vehicles and junk will be located.
2. All screening & location requirements of Title 30 A, M.R.S.A., Section 3755 have been satisfied.
3. Upon receiving a motor vehicle, the fuel tank, battery shall be removed and the fuel, engine lubricant, transmission fluid, brake fluid and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules and regulations regarding disposal of waste oil and hazardous materials.
4. All federal and state hazardous waste laws and regulations will be satisfied.
5. All required state and/or federal permits will be obtained.
6. No noise, vibration, glare, fumes or odor shall be emitted which is detectable to the normal senses from any abutting property.

SIGNED BY   Cory A. Roll  

FOR   Grimmel Industries  

(Name of Company, corporation, partnership or individual)



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

**TO:** City Clerks  
**FROM:** David Hediger, City Planner  
**SUBJECT:** Automobile Graveyard/Junkyard Permits  
**DATE:** September 14, 2018

Planning and Code Enforcement staff recommends the license renewal be granted for **Grimmel's Industry – 50 River Road.**



## FIRE DEPARTMENT

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**Brian D. Stockdale, Fire Chief**  
**Bruce H. McKay, Assistant Chief**

September 11, 2018

Kelly Brooks  
Deputy City Clerk  
City Clerk's Office  
27 Pine St  
Lewiston, ME 04240

**RE: 50 River Road, Grimmel's Industries 2018 Business License**

Dear Kelly,

I have no issues or concerns at this time regarding, **Grimmel's Industries** located at **50 River Road**, that prohibits the issuance of their business license.

Respectfully,

A handwritten signature in blue ink, appearing to read "Ryan Coleman".

Ryan Coleman  
Certified Fire Inspector / Fire Investigation Technician  
Lewiston Fire Department  
Fire Prevention Bureau



## ***POLICE DEPARTMENT***

Brian T. O'Malley  
Chief of Police



TO: Kelly J. Brooks, Deputy City Clerk  
FROM: Lt. David St.Pierre, Lewiston PD  
REF: Automobile Graveyard/Junkyard Permits (Renewals)  
DATED: September 06 2018

We have researched our records, and have no objections to the issuance of an automobile graveyard/junkyard permit to the following:

**Grimmel's industries, 50 River Road**

**PUBLIC NOTICE**

**CITY OF LEWISTON**

Notice is hereby given that a public hearing will be held by the Municipal Officers of the City of Lewiston on the following applications for Automobile Graveyard/Junkyard Permits. The public hearing will be held on *Tuesday, September 18, 2018*, in the Council Chambers, City Hall, at 7:00 P.M. or as soon thereafter as it may be heard. Any interested person may appear and will be given the opportunity to be heard before final action is taken on said applications.

Grimmel's Industry, 50 River Road

ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway

City of Lewiston, Public Works Dept., 424-482 River Road

Maine Heavy Equipment, 1445 Sabattus Street

Dana's Garage, 193 Crowley Road

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

**PUBLISH ON: Friday, September 7, 2018**

**LEWISTON CITY COUNCIL**  
**MEETING OF SEPTEMBER 18, 2018**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 13**

**SUBJECT:**

Public Hearing on an application from the Lewiston Public Works Department, 424-482 River Road, for an Automobile Graveyard/Junkyard permit.

**INFORMATION:**

Lewiston Public Works Department, 424-482 River Road, is requesting renewal of their Automobile Graveyard/Junkyard permit.

The Police Department, Code Enforcement Division and Fire Department have approved the renewal application.

The yard has been inspected and meets all local and state requirements.

Approval is recommended.

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

The City Administrator recommends approval of the requested action.

*EMB/KMM*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To grant an Automobile Graveyard/Junkyard permit to the Lewiston Public Works Department, 424-482 River Road.

**CITY OF LEWISTON  
RENEWAL APPLICATION  
FOR AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT**

DATE OF APPLICATION: August 22, 2018

PUBLICATION FEE: \$25.00 LICENSE FEE: \$75.00

LICENSE EXPIRES: September 30, 2019

PUBLIC HEARING DATE: SEPTEMBER 18, 2018

NAME OF BUSINESS City of Lewiston - Public Works

BUSINESS ADDRESS 424 River Rd.

CITY/STATE Lewiston, Maine

BUSINESS TELEPHONE 513-3006

NAME OF OWNER(S) David A. Jones, P.E.  
Dir. Public Works

CONTACT PERSON/GENERAL MANAGER Rob Stafford - Superintendent

HOME ADDRESS 103 Adams Ave.

CITY/STATE Lewiston, ME.

HOME TELEPHONE 513-3006

**CITY & STATE REGULATIONS**

(In accordance with Title 30 A, M.R.S.A., Sections 3751 to 3760, and Chapter 22 of the Code or Ordinances of the City of Lewiston)

Location of Automobile Graveyard/Junkyard City of Lewiston

Solid Waste Facility, 424 River Rd.  
(Street address)

How is yard "screened" - Fence? (Type) Chain Link w/ slats Height? 10'

Trees? (Type) White Pine Embankment? 8' Earthen Berm

Gully? \_\_\_\_\_ Hill? \_\_\_\_\_ Other? Building

How far is edge of "yard" from center of highway? 480LF

Can junk be seen from any part of highway? Yes \_\_\_\_\_ No X

Was junkyard law, requirements and fees explained to you?

Yes X No \_\_\_\_\_

When was last permit issued? 10-1-2017

To whom? \_\_\_\_\_

How does applicant intend to dispose of tires, fuel tanks, batteries, engine lubricant, transmission fluid, brake fluid and engine coolant:

Tires - Recycled, Batteries - Recycled,  
Engine Lubricant - Recycled, Engine Coolant -  
Recycled. Other waste items are not  
accepted.

The undersigned certifies that all of the requirements listed below will be complied with:

1. A visual screen at least six (6) feet in height shall be maintained around all sides of the area where vehicles and junk will be located.
2. All screening & location requirements of Title 30 A, M.R.S.A., Section 3755 have been satisfied.
3. Upon receiving a motor vehicle, the fuel tank, battery shall be removed and the fuel, engine lubricant, transmission fluid, brake fluid and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules and regulations regarding disposal of waste oil and hazardous materials.
4. All federal and state hazardous waste laws and regulations will be satisfied.
5. All required state and/or federal permits will be obtained.
6. No noise, vibration, glare, fumes or odor shall be emitted which is detectable to the normal senses from any abutting property.

SIGNED BY Robert Stalford 

FOR City of Lewiston, D.P.W.  
(Name of Company, corporation, partnership or individual)



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

**TO:** City Clerks  
**FROM:** David Hediger, City Planner  
**SUBJECT:** Automobile Graveyard/Junkyard Permits  
**DATE:** September 14, 2018

Planning and Code Enforcement staff recommends the license renewal be granted for **Public Works Department-424-482 River Road.**



**FIRE DEPARTMENT**

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**Brian D. Stockdale, Fire Chief**  
**Bruce H. McKay, Assistant Chief**

September 11, 2018

Kelly Brooks  
Deputy City Clerk  
City Clerk's Office  
27 Pine St  
Lewiston, ME 04240

**RE: 424 River Road, Lewiston Public Works – Solid Waste 2018 Business License**

Dear Kelly,

I have no issues or concerns regarding **Lewiston Public Works – Solid Waste** located at **424 River Road** at this time that prohibits the issuance of their business license.

Respectfully,

A handwritten signature in blue ink, appearing to read "Ryan Coleman".

Ryan Coleman  
Certified Fire Inspector / Fire Investigation Technician  
Lewiston Fire Department  
Fire Prevention Bureau



***POLICE DEPARTMENT***

Brian T. O'Malley  
Chief of Police



TO: Kelly J. Brooks, Deputy City Clerk  
FROM: Lt David St. Pierre, Lewiston PD  
REF: Automobile Graveyard/Junkyard Permits (Renewals)  
DATED: September 06, 2018

We have researched our records, and have no objections to the issuance of an automobile graveyard/junkyard permit to the following:

**City of Lewiston, Public Works Dept., 424-482 River Road**

**PUBLIC NOTICE**

**CITY OF LEWISTON**

Notice is hereby given that a public hearing will be held by the Municipal Officers of the City of Lewiston on the following applications for Automobile Graveyard/Junkyard Permits. The public hearing will be held on ***Tuesday, September 18, 2018***, in the Council Chambers, City Hall, at 7:00 P.M. or as soon thereafter as it may be heard. Any interested person may appear and will be given the opportunity to be heard before final action is taken on said applications.

Grimmel's Industry, 50 River Road

ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway

City of Lewiston, Public Works Dept., 424-482 River Road

Maine Heavy Equipment, 1445 Sabattus Street

Dana's Garage, 193 Crowley Road

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***PUBLISH ON: Friday, September 7, 2018***

# LEWISTON CITY COUNCIL

## MEETING OF SEPTEMBER 18, 2018

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 14**

**SUBJECT:**

Public Hearing on an application from ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway for an Automobile Graveyard/Junkyard permit.

**INFORMATION:**

ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway is requesting renewal of their Automobile Graveyard/Junkyard permit.

The Police Department, Code Enforcement Division and Fire Department have approved the renewal application.

The yard has been inspected and meets all local and state requirements.

Approval is recommended.

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

The City Administrator recommends approval of the requested action.

*ETAB/KMM*

<b>REQUESTED ACTION:</b>	1	2	3	4	5	6	7	M
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To grant an Automobile Graveyard/Junkyard permit to ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway, subject to the attached conditions.

**ReEnergy Lewiston, LLC**  
(10-1-2018 through 9-30-2019)

1. Permit is granted for storage of construction and demolition debris (CDD), wood waste (includes demolition debris) and oversized bulky waste (OBW). CDD and OBW will consist of wood waste, sheetrock, insulation, metal, wire, aggregate products, dirt, sand, furniture, rugs, plastics, roofing materials, cardboard and any other large burnable household goods. Unacceptable materials are units containing CFC's, universal waste, municipal solid waste (MSW), hazardous materials, asbestos, and medical waste.
2. All wood waste and OBW which is to be placed in storage shall be piled no higher than 30'.
3. The width and length of the piles will be sized as indicated on the plan view of the back yard, but shall be no wider than 90' and no longer than 150'.
4. There shall be no more than nine (9) piles of wood waste and OBW at any time. OBW will not exceed two (2) piles.
5. Access rows or fire lanes shall be maintained between piles with a minimum distance of 30' between piles.
6. The main entrance roadway must be kept at a minimum of 24' of travel way at all times.
7. An additional access road or fire lane shall be maintained from Alfred A. Plourde Parkway at a minimum width of 20' to the storage area at all times.
8. All roads and fire lanes on the facility shall be of all weather surface adequately constructed to support fire apparatus likely to be operated on site at all times.
9. All storage pile locations shall be properly identified by the placement of a pole at the corner of the pile. A mark shall be placed at a height of 30' on the pole.
10. The site shall be designated no smoking throughout except office areas and control room. A no smoking sign shall be placed at the entrance to the facility.
11. Training of employees shall be provided on the use of fire protection equipment and fire reporting procedures on an annual basis.
12. ReEnergy Lewiston, LLC shall conduct a self-inspection of their activities and inspections shall be conducted on a weekly basis. Records of inspections shall be kept on site for Fire Prevention Bureau review when requested.
13. Pine trees shall be planted along the perimeter to provide a buffer and dead and/or missing trees shall be replaced promptly.
14. That the processing of pressure treated wood be done in full compliance with the EPA & DEP regulations.
15. An effective visual screen at least six feet in height shall be located and maintained around all sides of the area where junk is located such that these areas are entirely screened from ordinary view from all directly abutting properties and public ways at all times. The existing 'wood and pole' fence that was adjacent to 32 Plourde Parkway will be replaced with a 'screen-mesh and pole' fence of similar length and height. This new fence shall be properly maintained at all times, including the replacement of the 'screen-mesh and pole' should the material degrade such that an effective visual screen is no longer provided. Given that the proposed screening material represents a non-standard design with limited history on its performance, the City reserves the right to evaluate the screening integrity of the fence bi-annually and if it is determined that it no longer meets the requirements of the City Code of Ordinances, Article XII, Section 22-75(c) (1) and (2) and MRSA Title 30-A §3754-A it will need to be replaced.

**CITY OF LEWISTON  
RENEWAL APPLICATION  
FOR AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT**

DATE OF APPLICATION: 8-20-18

PUBLICATION FEE: \$25.00 LICENSE FEE: \$75.00

LICENSE EXPIRES: September 30, 2019

PUBLIC HEARING DATE: SEPTEMBER 18, 2018

NAME OF BUSINESS ReEnergy Lewiston,LLC

BUSINESS ADDRESS 38 Alfred A. Plourde Parkway

CITY/STATE Lewiston, Me 04240

BUSINESS TELEPHONE (207) 783-2941

NAME OF OWNER(S) ReEnergy Lewi9ston LLC

CONTACT PERSON/GENERAL MANAGER David E. McCutcheon Sr.

HOME ADDRESS 39 Field Ave.

