

CITY OF LEWISTON
PLANNING BOARD MEETING
Monday, December 23, 2019 – 5:30 P.M.
City Council Chambers – First Floor
Lewiston City Building
27 Pine Street, Lewiston, ME

AGENDA

1. ROLL CALL

2. ADJUSTMENTS TO THE AGENDA

3. CORRESPONDENCE

4. PUBLIC HEARINGS:

- a. Planning Board recommendation to the City Council on a text amendment to the Zoning and Land Use Code, Article II, (Definitions) Sec. 2, by adding Solar Energy Definitions and Article XI, (District Regulations), Sec. 22(c), (Land Use Chart).

5. OTHER BUSINESS:

- a. Diminimis amendment to Wind in the Pines Subdivision
- b. Annual Discussion of Planning Board Policies and Procedures
- c. Design Lewiston - Continued discussion of specific items needing further consideration and staff draft.

6. READING OF THE MINUTES: Motion to adopt the November 25, 2019 draft minutes

7. ADJOURNMENT

The next scheduled Planning Board meeting is January 13, 2020.



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Planning Board

FROM: James Buzzell, Land Use Planner

DATE: December 23, 2019

RE: Solar Text Amendment

A text amendment to Article II, Section 2 and Article XI, Section 22 (c) of the Zoning and Land Use Code.

DESCRIPTION AND PURPOSE OF TEXT AMENDMENT

The purpose of the proposed text amendment is to simplify the process for approving applications for solar energy systems by listing such uses under the “Utility structures” subsection of the land use chart. The amendment would also add solar energy definitions to Article II, Section 2.

Solar energy systems are not listed within any land use category in the Land Use Table under Article XI, Section 22 (c). A solar energy project could only be issued a conditional use permit if the Board of Appeals or the Planning Board determined that the project was “substantially similar” to another permitted or conditional use in the relevant district. The effect is to create a preliminary step before the application for a conditional use permit.

STAFF COMMENTS

While this amendment simplifies the application process for a conditional use permit, it does not establish additional performance standards for solar projects outside of those already established under Article X, Section 3. Standards for conditional use permits. Roof-mounted solar devices or systems and all solar devices or systems serving a residential use on a single lot will be considered accessory uses, as per the amended definition of *utility structures*. Regulating non-residential solar energy projects as conditional uses will provide the reviewing authority the necessary basis for assessment.

STAFF RECOMMENDATION

The Staff recommends the Planning Board forward a favorable recommendation to the City Council to adopt the proposed amendments.

ACTION NECESSARY

Make a motion pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council to amend Article II, Section 2, and Article XI, Section 22 (c) as presented in this report.

12.23.2019

AN ORDINANCE PERTAINING TO SOLAR ENERGY SYSTEMS

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 II. DEFINITIONS

Sec. 2 Definitions

Solar energy device means a structure or part of a structure, including but not limited to solar collectors or photovoltaic panels, which provides for the collection, storage, conversion, and distribution of solar energy.

Solar energy system means a complete assembly of one or more solar energy devices and associated mounting hardware or equipment, including but not limited to racking, cables, inverters, transformers, batteries, a substation, or power lines which provides for the collection, storage, conversion, and distribution of solar energy.

Solar energy system, ground mounted means any solar energy system that is structurally mounted to the ground and is independent of any other structure or building.

Solar energy system, roof mounted means any solar energy system that is mounted on the roof a building or structure.

Utility structures means buildings which house or service utility services, including but not limited to structures such as radio towers, transmitting stations, substations, transmission lines, telephone exchanges, microwave towers and solar energy devices or systems, or satellite dishes serving more than a residential use on a single lot. Solar energy devices or systems or satellite dishes serving a residential use on a single lot shall be considered accessory to such use. Roof-mounted solar energy devices or systems shall be considered accessory uses.

ARTICLE XI. DISTRICT REGULATIONS

Sec. 22. Land Use Requirements

(c) *Land Use Table* (See attached Land Use Chart)

REASONS FOR THE PROPOSED AMENDMENT

The purpose of this amendment is to clarify the development and review process for solar energy projects in the City and to streamline the permitting of such projects. Article XI Sec. 22(c) establishes the uses allowed in each district. Because solar energy systems are not listed in Article XI Sec. 22(c), a solar energy project can be permitted as a conditional use under Article V Sec. 3(g) only if the Board of Appeals or the Planning Board determined that the proposed solar energy system was “substantially similar to and compatible with permitted or conditional uses” in the relevant district.

By adopting this amendment to stipulate that solar energy systems are conditional uses in every district, the City would provide clarity to applicants for such projects and would remove the extra step of requiring applicants to demonstrate similarity before applying for a conditional use permit.

CONFORMANCE WITH 2017 COMPREHENSIVE PLAN

The proposed text amendment is compatible with the 2017 Legacy Lewiston Comprehensive Plan for the following reasons:

- By eliminating a step in the application process for solar energy projects this amendment makes it easier to “promote a healthful and sustainable business environment by investing actively in efficient infrastructure...” (Vision Statement and Guiding Principles, page 116)
- By streamlining the permitting process for solar energy projects, the proposed amendments anticipate the near-term growth in demand for renewable energy in “recognition of the shift in the market that favors authenticity, social, and environmental responsibility...” (Prioritize Economic Vitality, Market Shifts, page 164)
- By defining a solar energy system as a conditional use, the proposal follows the Comprehensive Plan’s mandate to “actively invite new investment and create the critical mass of economic energy needed to launch the City into a new era of growth and productivity.” (Prioritize Economic Vitality, page 164)

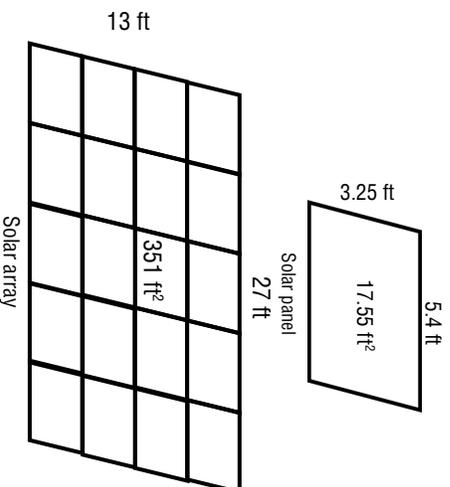
Supplemental Information for Solar Discussion

Residential

Utility-scale

Not concerned with performance standards for roof-mounted systems at this time. Considering the implications of ground mounted systems.

Average monthly kWh consumption in Maine is 531. For 100% offset, a home would require a Photovoltaic system of approximately 5900 Watts, or 24 panels.



Additional standards for large-scale solar energy systems:

- Operations & Maintenance Plan
- Provisions for safe access as well as maintenance of installation
- Signage
- Minimum requirement to identify the owner and provide 24-hour emergency contact phone number
- Emergency Services
 - Cooperation with fire department and appointment of person responsible for public safety inquiries
- Installation Conditions
- Stormwater
- Removal
 - Removal one year after discontinued use
 - Physical removal of all system components
 - Disposal of all solid and hazardous waste in accordance with waste disposal regulations
 - Stabilization or revegetation



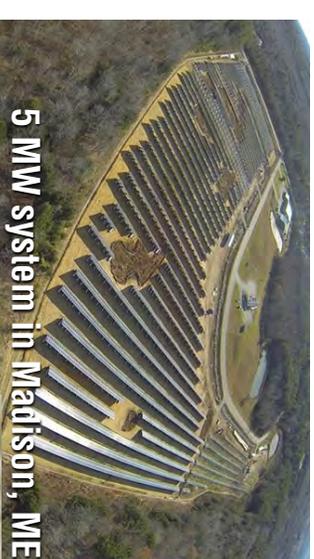
5kW system



614.25 ft²

These structures are well below the thresholds which would subject them either to development review or to performance standards.

- What is the appropriate scale and height?
- Will they be mounted on polls for better sun access?
- Screening and buffering
- Glare



5 MW system in Madison, ME



696 panel, 233.16 kW system at Gelger in Lewiston





SurveyWorks, Incorporated

Land Use Consultants
www.surveyworksinc.com

July 13, 2019

David Hediger, Director of Planning & Code
Lewiston Planning Board
27 Pine Street
Lewiston, ME 04240

RE: **Subdivision Amendment, Wind in the Pines**

Dear Mr. Hediger and Board Members,

On behalf of our client, David & Doris Gorey of 290 Pinewoods Road, Lewiston, SurveyWorks, Inc. is pleased to submit the attached 1st Amended Subdivision Plan of Wind in the Pines for Planning Board Review and Approval. The Doris' are the owners and residents of the lot adjacent to and northwesterly of Lot 1 of the existing Wind in the Pines Subdivision. The current owner of Lot 1, Ronald M. Tardiff, and the Gorey's are in agreement to convey a forty-three (43') foot wide strip of land from Lot 1 to the Gorey's. The attached plan depicts this strip of land, the remainder of Lot 1, other lots of the Wind in the Pines Subdivision and the perimeter of the Gorey's property.

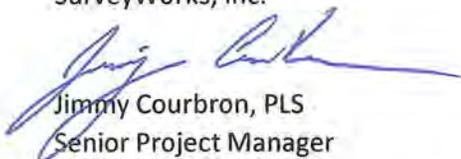
The proposed conveyance does not create or increase any non-conformities to Lot 1 with respect to the dimensional requirements for the Rural Agricultural (RA) District in which these parcels are located. The conveyance also conforms to a list of covenants and reservations for the Wind in the Pines Subdivision recorded at the Androscoggin County Registry of deeds in Book 2430, Page 234, except for Restriction #2 – Further Division of Lots. A waiver from this restriction for Lot 1 for sale of a strip of land to an abutter has been obtained from members of the home owners association, a copy of which is attached hereto.

Also attached is a copy of a check in the amount of \$100 for the Planning Board Approved Amendment Fee.

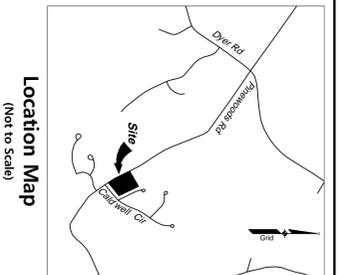
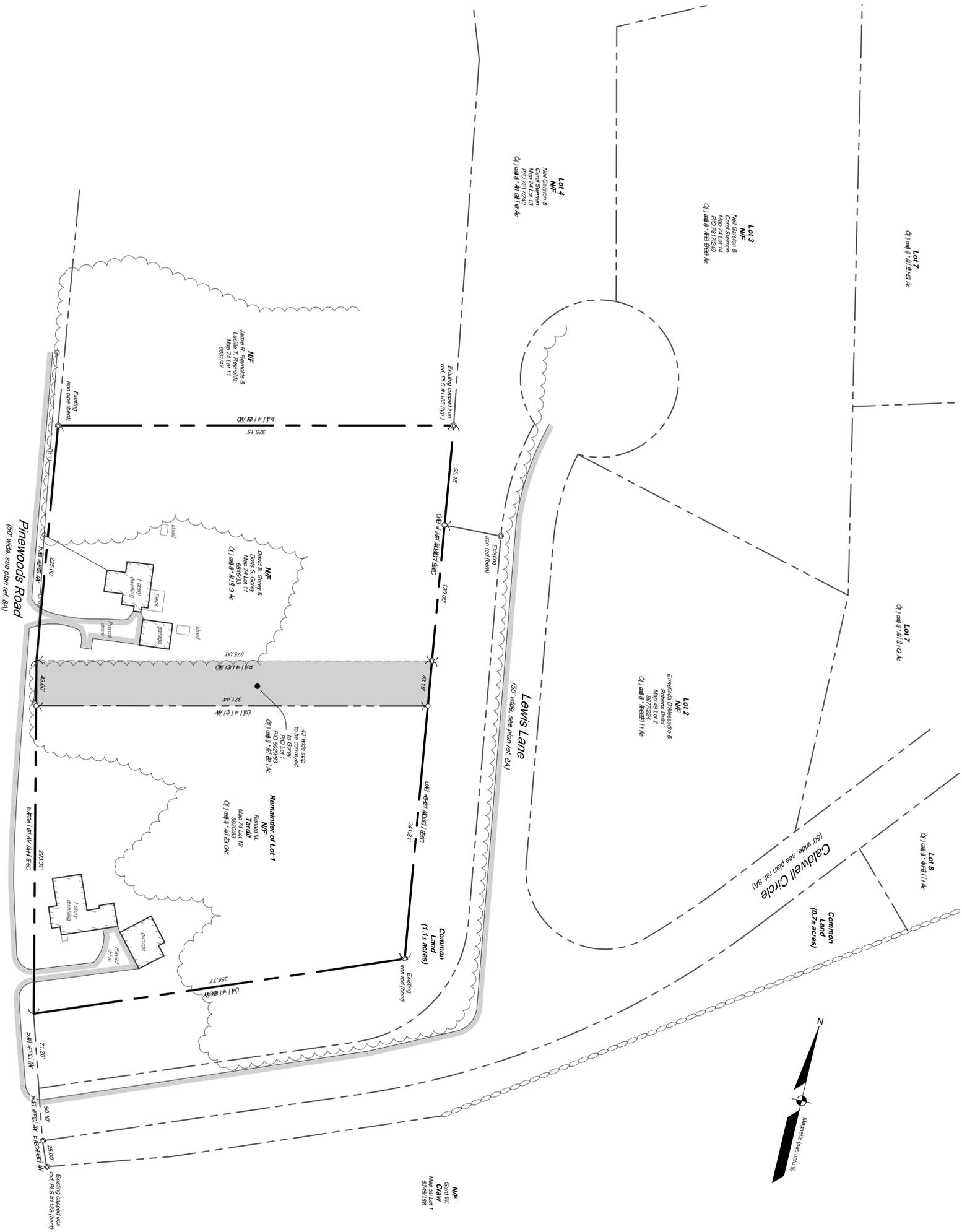
We look forward to presenting this plan before the Board at the next scheduled meeting. Let us know if you have any questions or concerns.

