

**LEWISTON CITY COUNCIL AGENDA  
CITY COUNCIL CHAMBERS  
MARCH 19, 2019**

**6:00 p.m. Workshop**

- A. Discussion of Council representative to the Maine Municipal Assoc. Legislative Policy Comm.
- B. Presentation of Proposed FY20 Municipal Budget

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

Pledge of Allegiance to the Flag

Update from Lewiston Youth Advisory Council

Acceptance of the minutes of the March 5 and March 12, 2019 meetings.

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

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 6.

**REGULAR BUSINESS:**

1. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Carlton Club, 25 Sabattus Street.
2. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Davinci's Eatery, 150 Mill Street.
3. Public Hearing and First Passage to contractually rezone the property at 111 Blake Street and 82 Pine Street from the Downtown Residential (DR) District to the Centreville (CV) District.
4. Amendments to the Athletic Field Use Policy.
5. Amendments to the Solid Waste Policy regarding fee schedule changes.
6. Appointment of a City Council representative to the Maine Municipal Association's Legislative Policy Committee.
7. Authorization to accept transfer of forfeiture funds.
8. Reports and Updates.
9. Any other City Business Councilors or others may have relating to Lewiston City Government.

# LEWISTON CITY COUNCIL

## MEETING OF MARCH 19, 2019

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 1**

**SUBJECT:**

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Carlton Club, 25 Sabattus Street.

**INFORMATION:**

We have received a renewal application for a Special Amusement Permit for Live Entertainment from the Carlton Club, 25 Sabattus Street.

The Police Department has reviewed and approved the application.

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

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

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

The City Administrator recommends approval of the requested action.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to the Carlton Club, 25 Sabattus Street.

CITY OF LEWISTON  
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 3/5/19

Expiration Date: 3/11/20

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

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

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

Business Name: Carlton Club Business Phone: 207-784-9280

Location Address: 25 Sabbattus St Lew, Maine 04240

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

Mailing Address: Same as above

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

Contact Person: Mary Ramich Phone: 207-740-4730

Owner of Business: Steve Bernard Date of Birth: 7-10-59

Address of Owner: Auburn, me 04210

Manager of Establishment: Mary Ramich Date of Birth: 9-21-67

Owner of Premises (landlord): Robert Carl Unguhant

Address of Premises Owner: 9017 Black Chestnut Dr Leland NC 28451

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

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

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

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

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

Corporation Mailing Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_

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

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

Please describe the type of proposed entertainment:

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

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

\*\*\*\*\*

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

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

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

Signature: Steve Bernard Title: Treasurer Date: 3/5/19

Printed Name: Steve Bernard

\*\*\*\*\*

Hearing Date: 3/19/19



## ***POLICE DEPARTMENT***

Brian O'Malley  
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: February 13, 2019

RE: Liquor License– **Carlton Club**

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

**Carlton Club**  
**25 Sabattus St., Lewiston, Maine**



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# LEWISTON CITY COUNCIL

## MEETING OF MARCH 19, 2019

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 2**

**SUBJECT:**

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Davinci's Eatery, 150 Mill Street.

**INFORMATION:**

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Davinci's Eatery, 150 Mill Street.

The Police Department has reviewed and approved the application.

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

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

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

The City Administrator recommends approval of the requested action.

*EAB/cmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to Davinci's Eatery, 150 Mill Street.

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

Date of Application: 3/1/19

Expiration Date: 4-14-2020

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

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

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

Business Name: Davincis Business Phone: 207-782-2088

Location Address: 150 Mill Street, Lewiston, ME 04240

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

Mailing Address: 150 Mill Street, Lewiston, ME 04240

Email address: jules@davinciscatery.com

Contact Person: Jules Patry Phone: 207-754-3926

Owner of Business: Jules Patry Date of Birth: 5/12/1958

Address of Owner: 15 Bonnaille Avenue Lewiston, ME 04240

Manager of Establishment: Laura Wahler Date of Birth: 9/7/1966

Owner of Premises (landlord): Mill 2 storehouse LLC

Address of Premises Owner: 2 Great Falls Plaza, Auburn ME 04210

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

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Lewiston?  Yes  No If yes, please list business name(s) and location(s): Davincis  
150 Mill Street, Lewiston, ME 04240

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

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

Corporation Name:   Davincis  

Corporation Mailing Address:   15 Bannaille Avenue Lewiston, ME 04240  

Contact Person:   Jules Patry   Phone:   207-754-3926  

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

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place?   Bates Mill Lofts  

Please describe the type of proposed entertainment:

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

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

\*\*\*\*\*

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

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

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

Signature: \_\_\_\_\_ Title:   President   Date:   3/1/19  

Printed Name:   Jules Patry  

\*\*\*\*\*

Hearing Date:   3/19/19



## *POLICE DEPARTMENT*

Brian O'Malley  
Chief of Police



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TO: Kelly Brooks, Deputy City Clerk  
FR: Lt. David St.Pierre, Support Services  
DT: February 13, 2019  
RE: Liquor License– **Davinci's**

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

**Davinci's**  
**Bates Mille Complex,**  
**150 Mill St., Lewiston, Maine**



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**LEWISTON CITY COUNCIL  
MEETING OF MARCH 19, 2019**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 3**

**SUBJECT:**

Public Hearing and First Passage to contractually rezone the property at 111 Blake Street and 82 Pine Street from the Downtown Residential (DR) District to the Centreville (CV) District.

**INFORMATION:**

The Planning Board voted 5-2 to send a favorable recommendation to the City Council to contractually rezone the property at 111 Blake Street and 82 Pine Street from the Downtown Residential (DR) District to the Centreville (CV) District, subject to the contract rezoning agreement.

The property owner has submitted a petition to request the rezoning of this property to allow the construction of a 35 unit multi-family dwelling.

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

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

The City Administrator recommends approval of the requested action.

*EAB/cmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve First Passage of the amendment to the Zoning and Land Use Code and Map to contractually rezone the property at 111 Blake Street and 82 Pine Street from the Downtown Residential (DR) District to the Centreville (CV) District, subject to a contractual agreement and to continue the public hearing for Final Passage to the next regularly scheduled City Council meeting.

**AN ORDINANCE PERTAINING TO ZONING BOUNDARIES**

**THE CITY OF LEWISTON HEREBY ORDAINS:**

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

**APPENDIX A**

**ZONING AND LAND USE CODE**

**ARTICLE IV. ESTABLISHMENT OF DISTRICTS**

**Sec. 1. Zoning Map**

The City of Lewiston hereby ordains that the Official Zoning Map of the City of Lewiston be amended by establishing a contract zone for the property at 111 Blake Street and 82 Pine Street (the "Property") as recorded in the Androscoggin County Registry of Deeds Book 9291 Page 329 and Book 6764 Page 348, respectively, and as described in Exhibit A and depicted on Exhibit B, both of which are attached hereto as follows. This contractually rezones the Property from the Downtown Residential (DR) District to the Centreville (CV) District with some additional 1) Land Use, and 2) Space & Bulk requirements to ensure neighborhood fit.

Notwithstanding the foregoing, in the event that the Property is not transferred by the current owners, Ruso LLC with respect to 111 Blake Street and ASM Properties, LLC with respect to 82 Pine Street (together, the "Sellers"), to Blake & Pine LP, Avesta Housing Development Corporation ("AHDC"), or another entity affiliated with AHDC, the establishment of the contract zone as set forth herein shall terminate and shall revert to the underlying Downtown Residential (DR) District (the "Termination of Contract Zone"), and Sellers shall sign and record an Affidavit in said Registry providing notice of the Termination of Contract Zone.

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**REASONS FOR THE PROPOSED AMENDMENT**

The reason for the proposed amendment is to allow development of a 35-unit multi-family dwelling, as defined by the Zoning and Land Use Code, Article II, Section 2. Definitions, at the property located at 111 Blake Street and 82 Pine Street (the "Property") and currently zoned as the Downtown Residential (DR) district.

The Property of .33 acres consists of two vacant parcels that were previously used for multi-family dwellings. These parcels have been vacant since the multi-family dwellings previously located on the site were destroyed by fire in 2013. The proposed development for this Property is a 35-unit mixed-income multi-family dwelling with three floors of housing and one partially underground floor to support building operations (storage, utility, mechanical, office, parking, etc.), for a total of four floors. The building will feature a community space, laundry facilities, secure entry, and an elevator that will serve all four floors. The building will meet or exceed all health and safety codes and will incorporate sustainable design and construction practices where possible. Numerous City documents, including the Comprehensive Plan and the work associated with Choice Neighborhoods, as well as a recent market study commissioned by the developer, substantiate the need for this type of housing in this area of Lewiston.

The proposed multi-family apartment building is an allowable use in the DR district and no use allowance is required in the contract zone for the development of the proposed building. That said, to restrict unwanted development on the Property, this contract zone does somewhat restrict the allowable uses. For example, commercial business offices would not be allowed, nor would hotels, movie theaters, hospitals, medical clinics, single-family homes, lodging houses, bed and breakfasts, or family day cares, all of which are permitted or conditional uses of the DR district. This is to help preserve the residential nature of this area of the downtown, increase density, and provide much-needed housing in Lewiston's downtown. Please see below for the Land Use table proposed for this contract zone.

This contract zone makes small adjustments to the Space and Bulk requirements to allow development that is responsive to the neighborhood landscape and the City's goals for residential development. These adjustments are discussed below and listed in the Space & Bulk table proposed for this contract zone.

### **Density**

The DR restricts construction of new residential dwellings on the Property to a density of one unit per 1250sf. This contract zone proposes a density restriction of 400sf per unit to allow construction of 35 units. The nearby CV zone does not have any density requirements and is located less than 200 feet from the Property, and the Property is less than 500 feet from the part of the Bates/Walnut/Blake/Birch block that is zoned as a CV overlay. Given that the CV zone allows unrestricted density for multifamily housing and that the Property is just one block from the border of both the current CV zone and a CV overlay, increased density on this Property is not a steep departure from the norm for this area.

Furthermore, many residential buildings currently in the DR exceed the DR's density requirements. Under current DR zoning, the 18 units previously located at the Property could not be replaced one-for-one because the DR only allows construction of 11 units on a parcel of this size. This trend is seen throughout this area of the DR: of the 29 residential properties located within a 200-foot radius of the Property, 19 (66%) have a density that exceeds the DR restriction. Some of those 19 buildings have unit densities three or more times the DR's allowable density, such as the six-unit properties located at 85 and 95 Pine Street, and the 13-unit property located at 98 Pine Street. These higher density pockets are located on the same street as the Property, but further into the DR zone, therefore indicating that the higher density housing is not restricted to properties immediately abutting the CV zone.

