LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
AUGUST 4, 2020

SESSION WILL BE CONDUCTED REMOTELY AND MEMBERS WILL ONLY PARTICIPATE ELECTRONICALLY. THE MEETING CAN BE VIEWED ONLINE AT

https://www.lewistonmaine.gov/2020cc

Public Comment on any item appearing on the agenda may be sent to publiccomment@lewistonmaine.gov prior to or during the meeting, and all comments received will be forwarded to the City Council. Members of the public who do not have internet access and who would like to access the meeting by phone may contact (207) 513-3021 for the access code before 5pm on the day of the meeting.

7:00 p.m. Regular Meeting

Update on City Actions Regarding COVID-19 Pandemic Situation

Acceptance of the minutes of the July 21, 2020 meeting.

Public Comment period – Any member of the public may make comments regarding issues pertaining to Lewiston City Government (3 minutes per speaker; maximum time for all comments is 15 minutes)

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 1

REGULAR BUSINESS:

1. Public Hearing for approval of an Outdoor Entertainment Permit for a musical concert in Kennedy Park.
2. Order, Consideration of Community Concepts, Inc. Appeal of the Finance Committee award of the Lead Project Developer to Clarity Property Services.
3. Authorization to accept transfer of forfeiture funds.
4. Presentation regarding Part 2 of the Design Lewiston project.
5. Reports and Updates
6. Any other City Business Councilors or others may have relating to Lewiston City Government.

LEWISTON CITY COUNCIL
MEETING OF AUGUST 4, 2020

AGENDA INFORMATION SHEET: **AGENDA ITEM NO.** 1

SUBJECT:

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

INFORMATION:

The Jesus is King organization is sponsoring a free worship service with live music on Saturday, August 22 from 2pm – 9pm in Kennedy Park. Since they will be having live music, they are required by the Code of Ordinances to obtain an Outdoor Entertainment permit from the City Council. Staff has reviewed their application and has no concerns with this event. Approval is recommended.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

DAP | kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M

To conduct a public hearing on an application for an outdoor entertainment event in Kennedy Park, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, for an outdoor music concert to be held at Kennedy Park on Saturday, August 22, contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances.

City of Lewiston

Event Application AUGUST 22ND WORSHIP EVENT (K.P.)

• OUTDOOR ENTERTAINMENT

Calendar Year 2020
Fiscal Year 20/21

The Fiscal Year runs from July 1st of the event calendar year to June 30th of the following year

Contact Information

Name of Organization: JESUS IS KING **For-Profit** — **Non-Profit** —

Organization Address: NONE **City:** NONE

Organization Daytime Telephone: 207-949-6741

Applicant Name: JOHN ANDRADE **Title:** MINISTER

Applicant Telephone: 949-6741 **Applicant Email:** JOHNTHEBAPTIST09@gmail.c

On-site Manager Name (day of event): JOHN ANDRADE **Cell:** 949-6741

Event Overview

Event Name: JESUS SAVES **Requested Location:** KENNEDY PARK

Requested Date(s) Aug 22 to Aug 22 **Single Date** YES **Rain Date** (if applicable) Aug 29

Actual Hours of Event 8pm to 9pm **Set-up time** 1 Hour **Tear-down time** 1 Hour

Type of Event (check all that apply): **Check here if this is a repeat event** _____

Estimated Event Attendance ? *(a Certificate of Insurance is required for events of 25+)*

(1,000+) _____ *(requires CC approval)* Park Use ✓ Gazebo Use ✓ Amphitheater Use _____

Walk/Run _____ Road Race _____ Live Performance ✓ Festival _____ Concert _____ Parade _____

Picnic/BBQ _____ Block Party ✓ Arts _____ Wedding Ceremony _____ Wedding Reception _____

Carnival _____ Circus _____ Fireworks _____ Vigil ✓ Demonstration _____ March _____

Open to the Public ✓ Age-Restricted _____ Invitation Only _____ Fundraiser _____

Other (please specify): CHRISTIAN WORSHIP EVENT

Description of Event

PREACHING, WORSHIP MUSIC, CELEBRATION, MAYBE FOOD AND ALSO WATER FOR BAPTISM

Event Application

City Clerk's Office

in conjunction with Sanitarian/Code Enforcement

Please check all that apply

SOUND AMPLIFICATION-*will you be amplifying sound?* Yes ✓ No ____ please describe below:

Sound for music and preaching

SOUND AMPLIFICATION PERMIT may be required $17 per day / $8.50 (*LBNP*) Amount $_____

OUTDOOR ENTERTAINMENT (live performance) Yes ✓ No ____ please describe below:

music for worship

OUTDOOR ENTERTAINMENT PERMIT $50 / $25 (*LBNP*) Amount $_____
City Council approval is required

FOOD Yes ✓ No ____ Given Away ✓

Food Truck Yes ____ No ____ **Food Truck Name** _____ **Licensed** Yes ____ No ____

BBQ Yes maybe No ____ is this a catered event? Name of caterer _____
(copy of rules & regulations)

FOOD SERVICE LICENSE may be required $50 up to 3 days / $25 (*LBNP*) Amount $_____
Sanitarian/Code inspection may apply, Fire inspection may apply

BEVERAGES Yes ✓ No ____ Sold ____ Given Away ✓ Type _____

Outside Alcohol Yes ____ No ✓ (restrictions may apply)

Licensed Business Name none

FOOD SERVICE LICENSE may be required $50 up to 3 days / $25 (*LBNP*) Amount $_____

OUTDOOR ALCOHOL PERMIT REQUIRED $25 per event & other fees may apply Amount $_____
No discounts apply on alcohol permits

PRODUCT Yes ✓ No ____ Sold ____ Given Away ✓ Type literature, Books, maybe freepaper

PEDDLERS/FLEA MARKET PERMIT may apply
$34 per day for 1-75 spaces / $17.00 (LBNP)
$61 per day for 76+ spaces / $30.50 (LBNP) Amount $_____

CARNIVAL Yes ____ No ✓ Rides Offered ____ Details N/A
CIRCUS Yes ____ No ✓

STATE PERMIT REQUIRED; has it been obtained? Yes ____ No N/A
CARNIVAL OR CIRCUS PERMIT REQUIRED $180 per day x ____ number of days Amount $_____
No discounts apply on carnival or circus permits

LEWISTON CITY COUNCIL
MEETING OF AUGUST 4, 2020

AGENDA INFORMATION SHEET: **AGENDA ITEM NO.** 2

SUBJECT: Order, Consideration of Community Concepts, Inc. Appeal of the Finance Committee award of the Lead Project Developer to Clarity Property Services.

INFORMATION: In 2019 the City received a Lead Hazard Reduction Demonstration Grant in the amount of $4,606,649 with an additional grant of $600,000 in Healthy Home Funds. The city issued requests for proposals from qualified bidders to provide Lead Project Developer Services, and a second RFP, for a Lead Construction Manager. At their July 13th meeting the Finance Committee awarded the Lead Project Developer contract to Clarity Property Services, and the Lead Program Manager contract to Community Concepts, Inc. In accordance with the City's Purchasing Policy, both contracts were awarded to the Lowest Responsible Bidder.

Community Concepts, Inc., who under the City's 2017 lead grant is currently providing all of the services covered under these two recent contract awards, has appealed the Finance Committee's decision for reasons articulated in their July 20, 2020 letter the City's Finance Director, which is included in this package.

The RFP were reviewed by a city staff committee comprised of the 2017 Lead Grant Program Manager, 2019 Lead Grant Program Manager, and the Project Director for both grants. In their recommendation to the Finance Committee the review committee scoring of the applicants ranked Clarity Property Services at 289 points, and Community Concepts at 270 out of a possible score of 300. Clarity Property Services was also low bidder on RFP, submitting a total bid of $334,500, which is $31,000 less than Community Concepts bid of $365,500.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval. DAD/Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M

To uphold and confirm the Finance Committee's decision to award the Lead Project Developer contract to Clarity Property Services.

CITY OF LEWISTON, MAINE

August 4, 2020

COUNCIL ORDER

Order, To act upon an appeal submitted by Community Concepts Inc. in regard to an award of the Lead Project Developer contract to Clarity Property Services.

Whereas, in 2019 the City received a Lead Hazard Reduction Demonstration Grant in the amount of $4,606,649 with an additional $600,000 in Healthy Homes Supplemental funding from the U.S. Department of Housing and Urban Development; and

Whereas, the City issued a request for proposals from contractors to conduct two of three tasks required under the grant; and

Whereas, the two services that were bid include the Lead Project Developer, who conducts testing of units for lead, writes specifications for how lead identified in the testing will be addressed, and attends pre-bid walk throughs with contractors looking to bid the lead hazard control work for units enrolled in the project. The other service put out to bid was for a Lead Construction Manager, who would be responsible for managing lead hazard control projects awarded by the Lewiston Finance Committee, and conducting clearance testing to insure that units enrolled in the program have had the identified lead hazards addressed; and

Whereas, at their July 17th meeting the Lewiston Finance Committee awarded the Lead Project Developer contract to Clarity Property Services, and the Lead Construction Manager contract to Community Concepts, Inc.; and

Whereas, Community Concepts Inc., who was awarded the contract and continues to provide the services for all of these aforementioned services, which were included under one subrecipient agreement in the 2017 Lead grant, has appealed the decision to award the Lead Project Developer to Clarity Property Services for reasons articulated in their appeal letter addressed to the City's Finance Director; and

Whereas, the City's 2017 Lead Program Manager, 2019 Lead Program Manager and the Project Director for both grants were the city staff involved in reviewing and scoring the four proposals submitted for the Lead Project Developer; and

Whereas, these City staff are knowledgeable on the requirements of lead regulations and federal grant management and reporting; and

[Type text]

Whereas, Clarity Property Services was put forth by the review committee as their recommended choice to the Finance Committee on the qualifications of the company as noted in the Lead Project Developer Summary Matrix included as part of this agenda item; and

Whereas, Clarity Property Services was the lowest cost qualified bidder on the RFP.

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

In accordance with City's Purchasing Policy the City Council upholds the Finance Committee's decision to award the Lead Project Developer contract to Lowest Responsible Bidder, Clarity Property Services.

CommunityConcepts

ccimaine.org
(800) 866-5588

240 Bates Street
Lewiston, ME 04240
(207) 795-4065

July 20, 2020

City of Lewiston
Attention: Finance Director
27 Pine Street
Lewiston, ME 04240

To whom it may concern,

This letter shall serve as a formal appeal to the decision to award Bid # 2020-012 to Clarity Property Services, LLC by your Finance Committee on July 13, 2020 for a Lead Project Developer to serve under your HUD Lead Hazard Control Grant for a period of 36 months. We are asking for reconsideration of the award decision.

We have reviewed the documents that were provided to us by Allen Ward on July 14, 2020 to include the 2020-012 Lead Project Developer Matrix and Clarity Property Services, LLC proposal. These have been referenced.

While there are several components that warrant this appeal one most notably is the flawed scoring for each task resulting in a non-objective process.

The components of this appeal are listed consistent with the order of the proposal:

Professional Qualifications, Resume and Technical Competence; 34 points

1. **Community Concepts; awarded 30.33 points**
   Scoring matrix indicates *"lots of experience, well-conceived response, has licensed staff to complete required tasks, paperwork delivery not responsive, hazards missed on some scopes of work and change orders required"*

   As listed in the response, the following is accurate:
   - 20+ years administering every aspect of HUD funded grant's
   - 20+ years completing Risk Assessments for ME CDC (400 over the last 12 months)
   - 20+ years performing risk assessments and design plan prep
   - 6 licensed Risk Assessors & Designers
   - All Staff Resumes included in proposal
   - No plan to hire any additional staff (fully staffed to start)
   - No conflict of interest

2. **Clarity Property Services, LLC; awarded 32 points**
   Scoring matrix indicates *"Clarity has in-place staff with appropriate licenses and a reasonable amount of relevant experience (5 years)"*

   As listed in the response, the following is accurate:
   - Only oversight of HUD funding is from abatement contractor perspective
   - Two years completing Risk Assessments for ME CDC

- 4 years since licensed risk assessor & 3 years since licensed design plan
- No staff resumes included in proposal
- 2 licensed Risk Assessors & Designers
- Indicates that they plan to hire but in Section 3 policy; indicated they are not hiring
- Disclosed conflict w/one owner as he is a Lead Abatement Contractor

Clarity indicates in their proposal that Kevin Boutin would have a conflict if performing clearances and cited Maine DEP and HUD regulations but in fact per both Maine DEP and HUD regulations; the company cannot perform any Lead Risk Assessments or complete clearances if they do the abatement; regulations indicate that this is clearly bias and a perceived conflict of interest. If awarded the contract, this company could not perform any abatement on any property in this grant. If they do, there is a potential risk to the City of Lewiston if any litigation resulted from an owner. The City would be responsible for awarding a contract to a company that has an obvious conflict of interest and in violation of both Maine DEP and HUD requirements.

Capacity to complete project Scope of Service and Demonstrated Experience/References; 33 points

Community Concepts; awarded 28 points

Scoring matrix indicates; "*Staff capacity varies by individual and some individuals have failed to meet a reliable standard. CCI has significant contracts with ME CDC, Maine State Housing Authority for 2 grant programs, and the full Biddeford Grant Program. These other commitments raise concerns that attention to details will be at risk as different programs have different requirements and CCI has had trouble prioritizing the L-A program requirements with this under current the contract and treated it the same as the Maine Housing program regarding paperwork delivery dept. inconsistency in 2017 grant w/ inspectors*"

Clarity Property Services, LLC; awarded 31.33 points

Scoring matrix indicates; *Staff on hand should have capacity to meet program needs. Many of the risk assessments will be conducted at the same property location consolidating the 325 Risk Assessments at roughly 80 property locations. Scope of contract is limited to Lead Paint Inspection and Risk Assessment, and then provide a Scope of Work for bidding out project repairs. Will hire to meet capacity for scope.*

- **If the City of Lewiston is assuming that Clarity Property Services can meet the program needs because many of the risk assessments will be conducted at the same property locations consolidating the 325 Risk Assessments, why would CCI lose points in that they are concerned with CCI prioritizing the Lewiston requirements? It appears that Community Concepts experience and size has been judged as a weakness and not as a strength.**

Cost of Proposal with Budget; 33 points

Community Concepts; awarded 31.67 points

Clarity Property Services, LLC; awarded 33 points

Important Point of Emphasis on Proposal regarding cost:

- **Even though Clarity Property appeared as low bidder on the project, in only one category of per unit pricing, Community Concepts currently holds the Maine CDC contract to perform risk assessments in units within the City of Lewiston. If a property enrolls in the City of Lewiston grant, if Community Concepts has completed the risk assessment within the prior 12 months of contract signing, that risk assessment can be used and Community Concepts provides the report to the City at no cost and the City can use the value of that risk assessment as a match. If Clarity is awarded the contract, they will either need to obtain the risk assessments from the CDC (that Community Concepts completed); or complete new risk assessments at a cost to the City that otherwise would not have to happen.**

We appreciate the opportunity to appeal this decision and look forward to further discussions. We look forward to hearing from you.

Sincerely,

Chief Executive Officer

Kathy Montejo

From: Allen Ward
Sent: Tuesday, July 14, 2020 4:13 PM
To: 'Sandy Albert'
Cc: Travis Mills; Lincoln Jeffers; Marian R. Ryerson; Heather Hunter
Subject: RE: 2020-012 Lead Project Developer TAB available on City website.
Attachments: 2020-012 - Lead Project Developer Matrix.xlsx; Lead Project Developer Clarity proposal.pdf

Sandy,
Per your request, I have provided you:
-The scoring results from the three Economic Development Staff who reviewed proposals and I oversaw results for (Lincoln Jeffers, Travis Mills, and Kendell Manning).
When I get these requests I offer the following.
All three staff ranked each proposal before our meeting and the matrix summaries each scorers information including comments.
Each scored proposals in the following order Clarity, CCI, Credere and CES for the reasons given in the comments
I present a raw total of each score showing the above ranking as well the average for each score out of the possible 100.
Comments are intended to give each participant feedback on how their proposal received from the scorers.

-Clarities proposal also per your request.

Outside of your requests I will offer the City reached out to references and heard nothing of concern for the bid award that has not been addressed by the City in how the three lead bids scope of services were structured.

As for the City's appeal process, on what grounds would CCI be considering an appeal so I can advise the Finance Director and Finance Committee Chair?
If needed, I can make them aware and allow you time at their next meeting to present.
Let me know.

From: Sandy Albert [mailto:SAlbert@Community-Concepts.org]
Sent: Tuesday, July 14, 2020 12:50 PM
To: Allen Ward
Cc: Travis Mills; Lincoln Jeffers; Marian R. Ryerson
Subject: Unc: 2020-012 Lead Project Developer TAB available on City website.

Hello,

Would it be possible for me to also receive your appeals process for the award along with the other documents that I have requested below?

Thank you

From: Sandy Albert
Sent: Tuesday, July 14, 2020 9:43 AM
To: Allen Ward <AWard@lewistonmaine.gov>

Cc: Travis Mills <TMills@lewistonmaine.gov>; Lincoln Jeffers <LJeffers@lewistonmaine.gov>
Subject: RE: 2020-012 Lead Project Developer TAB available on City website.

Good Morning,

I am requesting the results of the scoring for this bid. I have looked on your website and have noticed that it is not posted.

Can you please send me the scoring of each category as indicated in your RFP? Also, is there any way I can get access and review the proposal that Clarity Property Services submitted?

Thank you

Sandy Albert
Director of Housing Improvement Services

Community Concepts
Fostering opportunities for thriving individuals, families & communities
17 Market Square
South Paris ME 04281
207-739-6560

Like us on Facebook
Follow us on Instagram! @communityconceptsmaine

From: Allen Ward <AWard@lewistonmaine.gov>
Sent: Tuesday, July 14, 2020 7:53 AM
To: Marian R. Ryerson <MRyerson@lewistonmaine.gov>; tpatten@crederellc.com; leadinspections@outlook.com; Sandy Albert <SAlbert@Community-Concepts.org>; Dkingman@ces-maine.com
Cc: Travis Mills <TMills@lewistonmaine.gov>; Lincoln Jeffers <LJeffers@lewistonmaine.gov>
Subject: RE: 2020-012 Lead Project Developer TAB available on City website.

At last night's Finance Committee meeting, they awarded this bid to Clarity Property Services.
Thank you for everyone's interest in this City bid.

From: Marian R. Ryerson
Sent: Wednesday, July 8, 2020 12:48 PM
To: tpatten@crederellc.com; leadinspections@outlook.com; salbert@community-concepts.org; Dkingman@ces-maine.com
Cc: Allen Ward; Travis Mills; Lincoln Jeffers
Subject: 2020-012 Lead Project Developer TAB available on City website.

2020-012 Lead Project Developer TAB available on City website.

Thank you,

Marian Ryerson
Administrative Assistant, Finance
City of Lewiston
27 Pine Street
Lewiston, ME 04240
207-513-3127

Finance Committee
Ralph W. Lenfestey
Asst. Finance Director
rlenfestey@lewistonmaine.gov

Item #4

to: Finance Committee
from: Ralph Lenfestey, Asst. Finance Director
subject: Bid 2020-012 Lead Project Developer
date: July 9, 2020

Bid 2020-012 is a Lead Project Developer to work with Economic Development Staff on the current Housing and Urban Development (HUD) Lead grant. The scope of services for the project developer includes:

- Unit Lead Inspection/Risk Assessments
- Lead Hazard Control (LHC) Designs and Bidding
- Full Lead Paint Inspections

The City of Lewiston received a Lead Hazard Reduction Demonstration Grant in the amount of $4,606,649 with an additional $600,000 in Healthy Homes Supplemental funding from the U.S. Department of Housing and Urban Development. $357,500 of the grant funds in the approved budget was allocated to this Lead Project Developer bid.

Bids were solicited of seven (7) companies and four (4) bids were received. Economic Development staff scored and reviewed the proposals. Attached is a copy of the recommendation.

This bid tabulation is calculated using estimated quantities, it is understood that actual quantities may differ for the same project scope and unit pricing. The recommendation is to award bid 2020-012 for the Lead Project Developer to Clarity Property Services, Biddeford, ME at their estimated bid price of $334,500 based upon the itemized bid costs using estimated quantities prepared by Economic Development staff.

There is adequate funding for this bid in the source identified (521-500013).

RWL/aw

City of Lewiston
Economic and Community Development
Lincoln Jeffers, Director

July 10, 2020

Finance Committee:

The City of Lewiston received a Lead Hazard Reduction Demonstration Grant in the amount of $4,606,649 with an additional $600,000 in Healthy Homes Supplemental funding from the U.S. Department of Housing and Urban Development for a 42 month Lewiston Lead Program. This innovative program will serve as a model for integrating existing and new resources to eliminate childhood lead poisoning and create Healthy Homes.

As part of the administration of this lead grant, Economic Development issued three bids for varying scope of services were issued for billing on a per unit basis:

- Bid 2020-012Lead Program Developer
- Bid 2020-013 Lead Construction Manager
- Bid 2020-014 Lead Education / Outreach Provider

It is the recommendation of the Community Development Department, specifically the Lead Hazard Reduction Program, that Clarity Property Services, LLC be awarded the bid for Lead Project Developer. Based on a mutually agreed upon scoring system and professional experiences, it is our belief that Clarity Property Services (CPS) is best qualified across all categories to complete this project.

CPS identified all staff relevant to the project along with their specific licensing. While CPS has less direct experience, the staff do have significant industry experience. In relation to capacity, CPS addressed ability to meet needs, both expected and unexpected. There are no outstanding legal issues; however, CPS mentions possible conflict of interest, but also how they will avoid and mitigate any possible issues. All in all, CPS's bid proposal came in under the budget set in the grant as the winning bid at $334,500. Remaining funds will be used to assess and repair more housing than projected.

Closely considered was Community Concepts Inc. (CCI). CCI bid second-lowest at $365,500. While CCI has more licensed staff for this position and is closer to the area, CCI also has 4 other significant programs they are serving in Risk Assessment capacity now. It has been the experience of the department that CCI has struggled with front-end paperwork quality and completeness on other projects. Several property owners that did apply through CCI for the 2017 L/A Lead Grant have had to reapply under the 2019 Lead Grant because paperwork was incomplete and/or insufficient for too long.

Lastly, Credere was considered briefly. Credere's staff show significant accomplishment in terms of education and credentials. The company's proposal was well-written and formatted. However, in the end Credere was not considered due to being significantly over budget at $503,500. CES also presented themselves well, but at nearly three times the grant budget, they were removed from consideration. Please see individual scoring sheets for more information on the other two bidders.

Respectfully,

Kendall Manning
Program Manager
City of Lewiston, Lead Hazard Program
207.513.3126 Ext. 3233

Lead Project Developer
Bid 2020-012

Task	Description	Qty	Unit $	Clarity Property Service, LLC Biddeford, ME
1	Unit Lead Inspection/ Risk Assessments	325	$ 600.00	$ 195,000.00
2	Lead Hazard Control (LHC) Designs and Bidding	325	$ 380.00	$ 123,500.00
3	Full Lead Paint Inspections	20	$ 800.00	$ 16,000.00
			TOTAL	$ 334,500.00

Task	Description	Qty	Unit $	Community Concepts, Inc. Lewiston, ME
1	Unit Lead Inspection/ Risk Assessments	325	$ 600.00	$ 195,000.00
2	Lead Hazard Control (LHC) Designs and Bidding	325	$ 500.00	$ 162,500.00
3	Full Lead Paint Inspections	20	$ 400.00	$ 8,000.00
			TOTAL	$ 365,500.00

Task	Description	Qty	Unit $	Credere Associates, LLC Westbrook, ME
1	Unit Lead Inspection/ Risk Assessments	325	$ 1,000.00	$ 325,000.00
2	Lead Hazard Control (LHC) Designs and Bidding	325	$ 500.00	$ 162,500.00
3	Full Lead Paint Inspections	20	$ 800.00	$ 16,000.00
			TOTAL	$ 503,500.00

Task	Description	Qty	Unit $	CES, Inc. Lewiston, ME
1	Unit Lead Inspection/ Risk Assessments	325	$ 1,630.00	$ 529,750.00
2	Lead Hazard Control (LHC) Designs and Bidding	325	$ 1,500.00	$ 487,500.00
3	Full Lead Paint Inspections	20	$ 1,600.00	$ 32,000.00
			TOTAL	$ 1,049,250.00

From: Dave Gudas
To: Allen Ward
Subject: 7/13 Finance Committee Link
Date: Wednesday, July 22, 2020 1:35:18 PM

Link to the audio of the 7/13/2020 Finance Committee Meeting
https://www.dropbox.com/s/iivfmvl3360f3zn/2020-07-13%20FC.MP3?dl=0

Lead Project Developer

Bid: 2020-012

Date 7/9/2020 proposals review date

	Consultant	Professional Qualifications, Resume and Technical Competence	Capacity to complete project Scope of Service and Demonstrated Experience / References	Cost of Proposal with Budget	Total Score
1	Clarity Property Services, LLC	32.00	31.33	33.00	**96.33**
2	Community Concepts, Inc.	30.33	28.00	31.67	90.00
3	Credere Associates, LLC	34.00	31.00	14.67	79.67
4	CES, Inc.	31.33	28.33	10.00	69.67
5					
6					
7					
8					

City of Lewiston
Finance Department

Allen Ward, Purchasing Agent

2020-012
Lead Project Developer
June 17, 2020

Sir/Madam:

Sealed bids will be received in the office of the Purchasing Agent on **Tuesday, July 7, 2020 until 2:00 p.m.** at which time they will be publicly opened and read aloud for the **Lead Project Developer.**

The Finance Committee reserves the right to accept or reject any and all proposals.

Please use a sealed envelope clearly marked with the bid name and number when submitting your bid.

Only sealed proposals will be accepted. Faxed or electronic proposals <u>will not</u> be considered.

Respectfully,

Allen Ward
Purchasing Agent

ASW

BID No. 2020-012
BID DUE DATE: Tuesday, July 7, 2020 until 2:00 p.m.
Lead Project Developer

Project Description

The City of Lewiston received a Lead Hazard Reduction Demonstration Grant in the amount of $4,606,649 with an additional $600,000 in Healthy Homes Supplemental funding from the U.S. Department of Housing and Urban Development for a 42 month Lewiston Lead Program. This innovative program will serve as a model for integrating existing and new resources to eliminate childhood lead poisoning and create Healthy Homes. Community outreach and resident education for Lead poisoning prevention are key components of the program. The City's Lead Hazard Reduction Grant Program will leverage the efforts of state and local government agencies, private community and faith-based organizations, and property owners to increase the stock of affordable, lead-safe properties in Lewiston. The Program will focus its HUD lead grant resources primarily in Lewiston's most at risk community, known as the Tree Street neighborhood, in order to concentrate needed resources for low-income families. This neighborhood is the focus of the Choice Transformation Plan and is located in the HUD-approved Neighborhood Revitalization Strategy Area (NRSA). The Lewiston Program will also coordinate lead hazard and healthy homes interventions outside of the downtown where lead has been identified as a risk factor.