Sincerely,

SurveyWorks, Inc.

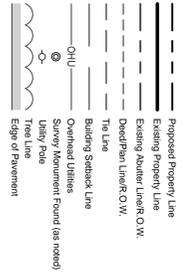


Jimmy Courbron, PLS
Senior Project Manager



General Notes:

- This plan is the first revision to record the proposed subdivision (see reference 1). The purpose of this plan is to separate the survey parcel of 4.53 acres into 8 lots for the convenience of the owner.
- All Book and Page numbers refer to the Androscoggin County Registry of Deeds, unless otherwise noted.
- The record owner of Lot 1 is Ronald W. Tardif by a deed dated May 13, 2004 and recorded in Book 9920, Page 59. The record owner of the grantees is David E. Gorey and Denis S. Gorey by a deed dated July 27, 2008 and recorded in Book 6846, Page 56.
- The subject parcels are shown on the City of Lewiston Tax Map 74 as Lots 11 & 12 and are located in the Rural Agricultural 1 (RA) District.
- Space and bulk standards for the RA District are as follows:
 - Min. Lot Size: 1 acre
 - Min. Frontage: 200'
 - Min. Front Setback: 25'
 - Min. Side Setback: 25'
 - Min. Rear Setback: 25'
 - Max. Building Height: 35'
 - Max. Building Coverage: 0.15
- VIOLATION OF ANY OF THE ABOVE STANDARDS IS PROHIBITED.
- Boundary information shown herein is based on plan reference BA.
- Plan References:
 - A. "Standard Boundary Survey" Prepared for Wind in the Pines by Kern By East Associates dated July, 1988 and recorded in Plan Book 34, Page 87.
 - B. "Plan of Subdivision" for the subject parcel as shown on Plan Reference BA.
 - C. "The entirety of the subject parcel is located within Zone X, Area of Minimal Flood Hazard as delineated on the Flood Hazard Map of the City of Lewiston, Maine, prepared by the Androscoggin County Community Planning Commission, dated July 9, 2013, having an Effective Date of July 9, 2013.
- The depth, size, location, existence or non-existence of underground utilities and/or structures were not investigated as part of this survey. Unless decided herein may not necessarily represent all existing utilities. Owners, contractors, and/or designers need to contact Dig-Style Systems, Inc. (call 811) and field verify existing utilities prior to digging or breaking ground.



Planning Board Approval:

| | |
|-------|------|
| Chair | Date |
| | |
| | |
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| | |

Surveyor's Statement:

This survey was performed under my direct supervision and to the best of my knowledge and belief it complies with the standards and practices of the Maine Board of Licensure for Professional Land Surveyors.

Jimmy C. Courton, PLS Date

Project #12-4031
Date: 07/11/19
Scale: 1" = 30'
Sheet No. 1 OF 1

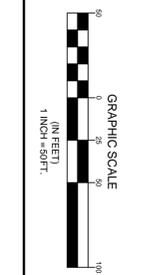
1st Amended Subdivision Plan
of
Wind in the Pines
Pinewoods Road
Lewiston, Maine
for
David E. Gorey
290 Pinewoods Road
Lewiston, ME 04240

| Rev. Date | Drawn | Checked | Note |
|-----------|-------|---------|--------------------------------------|
| 07/11/19 | DJH | JCC | Issued for city approval & recording |
| | | | |
| | | | |

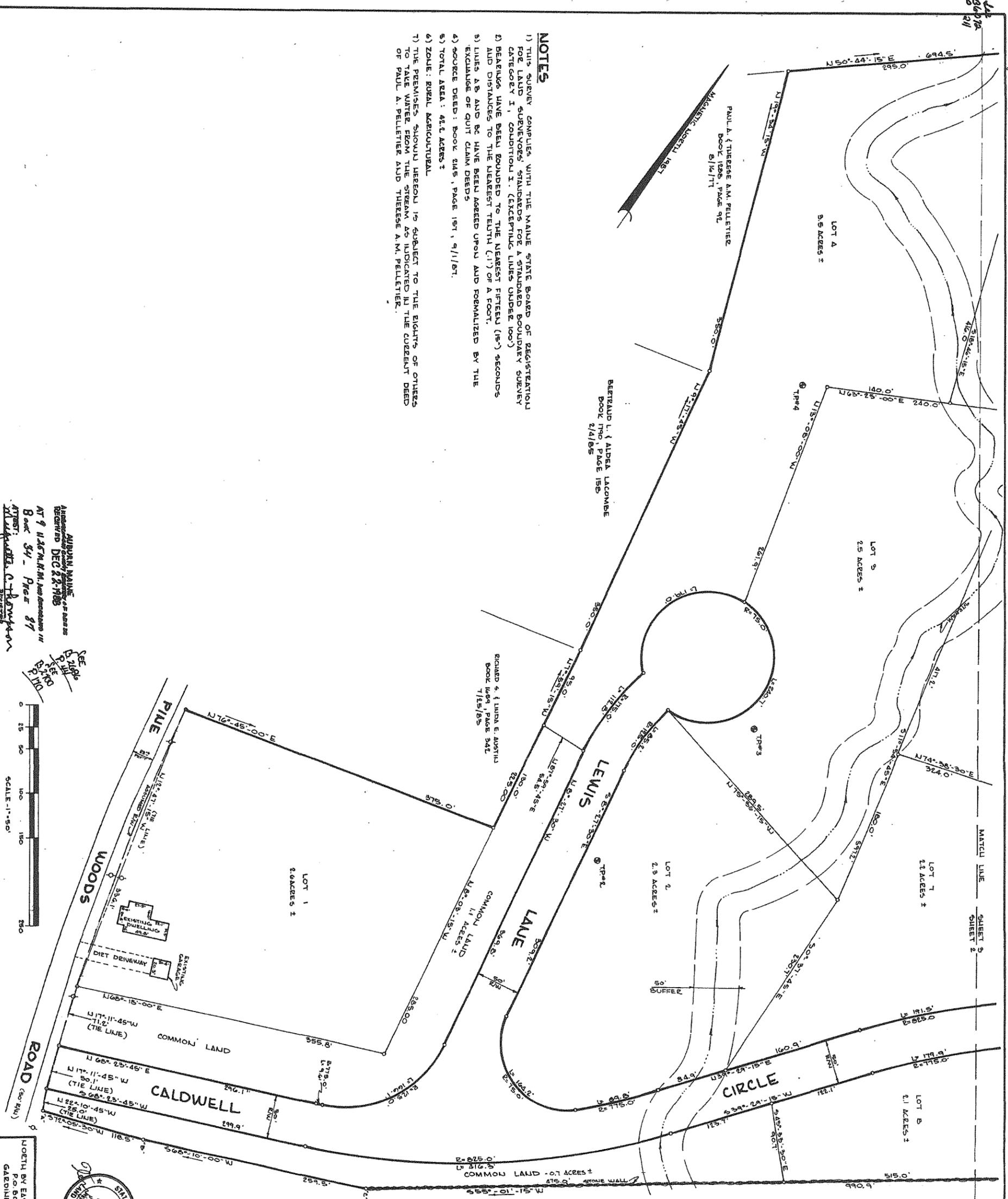
SWI SURVEYWORKS, INC.
LAND USE CONSULTANTS
www.surveyworksinc.com
528 River Road, Greene, Maine 04236

NOT FOR CONSTRUCTION
PROGRESS PRINT
SUBJECT TO CHANGE

STATE OF MAINE, Androscoggin County, SS
REGISTRY OF DEEDS
Received _____
At _____ h _____ m _____ A and recorded in
Plan Book _____ Page _____
Attest _____
Registrar



- NOTES**
- 1) THIS SURVEY COMPUTES WITH THE MAINE STATE BOARD OF REGISTRATION FOR LAND SURVEYORS STANDARDS FOR A STANDARD BOUNDARY SURVEY CATEGORY I, CONDITION I. (EXCEPTING LINES UNDER 100')
 - 2) BEARINGS HAVE BEEN ROUNDED TO THE NEAREST FIFTEEN (15") SECONDS AND DISTANCES TO THE NEAREST TENTH (1/10') OF A FOOT.
 - 3) LINES A B AND C HAVE BEEN ADDED UPON AND FORMALIZED BY THE EXCHANGE OF QUIT CLAIM DEEDS
 - 4) SOURCE DEED: BOOK 645, PAGE 157, 9/1/87.
 - 5) TOTAL AREA: 42.6 ACRES ±
 - 6) ZONE: RURAL AGRICULTURAL
 - 7) THE PREMISES, SHOWN HEREON IS SUBJECT TO THE RIGHTS OF OTHERS TO TAKE WATER FROM THE STREAM AS INDICATED IN THE QUIT CLAIM DEED OF PAUL A. PELLETIER AND THEREAS A.M. PELLETIER.



- LEGEND**
- IRON ROD FOUND - ○
 - 1/2" IRON ROD WITH I.D. CAP SET - ○
 - UTILITY POLE - □
 - STREAM - ~~~~~
 - COILS TEST PIT - ⊙

WILLIAM E. & BARBARA J. GIBBOY
BOOK 1800, PAGE 12
5/19/85

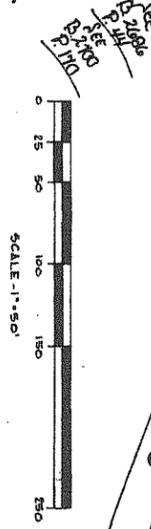
PLANNING BOARD APPROVAL
Paul A. Gray
 CHAIRMAN
 DATE 10-11-88



LOCATED BY EAST ASSOCIATES
PO BOX 609
GARDNER, MAINE

STANDARD BOUNDARY SURVEY
 PREPARED FOR
WIND IN THE PINES
 LOCATED AT
 CITY OF LEWISTON, ANDROSCOGGIN CO., ME.
 SCALE - 1" = 50'
 FILE "LEWISTON" SHEET 1002

AUBURN, MAINE
 AUGUST 22, 1988
 REGISTERED DEC 22, 1988
 AT 9:43 AM, M.M. has Association in
 Book 34 - Page 87
 William E. & Barbara J. Gibboy
 Registered



WAIVER OF RESTRICTION

(Wind in the Pines Homeowners' Association)

The undersigned, being the owners of Lots 1–13 on the Plan of Wind in the Pines dated July, 1988 recorded in the Androscoggin County Registry of Deeds in Plan Book 34, Page 87–88 (hereinafter the “Plan”), by virtue of the instruments referenced below, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do hereby waive the restriction on Lot 1 which states that “[n]o subdivision of any individual parcel shall be permitted at any time.” The same restriction being more fully described in the Easement Rights, Protective Covenants, Restrictions, and Reservations for Wind in the Pines dated December 30, 1988 and recorded in Said Registry in Book 2430, Page 234. Said waiver will permit Ronald M. Tardif to convey an approximately 43’ by 375’ strip of land to abutters David Gorey and Doris Gorey. This Waiver shall run with the land and shall be binding upon the respective heirs, personal representatives, successors, and assigns of the parties hereto.