CITY/STATE Auburn, Me 04210

HOME TELEPHONE (207) 5250-8234

**CITY & STATE REGULATIONS**

(In accordance with Title 30 A, M.R.S.A., Sections 3751 to 3760, and Chapter 22 of the Code or Ordinances of the City of Lewiston)

Location of Automobile Graveyard/Junkyard \_\_\_\_\_

38 Alfred A. Plourde Parkway

(Street address)

How is yard "screened" - Fence? (Type) Screen and poles Height? 15+ feet

Trees? (Type) White pines Embankment? Earth Berm

Gully? \_\_\_\_\_ Hill? \_\_\_\_\_ Other? \_\_\_\_\_

How far is edge of "yard" from center of highway? 300 Feet +

Can junk be seen from any part of highway? Yes X No \_\_\_\_\_

Was junkyard law, requirements and fees explained to you?

Yes   x   No           

When was last permit issued?   9-30-17  

To whom?   ReEnergy Lewiston, LLC  

How does applicant intend to dispose of tires, fuel tanks, batteries, engine lubricant, transmission fluid, brake fluid and engine coolant:

  Applicant is a construction and demolition (c&d) and wood processing/ recycling company and does not solicit or accept the materials listed above. It is the applicants intent to operate the facility in a manner consistent with the current license with exception of one additional condition.  

  See attached addendum  

The undersigned certifies that all of the requirements listed below will be complied with:

1. A visual screen at least six (6) feet in height shall be maintained around all sides of the area where vehicles and junk will be located.
2. All screening & location requirements of Title 30 A, M.R.S.A., Section 3755 have been satisfied.
3. Upon receiving a motor vehicle, the fuel tank, battery shall be removed and the fuel, engine lubricant, transmission fluid, brake fluid and engine coolant shall be drained into watertight, covered containers and shall be recycled or disposed of according to all applicable Federal and State laws, rules and regulations regarding disposal of waste oil and hazardous materials.
4. All federal and state hazardous waste laws and regulations will be satisfied.
5. All required state and/or federal permits will be obtained.
6. No noise, vibration, glare, fumes or odor shall be emitted which is detectable to the normal senses from any abutting property.

SIGNED BY   *David E. McIntosh Sr.*  

FOR   ReEnergy Lewiston, LLC    
(Name of Company, corporation, partnership or individual)

**Addendum to City of Lewiston Auto Graveyard/Junkyard License:**

An effective visual screen shall be installed along the northeast property line to effectively screen the operation from the abutting property. The existing 'wood and pole' fence will be replaced with a 'screen-mesh and pole' fence design of similar length and height of the existing fence. Fence shall be properly maintained at all times, including the replacement of the 'screen-mesh' should the material degrade such that an effective visual screen is no longer provided. A sample fence section of the 'screen-mesh and pole' design was installed on the property which appeared to meet the requirements of the 'City Code of Ordinances, Article III, Section. 22-75 (c) (1) and (2)' and 'State of Maine, Comprehensive Plan 30-A MRSA §3754-A'.

Given the proposed screening material represents a non-standard design with limited history on its performance in the proposed use, the City reserves the right to evaluate the integrity of the screening material bi-annually and make recommendations that such screening material be replaced if it no longer meets the requirements of the 'City Code of Ordinances, Article III, Section. 22-75 (c) (1) and (2)' and 'State of Maine, Comprehensive Plan 30-A MRSA §3754-A'.



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

**TO:** City Clerks  
**FROM:** David Hediger, City Planner  
**SUBJECT:** Automobile Graveyard/Junkyard Permits  
**DATE:** September 14, 2018

Planning and Code Enforcement staff recommends the license renewal be granted for **ReEnergy Lewiston. – 38 Alfred A Plourde Parkway.**



## FIRE DEPARTMENT

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**Brian D. Stockdale, Fire Chief**  
**Bruce H. McKay, Assistant Chief**

September 11, 2018

Kelly Brooks  
Deputy City Clerk  
City Clerk's Office  
27 Pine St  
Lewiston, ME 04240

**RE: 38 Alfred Plourde Parkway, ReEnergy Lewiston, LLC. 2018 Business License**

Dear Kelly,

I have no issues or concerns at this time regarding, **ReEnergy Lewiston, LLC** located at **38 Alfred Plourde Parkway**, that prohibits the issuance of their business license.

Respectfully,

Ryan Coleman  
Certified Fire Inspector / Fire Investigation Technician  
Lewiston Fire Department  
Fire Prevention Bureau



***POLICE DEPARTMENT***

Brian T. O'Malley  
Chief of Police



TO: Kelly J. Brooks, Deputy City Clerk  
FROM: Lt. David St.Pierre, Lewiston PD  
REF: Automobile Graveyard/Junkyard Permits (Renewals)  
DATED: September 06, 2018

We have researched our records, and have no objections to the issuance of an automobile graveyard/junkyard permit to the following:

**Re-Energy Lewiston LLC. 38 Alfred A. Plourde Pkwy**

## **PUBLIC NOTICE**

### **CITY OF LEWISTON**

Notice is hereby given that a public hearing will be held by the Municipal Officers of the City of Lewiston on the following applications for Automobile Graveyard/Junkyard Permits. The public hearing will be held on *Tuesday, September 18, 2018*, in the Council Chambers, City Hall, at 7:00 P.M. or as soon thereafter as it may be heard. Any interested person may appear and will be given the opportunity to be heard before final action is taken on said applications.

Grimmel's Industry, 50 River Road

ReEnergy Lewiston, LLC, 38 Alfred A. Plourde Parkway

City of Lewiston, Public Works Dept., 424-482 River Road

Maine Heavy Equipment, 1445 Sabattus Street

Dana's Garage, 193 Crowley Road

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**PUBLISH ON: Friday, September 7, 2018**

# LEWISTON CITY COUNCIL

## MEETING OF SEPTEMBER 18, 2018

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 15

**SUBJECT:**

Public Hearing and Final Passage to contractually rezone the property at 230 Bartlett Street from the Highway Business (HB) District to the Downtown Residential (DR) District.

**INFORMATION:**

The Planning Board voted 7-0 to send a favorable recommendation to the City Council to contractually rezone the property at 230 Bartlett Street from the Highway Business (HB) District to the Downtown Residential (DR) District, subject to the contract rezoning agreement.

The property owner has submitted a petition to request the rezoning of this property to allow the existing building previously used as professional office space to be used to operate a lodging house and possibility efficiency apartments.

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

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

The City Administrator recommends approval of the requested action.

*EAB/Kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve Final Passage of the amendment to the Zoning and Land Use Code and Map to contractually rezone the property at 230 Bartlett Street from the Highway Business (HB) District to the Downtown Residential (DR) District, subject to a contractual agreement.



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

**TO:** Mayor and City Council  
**FROM:** David Hediger, City Planner  
**DATE:** August 29, 2018  
**RE:** Planning Board recommendation: 230 Bartlett Street – Contract Zone

The Planning Board took the following action at their meeting held on August 13, 2018:

**MOTION:** by **John Butler** 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 on Advanced Heating Solutions' LLC request to contract zone the property at 230 Bartlett Street from the Highway Business (HB) district to Downtown Residential (DR) to permit lodging houses, multi-family dwellings, mixed use structures, and accessory structures. Second by **Sandra Marquis**.

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



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

**TO: Planning Board**  
**FROM: David Hediger, City Planner**  
**DATE: August 9, 2018**  
**RE: Agenda Item 4(a): Proposed Contract Rezoning of 230 Bartlett Street**

Pursuant to Article XVII, Section 5 of the Zoning and Land Use Code, Advanced Heating Solution LLC/Rick LaChapelle has submitted request to contract zone the property at 230 Bartlett Street from the Highway Business (HB) district to the Downtown Residential (DR) district.

This .92 acre property consists of a two-story 13,412 square foot structure constructed in 2006 with a 57 space parking lot. The last use of the property was professional office space. The structure has been vacant for over two years. The proposed contract zone is limited to four specific uses: lodging houses, multi-family dwellings, mixed use structure, and accessory structure. The petitioner's primary intent with the property is to operate a lodging house. However, he also wants the opportunity offer efficiency apartments (i.e. multi-family) in this building to provide tenants the opportunity for transition from a room to an apartment. Allowing mixed use structures as a permitted use provides the opportunity to operate a structure with both lodging units and dwelling units.

The applicant owns other lodging houses in the community with an occupancy rate of 98% and regularly with no vacancy. The applicant has indicated that there is a need for more lodging house type facilities in the community, which often accommodate the disadvantaged and those in need.

The DR district is located in the greater downtown area, consisting of high density neighborhoods, affordable housing, access to public transportation, and proximity to retail and commercial services. This district encourages the replacement, reuse or conversion of existing buildings to conform to the type and density of housing existing within the immediate neighborhood. The district also contains many of the existing lodging houses in Lewiston.

The Comprehensive Plan shows the property located in a G-5 Infill Growth Sector and notes: "Additional growth and development in these areas is desirable due to the presence of existing infrastructure. The plan envisions that most residential and non-residential development over the next ten years will occur in this growth sector. This sector includes the City's ... Downtown Residential (DR) zone". The property is currently zoned in HB in a condensed area along with 23 other properties. Prior to 1988, the area was split zoned for apartments and commercial uses. In 1988 the area was zoned to HB. This was likely decided upon because of the mix of non-residential uses in the area. However, it resulted in any existing residential uses becoming nonconforming. The lands uses remain varied today with 14 permitted uses, 4 non-conforming and 5 vacant lots, three of which contained residential uses. The area is surrounded by

Institutional Office (IO), Mill (M), Neighborhood Conservation “B” (NCB), and DR districts. Looking at the existing development pattern, abutting districts, and the development potential of vacant lots, this is an area the City may want revisit the with respect to zoning. With that in mind, the proposed contract rezoning is not a far-reaching proposal or change from some of the uses and development in the surrounding neighborhood.

**ACTION NECESSARY**

Staff recommends the Planning Board make a motion:

*“I move to move 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 on Advanced Heating Solutions’ LLC request to contract zone the property at 230 Bartlett Street from the Highway Business (HB) district to Downtown Residential (DR) to permit lodging houses, multi-family dwellings, mixed use structures, and accessory structures.”*

To whom it may concern,

August 9, 2018

My name is Rick LaChapelle and I am one of the owners of AHS, which includes 5 rooming houses in Lewiston, totaling over 100 rooms, as well as several apartments. We keep these units well-maintained and clean.

These rooming houses are of immense value to the community. Not all people can afford an apartment, with high security deposits and an extensive application process which excludes qualifications necessary for a yearly lease by most landlords. We give lodgers the ability to pay weekly, charging them a minimal deposit and also offer housing to the under privileged in our community. We have seen many come from the streets, to a shelter, to then find a rooming house. Once they have established that they can and will pay on-time for housing, they get a good recommendation and can finally get an apartment. We have made this transition with several lodgers and want to include efficiency apartments in this building to help make this transition possible. Currently, 75% of our lodgers have jobs and pay for these units on their own. The other 25% are mostly disabled and get monthly checks.

We run our rooming houses at 98% occupancy rate and usually fill vacant rooms within a day or 2 after cleaning them. We frequently have no vacancy and it is obvious to me that we need more rooming house availability in this city. This building at 230 Bartlett St. would be completely accessible to the handicapped, as it has an elevator going to all floors. It has been told to us that housing for the handicap has been a short supply in Lewiston. We feel that this building will be a great addition to Lewiston and will serve to house many people that currently struggle to find lodging in our city.

Thank you for your consideration,

Rick LaChapelle & Ron LeBlanc, AHS

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 230 Bartlett Street as recorded in the Androscoggin Registry of Deeds Book 9694 Page 2 as described in Exhibit "A" and depicted on Exhibit "B", both of which are attached hereto as follows, said property to contractually rezoned from the Highway Business (HB) District and to the Downtown Residential (DR) District.

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**REASONS FOR THE PROPOSED AMENDMENT**

The reason for the proposed amendment is to allow lodging houses and multi-family dwellings, as defined by the Zoning and Land Use Code, Article II, Section 2. Definitions, as a permitted use at the property located at 230 Bartlett Street. This property of .92 acres is consists of a vacant two-story, 13,412 square foot structure previously used for office space.

This building has been vacant for over 2 years and the surrounding neighborhood has multiple empty buildings and many in need of major repair. Rezoning this building would bring people back to a neighborhood that was once thriving but has lost momentum in the past years. This project would have a positive impact to the area. We have the opportunity to purchase a beautiful building that would service a need in our community. The building is 100 handicap accessible with an elevator going to all floors. It is our understanding that handicap accessibility has been an ongoing issue for lodgers in this city. We hope to alleviate some of that need.

The need for rooms is great. I currently receive from 10 to 20 phone calls per day from people looking for rooms and I most often have no availability. Currently, 75 of the lodgers staying in our rooming houses have jobs and are productive members of our city. Of the other 25, most are disabled and pay with their disability checks. Many of our lodgers prefer rooming house lodging for multiple reasons. They have the ability to pay weekly instead of monthly with little security deposit necessarv., A single room requires less maintenance for the

lodger. Laundry and other services are available that are not offered with an apartment. There is no long-term lease required and many enjoy the social aspect of rooming house living. Our plan is to also offer efficiency apartments in this building which will allow those to easily transition from a room to an apartment. The purchase of this building is contingent on the rezoning of this property. It will allow us to offer housing that will meet or exceed all health and safety codes in the master plan, including asbestos and lead-free housing. We will provide locked access to the building as well as a camera system allowing us security measures to keep our lodgers safe.