Introduction

This bid award contract shall align with the Lead Grant period of performance (including closeout), through **10-31-2023.** Contractor services will be completed in support of meeting benchmark targets agreed to by HUD, **(Appendix A)**. All work shall be completed in accordance with HUD "Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing" 2012, HUD Policy Guidance, Maine Department of Environmental Protection (DEP) Chapter 424, and Maine CDC Lead Poisoning Control Act. Links to applicable regulations and policies are attached **(Appendix B).**

Lewiston Lead Program Services

- Perform residential Lead based paint Inspection and Risk Assessments (LIRAs) in single and multi-family housing in Lewiston
- Provide Lead Hazard Control (LHC) Designs for the units receiving LIRAs
- Conduct project walk-throughs at pre-bid meetings to explain the scope of work
- Provide final LHC Designs for release to the bidders who attended
- During project construction phase, contractor will respond to any required design changes, and address any paint testing that was missed during the project development

Lewiston Rehabilitation Program Services

- Perform Full Lead Paint Inspections to provide necessary data for planning safe RRP level rehabilitation, per HUD regulations (This Paint Inspection is NOT to identify LEAD Hazards as a Risk Assessment does)

Proposal Response Requirements

To successfully compete on this project, submissions must address the following requirements:

1) Contractor must be licensed for Lead Professional Services and have personnel licensed to conduct Lead Inspections and Lead Risk Assessments

2) Contractor must have personnel licensed to create Lead Hazard Control Designs. (If not currently licensed, license must be obtained within 60 days to meet grant deadlines)
3) Contractor must have a DUNS #. Registration in www.sam.gov will be required to verify Contractor eligibility to receive federal funding (Compliance with federal and state regulating agencies will be verified)
4) Contractor must demonstrate experience conducting Residential Lead Inspection-Risk Assessments, creating Lead Hazard Control Designs, and have good working relationship with the Maine Child Lead Poisoning Prevention Program (CDC) and the Department of Environmental Protection (DEP)
5) **"This job/project is covered under the requirements of Section 3 of the HUD Act of 1968"** which requires, "to the greatest extent possible" economic opportunities are made available to low income residents in the Lewiston-Auburn Metro Service Area with the use of this funding. Bidders are required to review the "CONTRACTOR INSTRUCTIONS AND REQUIRED FORMS SUBMITTALS" packet and submit necessary Section 3 forms with their bid. **(Appendix C)**.

Respondents should provide the following with their signed Proposal Form. Unnecessarily elaborate responses are discouraged.

- A statement of qualifications to perform the Desired Scope of Work including resumes of personnel to be assigned to this project and their required licenses listed above (or stated commitment to being licensed with the noted 60 days)
- Demonstrated capacity to complete this project's scope of service (or submitted plan to hire personnel with their required licenses listed above)
- References for relevant work experience for this bid scope of services

For a pre-bid meeting or consultation on any of these bid requirements, contact:
Travis Mills, L-A Lead Program Manager, 207-513-3126 ext. 3251 or tmills@lewistonmaine.gov

Each contractor is required to state in his/her proposal, his/her name and place of business and the names of all persons or parties interested as principals with him/her; and, that the proposal is made without any connection with any other bidder making any proposal for the same work; and, that no person acting for or employed by the City of Lewiston is directly or indirectly interested in the proposal or in any contract which may be entered into to which the proposal relates, or in any portion of the profits therefrom, except as provided by City Charter.

The proposal must be signed by the bidder with his/her full name and address and be enclosed in a sealed envelope. The sealed envelope shall be marked with the name and address of the bidder and entitled:

Lead Project Developer

and be addressed to: Allen Ward, Purchasing Agent, City Hall, 27 Pine Street, Lewiston, Maine 04240.

All mailed proposals should be sent by registered mail to insure delivery.

Faxed and email submitted proposals will not be considered.

Any bidder may withdraw his/her proposal prior to the scheduled time for bid submission upon presentation to the City of a request, in writing to do so. Any bidder who withdraws his/her proposal within thirty (30) days after the actual opening thereof shall be considered. The City reserves the right to waive any formality and may consider as informal any proposal not prepared and submitted in accordance

with these provisions. The City reserves the right to accept any proposal or reject any or all proposals if it is deemed to be in the best interest to do so.

Proposal Response Requirements shall be evaluated based on the following criteria:

1) Professional Qualifications, Resume and Technical Competence	34%
2) Capacity to complete project Scope of Service and Demonstrated Experience / References	33%
3) Cost of Proposal with Budget	33%

Proposal Response Requirements will be evaluated by City staff, who will make a recommendation to the Finance Committee who will award the contract.

The Finance Committee reserves the right to reject all bids when deemed to be in the best interest of the City, and to waive any minor discrepancy or technicality in the bid specifications.

The contract will be awarded at the discretion of the City. The contractor to whom the award is made will be notified at the earliest possible date.

Lead Project Developer Scope of Services

The following tasks are part of the work-plan submitted to the Department of Housing and Urban Development for this grant. The selected contractor will be expected to conduct work awarded under this RFP in accordance with this work plan.

Task 1: Unit Lead Inspection/Risk Assessments (325)

The Program shall identify enrolled units. **All units shall receive a complete Lead Inspection-Risk Assessment after enrollment.** (Previous inspection hazards will be provided to the Contractor. If a soil or dust lead hazard is indicated, those locations shall be re-tested for the Program Risk Assessment).

The Contractor shall conduct a full XRF Lead Inspection and provide a Risk Assessment Report (LIRA). The inspection shall test all painted components. LIRAs are to include required laboratory testing. ***Lab testing fees are a separate reimbursement cost paid by the Lead Program.***

According to HUD 2012 Guidebook (pg.5-85), Chapter 5, Section VI (Risk Assessment Report) Site Specific Hazard Control Options: "*the report should inform the owner of the range of acceptable hazard control measures.*"

The Lewiston Lead Program requires a minimal cost hazard control option (such as Encapsulation) and a 2nd more reliable hazard control option, such as complete Paint Removal, physical Enclosure, or Component Removal. This more reliable option will be explained to the owner by the Lead Program Manager, and may be the design choice.

Contractor shall provide photographs of existing property/unit conditions at the time of Risk Assessment. Required documentation and reports may be submitted to the Lead Program electronically (preferred) or delivered in paper copy. **Risk Assessments are billable (for 325 units) once all documentation has been received.**

Task 2: Lead Hazard Control (LHC) Designs and Bidding (325)

The Lead Program Manager will review all Risk Assessments and consult on design preferences, including any Historic Preservation Office restrictions. The Program shall provide the Contractor a document with owner preferences for materials and colors to include with the bid design. (Rehab funding may be braided into some projects for Abatement of Lead components, which are not currently hazards. Rehab work would be on a Separate task price list in the Design.) *(Healthy Home hazards will not be included with the LHC design.)*

Contractor shall provide a LHC design compliant with Maine and federal requirements. Design sketches shall print large enough for mark-ups indicating containments and inform tenants of where to safely store possessions.

The Lead Program will conduct the Public Bid announcement and the abatement bid solicitation. Contractor shall attend the site pre-bid walk through and review the scope of work for potential bidders. Contractor shall make Program approved revisions. (*At minimum the design will get a final revision date*)

Final designs shall be submitted to the program within 24 hours, for program release to all parties that attended the site visit. Designs at any stage may be submitted electronically (preferred) or delivered in paper copy. **After final designs are submitted to the program they are billable (for 325 units).**

Once a contracted project goes under construction, the Contractor shall provide any design revisions needed if the design LHC methods must be changed. If any painted surface is found to be untested in the original Lead Inspection-Risk Assessment and needs to be evaluated for a lead hazard determination, the contractor will provide a Lead Paint Determination, including the full XRF documentation, at no additional charge and include recommended LHC design specifications for a change order if necessary.

Task 3: Full Lead Paint Inspections (20)

The Lewiston Rehab program will fund projects that are not enrolled in the Lead Program which will require Full Paint Inspections per HUD regulations. The Lead Paint Inspection is ONLY to provide necessary data for planning safe RRP rehabilitation. Photographs will not be required. Enrolled units will be identified by the Rehab Coordinator when a Lead Paint inspection is required.

Lead Inspection reports may be submitted to the Rehab Coordinator electronically (preferred) or delivered in paper copy. **Lead Paint Inspections are billable (for 20 units) once all documentation has been received.**

BID No. 2020-012
Lead Project Developer Proposal Price Form

Mr. Ward,

The undersigned hereby declares that he/she has carefully examined the proposed bid documents tand that he/she proposes and agrees, if this Proposal is accepted, that he/she will contract with the City of Lewiston to undertake all the in the manner and time therein prescribed, in accordance with the conditions and requirements and, that he/she will accept payment on a per unit basis as completed as proposed in the bid submitted below:

Respondents should provide the following with their signed Proposal Form. Unnecessarily elaborate responses are discouraged.

- A statement of qualifications to perform the Desired Scope of Work including resumes of personnel to be assigned to this project and their required licenses listed above (or stated commitment to being licensed with the noted 60 days)
- Demonstrated capacity to complete this project's scope of service (or submitted plan to hire personnel with their required licenses listed above)
- References for relevant work experience for this bid scope of services

EST. QTY	Task #	DESCRIPTION	$ / Per Unit
325	1	Unit Lead Inspection / Risk Assessments	$ / Per Unit
325	2	Lead Hazard Control (LHC) Designs and Bidding	$ / Per Unit
20	3	Full Lead Paint Inspections	$ / Per Unit

The undersigned further agrees that, after notification by Mr. Ward of the acceptance of his/her Proposal and the readiness of the Contract for signature, he will execute the Contract within ten (10) days, Saturdays, Sundays and Holidays, excepted, and that he will commence the work within ten (10) days after the execution of the Contract, unless otherwise specified in the Supplemental Specifications or directed by the City in writing; and that he/she will prosecute the work to its completion.

The undersigned hereby further declares that the only persons or parties interested in this Proposal, as principals, are named below; that the Proposal is made without any connection with any other person or party making any Proposal for the same work; and that no person acting for or employed by the City of Lewiston is directly or indirectly interested in this Proposal or in any Contract which may be made under it or in profits expected to arise therefrom, except as provided by the City Charter.

COMPANY	
SIGNED	
NAME & TITLE (printed/typed)	
Firm's IRS ID # / DUNS #	
ADDRESS	
E-MAIL ADDRESS	
TELEPHONE #	
DATE	

(1)

July 5, 2020

Proposal Submitted by: Clarity Property Services, LLC
EIN: 47-5587821
DUNS: 08-017-7508

Clarity Property Services, LLC (presented as CPS within), in response to RFP2020-012 for Lewiston/Auburn Lead Project Developer would like to submit the following documentation, as requested in RFP2020-012 for consideration. The following addresses the RFP submittal format for your review and consideration. The bid opportunity is greatly appreciated. We are confident that CPS is a smooth fit for the requested scope of work and will supersede expectations in the forthcoming months as a Lewiston/Auburns Lead Program representative company.

A. Qualifications and Experience

B. Organizational Profile

C. Staffing and Resource Availability

D. Experience and Representative Projects

E. References

F. Legal Notations and Disclosures

G. Affirmative Action

H. Timeline

Attachment 1 - Description of Proposed Services per unit (Fee Statement)

Attachment 2 – Copy of Maine State Licensure; to include inspector, assessor, design consultant.

Attachment 3 – Addendum No. 1 Acknowledgement with Associated Documents

Respectfully Submitted:
Stephanie L Martin, Owner/Member of Clarity Property Services, LLC
PO Box 1644, Biddeford, ME 04005
(207) 286-4469

RFP 2020-012 L/A Lead Project Developer

Replacement for bid mailed in which is dated 6/22/20

A. Qualification/Experience

Stephanie L Martin, Owner and Operator obtained licensing as a Maine State Lead Inspector in November of 2015. Shortly thereafter, working very closely with the Maine DEP, and in lieu of performing twenty (20) lead inspections was able to obtain her Maine State Lead Risk Assessors license after only two (2) field analyses. Stephanie's testing scores for both lead inspector and assessors were above average and were considered by Sandy Moody of the Maine DEP to be one of the best in past history. Stephanie currently works as a per diem as a legal assistant in a local Biddeford law firm. Stephanie obtained a Maine State Lead Design Consultant license in the Fall of 2017. Spring of 2020, Stephanie attended a nationally recognized master trainer course and is actively working with the Maine DEP to obtain licensure to become a Maine licensed lead course trainer.

Riquie L Boutin, LLC member also obtained licensing as a Maine State Lead Inspector in November of 2015. In December of 2016, after completing the required twenty (20) field inspections, Riquie secured her licensure as a Maine State Lead Risk Assessor. Riquie has an extensive background and knowledge in Maine and New Hampshire State and Federal lead laws and abatement procedures due to administrative work that she has performed for her spouse's abatement/construction company. Riquie is currently also licensed as a Maine State Lead Design Consultant and New Hampshire Lead Risk Assessor. Spring of 2020, Riquie attended a nationally recognized master trainer course and is actively working with the Maine DEP to obtain licensure to become a Maine licensed lead course trainer.

Kevin M Boutin, field supervisor, is a Maine and New Hampshire licensed lead abatement contractor with more than eight (10) years of experience in the lead abatement industry. Kevin's vast knowledge of both construction protocol, abatement protocol, and onsite lead project management, which includes documentation process and relocation process, is invaluable and supersedes any experience that is currently available from any other firm within the State of Maine. Kevin has recently obtained his State of Maine lead inspector licensing.

Clarity Property Services, LLC has been performing lead inspections as a subcontractor for all Maine HUD foreclosure properties since December of 2016. CPS has been an active contractor for the Maine DHHS Lead Prevention program, working in various counties providing investigative services for poisoned

children's cases since Fall of 2017. One of our most recent ventures is providing lead investigations and assessment for US Coast Guard Housing throughout the State of Maine. We are reputable in timely providing on-site investigations and quick, accurate turn around of reporting to our clients.

B. Organizational Profile

Clarity Property Services, LLC is family owned and operated. The organizational structure is that of three (3) licensed Maine State Lead Inspectors; two of which are also licensed as Maine State Lead Risk Assessors and Design Consultants.

** Kevin Boutin and Riquie Boutin, to avoid conflict of interests will not perform any clearance testing for the Lewiston Auburn Program. All clearance and clearance documentation will be performed by Stephanie Martin, owner of Clarity Property Services, LLC. Clarity Property Services, LLC is currently seeking one additional staff member to obtain licensure to assist in this endeavor.

C. Staffing and Resource Availability

We at Clarity Property Services, LLC will make open communications with the City of Lewiston/Auburn and associated lead-based paint program staff a top priority. We can be reached either by phone or email during regular business hours and most weekends as needed. There will be at least one assessor available and on-site for all mandatory meetings, walk thru' s and can be easily accessible in a short window of time if an emergency should arise.

D. Experience and Representative Projects

- Paperwork management and oversight of HUD funded lead programs from a contractor perspective to include contract signings, relocations, permits, bidding, lead remediation, clientele interaction; LA Lead Program, Maine State Housing Program, Portland, Maine Program, Manchester, New Hampshire Program, State of New Hampshire Lead Program – 8 years.
- HUD Foreclosure Inspections and reporting / multiple locations throughout the State of Maine
- City of Portland Fire Department inspection services/ 380 Congress Street, Portland
- Orange Apron Home Depot Project inspections and clearance testing / Multiple locations throughout the States of Maine and New Hampshire

- The Lofts at Saco Falls / 85 Unit apartment building clearance testing and documentation
- 19,000 sq. ft. Mill Administration Building in Millinocket/Brownfield project
- Vast number of private dwellings within the State of Maine encompassing all realms of inspector, assessor, design consultant, financing options to include programs.

E. **References**

Qualcor, LLC – April Hastings, Administrator / HUD Inspections NE Region

Telephone: (315) 625-4460 Cell: (315) 264-9746

Safe Environmental Solutions – Chris Lewis, President / South Portland, Maine

Office: (207) 245-3231 Cell: (207) 229-5057

Abatement Professionals – Kris Rickett, Partner / Westbrook, Maine

Office: (207) 773-1276

Nobis Engineering – Tim Andrews, Sr Project Manager and Director of Environmental Services / Concord, New Hampshire (Brownfield Program)

Telephone: (603) 224-4182

Maine DHHS Lead Prevention Program – Dana Leeper, Environmental Specialist / Augusta, Maine (207) 287-5668

F. **Legal Notations and Disclosure**

There are no noted clients that have discontinued services with Clarity Property Services, LLC to date. There are no litigation efforts involving Clarity Property Services, LLC to date. Conflict of interest in regards to Kevin Boutin being a current contractor within the Lewiston Auburn Lead Program. We have had numerous conversations with the Maine DEP in regards to this topic and it has been made clear that the only conflict of interest from HUD and/or Maine would be in the event that Kevin perform clearance testing on any project for which he or his representative company Kevin Boutin Builders, LLC has performed abatement work contracted through the lead program. As previously noted, this

will not occur. (HUD Chapter 15 Section B and Maine DEP Chapter 424, Section 2F located on page 12)

G. Affirmative Action

Administration / Stephanie L Martin, Owner – WF. Total 2 – 1 WF, 1 WM

Minority Woman Owned Business

Timeline

Task 1: CPS will complete unit lead inspections within 3-5 business days of receiving order of intent from the L/A Lead Project Manager.

Task 3: CPS will provide risk assessment reports, to include laboratory testing results, within 5 business days of completing the unit inspection. ** This date reflects CPS controlled reporting, may vary depending on the laboratory results being received.

Task 4: CPS will attend all contractor walk thrus as scheduled and make necessary revisions to existing walk thru documentation and hazard reports within 24 hours of receiving any such notification.

BID No. 2020-012
Lead Project Developer Proposal Price Form

Mr. Ward,

The undersigned hereby declares that he/she has carefully examined the proposed bid documents tand that he/she proposes and agrees, if this Proposal is accepted, that he/she will contract with the City of Lewiston to undertake all the in the manner and time therein prescribed, in accordance with the conditions and requirements and, that he/she will accept payment on a per unit basis as completed as proposed in the bid submitted below:

Respondents should provide the following with their signed Proposal Form. Unnecessarily elaborate responses are discouraged.

- A statement of qualifications to perform the Desired Scope of Work including resumes of personnel to be assigned to this project and their required licenses listed above (or stated commitment to being licensed with the noted 60 days)
- Demonstrated capacity to complete this project's scope of service (or submitted plan to hire personnel with their required licenses listed above)
- References for relevant work experience for this bid scope of services

EST. QTY	Task #	DESCRIPTION	$ / Per Unit
325	1	Unit Lead Inspection / Risk Assessments	$ 600 / Per Unit
325	2	Lead Hazard Control (LHC) Designs and Bidding	$ 380 / Per Unit
20	3	Full Lead Paint Inspections	$ 800 / Per Unit

The undersigned further agrees that, after notification by Mr. Ward of the acceptance of his/her Proposal and the readiness of the Contract for signature, he will execute the Contract within ten (10) days, Saturdays, Sundays and Holidays, excepted, and that he will commence the work within ten (10) days after the execution of the Contract, unless otherwise specified in the Supplemental Specifications or directed by the City in writing; and that he/she will prosecute the work to its completion.

The undersigned hereby further declares that the only persons or parties interested in this Proposal, as principals, are named below; that the Proposal is made without any connection with any other person or party making any Proposal for the same work; and that no person acting for or employed by the City of Lewiston is directly or indirectly interested in this Proposal or in any Contract which may be made under it or in profits expected to arise therefrom, except as provided by the City Charter.

COMPANY	Clarity Property Services, LLC
SIGNED	
NAME & TITLE (printed/typed)	Stephanie L Martin, Owner / Member
Firm's IRS ID # / DUNS #	47-5587821 / 08-017-7508
ADDRESS	PO Box 1644
	Biddeford, ME 04005
E-MAIL ADDRESS	leadinspections@outlook.com
TELEPHONE #	207.286.4469
DATE	07/05/2020

Lewiston Section 3 Policy **Contractor Packet** (Section B)

FORM #1: **SECTION 3 CLAUSE ACKNOWLEDGEMENT**

Economic Opportunities for Low- and Very Low-Income Persons (Section 3, HUD Act of 1968; 24 CFR 135)

(a) The work to be performed under this contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (section 3). The purpose of section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

(b) The parties to this contract agree to comply with HUD's regulations in 24 CFR Part 135, which implement section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the Part 135 regulations.

(c) The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the section 3 preference, shall set forth minimum number and job titles subject to hire, availability of Section 3 apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

(d) The contractor agrees to include this section 3 clause in every subcontract subject to compliance with regulations in 24 CFR Part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR Part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR Part 135.

(e) The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR Part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR Part 135.

(f) Noncompliance with HUD's regulations in 24 CFR Part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

I have read and understand these requirements of this Section 3 funded project: 2020-012
Project Bid or Bid #

Business Name: Clarity Property Services, LLC

Business Address: PO Box 1644, Bradford, ME 04005

Print Name: Stephanie Martin

Signature

Date 7/5/20

Lewiston Section 3 Policy **Contractor Packet** (Section B)

FORM #2: **SECTION 3 BUSINESS SELF-CERTIFICATION**

For questions with this form contact:

Lincoln Jeffers, Community Development Director
Economic and Community Development Department
City of Lewiston
27 Pine Street, Lewiston, ME 04240
Ph. 207-513-3014 xt **3204**
LJeffers@lewistonmaine.gov

Section 3 Business Criteria: Your business is eligible for Section 3 Business Certification Preference if it meets any one of the following criteria. Please note that the definition of Section 3 qualified person is on Section 3 "Section 3 Resident Self-Certification Form." Check the one Preference category your company requests.

1. ✓ Fifty-one percent or more of your business is owned by a Section 3 resident or residents.
2. ____ Thirty percent or more of your permanent, full-time employees are Section 3 residents. However, all employment counts so consider all positions.
3. ____ You can provide evidence of a commitment to subcontract in excess of 25 percent of the amount of all subcontracts to Section 3 businesses: (a) that are fifty-one percent or more owned by public housing residents or (b) that has thirty percent or more of their permanent, full-time employees as public housing residents.

Section 3 Business Certification Statement: I hereby certify to the U.S. Department of Housing and Urban Development (HUD) that all of the information on this form is true and correct. I understand that it is my responsibility to conduct any due diligence necessary to make this certification and to maintain documentation establishing my Section 3 Business concern status. I also understand that failure to complete this form completely and accurately may result in debarment or other administrative remedies available to HUD, including criminal or civil penalties under federal, state, and local laws.

✓ My business is a Section 3 business in accordance with the standard checked above under Section 3 Business Criteria.

____ My business is not a Section 3 business.

Signature:	Date Signed: 7/5/20
Name: Stephanie L Martin	Title: owner / member
Company Name: Clarity Property Services, LLC	Telephone: 207. 286.6656
Address: PO Box 1644 Biddeford, ME	Email: leadinspections@outlook.com
Type of Business: (Check One) ☐Corporation ☐Partnership ☒Sole Proprietorship ☐Other	

Section 3 Business Registry
Self Certification
U.S. Department of Housing and Urban Development
Office of Fair Housing and Equal Opportunity

Clarity Property Services LLC

Contact Information

Address

Clarity Property Services LLC
47 Old Pump Road W
ALFRED , ME 04002

Telephone

(207) 286-4469

Website Address

http://www.claritypropertyservices.com

Email

leadinspections@outlook.com

Point of Contact

Stephanie L Martin

Business Details

Employer Identification Number

47-5587821

Business License

Maine DEP LR-0414

DUNS Number

080177508

NAICS

541990

County

York

Year Business Established

2016

Number of Employees

1

Registration Date

08/20/2017

Business Capabilities

- Consulting
- Lead Hazard Control

Certified (licensed) lead-based paint inspectors and/or risk assessors/managers who conduct inspections. The inspections are defined as a surface-by-surface investigation to determine the presence of lead-based paint and the provision of a report explaining the results of the investigation. Work includes testing and risk assessment by utilizing XFR-based, lead-based paint risk assessments; scope of work preparation for lead hazard reduction/abatement; soil sampling, clearance testing; and management and abatement plan writing.

Business Designations

- Woman-Owned Business

Section 3 Business Criteria

a) Fifty-one percent or more of the business is owned by Section 3 Residents;

b) Thirty percent or more of the business' full time employees are Section 3 Residents; or

c) The business can provide evidence of a firm commitment to subcontract a minimum of 25 percent of the total dollar amount of contracts to a business that meets the criteria listed in (a) and/or (b).

Disclaimer

HUD has not verified the information submitted by businesses listed in this registry and does not endorse the services that they provide. Users of this database are strongly encouraged to perform due diligence by verifying Section 3 eligibility before providing preference or awarding contracts to firms that have self-certified their Section 3 status with the Department.

To correct your business's information, contact Sec3Biz@hud.gov.

How Do I Notify HUD if I Suspect that a Business in this Registry Does Not Meet Section 3 Eligibility Criteria?

If you believe that a firm has misrepresented itself as a Section 3 Business, please email the U.S. Department of Housing and Urban Development at Sec3Biz@hud.gov .

Your email should contain the following information:

- Your name, telephone number, and email address (this information will not be shared outside of HUD)
- Name, city, and state of firm that has allegedly misrepresented their status as a Section 3 business.
- Any narrative explanations describing why you believe that this firm does not meet the Section 3 Business eligibility criteria.

Lewiston Section 3 Policy **Contractor Packet** (Section B)

Form #3.1: CONTRACTOR SECTION 3 ASSURANCE OF COMPLIANCE AND **ACTION PLAN** (p.1/6)

PART I-- Purpose: To ensure that regulations promulgated under 24 CFR Part 135 "Economic Opportunities for Low- and Very Low-Income Persons" is met, the City of Lewiston has developed and approved the attached Section 3 Policy. Information on specific compliance with Section 3 is found in the City of Lewiston's Section 3 Policy, or in the regulations at 24 CFR Part 135.

This form, along with all related required documents included shall serve as the 'assurance of compliance" certification and action plan as required in the bid documents, supplemental general conditions, and required forms for the contract for any HUD work funded by the City of Lewiston.

Name of Business: Clarity Property Services, LLC

Business Address: PO Box 1644, Biddeford, ME 04005

Contract Project/Solicitation #: 2020-012

Total Amount of Bid: TBD

PART II: PRIOR COMPLIANCE CERTIFICATION

I am certifying that my business has complied with the HUD Section 3 regulations in its past HUD contracts/ purchase orders

Signature/Title | Stephanie L Martin Print Name | 7/5/20 Date

PART III: IS SECTION 3 TRIGGERED BY THIS CONTRACT?

IF CONTRACTOR DOES NOT ANTICIPATE TRIGGERING THE SECTION 3 REGULATIONS, YOU MUST INITIAL BOTH LINES BELOW:

✓ I do not anticipate hiring any new permanent, temporary, or seasonal employees on this contract.

✓ I do not anticipate subcontracting any portion of the work on this contract.

If you checked both boxes, DO NOT check any other boxes or select any other options on this form!

Skip to the attestation and notarized signature on the final page of Section 3 Form #3.