The scale of the proposed higher density housing is not unprecedented in the neighborhood. Healy Terrace, located at 81 Ash Street and in the same square block as the Property, has 32 units. Blake Street Towers, located two blocks from the Property at 70 Blake Street, has 106 units. To limit the size, promote neighborhood fit, and ease the transition from the higher density CV district into the DR district, this contract zone will limit development on the Property to 35 units.

### **Side and Rear Setback**

This contract zone reduces the side and rear setbacks from the 10-feet required in the DR to a proposed 4-feet. This again finds a middle ground with the nearby CV zone, which has no side or rear setback requirements. Satellite imagery of the neighborhood indicates that many residential buildings do not have 10-feet of setback at the side and rear and that the buildings previously located at the Property were set closer than 10-feet to the side and rear property lines. Given the current uses at the abutting properties (a driveway on the Pine Street side and a parking lot on the Blake Street side), this setback will not create an imposing closeness with abutting buildings and is consistent with what is seen in the neighborhood.

### **Front setback**

This contract zone proposes a new restriction not currently seen in the DR or CV to better secure neighborhood fit of the proposed project: front setback. Most of the residential buildings surrounding the

Property have a front setback, so adding this setback requirement will promote consistency of new development with the existing neighborhood.

#### **Yard**

The DR currently requires a yard of 10ft on at least one side of any building, and the nearby CV zone has no yard requirement. This contract zone splits the difference by requiring a 4-foot yard on two sides of the building, which would be achieved on the frontages with Blake and Pine. A green area is also planned for the rear of the building to provide additional recreational area for residents. Furthermore, any space beyond the building footprint that is not paved for accessibility purposes will be developed with landscaping to incorporate as much green space onto the site as possible. This request is consistent with yard trends in the neighborhood, where satellite imagery indicates inconsistent yard sizes due to driveways, surface parking, and setbacks.

#### **Impervious Coverage Ratio**

This contract zone requests impervious coverage to be allowed on up to 85% of the Property. The DR zone currently allows 75% impervious coverage, whereas the CV zone allows 100% impervious coverage. The building as currently designed will not exceed 75% coverage of the Property, exclusive of walkways required for entry and accessibility purposes. Given the accessibility requirements for front and rear entry, allowing 85% impervious coverage will provide the flexibility needed to make the most efficient use of this site. As previously stated, any space beyond the building footprint that is not required to be paved will be landscaped to incorporate as much nature on the site as possible.

#### **Building Coverage Ratio**

This contract zone proposes a new threshold ratio to limit building size at the Property: maximum building coverage. The building will not exceed 75% coverage of the Property, which ensures that the building does not take up more of the site than is typical for the area.

#### **Building height**

This contract zone includes a restriction in building height to 60 feet, whereas the CV zone has no height restriction. Maintaining the 60-foot limit of the DR will ensure that development at the Property is consistent with the surrounding neighborhood. The building as currently designed is approx. 45 feet tall.

#### **Raised first floor**

This contract zone proposes another new restriction to ensure neighborhood fit: raising the ground floor up from sidewalk grade by a minimum of 20-inches. Although this is not a requirement of either the DR or the CV zone, the first floor of most residential buildings in the neighborhood are raised off the sidewalk grade with several steps up to the entry. This creates a distinction between private and public spaces along the front of the building and affords first-floor residents additional privacy. Raising the building up from ground level will require steps and a ramp, which is one of the reasons for the requested flexibility around impervious surface coverage.

#### **Summary**

To ensure neighborhood fit of future development at the Property, this contract zone proposes design elements common to this area of the downtown, including, but not limited to, a minimum front setback, a first floor that is raised from the street level, and restrictions to building height and impervious surface coverage. Where changes have been requested from the current zoning, they are responsive to and consistent with buildings found in the surrounding area, such as higher density, lower side setbacks, and a smaller yard. These proposed parameters are made in good faith with the intention to develop a building that blends into the current neighborhood to have a positive impact on the neighborhood landscape.

## CONFORMANCE WITH THE COMPREHENSIVE PLAN

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

- The Vision Statement & Guiding Principles identify the need to Strengthen Neighborhoods & Expand Housing Choice in accordance with the following Guiding Principles (p116):
  - “Promote distinct, safe, and vibrant neighborhoods with greater access to diverse range of affordable and market-rate housing types to meet Lewiston’s evolving population.”
  - “Provide a greater range of housing choices to meet the needs of young adults, families, renters seniors, immigrants, refugees and people of different income levels.”
  - “A more intentional and diversified housing strategy is critical to the City’s quality of life and economic growth.”

*The proposed contract zone promotes this vision by facilitating the development of higher-density mixed-income housing that meets the needs of individuals and families at a variety of income levels. The proposed building has a unit program designed to meet the needs of individuals and families of various sizes, and its location in the Tree Street neighborhoods provides ample opportunities for residents to engage with the neighborhood, whether for community, employment, or access to services.*

- The Conservation & Growth Map indicates that the Property is in the G-5 Growth Sector (p123), the goals for which are further discussed on page 125:
  - “Additional growth and development in these areas is desirable due to the presence of existing infrastructure.”
  - “The plan envisions that most residential and non-residential development over the next ten years will occur in this growth sector.”
  - “This sector includes the City’s current [...] Downtown Residential (DR) zone.”
  - “All of these should be rezoned as character-based districts to more easily enable context appropriate investment in the City center.”

*The proposed contract zone is consistent with this vision because it promotes new residential development in an area that has been identified by the City for growth. As an infill site, development at this site will draw on existing infrastructure, including but not limited to utilities, transportation, and social services. Furthermore, the Comprehensive Plan supports the rezoning of areas identified for growth to support investment in the City center, which includes this Property. Given the redevelopment challenges posed by this brownfield infill site, rezoning for higher density housing is a clear way to facilitate development that promotes the City’s vision for this neighborhood.*

- The plan identifies several Character Districts that encompass the various use types in the City and should be the focus of rezoning initiatives to better support walkable, mixed-use neighborhood centers (p126). These Character Districts include CD4 Neighborhood General, which is discussed on page 128:
  - “Lewiston has a number of high-density urban neighborhoods that are in need of attention and should be considered an immediate goal for improvement.”
  - “Simplify the rules making easier to develop or redevelop buildings in a way that respect the character of the neighborhood.”
  - “Encourage reinvestment in older higher-density residential neighborhoods by allowing full utilization of existing building and flexible parking requirements.”

*The proposed contract zone facilitates this vision by providing for the development of a mixed-income housing development at a high density in the Tree Street neighborhood, an area that has been identified as needing attention and investment. This contract zone will allow redevelopment of this Property, which has been vacant for more than five years. The site is highly walkable and directly benefits from recent changes to the City's parking requirements, therefore promoting full participation of residents in the downtown community.*

- Policy goals surrounding the vision of Strengthen Neighborhoods and Expand Housing Choice identify the need to integrate affordable housing into the fabric of the community (p172-3):
  - "The appearance of affordable housing should be analogous to middle-class housing to prevent stigmatization."
  - "Affordable housing should not be segregated in particular areas of the city to avoid inadvertently creating pockets of poverty and neighborhoods without access to jobs, schools, and open spaces."
  - "Neighborhoods should have a mix of affordable and market-rate housing."
  - "Lewiston should continue to provide and enhance incentive programs for new infill mixed-income housing downtown, encouraging a mix of quality subsidized, affordable and market-rate units."

*The proposed contract zone facilitates the policy goals of the Comprehensive Plan by creating a new mixed-income development that will provide housing for people of a variety of income levels. The market rate units will encourage higher income earners to find housing alongside individuals and families with lower incomes, which will promote integration and strengthen the community. Furthermore, new construction will expand opportunities for people with lower incomes who have limited options for safe, affordable housing given the age and condition of the City's housing stock. Finally, new construction will create a visual indication of redevelopment in the area, thus elevating the impression provided by this neighborhood.*

### CONTRACT REZONING AGREEMENT

The proponent requests that the official zoning map for the City be amended by removing the Property from the DR District and contract zoning the Property to the limitations more fully described below. In compliance with the provisions of the Code, Article XVII, Section 5(g), the proponent hereby proposes the following conditions:

- (a) **Land Use Table:** Allowed uses of the Property shall include those uses as listed below and subject to the conditions contained herein:

<b>Uses (15)(33)</b>	
Accessory use or structure	P
<b>Commercial-Service</b>	
Veterinary facilities excluding kennels and humane societies	
Veterinary facilities including kennels and humane societies	
Small day care facilities	P
Day care centers	P
Day care centers accessory to public schools, religious facilities, multifamily or mixed residential developments and mobile home parks	
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related	

services	
Restaurants	P(1)
Drinking Places	
Adult business establishments	
Hotels, motels, inns	
Movie theaters except drive-in theaters	
Places of indoor assembly, amusement or culture	P
Art and crafts studios	P
Personal services	P
Retail stores	P
Neighborhood retail stores	
Lumber and building materials dealer	
Gasoline service stations	
Gasoline service stations which are part of and subordinate to retail use	
New and used car dealers	
Recreational vehicle, mobile home dealers	
Equipment dealers and equipment repair	
Automotive services including repair	
Registered dispensary (27)	
Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients	
<b>Industrial</b>	
Light industrial uses	
Industrial uses	
Building and construction contractors	
Fuel oil dealers and related facilities	
Wholesale sales, warehousing and distribution facilities and self-storage facilities	
Self-storage facilities	
Commercial solid waste disposal facilities	
Junkyards and auto graveyards	
Recycling and reprocessing facilities	
Private industrial/commercial developments (23)	
<b>Transportation</b>	
Airports or heliports	
Commercial parking facilities	C(3)
Transit and ground transportation facilities	C
Transportation facilities	
<b>Public and utility</b>	
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C
Municipal buildings and facilities	
Preservation of historical areas; emergency and fire protection activities; bridges and public roadways	
Dams	
<b>Institutional</b>	
Religious facilities	P
Cemeteries	
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities	P

Hospitals, medical clinics	
Museums, libraries and non-profit art galleries and theaters	P
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures	P
Civic and social organizations	
Public community meeting and civic function buildings including auditoriums	P
<b>Residential</b>	
Single-family detached dwellings on individual residential lots	
Mobile homes on individual residential lots	
Two-family dwellings	P(11)
Multifamily dwellings in accordance with the standards of Article XIII	P
Single-Family attached dwelling in accordance with the standards of Article XIII	
Mixed single-family residential developments in accordance with the standards of Article XIII	
Mixed residential developments in accordance with the standards of Article XIII	
Mixed use structures	P(11)
Lodging houses	
Home occupations	P
Bed and breakfast establishments as a home occupation	
In-law apartments in accordance with the standards of Article XII	
Single family cluster development	
Family day care home	
Shelters	C
Dormitories	
<b>Natural Resource</b>	
Agriculture	
Farm stands	
Forest management and timber harvesting activities in accordance with the standards of Article XIII	
Earth material removal	
Community gardens (20)	P
Water dependent uses, e.g. docks and marinas	
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet	
<b>Recreation</b>	
Campgrounds	
Public or private facilities for nonintensive outdoor recreation	P
Commercial outdoor recreation and drive-in theaters	
Fitness and recreational sports centers as listed under NAICS Code 713940	

Notes:

- (1) Excludes drive-in restaurants.
- (3) Limited to two (2) parking levels.
- (11) All new residential construction shall comply with the design standards of Article XII Sec. 22
- (15) Buildings, structures and uses accessory to permitted or conditional uses are allowed in all districts.
- (20) Shall comply with Article XII, Section 4.
- (23) Shall comply with Article XIII, Section 10.