The DR district allows lodging houses as a permitted use. In order for the new owner to move forward with improvements and investments already planned for the property purchased at 230 Bartlett Street, a contract zone to DR is proposed. The contract zone would be limited to four specific uses: lodging houses, multi-family dwellings, mixed use structure, and accessory structure. The DR district is located in the greater downtown area, consisting of high density neighborhoods, affordable housing, access to public transportation, and proximity to retail and commercial services. This district encourages the replacement, reuse or conversion of existing buildings to conform to the type and density of housing existing within the immediate neighborhood. The district also contains many of the existing lodging houses in Lewiston.

#### 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:

- Strengthen Neighborhoods & Expand Housing Choice: "Provide a greater range of housing choices to meet the needs of young adults, families, renters, seniors, immigrants, refugees and people of different income levels. A more intentional and diversified housing strategy is critical to the City's quality of life and economic growth." (Vision Statement & Guiding Principles, Guiding Principles, page 116.)
- Continue the development pattern of the existing neighborhood as noted in the Plan: "Lewiston has a number of high-density urban neighborhoods that are in need of attention and should be considered an immediate goal for improvement. Simplify the rules making easier to develop or redevelop buildings in a way that respect the character of the neighborhood. Encourage reinvestment in older higher-density residential neighborhoods by allow full utilization of existing building and flexible parking requirements." (Character Districts, CD4 Neighborhood General, page 128).
- The property is located in a G-5 Infill Growth Sector. "Additional growth and development in these areas is desirable due to the presence of existing infrastructure. The plan envisions that most residential and non-residential development over the next ten years will occur in this growth sector. This sector includes the City's... Downtown Residential (DR) zone." (Conservation & Growth Map, Growth Sectors, page 125).
- "Encourage infill and redevelopment within the downtown, existing service area and designated growth areas." The prior use as a multi-family dwelling. The proposed use will allow the property to continue to be used for residential purposes. (Prioritize Economic Vitality, Market Shifts, page 164.)

**CONTRACT REZONING AGREEMENT**

The proponent requests that the official zoning map for the City be amended by removing the subject property from the HB district and contract zoning the subject premises DR 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 as listed below and subject to the conditions contained herein:

<b>Land Use Table: All Zoning Districts USES(15)(33)</b>	<b>Proposed DR Contract Zone</b>
Accessory use or structure	<b>P</b>
<b>Residential</b>	
Multifamily dwellings in accordance with the standards of Article XIII	<b>P(11)</b>
Mixed use structures	<b>P</b>
Lodging houses	<b>P(11)</b>

Applicable Land Use Table Footnotes:

- (11) All new residential construction shall comply with the design standards of Article XII, Section 22.
- (15) Buildings, structures and uses accessory to permitted or conditional uses are allowed in all districts.
- (33) The performance standards of Article XII shall apply, unless otherwise specified.

- (b) Space and Bulk Table: Allowed space and bulk standards on the property shall include those standards as listed below and subject to the conditions contained herein:

Space and Bulk Table	Proposed DR contract zone
<b>Minimum lot size with public sewer</b>	
All permitted uses	5,000 sf
<b>Minimum net lot area per d.u. with public sewer</b>	
All permitted residential uses	1,250 sf
<b>Minimum frontage</b>	
All permitted uses	50 ft
<b>Minimum front setback</b>	
All permitted uses	None (22)
<b>Minimum front yard</b>	
All permitted uses	None (22)
<b>Minimum side and rear setback</b>	

All permitted uses	10 ft
<b>Minimum side and rear yard</b>	
All permitted uses	10 ft. (required on one side)
<b>Maximum height</b>	
Other permitted uses	60 ft.
<b>Ratios</b>	
<b>Maximum impervious coverage</b>	0.75

Applicable Space and Bulk Table Footnotes:

(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.

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

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

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

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

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

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

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

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

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

The Proponent of this request and owner of 230 Bartlett Street hereby respectively submits this Proposal as of the 25 day of July 2018.

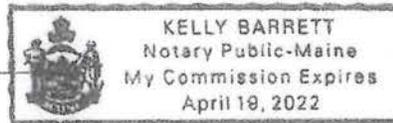
Proponent: Rick LaChapelle  
Rick LaChapelle

Androscoggin, SS 7/25, 2018  
Lewiston, Maine

Personally appeared the above named Rick LaChapelle and acknowledged their foregoing to be their free act and deed.

Kelly Barrett  
Notary Public

Commission Expires: \_\_\_\_\_

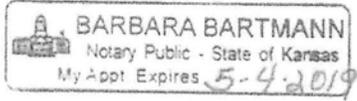


Owner:  
230 Bartlett Street, LLC  
Kevin Ellis  
Johnson County  
Androscoggin, SS  
Lewiston, Maine  
LEAWOOD, KANSAS

KEVIN ELLIS, MANAGER  
JULY 25, 2018

Personally appeared the above named KEVIN ELLIS and acknowledged their foregoing to be their free act and deed.

*Barbara Bartmann*  
Notary Public  
Commission Expires: May 4.2019





4. **LEASE/RENTAL SECURITY DEPOSIT:** Seller agrees to deliver to Purchaser, by proper assignment thereof, all Seller's rights under the current lease to the property and any and all security deposits held by Seller pursuant to said lease.
5. **POSSESSION/OCCUPANCY:** Possession/occupancy of property shall be given to Purchaser on the Closing Date unless any to the lease and otherwise provided to Purchaser pursuant to Section 11 below, unless otherwise agreed by both parties in writing.
6. **DEED OF TRUST:** Upon receipt of title, the title of loan or change to the property by the or otherwise is assumed by Seller unless otherwise agreed in writing. The property shall be subject to the satisfaction of the same conditions as of the Effective Date, including reasonable use and wear. If the property is seriously damaged or destroyed prior to closing, Purchaser may either terminate the Contract and be refunded the earnest money deposit, or close the transaction and accept the property in its "as-is" condition together with an assignment of the Seller's rights to any insurance proceeds relating thereto.
7. **PROCATENAE:** The following items shall be provided as of the Closing Date:
  - a. Final Gross: Taxes based on the municipality's tax year. Seller is responsible for any unpaid taxes for prior years.
  - b. Fuel.
  - c. Interest credits, such as taxes and storm, shall be paid by the Seller through the date of closing.
  - d. Purchaser and Seller shall each pay one-half of the transfer tax as required by the laws of the State of Maine.
  - e. Items, estimated monthly amounts, can undergoes change, estimated monthly property tax payments, and all other additional systems installed by Seller pursuant to terms of the property.

*Handwritten initials*

**10. DUE DILIGENCE:** Purchaser is advised to seek information from professionals regarding any specific items of interest. Purchaser acknowledges receipt of property information and understands that Seller has the Best Reasonable Information Available under such any representations or warranties regarding the condition, condition, condition or value of Seller's real or personal property. Purchaser's obligation to due diligence shall be limited to the condition of the property, including the investigation of the property, which may include but is not limited to, environmental assessment, engineering studies, records or title studies, zoning compliance or feasibility, and other compliance, all within 30 days of the Effective Date.

All investigations will be done by professionals chosen and paid for by Purchaser. If the results of any investigation is unfavorable to Purchaser, Purchaser may deliver the Contract and cash used by executing Seller to writing within the specified number of days set forth above, and not return earnest shall be returned to Purchaser. If Purchaser does not notify Seller that Purchaser's investigation are satisfactory within the time period set forth above, the contingency is waived by Purchaser. In the absence of any investigationally conducted done, Purchaser is deeming to accept the property as is, with all the conditions of the property. Purchaser agrees to assume any responsibility to the property owned by Purchaser's investigation, and Purchaser agrees to indemnify and hold Seller harmless for any claims, damages, losses or costs, including without limitation reasonable attorney's fees, incurred or sustained by Seller as a result of Purchaser's investigation of the property, which includes the obligation that services transactions or closing under the Contract.

**11. REVERSE OF LEASES AND OTHERS AND EGRESS PROVISIONS:** Seller agrees: (A) that below is a complete list of all leases covering the property under lease or other tenancy arrangements or agreements (the "Leases"); (B) that the Leases are to be shown and often, if known to Seller's knowledge, all terms under the Leases are to be completed herewith and (C) that Seller is not in violation of its obligations under the Leases. Seller agrees to provide Purchaser with the (5) days of the Effective Date of this Contract complete copies of all Leases, including any amendments, and license and easement information concerning the property. Purchaser shall have 30 days from the date Purchaser has been provided all Leases and license and easement information to review same, and if any one of the Leases is unsatisfactory to Purchaser, Purchaser may deliver the Contract terminated and the earnest money shall be immediately returned to Purchaser and thereafter neither party shall have any further obligations under the Contract. Seller represents and warrants that license and easement information provided to Purchaser will be true, accurate and complete in all material respects, when given. Seller shall not reasonably attempt to obtain a second mortgage and a satisfaction, nor distribute and document agreement to this reasonably satisfactory to Purchaser under Purchaser's lender for each Lease within 30 days from delivery of these documents. Purchaser shall also be a writing back here 30 days from the date of said receipt of fully-executed written terms except conditions to which to terminate the Contract pursuant to the Section 11 due to unsatisfactory information provided therein and upon such termination the earnest money shall be immediately returned to Purchaser and thereafter neither party shall have any further obligations under the Contract. Between the Effective Date and the closing, Seller shall not modify, voluntarily terminate or enter into new leases or tenancy arrangements or agreements and shall obtain Purchaser's written consent to any modification or termination of Leases and to any new lease that Seller proposes to enter into with respect to the property. Purchaser's consent not to be unreasonably withheld, conditioned or delayed. In the event that Seller modifies or terminates any Leases or enters into a new Lease without Purchaser's consent, Purchaser's sole remedy shall be to terminate the Contract and require the immediate return of the earnest

Page 2 of 3 Buyer's Initials: P. J. [Signature] Seller's Initials: [Signature]



17. **IRREVOCABLE:** This Contract shall extend to and be obligatorily upon later, personal representatives, successors, and assigns of Buyer and copies of Buyer.

18. **COUNTERPARTS:** This Contract may be signed on any number of identical counterparts, including video copies and electronically transmitted copies with the same binding effect as if all of the signatures were on one instrument.

19. **IRREVOCATIVE DATE:** This Contract is a binding contract when signed by both Seller and Purchaser and when the first has been transmitted to all parties to this agreement. This is of the essence of this Contract. Seller or Lessor are given jurisdiction by the parties to complete the Electronic Data Bank, subject to the date of the last signature of the parties, and that date shall be the Electronic Date for all purposes under this Contract, and if that date is not completed, then the Electronic Date shall be the date of the last signature of the parties. Except as expressly set forth in this Contract, the use of the term "Buyer" in this Contract, including all electronic records, shall mean electronic sign. Provisions in this Contract, including all electronic records, expressed as "within 5 days" or the like shall be construed from the Electronic Date, unless another specific date is expressly set forth, beginning with the first day after the Electronic Date, or such other established meeting date, and ending at 5:00 pm, Eastern Time, on the last day stated.

20. **CONFIDENTIALITY:** Buyer and Seller understand the disclosure of the information herein to the end state business, attorney, banker, appraiser, inspector, investment and other involved in the transaction necessary for the purpose of closing this transaction. Buyer and Seller understand the buyer under standing special paying for the closing statement to return a copy of the closing statement to the parties and their business prior to, it and after the closing.

21. A copy of this Contract is to be received by all parties and, by agreement, receipt of a copy is hereby acknowledged if not fully understood, except as otherwise.

22. Seller acknowledges that the form of the form of Seller provides the every buyer of real property located in Utah upon withdrawal a withdrawing fee equal to 2.12 % of the consideration unless Seller provides to Purchaser a condition by the Seller selling under penalty of perjury that Seller is a resident of the State of Utah or the transfer to otherwise exempt from withholding.

23. **ADDRESS:** This Contract has attached containing additional terms and conditions. Yes \_\_\_ No \_\_\_

24. **OTHER PROVISIONS:**

*Buyer needs time for a rezoning approval from the City of Layton*  
*rezoning to be completed 9/19/24*

This parties agree that none of the above are conditional agreements. It is the intent of the parties that except as expressly set forth in this Contract, all covenants, representations, statements and obligations of both parties hereto shall not survive closing.

Approved Buyer Signature: \_\_\_\_\_ Yes/No  
Legal Name of Buyer: \_\_\_\_\_ Yes/No  
By: BR \_\_\_\_\_ Yes/No, electronic only indicated

Seller accepts and agrees to the terms and conditions set forth in this Contract and agrees to pay the Lessor the commission for services according to the terms of the listing agreement or if there is no listing agreement, the rate of \_\_\_\_\_% in the event the amount money is funded by Purchaser, it shall be evenly divided between (1) Lessor and (2) Seller; provided, however, that the Lessor' portion shall not exceed the full amount of the commission specified.