IMPORTANT: IF THIS CHANGES AT ANY POINT DURING YOUR CONTRACT, you must immediately contact the City of Lewiston Program and inform the Section 3 Coordinator.

Lewiston Section 3 Policy **Contractor Packet** (Section B)

Form #3.2: CONTRACTOR SECTION 3 ASSURANCE OF COMPLIANCE AND **ACTION PLAN** (p. 2/6)

PART IV: CONTRACTING/SUBCONTRACTING NEEDS:

If you plan to subcontract, please list the proposed subcontractors and amounts below. Attach a Section 3 Business Concern Self-Certification form for each Section 3 Business identified.

Sub-contractor Name	Trade/ Type of work	Section 3 Yes/ No	M/ W/ DBE	Veteran Owned	Contract Amount	% of Total Contract

Use an additional sheet if required

Total amount to be sub-contracted to Section 3 Business Concerns: $_____

Percentage of total dollar value of bid/contract: _____%

IMPORTANT: Should the scope of work or needs of the contractor change, the contractor shall, to the greatest extent feasible, assure that subcontracts be awarded to Section 3 business concerns and shall immediately contact your City of Lewiston contract contact as well as the City of Lewiston Section 3 Coordinator.

Form #3.3: CONTRACTOR SECTION 3 ASSURANCE OF COMPLIANCE AND **ACTION PLAN** **(p. 3 of 6)**

PART V: WORKFORCE NEEDS AND HIRING PLAN

Preliminary Statement for Workforce Needs: The City of Lewiston intends to meet Section 3 compliance at the highest level and it is our intent to identify any short-term and long-term employment or contracting opportunities for qualified Section 3 persons and business concerns during the course of your contract funded by the City of Lewiston via its contractors. Please list the status of all planned employment position and opportunities for this contract. *Preference for all opportunities must be given to low- and very low-income residents if they qualify. If awarded a contract, you are required to provide a list of your aggregate workforce on this project. Any changes to that workforce during the project will constitute new hires. You are hereby notified that you must notify the City of Lewiston or contractor (respectively) overseeing your contract of any new hire opportunities that arise during the life of your contract. Anticipated workforce list may be provided on a separate sheet or in a different format.*

1. List Job Title/Trade	2. Total # of Employees t complete Sco of Work (by Job Title)	3. Total # from Current Staff	4. Of the Employees in column (3), how many are Sect Hires within the past 3 years?	Total # of New Hires Needed (Column 2) – (Column 3)	Total # of New Hires expected to be Section 3 Residents
TOTALS					

Use an additional sheet if required

Form #3.4: CONTRACTOR SECTION 3 ASSURANCE OF COMPLIANCE AND **ACTION PLAN** (p. 4/6)

PART VI. OTHER REQUIREMENTS

Outreach Plan:

Check all methods you will employ to hire Section 3 residents. Posting the position in community sources that are generally available to low-income residents and the general public is a standard requirement. Check at least three (3) other methods you will employ:

____ The local community newspaper(s) (Twin City Times, etc.)

____ The most widely distributed newspaper (Sun Journal)

____ Homeless service agencies (such as Lewiston Social Services Office for General Assistance, etc.)

____ Local HUD Housing Communities (HUD Assisted Rental Housing)

____ Ethnic Community Based Organization (ECBO) Outreach

____ Local Workforce Board (Maine Career Center in Lewiston, etc.)

____ Local Public Location Bulletin Boards (such as grocery stores, laundry mats, restaurants, etc.)

____ Email blast residents on the City of Lewiston Section 3 Resident List (Contact the Section 3 Coordinator)

____ City of Lewiston public bulletin boards in a conspicuous location (City Hall, Library, etc.)

____ Email residents on the City of Lewiston Section 3 Resident List (Contact Community Development Office)

____ Post notices on City of Lewiston website or Lewiston Social Media (Contact Community Development)

____ Other locations as approved by City of Lewiston. PLEASE Identify:

Documentation of "To the Greatest Extent Feasible":

The contractor will work with the City of Lewiston Section 3 Coordinator and other designated staff to notify residents of any opportunities afforded under the contract. The contractor will partner with the City of Lewiston by giving preference of any employment opportunities to the Section 3 persons or business concerns.

The contractor and subcontractor(s) shall recruit or attempt to recruit from the City of Lewiston's Section 3 area, based on the priority order in the City of Lewiston's Section 3 Plan, the necessary number of low-income and very low-income residents through documentation of their efforts and of any impediments to comply. The City of Lewiston's contractors and sub-contractors shall:

1. Maintain a list of all low-income area residents who have applied, either on their own or from referral from any source, and employ such person if otherwise qualified and if a vacancy exists.

2. Review and consider the Section 3 Resident List provided by the City of Lewiston prior to making new hires. *If those hired are not Section 3 residents, or are in a lower preference category,* **the Contractor must explain the qualifications that those on Section 3 Resident List lacked, or other reason for non-hire** (e.g., job offer declined).

Form #3.5: CONTRACTOR SECTION 3 ASSURANCE OF COMPLIANCE AND **ACTION PLAN** (p. 5/6)

Provide evidence in writing that the contractor has not filled vacant employment positions in its workforce immediately prior to undertaking work in an attempt to circumvent Section 3 regulations.

Review and determine if low-income and very low-income residents meet minimum hiring qualifications. Applicants meeting such minimum qualifications, but not hired due to lack of job openings or for other operations reasons, will be placed on a priority-hiring list and offered positions upon the occurrence of the first available appropriate job opening.

Record-keeping:
The contractor shall maintain on file all records related to employment and job training of low-income and very low-income residents or other such records, advertisements, legal notices, brochures, flyers, publications, assurances of compliance from subcontractors, etc., in connection with this contract. If there is a report that is needed as part of the submission, you agree to provide it timely. The contractor shall, upon request, provide such records or copies of records to the City of Lewiston, its staff, or agents.

Reports:
The contractor shall provide reports as required in connection with the contractor specifications. All certified and regular payrolls shall clearly detail which employees qualify under Section 3.

Certification:
The contractor will certify that any vacant employment positions, including training positions, that filled:

(1) after the contractor is selected but before the contract is executed; and
(2) with persons other than Section 3 residents…

...were not filled to circumvent the subcontractor's obligations under 24 CFR Part 135.

Other Economic Opportunities:

If a contractor has demonstrated that it has no need or plans to subcontract or hire, or that can demonstrate that it has attempted, to the greatest extent feasible, to meet Section 3 hiring and contracting goals but cannot, may provide other economic opportunities to Section 3 residents and business concerns as described in the City of Lewiston Section 3 Policy. These opportunities must be described in a written plan on how the contractor will offer other economic opportunities. A contractor that has a need to hire or sub-contract may not use other economic opportunities as a substitute to attempt to meet hiring or contracting goals; the contractor must still demonstrate how it attempted to the greatest extent feasible, to meet the goals.

Grievance and Compliance:
The contractor or sub-contractor hereby acknowledges that they understand that any low-income and very low-income resident of the project area, for him/her or as representatives of persons similarly situated, seeking employment or job training opportunities in the project area, or any eligible business concerns seeking contract opportunities may file a grievance if efforts to the greatest extent feasible were not
executed. The grievance must be filed with HUD not later than one hundred eighty (180) calendar days from the date of the action (or omission) upon which the grievance is based.

Lewiston Section 3 Policy **Contractor Packet** (Section B)

Form #3.6: CONTRACTOR SECTION 3 ASSURANCE OF COMPLIANCE AND **ACTION PLAN** (p. 6/6)

ATTESTATION:

I attest that the above information is true and correct and that by signing below, the Contractor hereby agrees to comply with Section 3 requirements.

Name of Prime Contractor: Clarity Property Services, LLC

Name of Authorized Officer: Stephanie L Martin

Title of Authorized Officer: owner / Member

Signature

Date 7/6/2020

NOTARY REQUIRED

STATE: Maine COUNTY: York

I, the undersigned a Notary Public in and for said authority and in said State, hereby certify that, Stephanie Martin, whose named as Owner (Title) of Clarity Property Services (Company) is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day, that, being informed of the contents of the foregoing conveyance, he/she, in his/her capability as Owner (Officer Title), and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal, this the 6th day of July, 2020

Notary Public

My Commission Expires: _____ {SEAL}

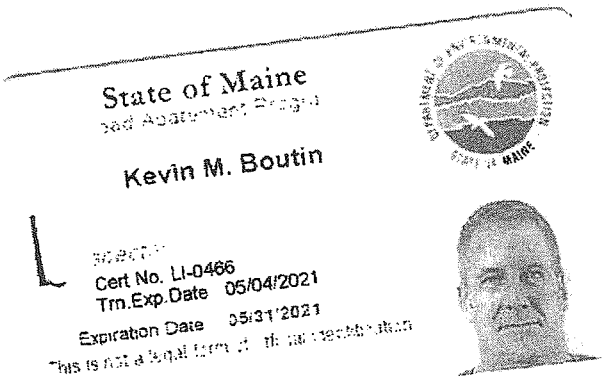
Attorney at Law
Thomas J. Greco
Bar # 7927

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JANET T. MILLS
GOVERNOR

GERALD D. REID
COMMISSIONER

May 5, 2020



Attn: Kevin M. Boutin
Clarity Property Services, LLC
PO Box 1644
Biddeford, Maine 04005

Dear Mr. Boutin,

Your lead application for certification has been receiv[illegible] **approved.** You have been granted certification as a **Lead Inspector LI-0466**. Enclosed is your wallet card, with an expiration date of **May 31, 2021**. All employees working on a lead abatement project must carry this photo ID wallet card. The card is property of the individual to whom it is issued. Your responsibility as a licensee is to ensure delivery of the card to person in your employment. This letter should be retained for your company files as record of certification. Please attach 1 updated passport size photo with every application.

Thank you for your cooperation and your completed application(s). Applications can now be found on our DEP webpage at the following:
https://www.maine.gov/dep/waste/lead/forms/index.html

If you have any questions on this certification or on any other aspect of DEP's lead abatement licensing program, please call Sandy Moody (207) 287-7751 or email sandy.j.moody@maine.gov

Sincerely,

Sandra J. Moody, Environmental Specialist
Division of Remediation
Bureau of Remediation and Waste Management

Enclosure

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04679-2094
(207) 764-0477 FAX: (207) 760-3143

web site: www.maine.gov/dep

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JANET T. MILLS
GOVERNOR

GERALD D. REID
COMMISSIONER

May 11, 2020

Attn: Stephanie L. Martin
Clarity Property Services, LLC
PO Box 1644
Biddeford, ME 04005

State of Maine
Stephanie L. Martin
Cert No. LI-0448
Trn.Exp.Date 05/04/2021
Expiration Date 05/31/2021

Dear Ms. Martin,

Your lead application for certification has been received and **approved.** You have been granted certification as a **Lead Inspector LI-0448.** Enclosed is your wallet card, with an expiration date of **May 31, 2021.** All employees working on a lead abatement project must carry this photo ID wallet card. The card is property of the individual to whom it is issued. Your responsibility as a licensee is to ensure delivery of the card to person in your employment. This letter should be retained for your company files as record of certification. Please attach 1 updated passport size photo with every application.

Thank you for your cooperation and your completed application(s). Applications can now be found on our DEP webpage at the following:
https://www.maine.gov/dep/waste/lead/forms/index.html

If you have any questions on this certification or on any other aspect of DEP's lead abatement licensing program, please call Sandy Moody (207) 287-7751 or email sandy.j.moody@maine.gov

Sincerely,

Sandra J. Moody

Sandra J. Moody, Environmental Specialist
Division of Remediation
Bureau of Remediation and Waste Management

Enclosure

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

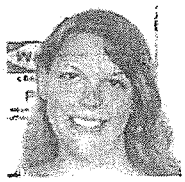
JANET T. MILLS
GOVERNOR

GERALD D. REID
COMMISSIONER

State of Maine
Lead Abatement Program

Stephanie L. Martin

Design Consultant
Cert No. LD-0345
Trn.Exp.Date 03/13/2021
Expiration Date 03/31/2021
This is not a legal form. For ID identification



May 11, 2020

Attn: Stephanie L. Martin
Clarity Property Services, LLC
PO Box 1644
Biddeford, ME 04005

Dear Ms. Martin,

Your lead application for certification has been received and **approved**. You have been granted certification as a **Lead Design Consultant LD-0345**. Enclosed is your wallet card, with an expiration date of **March 31, 2021**. All employees working on a lead abatement project must carry this photo ID wallet card. The card is property of the individual to whom it is issued. Your responsibility as a licensee is to ensure delivery of the card to person in your employment. This letter should be retained for your company files as record of certification. Please attach 1 updated passport size photo with every application.

Thank you for your cooperation and your completed application(s). Applications can now be found on our DEP webpage at the following:
https://www.maine.gov/dep/waste/lead/forms/index.html

If you have any questions on this certification or on any other aspect of DEP's lead abatement licensing program, please call Sandy Moody (207) 287-7751 or email sandy.j.moody@maine.gov

Sincerely,

Sandra J. Moody

Sandra J. Moody, Environmental Specialist
Division of Remediation
Bureau of Remediation and Waste Management

Enclosure

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

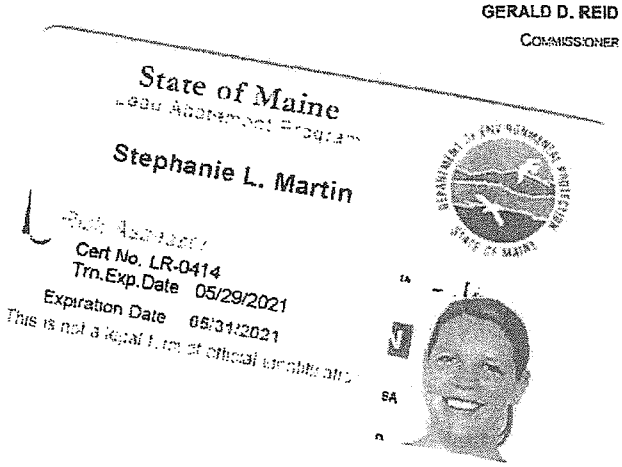
PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04679-2094
(207) 764-0477 FAX: (207) 760-3143

web site: www.maine.gov/dep

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JANET T. MILLS
GOVERNOR

GERALD D. REID
COMMISSIONER



May 31, 2020

Attn: Stephanie L. Martin
Clarity Property Services, LLC
PO Box 1644
Biddeford, Maine 04005

Dear Ms. Martin,

Your lead application for certification has been received and **approved.** You have been granted certification as a **Lead Risk Assessor LR-0414**. Enclosed is your wallet card, with an expiration date of **May 31, 2021**. All employees working on a lead abatement project must carry this photo ID wallet card. The card is property of the individual to whom it is issued. Your responsibility as a licensee is to ensure delivery of the card to person in your employment. This letter should be retained for your company files as record of certification. Please attach 1 updated passport size photo with every application.

Thank you for your cooperation and your completed application(s). Applications can now be found on our DEP webpage at the following:
https://www.maine.gov/dep/waste/lead/forms/index.html

If you have any questions on this certification or on any other aspect of DEP's lead abatement licensing program, please call Sandy Moody (207) 287-7751 or email sandy.j.moody@maine.gov

Sincerely,

Sandra J. Moody

Sandra J. Moody, Environmental Specialist
Division of Remediation
Bureau of Remediation and Waste Management

Enclosure

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

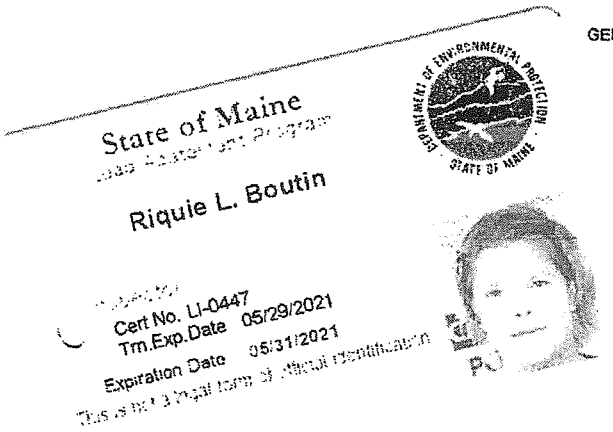
PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04679-2094
(207) 764-0477 FAX: (207) 760-3143

web site: www.maine.gov/dep

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JANET T. MILLS
GOVERNOR

GERALD D. REID
COMMISSIONER



May 31, 2020

Attn: Riquie L. Boutin
Clarity Property Services, LLC
PO Box 1644
Biddeford, Maine 04005

Dear Ms. Boutin,

Your lead application for certification has been received and **approved**. You have been granted certification as a **Lead Inspector LI-0447**. Enclosed is your wallet card, with an expiration date of **May 31, 2021**. All employees working on a lead abatement project must carry this photo ID wallet card. The card is property of the individual to whom it is issued. Your responsibility as a licensee is to ensure delivery of the card to person in your employment. This letter should be retained for your company files as record of certification. Please attach 1 updated passport size photo with every application.

Thank you for your cooperation and your completed application(s). Applications can now be found on our DEP webpage at the following:
https://www.maine.gov/dep/waste/lead/forms/index.html

If you have any questions on this certification or on any other aspect of DEP's lead abatement licensing program, please call Sandy Moody (207) 287-7751 or email sandy.j.moody@maine.gov

Sincerely,

Sandra J. Moody, Environmental Specialist
Division of Remediation
Bureau of Remediation and Waste Management

Enclosure

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04679-2094
(207) 764-0477 FAX: (207) 760-3143

web site: www.maine.gov/dep

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JANET T. MILLS
GOVERNOR

GERALD D. REID
COMMISSIONER

State of Maine
Lead Abatement Program

Riquie L. Boutin

Cert No. LR-0415
Trn.Exp.Date 05/29/2021
Expiration Date 05/31/2021
This is not a legal form of official identification

May 31, 2020

Attn: Riquie L. Boutin
Clarity Property Services, LLC
PO Box 1644
Biddeford, Maine 04005

Dear Ms. Boutin,

Your lead application for certification has been received and **approved**. You have been granted certification as a **Lead Risk Assessor LR-0415**. Enclosed is your wallet card, with an expiration date of **May 31, 2021**. All employees working on a lead abatement project must carry this photo ID wallet card. The card is property of the individual to whom it is issued. Your responsibility as a licensee is to ensure delivery of the card to person in your employment. This letter should be retained for your company files as record of certification. Please attach 1 updated passport size photo with every application.

Thank you for your cooperation and your completed application(s). Applications can now be found on our DEP webpage at the following:
https://www.maine.gov/dep/waste/lead/forms/index.html

If you have any questions on this certification or on any other aspect of DEP's lead abatement licensing program, please call Sandy Moody (207) 287-7751 or email sandy.j.moody@maine.gov

Sincerely,

Sandra J. Moody

Sandra J. Moody, Environmental Specialist
Division of Remediation
Bureau of Remediation and Waste Management

Enclosure

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143

web site: www.maine.gov/dep

STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JANET T. MILLS
GOVERNOR

GERALD D. REID
COMMISSIONER

May 11, 2020

Attn: Riquie L. Boutin
Clarity Property Services, LLC
PO Box 1644
Biddeford, ME 04005

State of Maine
Lead Abatement Program

Riquie L. Boutin

Design Consultant
Cert No. LD-0346
Trn.Exp.Date 03/13/2021
Expiration Date 03/31/2021
This [illegible]

Dear Ms. Boutin,

Your lead application for certification has been received and **approved**. You have been granted certification as a **Lead Design Consultant LD-0346**. Enclosed is your wallet card, with an expiration date of **March 31, 2021**. All employees working on a lead abatement project must carry this photo ID wallet card. The card is property of the individual to whom it is issued. Your responsibility as a licensee is to ensure delivery of the card to person in your employment. This letter should be retained for your company files as record of certification. Please attach 1 updated passport size photo with every application.

Thank you for your cooperation and your completed application(s). Applications can now be found on our DEP webpage at the following:
https://www.maine.gov/dep/waste/lead/forms/index.html

If you have any questions on this certification or on any other aspect of DEP's lead abatement licensing program, please call Sandy Moody (207) 287-7751 or email sandy.j.moody@maine.gov

Sincerely,

Sandra J. Moody

Sandra J. Moody, Environmental Specialist
Division of Remediation
Bureau of Remediation and Waste Management

Enclosure

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD, SUITE 6
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04679-2094
(207) 764-0477 FAX: (207) 760-3143

web site: www.maine.gov/dep

United States Environmental Protection Agency

This is to certify that

Clarity Property Services, LLC

has fulfilled the requirements of the Toxic Substances Control Act (TSCA) Section 402, and has received certification to conduct lead-based paint activities pursuant to 40 CFR Part 745.226

In the Jurisdiction of:

All EPA Administered Lead-based Paint Activities Program States, Tribes and Territories

This certification is valid from the date of issuance and expires February 21, 2022

LBP-F197183-1
Certification #

February 07, 2019
Issued On

Michelle Price, Chief
Lead, Heavy Metals, and Inorganics Branch

2

BID No. 2020-012
Lead Project Developer Proposal Price Form

Mr. Ward,

The undersigned hereby declares that he/she has carefully examined the proposed bid documents and that he/she proposes and agrees, if this Proposal is accepted, that he/she will contract with the City of Lewiston to undertake all the in the manner and time therein prescribed, in accordance with the conditions and requirements and, that he/she will accept payment on a per unit basis as completed as proposed in the bid submitted below:

Respondents should provide the following with their signed Proposal Form. Unnecessarily elaborate responses are discouraged.

- A statement of qualifications to perform the Desired Scope of Work including resumes of personnel to be assigned to this project and their required licenses listed above (or stated commitment to being licensed with the noted 60 days)
- Demonstrated capacity to complete this project's scope of service (or submitted plan to hire personnel with their required licenses listed above)
- References for relevant work experience for this bid scope of services

EST. QTY	Task #	DESCRIPTION	$ / Per Unit
325	1	Lead Unit Inspection/Risk Assessments	$600.00/ Per Unit
325	2	Lead Hazard Control (LHC) Designs and Bidding	$500.00/ Per Unit
20	3	Full Lead Paint Inspections	$400.00/ Per Unit

The undersigned further agrees that, after notification by Mr. Ward of the acceptance of his/her Proposal and the readiness of the Contract for signature, he will execute the Contract within ten (10) days, Saturdays, Sundays and Holidays, excepted, and that he will commence the work within ten (10) days after the execution of the Contract, unless otherwise specified in the Supplemental Specifications or directed by the City in writing; and that he/she will prosecute the work to its completion.

The undersigned hereby further declares that the only persons or parties interested in this Proposal, as principals, are named below; that the Proposal is made without any connection with any other person or party making any Proposal for the same work; and that no person acting for or employed by the City of Lewiston is directly or indirectly interested in this Proposal or in any Contract which may be made under it or in profits expected to arise therefrom, except as provided by the City Charter
All match will be documented on a separate Invoice marked as match so that the City can have the match amount and submit per HUD required reporting.

COMPANY	Community Concepts, Inc.
SIGNED	
NAME & TITLE (printed/typed)	Sandy Albert, Director of Housing
Firm's IRS ID # / DUNS #	08-688-7056
ADDRESS	240 Bates Street
	Lewiston ME 04240
E-MAIL ADDRESS	salbert@community-concepts.org
TELEPHONE #	207-739-6560
DATE	7/6/2020

Qualifications and Experience

Community Concepts is a private, non-profit community action organization that was incorporated in 1965, employs approximately 200 employee's company wide, with an all-volunteer Board of Directors and an annual operating budget of approximately $24 million.

Community Concepts has been performing Lead Paint Hazard Control services for approximately 26 years. We currently have six licensed staff persons that provide an array of services to include Lead Inspections, Lead Risk Assessments, Healthy Homes Inspections, Lead Abatement Design Plans and Lead Construction Management of abatement projects. We have tremendous knowledge regarding lead hazard control and currently provide multiple services for many agencies that include; current Housing & Urban Development (HUD) funded Lead Hazard Control grants for Maine Housing serving five counties of the State, the Cities of Lewiston and Auburn and the City of Biddeford. We also currently hold the contract with the Maine Bureau of Health's Maine Childhood Lead Poisoning Prevention Program (MCLPPP) to provide Environmental Lead Investigations in dwelling units that have been cited with abatement orders throughout five counties of Maine, including Androscoggin County. Finally, we offer services such as lead clearance sampling for Housing Authorities and private inspection services to residential owners, apartment owners, commercial properties, and insurance companies.

Community Concepts staff has obtained and maintained all lead licensing requirements and currently own eight XRF RMD Analyzers for lead testing.

You will notice from this response that Community Concepts has the experience, the knowledge, all the necessary equipment, and the full-time staff that are fully licensed to immediately begin the Lead Project Developer services for your program, as listed in your request for proposal. The services that we will provide include; perform residential Lead based Paint Inspection and Risk Assessments (LIRAs) in single and multi-family housing in Lewiston (to include required dust and soil level testing); provide Lead Hazard Control (LHC) Designs for the units receiving LIRAs; conduct project walk-throughs at pre-bid meetings to explain the scope of work with Maine State licensed Lead Abatement contractors; provide final LHC Designs for release to the bidders who attended and during the project construction phase, we will respond to any required design changes, and will address any paint testing that may have been missed during the project development. We will also provide Lead Safe Inspections for completed RRP level rehabilitation projects, per HUD regulations, to include lab dust sampling.

All direct staff personnel included in this response are full time employees of Community Concepts with our main office located at 240 Bates Street in Lewiston, Maine. All staff working on this project will be traveling from this site to serve the City of Lewiston in this project. With our vast experience and ample licensed staff, we will not utilize any subcontractors for the tasks as identified in this response.

Organizational Profile

Following is the full description of staff by function, activity, and experience as specifically related to this project.

Sandy Albert, Director of Housing Improvement Services: Sandy has worked at Community Concepts within the Housing programs since 1999. She currently administers the day-to-day operations of the Lead, Home Repair, Energy, and Self-Help Housing programs by coordinating program personnel for maximum effectiveness. Directs program operations by analyzing and designing operation systems to ensure compliance with all program rules and regulations. Directs the preparation of quarterly reports required for funding sources, fiscal department, municipalities, and senior program staff. Is responsible for all daily operations, maintains and tracks department programs, and grant preparation. Sandy directly supervises Kevin Leonard and Kieriston Delano.

Kevin Leonard, Housing Lead, Home Repair, & Energy Manager: Kevin has worked at Community Concepts within the Housing programs since 1999. He currently performs Environmental Lead Investigations and Healthy Homes Inspections for single family and multi-family homes. Assists in monitoring job cost and organizing of on-site construction work and makes recommendation of systems to management. Performs periodic inspections of work in progress; supervising all on-site activities; participates with the City of Lewiston staff in coordinating contract signing and pre-construction walk thrus; primarily responsible for temporary relocation of tenants during abatement and performing or coordinating all required inspections. Kevin holds all Maine licenses to perform lead risk assessments, lead inspections, and lead design consultation for abatements. Kevin directly supervises all lead risk assessors and design consultants.