(27) Only one allowed in the city.

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

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

<b>Minimum lot size with public sewer</b>	
Single family detached (24)	
Single family attached	
Two-family dwellings	
Single family cluster development	
Mixed single family residential development (14)	
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
Agriculture	
Religious facilities	
Veterinary facilities	
Other uses	
All permitted uses	None
<b>Minimum lot size without public sewer (3)</b>	
Single family detached, mobile homes on individual lots (24)	
Single family attached	
Two-family dwellings	
Single family cluster development (1)	
Mixed single family residential development (14)	
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
Agriculture	
Religious facilities	
Veterinary facilities	
Other uses	
<b>Minimum net lot area per d.u. with public sewer</b>	
Single family detached	
Single family attached	
Two-family dwellings	
Mixed single family residential development (14)	
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
All permitted residential uses	400 sf
<b>Minimum net lot area per d.u. without public sewer</b>	
Single family detached, mobile homes on individual lots (24)	
Single family attached	
Two-family dwellings	
Mixed single family residential development (14)	
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
All permitted residential uses	
<b>Minimum frontage</b>	

Single family detached, mobile homes	
Single family attached	
Two-family dwellings	
Single family cluster development (with multiple vehicular accesses)	
Mixed single family residential development (with multiple vehicular accesses)	
Mixed residential development (with multiple vehicular accesses) (14)	
Multifamily dwellings (with multiple vehicular accesses)	
Mixed use structures	
Agriculture	
Religious facilities	
Veterinary facilities	
Other uses	
All permitted uses	50 ft
<b>Minimum front setback</b>	
Single family detached, mobile homes on individual lots	
Single family attached	
Two-family dwellings	
Single family cluster development	
Mixed single family residential development (14)	
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
Agriculture	
Religious facilities	
Veterinary facilities	
Other uses	
All permitted uses	4 ft
<b>Minimum front yard</b>	
Single family detached, mobile homes on individual lots	
Single family attached	
Two-family dwellings	
Single family cluster development	
Mixed single family residential development (14)	
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
Religious facilities	
Veterinary facilities	
Other uses	
All permitted uses	None
<b>Minimum side and rear setback</b>	
Single family detached, mobile homes on individual lots	
Single family attached	
Two-family dwellings	
Single family cluster development	
Mixed single family residential development (14)	
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
Religious facilities	
Veterinary facilities	
Farm structures for keeping of animals	

Other uses	
All permitted uses	4 ft
<b>Minimum side and rear yard</b>	
Single family detached, mobile homes on individual lots	
Single family attached	
Two-family dwellings	
Single family cluster development	
Mixed single family residential development (14)	
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
Religious facilities	
Veterinary facilities	
Farm structures for keeping of animals	
Other uses	
All permitted uses	4 ft (required on one side)
<b>Maximum height</b>	
Agriculture	
Other permitted uses	60 ft
Hospital, nursing homes and medical offices	
<b>Ratios</b>	
Maximum lot coverage	
Maximum impervious coverage	0.85
Maximum building coverage (NEW)	0.75
<b>Other requirements</b>	
First floor offset from grade (NEW)	20"

Notes:

- (1) This development shall meet the requirements set forth in Article XIII, Section 8.
- (3) Or a larger minimum lot size based on the requirements of the Maine Subsurface Wastewater Disposal Rules.
- (14) This development shall meet the requirements set forth in Article XIII, Section 8.
- (24) Minimum lot size may be reduced by the Planning Board for single family cluster developments pursuant to Article XIII, Section 7.

- (c) Violations of any of the conditions herein will constitute a violation of the Code.
- (d) The conditions described herein shall bind the proponent, its successors and assigns, and any person in possession or occupant of the subject premises, or any portion thereof, and shall inure to the benefit of and be enforceable by the City.
- (e) The proponent shall, at their own expense, record in the Androscoggin County Registry of Deeds a copy of the conditions within thirty (30) days following final approval of this proposal by the City. Such form of recording is to be in a form satisfactory to the City.
- (f) The conditions described herein shall run with the subject premises.
- (g) In addition to other remedies to which the City may be entitled under applicable provisions of statute or ordinance, if any party in possession or use of the subject premises fails or refuses to comply with any of the conditions imposed, any rezoning approved by the City in accordance with the conditions shall be of no force or effect. In that event, any use of the subject premises

and any building or structures developed pursuant to the rezoning shall be immediately abated and brought into compliance with all applicable provisions of the Code with the same effect as if the rezoning had never occurred.

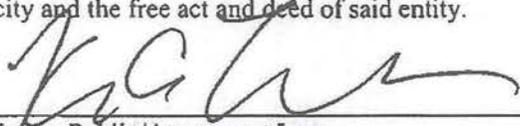
- (h) If any of the conditions are found by a court of competent jurisdiction to be invalid. Such determination shall not invalidate any of the other conditions.
- (i) Any rezoning approved by the City contractually shall be of no force or effect if the proponent fails or refuses to comply with conditions imposed.
- (j) Any allowed proposed use, addition, or expansion of the property deemed applicable to Article XIII, Section 2 of the Zoning and Land Use Code shall be subject to the applicable sections of Article XIII of the Zoning and Land Use Code, Development Review and Standards.
- (k) By submitting this proposal, the proponent and owners agree in writing to the conditions described herein.

The Proponent of this request hereby respectively submits this Proposal as of the 4<sup>th</sup> day of February, 2019.

Proponent:   
Dana Totman  
President  
Avesta Housing Development Corporation

STATE OF MAINE  
COUNTY OF CUMBERLAND

Personally appeared the above named Dana Totman, President of Avesta Housing Development Corporation, on this 4<sup>th</sup> day of February, 2019 and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of said entity.

  
Notary Public/Attorney at Law  
Commission Expires: NOV. 22, 2025



The Owner of 111 Blake Street hereby respectively agrees to this Proposal as of the 3rd day of February, 2019.

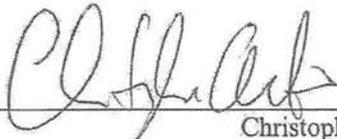
Owner: Normand Rousseau  
Normand Rousseau  
Manager  
RUSO LLC

STATE OF MAINE  
COUNTY OF Androscoggin

Personally appeared the above named Normand Rousseau, Manager of RUSO LLC, on this 3rd day of February, 2019 and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of said entity.

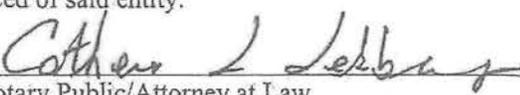
  
\_\_\_\_\_  
Notary Public/Attorney at Law  
Commission Expires:

The Owner of 82 Pine Street hereby respectively agrees to this Proposal as of the 13 day of FEBRUARY, 2019.

Owner:   
Christopher Aceto  
President  
ASM Properties, LLC

STATE OF MAINE  
COUNTY OF Androscoggin

Personally appeared the above named Christopher Aceto, President of ASM Properties, LLC, on this 13<sup>th</sup> day of FEBRUARY, 2019 and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of said entity.

  
Notary Public/Attorney at Law  
Commission Expires:



**WARRANTY DEED**

LAB6, LLC, a Maine limited liability company ("**Grantor**"), for consideration paid, hereby grants to RUSO, LLC, a Maine limited liability company ("**Grantee**"), whose mailing address is 4 Clearwater Avenue, Lewiston, Maine 04240, with WARRANTY COVENANTS certain lots or parcels of land situated in the Town of Lewiston, County of Androscoggin, State of Maine, more particularly bounded and described as follows, to wit:

All the same premises described in a warranty deed from Joseph Laplante to Gerard D. Theriault and Annonciade J. Theriault dated October 21, 1958 and recorded in the Androscoggin County Registry of Deeds in Book 791, Page 385, to which deed and the record thereof reference may be had for a more particular description of the premises hereby conveyed. See also quitclaim deed from Gerard D. Theriault to Annonciade J. Theriault, dated December 30, 1959, and recoded in the Androscoggin County Registry of Deeds in Book 819, Page 425, releasing the half interest of said Gerard D. Theriault to the said Annonciade J. Theriault.

Also conveying the drainage easement described in the deed from 81 Ash Street Associates LP to Watkins Property Management, LLC dated May 15, 2012 and recorded May 16, 2012 in the Androscoggin County Registry of Deeds in Book 8398, Page 30.

Being the same premises described in the deed from LAB6, LLC to LAB6, LLC, dated June 25, 2013 and recorded June 28, 2013 in the Androscoggin County Registry of Deeds in Book 8709, Page 258.

SUBJECT TO taxes and assessments for the year 2016 and subsequent years and to all easements, encumbrances, and other matters of record.

TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in anywise appertaining unto Grantee and unto Grantee's successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this instrument as Grantor's free act and deed this 8<sup>th</sup> day of January, 2016.