The source of title of the undersigned is as follows:

1. Lot 1: **RONALD M. TARDIF** by Release Deed from Jeannine D. Tardif dated May 13, 2004 and recorded May 24, 2004 in Book 5920, Page 83.
2. Lot 2: **ERMELINDA D’ALESSANDRO AND ROBERTO DOLCI** by Warranty Deed from Douglas F. DiVello and Catherine M. DiVello dated May 14, 2013 and recorded in Said Registry in Book 8677, Page 224.
3. Lot 3: **NEIL GARSTON AND CAROL STEIMAN** by Warranty Deed from Louis C. Robitaille and Linda D. Robitaille dated October 28, 2009 and recorded October 30, 2009 in Said Registry in Book 7817, Page 240.
4. Lot 4: **NEIL GARSTON AND CAROL STEIMAN** by Warranty Deed from Louis C. Robitaille and Linda D. Robitaille dated October 28, 2009 and recorded October 30, 2009 in Said Registry in Book 7817, Page 240.
5. Lot 5: **EVA T. KOVACS** by Warranty Deed from William E. Gilroy and Barbara J. Gilroy dated August 26, 2015 and recorded September 1, 2015 in Said Registry in Book 9216, Page 308
6. Lot 6: **PHILIP A. MCLEAN AND AMY M. MCLEAN** by Warranty Deed from Fortin Construction, Inc. dated September 25, 2002 and recorded September 26, 2002 in Said Registry in Book 5125, 131.
7. Lot 7: **LISA M. SCOTT AND ELWIN R. SCOTT, JR.** by Warranty Deed from Lisa M. Scott dated October 25, 2002 and recorded in Said Registry in Book 5164, Page 149.
8. Lot 8: **MICHAEL T. CONNOR AND DIANE P. CONNOR** by Warranty Deed from Larry O. Hopperstead and Cindy J. Scribner dated January 29, 2010 and recorded in Said Registry in Book 7875, Page 218.
9. Lot 9: **JIG INVESTMENTS, LLC** by Warranty Deed from Mark D. Lee and Sandra N. Heutz-Lee dated July 13, 2018 and recorded July 16, 2018 in Said Registry in Book 9884, Page 290.
10. Lot 10: **LISA C. BELL** by Warranty Deed from Lisa C. Bell and Shawn K. Bell dated June 19, 2003 and recorded June 24, 2003 in Said Registry in Book 5482, Page 222.

11. Lot 11: **GENDRON & GENDRON, INC.** by Warranty Deed from William C. Haynes dated June 18, 1990 and recorded June 22, 1990 in Said Registry in Book 2570, Page 151.
12. Lot 12: **JIG INVESTMENTS, LLC** by Quitclaim Deed with Covenant from Penmor Lithographers, Inc. f/k/a Pinette Fillion Morton, Inc. dated November 18, 2015 and recorded November 23, 2015 in Said Registry in Book 9264, Page 230.
13. Lot 13: **JOHN M. GENDRON** by Quitclaim Deed without Covenant from TD Bank, N.A. dated April 9, 2014 and recorded April 15, 2014 in Said Registry in Book 8894, Page 271.

In Witness Whereof, the undersigned have hereunto set their hands and seals effective this ___ day of August, 2019.

Witness:





Ronald M. Tardiff, Lot 1

Ermelinda D'Alessandro, Lot 2

Roberto Dolci, Lot 2

Neil Garston, Lots 3 and 4

Carol Steiman, Lots 3 and 4

Eva T. Kovacs, Lot 5

Philip A. McLean, Lot 6

Amy M. McLean, Lot 6

Lisa M. Scott, Lot 7

Elwin R. Scott, Jr., Lot 7

Michael T. Connor, Lot 8

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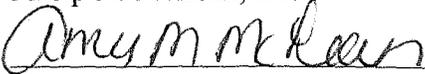
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Carol Steiman, Lots 3 and 4

Eva T. Kovacs, Lot 5



Philip A. McLean, Lot 6



Amy M. McLean, Lot 6

Lisa M. Scott, Lot 7

Elwin R. Scott, Jr., Lot 7

Michael T. Connor, Lot 8

Diane P. Connor, Lot 8

JIG Investments, LLC

BY: _____
John M. Gendron, Its Member,
Lots 9 and 12

Lisa C. Bell, Lot 10

Gendron & Gendron, Inc.

BY: _____
David M. Gendron, Its President, Lot 11

John M. Gendron, Lot 13

STATE OF MAINE
ANDROSCOGGIN, SS.

August ____, 2019

Then personally appeared the above-named **RONALD M. TARDIF** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public / Attorney at Law
Print Name: _____
My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ____, 2019

Then personally appeared the above-named **ERMELINDA D'ALESSANDRO** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public / Attorney at Law
Print Name: _____
My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ____, 2019

Then personally appeared the above-named **ROBERTO DOLCI** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ____, 2019

Then personally appeared the above-named **NEIL GARSTON** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ____, 2019

Then personally appeared the above-named **CAROL STEIMAN** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August __, 2019

Then personally appeared the above-named **EVA T. KOVACS** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August 21, 2019

Then personally appeared the above-named **PHILIP A. MCLEAN** and acknowledged the foregoing instrument to be his free act and deed.

Before me,



Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

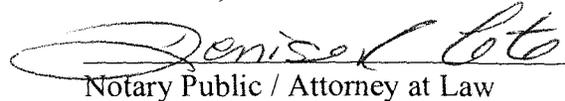
| |
|---|
| DENISE R. COTE Notary Public, State of Maine My Commission Expires March 15, 2026 |
|---|

STATE OF MAINE
ANDROSCOGGIN, SS.

August 21, 2019

Then personally appeared the above-named **AMY M. MCLEAN** and acknowledged the foregoing instrument to be her free act and deed.

Before me,



Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

| |
|---|
| DENISE R. COTE Notary Public, State of Maine My Commission Expires March 15, 2026 |
|---|

STATE OF MAINE
ANDROSCOGGIN, SS.

August ___, 2019

Then personally appeared the above-named **LISA M. SCOTT** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ___, 2019

Then personally appeared the above-named **ELWIN R. SCOTT** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ___, 2019

Then personally appeared the above-named **MICHAEL T. CONNOR** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ___, 2019

Then personally appeared the above-named **DIANE P. CONNOR** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ___, 2019

Then personally appeared the above-named **JOHN M. GENDRON**, Member of **JIG INVESTMENTS, LLC** and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of **JIG INVESTMENTS, LLC**.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ___, 2019

Then personally appeared the above-named **LISA C. BELL** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ____, 2019

Then personally appeared the above-named **DAVID M. GENDRON**, President of **GENDRON & GENDRON, INC.** and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of **GENDRON & GENDRON, INC.**

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ____, 2019

Then personally appeared the above-named **JOHN M. GENDRON** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

WAIVER OF RESTRICTION

(Wind in the Pines Homeowners' Association)

The undersigned, being the owners of Lots 1–13 on the Plan of Wind in the Pines dated July, 1988 recorded in the Androscoggin County Registry of Deeds in Plan Book 34, Page 87–88 (hereinafter the “Plan”), by virtue of the instruments referenced below, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do hereby waive the restriction on Lot 1 which states that “[n]o subdivision of any individual parcel shall be permitted at any time.” The same restriction being more fully described in the Easement Rights, Protective Covenants, Restrictions, and Reservations for Wind in the Pines dated December 30, 1988 and recorded in Said Registry in Book 2430, Page 234. Said waiver will permit Ronald M. Tardif to convey an approximately 43’ by 375’ strip of land to abutters David Gorey and Doris Gorey. This Waiver shall run with the land and shall be binding upon the respective heirs, personal representatives, successors, and assigns of the parties hereto.

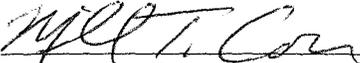
The source of title of the undersigned is as follows:

1. Lot 1: **RONALD M. TARDIF** by Release Deed from Jeannine D. Tardif dated May 13, 2004 and recorded May 24, 2004 in Book 5920, Page 83.
2. Lot 2: **ERMELINDA D’ALESSANDRO AND ROBERTO DOLCI** by Warranty Deed from Douglas F. DiVello and Catherine M. DiVello dated May 14, 2013 and recorded in Said Registry in Book 8677, Page 224.
3. Lot 3: **NEIL GARSTON AND CAROL STEIMAN** by Warranty Deed from Louis C. Robitaille and Linda D. Robitaille dated October 28, 2009 and recorded October 30, 2009 in Said Registry in Book 7817, Page 240.
4. Lot 4: **NEIL GARSTON AND CAROL STEIMAN** by Warranty Deed from Louis C. Robitaille and Linda D. Robitaille dated October 28, 2009 and recorded October 30, 2009 in Said Registry in Book 7817, Page 240.
5. Lot 5: **EVA T. KOVACS** by Warranty Deed from William E. Gilroy and Barbara J. Gilroy dated August 26, 2015 and recorded September 1, 2015 in Said Registry in Book 9216, Page 308
6. Lot 6: **PHILIP A. MCLEAN AND AMY M. MCLEAN** by Warranty Deed from Fortin Construction, Inc. dated September 25, 2002 and recorded September 26, 2002 in Said Registry in Book 5125, 131.
7. Lot 7: **LISA M. SCOTT AND ELWIN R. SCOTT, JR.** by Warranty Deed from Lisa M. Scott dated October 25, 2002 and recorded in Said Registry in Book 5164, Page 149.
8. Lot 8: **MICHAEL T. CONNOR AND DIANE P. CONNOR** by Warranty Deed from Larry O. Hopperstead and Cindy J. Scribner dated January 29, 2010 and recorded in Said Registry in Book 7875, Page 218.
9. Lot 9: **JIG INVESTMENTS, LLC** by Warranty Deed from Mark D. Lee and Sandra N. Heutz-Lee dated July 13, 2018 and recorded July 16, 2018 in Said Registry in Book 9884, Page 290.
10. Lot 10: **LISA C. BELL** by Warranty Deed from Lisa C. Bell and Shawn K. Bell dated June 19, 2003 and recorded June 24, 2003 in Said Registry in Book 5482, Page 222.

11. Lot 11: **GENDRON & GENDRON, INC.** by Warranty Deed from William C. Haynes dated June 18, 1990 and recorded June 22, 1990 in Said Registry in Book 2570, Page 151.
12. Lot 12: **JIG INVESTMENTS, LLC** by Quitclaim Deed with Covenant from Penmor Lithographers, Inc. f/k/a Pinette Fillion Morton, Inc. dated November 18, 2015 and recorded November 23, 2015 in Said Registry in Book 9264, Page 230.
13. Lot 13: **JOHN M. GENDRON** by Quitclaim Deed without Covenant from TD Bank, N.A. dated April 9, 2014 and recorded April 15, 2014 in Said Registry in Book 8894, Page 271.

In Witness Whereof, the undersigned have hereunto set their hands and seals effective this ___ day of August, 2019.