Signed this 29th day of January, 2024  
350 S. 6th W STREET, LLC  
350 S. 6th W STREET, LLC  
Legal Name of Seller  
By: \_\_\_\_\_ Yes/No

Page 4 of 5 Buyer's Initials: \_\_\_\_\_ Seller's Initials: \_\_\_\_\_

By: *Karl Ellis*  
Signature

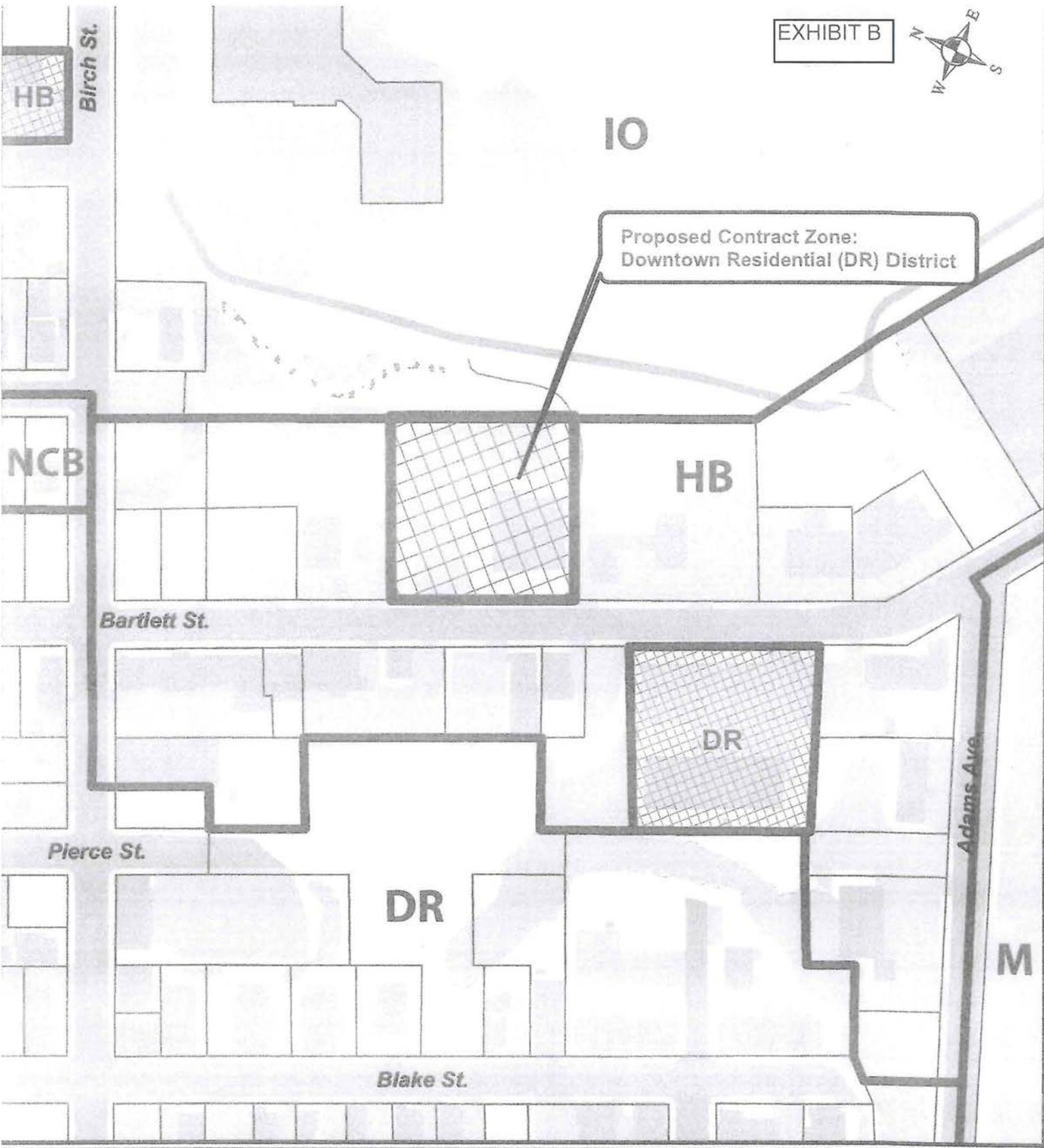
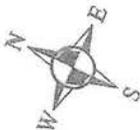
*DIANE TAYLOR*  
Name/Title, if not the duly authorized

\_\_\_\_\_  
Legal Name of Borrow Agent

\_\_\_\_\_  
Name/Title, if not the duly authorized

By: \_\_\_\_\_  
Signature

EFFECTIVE DATE OF THIS CONTRACT: *June 29/18*



Proposed Contract Zone: Downtown Residential (DR) District

# 230 Bartlett Street

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

Pursuant to Appendix A, Article XVII, Section 5, 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 amend the Land Use Table in Article XI to permit "dormitories" as a permitted use in the Highway Business (HB) zoning district and amend Article II, Definitions, to add the following definition for "dormitories": "A residence hall providing sleeping rooms, bathrooms, study and recreation rooms and common kitchen for individuals or for groups affiliated with an educational institution or a sports organization by contract or otherwise owned and operated by a sponsoring institution with a full-time live-in resident supervisor assistant to provide support services and oversight of occupants".

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		CLAUDE LANDRY	332 WEBBER AVE. LEW.	7-23-18
2		Gloria Landry	332 Webber Ave Lew	7-23-18
3		HENRY LEBLANC	23 Spofford St Lew	1-23-18
4		RAY VOISINE	685 College St	1-23-18
5		JOYCE VOISINE	685 College St	1-23-18
6		RAY RIVARD	55 DILL ST	1-23-18
7		Roland Girardin	36 Chadbourne rd	1-23-18
8		RAYMOND PERREAU	3101 LISBON RD.	7/23/18
9		Ronald GRAVEL	36 GINA ST	7/23/18
10		MAURICE F.	100 Campus	7/23/18
11		GARY LABREQUE	22 Biron Ave Lewiston	7/23/18
12		ROBERT R. COUTURE	9 MEADER ST LEWISTON	7/23/18
13		DENNIS GRASSE	36 Chestnut	7/23/18
14				
15				

16			
17			
18			
19			
20			

**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.

Ronald LeBlanc  
Signature

Ronald LeBlanc  
Printed Name of Circulator

7-23-18  
Date

**REGISTRAR=S CERTIFICATION**

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

Total Valid: 11

Total Invalid: 2

[Signature]  
Signature of Registrar/Deputy Registrar

Date: 8-1-18

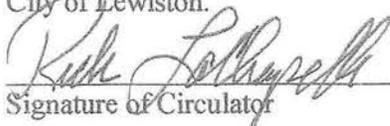
**PETITION TO AMEND THE CITY OF LEWISTON**  
**ZONING AND LAND USE CODE**

Pursuant to Appendix A, Article XVII, Section 5, 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 contract zone the property at 230 Bartlett Street from the Highway Business (HB) district to the Downtown Residential (DR) district to permit lodging houses and multi-family dwellings as described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1	JS	Jennifer seger	209 pine	7/10
2	RD	Robert Dunlop	209 Pine	7/10
3	Molly Waterman	Molly Waterman	103 precect	7/10
4	<del>XXXXXXXXXX</del>	<del>XXXXXXXXXX</del>	16 Howe st	7/12
5	<del>XXXXXXXXXX</del>	Nick Vinciguerra	48 maple	7/10
6	<del>XXXXXXXXXX</del>	HASSAN VOLTA	84 Bartlett st	7-10
7	Michael Hensler	Michael Hensler	56 Birch st	7/10
8	Albert Langlois	Albert Langlois	54 Rosedale ST	7-11
9	Scott Henson	Scott Henson	52 Howe	7/11
10	Christine Oliver	Christine Oliver	50 Birch Street	7-11
11	Jared Hayward	Jared Hayward	51 Howe ST	7-11
12	BARRY CARTER	BARRY CARTER	281 BATES ST	7-11
13	RICHARD C. POWELL	Richard C. Powell	28 EATON	7-12
14	Holley Bartom	Holley Bartom	22 Horton St	7-12
15	STEVEN J BECHARD	Steven J Bechard	6 FRYEST	7-12
16	Jennifer Cote	Jennifer Cote	130 Blake St	7/12
17	Merton P. W.	Merton P. W.	25 Pine st	7/12
18	Marie Creamer	Marie Creamer	87.5 Bartlett St	7/12/18
19	David Gallo	David Gallo	108 pierce	7/13/18
20	Paul Leclair	Paul Leclair	60 Autumn Lane	7/13/18

**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

Rick LaChapelle  
Printed Name of Circulator

7-13-18  
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: 14

Total Invalid: 4

  
Signature of Registrar/Deputy Registrar

Date: 8-1-18

Land Use Table Comparison	Highway Business (HB)	Downtown Residential (DR)	Proposed DR Contract Zone
USES(15)(33)			
Accessory use or structure	P	P	P
Commercial Service			
Veterinary facilities excluding kennels and humane societies	P		
Veterinary facilities including kennels and humane societies			
Small day care facilities	P	P	
Day care centers	P	P	
Day care centers accessory to public schools, religious facilities, multifamily or mixed res. developments, and mobile home parks			
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services	P	P(9)	
Restaurants	P(26)	P(1)	
Drinking places	C		
Adult business establishments			
Hotels, motels, inns	P	C	
Movie theaters except drive-in theaters	P	P	

Land Use Table Comparison	Highway Business (HB)	Downtown Residential (DR)	Proposed DR Contract Zone
Places of indoor assembly, amusement or culture	P		
Art and crafts studios	P	P	
Personal Services	P	P	
Retail stores	P	P	
Neighborhood retail stores			
Lumber and building materials dealer	P		
Gasoline service stations	P		
Gasoline service stations which are a part of and subordinate to a retail use	P		
New and used car dealers	P		
Recreational vehicle, mobile home dealers	P		
Equipment dealers and equipment repair	C		
Automotive services including repair	P		
Registered dispensary(27)	C		
Registered primary caregivers engaged in the cultivations of medical marijuana	P		
Tattoo Establishments	C		
<b>Industrial</b>			
Light industrial uses	P(9)		
Industrial uses			
Building and construction contractors	P(6)		
Fuel oil dealers and related facilities			

Land Use Table Comparison	Highway Business (HB)	Downtown Residential (DR)	Proposed DR Contract Zone
Wholesale sales, warehousing and distribution facilities and self-storage facilities	P		
Self storage facilities			
Commercial solid waste disposal facilities			
Junkyards and auto graveyards			
Recycling and reprocessing facilities			
Private industrial/commercial developments(23)	P		
<b>Transportation</b>			
Airports or heliports			
Commercial parking facilities	P	C(3)	
Transit and ground transportation facilities		C	
Transportation facilities	P		
<b>Public and Utility</b>			
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P	P	
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C	C	
Municipal buildings and facilities	P	P	

Land Use Table Comparison	Highway Business (HB)	Downtown Residential (DR)	Proposed DR Contract Zone
Preservation of historic areas; emergency and fire protection			
activities; bridges and public roadways			
Dams			
<b>Institutional</b>			
Religious facilities	P	P	
Cemeteries			
Congregate care/assisted living facilities, institutions for the			
handicapped, nursing or convalescent homes, group care facilities	P	P	
Hospitals, medical clinics,	P	C	
Museums, libraries, and non-profit art galleries and theaters		P	
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,	P	P	
Civic and social organizations			

Land Use Table Comparison	Highway Business (HB)	Downtown Residential (DR)	Proposed DR Contract Zone
Public community meeting and civic function buildings including auditoriums		P	
<b>Residential</b>			
Single-family detached dwellings on individual residential lots		P(11)	
Mobile homes on individual residential lots			
Two-family dwellings	P(14)	P(11)	
Multifamily dwellings in accordance with the standards of Article XIII		P(11)	P(11)
Single-Family attached dwelling in accordance with the standards of Article XIII		P(11)	
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	P(11)	P
Lodging houses		P(11)	P(11)
Home occupations		P	
Bed and breakfast establishments as a home occupation	P	P	

Land Use Table Comparison	Highway Business (HB)	Downtown Residential (DR)	Proposed DR Contract Zone
In-law apartments in accordance with the standards of Article XII		P	
Single family cluster development			
Family day care home	P	P	
Shelters		C	
Dormitories	P		
<b>Natural Resource</b>			
Agriculture			
Farm Stands			
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P		
Earth material removal			
Community gardens(20)	P	P	
Water dependent uses, e.g. docks and marinas			
Non-residential structures for educational, scientific or nature			
<b>Recreation</b>			
Campgrounds			
Public or private facilities for nonintensive outdoor recreation		C	
Commercial outdoor recreation and drive-in theaters	C		

Land Use Table Comparison	Highway Business (HB)	Downtown Residential (DR)	Proposed DR Contract Zone
Fitness and recreational sports centers as listed under NAICS Code 713940	P		

Space and Bulk Table Comparison			
	Highway Business HB <sup>(18)</sup>	Downtown Residential (DR) <sup>(2)</sup>	Proposed DR contract zone
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	5,000 sf	5,000 sf
Minimum lot size without public sewer (3)			
Single family detached, mobile homes on individual lots (24)			
Single family attached			
Two-family dwellings			
Single family cluster development (1)			
Mixed single family residential development (14)			
Mixed residential development (14)			
Multifamily dwellings			
Mixed use structures			
Agriculture			
Religious facilities			
Veterinary facilities			

	Highway Business HB <sup>(18)</sup>	Downtown Residential (DR) <sup>(2)</sup>	Proposed DR contract zone
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		1,250 sf	1,250 sf
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	3,000 sf		
All permitted residential uses			
Minimum frontage			
Single family detached, mobile homes -			
Single family attached			
Two-family dwellings			
Single family cluster development (with multiple vehicular accesses)			

	Highway Business HB <sup>(18)</sup>	Downtown Residential (DR) <sup>(2)</sup>	Proposed DR contract zone
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	150 ft	50 ft	50 ft
<b>Minimum front setback</b>			
Single family detached, mobile homes on individual lots		None	None
Single family attached		None	None
Two-family dwellings		None	None
Single family cluster development			
Mixed single family residential development (14)			
Mixed residential development (14)		None	None
Multifamily dwellings			
Mixed use structures			
Agriculture		None	None
Religious facilities			
Veterinary facilities		None	None
Other uses			
All permitted uses	20ft	None (22)	None (22)
<b>Minimum front yard</b>			

	Highway Business HB <sup>(18)</sup>	Downtown Residential (DR) <sup>(2)</sup>	Proposed DR contract zone
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)	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			
Religious facilities			
Mixed use structures			
Veterinary facilities			
Farm structures for keeping of animals			
Other uses			
All permitted uses	20 ft (15)	10 ft	10 ft
Minimum side and rear yard			

	Highway Business HB <sup>(18)</sup>	Downtown Residential (DR) <sup>(2)</sup>	Proposed DR contract zone
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	10 ft (required on one side)	10 ft (required on one side)
<b>Maximum height</b>			
Agriculture			
Other permitted uses	65 ft	60 ft	60 ft
Hospital, nursing homes and medical offices			
<b>Ratios</b>			
Maximum lot coverage	0.5		
Maximum impervious coverage	0.75	0.75	0.75

# LEWISTON CITY COUNCIL

## MEETING OF SEPTEMBER 18, 2018

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 16**

**SUBJECT:**

Condemnation Hearing for the building located at 1314 Sabattus Street.