WITNESS

Melinda Byrd

LAB6, LLC, a Maine limited liability company

By: ICA 2007 Loan Trust III, formed pursuant to the ICA Mortgage Capital, LLC Grantor Trust dated September 15, 2007, its Member

By: ICA Mortgage Capital, LLC, an Illinois limited liability company, as Co-Trustee

By: Kevin Ellis  
Kevin Ellis, its Manager

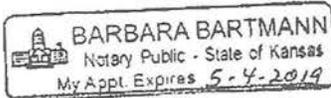
STATE OF Kansas  
COUNTY OF Johnson

BE IT REMEMBERED, that on this \_\_\_\_ day of January, 2016, before me, the undersigned, a Notary Public in and for said County and State, came Kevin Ellis, the Manager of ICA Mortgage Capital, LLC, as Co-Trustee of the ICA 2007 Loan Trust III formed pursuant to the ICA Mortgage Capital, LLC Grantor Trust dated September 15, 2007, the Member of LAB6, LLC, a Maine limited liability company, who is personally known to me to be the same person who executed the within instrument of writing, and duly acknowledged the execution of the same.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

Barbara Bartmann  
Notary Public  
BARBARA BARTMANN  
Print or Type Name

My Commission Expires: May 4, 2019



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**WARRANTY DEED**

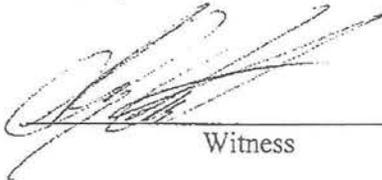
**A P & P LLC**, a Maine limited liability Company, for consideration paid, grants to **ASM PROPERTIES, LLC**, a Maine limited liability company, with **WARRANTY COVENANTS**, a certain lot or parcel of land, with any buildings thereon, situated in **LEWISTON**, County of **ANDROSCOGGIN**, and State of **MAINE**, bounded and described as follows:

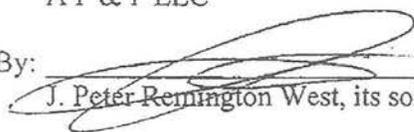
Commencing at the northwesterly corner of Blake and Pine Streets; thence westerly on Pine Street one hundred (100) feet; thence at right angles northerly sixty-five (65) feet; thence at right angles easterly one hundred (100) feet; thence southerly on the westerly line of Blake Street sixty-five (65) feet to the point of beginning.

Being the same premises described in the deed from Danial Sabine to A P & P LLC dated September 6, 2002 and recorded in the Androscoggin County Registry of Deeds in Book 5106, Page 191.

MAINE REAL ESTATE  
TRANSFER TAX PAID

**IN WITNESS WHEREOF**, the Grantor has executed this instrument on this 19 day of April, 2006.

  
\_\_\_\_\_  
Witness

A P & P LLC  
By:   
\_\_\_\_\_  
J. Peter Remington West, its sole Member

STATE OF COLORADO  
COUNTY OF Denver

19<sup>th</sup> day of April, 2006

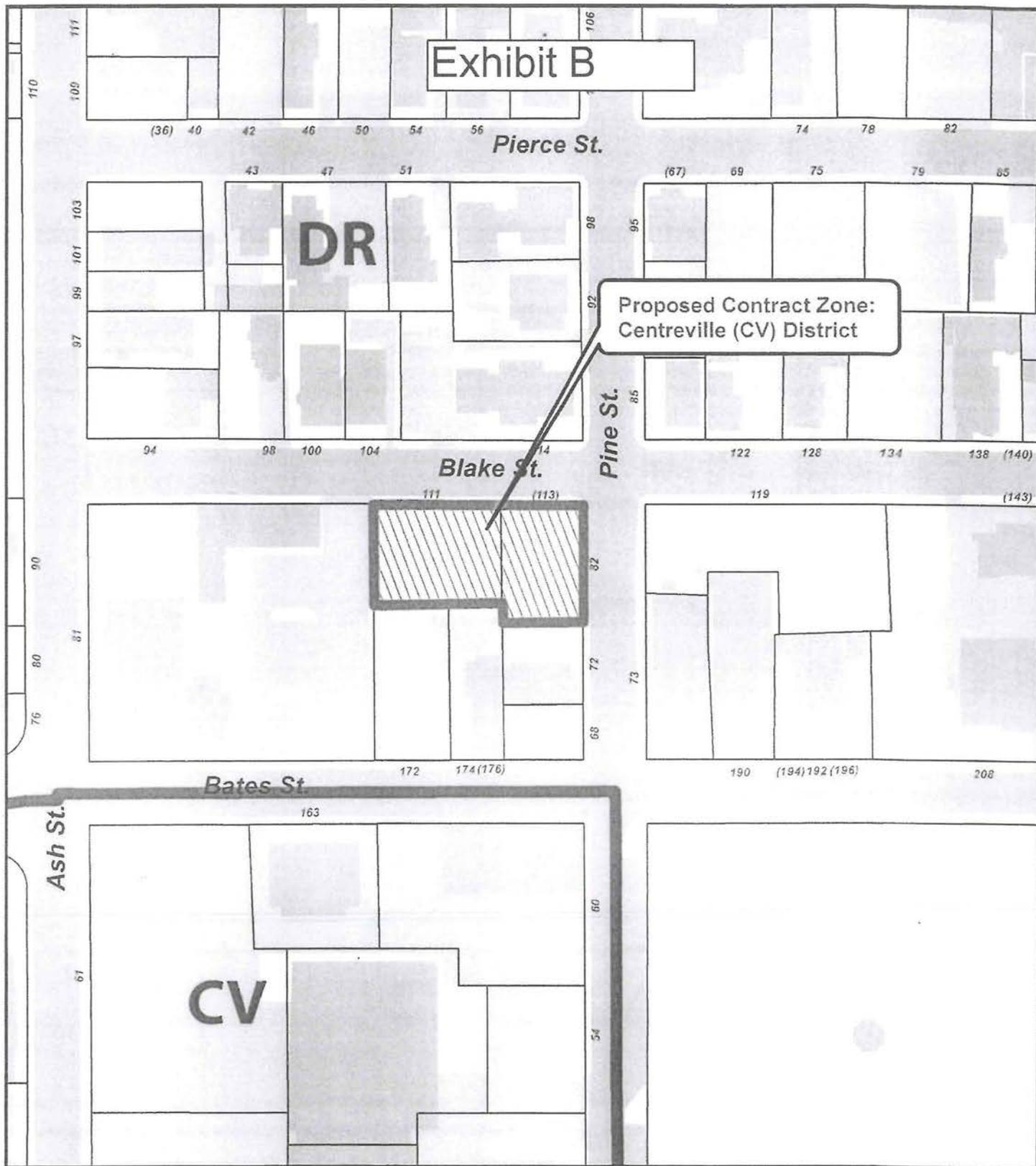
Then personally appeared the above-named J. Peter Remington West and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said company.



Before me,  
Ann M. Coronado  
\_\_\_\_\_, Notary Public  
Print Name: Ann M Coronado  
My Commission Expires: 7/25/2007

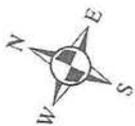
ANDROSCOGGIN COUNTY  
Tina K. Chaword  
REGISTER OF DEEDS

Exhibit B



Proposed Contract Zone:  
Centreville (CV) District

Proposed Contract Zone: Centreville (CV) District  
**111 Blake Street & 82 Pine Street**



February 2019



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

**TO:** Mayor and City Council

**FROM:** Douglas Greene, City Planner

**DATE:** March 12, 2019

**RE:** Planning Board recommendation: 111 Blake Street and 82 Pine Street Contract Zone Request

The Planning Board took the following action at their meeting held on March 11, 2019:

**MOTION:** by **Lucy Bisson**, pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council on Avesta Housing's request to contract zone the properties at 111 Blake Street and 82 Pine Street from Downtown Residential (DR) district to the Centreville (CV) district to allow the construction of a 35 unit multi-family dwelling with the findings:

- the applicant has submitted a complete application
- the applicant proposes uses consistent with the existing and permitted uses within the original district, that being the Downtown Residential district
- the conditions and restrictions imposed relate only to the physical development or operation of the property
- the application is consistent with the goals and objectives of the Legacy Lewiston Comprehensive Plan

Second by **Kristine Kitteridge**.

**VOTED: 5-2 (Passed. Michael Reed and Benjamin Martin opposed)**



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

March 13, 2019

RE: Contract Zone for 111 Blake Street & 82 Pine Street

Dear Mr. Hediger,

As you know, the Planning Board recently provided a positive recommendation for the Contract Zone request submitted last month by Avesta Housing on behalf of Community Concepts. At the Planning Board Hearing on March 11, there were numerous members of the public who spoke in favor of this action. We are pleased to have the opportunity to continue this conversation with the City Council on March 19.

As we have discussed, Community Concepts intends to replace the housing that was destroyed by fire at 111 Blake Street and 82 Pine Street in 2013. The proposed 35-unit mixed-income multifamily apartment building will consist of a mixture of one-, two-, and three-bedroom units to provide homes for individuals and families of all ages. Of the total units, 20% will be market-rate. Construction on this site will also include removal of an abandoned underground storage tank and remediation of contaminated soils that resulted from the 2013 fires.

The primary purpose of the proposed contract zone is to allow higher density residential construction at this downtown infill site, which is consistent with goals discussed at length in Legacy Lewiston, the City's Comprehensive Plan. In keeping with Legacy Lewiston's prioritization of character districts, this contract zone will also impose some additional development restrictions that do not currently exist within either the Downtown Residential (DR) or abutting Centreville (CV) zone. The compromises between and additions to the current requirements are intentional, as they will ensure that the proposed building is consistent with the neighborhood as it is now and as it is envisioned to be in the future.

Thank you for your consideration, and please do not hesitate to contact me should you have any questions.

Respectfully Submitted,

  
Catherine Elliott

cc: Shawn Yardley, Community Concepts



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

March 6, 2019

RE: Contract Zone for 111 Blake Street & 82 Pine Street

Dear Mr. Hediger,

I am pleased to submit the attached Contract Zone request on behalf of, Avesta Housing, who is acting as the development consultant for Community Concepts. As you know, Community Concepts will be the owner of the site and development in question. These materials are submitted with the intention of appearing before the Planning Board for discussion and vote on Monday, March 11, 2019.

As we have discussed, this Contract Zone will facilitate redevelopment of two vacant parcels in Lewiston's downtown core. 111 Blake Street and 82 Pine Street have been vacant since 2013, when the multifamily apartment buildings previously at these addresses burned and were subsequently razed.

Community Concepts intends to replace the housing that was destroyed in 2013 and remediate the contaminated soils that resulted from the 2013 fires. The proposed 35-unit mixed-income multifamily apartment building will consist of a mixture of one-, two-, and three-bedroom units to provide homes for individuals and families of all ages. Of the total units, 20% will be market-rate.

The attached Contract Zone proposes a compromise between the requirements for the current Downtown Residential (DR) zone and the abutting Centreville (CV) Zone, which is located less than a block from the proposed development site. The primary purpose of the contract zone is to loosen the density restrictions of the DR zone, but it does also impose some additional restrictions on the property that do not currently exist within either the DR or CV zone. This is to ensure that the proposed development is designed and built in a way that is consistent with the neighborhood as it is now and as it is envisioned to be in the future.