Witness:

| | |
|-------|--|
| _____ | _____ |
| | Ronald M. Tardiff, Lot 1 |
| _____ | _____ |
| | Ermelinda D'Alessandro, Lot 2 |
| _____ | _____ |
| | Roberto Dolci, Lot 2 |
| _____ | _____ |
| | Neil Garston, Lots 3 and 4 |
| _____ | _____ |
| | Carol Steiman, Lots 3 and 4 |
| _____ | _____ |
| | Eva T. Kovacs, Lot 5 |
| _____ | _____ |
| | Philip A. McLean, Lot 6 |
| _____ | _____ |
| | Amy M. McLean, Lot 6 |
| _____ | _____ |
| | Lisa M. Scott, Lot 7 |
| _____ | _____ |
| | Elwin R. Scott, Jr., Lot 7 |
| _____ | _____ |
| |  Michael T. Connor, Lot 8 |

Diane P. Connor

Diane P. Connor, Lot 8

JIG Investments, LLC

BY: _____

John M. Gendron, Its Member,
Lots 9 and 12

Lisa C. Bell, Lot 10

Gendron & Gendron, Inc.

BY: _____

David M. Gendron, Its President, Lot 11

John M. Gendron, Lot 13

STATE OF MAINE
ANDROSCOGGIN, SS.

August ___, 2019

Then personally appeared the above-named **RONALD M. TARDIF** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ___, 2019

Then personally appeared the above-named **ERMELINDA D'ALESSANDRO** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ___, 2019

Then personally appeared the above-named **ROBERTO DOLCI** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ___, 2019

Then personally appeared the above-named **NEIL GARSTON** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ___, 2019

Then personally appeared the above-named **CAROL STEIMAN** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ____, 2019

Then personally appeared the above-named **EVA T. KOVACS** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ____, 2019

Then personally appeared the above-named **PHILIP A. MCLEAN** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ____, 2019

Then personally appeared the above-named **AMY M. MCLEAN** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ____, 2019

Then personally appeared the above-named **LISA M. SCOTT** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ____, 2019

Then personally appeared the above-named **ELWIN R. SCOTT** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ____, 2019

Then personally appeared the above-named **MICHAEL T. CONNOR** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August __, 2019

Then personally appeared the above-named **DIANE P. CONNOR** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August __, 2019

Then personally appeared the above-named **JOHN M. GENDRON**, Member of **JIG INVESTMENTS, LLC** and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of **JIG INVESTMENTS, LLC**.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August __, 2019

Then personally appeared the above-named **LISA C. BELL** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ___, 2019

Then personally appeared the above-named **DAVID M. GENDRON**, President of **GENDRON & GENDRON, INC.** and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of **GENDRON & GENDRON, INC.**

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ___, 2019

Then personally appeared the above-named **JOHN M. GENDRON** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ___, 2019

Then personally appeared the above-named **LISA M. SCOTT** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public / Attorney at Law
Print Name: _____
My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ___, 2019

Then personally appeared the above-named **ELWIN R. SCOTT** and acknowledged the foregoing instrument to be his free act and deed.

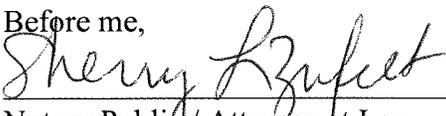
Before me,

Notary Public / Attorney at Law
Print Name: _____
My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

September 18, 2019

Then personally appeared the above-named **MICHAEL T. CONNOR** and acknowledged the foregoing instrument to be his free act and deed.

Before me,


Notary Public / Attorney at Law

Print Name: _____ **SHERRY L. ZUFELT**
My Commission Expires: _____ **Notary Public, Maine**
My Commission Expires March 11, 2020

Sherry R. Zufelt

Diane P. Connor
Diane P. Connor, Lot 8

JIG Investments, LLC

BY: _____
John M. Gendron, Its Member,
Lots 9 and 12

Lisa C. Bell, Lot 10

Gendron & Gendron, Inc.

BY: _____
David M. Gendron, Its President, Lot 11

John M. Gendron, Lot 13

STATE OF MAINE
ANDROSCOGGIN, SS.

August __, 2019

Then personally appeared the above-named **RONALD M. TARDIF** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August __, 2019

Then personally appeared the above-named **ERMELINDA D'ALESSANDRO** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

September 18, 2019

Then personally appeared the above-named **DIANE P. CONNOR** and acknowledged the foregoing instrument to be her free act and deed.

Before me,



Notary Public / Attorney at Law

Print Name: **SHERRY L. ZUFELT**

Notary Public, Maine

My Commission Expires: **March 11, 2020**

STATE OF MAINE
ANDROSCOGGIN, SS.

August __, 2019

Then personally appeared the above-named **JOHN M. GENDRON**, Member of **JIG INVESTMENTS, LLC** and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of **JIG INVESTMENTS, LLC**.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August __, 2019

Then personally appeared the above-named **LISA C. BELL** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

WAIVER OF RESTRICTION

(Wind in the Pines Homeowners' Association)

The undersigned, being the owners of Lots 1–13 on the Plan of Wind in the Pines dated July, 1988 recorded in the Androscoggin County Registry of Deeds in Plan Book 34, Page 87–88 (hereinafter the “Plan”), by virtue of the instruments referenced below, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do hereby waive the restriction on Lot 1 which states that “[n]o subdivision of any individual parcel shall be permitted at any time.” The same restriction being more fully described in the Easement Rights, Protective Covenants, Restrictions, and Reservations for Wind in the Pines dated December 30, 1988 and recorded in Said Registry in Book 2430, Page 234. Said waiver will permit Ronald M. Tardif to convey an approximately 43’ by 375’ strip of land to abutters David Gorey and Doris Gorey. This Waiver shall run with the land and shall be binding upon the respective heirs, personal representatives, successors, and assigns of the parties hereto.

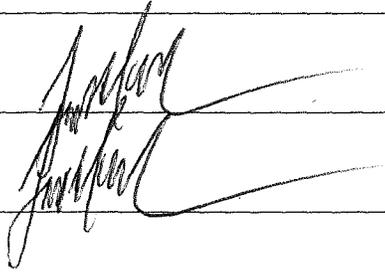
The source of title of the undersigned is as follows:

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3. Lot 3: **NEIL GARSTON AND CAROL STEIMAN** by Warranty Deed from Louis C. Robitaille and Linda D. Robitaille dated October 28, 2009 and recorded October 30, 2009 in Said Registry in Book 7817, Page 240.
4. Lot 4: **NEIL GARSTON AND CAROL STEIMAN** by Warranty Deed from Louis C. Robitaille and Linda D. Robitaille dated October 28, 2009 and recorded October 30, 2009 in Said Registry in Book 7817, Page 240.
5. Lot 5: **EVA T. KOVACS** by Warranty Deed from William E. Gilroy and Barbara J. Gilroy dated August 26, 2015 and recorded September 1, 2015 in Said Registry in Book 9216, Page 308
6. Lot 6: **PHILIP A. MCLEAN AND AMY M. MCLEAN** by Warranty Deed from Fortin Construction, Inc. dated September 25, 2002 and recorded September 26, 2002 in Said Registry in Book 5125, 131.
7. Lot 7: **LISA M. SCOTT AND ELWIN R. SCOTT, JR.** by Warranty Deed from Lisa M. Scott dated October 25, 2002 and recorded in Said Registry in Book 5164, Page 149.
8. Lot 8: **MICHAEL T. CONNOR AND DIANE P. CONNOR** by Warranty Deed from Larry O. Hopperstead and Cindy J. Scribner dated January 29, 2010 and recorded in Said Registry in Book 7875, Page 218.
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In Witness Whereof, the undersigned have hereunto set their hands and seals effective this ___ day of August, 2019.

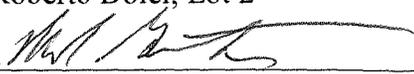
Witness:



Ronald M. Tardiff, Lot 1

Ermelinda D'Alessandro, Lot 2

Roberto Dolci, Lot 2



Neil Garston, Lots 3 and 4



Carol Steiman, Lots 3 and 4

Eva T. Kovacs, Lot 5

Philip A. McLean, Lot 6

Amy M. McLean, Lot 6

Lisa M. Scott, Lot 7

Elwin R. Scott, Jr., Lot 7

Michael T. Connor, Lot 8

Diane P. Connor, Lot 8

JIG Investments, LLC

BY: _____
John M. Gendron, Its Member,
Lots 9 and 12

Lisa C. Bell, Lot 10

Gendron & Gendron, Inc.

BY: _____
David M. Gendron, Its President, Lot 11

John M. Gendron, Lot 13

STATE OF MAINE
ANDROSCOGGIN, SS.

August ____, 2019

Then personally appeared the above-named **RONALD M. TARDIF** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ____, 2019

Then personally appeared the above-named **ERMELINDA D'ALESSANDRO** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ____, 2019

Then personally appeared the above-named **ROBERTO DOLCI** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August 10, 2019

Then personally appeared the above-named **NEIL GARSTON** and acknowledged the foregoing instrument to be his free act and deed.

Before me,



~~Notary Public~~ / Attorney at Law

Print Name: _____

JOSEPH McLEAN

My Commission Expires _____

NOTARY PUBLIC, STATE OF MAINE
MY COMMISSION EXPIRES FEB. 15, 2026

STATE OF MAINE
ANDROSCOGGIN, SS.

August 16, 2019

Then personally appeared the above-named **CAROL STEIMAN** and acknowledged the foregoing instrument to be her free act and deed.

Before me,



~~Notary Public~~ / Attorney at Law

Print Name: _____

JOSEPH McLEAN

My Commission Expires _____

NOTARY PUBLIC, STATE OF MAINE
MY COMMISSION EXPIRES FEB. 15, 2026

STATE OF MAINE
ANDROSCOGGIN, SS.

August ____, 2019

Then personally appeared the above-named **EVA T. KOVACS** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ____, 2019

Then personally appeared the above-named **PHILIP A. MCLEAN** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ____, 2019

Then personally appeared the above-named **AMY M. MCLEAN** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ___, 2019

Then personally appeared the above-named **LISA M. SCOTT** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ___, 2019

Then personally appeared the above-named **ELWIN R. SCOTT** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ___, 2019

Then personally appeared the above-named **MICHAEL T. CONNOR** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ___, 2019

Then personally appeared the above-named **DIANE P. CONNOR** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ___, 2019

Then personally appeared the above-named **JOHN M. GENDRON**, Member of **JIG INVESTMENTS, LLC** and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of **JIG INVESTMENTS, LLC**.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ___, 2019

Then personally appeared the above-named **LISA C. BELL** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ___, 2019

Then personally appeared the above-named **DAVID M. GENDRON**, President of **GENDRON & GENDRON, INC.** and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of **GENDRON & GENDRON, INC.**

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ___, 2019

Then personally appeared the above-named **JOHN M. GENDRON** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

WAIVER OF RESTRICTION

(Wind in the Pines Homeowners' Association)

The undersigned, being the owners of Lots 1–13 on the Plan of Wind in the Pines dated July, 1988 recorded in the Androscoggin County Registry of Deeds in Plan Book 34, Page 87–88 (hereinafter the “Plan”), by virtue of the instruments referenced below, for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, do hereby waive the restriction on Lot 1 which states that “[n]o subdivision of any individual parcel shall be permitted at any time.” The same restriction being more fully described in the Easement Rights, Protective Covenants, Restrictions, and Reservations for Wind in the Pines dated December 30, 1988 and recorded in Said Registry in Book 2430, Page 234. Said waiver will permit Ronald M. Tardif to convey an approximately 43’ by 375’ strip of land to abutters David Gorey and Doris Gorey. This Waiver shall run with the land and shall be binding upon the respective heirs, personal representatives, successors, and assigns of the parties hereto.

The source of title of the undersigned is as follows:

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13. Lot 13: **JOHN M. GENDRON** by Quitclaim Deed without Covenant from TD Bank, N.A. dated April 9, 2014 and recorded April 15, 2014 in Said Registry in Book 8894, Page 271.

In Witness Whereof, the undersigned have hereunto set their hands and seals effective this 17 day of August, 2019.