Kieriston Delano, Office Manager: Kieri has worked at Community Concepts within the Housing programs since 2005. She currently is responsible for the day-to-day duties associated with; program support staff, customer intake and application processing, program marketing, maintaining family files and financial accounts, processing invoices, and other support duties. Preparation of quarterly reports required for funding sources, Fiscal Department, municipalities, and senior program staff. Specific to this RFP, Kieri will be the day to day support of the technical staff in preparing items for the submission and billing of all reports to the City of Lewiston. She currently performs these duties with

for Maine Housing, the City of Biddeford, the Maine Childhood Lead Poisoning Prevention Program, and the current grant for the Cities of Lewiston and Auburn. With our experience in administering the HUD programs, we fully understand all requirements of protecting Sensitive Personal Information.

Andrew Watson, Housing & Energy Lead Specialist: Andrew has worked at Community Concepts within the Housing programs since 2003. He currently performs Environmental Lead Investigations and Healthy Homes Inspections and clearance testing within single family and multi-family housing for lead abatement projects, prepares project design plan specifications, participates in the competitive bidding process with lead abatement contractors, and construction oversight and monitoring timely completion of projects. Andrew holds all Maine licenses to perform lead risk assessments, lead inspections, and lead design consultation for abatements.

Thomas Walker, Housing & Energy Lead Specialist: Thom has worked at Community Concepts within the Housing programs since 2005. Over the last three years he has worked primarily within the Lead Hazard Control programs for both the Lewiston Auburn, Maine State Housing Authority and the City of Portland HUD funded grants and performs Environmental Lead Investigations and Healthy Homes Inspections and clearance testing within single family and multi-family housing for lead abatement projects, prepares project design plan specifications, participates in the competitive bidding process with lead abatement projects, construction oversight and monitoring timely completion of projects. Thom holds all Maine licenses to perform lead risk assessments, lead inspections, and lead design consultation for abatements.

Robert Martel, Housing & Energy Lead Specialist: Rob has worked at Community Concepts within the Housing programs since 2017. Before coming to work for Community Concepts, Rob was employed by a local lead abatement contractor and was a foreman performing the lead abatement within single family, multi-family and commercial projects. Over the last year he has primarily completed Lead Environmental Investigations as referred to us from the MCLPPP for those units housing lead poisoned children. He also performs Environmental Lead Investigations and clearance testing within single family and multi-family housing for lead abatement projects, prepares project design plan specifications, participates in the competitive bidding process with lead abatement projects, construction oversight and monitoring timely completion of projects. Rob holds all Maine licenses to perform lead risk assessments, lead inspections, and lead design consultation for abatements.

Michael Iwans, Housing & Energy Lead Specialist: Michael has worked at Community Concepts within the Housing programs since 2017. He currently performs Environmental Lead Investigations and Healthy Homes Inspections and clearance testing within single family and multi-family housing for lead abatement projects, prepares project design plan specifications, participates in the competitive bidding process with lead abatement

contractors, and construction oversight and monitoring timely completion of projects. Michael holds all Maine licenses to perform lead risk assessments, lead inspections, and lead design consultation for abatements.

The following are Community Concepts staff resumes per position as noted

SANDY L ALBERT
P0 BOX 402
BUCKFIELD ME 04220
207-336-3287

EDUCATION

MAY 1996, Bachelor of Science degree, Business Administration, Husson College, Bangor ME

EMPLOYMENT EXPERIENCE

May 2013-present	Community Concepts, Inc. Lewiston, ME Director of Housing Improvement Services Variety of duties to include staff and financial management of programs to include Lead, Home Repair, Energy, and the Self-Help Housing program. Financial accountability of up to $6 million per year.
July 2009-May 2013	Community Concepts, Inc. South Paris, ME Associate Director of Housing & Energy Variety of duties to include the day-to-day duties associated with directing the Manager of Lead & Home Repair and the Housing & Energy Office Manager. Responsible for Financial accounts and reporting on the Lead Services and Home Repair programs.
April 1999-July 2009	Community Concepts, Inc. South Paris, ME Housing & Energy Office Manager Variety of duties including day-to-day duties associated with managing program support staff, customer intake & application processing, program marketing, maintaining family files, financial accounts, and reporting requirements as required by funding sources.
June 1997-April 1999	Olsten Staffing Services, Lewiston ME: Temporary employee worked at Liberty Mutual Insurance Co.

JOB RELATED CERTIFICATIONS:

Notary Public
CDBG Program Administrator
Section 8 Housing Quality Standards Certificate

Kevin C. Leonard
271 Meadow Hill Road
Greene ME 04236
207-946-5702

Presently
Housing Improvement Services Lead, Home Repair, & Energy Manager-Community Concepts
Responsibilities include management of staff for the implementation of the lead, home repair and energy programs, perform or oversee lead inspections, clearance testing, design plans for lead abatement projects, project specifications, bidding, and the construction oversight of all housing improvement programs.

1992-April 96
Insignia Management Group/Housing State Of The Art—Portland ME Maintenance Director
Responsibilities included overseeing 68 individual housing projects throughout the State of Maine, PA, and Conn. including a maintenance staff of 21. Worked with various independent contractors, and developed and implemented budgets for each individual site including monthly tracking. Developed and submitted to RECD capital improvement work including the submission of specification per job, bid process, and monitoring of ongoing work. Implemented a work order system including the development of a preventative maintenance program with a bi-monthly follow up, and the installation of an inventory control system.

1987-1992
Shelter Group-Lewiston ME Division Manager, Maintenance Director
Responsible for the administration and operation of a comprehensive building program. This included scheduling, planning, and implementing a wide range of repairs for *65* projects located throughout the State. Supervised a staff of 10 and dealing with at least 20 contractors for snow-removal, landscaping, cleaning, interior and exterior work, etc. Planning and executing an effective preventive maintenance plan and the set up and actual use of an inventory control system. Inspected units, had meetings with tenants and prepared monthly reports in which all monthly activities of the period are identified in summary form. Performed annual and bi-annual inspection of units, participating in on-site inspections by local housing authorities including MSHA and FMHA.

1974-1987
Gates Formed Fibre Corp. Project Coordinator/Maintenance Supervisor
Responsibilities included planning, controlling, and directing engineering projects, including the ongoing construction projects, scheduling new equipment startups, purchasing equipment and meeting of suppliers, debugging new equipment while supervising a crew of 19 for a 7-day, 24-hour operation. Maintained an organized spare parts inventory and was responsible for purchasing for maintenance and production. Served as physical plant manager for exterior and interior.

RELATED LICENSES
Residential Energy Auditor
Lead Inspector #LI-0375
Lead Risk Assessor
Lead Abatement Design Consultant

Kieriston M. Delano
365 Buckfield Road
South Paris, ME 04281
(207) 739-9400

WORK EXPERIENCE

COMMUNITY CONCEPTS, INC – Lewiston, ME
2009-Present
Housing Improvement Services Office Manager

- Responsible for day to day activities which included; processing invoices, maintaining family files & financial accounts, program marketing, customer intake and application processing
- Planned and conducted regular scheduled program information meetings which included preparation and presentation of informational material.
- Prepared grant applications and bid packages for funding sources.
- Supervised, Lead, Motivated and Implemented the agency's policies effectively and fairly to employees
- Completed Annual Performance Reviews and Maintained Employee Files.

COMMUNITY CONCEPTS, INC – South Paris, ME
2005-2009
Housing & Energy Support Specialist

- Prepared monthly and quarterly reports required for funding sources, Fiscal Department, municipalities and senior program staff.
- Provided prospective clients with program information and requirements by telephone inquires, written correspondences and walk-in customers.
- Responsible for reimbursement request for Housing Services.
- Processed program applications, verified customer income & employment status needed to determine eligibility.

KBS BUILDING SYSTEMS – South Paris, ME
2003 – 2004
Accounting Manager

- Prepared weekly cash flow budget and ensured all payments were made according to terms with proper discounts.
- Invoiced all Accounts Payable and Receivable, along with processing necessary monthly statements.
- Assisted with monthly Inventory Counts and procedures.
- Completed and filed monthly Sales & Use Tax Reports.
- Completed credit applications for vendors to establish open lines of credit.

EDUCATION

UNIVERSITY OF SOUTHERN MAINE
1998 – 2000
Attended 2 years of Business Administration

ANDREW WATSON

EDUCATION:

1990-1995 High School Diploma, Bridgeport High School, Jamaica

1995-1996 Certificate in Business Studies, Port more Community College, Jamaica

1996-1998 Computer Studies Diploma, Port more Community College, Jamaica

EMPLOYMENT EXPERIENCE:

Community Concepts, Inc. 240 Bates Street Lewiston, ME
2003-present

Assist the Manager of Lead Services with the daily duties associated with the implementation of the lead program. Coordinate lead inspections, clearance testing, design plans for lead abatement projects, project specifications, bidding, and construction oversight and risk assessment. Work with homeowners in providing lead safe housing by organizing the on-sight construction work, monitoring job costs, and assuring the quality of work and the timely completion of the projects.

Cummings Contracting, South Paris, ME
2002-2003

Assist in the construction of commercial and residential projects. My responsibility varied from the construction of interior and exterior walls to the installation of windows and siding.

JOB RELATED CERTIFICATIONS

Lead Abatement Program Inspector License
Lead Inspector 8 hour Annual Refresher Training Course
Lead Safe Training Program for Remodeling, Repair, & Painting
Factory Training for RMD's LAP-1 Lead Paint Inspection System
Section 8 Housing Quality Standards Certificate
Appliance Metering Certificate
Affordable Comfort Certificate
Residential Energy Auditor

Thomas J. Walker
30 Thompson Street
Wilton, ME 04294
207-645-3015

Work Experience:

2016- Present — **Community Concepts Maine State Lead Designer.**
Prepare detailed reports for abatement contractors on how to remove the lead hazards from the project and dispose.

2015 - Present — **Community Concepts Maine State Lead Inspector.**
Perform Lead Inspections for Lewiston, Auburn, Portland. Identify lead hazards to include sampling of paint dust, soil, water. Completing all required reports on all Lead Inspections. following DEP and OSHA rules in lead and Construction.

2015-Present — **Community Concepts Maine State Lead Risk Assessor.**
Knowledge and Risk Management. This includes abatement and Interim controls, integrity assessment, paint compatibility, and essential maintenance practices.

2008- 2015 — **Community Concepts Energy Auditor**
Perform Energy Audits on single family and multifamily homes for the state of Maine primarily with low income families utilizing federal weatherization funding with the ultimate goal of saving on heating and electric bills.

2005-2008 — **Community Concepts South Paris ME. Construction Specialist**
Duties consisted of supervising 4 to 6 families in training them to build their own homes. Teaching clients the safe and most practical way of finishing their homes. Teaching them maintenance on their homes. Ordering all materials lining up all sub-contractors so all homes are moving forward at all times.

Captain — **Wilton Fire &Rescue Department, Wilton Maine**
2008-2016 — Fire fighter 1/ Rit /S.C.B.A/Extrication /High Angle Rescue /Frist Aid / CPR/Safety Training /Nims training /Interior Attack /Forcible Entry/ Over haul /Ground Ladders/ Hazmat / Confined Space Rescue.

Education and Training:

2018-present	State of Maine Asbestos Inspector
2016- present	State of Maine Lead Designer
2015-present	State of Maine Lead Risk Assessor
2015-present	State of Maine Lead Inspector
2012-present	State of Maine RRP renovator initial
2009-present	ASHRAE 62.2 weatherization standards
2008- present	Building Performance institute certified professional
2004-present	CPR & First Aid (Certified since 199

ROBERT A. MARTEL
28 Winter Street, Lisbon, ME 04250 I 207-577-8 186 martel0828 @yahoo.com

KNOWLEDGE/SKILLS

- Over 16 years of experience in the Lead / Asbestos abatement field
- Set priorities and deadlines adjusting to work flow
- Strong interpersonal communication and organizational skill s
- Work well independently &cooperative team player

WORK HISTORY

Community Concepts, Inc Lead Risk Assessor
2016-present

Assist the Manager of Lead Services with the daily duties associated with the implementation of the lead program. Coordinate lead inspections, clearance testing, design plans for lead abatement projects, project specifications, bidding, and construction oversight and risk assessment. Work with homeowners in providing lead safe housing by organizing the on-sight construction work, monitoring job costs, and assuring the quality work and the timely completion of the projects.

BIOS, lnc, Westbrook, ME (f/n / a Biosafe Environmental Services) Supervisor
2000-2016

- Oversee and manage crew of 2-5 personnel, at times up to 3 crews at different job sites
- Ensure crews follow job site safety requirements during abatement procedures
- Responsible for meeting DEP/EPA regulations pertaining to all abatement activities of lead and asbest
- Maintain warehouse, order and research cost of supplies / materials, pick-up and drop-off supplies / materials to site location, move utility trailers to site location
- Hold crew meetings to cover the job schedule and any special consideration
- Perform job walk-through' s for bidding purposes
- Meet with client s to discuss job progress and assist with resolutions if complaints
- Maintain daily logs/ paperwork in order to track employees, job progress. and subcontractor s.

Police Department, Rumford, ME Reserve Status
1999-2001

- Build community relations
- Supported security needs at high school athletic events
- Conducted routine traffic stops, served warrants and subpoenas
- Gathered information and prepared incident reports

CERTIFICATION/EDUCATION

- Lead Risk Assessor
- Lead Design Consultant
- Occupational Health & Safety (60 credit hours) Central Maine Community College, Auburn, ME

MILITARY (Retired Honorably 2015)

Maine Army National 1993-2000

- Asbestos abatement
- Mainly worked in the paper mills

United Insulation, Rumford, ME Worker/Supervisor
1989- 1993

- Asbestos abatement
- Mainly worked shut downs at Maine Yankee, Wiscasset

Guard
Charlie Co. l33rd, Lewiston, ME I 262 Engineers. Westbrook. ML Heavy Equipment Operator
1999-2015

- Responsible for l0 to 12 members as Squad Leader; instructed members on skills and safety of equipment operations; operated heavy equipment: 07-G Dozer, Excavator, I30-G Grader and various other equipment; performed preventative maintenance and check services
- Activated, Rutland, VT: Aid in repair damages caused by Tropical Storm Irene (2011)
- Operation Iraqi Freedom 11 Veteran: Battalion mobilized to Mosul, Iraq (2003-2005)

U.S. Marine Corps 1984-1988

- Heavy Equipment Operator
- Held rank of Corporal, stationed at Camp Hansen Okinawa, Japan with yearly deployments to Philippines

Michael S. Iwans *207-595-9288*
324 Ahonen Road, Otisfield ME, 04270 msiwans@gmail.com

Professional Profile

Construction Supervisor, Management

- Lead Paint Inspections/Risk Assessor
- Lead Paint Designer
- Training.
- Scheduling.
- Weekly Reports.
- Completing Time Sheets.
- Safety Coordinator.
- Architectural Drawings - (Data Cad, Auto Cad and Visio Software).

Professional Experience

Community Concepts Housing Services, Lewiston ME
July 28, 2017 - Present
Lead Inspector / Risk Assessment

Achievements:
Lead Inspector (License #.LI-0463)
Risk Assessor (License # LR-0421)
Lead Design (License # LD-0349
Architectural Drawings-(Visio Software).
Renovator certified (2013)

Responsibilities:
Lead Paint Inspections., Risk Assessment, Lead Design.
Complete all Data into a Word Document.
Invite Contractors to bid on the Abatement Construction, then organize the completion of the Abatement work with contractors and Home Owner.

GoodwillInne Take-2 (Youth Build), Lewiston ME
May,12 2012 – 2017
Construction Supervisor

Achievements:
NCCER Carpenter Instructor.
NCCER Core Curricula Instructor.
OSHA Certified.
National Safety Council First Aid Instructor.
Architectural Drawings-(Data Cad).
Lead Renovator certified (2013)

Responsibilities:
Organizing Job Sites, Cost Quotes and Material Ordering.
Supervise, Training 18-21 Youth with Juvenile Background.

Community Concepts, South Paris, ME
2009 - 2012
Construction Supervisor
Achievements / Responsibilities:
Determine Location of home on property-Laser Level for foundation status-Full or walk out depending on grade.
Complete plot plans for bidding process.
Organizing Contractors bidding process from start to finish with 6-Residential homes built within 1-year.
Supervise trained 6-familys in the Construction of 6-residential homes.

Education

Oxford Hills Technical School, South Paris ME
Certified-Computer Aided Drafting
1992

Oxford Hills High School, South Paris ME
Diploma
1985

Staff Licensing:

State of Maine
Lead Abatement Program

Kevin C. Leonard

Inspector
Cert No. LI-0375
Trn.Exp.Date 06/26/2020

Expiration Date 06/30/2020
This is not a legal form of official identification

State of Maine
Lead Abatement Program

Kevin C. Leonard

Design Consultant
Cert No. LD-0329
Trn.Exp.Date 07/26/2020

Expiration Date 07/31/2020
This is not a legal form of official identification

State of Maine
Lead Abatement Program

Kevin C. Leonard

Risk Assessor
Cert No. LR-0387
Trn.Exp.Date 08/29/2020

Expiration Date 08/31/2020
This is not a legal form of official identification

State of Maine
Lead Abatement Program

Andrew H. Watson

Design Consultant
Cert No. LD-0335
Trn.Exp.Date 07/26/2020

Expiration Date **07/31/2020**
This is not a legal form of official identification

State of Maine
Lead Abatement Program

Andrew H. Watson

Inspector
Cert No. LI-0397
Trn.Exp.Date 06/26/2020

Expiration Date **06/30/2020**
This is not a legal form of official identification

State of Maine
Lead Abatement Program

Andrew H. Watson

Risk Assessor
Cert No. LR-0396
Trn.Exp.Date 08/29/2020

Expiration Date **08/31/2020**
This is not a legal form of official identification

State of Maine
ead Abatement Program

Thomas Walker

Inspector
Cert No. LI-0450
Trn.Exp.Date 06/26/2020

Expiration Date **06/30/2020**

This is not a legal form of official identification

State of Maine
Lead Abatement PRogram

Thomas Walker

Risk Assessor
Cert No. LR-0411
Trn.Exp.Date 08/29/2020

Expiration Date **08/31/2020**

This is not a legal form of official identification

State of Maine
ead Abatement Program

Thomas J. Walker

Design Consultant
Cert No. LD-0344
Trn.Exp.Date 07/26/2020

Expiration Date **07/31/2020**

This is not a legal form of official identification

State of Maine
Lead Abatement Program

Robert A. Martel

Inspector
Cert No. LI-0454
Trn.Exp.Date 06/26/2020

Expiration Date 06/30/2020
This is not a legal form of official identification

State of Maine
Lead Abatement Program

Robert A. Martel

Design Consultant
Cert No. LD-0347
Trn.Exp.Date 07/26/2020

Expiration Date 07/31/2020
This is not a legal form of official identification

State of Maine
Lead Abatement Program

Robert A. Martel

Risk Assessor
Cert No. LR-0416
Trn.Exp.Date 08/29/2020

Expiration Date 08/31/2020
This is not a legal form of official identification

State of Maine
Lead Abatement Program

Mike S. Iwans

Risk Assessor
Cert No. LR-0421
Trn.Exp.Date 08/29/2020

Expiration Date 08/31/2020
This is not a legal form of official identification

State of Maine
Lead Abatement Program

Michael S. Iwans

Inspector
Cert No. LI-0463
Trn.Exp.Date 06/26/2020

Expiration Date 06/30/2020
This is not a legal form of official identification

State of Maine
Lead Abatement Program

Michael S. Iwans

Design Consultant
Cert No. LD-0349
Trn.Exp.Date 05/30/2020

Expiration Date 05/31/2020
This is not a legal form of official identification

Experience and Representative Projects

Community Concepts has been conducting lead inspections/risk assessments, lead design plans, lead construction management and lead clearance sampling for the last 26 years, completing over an estimated 5,500 inspections and risk assessments. We have vast experience in conducting Environmental Lead Investigations as for the last 20 years we have held the contract with the MCLPPP conducting environmental lead investigations. Over the last 12 months we have completed over 400 investigations in dwelling units that have been cited for abatement and/or housing children with elevated blood lead levels. This partnership is important to the HUD Lead grants in that we have already complete the lead risk assessments within those units located within the City of Lewiston.

Community Concepts has been a partner with HUD funded Lead Hazard Control grants since Maine was awarded their first grant 20 years ago. Since this time, Community Concepts has been the program administer at different times for Maine State Housing Authority, the Cities of Lewiston and Auburn, the City of Biddeford and has provided lead inspection, design and clearance services to the City of Portland.

Community Concepts has multiple years of experience in administering both state and federal grant funding. As a private non-profit agency, many of the programs that are within the Housing Improvement Services Department are funded in some way to a federal or state grant. Not only do we have the experience in working with MCLPPP and adhering to State funding requirements, we have been under contract with Maine Housing, the Cities of Lewiston & Auburn, and the City of Portland specifically to the Lead Services field. Our responsibility for of these contracts is to administer the HUD funded Lead Hazard Control Programs. For many of the programs, we administer the entire process starting with application processing for client income eligibility right through final clearances of the abatement work; this process includes comprehensive site evaluations with the completion of lead risk assessments, lead inspections, lead design plans, and lead clearance sampling. We work directly with single family homeowners along with landlords and tenants to coordinate projects; our experience helps us in navigating potential language and social barriers that may be applicable for immigrants and refugees in target housing specific to the City of Lewiston and we are the highest producer in the state for oversight of completed units abated. As with many federal funding sources that are very paperwork intensive, attention to detail is a must, and our understanding of the regulations and government contract requirements has made this a very successful program for both the State of Maine and HUD.

Community Concepts agrees to and will be responsible for performing all program related activities, including, but not limited to, the following, in accordance with the City Procedural Guide, and any subsequent Program guidelines or directives issued by the City once Community Concepts is awarded a contract:

- Once the Lewiston Lead Program identifies an eligible building for the program and we receive the referral, Community Concepts staff will conduct a full XRF Lead Inspection and provide a Risk Assessment Report (LIRA). The inspection will test all painted components. LIRAs will include required laboratory testing. We understand that lab testing fees are a separate reimbursement cost paid by the Lead Program. Our reports will meet the HUD 2012 Guidebook (pg.5-85), Chapter 5, Section VI (Risk Assessment Report) Site Specific Hazard Control Options: "the report will inform the owner of the range of acceptable hazard control measures."

- We understand that the Lewiston Lead Program requires a minimal cost hazard control option (such as Encapsulation) and a 2nd more reliable hazard control option, such as complete Paint Removal, physical Enclosure, or Component Removal. This more reliable option will be explained to the owner by the Lead Program Manager and may be the design choice.

- Community Concepts staff will provide photographs of existing property/unit conditions at the time of Risk Assessment. Required documentation and reports will be submitted to the Lead Program either electronically or delivered in paper copy.

- We understand that the Lead Program Manager will review all Risk Assessments and consult on design preferences, including any Historic Preservation Office restrictions. The Program shall provide Community Concepts staff a document with owner preferences for materials and colors to include with the bid design. (Rehab funding may be braided into some projects for Abatement of Lead components, which are not currently hazards. Rehab work would be on a Separate task price list in the Design.) (Healthy Home hazards will not be included with the LHC design.)

- Community Concepts staff will provide a LHC design compliant with Maine and federal requirements. Design sketches shall print large enough for mark-ups indicating containments and inform tenants of where to safely store possessions.

- We understand that the Lead Program will conduct the Public Bid announcement and the abatement bid solicitation. Community Concepts staff will attend the site pre-bid walk through and review the scope of work for potential bidders. Community Concepts staff will make Program approved revisions. We understand that, at minimum, the design plan will get a final revision date.

- Community Concepts staff will submit to the program within 24 hours, the Final designs, for program release to all parties that attended the site visit. Designs at any stage will be submitted electronically or delivered in paper copy.

- Once a contracted project goes under construction, Community Concepts staff will provide any design revisions needed if the design LHC methods must be changed. If any painted surface is found to be untested in the original Lead Inspection-Risk Assessment and needs to be evaluated for a lead hazard determination, Community Concepts staff will provide a Lead Paint Determination, including the full XRF documentation, at no additional charge and include recommended LHC design specifications for a change order if necessary.

- We understand that the Lewiston Rehab program will fund projects that are not enrolled in the Lead Program which will require Full Paint Inspections per HUD regulations. The Lead Paint Inspection is ONLY to provide necessary data for planning safe RRP rehabilitation. Photographs will not be required. Enrolled units will be identified by the Rehab Coordinator when a Lead Paint inspection is required. Lead Inspection reports will be submitted to the Rehab Coordinator electronically or delivered in paper copy.

References

Kim R. Ferenc
Manager of Housing and Weatherization
MaineHousing
26 Edison Drive
Augusta, ME 04330-6046
207-626-4684

Kin Dydasco
Lead and Housing Rehab Specialist
MaineHousing
26 Edison Drive
Augusta, ME 04330-6046
207-242-6462

Gail Wilkerson
Manager, Lead-Based Paint Hazard Reduction Program
City of Biddeford
205 Main Street
Biddeford, ME 04005
207-284-9115 Option 6

Karyn Butts
Supervisor
Maine Childhood Lead Poisoning Prevention Program
State of Maine CDC
286 Water Street, 3rd Floor
11 State House Station
Augusta ME 04333
207-287-6650

John Bucci
Maine Department of Environmental Protection
State House Station #17
Augusta ME 04333
207-557-1194

City of Lewiston
Finance Department
Allen Ward, Purchasing Agent
27 Pine Street, Lewiston ME
207-513-3040
award@lewistonmaine.gov

June 30, 2020

LEAD PROJECT DEVELOPER
Bid No. 2020-012
Bid Due Date: July 7, 2020

ADDENDUM NO. 1

This Addendum #1 hereby makes the following clarifications and additions:

According to Maine DEP the Lead Risk Assessor License meets the requirements necessary for the Lead Project Developer to generate the Lead Program Scope of Work. A Lead Designer license is an option according to HUD 2012 Guidelines. It is not required by HUD under the grant Terms and Conditions or the Grant Application this funding came under.