Please do not hesitate to contact me should you have any questions.

Respectfully Submitted,

  
Catherine Elliott

Encl: Appendix A – Request for Contract Zone  
Receipt for payment of submission fees  
Proof of ownership interest in 111 Blake Street and 82 Pine Street  
32 Validated Petition Signatures

Cc: Shawn Yardley, Community Concepts



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

**TO:** Lewiston Planning Board

**FROM:** Douglas Greene, City Planner

**DATE:** March 11, 2019

**RE:** Proposed Contract Rezoning of 111 Blake Street and 82 Pine Street

Avesta Housing has submitted a request to contract zone properties located at 111 Blake Street and 82 Pine Street from the Downtown Residential (DR) district to the Centreville (CV) district. Re-zoning the property would allow for the development of a 35 unit, multi-family structure. Article XVII, Section 5 (b)(4) and 5(c) of the Zoning and Land Use Code contains the requirements the Planning Board must follow in making a recommendation that will be forwarded to the City Council for their subsequent action.

#### ARTICLE XVII. AMENDMENT AND OTHER LEGAL PROVISIONS

##### Sec. 5. Amendments.

(b) *Proposed amendments.*

- (4) Conditional or contract zoning. Proposals to rezone may include those for conditional or contract zoning pursuant to 30-A M.R.S.A. section 4352(8) as amended. Such a rezoning should be limited in its application and only be authorized where for reasons such as the unusual nature or unique location of the development proposed, the city council finds it necessary and appropriate to impose, by agreement with the property owner or otherwise, certain conditions or restrictions in order to ensure that the rezoning is consistent with the city's comprehensive plan. Nothing in this section shall authorize either an agreement to change or retain a zone or a rezoning which is inconsistent with the city's comprehensive plan. A proposal for conditional zoning shall contain, in addition to the requirements imposed hereby for other amendments, a written statement of the conditions regarding the use of the subject property which the proponent requests be imposed which are not generally applicable to other properties similarly zoned. A proposal for contract zoning shall contain, in addition to the requirements imposed hereby for other amendments, a proposed written contract which the proponent requests that the city enter into with the owner of the property affected by which, in consideration of the rezoning of said property, certain conditions or restrictions not imposed on other similarly zoned properties would be imposed.

(c) *Amendment procedure.*

- (1) The planning board shall hold a public hearing on any proposal to amend this Code. Public hearings on proposals initiated by reference from the city council or by petition shall be held within thirty (30) days after the proposal has been

submitted to the planning board, unless a greater number of days is authorized by the city council.

- (2) The planning board shall make its report and recommendation on the proposal to the city council not more than fifteen (15) days after the public hearing has been closed. The failure of the board to issue its report constitutes approval of the proposal.
- (3) The planning board's recommendation to the city council shall address the proposal's conformance with the comprehensive plan.

Avesta Housing has purchase and sales agreements on two vacant properties located at 111 Blake Street and 82 Pine Street that combine for a total of .33 acres (14,374 s.f.). The properties have been vacant since a fire destroyed the previous buildings. The property is currently zoned Downtown Residential (DR). (Attachment 1 map) Avesta Housing is proposing a mixed-income, 35-unit residential development with 3 floors of housing and a lower level parking area. The applicant has submitted a petition and complete contract zone application that includes "Reasons for the Proposed Amendment" which describes the need for the development, a list of conditions that includes a detailed space and bulk table for the properties, and a description of how this proposal complies with the Comprehensive Plan.

The proposed contract zoning area is located a half a block (130 feet) from the Centreville (CV) district along Bates Street. The current zoning of Downtown Residential (DR) district allows a density of one dwelling unit per 1,250 s.f. of lot area. The applicant's contract zoning application requests a density of 400 s.f. per dwelling unit, which would allow the proposed 35 dwelling units. The applicant is also proposing specific changes to the space and bulk requirements for front, side, and rear building setbacks and yards, impervious and lot coverage ratios, open space, building height, and a requirement for an elevated first floor. The contract zone allows those uses already permitted in the underlying DR district and limits uses allowed in the CV district. These contract zone restrictions are found in more detail in the applicant's narrative and on the contract zone comparison chart (Attachment 2).

Also included in this staff report is an email from Catherine Elliot to David Hediger that responds to concerns brought to staff's attention about the management of Avesta Housing's in Oxford County back in 2011. (Attachment 3)

Public notice of this hearing is required pursuant to MRS 30-A, Section 4352(8) and Article XVII, Section 5(d) of the Zoning and Land Use Code. The Planning Board held a public hearing on February 25, 2019, voting 6-1 to send a favorable recommendation to the City Council to adopt the contract zoning request. Legal ads were published accordingly; however, the notice that is required to be mailed to the abutters was not provided. This did not come to staff's attention until after the public hearing. In effort to make sure due process is adhered to and followed, the Planning Board must hold a second public hearing, essentially providing the public and Board another opportunity to consider the rezoning request. The required public notices have been provided for this hearing.

The Planning Board should make its recommendation to the Council based only on the information presented at this public hearing, not what was brought forward at the last meeting. If something was discussed at the first meeting and not at this meeting, Board members should be

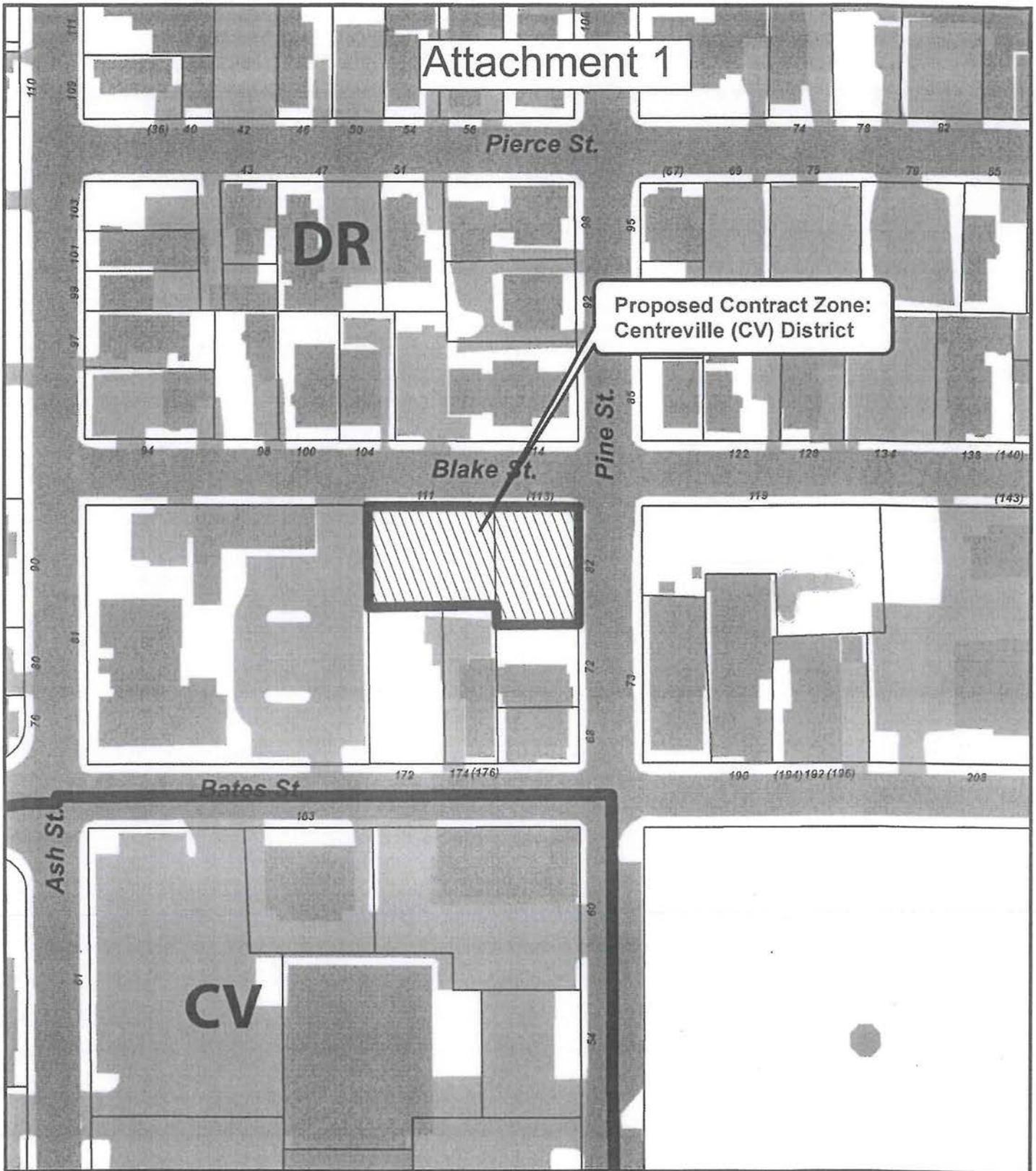
sure that information is entered into the record by providing that information during the hearing or through questions directed to the applicant or those attending the meeting. The Board's finding should be based only on the information presented at the March 11th meeting.