Witness:





 Ronald M. Tardiff, Lot 1


 Ermelinda D'Alessandro, Lot 2


 Roberto Dolci, Lot 2

 Neil Garston, Lots 3 and 4

 Carol Steiman, Lots 3 and 4

 Eva T. Kovacs, Lot 5

 Philip A. McLean, Lot 6

 Amy M. McLean, Lot 6

 Lisa M. Scott, Lot 7

 Elwin R. Scott, Jr., Lot 7

 Michael T. Connor, Lot 8

Diane P. Connor, Lot 8

JIG Investments, LLC

BY: _____

John M. Gendron, Its Member,
Lots 9 and 12

Lisa C. Bell, Lot 10

Gendron & Gendron, Inc.

BY: _____

David M. Gendron, Its President, Lot 11

John M. Gendron, Lot 13

STATE OF MAINE
ANDROSCOGGIN, SS.

August __, 2019

Then personally appeared the above-named **RONALD M. TARDIF** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August 11, 2019

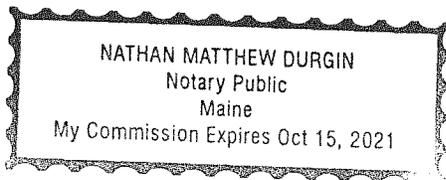
Then personally appeared the above-named **ERMELINDA D'ALESSANDRO** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: Nathan Durgin

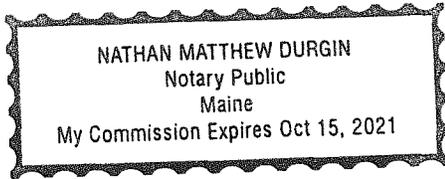
My Commission Expires: 10-15-21



STATE OF MAINE
ANDROSCOGGIN, SS.

August 17, 2019

Then personally appeared the above-named **ROBERTO DOLCI** and acknowledged the foregoing instrument to be his free act and deed.



Before me,

[Signature]

Notary Public / Attorney at Law

Print Name: Nathan Durgin

My Commission Expires: 10-15-21

STATE OF MAINE
ANDROSCOGGIN, SS.

August 17, 2019

Then personally appeared the above-named **NEIL GARSTON** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August __, 2019

Then personally appeared the above-named **CAROL STEIMAN** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ___, 2019

Then personally appeared the above-named **EVA T. KOVACS** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ___, 2019

Then personally appeared the above-named **PHILIP A. MCLEAN** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ___, 2019

Then personally appeared the above-named **AMY M. MCLEAN** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ____, 2019

Then personally appeared the above-named **LISA M. SCOTT** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ____, 2019

Then personally appeared the above-named **ELWIN R. SCOTT** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ____, 2019

Then personally appeared the above-named **MICHAEL T. CONNOR** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ____, 2019

Then personally appeared the above-named **DIANE P. CONNOR** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ____, 2019

Then personally appeared the above-named **JOHN M. GENDRON**, Member of **JIG INVESTMENTS, LLC** and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of **JIG INVESTMENTS, LLC**.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ____, 2019

Then personally appeared the above-named **LISA C. BELL** and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ___, 2019

Then personally appeared the above-named **DAVID M. GENDRON**, President of **GENDRON & GENDRON, INC.** and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of **GENDRON & GENDRON, INC.**

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____

STATE OF MAINE
ANDROSCOGGIN, SS.

August ___, 2019

Then personally appeared the above-named **JOHN M. GENDRON** and acknowledged the foregoing instrument to be his free act and deed.

Before me,

Notary Public / Attorney at Law

Print Name: _____

My Commission Expires: _____



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Lewiston Planning Board

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

DATE: November 21, 2019

RE: Annual Review of Planning Board Protocol and Handbook

As per your request, please review the attached 2019 Planning Board Protocol and Handbook materials. The staff would like to discuss this at your December 9, 2019 meeting.

City of Lewiston Planning Board Meeting Protocol, 2019
(The purpose of this document is to provide guidance to Planning Board members
when conducting a meeting)

A. *Call to Order (by chairman)*

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

B. *Roll Call (by secretary)*

Planning Board Members:

Pauline Gudas
Sandy Marquis
Normand Anctil
Kristine Kittridge
Lucy Bisson
Benjamin Martin
Shanna Cox
Roger Fuller
Ryan Rhoades

City Staff:

Doug Greene, City Planner, Deputy Director
David Hediger, Director, Planning and Code Enforcement
Identify any other Staff or City representative in attendance.

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

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

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

“Regarding the agenda items before the Planning Board, I will first identify the item, and then Staff will make a brief presentation followed by Planning Board questions. I will then request a presentation by the applicant/petitioner to explain their proposal followed by board questions. I will then open the meeting for public comment with proponents speaking first followed by anyone in opposition or having questions regarding the proposal. I please ask that everyone who speaks for or against or has a question concerning the subject matter to use the microphone provided by

Staff as this meeting is being recorded and to identify themselves by name and address for our record. The applicant/petitioner shall be given the opportunity to make any responses to public comments. The public portion will then be closed and the Planning Board will deliberate and vote on the matter before us. Once the public comment portion of the meeting is closed, unless there is a specific question from a Board Member to the public, the public portion will remain closed.

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

D. Correspondence

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

E. Public Hearings

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

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

1. New Business
2. Old Business

G. Minutes

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

H. Adjournment



PLANNING BOARD HANDBOOK

Adopted: January 2019

PLANNING BOARD HANDBOOK

CONTENTS

- I. Article IV, City Charter**

- II. Rules of Procedure**

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

- IV. Ethical Principles in Planning (American Planning Association)**

- V. Article VII. Planning Board- Lewiston Zoning Ordinance**

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

I. City Charter

EXCERPTS FROM CHARTER OF THE CITY OF LEWISTON

Article IV. Administrative Organization

4.05 PLANNING BOARD

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

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

- (b) COMPENSATION. Each member shall receive salary at the rate of six hundred (\$600.00) dollars per year, payable monthly.
- (c) DUTIES. The Planning Board shall carry out those duties assigned to it by general law and by ordinance.
- (d) RULES OF PROCEDURE. The Planning Board shall adopt appropriate rules of procedure consistent with the provisions of this Charter to enable it to carry out its functions.

4.07. COMPENSATION. Compensation paid to members of the Personnel Board, Planning Board and Board of Appeals may be changed by ordinance.

4.08 FORFEITURE OF OFFICE. A member of the Personnel Board, Planning Board, or Board of Appeals shall forfeit his office and a vacancy therein shall exist, if he (1) dies; (2) resigns; (3) moves from the City; (4) in the case of the Planning Board and Board of Appeals if he moves from his ward into a ward in which there are currently two (2)

members of the same Board; (5) is convicted of a crime or offense involving moral turpitude while in office; (6) is found to be in violation of Section 8.04 of this Charter; or (7) exceeds the tenure authorized for the office. If any vacancy should occur, it shall be filled for the remainder of the unexpired term by appointment of the Mayor.

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

Article VI. Financial Procedures

6.05 CAPITAL PROGRAM.

- (a) SUBMISSION TO COUNCIL. The administrator shall each year prepare and submit to the Council a five (5) year capital program, including the capital program proposed for the School Department, at least five and one-half (5½) months prior to the end of the fiscal year. The Administrator shall concurrently refer the Capital Program to the Planning Board for its review.
- (b) CONTENTS. The capital program shall include:
- (1) A clear general summary of its contents;
 - (2) A list of all capital improvements which are proposed to be undertaken during the five (5) years next ensuing, with appropriate supporting information as to the necessity for such improvements;
 - (3) Cost estimates, method of financing and recommended time schedules for each improvement; and;
 - (4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

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

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

Article VIII. General Provisions

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

II. Rules of Procedure

Lewiston Planning Board

1. Officers.

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

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

2. Duties.

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

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

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

All correspondence from the City Staff as well as all recommendations presented and actions suggested as necessary shall be incorporated without need for a specific motion into the record and shall be part of the record of the hearing on the specific issue.

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

3. Meetings.

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

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

- B. **Special meetings** and executive sessions may be held upon call of the Mayor, the chairman, and at such other times as the Planning Board may determine, provided that at least 24 hours notice of the meeting be given to each member.
- C. **Removal of Members-** A member who misses three (3) consecutive meetings without just cause, as determined by the chairman, shall be reported to the Mayor for an evaluation of his/her willingness to continue to serve on this Board.
- D. **Late Material** related to both development and non-development review agenda items which are not included in the Planning Board packet may only be considered if agreed to by a majority vote of the Board.
- E. **Agenda-** The order of business at all regular meetings of the Planning Board shall be as follows:
 - 1. Roll Call - Planning Board Members, City Staff, and identify other Staff or City representatives in attendance.
 - 2. Adjustments to the Agenda.
 - 3. Correspondence - The Chairman will request a motion to accept and place on file correspondence (to be identified), other submitted material not in the Planning Board packet, and -Staff memoranda (this will establish the record as Staff memoranda will reference all submittals the Planning Board has received.) Pursuant to 2.C. all correspondence from the City Staff is, without need for motion, incorporated into the record. All other correspondence may be adopted by motion at this point or later in the proceedings as decided by the Planning Board by four (4) affirmative votes.
 - 4. Public Hearings.

5. Review of Development Proposals.
6. Other Business - New and Old Business.
7. Reading of Minutes of the previous meeting.
8. Adjournment.

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

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

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

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

- G. **Guidance**- The Planning Board shall act in accordance with the provisions of the Zoning Ordinance (Appendix A of the Lewiston Revised Code of Ordinances)and shall follow as guidance, the standards of development review outlined in the Site Plan Review and Design Guidelines adopted by the Planning Board on October 22, 1987, and as amended.

- H. **Minutes-** The secretary, with the assistance of the Planning and Code Enforcement Department staff, shall keep minutes of the proceedings of each meeting of the Planning Board, including workshops, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and the final disposition of matters shall be recorded by resolution indicating the reasons of the Board therefore.
- I. **Freedom of Access/Information-** All meetings of the Planning Board shall be conducted in accordance with Maine's Public Right to Know Law. A copy of this statute, Title I, M.R.S.A., Sections 401—410 is enclosed in this handbook and deemed a part of these Rules.
- J. **Attendance by Applicant-** An applicant or petitioner or their agent must appear at the scheduled meeting at which the subject case is to be heard. Failure to appear may result in the dismissal of the case. The Planning Board may, upon majority vote, continue the matter to a date specific for the hearing. Reinstatement of the case shall be allowed upon the filing of a written request. Reinstatement shall be allowed only upon payment of any required fees incurred from re-advertising the case.
- K. **Continuance-** A continuance may be granted to an applicant when good cause is shown that they are unable to present their case at the scheduled meeting.

4. Notice.

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

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

- B. **Meeting Notice-** The secretary of the Planning Board, with the assistance of Planning and Code Enforcement Department Staff, will coordinate with the City Clerk of the

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

C. Notice of Abutters.

Procedure for Notification of Development to Affected Property Owners.

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

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

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

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

5. Ad Hoc Committees.

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

6. Parliamentary Procedures.

- A. In all cases where parliamentary procedure questions arise in the conduct of the Board’s affairs, the current edition of Robert’s Rules of Order shall be taken as the source of authority to decide the orderly course of the proceedings except as otherwise provided herein.
- B. Reconsideration of Items - When an item is voted on by the Board, it shall be in order for any member who voted on the prevailing side to move a reconsideration thereof, during the same meeting or at the immediate next regularly scheduled Planning Board

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

7. Hearing Procedures for all Planning Board Public Hearings.

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

8. Guide to Ethical Conduct.

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

9. Amendment.

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

10. Review and Adoption.

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

11. Student Members.

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

12. Workshops

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

13. Rules of Decorum

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

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

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

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

Maine Revised Statutes

Title 1: GENERAL PROVISIONS

Chapter 13: PUBLIC RECORDS AND PROCEEDINGS

Subchapter 1: FREEDOM OF ACCESS

§400. SHORT TITLE

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

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

§401. DECLARATION OF PUBLIC POLICY; RULES OF CONSTRUCTION

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

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

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

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

§402. DEFINITIONS

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

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

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

[1991, c. 773, §1 (NEW) .]