Attached is Lead Program Benchmarks (Apendix A and B) and Lewiston Section 3 Policy Contractor Packet (Section B)

Dated: June 30, 2020
Allen Ward
Purchasing Agent

Appendix A

Lead Program Benchmarks

Lewiston-Auburn Lead Program			2020-2023 Targets			MELHD0333-19
Grant Period Performance	Unit Risk Assessments	Units Cleared	eLOCCS Drawdowns	Resident Education	Community Outreach	Lead Worker Training
Q1 Feb.-March 2020	0	0	$0	0	0	0
Q2 April-June 2020	0	0	$0	0	0	0
Q3 July-Sept. 2020	10	3	$52,066	5	500	5
Q4 Oct.-Dec. 2020	26	14	$104,113	15	1,000	10
Q5 Jan-March 2021	42	28	$260,332	30	1,400	20
Q6 April-June 2021	65	50	$520,665	50	1,900	25
Q7 July-Sept. 2021	98	84	$780,997	80	2,400	30
Q8 Oct.-Dec. 2021	130	112	$1,041,330	110	2,900	35
Q9 Jan-March 2022	163	126	$1,561,995	130	3,300	45
Q10 April-June 2022	195	154	$2,342,992	150	3,800	55
Q11 July-Sept. 2022	228	182	$3,123,989	180	4,300	60
Q12 Oct.-Dec. 2022	260	210	$3,644,654	210	4,800	65
Q13 Jan-March 2023	293	224	$4,425,652	225	5,200	70
Q14 April-June 2023	325	265	$4,946,317	260	5,729	80
Q15 July-Sept. 2023	---	280	$5,206,649	280	---	---
Q16 Oct.-Dec. 2023	---	---	---	---	---	---
Totals per Grant Agreement	325	280	$5,206,649	280	5,729	80

Appendix B Federal/State Regulations and HUD Policy Guidance

Federal EPA Rules for Renovation, Repair, and Painting

https://www.epa.gov/lead/renovation-repair-and-painting-program-contractors

Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (2012 Edition)

https://www.hud.gov/program_offices/healthy_homes/lbp/hudguidelines

Grant Program Policy Guidance

https://www.hud.gov/program_offices/healthy_homes/lbp/pg

https://www.hud.gov/sites/documents/PGI_2013-01.PDF (Lead Inspection-Risk Assessments)

https://www.hud.gov/sites/documents/LEADDUSTLEVELS_REV1.PDF (Lead Dust Levels)

https://www.hud.gov/sites/documents/DOC_38179.PDF (Lead Design Minimal Rehab)

DUNS# Application

https://www.grants.gov/applicants/organization-registration/step-1-obtain-duns-number.html

System of Award Management (SAM) Registration

https://www.grants.gov/web/grants/applicants/organization-registration/step-2-register-with-sam.html

Grants.gov registration is not a program requirement. It is simply the best source to understand the DUNS # and Sam.gov Registration process. Internet Explorer may be used for the online process.

Maine State Laws

https://www.maine.gov/dep/waste/lead/index.html

Title 38, Chapter 12-B: Lead Abatement §1291 - §1297

Title 22, Chapter 252: Lead Poisoning Control Act §1314 - §1327

Title 14, Chapter 710: Environmental Lead Hazards Disclosure §6030-B

Maine DEP: Rules

Chapter 424 - Lead Management Regulations

Maine CDC: Childhood Lead Poisoning - Laws and Regulations

https://www.maine.gov/dhhs/mecdc/environmental-health/eohp/lead/resources.shtml#laws

Economic and Community Development Department

City of Lewiston
27 Pine Street
Lewiston, ME 04240
207-513-3126 x 3233

CITY OF LEWISTON SECTION 3 POLICY

CONTRACTOR INSTRUCTIONS AND REQUIRED FORMS SUBMITTALS

- All forms must be signed and/or notarized and returned with your bid.
- If you have any Section 3 employees, they must complete the Resident Section 3 Self-Certification Form (page 25).
- If awarded a contract you MUST provide your current employee list at time of contract using the Contractor Workforce Sheet.
- Any person's working on to the project/contract NOT Identified on the Contractor Workforce Sheet will be considered a NEW HIRE.

THERE WILL BE NO EXCEPTIONS!

Prepared: June 1, 2020

Lewiston Section 3 Policy **Contractor Packet** (Section B)

FORM #1: **SECTION 3 CLAUSE ACKNOWLEDGEMENT**

Economic Opportunities for Low- and Very Low-Income Persons (Section 3, HUD Act of 1968; 24 CFR 135)

(a) The work to be performed under this contract is subject to the requirements of section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (section 3). The purpose of section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

(b) The parties to this contract agree to comply with HUD's regulations in 24 CFR Part 135, which implement section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the Part 135 regulations.

(c) The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this section 3 clause, and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the section 3 preference, shall set forth minimum number and job titles subject to hire, availability of Section 3 apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

(d) The contractor agrees to include this section 3 clause in every subcontract subject to compliance with regulations in 24 CFR Part 135, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR Part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR Part 135.

(e) The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR Part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR Part 135.

(f) Noncompliance with HUD's regulations in 24 CFR Part 135 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

I have read and understand these requirements of this Section 3 funded project: 2020-012
Project Bid or Bid #

Business Name: Community Concepts, Inc.

Business Address: 240 Bates Street, Lewiston ME 04240

Print Name: Sandy L. Abbott

Signature

Date 7/20/2020

Lewiston Section 3 Policy **Contractor Packet** (Section B)

FORM #2: **SECTION 3 BUSINESS SELF-CERTIFICATION**

For questions with this form contact:

Lincoln Jeffers, Community Development Director
Economic and Community Development Department
City of Lewiston
27 Pine Street, Lewiston, ME 04240
Ph. 207-513-3014 xt 3204
L.Jeffers@lewistonmaine.gov

Section 3 Business Criteria: Your business is eligible for Section 3 Business Certification Preference if it meets any one of the following criteria. Please note that the definition of Section 3 qualified person is on Section 3 "Section 3 Resident Self-Certification Form." Check the one Preference category your company requests.

1. ____ Fifty-one percent or more of your business is owned by a Section 3 resident or residents.
2. ____ Thirty percent or more of your permanent, full-time employees are Section 3 residents. However, all employment counts so consider all positions.
3. ____ You can provide evidence of a commitment to subcontract in excess of 25 percent of the amount of all subcontracts to Section 3 businesses: (a) that are fifty-one percent or more owned by public housing residents or (b) that has thirty percent or more of their permanent, full-time employees as public housing residents.

Section 3 Business Certification Statement: I hereby certify to the U.S. Department of Housing and Urban Development (HUD) that all of the information on this form is true and correct. I understand that it is my responsibility to conduct any due diligence necessary to make this certification and to maintain documentation establishing my Section 3 Business concern status. I also understand that failure to complete this form completely and accurately may result in debarment or other administrative remedies available to HUD, including criminal or civil penalties under federal, state, and local laws.

____ My business is a Section 3 business in accordance with the standard checked above under Section 3 Business Criteria.

✓ My business is not a Section 3 business.

Signature: Sandy Abbott	Date Signed: 7/6/2020
Name: Sandy Abbott	Title: Director
Company Name: Community Concepts, Inc.	Telephone: 207-739-6500
Address: 240 Bates St, Lewiston	Email: Sabbott@community-concepts.org
Type of Business: (Check One) ☐Corporation ☐Partnership ☐Sole Proprietorship ☒Other Private non-profit	

Lewiston Section 3 Policy **Contractor Packet** (Section B)

Form #3.1: CONTRACTOR SECTION 3 ASSURANCE OF COMPLIANCE AND ACTION PLAN (p.1/6)

PART I-- Purpose: To ensure that regulations promulgated under 24 CFR Part 135 "Economic Opportunities for Low- and Very Low-Income Persons" is met, the City of Lewiston has developed and approved the attached Section 3 Policy. Information on specific compliance with Section 3 is found in the City of Lewiston's Section 3 Policy, or in the regulations at 24 CFR Part 135.

This form, along with all related required documents included shall serve as the 'assurance of compliance" certification and action plan as required in the bid documents, supplemental general conditions, and required forms for the contract for any HUD work funded by the City of Lewiston.

Name of Business: Community Concepts, Inc.

Business Address: 240 Bates Street Lewiston ME 04240

Contract Project/Solicitation #: 2020-012

Total Amount of Bid: $345,500

PART II: PRIOR COMPLIANCE CERTIFICATION

I am certifying that my business has complied with the HUD Section 3 regulations in its past HUD contracts/ purchase orders .

Signature/Title Director | Sandy Albert Print Name | 7/16/2020 Date

PART III: IS SECTION 3 TRIGGERED BY THIS CONTRACT?

IF CONTRACTOR DOES NOT ANTICIPATE TRIGGERING THE SECTION 3 REGULATIONS, YOU MUST INITIAL BOTH LINES BELOW:

✓ I do not anticipate hiring any new permanent, temporary, or seasonal employees on this contract.

✓ I do not anticipate subcontracting any portion of the work on this contract.

If you checked both boxes, DO NOT check any other boxes or select any other options on this form!

Skip to the attestation and notarized signature on the final page of Section 3 Form #3.

IMPORTANT: IF THIS CHANGES AT ANY POINT DURING YOUR CONTRACT, you must immediately contact the City of Lewiston Program and inform the Section 3 Coordinator.

Form #3.2: CONTRACTOR SECTION 3 ASSURANCE OF COMPLIANCE AND ACTION PLAN (p. 2/6)

PART IV: CONTRACTING/SUBCONTRACTING NEEDS:

If you plan to subcontract, please list the proposed subcontractors and amounts below. Attach a Section 3 Business Concern Self-Certification form for each Section 3 Business identified.

Sub-contractor Name	Trade/ Type of work	Section 3 Yes/ No	M/ W/ DBE	Veteran Owned	Contract Amount	% of Total Contract

Use an additional sheet if required

Total amount to be sub-contracted to Section 3 Business Concerns: $_____

Percentage of total dollar value of bid/contract: _____%

IMPORTANT: Should the scope of work or needs of the contractor change, the contractor shall, to the greatest extent feasible, assure that subcontracts be awarded to Section 3 business concerns and shall immediately contact your City of Lewiston contract contact as well as the City of Lewiston Section 3 Coordinator.

Lewiston Section 3 Policy **Contractor Packet** (Section B)

Form #3.3: CONTRACTOR SECTION 3 ASSURANCE OF COMPLIANCE AND ACTION PLAN **(p. 3 of 6)**

PART V: WORKFORCE NEEDS AND HIRING PLAN

Preliminary Statement for Workforce Needs: The City of Lewiston intends to meet Section 3 compliance at the highest level and it is our intent to identify any short-term and long-term employment or contracting opportunities for qualified Section 3 persons and business concerns during the course of your contract funded by the City of Lewiston via its contractors. Please list the status of all planned employment position and opportunities for this contract. *Preference for all opportunities must be given to low- and very low-income residents if they qualify. If awarded a contract, you are required to provide a list of your aggregate workforce on this project. Any changes to that workforce during the project will constitute new hires. You are hereby notified that you must notify the City of Lewiston or contractor (respectively) overseeing your contract of any new hire opportunities that arise during the life of your contract. Anticipated workforce list may be provided on a separate sheet or in a different format.*

1. List Job Title/Trade	2. Total # of Employees to complete Scope of Work (by Job Title)	3. Total # from Current Staff	4. Of the Employees in column (3), how many are Section 3 Hires within the past 3 years?	Total # of New Hires Needed (Column 2) – (Column 3)	Total # of New Hires expected to be Section 3 Residents
TOTALS					

Use an additional sheet if required

Form #3.4: CONTRACTOR SECTION 3 ASSURANCE OF COMPLIANCE AND **ACTION PLAN (p. 4/6)**

PART VI. OTHER REQUIREMENTS

Outreach Plan:

Check all methods you will employ to hire Section 3 residents. Posting the position in community sources that are generally available to low-income residents and the general public is a standard requirement. Check at least three (3) other methods you will employ:

____ The local community newspaper(s) (Twin City Times, etc.)

____ The most widely distributed newspaper (Sun Journal)

____ Homeless service agencies (such as Lewiston Social Services Office for General Assistance, etc.)

____ Local HUD Housing Communities (HUD Assisted Rental Housing)

____ Ethnic Community Based Organization (ECBO) Outreach

____ Local Workforce Board (Maine Career Center in Lewiston, etc.)

____ Local Public Location Bulletin Boards (such as grocery stores, laundry mats, restaurants, etc.)

____ Email blast residents on the City of Lewiston Section 3 Resident List (Contact the Section 3 Coordinator)

____ City of Lewiston public bulletin boards in a conspicuous location (City Hall, Library, etc.)

____ Email residents on the City of Lewiston Section 3 Resident List (Contact Community Development Office)

____ Post notices on City of Lewiston website or Lewiston Social Media (Contact Community Development)

____ Other locations as approved by City of Lewiston. PLEASE Identify:

Documentation of "To the Greatest Extent Feasible":

The contractor will work with the City of Lewiston Section 3 Coordinator and other designated staff to notify residents of any opportunities afforded under the contract. The contractor will partner with the City of Lewiston by giving preference of any employment opportunities to the Section 3 persons or business concerns.

The contractor and subcontractor(s) shall recruit or attempt to recruit from the City of Lewiston's Section 3 area, based on the priority order in the City of Lewiston's Section 3 Plan, the necessary number of low-income and very low-income residents through documentation of their efforts and of any impediments to comply. The City of Lewiston's contractors and sub-contractors shall:

1. Maintain a list of all low-income area residents who have applied, either on their own or from referral from any source, and employ such person if otherwise qualified and if a vacancy exists.

2. Review and consider the Section 3 Resident List provided by the City of Lewiston prior to making new hires. *If those hired are not Section 3 residents, or are in a lower preference category,* **the Contractor must explain the qualifications that those on Section 3 Resident List lacked, or other reason for non-hire** (e.g., job offer declined).

Form #3.5: CONTRACTOR SECTION 3 ASSURANCE OF COMPLIANCE AND ACTION PLAN (p. 5/6)

Provide evidence in writing that the contractor has not filled vacant employment positions in its workforce immediately prior to undertaking work in an attempt to circumvent Section 3 regulations.

Review and determine if low-income and very low-income residents meet minimum hiring qualifications. Applicants meeting such minimum qualifications, but not hired due to lack of job openings or for other operations reasons, will be placed on a priority-hiring list and offered positions upon the occurrence of the first available appropriate job opening.

Record-keeping:
The contractor shall maintain on file all records related to employment and job training of low-income and very low-income residents or other such records, advertisements, legal notices, brochures, flyers, publications, assurances of compliance from subcontractors, etc., in connection with this contract. If there is a report that is needed as part of the submission, you agree to provide it timely. The contractor shall, upon request, provide such records or copies of records to the City of Lewiston, its staff, or agents.

Reports:
The contractor shall provide reports as required in connection with the contractor specifications. All certified and regular payrolls shall clearly detail which employees qualify under Section 3.

Certification:
The contractor will certify that any vacant employment positions, including training positions, that filled:

(1) after the contractor is selected but before the contract is executed; and
(2) with persons other than Section 3 residents...

...were not filled to circumvent the subcontractor's obligations under 24 CFR Part 135.

Other Economic Opportunities:

If a contractor has demonstrated that it has no need or plans to subcontract or hire, or that can demonstrate that it has attempted, to the greatest extent feasible, to meet Section 3 hiring and contracting goals but cannot, may provide other economic opportunities to Section 3 residents and business concerns as described in the City of Lewiston Section 3 Policy. These opportunities must be described in a written plan on how the contractor will offer other economic opportunities. A contractor that has a need to hire or sub-contract may not use other economic opportunities as a substitute to attempt to meet hiring or contracting goals; the contractor must still demonstrate how it attempted to the greatest extent feasible, to meet the goals.

Grievance and Compliance:
The contractor or sub-contractor hereby acknowledges that they understand that any low-income and very low-income resident of the project area, for him/her or as representatives of persons similarly situated, seeking employment or job training opportunities in the project area, or any eligible business concerns seeking contract opportunities may file a grievance if efforts to the greatest extent feasible were not
executed. The grievance must be filed with HUD not later than one hundred eighty (180) calendar days from the date of the action (or omission) upon which the grievance is based.

Form #3.6: CONTRACTOR SECTION 3 ASSURANCE OF COMPLIANCE AND ACTION PLAN (p. 6/6)

ATTESTATION:

I attest that the above information is true and correct and that by signing below, the Contractor hereby agrees to comply with Section 3 requirements.

Name of Prime Contractor: Community Concepts, Inc

Name of Authorized Officer: _____

Title of Authorized Officer: Director of Housing

Signature _____ Date 7/6/2020

NOTARY REQUIRED

STATE: COUNTY:

I, the undersigned a Notary Public in and for said authority and in said State, hereby certify that, Sandy Abbott, whose named as Director of Housing (Title) of Community Concepts Inc (Company) is signed to the foregoing conveyance and who is known to me, acknowledged before me on this day, that, being informed of the contents of the foregoing conveyance, he/she, in his/her capability as _____ (Officer Title), and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal, this the 6th day of July, 2020

Notary Public

My Commission Expires: KIERISTON DELANO {SEAL}
Notary Public, Maine
My Commission Expires May 18, 2021

Form #4 SECTION 3 **RESIDENT SELF-CERTIFICATION FORM** (Page 1/1)

The purpose of this form is to comply with HUD Section 3 administration and certification regulations.

Printed Name of Individual:_____ **Date of Hire:**_____

My home address is (must be a street address and NOT a PO. Box number):

_____

Street Address Apt Number City State Zip

Phone#:_____ Email Address:_____

I certify that I am a legal resident of the United States and meet the income eligibility and federal guidelines for a Section 3 Resident below:

To qualify as a Section 3 Resident, you must meet one of the following standards (Initial One):

_____I am (or was) a recipient of housing assistance (residing in a shelter), receive(d) rental assistance through properties owned and managed by the local housing authority (Lewiston or Auburn), or am (or was) a housing choice voucher holder living in the Lewiston-Auburn metro area (Androscoggin County) when I was hired.

OR

_____I am (or was) a low-income or very low-income person who resides in the Lewiston-Auburn metro area (Androscoggin County) and whose total household income does not (or did not at the time of hire) exceed the following amounts:

My total annual household income is (was) $ _____ and a total of _____ people are (were) living in my household. My household income is (was) at or less amount below for my household size.

Family Size	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
Household Income-2020	$39,150	$44,750	$50,350	$55,900	$60,400	$64,850	$69,350	$73,800

OR

_____I do not currently (or did not) meet either of the 2 guidelines above, at time of hire.

I hereby certify to the U.S. Department of Housing and Urban Development (HUD) that all of the information on this form is true and correct. I attest under penalty of perjury that my total household income and household size is as shown above, and that proof of this information may be requested in the future. If found to be inaccurate, I understand that I may be disqualified as an applicant and/or a certified Section 3 individual which may be grounds for termination of training, employment, or contracts that resulted from this certification. I also understand that failure to complete this form completely and accurately may result in other administrative remedies available to HUD. Finally, I authorize the City of Lewiston to include my name on any list of Section 3 Residents seeking employment and to include my contact information so that I may be contacted of any Section 3 employment or contracting opportunities.

_____ _____

Signature Date

LEWISTON CITY COUNCIL
MEETING OF AUGUST 4, 2020

AGENDA INFORMATION SHEET: **AGENDA ITEM NO.** 3

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.

DAD/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M

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 $1,153.00 or any portion thereof, in the case of the State of Maine vs. Devin Leonard, CR-20-196 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-20-196

State of Maine	}	
	}	Municipality of Lewiston
v.	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Devin Leonard	}	
Defendant;	}	
	}	
And	}	
	}	
$1,153.00 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)

LEWISTON CITY COUNCIL
MEETING OF AUGUST 4, 2020

AGENDA INFORMATION SHEET: **AGENDA ITEM NO.** 4

SUBJECT:

Presentation regarding Part 2 of the Design Lewiston project.

INFORMATION:

At the July 14 Council workshop, Part 1 of the proposed Design Lewiston plan was presented. This agenda item is to receive the presentation on Part 2 of the proposed plan. Please see the background material for complete information on this project.

City Planner Doug Greene will be making the presentation.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

This is an informational presentation to the Council.

DAD/cmm

REQUESTED ACTION:	1	2	3	4	5	6	7	M

To receive the presentation. (No action or motion is required.)

CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Mayor Cayer and City Council

FROM: Douglas M. Greene, AICP, RLA; City Planner

DATE: July 29, 2020

RE: Design Lewiston Workshop # 2

At your July 14th Council Workshop, the Staff presented part 1 of the Design Lewiston project. That presentation included the final draft of the Site Plan Review and Design Guidelines and Standards and the associated text amendment for the Design District Overlay Standards. While working on those provisions, staff looked for opportunities to clean up, clarify, simplify, and make the zoning ordinance easier to understand and comply with. Staff is now looking to present draft text amendments and a zone change request that provide the following benefits:

1. Create incentives and flexibility that supports infill development
   - Reduce the lot frontage and lot size requirements in the Downtown Residential (DR) and Riverfront (RF) zoning districts, providing more opportunity to build on currently undevelopable lots (page 66)
   - Reduce the lot density requirement for mixed-use structures in the Community Business (CB) district by rezoning to Downtown Residential (DR) district. (page 131)
   - Re-establish and allow modifications to development requests for non-dimensional space and bulk standards, now defined to include yards, impervious surface ratio, open space ration and building height (pages 13, 52)
   - Allow Neighborhood Retail in the expanded Downtown Residential (DR) district with reduced parking requirements (pages 61, 86,128)
   - Allow structures that are non-conforming with respect to setbacks to expand along their existing building line if not extending further into the required setback (pages 30)

2. Support the implementation and administration of City-wide Guidelines and the Development District Standards
   - Require new development in the Design District to adhere to the Design District Overlay Standards
     (pages 90- 94, 96)
   - Require developers elsewhere to consider and reference the new Site Plan Review and Design Guidelines in their applications (pages 116)

3. Promote quality development
   - Require new development in the Development District Overlay zoning districts (DR, RF, M, and CV) to follow simple design standards and be compatible to the surrounding neighborhood (pages 90-94, 96)
   - Citywide requirement for landscaping on new commercial developments located along street frontages (pages 112-113)
   - Revisions to approval criteria for new development
     (pages 105-115)

4. Re-organize and clarify portions of the zoning ordinance that are confusing
   - Administration and Enforcement (Article V of the zoning ordinance) is now grouped by topics (pages 15-27)
   - Appeals, Variances and Modifications (Article IX of the zoning ordinance) is now grouped by topics (pages 39-53)

5. Streamline the development application and review process
   - Clarify the application requirements for Development Review projects (pages 95-105)
   - Provide new on-line applications with ordinance and mapping links to help developers prepare applications (under construction)

The Design Lewiston Advisory Committee, Planning Board, Stantec Consultants, and the Staff have worked hard and taken care and effort to strike a balance between creating better quality development while avoiding expensive requirements to developers. The Staff looks forward to presenting this material at your workshop.

Attachments:
Attachment A is a summary (with page numbers) of all the proposed changes that can be found in Attachment B

Attachment B are the draft text amendments and zone change

Attachment A

CITY OF LEWISTON

Department of Planning & Code Enforcement

Summary of Design Lewiston Text Amendments and Tree Street Neighborhood Zone Change

The following is a summary of changes and the pages you can find them in attachment B:

1. Article II, Definitions (pages 8-13)
   New definitions added are:
   - *Alcove* means a recessed entrance to a structure.
   - *Design District Overlay* means designated areas where specific design standards, as per Article XII, Section 22, are required for new development and building additions greater than 50% of the existing building.
   - *Front Setback Area* means the area between the principal building facade and the public street as applied in the Design District Overlay.
   - *Modification* means an adjustment to the standards, requirements, or rules in Appendix A of the Lewiston Code of Ordinances, where applicable.
   - *Parking Lot, Large* means any new parking lot greater than 40 spaces
   - *Space and bulk standards, dimensional* means and is limited to *lot area*, *lot coverage ratio*, *frontage*, and *setbacks*.
   - *Space and bulk standards, non-dimensional* means *yard*, *impervious surface ratio*, *open space*, and *building height*.

2. Article IV, Establishment of Districts (page 14)
   - Added "Design District Overlay" as a new overlay district

3. Article V, Administration and Enforcement (pages 15-27)
   This section of the zoning ordinance is currently a "miscellaneous" collection of regulations that don't fit into other better-defined Articles. These "random" regulations are also challenging to identify what the subject matter or topic is. Different sections in this Article have been deleted that are no longer applicable. The changes made to Article V are:
   Reorganized the various regulations found in Section 3, General Provisions into categories of:
   Lots, Yard and Setbacks
   Uses and Access
   Structures
   Property Maintenance
   Code Enforcement
   Temporary Housing

- Titles have been added to each section to help identify the regulation's topic
- Remove a section on lot orientation to the sun (page 16)
- Amend the restriction for one structure per lot for single-family and mobile homes to include duplexes. This change will clarify what kind of development will allow multiple structures on one-lot. (pages 18, 62)
- Remove a section on Modifications by Code Enforcement Officers. Modifications to non-dimensional requirements are now addressed in Article IX, Appeals, Variances, and Modifications. (pages 21-22)
- Remove a section on Registered Primary Caregivers (Medical Marijuana) as it is now addressed in the Code of Ordinances and Article XI, District Regulations of the zoning ordinance. (pages 23-24)
- Move the section on the keeping of chicken to the Land Use Table found in Article XI, District Regulations, Section 22, Land Use Requirement, Natural Resources, and new, associated note 39. (pages 24, 62, 65)

4. Article VI, Non-conformance- (pages 28-35)
   Non-conformity can be a confusing subject to understand and generally involves development that occurred prior to "modern" zoning regulations. Non-conformity can apply to lots, structures, uses, signs, adult businesses, and drinking places, off-street parking and loading spaces.
   - Titles have been added to each section to help identify the regulation's topic
   - Section 3, a, 3 has been amended to allow the side or rear of a non-conforming structure to be expanded sideways along the building plane. (page 30)

5. Article VIII, Board of Appeal- (pages 36-38)
   - Amend Section 4, Powers and Duties, 10, Clarify section on *Modifications* to coordinate with changes to Article IX.
   - Various sections have been reorganized to match changes in Article IX.

6. Article IX, Appeals- (pages 39-53)
   For years, Lewiston's zoning ordinance has allowed modifications of certain dimensional standards by either the Staff, the Staff Review Committee, or the Planning Board. The City Attorney issued an opinion in 2017 that our zoning ordinance was not in-line with Maine State Law on variances by allowing modifications to dimensional standards instead of requiring variances by the Board of Appeals. As a result, the Staff stopped considering modification requests. Since then, Staff has worked with the City Attorney to come up with an approach to allow modifications for non-dimensional requirements such as yard, open space, Impervious surface ratio, and building height. Per state law, dimensional standards include setbacks, lot area, lot coverage, and frontage. Changes to these standards can only be made by variance.

- Article IX, Appeals is now called Appeals, Variances, and Modifications
- The various sections of Article IX have been reorganized into categories for Appeals, Variances, and Modifications that are easier to understand.
- Modifications are amended to clearly state what can be modified and by what deciding body, and to provide for standards for the granting of modifications.