**INFORMATION:**

The City has begun the process for condemnation of the property at 1314 Sabattus Street under the dangerous building classification. This property has been abandoned by the owner and upon inspection of city staff has been determined to be an unsafe structure.

The agenda background material highlights the condition of this property. The City Attorney will be present on Tuesday evening to assist the City Council with the condemnation hearing and to advise accordingly.

**PLEASE NOTE - The background material for this agenda item is included in a separate binder that was distributed with the meeting agenda binder.**

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

The City Administrator recommends approval of the requested action.

*EAB/Kmm*

**REQUESTED ACTION:**

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

1) To conduct a hearing to determine if the building located at 1314 Sabattus Street has met the dangerous building statutes as defined in Title 17, sec. 2851 et all.

*If it is determined that the building does meet the dangerous building criteria, then the Council is asked :*

2) With regard to the property at 1314 Sabattus Street, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition proposed by the City Planning and Code Enforcement Department, which Order establishes the corrective action to be taken by the property owner and the time frame for taking such action, and which authorizes the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City's costs through a special tax or collective action.

CITY OF LEWISTON COUNCIL MEETING  
SEPTEMBER 18, 2018  
DANGEROUS BUILDING HEARING  
1314 SABATTUS STREET  
CITY OF LEWISTON CODE ENFORCEMENT EXHIBITS

**WARRANTY DEED**  
**(Maine Statutory Short Form)**

**KNOW ALL PERSONS BY THESE PRESENTS**, that **RICHARD M. BOUTIN AND DIANE M. BOUTIN**, of Lewiston, County of Androscoggin, and State of Maine, for consideration paid, GRANT to **JAMES E. TAPLEY** of Old Orchard Beach, County of York and State of Maine, whose mailing address is 109 West Grand Avenue, Apt. B, Old Orchard Beach, Maine 04064, **with WARRANTY COVENANTS**, the land with buildings thereon in Lewiston, County of Androscoggin, and State of Maine, described as follows:

A certain lot or parcel of land with the buildings thereon, located in the City of Lewiston, County of Androscoggin and State of Maine, situated in said Lewiston on the northerly side of the County Road leading from the Sabattus Village to Lewiston, bounded as follows:

Commencing on said side of said road at a U.S. postal mail box standing at the southeasterly corner of Ernest Horr's land; thence northerly along the line of said Horr land two hundred (200) feet; thence at right angles and easterly sixty-five (65) feet; thence at right angles and southerly two hundred (200) feet; thence westerly by said road at the point of beginning.

For Grantors' source of title see deed of Richard M. Boutin dated December 27, 2001 and recorded in the Androscoggin County Registry of Deeds in Book 4871, Page 217.

Witness our hands and seals this 2nd day of August, 2002

MAINE REAL ESTATE  
TRANSFER TAX PAID

*Roseanne A. Withycombe*  
Witness

*Richard M. Boutin*  
Richard M. Boutin

*Roseanne A. Withycombe*  
Witness

*Diane M. Boutin*  
Diane M. Boutin

STATE OF MAINE  
COUNTY OF CUMBERLAND

August 2, 2002

Then personally appeared before me the above named Richard M. Boutin and Diane M. Boutin and acknowledged the foregoing instrument to be their free act and deed.

Before me,

*Roseanne A. Withycombe*  
Notary Public/ Attorney at Law

EXHIBIT A

ROSEANNE A. WITHYCOMBE  
Notary Public, Maine  
My Commission Expires September 5, 2008

ANDROSCOGGIN COUNTY  
*Jeanine D. Bergeron*  
REGISTER OF DEEDS

PARID: RE00008302

1314 SABATTUS ST

**Parcel**

---

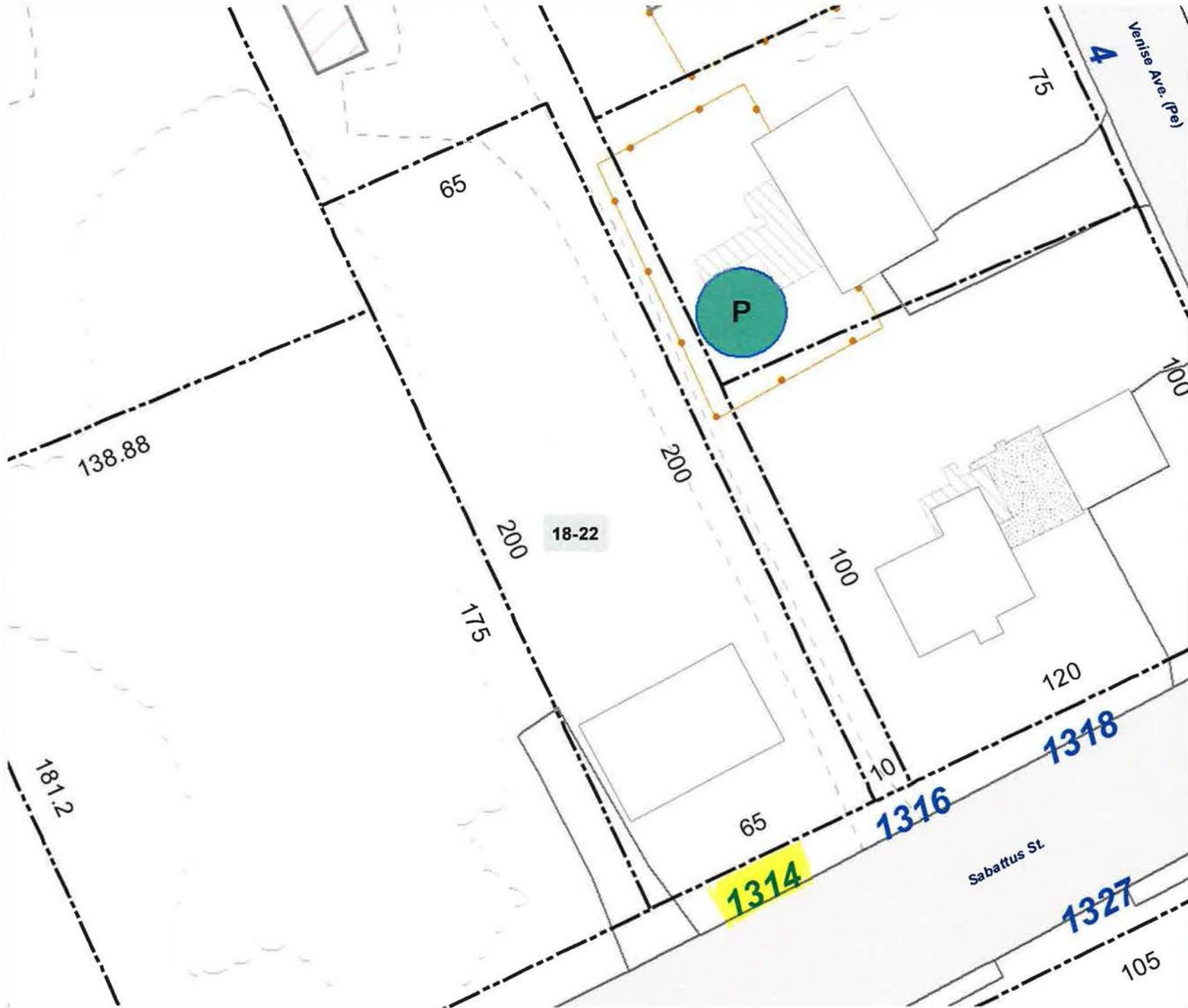
Parcel ID	RE00008302
Map/Lot	018/000/022
Property Location	1314 SABATTUS ST
Property Class	Single Family Residence
Land Area (acreage)	.3

**Owners**

---

Owner	TAPLEY JAMES E
-------	----------------

Address	C/O BANK NY-SHECHTMAN HALPERIN 1080 MAIN ST
City	PAWTUCKET
State	RI
Zip	02860
Book	5076
Page	145



This Map is provided by the City of Lewiston, ME Mapping shown on is for general reference. The City of Lewiston shall not be held liable for damages due to discrepancies, and makes no warranty of accuracy of map. Field verification is required. This map is not printed to scale.



Approximate Map Scale:  
1 in = 35 ft

**Legend**

--- (dashed line)	Parcel Line
--- (dotted line)	ROW
--- (solid line)	Basement
22	Mobile Home Lot
123-48	Street Address
100.25	Lot Dimension
(---)	Utility ROW

**Planimetric Legend:**

--- (dotted line)	Building - General
--- (dotted line)	Mobile Home
--- (dotted line)	Foundation
--- (dotted line)	Deck
--- (dotted line)	Pool
--- (dotted line)	Railroad
--- (dotted line)	Fence
--- (dotted line)	Road, Parking Walk
--- (dotted line)	Address Signs, Fences
--- (dotted line)	Swimming Pool
--- (dotted line)	Lake or Pond, River, Canal
--- (dotted line)	Skinner or Apparent Wall
--- (dotted line)	Stormwater Collection Pipe
--- (dotted line)	Block Streets

Cadastral mapping displayed is intended for assessment purposes only, and shall not be used in place of a boundary survey. Do not use for description, delineation, or transfer of property.

**Map-Lot**  
**18-22**  
**1314 SABATTUS ST**  
Parcel ID: RED0008302  
Tax Mapping Effective April 1, 2017 to March 31, 2018

**RESCHEDULED NOTICE OF HEARING**  
**Pursuant to 17 M.R.S. §§ 2851-59**  
**Dangerous Buildings**

James E. Tapley  
12919 Whittington Drive, Apt. 908  
Houston, Texas 77077

James E. Tapley  
c/o Bank NY-Shechtman Halperin  
1080 Main Street  
Pawtucket, Rhode Island 02860

The Bank of New York Mellon  
FKA The Bank of New York,  
As Trustee for the Certificate holders of  
CWALT, Inc., Alternative Loan Trust  
2005-7CB, Mortgage Pass-Through  
Certificates, Series 2005-7CB  
c/o Doonan, Graves and Longoria, LLC  
100 Cummings Center, Suite 225D  
Beverly, Massachusetts 01915

Mortgage Electronic Registration Systems,  
Inc. as nominee for Countrywide Bank  
c/o United Guaranty Residential Insurance  
Company of North Carolina  
2626 Glenwood Avenue, Suite 550  
Raleigh, North Carolina 27608

**1314 SABATTUS STREET, LEWISTON, MAINE**

You are hereby notified that the City Council of the City of Lewiston, Maine will hold a hearing on:

September 18, 2018 at 7:00 pm  
Lewiston City Hall  
27 Pine Street, Lewiston, Maine 04240

The hearing was previously scheduled for September 4, 2018, will not be held on that date, and has been rescheduled to September 18, 2018. The hearing is regarding the building at 1314 Sabattus Street, Lewiston, Maine, identified as Parcel ID RE00008302 on the City of Lewiston Tax Maps, and further described in a deed recorded in the Androscoggin County Registry of Deeds at Book 5076, Page 145. The hearing is to determine whether the building is a nuisance or dangerous, within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

If the City Council finds that the building is a nuisance or dangerous, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the building. The City may then recover all of its expenses, by means of a special tax or civil action, including reasonable attorneys' fees and costs, costs of removal of the building, and any costs incurred in securing the building pending its removal. If the corrective action is not taken by the deadline established by the City Council's order, and no appeal is taken, the City may take the corrective action.

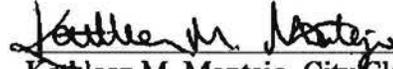
This hearing is also to determine whether the building poses a serious threat to public health and safety, within the meaning of 17 M.R.S. § 2856, and must be secured. If the City secures the

**EXHIBIT B**

building, it may then recover all of its expenses, including reasonable attorney's fees and costs, by means of a special tax or civil action.