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

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

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

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

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

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

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

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

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

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

[2009, c. 334, §§1-3 (AMD) .]

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

- A. Records that have been designated confidential by statute; [1975, c. 758, (NEW).]
- B. Records that would be within the scope of a privilege against discovery or use as evidence recognized by the courts of this State in civil or criminal trials if the records or inspection thereof were sought in the course of a court proceeding; [1975, c. 758, (NEW).]
- C. Legislative papers and reports until signed and publicly distributed in accordance with legislative rules, and records, working papers, drafts and interoffice and intraoffice memoranda used or maintained by any Legislator, legislative agency or legislative employee to prepare proposed Senate or House papers or reports for consideration by the Legislature or any of its committees during the legislative session or sessions in which the papers or reports are prepared or considered or to which the paper or report is carried over; [1991, c. 773, §2 (AMD).]
- C-1. Information contained in a communication between a constituent and an elected official if the information:
- (1) Is of a personal nature, consisting of:
 - (a) An individual's medical information of any kind, including information pertaining to diagnosis or treatment of mental or emotional disorders;
 - (b) Credit or financial information;
 - (c) Information pertaining to the personal history, general character or conduct of the constituent or any member of the constituent's immediate family;
 - (d) Complaints, charges of misconduct, replies to complaints or charges of misconduct or memoranda or other materials pertaining to disciplinary action; or
 - (e) An individual's social security number; or
 - (2) Would be confidential if it were in the possession of another public agency or official; [2011, c. 264, §1 (NEW).]
- D. Material prepared for and used specifically and exclusively in preparation for negotiations, including the development of bargaining proposals to be made and the analysis of proposals received, by a public employer in collective bargaining with its employees and their designated representatives; [1989, c. 358, §4 (AMD).]
- E. Records, working papers, interoffice and intraoffice memoranda used by or prepared for faculty and administrative committees of the Maine Maritime Academy, the Maine Community College System and the University of Maine System. The provisions of this paragraph do not apply to the boards of trustees and the committees and subcommittees of those boards, which are referred to in subsection 2, paragraph B; [1989, c. 358, §4 (AMD); 1989, c. 443, §2 (AMD); 1989, c. 878, Pt. A, §2 (RPR); 2003, c. 20, Pt. OO, §2 (AMD); 2003, c. 20, Pt. OO, §4 (AFF).]
- F. Records that would be confidential if they were in the possession or custody of an agency or public official of the State or any of its political or administrative subdivisions are confidential if those records are in the possession of an association, the membership of which is composed exclusively of one or more political or administrative subdivisions of the State; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; [1991, c. 448, §1 (AMD).]
- G. Materials related to the development of positions on legislation or materials that are related to insurance or insurance-like protection or services which are in the possession of an association, the membership of which is composed exclusively of one or more political or administrative subdivisions of the State; of boards, commissions, agencies or authorities of any such subdivisions; or of any combination of any of these entities; [1991, c. 448, §1 (AMD).]
- H. Medical records and reports of municipal ambulance and rescue units and other emergency medical service units, except that such records and reports must be available upon request to law enforcement officers investigating criminal conduct; [1995, c. 608, §4 (AMD).]
- I. Juvenile records and reports of municipal fire departments regarding the investigation and family background of a juvenile fire setter; [1999, c. 96, §1 (AMD).]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[2013, c. 267, Pt. B, §1 (AMD) .]

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

[2009, c. 334, §4 (NEW) .]

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

[2011, c. 662, §3 (NEW) .]

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

[2011, c. 662, §3 (NEW) .]

SECTION HISTORY

1973, c. 433, §1 (AMD). 1975, c. 243, (RPR). 1975, c. 483, §2 (AMD). 1975, c. 758, (RPR). 1977, c. 164, §§1,2 (AMD). 1977, c. 696, §9 (AMD). 1985, c. 695, §§1,2 (AMD). 1985, c. 779, §§1,2 (AMD). 1987, c. 20, §1 (AMD). 1987, c. 402, §A1 (AMD). 1987, c. 477, §1 (AMD). 1989, c. 358, §§1-4 (AMD). 1989, c. 443, §§1,2 (AMD). 1989, c. 878, §§A1,2 (AMD). 1991, c. 448, §§1,2 (AMD). 1991, c. 773, §§1,2 (AMD). 1991, c. 848, §1 (AMD). 1995, c. 608, §§1-5 (AMD). 1997, c. 714, §1 (AMD). 1999, c. 96, §§1-3 (AMD). 2001, c. 477, §1 (AMD). 2001, c. 675, §§1-3 (AMD). 2003, c. 20, §OO2 (AMD). 2003, c. 20, §OO4 (AFF). 2003, c. 392, §§1-3 (AMD). 2003, c. 614, §§1-3 (AMD). 2005, c. 381, §§1-3 (AMD). 2007, c. 597, §1 (AMD). RR 2009, c. 1, §§1-3

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

§402-A. PUBLIC RECORDS DEFINED

(REPEALED)

SECTION HISTORY

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

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

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

[2011, c. 320, Pt. C, §1 (NEW) .]

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

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

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

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

[2011, c. 320, Pt. C, §1 (NEW) .]

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

[2011, c. 320, Pt. C, §1 (NEW) .]

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

[2011, c. 320, Pt. C, §1 (NEW) .]

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

[2011, c. 320, Pt. C, §1 (NEW) .]

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

[2011, c. 320, Pt. C, §1 (NEW) .]

SECTION HISTORY

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

§404. RECORDED OR LIVE BROADCASTS AUTHORIZED

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

SECTION HISTORY

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

§404-A. DECISIONS

(REPEALED)

SECTION HISTORY

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

§405. EXECUTIVE SESSIONS

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

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

[2009, c. 240, §2 (AMD) .]

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

[2009, c. 240, §2 (AMD) .]

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

[2009, c. 240, §2 (AMD) .]

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

[2003, c. 709, §1 (AMD) .]

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

[2009, c. 240, §2 (AMD) .]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[2009, c. 240, §2 (AMD) .]

SECTION HISTORY

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

§405-A. RECORDED OR LIVE BROADCASTS AUTHORIZED

(REPEALED)

SECTION HISTORY

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

§405-B. APPEALS

(REPEALED)

SECTION HISTORY

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

§405-C. APPEALS FROM ACTIONS

(REPEALED)

SECTION HISTORY

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

§406. PUBLIC NOTICE

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

SECTION HISTORY

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

§407. DECISIONS

1. Conditional approval or denial. Every agency shall make a written record of every decision involving the conditional approval or denial of an application, license, certificate or any other type of permit. The agency shall set forth in the record the reason or reasons for its decision and make finding of the fact, in writing, sufficient to appraise the applicant and any interested member of the public of the basis for the decision. A written record or a copy thereof shall be kept by the agency and made available to any interested member of the public who may wish to review it.

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

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

[2009, c. 240, §3 (AMD) .]

SECTION HISTORY

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

§408. PUBLIC RECORDS AVAILABLE FOR PUBLIC INSPECTION AND COPYING

(REPEALED)

SECTION HISTORY

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

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

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

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

[2011, c. 662, §5 (NEW) .]

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

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

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

[2011, c. 662, §5 (NEW) .]

3. Acknowledgment; clarification; time estimate; cost estimate. The agency or official having custody or control of a public record shall acknowledge receipt of a request made according to this section within 5 working days of receiving the request and may request clarification concerning which public record or public records are being requested. Within a reasonable time of receiving the request, the agency or official shall provide a good faith, nonbinding estimate of the time within which the agency or official will comply with the request, as well as a cost estimate as provided in subsection 9. The agency or official shall make a good faith effort to fully respond to the request within the estimated time. For purposes of this subsection, the date a request is received is the date a sufficient description of the public record is received by the agency or official at the office responsible for maintaining the public record. An agency or official that receives a request for a public record that is maintained by that agency but is not maintained by the office that received the request shall forward the request to the office of the agency or official that maintains the record, without willful delay, and shall notify the requester that the request has been forwarded and that the office to which the request has been forwarded will acknowledge receipt within 5 working days of receiving the request.

[2015, c. 317, §1 (AMD) .]

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

[2015, c. 494, Pt. A, §1 (RPR) .]

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

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

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

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

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

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

[2015, c. 248, §2 (NEW) .]

5. Schedule. Inspection, conversion pursuant to subsection 7 and copying of a public record subject to a request under this section may be scheduled to occur at a time that will not delay or inconvenience the regular activities of the agency or official having custody or control of the public record requested. If the agency or official does not have regular office hours, the name and telephone number of a contact person authorized to provide access to the agency's or official's records must be posted in a conspicuous public place and at the office of the agency or official, if an office exists.

[2011, c. 662, §5 (NEW) .]

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

[2011, c. 662, §5 (NEW) .]

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

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

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

[2011, c. 662, §5 (NEW) .]

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

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

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

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

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

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

[2011, c. 662, §5 (NEW) .]

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

[2011, c. 662, §5 (NEW) .]

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

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

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

[2011, c. 662, §5 (NEW) .]

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

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

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

[2011, c. 662, §5 (NEW) .]

SECTION HISTORY

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

§409. APPEALS

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

[2015, c. 249, §2 (AMD) .]

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

[2011, c. 559, Pt. A, §2 (AMD) .]

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

[2009, c. 240, §6 (AMD) .]

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

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

[2009, c. 423, §1 (NEW) .]

SECTION HISTORY

1975, c. 758, (NEW). 1987, c. 477, §5 (AMD). 2007, c. 695, Pt. C, §1 (AMD). 2009, c. 240, §§5, 6 (AMD). 2009, c. 423, §1 (AMD). 2011, c. 559, Pt. A,

§§1, 2 (AMD). 2011, c. 662, §6 (AMD). 2013, c. 350, §3 (AMD). 2015, c. 249, §2 (AMD).

§410. VIOLATIONS

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

SECTION HISTORY

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

IV. Ethical Principles in Planning

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

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

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

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

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

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

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

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

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

Planning Process Participants should:

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

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

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

Planning Process Participants should:

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

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

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

V. ARTICLE VII- PLANNING BOARD

(From the Lewiston Zoning Ordinance)

Sec. 1. Purpose.

The purpose of this article is to establish the organization, authority and responsibilities of the planning board.

Sec. 2. Authority.

The planning board is established pursuant to Section 4.05 of the City Charter and the laws of the state as amended.

Sec. 3. Organization and rules.

- (a) A quorum necessary to conduct an official meeting of the planning board shall consist of at least four members.
- (b) The concurring vote of at least four members is required to constitute an action on any matter requiring a public hearing.
- (c) All seven members enjoy the same rights and privileges regardless of any planning board office that they may hold.
- (d) The mayor or chairman of the planning board may call special meetings of the board.
- (e) Any request for a recommendation by the city council shall be acted upon within 30 days of the request except as otherwise provided for by statute or ordinance or unless a longer period is specified by the city council.
- (f) The planning board may adopt rules of procedure and may adopt statements of policy consistent with the Charter and this Code to assist it in the performance of its functions.
- (g) No member of the board shall participate in the hearing or disposition of any matter in which he has an interest. Any question of whether a member has a conflict of interest sufficient to disqualify the member shall be decided by a majority vote of the members present, except the member whose possible conflict is being examined. Where such vote results in a tie, the subject member shall be disqualified.

Sec. 4. Powers and duties.

- (a) The planning board shall prepare and maintain the official map.
- (b) The planning board shall prepare and maintain a comprehensive plan as defined in 30 M.R.S.A. section 4961 as amended and shall review and make recommendations on all investigations, reports and plans relating to the planning and development of the city or affecting the comprehensive plan.
- (c) The board shall perform those duties prescribed by ordinance and statute including, but

not limited to, approving or disapproving subdivisions, making recommendations on amendments to the land use code and administering and enforcing certain provisions of the Code.