7. Article XI- District Regulations- (pages 54-82)
   This Article describes the purpose of each Zoning or Overlay District. Article XI also includes Section 24, a Land Use Table that lists allowable, prohibited, or conditional uses for each zoning district, and Section 25, Space, and Bulk Table that lists the dimensional, density, and development standards for each zoning district.
   - This Article has been reorganized into Zoning Districts (or some Overlay Districts) that regulate land uses. Two Overlay Districts, No Name Pond Overlay and the new Design District Overlay don't regulate land use but are based on performance standards, and have been moved to Article XII, Performance Standards.
   - Article XI, Section 24, Land Use Table (pages 61-62) has changes to:
     - Add "*individual residential lots*" to Residential/Duplex use.
     - Remove *retail stores* as a permitted use in the Downtown Residential district (DR).
     - Add *neighborhood retail stores* a conditional use in the Downtown Residential (DR) district.
     - Add *Keeping of Chickens* as a permitted use in the AR, LDR, MDR, SR, and NCA subject to the conditions of special note 39, which has also been added. (page 62, 65)
   - Article XI, Section 25, Space and Bulk Table (pages 66-67) has changed to:
     - Reduce the minimum lot size in the Downtown Residential (DR) and Riverfront (RF) district from *5,000 sf to 4,000 sf.*
     - Reduce the minimum lot frontage in the Downtown Residential (DR) and Riverfront (RF) district from *50 ft. to 40 ft.*
     - Make the minimum front building setback from *none* to *5 ft.* in the DR and RF district.
     - Create a new maximum building setback of *10 ft.* in the DR and RF district.
     - Change the side building setback from *10 ft.* to *5 ft.* in the DR district.
     - Create a minimum building height of *20 ft.* in the DR, RF, M, and CV districts.
     - Change the lot coverage and impervious ratio in the RF district to .75 and .85 respectively.

8. Article XII, Performance Standards- (pages 83-94)
   There are currently 21 sections in the Performance Standards that apply to a wide range of topics. Development applications frequently have to meet these standards as part of the approval process.
   The changes are:
   - Add a table of contents to help identify and locate the required performance standards.
   - Changes to Section 17, Off-Street Parking and Loading include:
     - Group Child Care and Nursery School Facilities into one parking type with a parking requirement of one space for each staff person and one parking space for every six children. (page 86)
     - Create a separate parking requirement for Neighborhood Retail Stores of one space per 500 sf of gross floor area. This is half the retail store parking requirement of one space per 250 sf of gross floor space and will help create new retail opportunities in the neighborhood. (page 86)
   - Re-locate No Name Pond Overlay District Standards from Article XI to Article XII as a new Section 21. (pages 88-90)
   - Add a new Section 22, Design District Overlay Standards (pages 90-94)
   - Delete the former Section 22, "Residential Design Standards for the Downtown Residential and Riverfront Districts," which is now incorporated into the new Design District Standards.

9. Article XIII, Development Review and Standards- This section has been updated to better reflect the development review and subdivision application submission requirements and to amend specific approval criteria. (-pages 95-116)
   - Section 2, (a) requires minor and major plans located in the Design District to meet the requirements of Article XII, Section 22, Design District Overlay Standards. (page 96)
   - Section 3, Procedure, (a) 1, Minor Development, breaks down a narrative description of the requirements into individual parts to make it easier to understand. (page 97)
   - Section 3, Procedure, (g), Application Requirements, 1-5, updates the requirements for a development review application. (pages 99)
   - Section 3, Procedure, (h), Review Procedures, (1) Minor Developments, and (2) Major Developments breaks down a narrative description of the requirements into individual parts to make it easier to understand. (pages 103-104)
   - Section 4, Approval Criteria, (d), Internal Vehicular Circulation, delete language that encourages cul-de-sacs. (page 107)
   - Section 4, Approval Criteria, (e), Pedestrian Circulation, add "Complete Streets Policy" to the sidewalk standards that need to be met. (page 108)

- Section 4, Approval Criteria, (k), Natural Features, add "A grading plan for the project shall be included in the application and communicate the following:" which will help the Staff and Planning Board evaluate development impacts on natural features. (page 111)
- Section 4, Approval Criteria, (n), Exterior Lighting, add, "Pole lighting shall be a maximum of 25 feet tall to the greatest extent possible". (page 112)
- Section 4, Approval Criteria, (p), Lot Layout. There is nothing mentioned for this approval criteria. Add, "Lot layout shall conform to Article II, Definitions, Net Lot Area and Article V, Administration and Enforcement, Section 3, A". (page 112)
- Section 4, Approval Criteria, (q), Landscaping (pages 112-113)
  Refer the applicant to the Site Plan Review and Design Guidelines and list specific plantings and their location.
  - Require "New major or minor developments in non-residential districts shall provide a landscape plan along street edges, parking areas adjacent to a street frontage, and for commercial development to buffer adjacent residential properties."
  - Specify the spacing and sizes of street trees and shrubs along street frontages.
  - Specify that the property owner is responsible for the maintenance of landscaping for approved projects.

- Section 4, Approval Criteria, (s), Open Space, has been amended to: (page 113)
  - Limit the open space requirements to projects consisting of ten or more residential units that are part of a land subdivision.
  - Change the open space requirement for senior residential projects from none to 250 sf per dwelling unit.
- Section 4, Approval Criteria, (u), Buffering now instructs the development applicant to reference the Site Plan Review and Design Guidelines for guidance on buffering. (page 115)
- Section 6, Design Guidelines. The title is now "Site Plan Review and Design Guidelines" and distinguishes between the Citywide Design Guidelines and the Design District Overlay Design Standards and requires all development review applications to consider and incorporate them in the preparation of applications. (page 116)

10. Also included in your packet is the draft zone change for the Tree Street Neighborhood from Community Business (CB) and Neighborhood Conservation "B" (NCB) to Downtown Residential (DR). (pages 117-131)

APPENDIX A – ZONING AND LAND USE CODE
ARTICLE II. DEFINITIONS

Sec. 1. Meaning of words.

All words not defined herein shall carry their customary and usual meanings. Words used in the present tense shall include the future. Words used in the singular shall include the plural. The word "lot" shall include "parcel" and "plot." The word "shall" is used to indicate the mandatory and the word "may" is used to indicate the permissive. The words "occupied" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied."

Sec. 2. Definitions.

Unless otherwise expressly stated, the following words shall, for the purpose of this Code, have the meaning herein indicated:

Abutting property means any lot which is physically contiguous with the lot in question even if only at a point and any lot which is located across a public or private street or way from the lot in question in such a manner so that the extension of the side lot lines of the subject lot would touch the lot or enclose the lot.

Accessory use or structure means a subordinate use of a building, other structure or land, or a subordinate building or other structure:

(1) Whose use is customary in connection with the principal building, other structure or use of land;

(2) Whose use is clearly incidental to the use of the principal building, other structure or use of land;

(3) Which is located on the same lot with the principal building, other structure or use of land or on a lot abutting such lot if in the same ownership or part of the same establishment, even if located in another district, or off-street parking in accordance with Article XII, Section 17(e)(2) of this Code. However, if the accessory use of structure is proposed to be located on a lot which is in another district and across a public or private street from the principal building, the use or structure must be permitted in that district in order to be allowed. Furthermore, accessory structures to be located on a lot across a public or private street may not be utilized for a home occupation and the sale of either lot in common ownership separating the accessory structure from the principal structure will create an illegal nonconformance which shall either be removed or brought into conformance with all provisions of the Code; and

(4) Which does not constitute, in effect, conversion of the principal use of the premises to one not permitted.

Addition means as applied to a building or structure, means any construction which increases the floor area or the height of any portion of the building or structure.

Adjacent grade means the natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Adjoining property means any lot which is physically contiguous with the lot in question

even if only at a point.

Adult business establishment means a business which:

(1) Keeps for public patronage, or permits or allows the operation of, any adult amusement device as defined in Chapter 22, Article I, section 22-2 of the Code of Ordinances of the City of Lewiston; or

(2) Offers live entertainment, customarily exhibits motion pictures, or displays any other visual representation described or advertised as being "X-Rated" or "For Adults Only", and which excludes persons from any portion of the premises by reason of immaturity of age or by use of such, or similar phrases; or

(3) Offers as a substantial portion of its stock-in-trade, books, magazines, other periodicals, video recordings, marital aides, and devices characterized by their emphasis on specified anatomical areas or specified sexual activities, as defined in Chapter 22, Article I, section 22-2 of the Code of Ordinances of the City of Lewiston, "adult amusement devices"; or

(4) Has an adult oriented live entertainment license pursuant to Chapter 10, Article IV of the aforementioned Code; or

As used in this definition, "customarily" shall mean more often than an average of one (1) calendar week during any calendar month of operation, and "substantial portion" shall mean greater than thirty (30) percent of the books, magazines, other periodicals, video recordings, marital aides, and devices carried as stock-in-trade.

Agriculture means the cultivation of the soil, production of crops, including crops in commercial greenhouses, and raising and keeping of livestock, including animal husbandry, orchards, truck gardens, plant nurseries, poultry and other nondomestic animals, bees, the use of manure and fertilizers, the processing of agricultural products.

Alcove means a recessed entrance to a structure

Allowed use means a use which is a permitted use or a conditional use, for which a conditional use permit has been granted, in the district in which it is located.

Alteration means as applied to a building or structure, means any change or modification in construction, exit facilities or permanent fixtures or equipment which does not include an addition to the building or structure. Ordinary repairs shall not be considered alterations.

Amendment means the addition of new material to this Code or the correction, modification or alteration of this Code by the city council in the manner prescribed by this Code for its amendment.

Aquifer means a geologic formation composed primarily of rock or sand and gravel which stores and yields significant quantities of groundwater to wells, springs, or streams.

Area of special flood hazard means the land in the flood plain having a one (1) percent or greater chance of flooding in any given year, as specifically identified in the Flood Insurance Study cited in Article XIV of this Code.

Art & craft studio means a business or commercial establishment which provides working space for artists or craftspeople including facilities for classes or demonstrations.

watershed, that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions.

Frontage means the linear distance between the sidelines of a lot, measured along a continuous lot line that borders upon an accepted public street or public easement, or upon a private road within a commercial, industrial or residential development that has been reviewed and approved, pursuant to Article XIII of this Code, since January 9, 1988 or previously approved by the planning board. The lot frontage requirement cannot be met by accumulation of noncontiguous frontage segments. In the case of a lot situated on a T-turn or a curve of a way, the measurement of frontage may include the entire length of the property line along such way. Frontage for a single-family dwelling may also be obtained pursuant to Article XII, Section 10 of this Code.

For developed lots of record as of the adoption date of this Code which (i) have frontage on opposing streets and (ii) are themselves comprised of lots shown in whole or in part on recorded subdivision plans, if, but for the frontage could be so divided into two (2) or more lots, each of which will meet currently applicable space and bulk requirements, frontage for the developed parcel shall be deemed to be that closest to the principal structure on the developed parcel.

Front Setback Area means the area between the principal building facade and the public street as applied in the Design District Overlay.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Gasoline service stations means buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail and where routine servicing and minor repairs may be made. Uses permissible at a gasoline service station do not include the operation of a commercial parking facility, major engine repairs or the sales, leasing or renting of vehicles or equipment.

Grade means with reference to a building or structure, it means the average elevation of the ground adjoining the building or structure on all sides.

Gross floor area means the sum of the gross horizontal areas of the floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, mechanical rooms, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

Groundwater means all of the water found beneath the surface of the ground. For purposes of aquifer protection, this term refers to the subsurface water present in aquifers and recharge areas.

Group care facility means a boarding care facility for more than eight (8) individuals wherein children under eighteen (18) years of age or adults over sixteen (16) years of age and not legally related to the operator are provided personal care, supervision and social or rehabilitative services. Uses within the meaning of this definition must be licensed by the State of Maine and may include, but are not limited to, group homes, half-way homes and congregate homes but do not include foster family homes.

and often selling its products only locally or regionally.

Mineral exploration means hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land and which include reasonable measures to restore the land to its original condition.

Mineral extraction means any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location, and transports the removed material away from the extraction site.

Minor development/improvement means all development that is not new construction or a substantial improvement, such as repairs, maintenance, renovations, or additions, whose value is less than fifty (50) percent of the market value of the structure. It also includes, but is not limited to: accessory structures as provided for in Article XIV, Section 6(j), mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities that do not involve structures; and non-structural projects such as bridges, dams, towers, fencing, pipelines, wharves, and piers.

Mixed residential development means a residential development involving a mixture of detached single-family dwellings, single-family attached dwellings with less than eight (8) common walls, two-family dwellings or multifamily dwellings with less than five (5) dwelling units per structure. Mixed residential developments may contain a mixture of the listed building types; but, multifamily dwellings shall not constitute more than sixty (60) percent of the total number of dwelling units in the development.

Mixed single-family residential development means a planned residential development involving a mixture of single-family detached dwellings and attached single-family dwellings.

Mixed-use structure means a building containing one (1) or more dwelling units and nonresidential space. Said nonresidential space must be permitted in the underlying zoning district.

Mobile home means a factory-fabricated structure meeting the standards of the U.S. Department of Housing and Urban Development which is built on a permanent chassis, is designed to be used as a dwelling unit and was constructed after June 15, 1976. Mobile homes built before June 15, 1976, are considered to be older mobile homes and are prohibited, unless they meet safety and design standards put forth by the state manufactured housing board and those contained in the Revised Code of Ordinances of the City of Lewiston.

Mobile home lot means a parcel of land within a mobile home park for the placement of a single manufactured housing unit and the exclusive use of its occupants.

Mobile home park means a contiguous parcel of under land unified ownership with a minimum area of five (5) acres designed and/or used to accommodate a minimum of three (3) manufactured housing units on mobile home lots which are to be rented or leased, but not sold. The management and maintenance of a mobile home park shall be deemed to be the responsibility of a single owner or operator, with improved lots and/or services being available under a leasing arrangement.

Modification means an adjustment to the standards, requirements, or the rules and relaxation of the terms in Appendix A of the Lewiston Code of Ordinances, where applicable.

2. No more than two (2) sessions are conducted per day;
3. Each child in attendance at the nursery school attends only one session per day;
4. No hot meal is served to the children.
5. Nursery schools in the Neighborhood Conservation "A" (NCA), Low Density Residential (LDR), Suburban Residential (SR) and Medium Density Residential (MDR) Districts shall be limited to no more than 12 children per session.
6. Nursery schools in the Neighborhood Conservation "A" (NCA), Low Density Residential (LDR), Suburban Residential (SR) and Medium Density Residential (MDR) Districts shall be limited to properties containing a minimum of one (1) acre in size.
7. Nursery schools in the Neighborhood Conservation "A" (NCA), Low Density Residential (LDR), Suburban Residential (SR) and Medium Density Residential (MDR) Districts shall be accessory to a single family residence.

Nursing or convalescent home means a state licensed residential care facility in which nursing care and medical services are performed under the general direction of persons licensed to practice medicine in the State of Maine for the accommodation of convalescent or other persons who are not in need of hospital care, but who do require, on a twenty-four (24) hour basis, nursing care and related medical services. This definition shall include skilled nursing facilities, intermediate care facilities and nursing homes.

Official map means a map, prepared and adopted by the planning board and approved by the city council, which shows the lines of ways, public property and subdivisions.

Official zoning map means a map prepared by the City of Lewiston Planning Board and adopted by the city council outlining each district established or modified by the municipality. The map is filed in the office of the city clerk.

Off-street parking space means a paved or gravel surfaced area not in a street or alley which is permanently reserved for the temporary storage of one (1) automobile.

One hundred-year flood. See "base flood."

Open space means that portion of a lot which is characterized by natural scenic beauty or openness and which is dedicated to being preserved or kept open in order to enhance urban or rural areas as important physical, social, recreation, conservation, aesthetic or economic assets.

Open space ratio means the ratio of the total area of a parcel maintained in lawns, gardens, planters, or other natural vegetation to the total lot area.

Owner means the owner of record of a property and his duly authorized agent or attorney, a purchaser, devisee, fiduciary and a person having a vested or contingent interest in the property in question.

Parking Lot, Large means any new parking lot greater than 40 spaces.

Penthouse means an enclosed structure, other than a roof structure, located on the roof, extending not more than twelve (12) feet above and used primarily for living or recreational accommodations.

Performance guaranteed means a cash, property or other bond satisfactory to the City of Lewiston to ensure the actual carrying out of every duty, act, requirement or condition, the performance of which was the basis for issuing the permit or approval.

of the development conforms to the zoning district regulations by providing permanent open space as part of the development.

Sludge means residual materials produced by industrial processes, water or sewage treatment processes, or domestic septic tanks.

Small day care facility means child care for three (3) to twelve (12) children under thirteen (13) years of age who, are unattended by parents or guardians for any part of the day, in a non-home setting. Small day care facilities shall not be operated within a private family residence (i. e. dwelling unit).

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

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

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

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

Space and bulk standards, dimensional means and is limited to *lot area*, *lot coverage ratio*, *frontage*, and *setbacks*.

Space and bulk standards, non-dimensional means *yard*, *impervious surface ratio*, *open space ratio*, and *building height*.

Special flood hazard area. See "area of special flood hazard."

Start of construction means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the principal structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stream means a channel between defined banks. A channel is created by the action of surface water and has two or more of the following characteristics:

(1) It is depicted as a solid or broken blue line on the most recent edition of the U.S.

ARTICLE IV. ESTABLISHMENT OF DISTRICTS

Sec. 1. Zoning map.

A map entitled "Official Zoning Map, City of Lewiston" is hereby adopted as part of this Code and shall be referred to as the "official zoning map." The official zoning map shall be identified by the signature of the mayor, chairman of the planning board and attested by the signature of the city clerk. The official zoning map shall be located in the office of the city clerk.

Sec. 2. Zoning districts.

The city is divided into the following districts, as shown by the district boundary lines on the official zoning map:

RA Rural Agricultural District

LDR Low Density Residential District

SR Suburban Residential District

MDR Medium Density Residential District

RF Riverfront District

NCA Neighborhood Conservation "A" District

NCB Neighborhood Conservation "B" District

NCBP Neighborhood Conservation “B” Preservation Overlay District

OR Office-Residential District

DR Downtown Residential District

IO Institutional-Office District

CB Community Business District

HB Highway Business District

CV Centreville District

OS Office-Service District

I Industrial District

UE Urban Enterprise District

M Mill District

RC Resource Conservation District

GC Groundwater Conservation Overlay District

LC Lake Conservation Overlay District

MH Mobile Home Park Overlay District

DD- Design District Overlay District

(Ord. No. 00-19, 10-5-00; Ord. No. 17-20a, 12-21-2017)

Sec. 1. Conformity required.

No building hereafter erected, moved, added to or structurally altered, no existing building or structure and no land shall be used except in conformance with the provisions, regulations and restrictions of this Code. All construction or moving of buildings and structures or the alteration of the land shall be in conformance with this Code.

Sec. 2. Violation as a nuisance.

Any property or use existing in violation of this Code is a nuisance.

Sec. 3. General provisions.

A. Lots, Yards and Setbacks

(~~a~~1) Arrangement of Buildings and Structures on Lots- All buildings and other structures shall be so located and arranged on lots as to provide safe and convenient access for fire protection, servicing and off-street parking and loading located on the premises. No building or structure may be constructed or erected on any lot which does not have at least fifty (50) feet of frontage or twenty-five (25) feet of frontage for lots located in the Centreville and Mill Districts or forty (40) feet of frontage in the Riverfront (RF) and Downtown Residential (DR) districts.

However, lots of record that existed prior to December 9, 1987, which were legally established having less than fifty (50) feet of frontage, may apply for a variance pursuant to Article VIII, section 4(2) of this Code in order to have a building or structure constructed or erected on said lot.

(~~b~~2) ~~*Land Within Street Right of Way* Land within the lines of a street may not be counted as part of any lot for the purposes of meeting the area requirements of this Code even though the fee to such land is owned by the owner of such lot.~~

(~~c~~2) No Undersized Lots- No division of land shall be made whereby any lot created thereby is smaller than the minimum size required for the district in which said lot is located, or has less frontage, setback or yard space that the minimum required, except as provided by Article VI and subsections (w) and (z), below.

In addition, the following criteria apply to the creation of all lots unless demonstrated adequately to the reviewing authority that the application of one (1) or more of the following criteria is not practical:

(~~1~~a) *Lots Along Physical Barriers* If a lot on one (1) side of a stream, road, or other similar barrier fails to meet the minimum lot size required by the zoning ordinance, it may not be extended to the other side of the barrier to meet the minimum lot size or for the purposes of individual, on-site waste disposal.

(~~2~~b) *Irregular Lots Prohibited-* Lots in which parcels of land such as narrow strips are used or are joined to other parcels to meet minimum lot size or frontage requirements, or other reconfiguration of parcels which create irregular-shaped lots (examples of such lots are illustrated in the Site Plan Review Ordinance and

Design Guidelines) are prohibited.

(~~3~~c) *Lot Width* For all proposed lots the lot width shall be at least equal to the minimum frontage requirement.

(4d) *Required Lot Proportions-* All proposed lots must be able to completely contain within its boundaries an area as would be defined by a circle with minimum diameter equal to the required minimum frontage for the district.

~~(5e) *Lot Orientation to Sun-* To the extent possible, lots will be oriented in order to make maximum use of direct sunlight and where feasible, side lot lines shall be at right angles to street lines (or radial to curving street lines.)~~

(~~d~~3) *Land Taken by Eminent Domain-* Any land taken by eminent domain, or conveyed to a public entity incident to the construction or improvement of a public way or utility line shall not be deemed to be transferred in violation of the area, width, setback and yard space provisions of the Code.

(~~e~~4) *No Reduction in Space and Bulk Requirements* Except as provided in subsection w and z, below, no lot may be reduced in size if, as a result, the setbacks, yards, or other open spaces are smaller than prescribed by this Code. No setback, yard, or other open space may be counted as required open space for more than one (1) building.

(~~f~~5) *Corner Lots, Setback and Yards-* On a corner lot in any district, a building or structure may face either street, and the front setback and yard shall be between the principal building or structure and the street on which the building or structure is to be numbered. The side setback and yard, between the building and side street, shall meet front setback and yard requirements of the applicable district. Additionally, the rear setback and yard, between the principal building and the abutting property on the side street, shall meet side setback and yard requirements of the applicable district.

(6) *Non-compliant Land Areas in Calculating Lot Size-* The following land areas shall not be included in the calculation of net lot area or minimum lot size in any zoning district:

(a) Land which is situated below the normal high water mark of any water body.

(b) Land which is located within the one-hundred (100) year flood plain as identified by an authorized federal or state agency.

(c) Land which is located within a wetland as identified and defined by the State of Maine.

(d) Land within the lines of a street may not be counted as part of any lot for the purposes of meeting the area requirements of this Code even though the fee to such land is owned by the owner of such lot

(7) Lot Size Calculations for Certain Developments- The minimum lot size, minimum frontage, minimum setback and minimum yard requirements of Article XI for single-family cluster developments, mixed residential developments, mixed single-family residential developments and mobile home parks shall apply to the development in its entirety as if it were a single unit. The setback and yard requirements shall apply only where the development abuts an existing public street or easement or property which is not part of the development. Individual buildings or lots within these developments shall comply with the space and bulk regulations appropriate to the type of use.

(8) *Reduced Lot Frontage on Cul-De-Sacs*- Lots which front on existing or proposed cul-de-sac may reduce their required frontage by not more than 25 percent as long as the lot width is not less than the minimum frontage required in the district.

(9) *Gas Stations on Nonconforming Lots*- Notwithstanding the provisions under Article VI, nonconformance, lots on which a gasoline service station existed on December 9, 1987, which are going through modernization modifications, may replace existing nonconforming pump islands as long as the installation does not worsen the existing violation of the required setback or yard, and is approved in connection with development review pursuant to article XIII hereof.

(10) *Subdivision of Lots With Multiple Principal Structures*- Notwithstanding Appendix A, Article XI Section 23 of this Code, single lots developed with three or more principal structures in residential use, at the time of the division, may be divided to create new lots for each of the individual principal structures in residential use, provided that the following provisions can be met and satisfied:

(a) All principal residential structures on the lot to be divided were constructed prior to the enactment of State Subdivision Law (i.e. September 23, 1971).

(b) All principal residential structures on the lot to be divided are single-family detached dwellings, two-family dwellings and three-unit multifamily dwellings.

(c) All new lots must, to the greatest extent practicable, comply with the applicable space and bulk requirements of Appendix A, Article XI Section 23 and Article XII, Section 2 of this Code. Whether the new lots meet this standard shall be in the reasonable judgment of the code enforcement director, whose approval shall be required.

B. Uses and Access

(~~g~~1) *Determination of Similar But Not Listed Uses* A use which is not specifically listed as a permitted or conditional use shall be regulated as a conditional use if the board of appeals or the planning board, reviewing a major development under Article XIII, determines that the proposed use is substantially similar to and compatible with permitted or conditional uses in that district.

~~(h) The following land areas shall not be included in the calculation of net lot area or minimum lot size in any zoning district:~~

~~(1) Land which is situated below the normal high water mark of any water body.~~

~~(2) Land which is located within the one-hundred (100) year flood plain as identified by an authorized federal or state agency.~~

~~(3) Land which is located within a wetland as identified and defined by the State of Maine.~~

(~~i~~2) *Transition of Legal Use to Conditional Uses* Any use which was a legally existing permitted use prior to the adoption or subsequent amendment of this Code and which becomes a conditional use as a result of the adoption or amendment shall not be deemed to be a nonconforming use but shall be deemed to be, and regulated as, a conditional use for which a permit was duly issued.

~~(j) The minimum lot size, minimum frontage, minimum setback and minimum yard requirements of Article XI for single-family cluster developments, mixed residential developments, mixed single-family residential developments and mobile home parks shall apply to the development in its entirety as if it were a single unit. The setback and yard requirements shall apply only where the development abuts an existing public street or easement or property which is not part of the development. Individual buildings or lots within these developments shall comply with the space and bulk regulations appropriate to the type of use.~~

(~~k~~3) *Prohibition of Access Through Residential Districts-* Except for streets, no access for a use shall be permitted across a residential zoning district in which said use is not permitted, unless no other means of access is available and the proposed access and use are to be located on a single lot of record in existence as of December 9, 1987; and the use complies with the standards of Article XI, district regulations and the development of the lot and access complies with the standards of Article XII, performance standards; and Article XIII, development review standards, of this Code.

C. Structures

(~~l~~1) *Multiple Principle Structures Prohibited* Unless expressly designated as an allowed use under Article XI of this Code, no lot in any zoning district may contain more than one (1) principal structure in residential use.

(~~m~~2) *Temporary Structures-* In all zones, non-permanent structures may be used for the purposes of temporary construction offices during on-site construction. Permits for such structures will be issued for a period not to exceed twelve (12) months. Such permits may be extended by the Code Enforcement Official upon submission of evidence that construction is proceeding in good faith and in accordance with approved plans.

(3) *Unenclosed Projections in Required Yards*- Lots on which a building existed on December 9, 1987 may contain unenclosed porches, landings, other similar building features up to thirty-six square feet in total area, and wheelchair ramps, which project up to seven feet into a required yard.

(4) *Other Projections in Required Yards*-Chimneys, air conditioners, cornices, eaves, belt courses, sills, canopies and awnings made of nonpermanent materials, architectural or other similar features, excluding building projections with interior space such as bay windows, may encroach into a required yard by up to two feet. [Canopies made of permanent materials, such as those commonly found at gasoline service stations, must meet setback requirements at their fixed location on or in the ground, and the ends and sides of the canopies must meet all yard requirements.]

However, for nonresidential uses, all types of proposed awnings and canopies may encroach into a required yard to the extent the existing yard has been legally occupied by pavement, crushed stone or hard-packed gravel, as long as the installation will not result in undue impact on adjacent properties, due to the placement of the awnings or canopies, location of service, parking or storage areas, or blocking of solar access, and shall in no way interfere with the utilities or with convenient and safe use of the sidewalk and street right-of-way by all pedestrians and vehicles, but in no case may the canopy be closer than two feet from the property line.