This hearing is your opportunity to present evidence as to why the building is not a nuisance or dangerous and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

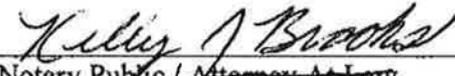
August 29 2018

  
Kathleen M. Montejo, City Clerk

STATE OF MAINE  
ANDROSCOGGIN, ss

August 29, 2018

Before me this day personally appeared Kathleen M. Montejo, who acknowledges the foregoing instrument to be her free act and deed.

  
Notary Public / ~~Attorney At Law~~

Kelly J. Brooks  
Notary Public, Maine  
My Commission Expires Sept. 11, 2018

**From:** UPS Quantum View <pkginfo@ups.com>  
**Sent:** Wednesday, September 12, 2018 10:28 AM  
**To:** Sarah McFarland  
**Subject:** UPS Delivery Notification, Tracking Number 1ZF52F420198560943



**Your package has been delivered.**

**Delivery Date:** Wednesday, 09/12/2018  
**Delivery Time:** 10:22 AM

At the request of Brann & Isaacson this notice alerts you that the status of the shipment listed below has changed.

## Shipment Detail

---

**Tracking Number:** [1ZF52F420198560943](#)  
**Ship To:** Shechtman Halperin  
Bank of New York  
1080 MAIN ST  
PAWTUCKET, RI 02860  
US  
**UPS Service:** UPS NEXT DAY AIR  
**Number of Packages:** 1  
**Shipment Type:** Letter  
**Delivery Location:** RECEIVER  
MASTRANGELO



 [Download the UPS mobile app](#)

**EXHIBIT C**

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[Help and Support Center](#)



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**BRANN & ISAACSON**  
ATTORNEYS AND COUNSELORS AT LAW

MICHAEL E. CAREY | Associate  
mcarey@brannlaw.com

September 11, 2018

**VIA UPS OVERNIGHT DELIVERY  
AND USPS MAIL**

Bank of New York  
Attention: Shechtman Halperin  
1080 Main St.  
Pawtucket, RI

RE: James E. Tapley

To Whom It May Concern:

The City of Lewiston sent the attached Notice of Hearing for service on your firm. I understand that the firm refused to accept service, apparently with an explanation that Mr. Tapley did not work there.

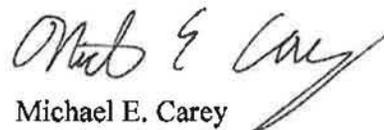
Please see the attached copy of a City of Lewiston real estate tax bill for the current period, which is addressed to the owner as follows:

James E. Tapley  
c/o Bank NY-Shechtman Halperin  
1080 Main St.  
Pawtucket, RI 02860

Also attached is the current listing for the Owner of the property, showing the same address and indicating that the firm has failed to change the address since the tax bill was printed. Therefore, the firm has acquiesced to the continued validity of this address as a contact address for Mr. Tapley for purposes of the attached Notice of Hearing.

Very truly yours,

BRANN & ISAACSON

  
Michael E. Carey

**RESCHEDULED NOTICE OF HEARING**  
**Pursuant to 17 M.R.S. §§ 2851-59**  
**Dangerous Buildings**

James E. Tapley  
12919 Whittington Drive, Apt. 908  
Houston, Texas 77077

James E. Tapley  
c/o Bank NY-Shechtman Halperin  
1080 Main Street  
Pawtucket, Rhode Island 02860

The Bank of New York Mellon  
FKA The Bank of New York,  
As Trustee for the Certificate holders of  
CWALT, Inc., Alternative Loan Trust  
2005-7CB, Mortgage Pass-Through  
Certificates, Series 2005-7CB  
c/o Doonan, Graves and Longoria, LLC  
100 Cummings Center, Suite 225D  
Beverly, Massachusetts 01915

Mortgage Electronic Registration Systems,  
Inc. as nominee for Countrywide Bank  
c/o United Guaranty Residential Insurance  
Company of North Carolina  
2626 Glenwood Avenue, Suite 550  
Raleigh, North Carolina 27608

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If the City Council finds that the building is a nuisance or dangerous, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the building. The City may then recover all of its expenses, by means of a special tax or civil action, including reasonable attorneys' fees and costs, costs of removal of the building, and any costs incurred in securing the building pending its removal. If the corrective action is not taken by the deadline established by the City Council's order, and no appeal is taken, the City may take the corrective action.

This hearing is also to determine whether the building poses a serious threat to public health and safety, within the meaning of 17 M.R.S. § 2856, and must be secured. If the City secures the

building, it may then recover all of its expenses, including reasonable attorney's fees and costs, by means of a special tax or civil action.

This hearing is your opportunity to present evidence as to why the building is not a nuisance or dangerous and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

August 29 2018

Kathleen M. Montejo  
Kathleen M. Montejo, City Clerk

STATE OF MAINE  
ANDROSCOGGIN, ss

August 29, 2018

Before me this day personally appeared Kathleen M. Montejo, who acknowledges the foregoing instrument to be her free act and deed.

Kelley J. Brooks  
Notary Public / ~~Attorney At Law~~

Kelley J. Brooks  
Notary Public, Maine  
My Commission Expires Sept. 11, 2018



# CITY OF LEWISTON REAL ESTATE TAX STATEMENT

Fiscal Year 2019  
July 1, 2018-June 30, 2019

PARCEL NUMBER	ACCOUNT NUMBER	DATE OF BILLING
00-008302	25453	7/31/2018

LOCATION OF PROPERTY AND DESCRIPTION  
01314 SABATTUS ST  
LAND & BLDG - 65 X 200

S24923 PO - 1

10749 TAPLEY, JAMES E  
C/O BANK NY-SHECHTMAN HALPERIN  
1080 MAIN ST  
PAWTUCKET, RI 02860

TOTAL TAXES	\$2,212.18
BILL NUMBER	19A00008302
DUE SEPTEMBER 17, 2018	\$1,106.09
DUE MARCH 15, 2019	\$1,106.09
AMOUNT PAID TO DATE	\$0.00
INTEREST DUE	\$0.00
BALANCE DUE	\$2,212.18

CURRENT BILLING INFORMATION	
Valuation	\$77,160.00
Homestead Exemption	\$0.00
Other Exemption	\$0.00
Taxable Valuation	\$77,160.00
Tax Rate	\$28.67
<b>TOTAL TAX</b>	<b>\$2,212.18</b>

PAYMENT & REMITTANCE INSTRUCTIONS
Please send remittance copy below. Payment by check payable to CITY OF LEWISTON. Payment by Credit Debit Card PLEASE NOTE: A 2.5% merchant fee (minimum of \$1.00) will be charged on all credit/debit card transactions. Please complete credit/debit card information and sign remittance copy below.
Mail to: City of Lewiston Tax Collector 27 Pine Street Lewiston, ME 04240-7200

### TAXPAYER NOTICE

Notice is hereby given that your property tax for fiscal year 2019 (July 1, 2018 through June 30, 2019) is payable in (2) equal installments on September 17, 2018 and March 15, 2019 and interest will be charged on the first installment at an annual rate of 8% from September 18, 2018. Interest will be charged on the second installment at an annual rate of 8% from March 16, 2019.

Pursuant to Title 36 ss 502 of Maine Law, the ownership and taxable valuation of all real and personal property subject to taxation shall be fixed as of April 1st of each year. If you have sold your property since April 1, 2018, it is your obligation to forward this bill to the current property owner.

This bill is for taxes due for the current fiscal year 2019 (July 1, 2018 through June 30, 2019). If "Prior Taxes Due" is indicated above, the outstanding amount for any prior tax year(s) is not included in the amount on this tax bill.

Your property taxes are utilized to fund the following:

City Budget:	57.8%
School Budget:	37.3%
County Budget:	4.9%

As a result of funds received from the state through the state municipal revenue sharing program, homestead exemption reimbursement and state aid to education, your property tax bill has already been reduced by 60.9%.

The City's outstanding bonded indebtedness as of June 30, 2018 is \$182,982,450.00

### QUESTIONS?

For valuations, call the Assessor's Office at (207) 513-3122.  
For payments and interest, call the Tax Collector's Office at (207) 513-3131

### OFFICE HOURS:

8:30 a.m. to 4:00 p.m. Monday through Friday

REMITTANCE COPY - PLEASE SUBMIT BOTTOM PORTION ALONG WITH YOUR PAYMENT



## CITY OF LEWISTON REAL ESTATE TAX STATEMENT

TAPLEY, JAMES E  
C/O BANK NY-SHECHTMAN HALPERIN  
1080 MAIN ST  
PAWTUCKET, RI 02860

TELEPHONE #

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

If you wish to pay by credit card indicate card type and write number and signature below.

MasterCard    Visa    Amex    Discover

PLEASE NOTE: A 2.5% merchant fee (\$1.00 minimum) will be charged on all credit/debit card transactions.

NAME ON CARD

ZIP CODE

Debit Card Number

Security Code

Expiration Date

Signature

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

LOCATION	01314 SABATTUS ST LAND & BLDG - 65 X 200
PARCEL NUMBER	00-008302
ACCOUNT NUMBER	25453
DATE OF BILLING	7/31/2018
DUE SEPTEMBER 17, 2018	\$1,106.09
DUE MARCH 15, 2019	\$1,106.09
PAYMENT AMOUNT	



Home Property Search Contact Us  
Address Advanced Real Property Parcel ID Owner

<b>Profile</b>	PARID: RE00008302	1314 SABATTUS ST
<b>Values</b>	Parcel	
<b>Sales</b>	Parcel ID	RE00008302
<b>Residential</b>	Map/Lot	018/000/022
<b>Commercial</b>	Property Location	1314 SABATTUS ST
<b>Sketch</b>	Property Class	Single Family Residence
<b>Photos</b>	Land Area (acreage)	.3
<b>Entrances</b>	Owners	
<b>OBY</b>	Owner	TAPLEY JAMES E
	Address	C/O BANK NY-SHECHTMAN HALPERIN 1080 MAIN ST
	City	PAWTUCKET
	State	RI
	Zip	02860
	Book	5076
	Page	145

1 of 1

---

**Actions**  
 Printable  
 Summary  
 Printable Version

CITY OF LEWISTON, MAINE  
CITY COUNCIL

**RETURN OF SERVICE**

**NOTICE OF HEARING**  
Pursuant to 17 M.R.S. §§ 2851-59  
1314 Sabattus Street, Lewiston, Maine  
Dangerous Buildings

On \_\_\_\_\_, 2018, I served the above-referenced NOTICE OF HEARING on DANGEROUS BUILDINGS, a copy of which is attached hereto, on The Bank of New York Mellon FKA The Bank of New York as Trustee for the Certificate holder of CWALT, Inc., Alternative Loan Trust 2005-7CB, Mortgage Pass-Through Certificates, Series 2005-7CB, as follows:



Essex County Sheriff's Department , PO BOX 2019, Salem, MA 01970  
September 5, 2018

I hereby certify and return that on 9/4/2018 at 11:00 AM I served a true and attested copy of the rescheduled notice of hearing re: dangerous buildings on 1314 Sabattus Street, Lewiston, Maine in this action in the following manner: To wit, by delivering in hand to Christine Michelle, , person in charge at the time of service for The Bank of New York Mellon Fka the Bank of New York, as Trustee for the Certificate holders of CWALT, Inc., Alternative Loan Trust 2005-7CB, Mortgage Pass-Through Certificates, Series 2005-7CV, c/o Doonan, Groves and Longoria, LLC 100 Cummings Center, Suite 225D Beverly, MA 01915 . Out of State (\$100.00) Total: \$100.00

*Gary Fidrych*

Deputy Sheriff Gary Fidrych

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Agency

1314 Sabattus Street

**EXHIBIT D**

**RESCHEDULED NOTICE OF HEARING**  
**Pursuant to 17 M.R.S. §§ 2851-59**  
**Dangerous Buildings**

James E. Tapley  
12919 Whittington Drive, Apt. 908  
Houston, Texas 77077

James E. Tapley  
c/o Bank NY-Shechtman Halperin  
1080 Main Street  
Pawtucket, Rhode Island 02860

The Bank of New York Mellon  
FKA The Bank of New York,  
As Trustee for the Certificate holders of  
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Certificates, Series 2005-7CB  
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Inc. as nominee for Countrywide Bank  
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Company of North Carolina  
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Lewiston City Hall  
27 Pine Street, Lewiston, Maine 04240

The hearing was previously scheduled for September 4, 2018, will not be held on that date, and has been rescheduled to September 18, 2018. The hearing is regarding the building at 1314 Sabattus Street, Lewiston, Maine, identified as Parcel ID RE00008302 on the City of Lewiston Tax Maps, and further described in a deed recorded in the Androscoggin County Registry of Deeds at Book 5076, Page 145. The hearing is to determine whether the building is a nuisance or dangerous, within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

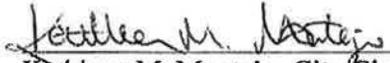
If the City Council finds that the building is a nuisance or dangerous, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the building. The City may then recover all of its expenses, by means of a special tax or civil action, including reasonable attorneys' fees and costs, costs of removal of the building, and any costs incurred in securing the building pending its removal. If the corrective action is not taken by the deadline established by the City Council's order, and no appeal is taken, the City may take the corrective action.

This hearing is also to determine whether the building poses a serious threat to public health and safety, within the meaning of 17 M.R.S. § 2856, and must be secured. If the City secures the

building, it may then recover all of its expenses, including reasonable attorney's fees and costs, by means of a special tax or civil action.