- (d) The board shall perform those duties requested by the city council and may perform duties upon request of other public agencies.
- (e) The board shall review the annual capital program and report to the city council in accordance with Section 6.05 of the City Charter its findings regarding the needs of the city for the improvement, replacement and alteration of existing facilities and the acquisition or construction of additional facilities and the order in which such projects should be undertaken. The board shall hold at least one public hearing prior to making its recommendations to the city council.
- (f) The board shall review and make a recommendation to the city council with regard to all capital expenditures costing \$100,000.00 or more which are not included in the annual capital program.
- (g) The board may provide assistance and recommendations to any municipal department on matters affecting the comprehensive plan. Each officer and department of the city shall give all reasonable aid, cooperation and information to the board.
- (h) The board shall review and make a recommendation to the city council with regard to the acquisition, except through tax lien foreclosure (36 M.R.S.A. section 942 as amended), and disposition of all public ways, lands, buildings and other municipal facilities.
- (i) The powers and duties described in this section are subject to the powers and duties assigned to the historic preservation review board in article XV of this Code.
- (j) Conditional use permits. The board shall hear and decide applications for conditional use permits, where the development is a major development as defined in article XIII of this Code, in accordance with the standards and procedures set forth in article X of this Code.
- (k) Modifications. The board shall hear and decide requests for the reduction of the provisions under article XI, sections 1 through 14, district regulations, with respect to space and bulk standards for setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios, and maximum building height, where the development is a major development as defined in article XIII, subsection 3(a)(2) of this Code. In order for the board to grant the aforementioned relief, it must find that the standards contained in article IX, sections 3(9), (10) and (11), as applicable, are met.
- (l) The board shall make determinations necessary for its review of major developments as defined in article XIII of this Code.

(Ord. No. 89-3, 4-7-89; Ord. No. 98-6, 7-2-98; Ord. No. 99-11, 5-20-99)

Sec. 5. Administration and staff support.

- (a) The planning director shall assist the planning board in the administration of its powers and duties including preparing agendas and minutes, providing public notice of meetings, handling correspondence and maintaining all official records.
- (b) Unless otherwise specifically provided in this Code, whenever the planning board conducts a public hearing, notice of said public hearing shall be provided by publication of said notice at least seven days prior to the hearing in a newspaper of general circulation in the city.

Sec. 6. Appeal of planning board action.

Any appeal from an action of the planning board in administering the provisions of this Code shall be made to the superior court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure as amended.

II. Rules of Procedure

Lewiston Planning Board

12/23/2019 Draft for 2020

1. Officers.

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

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

2. Duties.

- A. The chairman shall call regular meetings of the Planning Board as required. The chairman shall also call meetings of the Planning Board when requested to do so by four (4) members of the Planning Board. The chairman shall preside at all meetings and hearings of the Board, decide all points of order and procedure, be the official spokesman for the Board, act as liaison between the Board and other agencies of the City of Lewiston, and perform any duties required by law, ordinance, charter or the Board.
- B. In the absence or disqualification of the chairman, the vice-chairman shall assume the duties of the chairman. In the absence and/or disqualification of both the chairman and vice-chairman, a member shall be chosen by a majority vote of all members present and will assume the duties of chairman for that meeting.
- C. The secretary, with the assistance of the Planning and Code Enforcement Staff, shall keep a permanent record of all Board Meetings or other official actions of the Board and shall keep all correspondence of the Board on file in the City Planning and Code Enforcement Department's office. The secretary, with the assistance of the Planning and Code Enforcement Department Staff, shall also be responsible for keeping the records of the various proceedings which may be brought before the Board. All records to be prepared or retained by the secretary are deemed public and may be inspected at reasonable times. The secretary, with the direction of the Planning and Code Enforcement Department Staff, shall conduct, at the direction of the Planning Board, all official correspondence of the Board, send out all required notices, and perform all other duties required by law, ordinance, or the Board.

All correspondence from the City Staff as well as all recommendations presented and actions suggested as necessary shall be incorporated without need for a specific motion into the record and shall be part of the record of the hearing on the specific issue.

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

3. Meetings.

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

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

- B. Special meetings and executive sessions may be held upon call of the Mayor, the chairman, and at such other times as the Planning Board may determine, provided that at least 24 hours notice of the meeting be given to each member.
- C. Removal of Members- A member who misses three (3) consecutive meetings without just cause, as determined by the chairman, shall be reported to the Mayor for an evaluation of his/her willingness to continue to serve on this Board.
- D. Late Material related to both development and non-development review agenda items which are not included in the Planning Board packet may only be considered if agreed to by a majority vote of the Board.
- E. Agenda- The order of business at all regular meetings of the Planning Board shall be as follows:
 1. Roll Call - Planning Board Members, City Staff, and identify other Staff or City representatives in attendance.
 2. Adjustments to the Agenda.
 3. Correspondence - The Chairman will request a motion to accept and place on file correspondence (to be identified), other submitted material not in the Planning Board packet, and -Staff memoranda (this will establish the record as Staff memoranda will reference all submittals the Planning Board has received.) Pursuant to 2.C. all correspondence from the City Staff is, without need for motion, incorporated into the record. All other correspondence may be adopted by motion at this point or later in the proceedings as decided by the Planning Board by four (4) affirmative votes.
 4. Public Hearings.
 5. Review of Development Proposals.

6. Other Business - New and Old Business.
7. Reading of Minutes of the previous meeting.
8. Adjournment.

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

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

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

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

- G. Guidance- The Planning Board shall act in accordance with the provisions of the Zoning Ordinance (Appendix A of the Lewiston Revised Code of Ordinances) and shall follow as guidance, the standards of development review outlined in the Site Plan Review and Design Guidelines adopted by the Planning Board on October 22, 1987, and as amended.

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

4. Notice.

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

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

- B. Meeting Notice- The secretary of the Planning Board, with the assistance of Planning and Code Enforcement Department Staff, will coordinate with the City Clerk of the City of Lewiston to serve notice of such public hearings detailing subject, time, and place of hearing a reasonable time in advance of the hearing, upon those individuals

meriting personal notice because of their relationship to the subject matter at issue. By way of example, the following are parties who because of their relationship to the subject matter at issue shall be given official notice of such public hearing: developer of a proposed development, petitioners of a zoning amendment, all land owners whose property abuts the lot or lots involved, and other property owners potentially affected by the proposed development or zoning amendment as determined by the Planning and Code Enforcement Department Staff. Notice shall be by any method of personal service or substituted personal service authorized by the ordinances of the City of Lewiston and the laws of the State of Maine.

C. Notice of Abutters.

Procedure for Notification of Development to Affected Property Owners.

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

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

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

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

5. Ad Hoc Committees.

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

6. Parliamentary Procedures.

- A. In all cases where parliamentary procedure questions arise in the conduct of the Board’s affairs, the current edition of Robert’s Rules of Order shall be taken as the source of authority to decide the orderly course of the proceedings except as otherwise provided herein, may be suspended by a majority vote of the Board at any time.
- B. Reconsideration of Items - When an item is voted on by the Board, it shall be in order for any member who voted on the prevailing side to move a reconsideration thereof, during the same meeting or at the immediate next regularly scheduled Planning Board meeting, but not afterwards. In instances where a majority of those present vote in favor of an item but there are less than the normally required four votes, the prevailing side

shall be those who voted against the item. No motion to reconsider a vote taken at a previous meeting shall be in order for consideration at the immediate next regularly scheduled Planning Board meeting unless an item to that effect is scheduled on the agenda for such meeting or unless five of the members consent to such reconsideration.

7. Hearing Procedures for all Planning Board Public Hearings.

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

8. Guide to Ethical Conduct.

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

9. Amendment.

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

10. Review and Adoption.

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

11. Student Members.

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

12. Workshops

- a) Workshop meetings shall be held when deemed appropriate and necessary.
- b) Citizens are welcome, and highly encouraged, to attend and participate in workshops, however, discussion maybe limited by the Planning Board Chair, if deemed appropriate. City staff may also request that items be opened for public comment when such comment may be useful in refining or improving the item when it is presented to the Board for action at a regular meeting.
- c) (d) When a workshop item involves the work of or a recommendation from a City Board, Commission, or Committee, representatives of those groups, when speaking for or representing their work, will be allowed to participate and not be subject to the time limit imposed on the general public.
- d) When a workshop item involves the work of or a recommendation from a City Board, Commission, Committee, of City Council, representatives of those groups, when speaking for or representing their work, will be allowed to participate and not be subject to the time limit imposed on the general public.

13. Rules of Decorum

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

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

14. Rules and Procedures Governing Public Comment Periods

Planning Board meetings are conducted to carry on the official business of the City of Lewiston. All meetings, except Executive Sessions, are open to the public. The public is cordially invited to attend all meetings, and to participate in them consistent with the provisions of this policy and with the exception of workshops, which are primarily intended for the Board and staff to review and discuss items prior to their appearance on a regular Planning Board meeting.

The intent of this policy is to allow a fair and adequate opportunity for the public to be heard, to express opinions and concerns related to the business of the Board, and to provide adequate time for the Board to obtain information and opinions on subjects before it while ensuring that the time allowed for public input does not interfere with the addressing the scheduled agenda. To carry out these purposes, the following rules and procedures shall govern the public comment period at all Lewiston Planning Board meetings:

Addressing Specific Agenda Items

Public comments will be allowed during the meeting on those items requiring a public hearing. These comments should be DIRECTLY related to the specific agenda item being addressed. Public comments will not be taken during other agenda items or workshops unless a request is made to the Planning Board Chair by a Board member or staff member of the Planning and Code Enforcement Department. Individuals addressing the Planning Board during the public comment period will limit their comments to (3) three minutes.

Rules Governing Public Comment Periods

1. Since meetings are recorded, persons wishing to speak must use the public podium located to the left side of the audience or the table in front of the dais, and speakers must preface their comments by giving their full name and address.
2. Comments must be limited to issues or concerns DIRECTLY related to the specific agenda item being considered. Public comment on matters not related to that specific item will not be allowed, so as to make sure that all meetings are carried out in a productive and efficient time and in keeping with the interests of all who attend and participate in a Board meeting.
3. Per state law, found in Title 1, Section 408, complaints or charges from the public about an individual employee will not be permitted. We encourage you to address such comments by directly contacting the City Administrator for their immediate follow-up and review.
4. Comments related to personal disputes between the speaker and other private residents will be ruled out of order by the Planning Board Chair:
5. Individuals will be restricted to speaking once per public comment period for each specific agenda item unless requested to do so by the Planning Board Chair.
6. Individuals addressing the Board shall direct their remarks exclusively to the Planning Board Chair. No person other than Board members and the individual at the podium shall be permitted to enter into any discussion, either directly or through members of the Board. The public comment period is an opportunity for residents to express their views on matters relating to that specific agenda item.
7. As a limited designated public forum, the Board does not have the right to prohibit disparaging, rude and other remarks of a personal nature. But, because of

the potential implications, including personal liability of the speakers, we encourage any speakers to strive to be accurate in their statements and avoid making personal, rude, or provocative remarks.

8. All statements should respect the dignity and seriousness of the proceeding.

9. Persons present at Board meetings shall not interrupt, nor applaud or otherwise express approval or disapproval of any statements made or actions taken at such meeting.

Failure To Follow Guidelines

The Planning Board Chair will limit commentary that is determined not to be germane to the topic at hand, or which violates any of the guidelines listed above. The Chair will direct any individual not operating in accord with these guidelines to cease such action or risk being asked to be seated or removed. If such conduct continues, the Chair will call a recess, request the removal of such person(s) from the Chambers, adjourn the meeting, or take other such appropriate action.

Repeated violations by any individual will result in the Chair revoking that individual's right to speak at future meetings. Should the Chair fail to take action, any Board member may move that the Chair enforce the rules and guidelines and, if denied, request that the Board vote on the motion.



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Lewiston Planning Board

FROM: Doug Greene, AICP, RLA; City Planner

DATE: December 19, 2019

RE: Design Lewiston Updates

The staff would like to present an update on Design Lewiston based upon the discussion with the Planning Board at their November 25, 2019 meeting.