(5) *Awnings*- Awnings and canopies that are attached to a building without any support structures affixed to the ground or pavement may project over a sidewalk or street right-of-way as long as the following criteria are met:

(a) The awning or canopy must be safely made, fixed, supported and maintained, so as in no way to interfere with the convenient and safe use of the sidewalk and street right-of-way by all pedestrians and vehicles;

(b) The lowest part of such awning or canopy shall be at least eight feet in height above the sidewalk or street right-of-way;

(c) The awning or canopy shall be a minimum distance of two feet from the curb-face or edge of pavement line;

(d) On designated historic structures, or within designated historic districts, canopy or awning installations must be approved by the historic preservation review board for appropriateness as provided under article XV, section 5; and

(e) Signage on the awning or canopy must conform to the standards of article XII, section 16.

(6) *Unenclosed Fire Escapes*- Lots on which a building existed on December 9, 1987 may contain unenclosed fire escapes to the lot line if they are required by law as a second means of egress. Fire escapes will be located and designed to minimize encroachment into the yard area. This provision shall not apply when a fire escape is required as a result of alterations to a building.

(7) *Conveyance of Attached Principal Residential Structures*- In the downtown residential zoning district, attached principal residential structures that do not share common hallways or stairways for access to individual dwelling units and detached principal residential structures may be conveyed separately if the staff review committee, pursuant to the provisions of article XIII section 3, finds that all the following standards are met:

(a) The structures were constructed prior to December 9, 1987.

(b) At least one dwelling unit in each building shall be owner occupied.

(c) The lot shall be divided to minimize any resulting nonconformities with regard to the space and bulk standards of the zoning district in which the buildings are located.

(d) The applicant shall assure implementation of any easements required for access, parking, utilities, maintenance and similar circumstances.

(e) The applicant shall submit a standard boundary survey plan prepared by a professional surveyor depicting the location of each building and the boundaries of each lot. Such plan shall also include any easements as described in subsection (4), above.

(8) *Subdivision of Lots With Multiple Principal Structures*- Notwithstanding Appendix A, Article XI Section 23 of this Code, single lots developed with three or more principal structures in residential use, at the time of the division, may be divided to create new lots for each of the individual principal structures in residential use, provided that the following provisions can be met and satisfied:

(a) All principal residential structures on the lot to be divided were constructed prior to the enactment of State Subdivision Law (i.. September 23, 1971).

(b) All principal residential structures on the lot to be divided are single-family detached dwellings, two-family dwellings and three-unit multifamily dwellings.

(c) All new lots must, to the greatest extent practicable, comply with the applicable space and bulk requirements of Appendix A, Article XI Section 23 and Article XII, Section 2 of this Code. Whether the new lots meet this standard shall be in the reasonable judgment of the code enforcement director, whose approval shall be required.

(9) *Setbacks for Small Structures*- Notwithstanding the provisions under article XI, district regulations, with respect to standards for minimum side and rear setbacks and yards, one structure not exceeding 100 square feet in floor area and a height of ten feet, which is accessory to a residential use and is to be utilized for storage purposes only, may be constructed within three feet of the side or rear property line, but not closer than 15 feet from the nearest point of any principal residential structure existing on any adjacent lot.

D. Property Maintenance

(~~n~~1) *Multiple Unregistered Vehicles Prohibited-* Unless expressly designated as an allowed use under Article XI of this Code, a lot in a residential zoning district or a lot in residential use may not contain in outside storage more than one (1) unregistered or uninspected vehicle.

(~~o~~2) *Parking of Commercial Vehicles in a Residential District* No lot in any residential zoning district may contain any vehicle utilized for commerce which is parked thereon when not in use except for one passenger-type van, small utility van or pickup truck, and an enclosed trailer not to exceed eighteen (18) feet in total length (but not including tow trucks or ambulances).

~~(p) Lots on which a building existed on December 9, 1987 may contain unenclosed porches, landings, other similar building features up to thirty-six square feet in total area, and wheelchair ramps, which project up to seven feet into a required yard.~~

~~(q) Chimneys, air conditioners, cornices, eaves, belt courses, sills, canopies and awnings made of nonpermanent materials, architectural or other similar features, excluding building projections with interior space such as bay windows, may encroach into a required yard by up to two feet. [Canopies made of permanent materials, such as those commonly found at gasoline service stations, must meet setback requirements at their fixed location on or in the ground, and the ends and sides of the canopies must meet all yard requirements.]~~

~~However, for nonresidential uses, all types of proposed awnings and canopies may encroach into a required yard to the extent the existing yard has been legally occupied by pavement, crushed stone or hard-packed gravel, as long as the installation will not result in undue impact on adjacent properties, due to the placement of the awnings or canopies, location of service, parking or storage areas, or blocking of solar access, and shall in no way interfere with the utilities or with convenient and safe use of the sidewalk and street right-of-way by all pedestrians and vehicles, but in no case may the canopy be closer than two feet from the property line.~~

~~Awnings and canopies that are attached to a building without any support structures affixed to the ground or pavement may project over a sidewalk or street right-of-way as long as the following criteria are met:~~

~~(1) The awning or canopy must be safely made, fixed, supported and maintained, so as in no way to interfere with the convenient and safe use of the sidewalk and street right-of-way by all pedestrians and vehicles;~~

~~(2) The lowest part of such awning or canopy shall be at least eight feet in height above the sidewalk or street right-of-way;~~

~~(3) The awning or canopy shall be a minimum distance of two feet from the curb-face or edge of pavement line;~~

~~(4) On designated historic structures, or within designated historic districts, canopy or awning installations must be approved by the historic preservation review board for appropriateness as provided under article XV, section 5; and~~

~~(5) Signage on the awning or canopy must conform to the standards of article XII, section 16.~~

~~(r) Lots on which a building existed on December 9, 1987 may contain unenclosed fire escapes to the lot line if they are required by law as a second means of egress. Fire escapes will be located and designed to minimize encroachment into the yard area. This provision shall not apply when a fire escape is required as a result of alterations to a building.~~

~~(s) Lots which front on existing or proposed culs-de-sac may reduce their required frontage by not more than 25 percent as long as the lot width is not less than the minimum frontage required in the district.~~

(t) ~~Notwithstanding the provisions under article VI, nonconformance, lots on which a gasoline service station existed on December 9, 1987, which are going through modernization modifications, may replace existing nonconforming pump islands as long as the installation does not worsen the existing violation of the required setback or yard, and is approved in connection with development review pursuant to article XIII hereof.~~

~~(u) Notwithstanding the provisions under article XI, district regulations, with respect to standards for minimum side and rear setbacks and yards, one structure not exceeding 100 square feet in floor area and a height of ten feet, which is accessory to a residential use and is to be utilized for storage purposes only, may be constructed within three feet of the side or rear property line, but not closer than 15 feet from the nearest point of any principal residential structure existing on any adjacent lot.~~

~~(v) Notwithstanding the provisions under article XI, sections 1 through 14, district regulations, with respect to space and bulk standards for setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios, and maximum building height, modifications of these standards not to exceed 25 percent may be granted by the code enforcement official provided that the criteria contained in article IX, subsections 3(9)(a) through (d) are met and satisfied; for lots in the highway business and community business zoning district with frontage on Main Street, Sabattus Street or Lisbon Street, the modification may be up to 30 percent. The code enforcement official shall not grant modifications for developments that also require other levels of approval~~

~~by the board of appeals, planning board, or staff review committee; where additional levels of approval are required, the board of appeals, planning board or staff review committee may grant such modifications.~~

~~If the code enforcement official finds that the aforementioned criteria is met, at least ten days prior to granting such modification, he/she must notify the owner(s) of the property(ies) that is/are immediately adjacent to the proposed improvement, of the proposed modification. For the purpose of this subsection, immediately adjacent to the proposed improvement shall mean, with respect to setback or yard requirements, only those properties which share the common property line from which the required setback is measured or by reference to which the required yard is defined; with respect to maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios and maximum building height, "immediately adjacent to the proposed improvement" shall mean those properties that share any common property line with the property which is the subject of the requested modification. If an aggrieved party feels that the code enforcement official has erred in his/her finding, he/she may take an administrative appeal pursuant to article VIII, section 4(1), except that, for the purpose of this subsection, the time set forth in said article VIII, section 4(1) for taking such an appeal shall be ten days after the mailing of the notification required hereby. If an administrative appeal is not filed, or if each owner of property immediately adjacent to the proposed improvement waives in writing the ten-day appeal period, the code enforcement official may grant the modification.~~

~~(w) In the downtown residential zoning district, attached principal residential structures that do not share common hallways or stairways for access to individual dwelling units and detached principal residential structures may be conveyed separately if the staff review committee, pursuant to the provisions of article XIII section 3, finds that all the following standards are met:~~

~~(1) The structures were constructed prior to December 9, 1987.~~

~~(2) At least one dwelling unit in each building shall be owner occupied.~~

~~(3) The lot shall be divided to minimize any resulting nonconformities with regard to the space and bulk standards of the zoning district in which the buildings are located.~~

~~(4) The applicant shall assure implementation of any easements required for access, parking, utilities, maintenance and similar circumstances.~~

~~(5) The applicant shall submit a standard boundary survey plan prepared by a professional surveyor depicting the location of each building and the boundaries of each lot. Such plan shall also include any easements as described in subsection (4), above.~~

E. Temporary Housing

(~~x~~1) *Temporary Housing-* Notwithstanding article V, section 3(l) and article XI, district regulations, mobile homes and recreational vehicles such as motorhomes and travel trailers may be used as temporary housing on lots where owner occupied single-family detached dwellings and owner occupied two-family dwellings have been damaged or destroyed by fire, flood, lightning, wind, structural failure or any other cause provided

that the following conditions can be met and satisfied:

(~~1~~a) Temporary housing shall only be approved in those situations where the homeowner makes a valid case to the satisfaction of the code enforcement official that it is in the best interest of the home owner to not leave the site for other temporary housing.

(~~2~~b) Temporary housing shall be approved on a lot where reconstruction is underway or pending.

(~~3~~c) Upon receipt of a permit by the code enforcement official, temporary housing may be established for not longer than 90 days; however, two extensions, each not to exceed 90 days, may be granted by the code enforcement official provided that the reconstruction of the permanent housing is being diligently pursued to a level of completion where a temporary certificate of occupancy may be issued by the code enforcement official.

(~~4~~d) Temporary housing shall be placed not closer than five feet from a side and rear property line and ten [feet] from a front property line; however, the ten-foot front setback may be reduced by the code enforcement official to the extent necessary to accommodate temporary housing if he/she finds, following an on-site inspection of the premises, that a lesser distance will neither create, nor aggravate a safety hazard or interfere in municipal snow plowing activities.

(~~5~~e) Temporary housing must be located a minimum of six feet from the nearest point of any principal structure.

(~~6~~f) There shall not be more than one mobile home or recreational vehicle placed on any lot for use as temporary housing.

(~~7~~g) The temporary housing shall be connected to an approved electrical supply other than a generator, and to municipal or private water and sewer; and connection permits are required.

(~~8~~h) Temporary housing shall be removed within 30 days from the completion of the reconstruction; however, in the event that the reconstruction is not completed at the termination of the approved time period, including any extensions, the temporary housing must be removed within 30 days from said termination.

~~(y) *Adult use and medical marijuana*. Notwithstanding Article IX, District Regulations, the following provisions apply to registered caregivers as defined in Article II, Section 2 and personal adult use:~~

~~(1) Each person 21 years of age or older who is cultivating as a caregiver or for adult use as allowed per state law other than for the personal use shall not cultivate marijuana on or within any property containing more than two dwelling units.~~

~~(2) Each person 21 years of age or older who is cultivating as a caregiver for their personal medical use and/or for their personal adult use as allowed per state law are not subject to sections 5 and 6 of this Article and are permitted throughout the City.~~

~~(3) Each person 21 years of age or older who is cultivating as a caregiver or for adult use as allowed per state law other than for the personal use are permitted in~~

~~accordance with Article XI and subject to licensing as per Chapter 22. Article XV of the Code of Ordinances of the City of Lewiston.~~

~~(z) Notwithstanding Appendix A, Article XI Section 23 of this Code, single lots developed with three or more principal structures in residential use, at the time of the division, may be divided to create new lots for each of the individual principal structures in residential use, provided that the following provisions can be met and satisfied:~~

~~(1) All principal residential structures on the lot to be divided were constructed prior to the enactment of State Subdivision Law (ie. September 23, 1971).~~

~~(2) All principal residential structures on the lot to be divided are single-family detached dwellings, two-family dwellings and three-unit multifamily dwellings.~~

~~(3) All new lots must, to the greatest extent practicable, comply with the applicable space and bulk requirements of Appendix A, Article XI Section 23 and Article XII, Section 2 of this Code. Whether the new lots meet this standard shall be in the reasonable judgment of the code enforcement director, whose approval shall be required.~~

~~(aa) Notwithstanding, the provisions under Article XI, Sec. 23 of this Code, the keeping of up to six female chickens is permitted in the Rural-Agricultural (RA), Low Density Residential (LDR), Suburban Residential (SR), Medium Density Residential (MDR), and the Neighborhood Conservation "A"(NCA) districts on lots of no less than 30,000 square feet developed with single family detached dwellings including mobile homes on individual lots pursuant to the provisions contained in Chapter 14, Article XIII, Sec. 14-45 through 14-53.~~

(Ord. No. 89-3, 4-7-89; Ord. No. 90-15, 1-11-91; Ord. No. 91-1, 3-19-91; Ord. No. 92-27, 11-19-92; Ord. No. 93-17, 10-7-93; Ord. No. 95-8, 7-20-95; Ord. No. 97-2, 4-17-97; Ord. No. 98-6, 7-2-98; Ord. No. 99-11, 5-20-99; Ord. No. 00-5, 5-4-00; Ord. No. 03-17, 1-1-04; Ord. No. 08-10, 1-15-09; Ord. No. 10-14, 1-6-11; Ord. No. 15-07, 08-13-15; Ord. No. 15-13, 12-31-15; Ord. No. 16-06, 10-6-16; Ord. No. 18-08, 9-13-18; Ord. 19-14, 12-19-19)

Sec. 4. Administrative official.

Unless otherwise specifically stated, the director of code enforcement and the code enforcement officers and inspectors under his supervision (hereinafter code enforcement official) shall administer and enforce this Code and shall have all the powers and duties provided for in Title 30-A M.R.S.A., Section 4451, as amended. (Ord. No. 13-04, 06-20-13)

Sec. 5. Administrative procedures.

(a) A building/ use permit shall be required for all activities regulated by this code including, but not limited to the following:

(1) The construction, alteration, relocation, demolition, placement, or removal of or the addition to any structure or building or part thereof;

(2) The construction/ installation of a wall or fence 3.5 feet or greater in height in accordance with Article XII, Sec. 7;

(3) The erection/ installation of a sign or the replacement of a sign face regulated in accordance with Article XII, Section 16 of this code;

(4) The construction/ installation of a swimming pool regulated in accordance with Article XII, Section 6 of this code;

(5) The construction of a driveway or parking lot;

(6) The change of use or occupancy of a building, structure, or lot of land

(7) Campgrounds

No permit shall be issued for the construction, addition, alteration, removal, demolition or change of use of any building, structure or part thereof, or for the use of any premises unless the plans and intended use indicate that the building, structure or premises is to conform in all respects to this Code and the land use laws of the State of Maine.

(b) The code enforcement official is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this Code.

(c) The code enforcement official shall be given free access at reasonable hours to all parts of lots and structures regulated by this Code.

(d) The code enforcement official shall act upon all written applications for building or use permits required by this Code signed by the applicant and directed to the code enforcement official, either by issuing or refusing to issue such permits within 30 days from the date of filing of the application. Notice of refusal to issue any permit shall be given to the owner or to his authorized representative in writing and shall state the reasons for said refusal. The failure of the code enforcement official to issue a written notice of his decision, directed to the applicant, within 30 days from the date of filing of the application, constitutes a refusal of the permit. The applicant may then either appeal the decision of the code enforcement official to the board of appeals or reapply for a permit after changing whatever conditions led to the original denial.

(e) All applications for permits for proposed buildings shall be accompanied by a site and a floor plan drawn to scale and submitted in duplicate reflecting the outside contour of all buildings and main bearing partitions, location of said building on the lot, and such other information as may be required to demonstrate compliance with this Code. All applications for permits for structures shall be accompanied by a sketch submitted in duplicate of the proposal giving the location of the structure on the property and all dimensions necessary for a clear understanding of what is intended.

(f) The code enforcement official shall, upon approval of any application for a building or use permit required by this Code, furnish the applicant a permit and retain a copy for his files.

(Ord. No. 11-16, 1-19-12)

Sec. 6. Fees.

(a) *Payment of fees.* A permit shall not be valid until the fees prescribed by the Policy Manual of the City of Lewiston have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

(b) *Belated fees.* Any person who commences any work prior to obtaining a permit required by this code shall be subject to a double permit fee.

(c) *Refunds***.** Upon request by the applicant and approval of the director of code enforcement, a permit fee may be refunded within 90 days of issuance of the permit.

(Ord. No. 11-16, 1-19-12)

Sec. 7. Certificate of occupancy.

No building or structure, nor any use of land hereafter erected, moved, added to, or structurally altered, nor any use of land which is intensified shall be permitted until the code enforcement official has issued a certificate of occupancy, certifying that the completed building, structure and/or use are in conformance with the terms of this Code. A temporary certificate of occupancy may be issued for a period of not more than six months, provided there is a schedule for timely completion of the work and the code enforcement official determines that there are no hazards to the occupants or the public. The code enforcement official may revoke any certificate of occupancy if he finds that any conditions of approval are not being met. (Ord. No. 89-3, 4-7-89; Ord. No. 11-16, 1-19-12)

Sec. 8. Violations.

(a) The code enforcement official, on his own initiative, at the request of any municipal officer, or upon any complaint in writing of a possible violation of this Code, shall make or cause to be made an investigation of facts and an inspection of the premises where such violation is said to exist.

(b) If said investigation or inspection reveals evidence of a violation, the code enforcement official shall give notice of the violation to the owner or his agent and to the occupant of such premises. Said notice shall:

(1) Be in writing;

(2) Include a statement of the reasons for its issuance;

(3) Allow a reasonable time fixed in the notice for the performance of any act it requires;

(4) Be served upon the owner or agent and the occupant of the premises, as the case may require, by the code enforcement official or be sent by certified mail to their last known address.

(c) Whenever, after investigation and inspection, the code enforcement official finds evidence of a violation which requires immediate action to protect the public health and safety, he may, without notice, issue an order reciting the existence of such an emergency and require that such action be taken as he may deem necessary to meet the emergency.

Notwithstanding any other provisions of this Code, such order shall be effective immediately.
(Ord. No. 11-16, 1-19-12)

Sec. 9. Violation abatement.

If after such notice and demand (or demand in the emergency situation described in subsection 8(c), above) such violation has not been abated within the time specified, the code enforcement official will institute, in the name of the city, any and all actions and proceedings, either legal or equitable, that may be necessary or appropriate for the enforcement of the provisions of this Code. The code enforcement official is hereby authorized to institute proceedings in the district court in accordance with Rule 80K of Maine Rules of Civil Procedure, as amended. (Ord. No. 11-16, 1-19-12)

Sec. 10. Penalty.

Any person, including, but not limited to, a land-owner, his agent, tenant, contractor or other person in possession of or having control or use of any building, structure, land or premise, or part thereof, who violates any of the provisions of this Code or fails to conform to any of the provisions thereof, shall be penalized in the manner provided for in 30-A M.R.S.A. Section 4452, as amended. Each day such violation or failure to comply is permitted to exist after notification thereof shall constitute a separate violation. (Ord. No. 93-9, 6-17-93; Ord. No. 11-16, 1-19-12)

Sec. 1. Purpose.

The purpose of this article is to regulate nonconforming lots, uses and structures, as defined in this Code, such that they can be reasonably developed, maintained, or repaired, or changed to other less nonconforming uses or brought into conformance with this Code.

Sec. 2. Nonconforming lots.

(a) *Use of Single, unimproved lots.* A single, unimproved, nonconforming lot which is not contiguous with any other lot in the same ownership may be used as if it were a conforming lot provided that all of the following are met:

(1) *Lot Frontage-* The lot shall have at least fifty (50) feet of frontage; except for lots in the Riverfront and Downtown Residential Districts which shall have at least forty (40) feet of frontage and for lots in the Centreville and Mill District which shall have at least twenty-five (25) feet of frontage.

(2) *Lot Size and Use-* The use does not require a lot size greater than the established minimum lot size for the particular district;

(3) *Conformance of Use-* The use conforms to all other requirements of the particular district, or a variance has been obtained from the board of appeals;

(4) *Conformance to Local and State Regulations-* The use conforms to all other applicable local and state land use regulations; and

(5) *Conformance of Structures to Space and Bulk Requirements-* All structures conform to all space and bulk requirements except lot size and frontage.

(b) *Combine Multiple unimproved lots.* Two or more contiguous, unimproved nonconforming lots held in the same ownership of record at the time of adoption or amendment of this Code shall be combined to the extent necessary to comply with the space and bulk regulations of the district in which they are located and thereafter shall be considered under the provisions of subsection 2(a) of this article.

(c) *Single, unimproved lots adjacent to developed lot.*

(1) *The Unimproved Lot Meets Requirements-* A single, unimproved, nonconforming lot contiguous with a developed conforming lot held in the same ownership at the time of adoption or amendment of this Code shall be developable only if the unimproved is a lot of record and satisfies the requirements of subsections 2(a)(1)--(5) of this article. If the unimproved lot does not meet said requirements, it shall be combined with the developed lot.

(2) *Unimproved Lot on Parallel Street-* If an unimproved lot has frontage on a parallel or nearly parallel street from a contiguous nonconforming developed lot held in the same ownership at the time of adoption of this Code and complies with subsection 2(a) of this article, the lots may be conveyed separately or together.

(d) *Multiple unimproved lots adjacent to improved lot.* If two or more unimproved nonconforming lots are held in contiguous ownership with a developed lot, any subsequent division of the lots shall comply with the requirements of this Code.

(e) *Single developed, non-conforming lots.* A nonconforming lot containing a legally existing structure may be used as if it were a conforming lot provided that any change or expansion of the use or structure shall comply with all applicable space and bulk regulations of the district in which it is located and shall not increase any nonconformity with respect to lot area, floor area ratio or impervious surface ratio.

(f) *Multiple developed non-conforming lots.* If two or more contiguous, nonconforming lots or parcels are in the same ownership of record at the time of adoption or amendment of this Code, and if a principal structure or use exists on each lot, the nonconforming lots may be conveyed separately or together, providing all other state law and local land use ordinance requirements are met.

(g) *Contiguous non-conforming lots in shoreland area.* Two or more contiguous lots or parcels held in single or joint ownership at the time of adoption or amendment of this Code that do not individually meet the dimensional requirements of the shoreland area standards as outlined under article XII, subsection 2(e) shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to two or more contiguous lots, at least one of which is nonconforming, held in single or joint ownership at the time of adoption or amendment of this Code and recorded in the registry of deeds if the lot is serviced or to be serviced by a public sewer, or can accommodate a subsurface sewage disposal system in conformance with article XII, subsection 2(m), the State of Maine Subsurface Wastewater Disposal Rules, and if they can meet either of the following criteria:

(1) Each lot contains at least 100 feet of shore frontage and at least 20,000 square feet of lot area; or

(2) The lots must be reconfigured or combined so that each lot contains at least 100 feet of shore frontage and 20,000 square feet of lot area.

Should the lots not be able to meet either of the aforementioned criteria, the owner(s) of record may apply to the board of appeals for a variance in order to develop said lots provided that: (1) Each lot can meet the minimum lot size for newly created lots in their underlying residential zoning district; and (2) each lot is serviced by public sewage; and (3) all of the standards for the granting of a variance as listed under article XI, subsections (2)(a--f) have been met.

(Ord. No. 89-3, 4-7-89; Ord. No. 90-2, 5-17-90; Ord. No. 92-19, 9-10-92; Ord. No. 94-10, 8-18-94; Ord. No. 03-15, 12-18-03)

Sec. 3. Nonconforming structures.

(a) *Maintenance and enlargement.* A structure in lawful existence as of the effective date of this Code that does not meet space and bulk regulations of the district in which it is located, may be repaired and maintained. Unenclosed porches, decks, stairways and other similar facilities may be added or modified provided that they are located so that they comply with setback and yard requirements or do not worsen the violation of the required setback or yard requirement of the existing structure. It may be enlarged and/or accessory structures may be added to the site without a variance upon obtaining a building permit from the code enforcement official, provided that all of the following are met:

(1) The enlargement or accessory structure does not itself exceed the prescribed height standard;

(2) The enlargement in combination with the existing structure does not exceed, or worsen the existing violation of, the prescribed maximum lot coverage, floor area ratio, impervious surface ratio, off-street parking requirement or other regulation of intensity of use; and

(3) The enlargement or accessory structure itself meets the prescribed setback requirements and yard requirements; provided, however, that a ~~vertical~~ horizontal expansion of a ~~single-family residential~~ structure, which does not meet the prescribed setback requirements and yard requirements, may be ~~built~~ extended; (a) if the ~~vertical~~ expansion does not extend any further into the required yard or setback than does the existing structure over which it is built; and (b) ~~if the expansion will not result in undue impact on adjacent properties, due to the placement of buildings or structures, location of service, parking or storage areas, diversion of surface water or blocking of solar access~~ the setback is not reduced to less than five feet.

(4) Structures which are located in a shoreland area and are nonconforming because they; (a) do not meet the current space and bulk standards of the zoning district in which they are located; or (b) do not meet the shoreline setback requirements as outlined under article XII, subsection 2(d)(1) of this Code, may be enlarged as long as subsections (1), (2) and (3) above are met, and the expansion of the structure's volume or floor area, during the lifetime of the structure, is less than 30 percent.

(b) *Reconstruction of a Non-conforming Structure with Less than 80% Damage* A nonconforming structure which is damaged or destroyed by fire, flood, lightning, wind, structural failure or any other cause to an extent less than 80 percent of the market value of the structure at the time of such damage or destruction may be reconstructed. The reconstructed structure need not comply with the space and bulk regulations of the district in which it is located, Article VI, Section 2, or Article XII, Section 17 (d), but shall be the same size or less than the previous structure, and comply with all other requirements of this Code.

Reconstruction of a Non-conforming Commercial Structure with greater than 80% damage- A nonconforming structure, other than a single-family detached dwelling, two-family dwelling, or three-unit multifamily dwelling, that is damaged or destroyed by fire, flood lightning, wind, structural failure or any other cause to an extent of 80 percent or more of the market value may be reconstructed only in conformance with space and bulk regulations of the district in which it is located.