This hearing is your opportunity to present evidence as to why the building is not a nuisance or dangerous and to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

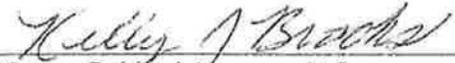
August 29 2018

  
Kathleen M. Montejo, City Clerk

STATE OF MAINE  
ANDROSCOGGIN, ss

August 29, 2018

Before me this day personally appeared Kathleen M. Montejo, who acknowledges the foregoing instrument to be her free act and deed.

  
Notary Public / ~~Attorney At Law~~

Kelly J. Brooks  
Notary Public, Maine  
My Commission Expires Sept. 11, 2018

**Chris Mason**

---

**From:** John Doonan <JAD@DGandL.com>  
**Sent:** Tuesday, September 11, 2018 3:05 PM  
**To:** Michael Carey  
**Cc:** Nicholaus Richard; David Hediger; Krista Bulick  
**Subject:** RE: 1314 Sabattus, Lewiston  
**Attachments:** Lewiston..xlsx; 611488 bid estimate.pdf

Dear Atty. Carey;

Please accept this email as an appearance concerning the scheduled hearing on September 18, 2018 on 1314 Sabattus Street, Lewiston, ME on behalf of the mortgage holder. It is my understanding that if the City is satisfied with the representations and commitment of my client, there will not be a physical appearance required from my office or my client on the 18<sup>th</sup>.

I have conferenced this matter with my client and they have provided the above attachments. The "Lewiston" document lists all of the work orders that have been performed on the subject property. My client acknowledges that significant additional work needs to be done on the property. The "bid estimate" indicates that my client is actively working to arrange for the necessary repairs (the vast majority of the estimate is pictures of both the interior and exterior of the property). As with most buildings, it is best in this situation to begin the work from the roof and while roofing bids have not yet been received, I have personally reached out to a local Lisbon Falls attorney with a large number of contacts in the area to move that aspect of the process. The issues of the rear window and the side entrance will be addressed in the near term and I expect to have more information on that shortly.

Certainly, it is my client's intention to utilize professional contractors in line with the criteria outlined in your email of August 30, 2018.

My client is the mortgage holder, and has not yet completed the foreclosure process.

I will contact you tomorrow to answer any other questions you may have concerning these issues.

Thank you for your time

*John A. Doonan, Esq.*

John A. Doonan | Partner  
**Doonan, Graves & Longoria, LLC**  
100 Cummings Center, Suite 225 D  
Beverly, MA 01915  
Ph: 978-921-2670 x 112 | Fax: 978-921-4870  
Email: [jad@dgandl.com](mailto:jad@dgandl.com)

*Excellence. Daily.*

*DG&L is dedicated to providing quality ethical representation with compassion for those that our work impacts. If you have any compliments, questions or complaints, please email us at [feedback@dgandl.com](mailto:feedback@dgandl.com). Thank you.*

**Disclaimer:** This information contained in this email is privileged and confidential information, and is protected under The Privacy Act of 1974, The Gramm-Leach-Bliley Act of 2000 and the Fair Debt Collection Practices Act. This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity named herein. If you have received this email in error, please notify the system manager.

entity to whom they are addressed. If you have received this email in error, please notify the sender by replying to this message and then delete it from your system. Use, dissemination or copying of this message by unintended recipients is not authorized and may be unlawful. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Doonan, Graves & Longoria, LLC. The recipient should check this email and any attachments for the presence of viruses. Doonan, Graves & Longoria, LLC accepts no liability for any damage caused by any virus transmitted by this email.

A division of this law firm's practice can be considered debt collection. If you are a debtor, be advised that this is an attempt to collect a debt and any information obtained may be used for that purpose.



Plaintiff Name:  
CITY OF LEWISTON CITY COUNCIL

Versus

Defendant Name:  
MORTGAGE ELECTRONIC REG SYSTEMS  
C/O UNITED GUARANTY RESIDENTIAL  
INSURANCE CO OF NC  
2626 GLENWOOD AVE, SUITE 550  
RALEIGH, NC 27608

**DEPUTY'S AFFIDAVIT  
OF SERVICE**

Court File No:

I, T. CLODFELTER

being a duly sworn Deputy Sheriff of  
Wake County, Raleigh, North Carolina, States that in the above referenced matter, on the

30 Day of August, 2018 at 12 15 { } AM { } PM, HE/SHE

SERVED/ { } WAS UNABLE TO SERVE, MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, legal service of NOTICE OF HEARING, on Defendant/Person to serve as follows: (check  
one):

- BY DELIVERING TO DEFENDANT / PERSON TO SERVE A COPY (IES)
- BY LEAVING A COPY (IES) AT THE DWELLING HOUSE OR USUAL PLACE OF ABODE OF THE DEFENDANT/  
PERSON TO SERVE, WITH A PERSON OF SUITABLE AGE.
- AS THE DEFENDANT / PERSON TO SERVE IS A CORPORATION, SERVICE WAS EFFECTED BY DELIVERING  
A COPY(IES) TO WHO IS AN OFFICER OF THE CORPORATION. Heather Hughes  
Agent
- NOT SERVED: DEFENDANT/PERSON NOT FOUND IN WAKE COUNTY.
- OTHER: \_\_\_\_\_

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

**DONNIE HARRISON**  
SHERIFF OF WAKE COUNTY

BY: T. Clodfelter 00630  
DEPUTY SHERIFF

SUBSCRIBED AND SWORN TO BEFORE ME THIS  
THE 30 DAY OF August, 2018

Millicent R Belk  
NOTARY PUBLIC, WAKE COUNTY, NORTH CAROLINA  
MY COMMISSION EXPIRES THE 29 DAY OF Feb 2020

Millicent R Belk  
NOTARY PUBLIC  
Wake County, NC  
My Commission Expires

**EXHIBIT E**

CITY OF LEWISTON, MAINE  
CITY COUNCIL

**RETURN OF SERVICE**

NOTICE OF HEARING  
Pursuant to 17 M.R.S. §§ 2851-59  
1314 Sabattus Street, Lewiston, Maine  
Dangerous Buildings

On August 30, 2018, I served the above-referenced NOTICE OF HEARING on DANGEROUS BUILDINGS, a copy of which is attached hereto, on Mortgage Electronic Registration Systems, Inc. as nominee for Countrywide Bank, as follows:

Mortgage Electronic Registration Systems, Inc.  
As nominee for Countrywide Bank  
c/o United Guaranty Residential Insurance  
Company of North Carolina  
2626 Glenwood Avenue, Suite 550  
Raleigh, North Carolina 27608

Costs of Service:

Service:	\$	_____
Travel:	\$	_____
Postage:	\$	_____
Other:	\$	_____
<b>TOTAL:</b>	<b>\$</b>	<b>_____</b>

T. Clodolph 00630  
Signature  
Wake County Sher. #13  
Agency OFFICE

**RESCHEDULED NOTICE OF HEARING**  
**Pursuant to 17 M.R.S. §§ 2851-59**  
**Dangerous Buildings**

James E. Tapley  
12919 Whittington Drive, Apt. 908  
Houston, Texas 77077

James E. Tapley  
c/o Bank NY-Shechtman Halperin  
1080 Main Street  
Pawtucket, Rhode Island 02860

The Bank of New York Mellon  
FKA The Bank of New York,  
As Trustee for the Certificate holders of  
CWALT, Inc., Alternative Loan Trust  
2005-7CB, Mortgage Pass-Through  
Certificates, Series 2005-7CB  
c/o Doonan, Graves and Longoria, LLC  
100 Cummings Center, Suite 225D  
Beverly, Massachusetts 01915

Mortgage Electronic Registration Systems,  
Inc. as nominee for Countrywide Bank  
c/o United Guaranty Residential Insurance  
Company of North Carolina  
2626 Glenwood Avenue, Suite 550  
Raleigh, North Carolina 27608

**1314 SABATTUS STREET, LEWISTON, MAINE**

You are hereby notified that the City Council of the City of Lewiston, Maine will hold a hearing on:

September 18, 2018 at 7:00 pm  
Lewiston City Hall  
27 Pine Street, Lewiston, Maine 04240

The hearing was previously scheduled for September 4, 2018, will not be held on that date, and has been rescheduled to September 18, 2018. The hearing is regarding the building at 1314 Sabattus Street, Lewiston, Maine, identified as Parcel ID RE00008302 on the City of Lewiston Tax Maps, and further described in a deed recorded in the Androscoggin County Registry of Deeds at Book 5076, Page 145. The hearing is to determine whether the building is a nuisance or dangerous, within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

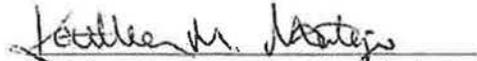
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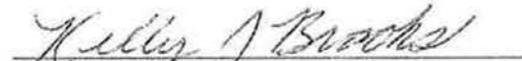
August 29 2018

  
Kathleen M. Montejo, City Clerk

STATE OF MAINE  
ANDROSCOGGIN, ss

August 29, 2018

Before me this day personally appeared Kathleen M. Montejo, who acknowledges the foregoing instrument to be her free act and deed.

  
Notary Public / Attorney At Law

Kelly J. Brooks  
Notary Public, Maine  
My Commission Expires Sept. 11, 2018

1314 Sabattus St  
Dangerous Buildings Act Hearing

September 4, 2018

Lewiston City Council Meeting

EXHIBIT F

# Inspecting Code Enforcement Officer Nick Richard

10 years experience as a State of Maine certified code enforcement officer

International Code Council certified Residential Building Inspector

## Exterior

- Tarp covering the roofing materials
- Appearance of blight
- Creates a dangerous condition due to threat of collapse.

August 2018

- Deteriorated roof allows the entry of the elements causing interior damage and deterioration resulting in subsequent molding, mildewing, and rotting of structural elements creating unsanitary and hazardous conditions.



## Public utilities disconnected

May 7, 2018

- Electrical meter pulled
- Uninhabitable as no working electrical system resulting in hazardous conditions due to lack of smoke detectors and required lighting
- Per water/sewer dept. water meter was pulled in 2009 making the house uninhabitable as plumbing system is not connected to water supply for the maintenance of sanitary conditions



## Unsecured door

May 7, 2018

- Door is not properly latched and locked shut
- Structure is not secure
- Public health and safety hazard
- Potential for squatters to enter and take up residence



## Exterior Rear

May 7, 2018

- Trash and construction demolition debris stored outside
- Rain gutter downspout falling off the structure
- Blighting condition
- Nuisance due to unsanitary conditions



## Roof

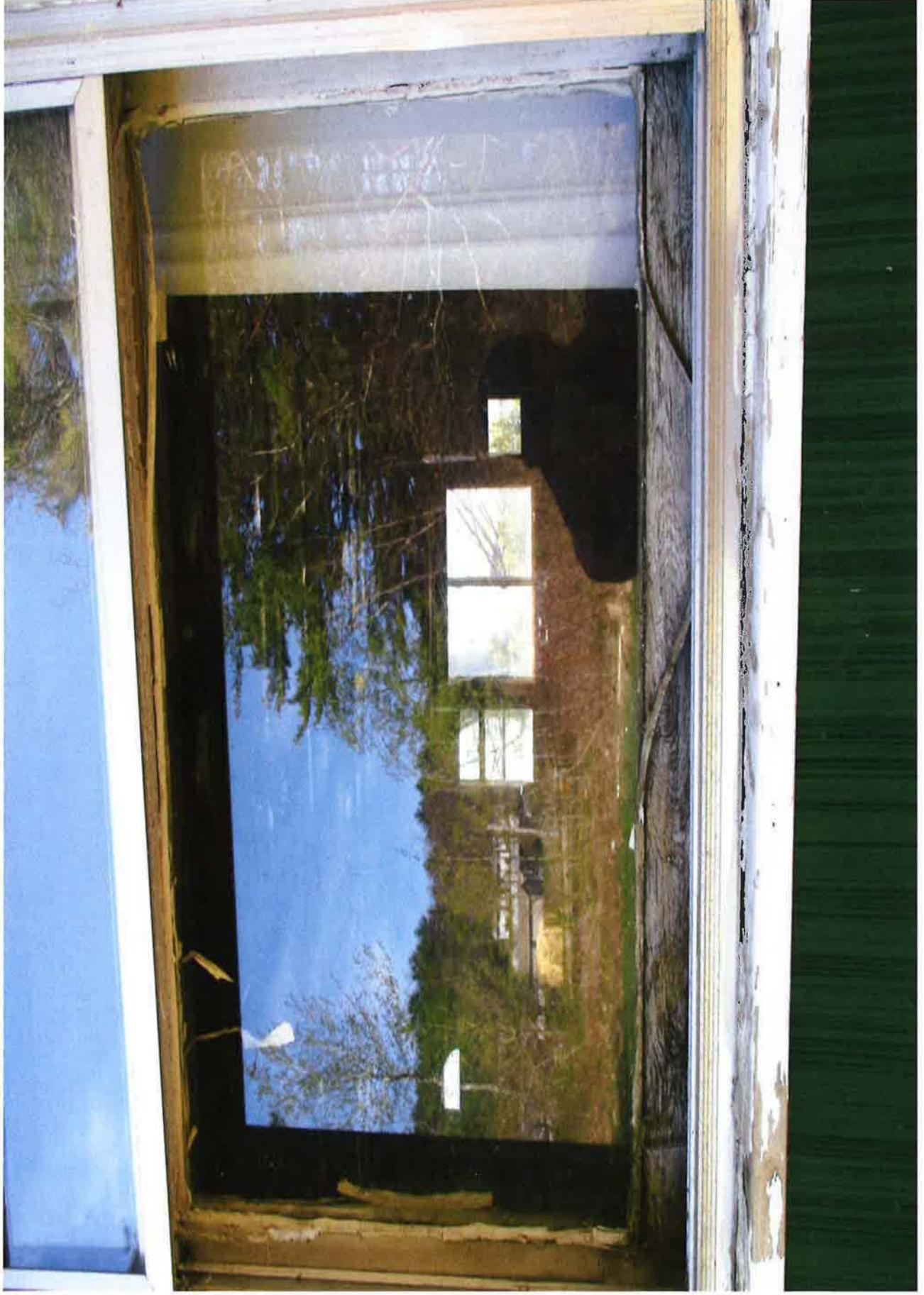
May 7, 2018

- Accumulated pine needles, some vegetation in gutter is indicative of inadequate maintenance