**ACTION NECESSARY**

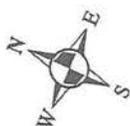
Make a motion pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council for the Contract Zoning request by Avesta Housing for properties located at 111 Blake Street and 82 Pine Street with the findings:

- the applicant has submitted a complete application
- the applicant proposes uses consistent with the existing and permitted uses within the original district, that being the Downtown Residential district
- the conditions and restrictions imposed related only to the physical development or operation of the property
- the application is consistent with the goals and objectives of the Legacy Lewiston Comprehensive Plan

Attachment 1



Proposed Contract Zone: Centreville (CV) District  
**111 Blake Street & 82 Pine Street**



February 2019

Attachment 2  
Contract Zone Comparison Chart

Space and Bulk Table: Proposed Contract Zone			
Dimensional Requirements (13)	Downtown Residential (DR)	Centreville (CV)	PROPOSED Contract Zone
<b>Minimum lot size with public sewer</b>			
Single family detached (24)			
Single family attached			
Two-family dwellings			
Single family cluster development			
Mixed single family residential development (14)			
Mixed residential development (14)			
Multifamily dwellings			
Mixed use structures			
Agriculture			
Religious facilities			
Veterinary facilities			
Other uses			
All permitted uses	None	None	None
<b>Minimum lot size without public sewer (3)</b>			
Single family detached, mobile homes on individual lots (24)			
Single family attached			
Two-family dwellings			
Single family cluster development (1)			
Mixed single family residential development (14)			
Mixed residential development (14)			
Multifamily dwellings			
Mixed use structures			
Agriculture			
Religious facilities			
Veterinary facilities			
Other uses			
<b>Minimum net lot area per d.u. with public sewer</b>			
Single family detached			
Single family attached			
Two-family dwellings			
Mixed single family residential development (14)			
Mixed residential development (14)			
Multifamily dwellings			
Mixed use structures			
All permitted residential uses	1250 sf	None	400 sf
<b>Minimum net lot area per d.u. without public sewer</b>			
Single family detached, mobile homes on individual lots (24)			
Single family attached			
Two-family dwellings			
Mixed single family residential development (14)			
Mixed residential development (14)			
Multifamily dwellings			
Mixed use structures			
All permitted residential uses			
<b>Minimum frontage</b>			

Single family detached, mobile homes			
Single family attached			
Two-family dwellings			
Single family cluster development (with multiple vehicular accesses)			
Mixed single family residential development (with multiple vehicular accesses)			
Mixed residential development (with multiple vehicular accesses) (14)			
Multifamily dwellings (with multiple vehicular accesses)			
Mixed use structures			
Agriculture			
Religious facilities			
Veterinary facilities			
Other uses			
All permitted uses	50 ft	25 ft	50 ft
<b>Minimum front setback</b>			
Single family detached, mobile homes on individual lots			
Single family attached			
Two-family dwellings			
Single family cluster development			
Mixed single family residential development (14)			
Mixed residential development (14)			
Multifamily dwellings			
Mixed use structures			
Agriculture			
Religious facilities			
Veterinary facilities			
Other uses			
All permitted uses	None	None	4 ft
<b>Minimum front yard</b>			
Single family detached, mobile homes on individual lots			
Single family attached			
Two-family dwellings			
Single family cluster development			
Mixed single family residential development (14)			
Mixed residential development (14)			
Multifamily dwellings			
Mixed use structures			
Religious facilities			
Veterinary facilities			
Other uses			
All permitted uses	None	None	4 ft
<b>Minimum side and rear setback</b>			
Single family detached, mobile homes on individual lots			
Single family attached			
Two-family dwellings			
Single family cluster development			

Mixed single family residential development (14)				
Mixed residential development (14)				
Multifamily dwellings				
Mixed use structures				
Religious facilities				
Veterinary facilities				
Farm structures for keeping of animals				
Other uses				
All permitted uses	10 ft	None	4 ft	
<b>Minimum side and rear yard</b>				
Single family detached, mobile homes on individual lots				
Single family attached				
Two-family dwellings				
Single family cluster development				
Mixed single family residential development (14)				
Mixed residential development (14)				
Multifamily dwellings				
Mixed use structures				
Religious facilities				
Veterinary facilities				
Farm structures for keeping of animals				
Other uses				
All permitted uses	10 ft (required on one side)	None	4 ft (required on one side)	
<b>Maximum height</b>				
Agriculture				
Other permitted uses	60 ft	No less than 20 ft; no greater than 150 ft	60 ft	
Hospital, nursing homes and medical offices				
<b>Ratios</b>				
Maximum lot coverage			1	
Maximum impervious coverage		0.75	1	0.85
Maximum building coverage (NEW)	n/a	n/a		0.75
<b>Other requirements</b>				
First floor offset from grade (NEW)	n/a	n/a		20"

**Notes:**

- (1) This development shall meet the requirements set forth in Article XIII, Section 8.
- (3) Or a larger minimum lot size based on the requirements of the Maine Subsurface Wastewater Disposal Rules.
- (14) This development shall meet the requirements set forth in Article XIII, Section 8.
- (24) Minimum lot size may be reduced by the Planning Board for single family cluster developments pursuant to Article XIII, Section 8.

Attachment 3

**From:** [Catherine Elliott](#)  
**To:** [David Hediger](#)  
**Cc:** [Dana Totman](#); [Rebecca Hatfield](#); [Greg Payne](#); [Shawn Yardley](#); [Tom Platz](#); [Douglas Greene](#)  
**Subject:** RE: History of Avesta  
**Date:** Thursday, February 28, 2019 3:54:25 PM

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Hi David,

I appreciate the concern about the reports on faulty inspections in Oxford County back in 2011. The housing units involved were owned and managed by private landlords, not Avesta Housing. A former Avesta employee inadequately inspected some of the units on behalf of MaineHousing. As soon as the issue was identified, Avesta made personnel changes, helped relocate tenants, terminated the relationship with the landlords, and worked with MaineHousing to strengthen inspection and quality-control procedures. We also worked together to move this third-party inspection program back under MaineHousing's umbrella, where it really belonged.

Since 2011, MaineHousing, banks, and investors have invested in Avesta Housing with confidence, and together we have added 18 new affordable developments with 570 new homes. Avesta is committed to developing and managing housing of the highest quality. We own and/or manage 2,500 affordable homes, and it's our goal to make sure each and every one of those homes is clean, safe, and affordable. Our staff take pride in the homes that we manage and the inspection scores we receive. We welcome the opportunity to show anyone the quality of our work. If anyone on the Planning Board or staff would like to tour any of our properties in Maine or New Hampshire, I would be happy to arrange that.

If you have any additional questions or concerns, please let me know.

Thanks,

**Catherine Elliott**  
*Development Officer*  
Avesta Housing  
307 Cumberland Ave. | Portland, ME 04101  
o: 207-245-3345 | c: 207-650-0289 | f: 207-553-7778  
[www.AvestaHousing.org](http://www.AvestaHousing.org)



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**From:** David Hediger <[DHediger@lewistonmaine.gov](mailto:DHediger@lewistonmaine.gov)>  
**Sent:** Tuesday, February 26, 2019 5:12 PM  
**To:** Catherine Elliott <[CElliott@AvestaHousing.org](mailto:CElliott@AvestaHousing.org)>  
**Cc:** Douglas Greene <[DGreene@lewistonmaine.gov](mailto:DGreene@lewistonmaine.gov)>  
**Subject:** History of Avesta

Catherine:

I received a voicemail today from the Planning Board member concerned about reports of Avesta being found to have faulty inspections completed of properties in Oxford or Oxford County. A quick search on-line suggests issues existed in Norway, Maine. The Board member has serious concerns and is looking for clarification on this situation and inspection activity associated with Avesta's units.

Please advise as I can share this information with the Board in advance of our next meeting. In addition, this is something it appears you may want to be prepared to address at that meeting, too.

Thanks.

David Hediger  
Director Planning and Code Enforcement  
City of Lewiston  
27 Pine Street  
Lewiston, ME 04240-7201  
Phone 207.513.3125 ext. 3222  
TDD/TTY 207.513.3007  
[www.lewistonmaine.gov](http://www.lewistonmaine.gov)

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

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

Pursuant to Appendix A, Article XVII, Section 5, Amendments of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to contract zone the properties at 111 Blake Street and 82 Pine Street from the Downtown Residential (DR) district to the Centreville (CV) district with some additional Land Use and Space & Bulk requirements to permit a 35 dwelling unit multi-family apartment as described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		Sue Ege	104 pierce apt 3	2-7-19
2		Harriette Charlotte	110 pierce apt 3	2-7-19
3		Z H	24 mable st	02-07-19
4		Dahiru Aden	149 Hobbs St #1	2-07-19
5		MAHDI DJAMA	Lewiston St #255	02-07-19
6		ZAMTANI IBRAHIM	287 Pierce St #12	02-07-19
7		Anab Mahamad	149 Small St Apt B	02-07-19
8		Sauda Mohamed	127 Blake St #7	
9		AMINA EGE	107 Pierce #3	02-07-19
10		Kinsi Ali	287 Blake apt 2	
11		HALIMO	26 #2020	27
12			242 Bates St	19
13		IBRAHIM	292 Bates St #7	2/7/19
14		Soluro Ahmed	58 Maple St	2/07-19
15		Choukri Mohamed	134 Hobbs St	
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**CIRCULATOR'S VERIFICATION**

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

Z/S/M Muhubo  
Signature of Circulator

Zahra Z Muhubo  
Printed Name of Circulator

Date: 02/07/19

**REGISTRAR'S CERTIFICATION**

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

Total Valid: 4

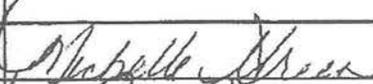
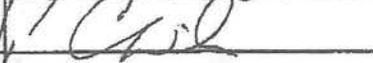
Total Invalid: 11

[Signature]  
Signature of Registrar/Deputy Registrar

Date: 2-11-19

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

Pursuant to Appendix A, Article XVII, Section 5, Amendments of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to contract zone the properties at 111 Blake Street and 82 Pine Street from the Downtown Residential (DR) district to the Centreville (CV) district with some additional Land Use and Space & Bulk requirements to permit a 35 dwelling unit multi-family apartment as described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		Michelle Green	134 North Temple	2/4/19
2		Christine Wilson	5 Halstead Terrace	2/4/19
3		Matthew D. Shaw	2 E. Merrill Road	2/5/19
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**CIRCULATOR'S VERIFICATION**

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

Betsy Sibley  
Signature of Circulator

Betsy Sibley  
Printed Name of Circulator

Date: 2-5-19

**REGISTRAR'S CERTIFICATION**

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

Total Valid: 3

Total Invalid: 0

Erica D. Smith  
Signature of Registrar/Deputy Registrar

Date: 2-11-19

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

Pursuant to Appendix A, Article XVII, Section 5, Amendments of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to contract zone the properties at 111 Blake Street and 82 Pine Street from the Downtown Residential (DR) district to the Centreville (CV) district with some additional Land Use and Space & Bulk requirements to permit a 35 dwelling unit multi-family apartment as described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1	<i>[Signature]</i>	Shanna Cox	119 Ash St Lewiston	2/4/19
2	<i>[Signature]</i>	LINA O'CONNELL	108 Birch St	2/4/19
3	<i>[Signature]</i>	Chad Sparks	25 Fair St.	2/4/19
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**CIRCULATOR'S VERIFICATION**