1. **Landscaping and Buffering:** The staff is now proposing a citywide requirement for landscaping along street frontage for new projects. Street trees would be required at 1 tree per 25' to 50' of road frontage along with shrubs. Parking island and pedestrian walkways would no longer be required in parking lots.
2. **Expansion of the Design District Overlay into the Tree Street Neighborhood:** The Staff has explored the possibility of expanding Design District regulations into the neighborhood to the northeast of the existing Downtown Residential (DR) District. The proposed Design District Overlay expansion area is shown on the attached map "Downtown Residential District Expansion". The majority of this area is zoned Neighborhood Conservation "B" (NCB) and Community Business (CB). One possibility is to rezone the NBC and CB areas within the Design District Overlay to DR.

Some of the considerations for rezoning to DR are:

- a. **Density-** Staff compared the net lot area per dwelling unit as per the zoning ordinance requirements with the existing lot densities.

Zoning Ordinance Densities

The DR district allows a net lot density of 1,250 sf per dwelling unit.

The CB district allows a net lot density of 3,000 sf per dwelling unit.

The NCB district uses a formula to determine the average net lot area density by averaging the density of occupied residential lots within 500 feet of a particular property.

Existing Net Lot Densities (excluding non-residential and vacant properties)

The DR district has an average of 1,459 sf per dwelling unit

The CB district has an average of 1,052 sf per dwelling unit

The NCB district has an average of 1,470 sf per dwelling unit

- b. Land Uses- Staff has compared the Land Uses in the DR, CB and NCB. (see attached land-use comparison chart)

If the CB and NCB districts are rezoned to DR, the Staff recommends:

- Removing Movie Theaters as a permitted use
- Removing Retail as a permitted use
- Adding Neighborhood Retail (under 5,000 sf) as a Conditional Use

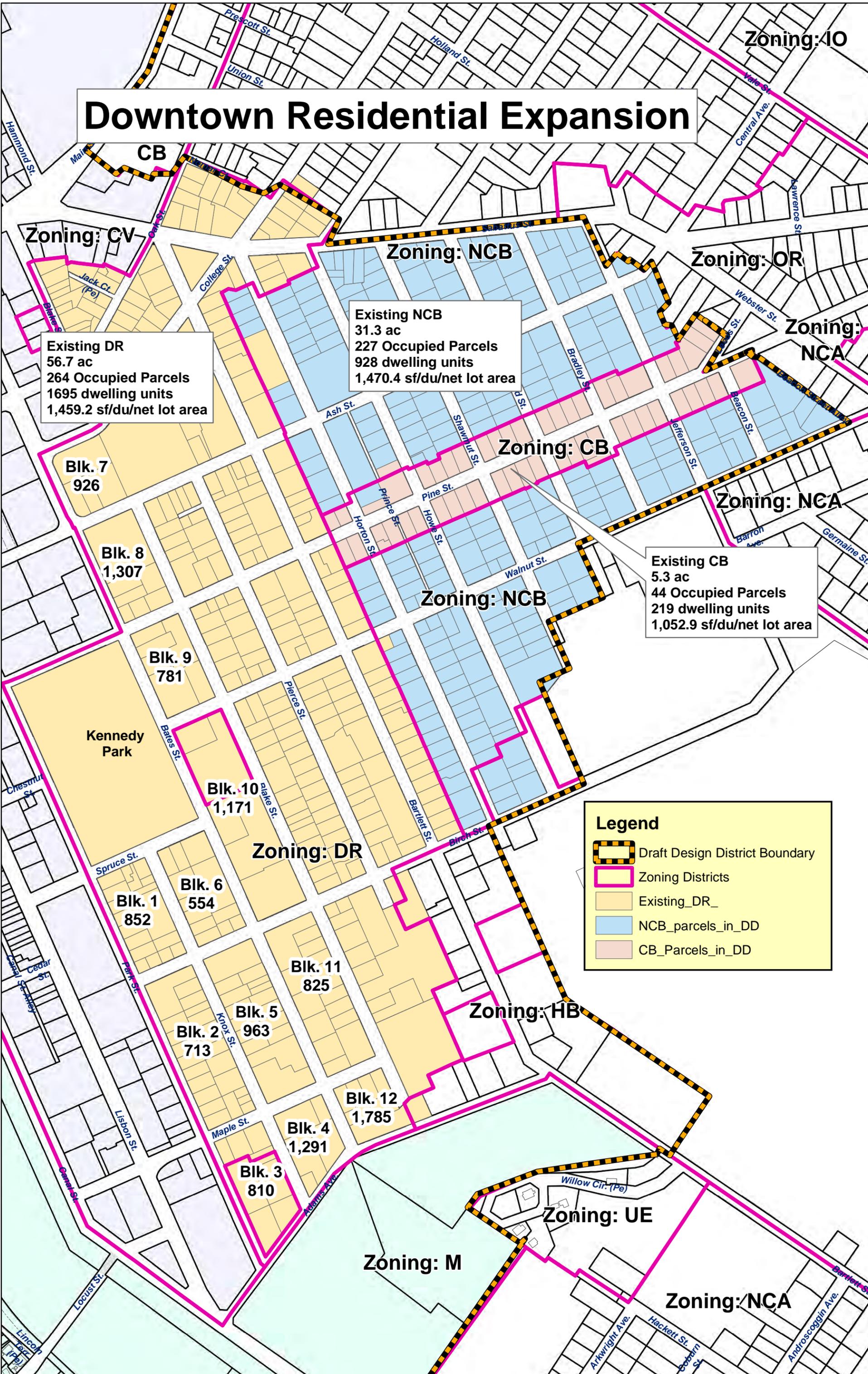
- c. Space and Bulk-

If the CB and NCB districts are rezoned to DR, the Staff recommends:

- Reducing the minimum frontage from 50' to 40'
- Reducing the minimum lot size from 5,000 sf to 4,000 sf
- Establishing a front yard/building setback of 5'
- Establishing a maximum front yard/building setback of 10'
- Establishing a side yard/building setback of 5'
- Establishing a rear yard/building setback of 10'

Staff supports the rezoning of the CB and NCB areas to DR as shown on the attached map.

Downtown Residential Expansion



Existing DR
 56.7 ac
 264 Occupied Parcels
 1695 dwelling units
 1,459.2 sf/du/net lot area

Existing NCB
 31.3 ac
 227 Occupied Parcels
 928 dwelling units
 1,470.4 sf/du/net lot area

Existing CB
 5.3 ac
 44 Occupied Parcels
 219 dwelling units
 1,052.9 sf/du/net lot area

Legend

- Draft Design District Boundary
- Zoning Districts
- Existing_DR_
- NCB_parcels_in_DD
- CB_Parcels_in_DD

Blk. 7
926

Blk. 8
1,307

Blk. 9
781

Blk. 10
1,171

Blk. 1
852

Blk. 6
554

Blk. 11
825

Blk. 2
713

Blk. 5
963

Blk. 12
1,785

Blk. 4
1,291

Blk. 3
810

Zoning: IO

Zoning: CV

Zoning: NCB

Zoning: OR

Zoning: NCA

Zoning: CB

Zoning: NCA

Zoning: NCB

Zoning: DR

Zoning: HB

Zoning: UE

Zoning: M

Zoning: NCA

Comparing uses across zones

| | Neighborhood Conservation "B" (NCB) | Community Business (CB) | Downtown Residential (DR) |
|--|-------------------------------------|-------------------------|---------------------------|
| 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 | | | |
| Nursery School | | | |
| Small day care facilities | P | 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 | C(22) | | |
| Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services | C(31) | P(9) | P(9) |
| Restaurants | | P(26) | P(1) |
| Drinking places | | C | |
| Adult business establishments | | C | |
| Hotels, motels, inns | | P | C |
| Movie theaters except drive-in theaters | | P | P |
| Places of indoor assembly, amusement or culture | | P | |
| Art and crafts studios | C | P | P |
| Personal Services | P | P | P |
| Retail stores | | P | P |
| Neighborhood retail stores | P | | C |
| Lumber and building materials dealer | | C | |
| Gasoline service stations | | | |
| Gasoline service stations which are a part of and subordinate to a retail use | | P | |
| New and used car dealers | | | |
| Recreational vehicle, mobile home dealers | | | |
| Equipment dealers and equipment repair | | | |
| Automotive services including repair | | P(9) | |
| Registered dispensary(27) | | | |
| Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients. | | | |
| Tattoo Establishments | | C | |
| Industrial | | | |
| Light industrial uses | | | |
| Industrial uses | | | |
| Building and construction contractors | | | |
| Fuel oil dealers and related facilities | | | |
| Wholesale sales, warehousing and distribution facilities and self-storage facilities | | | |
| Self storage facilities | | | |
| Commercial solid waste disposal facilities | | | |

Staff Recommends removing this use

Staff Recommends removing this use

Staff Recommends adding this as a conditional use

| | Neighborhood Conservation "B" (NCB) | Community Business (CB) | Downtown Residential (DR) |
|---|-------------------------------------|-------------------------|---------------------------|
| Junkyards and auto graveyards | | | |
| Recycling and reprocessing facilities | | | |
| Private industrial/commercial developments(23) | | P | |
| | | | |
| Transportation | | | |
| Airports or heliports | | | |
| Commercial parking facilities | C | C | C(3) |
| Transit and ground transportation facilities | | | C |
| Transportation facilities | | | |
| | | | |
| Public and Utility | | | |
| Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use | P | P | P |
| Power transmission lines, substations, telephone exchanges, microwave towers, or other public utility or communications use | C | C | C |
| Municipal buildings and facilities | C | P | P |
| Preservation of historic areas; emergency and fire protection activities; bridges and public roadways | | | |
| Dams | | | |
| | | | |
| Institutional | | | |
| Religious facilities | P | P | P |
| Cemeteries | P | | |
| Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities | C | P | P |
| Hospitals, medical clinics, | C | 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, | C(13) | P | P |
| Civic and social organizations | C | | |
| Public community meeting and civic function buildings including auditoriums | | | P |
| | | | |
| Residential | | | |
| Single-family detached dwellings on individual residential lots | P(2) | | P(11) |
| Mobile homes on individual residential lots | | | |
| Two-family dwellings | P | | P(11) |
| Multifamily dwellings in accordance with the standards of Article XIII | P | P | P(11) |
| Single-Family attached dwelling in accordance with the standards of Article XIII | P | | P(11) |
| Mixed single-family residential developments in accordance with the standards of Article XIII | P | | |
| Mixed residential developments in accordance with the standards of Article XIII | P | | |

| | Neighborhood Conservation "B" (NCB) | Community Business (CB) | Downtown Residential (DR) |
|--|---|----------------------------|---------------------------------|
| Lodging houses | P | | P(11) |
| Home occupations | P | P | P |
| Bed and breakfast establishments as a home occupation | P | P | P |
| In-law apartments in accordance with the standards of Article XII | P | | P |
| Single family cluster development | | | |
| Family day care home | P | P | P |
| Shelters | C | | C |
| Dormitories | | | |
| | | | |
| Natural Resource | | | |
| Agriculture | | | |
| Farm Stands | | | |
| Forest management and timber harvesting activities in accordance with the standards of Article XIII | P | P | |
| Earth material removal | | | |
| Community gardens(20) | P | P | P |
| Water dependent uses, e.g. docks and marinas | | | |
| Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet | | | |
| | | | |
| Recreation | | | |
| Campgrounds | | | |
| Public or private facilities for nonintensive outdoor recreation | C | | C |
| Commercial outdoor recreation and drive-in theaters | | C | |
| Fitness and recreational sports centers as listed under NAICS Code 713940 | | P | |

Land Use Notes:

- (1) Excludes drive-in restaurants
- (2) Allowed only on existing lot of record as of the date of adoption of this code.
- (3) Limited to two (2) parking levels.
- (9) Must be fully enclosed with no exterior storage.
- (11) All new residential construction shall comply with the design standards of Article XI
- (13) Excluding residential facilities and dormitories.
- (23) Shall comply with Article XIII, Section 10.
- (22) Accessory to public schools, religious facilities, multifamily or mixed residential dev
- (26) Includes drive-in restaurants.
- (31) Limited to business and professional offices, not including research, experimental, 1