**May 7, 2018**

**Rear Window • Deteriorated window sash with no protective treatment**



## Interior- living space

May 7, 2018

- Severe water damage from the roof leak causing structural damage and unsanitary conditions
- Ceiling and wall sheathing removed
- Collapse of floor due to structural deterioration of floor joists from water infiltration from leaking roof making for dangerous conditions
- Severe health and safety hazard to anyone attempting to enter the structure as to unsanitary conditions
- Compromised structural stability as noted by the bowing in the floor
- Unsecured door clearly visible as daylight seen through jamb.
- Dangerous to life and property due to inadequate maintenance, dilapidation, and abandonment
- Unsuitable for the use to which it is intended



## Basement bulk head

May 7, 2018

- Standing water, roughly 2 feet deep
- Water staining shows water has been infiltrating the structure for quite some time, up to 4-5 feet in depth making for dangerous and unsanitary conditions
- Demolition debris from collapsed flooring makes for dangerous conditions
- Foam insulation, car tires, chemical container contributes to unsanitary and hazardous conditions



**Exterior windows**  
**May 7, 2018**



- Deteriorated sill due to water infiltration allowing for the entry of the elements
- Further evidence of inadequate maintenance, dilapidation, and abandonment

## Kitchen/Dining Room

May 7, 2018

- Severe water damage
- Impacts to electrical system, ceiling, walls, cabinets and floor structure creating hazardous and unsanitary conditions
- Evidence of mold on cabinets
- Public health and safety hazard
- Rust on the baseboard
- Dangerous to life and property due to structural instability, inadequate maintenance, dilapidation, and abandonment
- Unsuitable for the use to which it is intended



**Kitchen**

**May 7, 2018**



## Living Room floor collapse

- Collapsed floor, roughly 10' x 10' square hole
- Severe water damage

May 7, 2018



## Living Room

- Collapsed floor due to water damage
- Floor joists structurally compromised

May 16, 2018



Shear point of floor joist, close-up

May 16, 2018

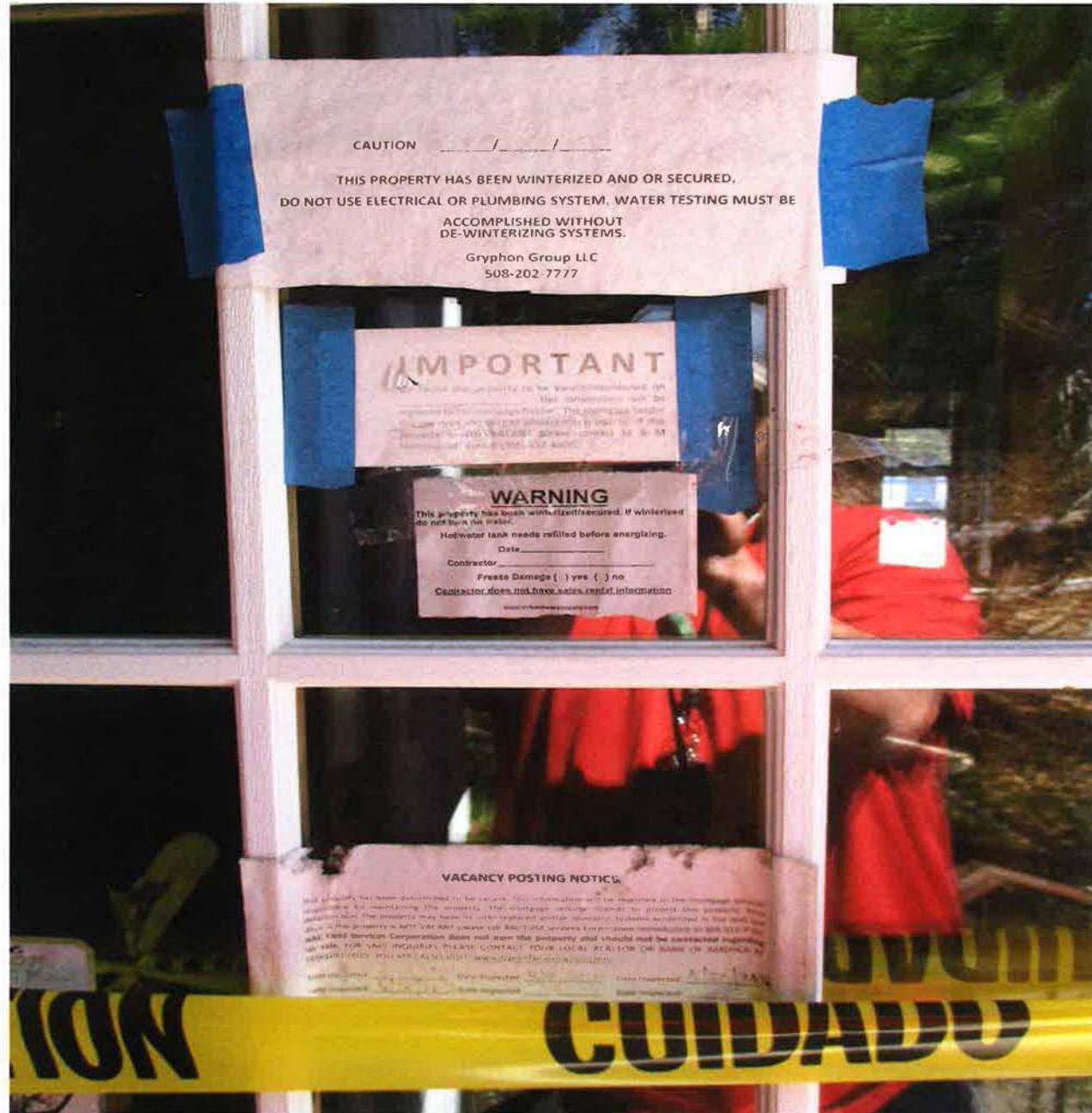


05/16/2018 14:16

## Door postings

May 7, 2018

- Multiple notices of winterization
- “Vacancy Posting Notice” from 2012
- Door not latched properly
- Public health and safety hazard



## Condemnation Notice Posted

May 16, 2018

- Door unsecure
- Public health and safety hazard
- Unstable flooring in the immediate area creating a dangerous condition



Living Room - Kitchen



August 3, 2018



## Broken window

August 3, 2018

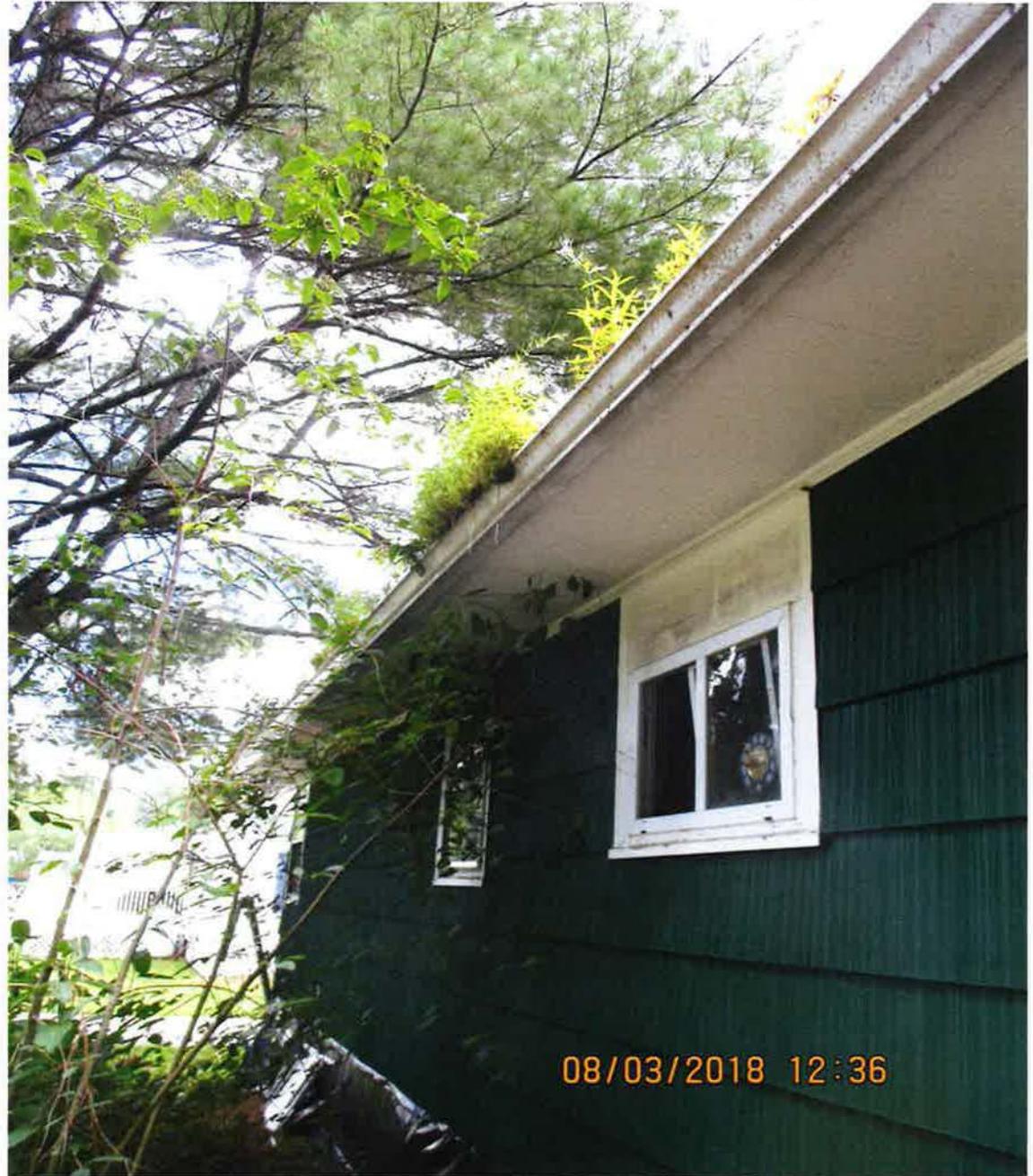
- Public health and safety hazard
- Structure unsecure
- Broken glass on ground under window creating hazardous conditions



## Vegetation

August 3, 2018

- Gutters obstructed by vegetation
- Water cannot drain properly adding to the infiltration of water into the structure
- Appearance of blighting conditions



Living room looking in from broken window

August 3, 2018



## Conclusion

- The building qualifies as being dangerous
- The building qualifies as being a nuisance
- The building is structurally unsafe, unstable, and unsanitary
- It is unsuitable for the use to which it is put
- It constitutes a hazard to health and safety due to inadequate maintenance, dilapidation, obsolescence, and abandonment
- It is dangerous to life and property
- It must be demolished

**THOMAS MAYNARD**  
**City of Lewiston**  
**Building Inspector**

**RESPONSIBILITIES**

Responsible for implementing and enforcing City of Lewiston land use, zoning, and building codes.

**MAINE STATE CERTIFICATIONS**

Internal Plumbing  
Subsurface Wastewater Disposal  
Zoning Officer  
Shoreland Zoning  
Land Use Planning  
Building Standards (Residential Building, Commercial Building, Residential Energy, Commercial Energy, Residential Indoor Ventilation, Commercial Indoor Ventilation, Residential Radon)  
Legal Issues

**EXPERIENCE**

**Home Building**

NV Ryan Homes, Maryland (1985-1988)  
Production supervisor

Thunderlion, Maryland (1994-1997)  
Production superintendent

**Governmental**

Montgomery County, Maryland (1988-1994)  
1 & 2 family building and electrical inspector

Scarborough, Maine (1997-2001)  
Code enforcement officer, building inspector, electrical inspector, plumbing inspector

Washington County, Maryland (2001-2004)  
1 & 2 family building and electrical inspector

Lewiston, Maine (2004-present)  
Code enforcement officer, constable, housing inspector, building inspector, internal and external plumbing inspector, shoreland zoning officer, land use compliance officer

**EXHIBIT G**

**LEWISTON CITY COUNCIL**  
**MEETING OF SEPTEMBER 18, 2018**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 19**

**SUBJECT:**

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

**INFORMATION:**

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

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

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

*EA/B/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (c) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.