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

*[Handwritten Signature]*  
Signature of Circulator

Shanna Cox  
Printed Name of Circulator

Date: 2/6/19

**REGISTRAR'S CERTIFICATION**

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

Total Valid: 3

Total Invalid: 0

*[Handwritten Signature]*  
Signature of Registrar/Deputy Registrar

Date: 2-11-19

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

Pursuant to Appendix A, Article XVII, Section 5, Amendments of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to contract zone the properties at 111 Blake Street and 82 Pine Street from the Downtown Residential (DR) district to the Centreville (CV) district with some additional Land Use and Space & Bulk requirements to permit a 35 dwelling unit multi-family apartment as described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1	<i>Sarah Barton</i>	Sarah Barton	13 Newman St.	2/4
2	<i>Elice Madden</i>	Elice Madden	13 Newman St	2/5
3	<i>Ruth Carney</i>	Ruth Carney	106 Bartlett	2/5
4	<i>Elizabeth Am. Park</i>	Elizabeth Am. Park	41 South Usborn Rd	2/5
5	<i>Bathij A. Alexander</i>	Bathij A. Alexander	18 Horton St	2/5
6	<i>MAYA BENZINEC</i>	MAYA BENZINEC	345 COLLEGE ST	2/5
7	<i>PALMIRA GLESSANGA</i>	Palmira	174 Ash Street	2/5
8	<i>Teodósia da Silva</i>	Teodósia	46 Walnut Street	2/5
9	<i>Mary E Hopkins</i>	Mary E Hopkins	701 State St #67	2/5
10	<i>Diana Marjolin</i>	Diana Marjolin	72 Spring St	2/5
11	<i>Patricia Hunter</i>	PATRICIA HUNTER	Art. 1	
12	<del>XXXXXXXXXX</del>		53 Wood St.	2/7
13	<i>Judy Maloney</i>	Judy Maloney	115 VALE ST	2/7
14	<i>Elsa Jose</i>	ELSA JOSE	ASH ST: 114.	2/7
15	<i>Maria Baltazar</i>	MARTA BALTAZAR	107 Pier 6 #4APT	2/07
16	<i>Eileen Fair</i>	Eileen Fair	6 Leon Dr	2/07
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**CIRCULATOR'S VERIFICATION**

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

Sarah Barton  
Signature of Circulator

Sarah Barton  
Printed Name of Circulator

Date: 2/7/19

**REGISTRAR'S CERTIFICATION**

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

Total Valid: 9

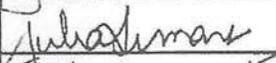
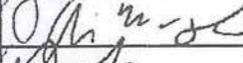
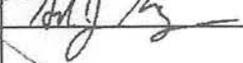
Total Invalid: 6

[Signature]  
Signature of Registrar/Deputy Registrar

Date: 2-11-19

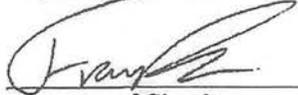
**PETITION TO AMEND THE CITY OF LEWISTON**  
**ZONING AND LAND USE CODE**

Pursuant to Appendix A, Article XVII, Section 5, Amendments of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to contract zone the properties at 111 Blake Street and 82 Pine Street from the Downtown Residential (DR) district to the Centreville (CV) district with some additional Land Use and Space & Bulk requirements to permit a 35 dwelling unit multi-family apartment as described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		Francis Eames	361 College St	2/4/19
2		Julia Smoris	361 College St	2/5/19
3		Alice Doughty	137 Nichols St	2/6/19
4		Lynn Mandelhaft	75 Franklin St	2/6/19
5		Geneva Laurita	65 Franklin St	2/7/19
6		Andrew Kennedy	75 Franklin St	2/7/19
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**CIRCULATOR'S VERIFICATION**

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Signature of Circulator

Francis Eanes  
Printed Name of Circulator

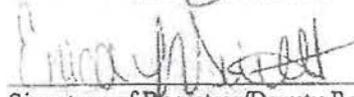
Date: 2/7/2019

**REGISTRAR'S CERTIFICATION**

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

Total Valid: 5

Total Invalid: 1

  
Signature of Registrar/Deputy Registrar

Date: 2-11-19

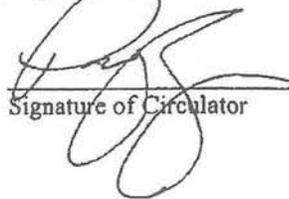
**PETITION TO AMEND THE CITY OF LEWISTON**  
**ZONING AND LAND USE CODE**

Pursuant to Appendix A, Article XVII, Section 5, Amendments of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to contract zone the properties at 111 Blake Street and 82 Pine Street from the Downtown Residential (DR) district to the Centreville (CV) district with some additional Land Use and Space & Bulk requirements to permit a 35 dwelling unit multi-family apartment as described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		Craig Saldemire	75 Maple St	2/5/19
2		Michelle Fisher	102 Pierce St	2/5/19
3		Francesca Norton	146 Pierce St	2/5/19
4		Hilborne Aden	141 Pierce St #1	2/5/19
5		Jma Mohamed	105 Pierce St	2/5/19
6		Kemy Hudson	178 Blake St	2/6
7		Amanda Givers	211 Howe St	2/6
8		Billie-Jo Elliott	125 Pierce St.	2/6
9		Kately Nancy	87 Brantford St	2/6
10		Muntine Tisse	95 Strawberry	2/6
11		Hamdi Umar	95 Strawberry	2/6
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**CIRCULATOR'S VERIFICATION**

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

  
Signature of Circulator

Page Wagner  
Printed Name of Circulator

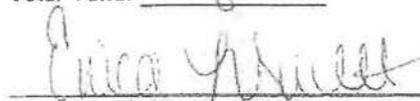
Date: 02/07/2019

**REGISTRAR'S CERTIFICATION**

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

Total Valid: 8

Total Invalid: 3

  
Signature of Registrar/Deputy Registrar

Date: 2/11/2019

Residential units within 200 feet of proposed Contract Zone

GIS ID	Parcel ID	GIS Mapped Acres	.SF	Property Location	Zone	Current Living Units	Current DR Allowed units	Meets DR zoning
195-537	RE0000423	0.11079136	4826	100 BLAKE ST	DR	6	3	N
195-526	RE0000452	0.11528243	5022	51 PIERCE ST	DR	4	4	Y
195-502	RE0000525	0.113201	4931	56 PIERCE ST	DR	6	3	N
195-501	RE0000222	0.09841726	4287	54 PIERCE ST	DR	6	3	N
195-533	RE0000173	0.10473069	4562	97 ASH ST	DR	1	3	Y
195-525	RE0000766	0.14234916	6201	98 PINE ST	DR	13	4	N
195-493	RE0000058	0.16247038	7077	76 ASH ST	DR	12	5	N
195-495	RE0000553	0.3272226	14254	90 ASH ST	DR	11	11	Y
195-496	RE0000630	2.27419369	99064	70 BLAKE ST	DR	106	79	N
195-531	RE0000444	0.0639377	2785	101 ASH ST	DR	2	2	Y
195-527	RE0000833	0.19026832	8288	47 PIERCE ST	DR	6	6	Y
195-538	RE0000112	0.101115	4405	104 BLAKE ST	DR	6	3	N
195-534	RE0001017	0.12750732	5554	94 BLAKE ST	DR	5	4	N
195-539	RE0000741	0.13940747	6073	122 BLAKE ST	DR	9	4	N
195-546	RE0000487	1.02100817	44475	81 ASH ST	DR	32	35	Y
195-528	RE0001234	0.06501485	2832	43 PIERCE ST	DR	4	2	N
195-523	RE0001211	0.27421191	11945	114 BLAKE ST	DR	10	9	N
195-548	RE0000246	0.11694235	5094	174 BATES ST	DR	3	4	Y
195-553	RE0000890	0.17021955	7415	192 BATES ST	DR	10	5	N
195-536	RE0001351	0.1156744	5039	98 BLAKE ST	DR	3	4	Y
195-521	RE0000595	0.04039846	1760	89 PINE ST	DR	1	1	Y
195-9	RE0000567	0.22364423	9742	163 BATES ST	CV	11	7	N
195-540	RE0000222	0.11513631	5015	128 BLAKE ST	DR	7	4	N
195-551	RE0001015	0.14884001	6483	73 PINE ST	DR	15	5	N
195-549	RE0000606	0.06305007	2746	68 PINE ST	DR	5	2	N
195-522	RE0000101	0.06995767	3047	85 PINE ST	DR	6	2	N
195-519	RE0000815	0.06815054	2969	95 PINE ST	DR	6	2	N
195-524	RE0000766	0.14666481	6389	92 PINE ST	DR	6	5	N
195-532	RE0000173	0.10020364	4365	99 ASH ST	DR	3	3	Y

TOTAL 29

YES 10

NO 19

YES %	34%
NO %	66%

To: Lewiston Planning Board c/o Doug Greene, City Planner  
From: Rick Whiting  
Subject: Avesta Housing  
Date: March 11, 2019

I write in support of Avesta Housing's proposal for development of affordable/market rate housing in downtown Lewiston. My son, who has a developmental disability, has been a resident of Pearl Place in Portland for six years. Pearl Place is one of many properties managed by Avesta Housing; his building is well-maintained and has contributed to the rebirth of Bayside, a neighborhood which has been moving from lesser uses to more mixed & upscale development, including housing, Whole Foods, Trader Joes, coffee shops, offices, schools, retail, a bowling alley, i.e., a vibrant downtown neighborhood. My son, an employee of Whole Foods, which is located across the street from his apartment, has several friends living at Pearl Place who are fellow graduates of STRIVE U, a two year post high school program for developmentally disabled individuals that teaches independent living skills. My wife and I consider our son very fortunate to have found an affordable place to live in Portland that is attractive, energy efficient & cheerful with the added benefit of a true in-house social network that is often sorely lacking for disabled individuals living independently.

It is my understanding that Avesta will be developing the site in Lewiston on behalf of Community Concepts, which has had a great deal of favorable experience in owning and managing rental housing. Avesta Housing & Community Concepts will make a very effective development team for this new housing in Lewiston. Avesta is not only an experienced developer but has also fostered good management practices for new developers of affordable housing. When Auburn Housing developed a former bottling plant into Vincent Square Apartments in New Auburn, it was required by investors to partner with an experienced Low Income Housing Tax Credit (LIHTC) developer for hands-on training & oversight. Auburn Housing worked with Avesta Housing for this purpose. Avesta did such an excellent job as Auburn Housing's partner that more recently, Auburn Housing was able to "return the favor" & provide the same type of hands-on training and mentoring for management of the newly re-developed St. Laurent properties that had been lost to arson a few years ago.

**LEWISTON CITY COUNCIL**  
**MEETING OF MARCH 19, 2019**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 4**

**SUBJECT:**

Amendments to the Athletic Field Use Policy.

**INFORMATION:**

The proposed changes to the Athletic Field Use Policy pertain to amendments to fees for use of the Franklin Pasture Complex and other athletic facilities. Please see the attached memorandum from the Public Works Department for additional information.

Note: Additions are underlined; deletions have ~~strikeout~~ lines.

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

The City Administrator recommends approval of the requested action.

*EABK/mm*

**REQUESTED ACTION:**

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

To approve the proposed amendments to the Athletic Field Use Policy, Policy Manual Number 3, as recommended by the City Administrator and the Director of Public Works.

(Note - Full copy of the amendment is attached.)

## USE OF ATHLETIC FIELDS

of Recreation, explaining in full the purpose of the tournament, the organization to be benefitted financially, the tournament director, the number and location of sites required, the number of games to be played, the dates requested for tournament play, field maintenance during the tournament, and fees required.

### *H. FEE SCHEDULE*

1. A usage game fee of \$30.00 will be charged for all softball/baseball games.
2. Softball tournaments will be charged a usage fee of \$15.00 per game.
3. Benefit softball tournaments will be charged a usage fee of \$9 per game. The game fee will include foul lines painted, the infield leveled, screened and chalked before each tournament.
4. Fields designated for use in a tournament will be prepped and charged in accordance to this agreement. Any cancellation of a field requires a 24 hour notification. Without proper notification the field will be prepped resulting in a charge.
5. All fees must be paid in full by the previous day of the tournament, according to the above listed schedule.
- 6.

<u>Franklin Pasture Complex</u>	<u>Per Hour</u>	<u>With Lights</u>	<u>All other Athletic Facilities</u>	<u>Per Hour</u>
<u>Lewiston Non-Profit PRACTICE</u>	<u>\$25</u>	<u>\$100</u>	<u>Lewiston Non-Profit PRACTICE</u>	<u>\$0</u>
<u>Lewiston Non-Profit GAME</u>	<u>\$50</u>	<u>\$100</u>	<u>Lewiston Non-Profit</u>	<u>\$20</u>
<u>Non Profit/School</u>	<u>\$75</u>	<u>\$125</u>	<u>Non Profit/School</u>	<u>\$30</u>
<u>Commercial</u>	<u>\$100</u>	<u>\$175</u>	<u>Commercial</u>	<u>\$60</u>

Additional fees may apply: \$50 for Site Supervisor, \$50 for Facility Cleaning

Note: Additions are underlined; deletions are ~~struck-out~~.



**PUBLIC WORKS DEPARTMENT**

Megan Bates, Deputy Director Highway and Open Spaces

TO: Dale Doughty, PW Director

FROM: Megan Bates

DATE: March 12, 2019

SUBJECT: Recommended PW Fee Increases

The following fee increases as recommended by the Public Works Department are detailed below. The fee recommendations are from two divisions of Public Works: Recreation and Solid Waste.

**Recreation**

1. The recommended increases are the result of the new Franklin Pasture Athletic Complex, including two new artificial turf fields, additional lighting, bathrooms and press boxes. While fundraising is ongoing for this facility, it is important to note that artificial turf fields have a life expectancy of twelve to fifteen years, in addition ongoing maintenance funds will need to be in place to preserve the condition of the complex. Currently, there are few artificial turf fields in the area and demand for Franklin Pasture fields will be high.

Current/Proposed			Current/Proposed	
Franklin Pasture Athletic Complex	Per Hour	With Lights Night/Hour	All other Athletic Facilities	Per Hour
Lewiston Non-Profit PRACTICE	\$25/\$25	\$100/\$100	Lewiston Non-Profit PRACTICE	\$0 /\$0(no change)
Lewiston Non-Profit GAME	\$25/\$50	\$100/\$100	Lewiston Non-Profit GAME	\$25/\$20
Non-Profit/School	\$25/\$75	\$100/125	Non-Profit/*School	Didn't exist /\$30
Commerical	\$60/\$100	\$100/\$175	Commercial	\$60 (no change)

Additional fees may apply: \$50 for Site Supervisor, \$50 for Facility Cleaning

\*Additional definition added in the proposed policy: school. School is defined as any school or learning institution that does not fall under the Lewiston Public School system.

**Solid Waste**

2. The PW Committee in their December 13, 2018 report recommended the increase of the tip fee for solid waste (\$93) and demolition (\$95) to \$100.00 per ton to the Mayor and City Council. The recommendation's basis is to streamline solid waste directly to Maine Waste to Energy, formerly Mid Maine Waste Action Corporation (MMWAC) located in Auburn. Maine Waste to Energy's tip fee is \$90.16 per ton. Council approved the other revisions to the fee schedule regarding special waste in 2016, since the last Master City Fee Schedule revision.

*In summary, the PW Committee recommends the City Council adopt the following recommendations as part of the upcoming FY2020 budget:*

- Increase the Solid Waste Tip Fee from \$93/ton to \$100/ton

# LEWISTON CITY COUNCIL

## MEETING OF MARCH 19, 2019

AGENDA INFORMATION SHEET:                      AGENDA ITEM NO.    5

**SUBJECT:**

Amendments to the Solid Waste Policy regarding fee schedule changes.

**INFORMATION:**

This agenda item is to implement the proposed amendments to the Solid Waste fee policy as recommended by the Public Works Committee.

The proposed changes are supported by the Director of Public Works and passage is recommended.

Note:    Additions are underlined; deletions have ~~strikeout~~ lines.

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

The City Administrator recommends approval of the requested action.

*EAB/KMM*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve the proposed amendments to Policy Manual # 52, the Solid Waste Policy, as recommended by the Director of Public Works.

(Note - Full copy of the amendment is attached.    Underlines are additions and strikeouts are deletions.)

# SOLID WASTE POLICY

## *Solid Waste - Fee Schedule*

The following schedule of fees shall be charged for use of the City's Solid Waste Facility (Facility) and services rendered by the City's Department of Public Works (DPW).

- A. Vehicles with an "ePass" (as defined in Section 62-11 of the City of Lewiston Code of Ordinances) will not be charged for waste disposal as described in Sec. 62-24 ePass Program. When waste material is brought to the Facility and the "ePass" is presented, it will be entered into the Facility's Scale Management System to identify the quantity of waste material being disposed. Once one thousand (1,000) pounds of waste material has been disposed or if the ePass has reached its expiration date the waste material brought to the Facility will be paid for at the current disposal rate. Failure to present the "ePass" will result in charges for the disposal of the waste material.
- (1) Owners of Residential Properties & Multi Unit Apartment Buildings, which are owner occupied, as described in Sec. 64-24 ePass program – No Charge for the dwelling unit, which they occupy year round.
  - (2) Dwelling Units of Multi Unit Apartment Buildings, which meet the criteria described in Sec. 62-24 ePass program - \$20 per ePass.
  - (3) Tenants, which meet the criteria described in Sec. 62-24 ePass program - \$20 per ePass.

The ePass will be issued to property owners who are current on all outstanding debts to the City.

- |    |  |  |
|----|--|--|
| B. | All vehicles, which do not have a valid ePass for the type of materials to be disposed and compaction vehicles shall be weighed and charged a unit price of: | \$ <del>93.00</del> <u>100.00</u> /Ton |
|    | The minimum disposal charge shall be:  | \$7.00                                 |
| C. | All vehicles with special waste shall be weighed and charged (in addition to the <del>\$93.00</del> <u>98.00</u> /ton disposal fee) a State surcharge of:    | \$2.00/Ton                             |
| D. | All vehicles hauling commercial, or construction debris shall be subject to a minimum charge of:   | \$8.00                                 |
| E. | All vehicles containing only recyclables and/or scrap metal, as defined in Chapter 62 of the Code of Ordinances:   | NO FEE                                 |
| F. | Exceptions: No fees shall be levied on the City (includes all City departments, agencies and school district) for the disposal of solid waste, as defined.   |  |

NOTE: Additions are underlined; deletions are ~~struck-out~~.



**PUBLIC WORKS DEPARTMENT**

Megan Bates, Deputy Director Highway and Open Spaces

TO: Dale Doughty, PW Director

FROM: Megan Bates

DATE: March 12, 2019

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*In summary, the PW Committee recommends the City Council adopt the following recommendations as part of the upcoming FY2020 budget:*

- Increase the Solid Waste Tip Fee from \$93/ton to \$100/ton

# LEWISTON CITY COUNCIL

## MEETING OF MARCH 19, 2019

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 6**

**SUBJECT:**

Appointment of a City Council representative to the Maine Municipal Association's Legislative Policy Committee.

**INFORMATION:**

The City appoints two city officials to serve as Lewiston's representatives to the Maine Municipal Association's Legislative Policy Committee (MMA LPC). The City can have two full members and two alternate members. Traditionally, one elected official has served as a member and the City Administrator has served as the other member. The alternate members are the Deputy City Administrator and the City Clerk.

Due to the resignation of Mayor Bouchard, the City has a vacancy as the Council's representative to this Committee. The Committee meets in Augusta, while the Legislature is in session, to review bills that have a municipal connection or impact.

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

Committee appointments are a policy decision of the City Council.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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- 1) To receive nominations from the Council for a City Councilor to serve as the City Council's representative to the Maine Municipal Association Legislative Policy Committee.
- 2) To appoint Councilor \_\_\_\_\_ to serve as the Council's representative to the Maine Municipal Association Legislative Policy Committee.

**LEWISTON CITY COUNCIL**  
**MEETING OF MARCH 19, 2019**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 7**

**SUBJECT:**

Authorization to accept transfer of forfeiture funds.

**INFORMATION:**

The Lewiston Police Department is requesting that the City Council authorize the acceptance of funds, in the amounts outlined below, as reimbursement for costs associated with assisting in a criminal investigation. The funds are available to the Lewiston Police Department due to its substantial contribution to the investigation of this or a related criminal case.

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

The City Administrator recommends approval of the requested action.

*EAB/lcm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of \$613.00 or any portion thereof, in the case of the State of Maine vs. Fuad Abdi, CR-18-4316 Court Records, being funds forfeited pursuant to the court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program' account.

STATE OF MAINE  
Androscoggin, ss

UNIFIED CRIMINAL COURT  
Docket No. CR-18-4316

State of Maine	}	
	}	
v.	}	Municipality of Lewiston
	}	Approval of Transfer
Fuad Abdi	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Defendant;	}	
	}	
And	}	
	}	
\$613.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES the municipality of Lewiston, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) in Rem, or any portion thereof, on the grounds that the Lewiston Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Lewiston, Maine does hereby approve of the transfer of the Defendant(s) In Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Lewiston municipal legislative body on or about

Dated: \_\_\_\_\_

\_\_\_\_\_  
Municipal Officer  
Lewiston, Maine  
(Impress municipal legislative body seal here)