Reconstruction of a Non-Conforming Residential Structure- A nonconforming single-family detached dwelling, two-family dwelling, or three-unit multifamily dwelling damaged or destroyed by fire, flood, lightning, wind, structural failure or other cause to an extent of 80 percent or more of the market value of the structure at the time of such damage or destruction may be reconstructed. The reconstructed structure need not comply with the space and bulk regulations of the district in which it is located, Article VI, Section 2, or Article XII, Section 17(d), but shall be the same size or less than the previous structure and comply with all other requirements of this Code. Any

reconstruction permitted by this subsection shall begin within one year and be completed within two years of the date of such damage or destruction. The board of appeals may extend the period for reconstruction upon a showing that work could not begin or be completed for reasons outside the control of the owner. The request to the board must be filed before the expiration of the applicable time and not more than a one year extension shall be granted.

(1) *Shoreland Zone Reconstruction Standards-* A residential structure which is located in a shoreland area and is nonconforming because it; (a) does not met the current space and bulk standards of the zoning district; or (b) does not meet the shoreline setback as outlined under article XII, subsection 2(d)(1), and which is damaged or destroyed by 50 percent or less of the market value of the structure before such damage or destruction, excluding normal maintenance or repair, may be reconstructed, in place, as it existed. However, if the structure is removed, or damaged or destroyed by more than 50 percent of the market value of the structure before such damage or destruction, it may be reconstructed or replaced, provided that a permit is obtained within one year of the date of said removal, damage or destruction, and that such reconstruction or replacement is in compliance with the water setback requirement to the greatest practical extent as determined by the code enforcement director. In no case shall a structure be reconstructed or replaced so as to increase its nonconformity.

(2) *Shoreland Zone Reconstruction Criteria-* In determining whether the building enlargement, reconstruction or replacement meets the setback requirements, as outlined under article XII, subsection 2(d)(1), to the greatest practical extent, the following criteria shall be considered:

a. The size of the lot;

b. The slope of the land;

c. The potential for soil erosion;

d. The location of other structures on the property and on adjacent properties;

e. The location of the septic system, and other on-site soils suitable for septic systems; and

f. The type and amount of vegetation to be removed in order to accomplish the enlargement, reconstruction or replacement.

(Ord. No. 89-3, 4-7-89; Ord. No. 89-9, 7-20-89; Ord. No. 92-19, 9-10-92; Ord. No. 15-07, 8-13-15)

Sec. 4. Nonconforming uses.

(a) *Continuance of a Non-conforming Use-*. The use of land, buildings, structures, lawful at the time of adoption or subsequent amendment of this Code, may continue, although such use does not conform to the provisions of this Code. This shall include the replacement of mobile homes in a nonconforming mobile home park, provided all other provisions of article XII, section 14 are met, as well as the replacement of mobile homes on individual lots, provided all other provisions of article XII, sections 2, 4, and section 13, subsections (2) through (6) are met and the new mobile home must meet the suggested safety

standards as proposed in appendix A of "Maine's New Mobile Home Park Law - A Guidebook for Local Officials," dated September, 1989. Permitted uses that were made conditional uses as a result of the adoption or amendment of this Code shall be treated as conditional uses for which a permit was duly issued, and any expansion of such structure or use shall occur only after the issuance of a conditional use permit in accordance with article X.

(b) *Resumption of Non-conformance Prohibited After Coming into Compliance-*. Whenever a nonconforming use of land and/or a structure is superseded by an allowed use, such structure and/or land shall thereafter conform to the provisions of this Code and the nonconforming use may not be resumed, except as provided below in section 4(c)(2).

(c) *Abandonment of Non-conforming Use*.

(1) *Non-residential Abandonment-* Except for single-family detached dwellings on individual lots and two-family dwellings on individual lots, if any nonconforming use of a building, structure or land is discontinued for a period of 12 consecutive months or more, abandonment, except as provided below, is conclusively presumed and such use shall not be resumed, and only a use conforming with the provisions of the district in which the property is located shall be made of such building, structure or land. Abandonment of a seasonable nonconformity is conclusively presumed when the building, structure or use is idle, unopened or otherwise not in actual use during any part of any two consecutive calendar years. Nonconforming uses presumed abandoned may be reestablished during the 12-month period immediately following the date of presumed abandonment as long as a completed application for the conditional use permit is submitted to the office of the director of code enforcement within this period, and the permit is subsequently granted by the board of appeals. In addition to applying the standards for conditional use permits (article X, sections 3 and 4), the board of appeals shall grant a permit only when it finds that the following additional standards have been met:

(a) Good cause has been shown for the discontinuance of the use; and

(b) The proposed use will not inhibit or discourage the creation, development or use of permitted uses in the neighborhood.

(2) *Abandonment of Non-conformities in Historic Districts-* For those historic buildings and structures identified in Appendix A, Article XV, Sections 6 through 10 of this Code located in the Centreville district, a nonconforming use may be reestablished to its original use in an effort to retain and preserve the original purpose of said building or structure as long as a completed application for the conditional use permit is submitted to the office of the director of planning and code enforcement and the permit is subsequently granted by the board of appeals. In addition to applying the standards for conditional use permits (article X, sections 3 and 4), the board of appeals shall grant a permit only when it finds that the following additional standards have been met:

a. Documentation has been shown demonstrating what the original use of the building or structure was;

b. Good cause has been shown for the discontinuance of the use;
c. That the proposed use will not inhibit or discourage the creation, development or use of permitted uses in the Centreville district;
d. That the proposed use will not create a traffic hazard, nor increase an existing traffic hazard;
e. That the amount of parking required to meet the minimum code requirements for the proposed use exists on the site or will be otherwise provided in accordance with article XII, Section 17 of the Code;
f. That the amount of noise, odors, vibrations, smoke, dust and air discharges of the proposed use shall be equal to or less than the present use;
g. That the rate of surface water runoff from the site will not be increased;
h. That the hours of operation of the proposed use will be compatible with the existing, surrounding land uses;
i. That the proposed use will not increase the adverse impact on surrounding properties.

(d) *Expansion of Non-conforming U~~u~~se Prohibited.* The expansion of a nonconforming use including a nonconforming outdoor use of land is not permitted. Additions to residential buildings and structures accessory to residential uses are permitted as long as the use is not intensified. In all zoning districts, except the Resource Conservation District and the Groundwater and Lake Conservation Overlay Districts, on legally-developed existing lots of record as of the adoption date of this Code, which contain less than 75 feet of lot width, said residential additions and accessory structures shall meet the applicable minimum space and bulk requirements of article XI, section 5 Neighborhood Conservation "A" District, subsection (3) for existing lots having less than 20,000 square feet On developed lots of record as of July 2, 1998, containing 75 or more feet of lot width, the minimum space and bulk regulations of the applicable zoning district shall apply.

(e) *Conversion to a new, nonconforming use.* The board of appeals may grant permission for the conversion of an existing nonconforming use into another nonconforming use in accordance with the procedures of article IX if the board finds that the new use will be more conforming to the intent of this Code and more compatible with the existing development of the neighborhood than the existing use. The existing nonconforming use shall be discontinued if the conversion is approved by the board of appeals and the approved change implemented. In determining whether the new use is more conforming to the intent of the Code, the board of appeals shall find all of the following:

(1) That the existing use was legally established, was made nonconforming by the adoption or amendment of the Code and is not a home occupation;

(2) That the proposed use is of the same character or less noxious than the current nonconforming use. The determination as to whether such a use is of the same character or less noxious is to be made by a reference to the most restrictive zoning district where the current nonconforming use is allowed;

(3) That the proposed use will not create a traffic hazard, nor increase an existing traffic hazard;

(4) That the amount of parking required to meet the minimum code requirements for the proposed use exists on the site or will be otherwise provided in accordance

with article XI of the Code;

(5) That the amount of noise, odors, vibrations, smoke, dust and air discharges of the proposed use shall be equal to or less than the present use;

(6) That the rate of surface water runoff from the site will not be increased;

(7) That the hours of operation of the proposed use will be compatible with the existing, surrounding land uses;

(8) That the proposed use will not increase the adverse impact on surrounding properties.

(f) *Reconstruction ~~Replacement~~ of a N~~n~~onconforming U~~u~~se with Less than 80% Damage*. A nonconforming use which is damaged or destroyed by fire, flood, lightning, wind, structural failure or other cause to an extent less than 80 percent of the market value of the structure at the time of such damage or destruction may be reconstructed. The reconstructed use need not comply with the space and bulk regulations of the district in which it is located, Article VI, Section 2, or Article XII, Section 17(d), but shall be the same size or less than the previous structure, and the intensity of use shall not be made more nonconforming.

Reconstruction of a Non-conforming Commercial Use with Greater Than 80 % Damage- A nonconforming use, other than a single-family detached dwelling, two-family dwelling, or three-unit multifamily dwelling, that is damaged or destroyed by fire, flood, lightning, wind, structural failure or any other cause to an extent of 80 percent or more of the market value may be reconstructed, upon the receipt of development approval and a building permit, only in full conformance with the space and bulk regulations of the district in which it is located. Any reconstruction of a nonconforming use shall be the same size or less than the previous structure, and the intensity of use shall not be increased. Any reconstruction permitted by this subsection shall begin within one year and be completed within two years of the date of such damage or destruction. The board of appeals may extend the period for reconstruction upon a showing that work could not begin or be completed for reasons outside the control of the owner. The request to the board must be filed before the expiration of the applicable time and not more than a one year extension shall be granted.

Reconstruction of a Non-conforming Residential Use with Greater Than 80% Damage- A nonconforming use of a single-family detached dwelling, two-family dwelling or three-unit multifamily dwelling damaged or destroyed by fire, flood, lightning, wind, structural failure or other cause to an extent of 80 percent or more of the market value of the structure at the time of such damage or destruction may be reconstructed. The reconstructed use need not comply with the space and bulk regulations of the district in which it is located, Article VI, Section 2, or Article XII, Section 17(d), but shall be the same size or less than the previous use, and the intensity of use shall not be made more nonconforming. Any reconstruction permitted by this subsection shall be begun within one year and completed within two years of the date of such damage or destruction. The board of appeals may extend the period for reconstruction, upon a showing that work could not begin or be completed for reasons outside the control of the owner. The request to the board must be filed before the expiration of the applicable time and not more than a one year extension shall be granted.

(Ord. No. 89-3, 4-7-89; Ord. No. 91-5, 5-16-91; Ord. No. 94-16, 11-3-94; Ord. No. 97-6, 6-17-97; Ord. No. 98-6, 7-2-98; Ord. No. 10-09, 10-7-10; Ord. No. 13-07, 8-15-13; Ord. No. 15-07, 8-13-15)

Sec. 5. Nonconforming signs.

A nonconforming sign which has been removed for more than 30 days shall not be reinstalled. A nonconforming sign, to be replaced or altered shall be brought into conformance with the provisions of this Code. (Ord. No. 89-3, 4-7-89)

Sec. 6. Nonconforming adult business establishments and drinking places.

Notwithstanding article VI, section 4, any nonconforming adult business establishment or drinking place shall be entitled to operate and continue operation if it was lawfully open for business on the effective date of this section and was lawfully engaged in business activity, as an adult business establishment or drinking place, for at least 150 days during the 12-month period prior to the effective date of this section and said adult business establishment or drinking place shall be entitled to continue to operate on an annual basis provided it was lawfully open for business and was lawfully engaging in business activity, as an adult business establishment or drinking place, on at least 150 days during the preceding 12-month period.

(Ord. No. 89-3, 4-7-89; Ord. No. 05-07, 3-17-05)

Sec. 7. Off-street parking and loading spaces.

(a) *Non-conforming Structure and Parking-*A building or structure which is nonconforming as to the requirements for off-street parking space shall not be enlarged or altered to create additional dwelling units, seats, accommodations, or floor space unless off-street parking is provided sufficient to satisfy the requirements of this Code for the enlargement or alteration.

(b) *Non-conforming Use and Parking-* A use which is nonconforming as to the requirements for off-street parking space may not be changed or intensified unless off-street parking is provided for an additional number of spaces representing the difference between what this Code would require for the existing use were it not nonconforming and what this Code requires for the proposed use.

(c) *Non-conforming Structure and Loading Area-* A building which is nonconforming as to the requirements for off-street loading space shall not be enlarged or added to unless off-street loading space is provided sufficient to satisfy the requirements of this Code for the addition or enlargement.

(Ord. No. 89-3, 4-7-89)

Sec. 8. Transfer of ownership.

Ownership of nonconforming lots, structures and uses may be transferred and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this Code.

Sec. 1. Purpose.

The purpose of this article is to establish the authority and responsibilities of the board of appeals for the administration and enforcement of this Code.

Sec. 2. Authority.

The board of appeals created by Section 4.06 of the Charter shall serve as the board of appeals under this Code and shall hear and decide those appeals set forth in this section.

Sec. 3. Organization and rules.

The board of appeals shall:

(a) ~~c~~Conduct its meetings in accordance with the provisions of 30-A M.R.S.A. section 2691, and chapter 2, article IV, division 2, of the Code of Ordinances as amended~~.~~; and

(b) ~~The board of appeals shall a~~Adopt rules of procedure to aid it in the orderly conduct of its meetings.

Sec. 4. Power and duties.

The board of appeals shall have the following powers and duties under this Code:

(~~1~~a) *Administrative appeals.* To affirm, modify, or reverse the action of the code enforcement official in issuing or denying any building permit, certificate of occupancy, other permit, order, requirement, decision, determination or interpretation in the enforcement of this Code. No administrative appeal shall lie to the board of appeals from a determination of the planning board. An administrative appeal shall be taken within 30 days of the date of the decision or action of the enforcement official, or within 60 days of the date of application, if no action has been taken thereon, unless otherwise specified by law. The filing of an administrative appeal shall not stay the administrative action form which said appeal is taken.

(~~2~~b) Appeals of staff decisions on development reviews. To affirm, modify or reverse the action of the staff review committee in approving or denying applications for development review and approval of minor projects when the applicant or any party to the action appeals the decision of the committee as provided for in article VIII.

(~~3~~c) Appeals of historic preservation review board actions on certificates of appropriateness. To affirm, modify or reverse the actions of the historic preservation review board in issuing or denying certificates of appropriateness as provided for in article XV.

(~~2~~d) *Variances.* To approve, approve with conditions, or disapprove appeals for variances from the strict enforcement of only the provisions of this Code which relate to the dimensional space and bulk standards of the district regulations (article XI), and/or floodplain management and administration standards (article XIV). The board of appeals is not empowered to grant a variance to allow a use in a district in which it is not allowed under the district regulations of article XI.

(~~3~~e) *Changes from one nonconforming use to another nonconforming use, or for the reestablishment of an abandoned nonconforming use.* To approve, approve with conditions, or disapprove requests to change a nonconforming use to a new nonconforming use or for the reestablishment of an abandoned nonconforming use, pursuant to article VI of this Code.

(~~4~~f) *Determination of zoning boundaries.* To interpret the boundaries of land use districts shown on the "official zoning map" in accordance with the standards set forth in article IV of this Code when there is uncertainty about the location of a district boundary.

~~(5) *Appeals of staff decisions on development reviews.* To affirm, modify or reverse the action of the staff review committee in approving or denying applications for development review and approval of minor projects when the applicant or any party to the action appeals the decision of the committee as provided for in article VIII.~~

(~~6~~g) *Conditional use permits.* To hear and decide applications for conditional use permits in accordance with the standards and procedures set forth in articles IX and X of this Code unless the development is a major development as defined in article XIII of this Code.

(~~7~~h) *Modification of off-street parking standards.* To hear and decide requests for modifications of the requirements of article XII, subsections 17(e) and (h).

(~~8~~i) *Modification of fence and wall standards.* To hear and decide requests for modifications of the requirements of article XII, section 7, of this Code relative to walls and fences.

~~(9) *Appeals of historic preservation review board actions on certificates of appropriateness.* To affirm, modify or reverse the actions of the historic preservation review board in issuing or denying certificates of appropriateness as provided for in article XV.~~

(~~10~~j) *Modifications.* The board shall hear and decide requests for ~~the reduction of the provisions under article XI, sections 1 through 14, district regulations, with respect~~ adjustments to the non-dimensional space and bulk standards. ~~for setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, open space requirements and maximum building height.~~

The board of appeals may not further reduce space and bulk requirements already reduced pursuant to the cluster provisions found under article XIII, sections 7 and 9; or reduce the minimum lot size, minimum setback and minimum yard requirements of article XI for single-family cluster developments, mixed residential developments, mixed single-family residential developments and mobile home parks as they apply to the development in its entirety as if it were a single unit; or further modify yard and setback reductions allowed for awning and canopy installations, and existing service stations, pursuant to article V, subsections 3(q) and (t), respectively.

The board of appeals may not further reduce space and bulk requirements already reduced pursuant to the cluster provisions found under article XIII, sections 7 and 9; or reduce the minimum lot size, minimum setback and minimum yard requirements of article XI for single-family cluster developments, mixed residential developments, mixed single-family residential developments and mobile home parks as they apply to the development in its entirety as if it were a single unit; or further modify yard and setback

reductions allowed for awning and canopy installations, and existing service stations, pursuant to article V, subsections 3(q) and (t), respectively.

Sec. 1. Applicability.

The procedures and standards set forth in this Article shall apply to appeals that are brought before either the ~~b~~Board of ~~a~~Appeals or ~~p~~Planning ~~b~~Board under this Code, requests for variances or modifications from the requirements of this Code, and, except as otherwise provided in ~~a~~Article X, to applications for conditional use permits pursuant to ~~a~~Article X.

Sec. 2. Appeal procedures.

(a) *Petition*.

(1) A written petition for an appeal shall be filed in the office of the director of code enforcement within the applicable time period as set out in this Code. In the event no specific time period is provided for in this Code, the petition shall be filed within 30 days of the action from which the appeal is taken. When the appeal is taken from a failure or refusal to act, the petition shall be filed within 60 days after the action was first requested. The petition shall be on forms provided by the city for that purpose and shall be addressed to the Board of Appeals. A nonrefundable application fee, as established from time to time by the city council to cover administrative costs and the costs of a hearing, shall accompany each petition.

(2) The petition for appeals shall contain the following information:

a. Street address of the property in question;

b. The legal name and address of the petitioner;

c. The legal name and address of the owner of the property involved;

d. The legal name and address of the applicant for any permit which is the subject of the appeal, if different from the owner;

e. Description of the property in question;

f. Petitioner's description of what is intended to be done;

g. A drawing, which is substantially to scale, of the site, showing existing and proposed buildings, roads, drives, parking areas and utilities, the actual relationship of these facilities to each other and the boundaries of the parcel and the location of buildings or abutting lots which are within 50 feet of the property line of the site. Where development approval is required by ~~a~~Article XIII of the Code, this drawing shall meet the requirements of ~~a~~Article XIII, subsection 3(h)(3).

h. A statement of the reason or reasons why the petitioner believes the appeal should be granted;

i. If the appeal challenges the issuance of a permit, a description of the permit which was issued.

(b) *Scheduling*.

(1) All hearings shall be held within 30 days of the receipt of a complete petition for appeal, unless otherwise agreed between the petitioner and the Board of Appeals at the hearing of which public notice has been given pursuant to subsection (c) of this section.

(c) *Public notice*. Before taking action on a petition for appeal, the Board of Appeals shall hold a public hearing. The office of the director of code enforcement shall notify, by regular mail, the following parties of the subject matter, time, date and place of the hearing at least seven days before the date of such hearing:

(1) Each member of the Board of Appeals;

(2) The petitioner, the development department, the mayor and city council, the director of code enforcement, and the owner of the property which is the subject matter of the appeal, if other than the petitioner;

(3) The owners of property within 300 feet of all the frontage on both sides of the street and all landowners whose property touches upon the lot involved in the appeal.

The owners of property shall be considered to be the parties listed by the chief assessor as those against whom taxes are assessed. Failure of any property owner to receive said notice shall not necessitate another hearing and shall not invalidate any action by the ~~b~~Board of ~~a~~Appeals.

(d) *Representation.*

(1) Anyone may appear personally at a public hearing or be represented by an agent or an attorney. When the petitioner is not represented by an attorney, the board shall provide to the petitioner a copy of the provisions of this Code applicable to the appeal.

(2) The petitioner, either personally or through an agent or attorney, must appear at the hearing at which the petition is to be heard. Failure to appear shall require that the board dismiss the petition and provide the petitioner with written notice thereof.

(3) A continuance may be granted to a petitioner or other party in interest where good cause is shown.

(e) *Conduct of hearing.* All interested persons shall be given a reasonable opportunity to have their views expressed at any hearing.

(f) *Action by the board.* Within 45 days of the hearing of which public notice was given pursuant to subsection (c) of this section, the board shall render its decision, granting the appeal, granting it subject to conditions or denying it. The failure of the board to act within 45 days shall be deemed a denial of the appeal, unless such time period is mutually extended in writing by the petitioner and the board. Within five days of such decision or the expiration of such period, whichever first occurs, the secretary shall mail notice of such decision or failure to act to the petitioner and, if the appeal was granted, shall notify the director of code enforcement, listing all conditions imposed by the board.

~~Sec. 3. Standards for the granting of appeals.~~

~~The Board of appeals shall grant an appeal only when it finds that the following standards have been met:~~

~~(1) *Administrative appeals.* That the code enforcement official erred in either his interpretation of the Code or in the application of the Code to the particular circumstances of the application. If the board of appeals finds that the code enforcement official correctly interpreted and applied the provisions of this Code, the board shall affirm his decision. If the board finds that the code enforcement official erred in the interpretation or application of the Code, the decision of the code enforcement official shall be reversed and the board shall make an official interpretation of the Code to be used by the code enforcement official.~~

~~(2) *Variances.*~~

~~a. The board of appeals shall grant a variance only when it finds that the strict application of a provision of this Code to the petitioner and his property would cause undue hardship. The term "undue hardship" as used in this subsection means:~~

~~1. The land in question cannot yield a reasonable return unless a variance is granted because there are physical conditions unique to the property which are of such an extraordinary nature that strict application of the provisions of this Code greatly decreases its value for any use to which it can be put under the provisions of this Code;~~

~~2. The need for the variance is due to unique circumstances of the property and not to the general conditions of the neighborhood;~~

~~3. The hardship is not the result of action taken by the petitioner or a prior owner;~~

~~4. The granting of the variance will not alter the essential character of the locality;~~

~~5. The granting of the variance will not result in undue impact on adjacent properties due to the placement of buildings or structures, location of storage, parking or service areas, diversion of surface water or blocking of solar access; and~~

~~6. The granting of the variance will not impede the ability of public safety services to reach or service the property or adjacent properties.~~

~~b. In addition to the standards contained in subsection a., within mandated shoreland zoning areas or in resource conservation, lake conservation or groundwater conservation districts, the board of appeals shall grant a variance only when it finds that the granting of the variance:~~

~~1. Will not result in unsafe or unhealthful conditions;~~

~~2. Will not result in erosion or sedimentation;~~

~~3. Will not result in water pollution;~~

~~4. Will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;~~

~~5. Will conserve shoreland vegetation;~~

~~6. Will conserve visual points of access to waters as viewed from public facilities;~~

~~7. Will conserve actual points of public access to waters;~~

~~8. Will conserve natural beauty; and~~

~~9. Will avoid problems associated with floodplain development and use, such as erosion, increased risk of flood damage to upstream properties or increased flood damage.~~

~~c. Variance from the floodplain management standards of article XIV.~~

~~1. The board of appeals shall grant a variance from the floodplain management standards of article XIV only when it finds that the granting of the variance:~~

~~a. Within any designated regulatory floodway will not result in an increase in flood levels during the base flood discharge;~~

~~b. Is supported by good and sufficient cause;~~

~~c. Will not result, should a flood comparable to the base flood occur, in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the public or conflict with existing local laws and ordinances;~~

~~d. Will not cause a conflict with other state, federal or local laws or ordinances;~~

~~e. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief, and the board of appeals may impose such conditions to a variance as it deems necessary; and~~

~~f. Would result in "undue hardship," which in this subsection means:~~

~~i. that the land in question cannot yield a reasonable return unless a variance is granted; and~~

~~ii. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and~~

~~iii. that the granting of a variance will not alter the essential character of the locality; and~~

~~iv. that the hardship is not the result of action taken by the~~

~~applicant or a prior owner.~~

~~2. The board of appeals shall grant a variance for new construction, substantial improvements, or other development for the conduct of a functionally dependent use only when it finds that:~~

~~a. Other criteria of article IX and article XIV, subsection 6(k) are met; and~~

~~b. The structure or other development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.~~

~~3. The board of appeals may grant a variance for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or a state inventory of historic places. Upon the determination that:~~

~~a. The development meets the criteria of subsections 3(2)(a) through (d) above; and~~

~~b. The proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.~~

~~4. Any applicant who meets the criteria of article IX, subsections (1) through (3) shall be notified by the board of appeals in writing over the signature of the chairman of the board of appeals that:~~

~~a. The issuance of a variance to construct a structure below the base flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25.00 per $100.00 of insurance coverage;~~

~~b. Such construction below the base flood level increases risks to life and property; and~~

~~c. The applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.~~

~~5. The board of appeals shall submit to the code enforcement official a report of all variance actions, including justification for the granting of the variance and an authorization for the code enforcement official to issue a flood hazard development permit, which includes any conditions to be attached to said permit.~~

~~6. Any aggrieved party who participated as a party during the proceeding before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of appeals.~~

~~(3) *Changes from one nonconforming use to another nonconforming use*. That the criteria set out in article VI, section 4 have been met.~~

~~(4) *Determination of zoning district boundaries*. That the criteria set out in article IV, section 3 have been met.~~

~~(5) *Appeals of staff decisions on development reviews*. That the staff review committee erred in the interpretation or application of the approval criteria set forth in article XIII. If the board finds that the staff review committee correctly interpreted and applied the provisions of this Code, the board shall affirm its decision. If the board finds that the committee erred in its decision, the decision of the committee shall be reversed and the board shall approve, approve with conditions or deny the application.~~

~~(6) *Modifications of off-street parking requirements*. That the criteria set out in article XII, section 17, subsections (e) and (h) have been met.~~

~~(7) *Modification of wall and fence requirements*. That the criteria as set out in article XII, section 7, subsection (f), have been met.~~

~~(8) *Appeals of historic preservation review board actions on certificates of appropriateness*. That the historic preservation review board erred in the application of the approval criteria set forth in article XV. If the board of appeals finds that the historic preservation review board correctly interpreted and applied the provisions for granting a certificate of appropriateness, the board of appeals shall affirm its decision. If the board of appeals finds that the historic preservation review board erred in its decision, the decision of the review board shall be reversed and the board of appeals shall approve, approve with conditions, or deny the application.~~

~~(9) Modifications of setbacks, yards, maximum lot coverage ratio, maximum impervious surface ratio, minimum open space ratios, and maximum building height requirements by not more than 25 percent; for lots in the highway business and community business zoning districts with frontage on Main Street, Sabattus Street or Lisbon Street, the modification may be up to 30 percent. The requested modifications of the aforementioned space and bulk requirements shall meet the following criteria:~~

~~a. Detached single-family dwellings and their accessory structures may be located a minimum of ten feet from the nearest point of any existing principal structure or building on any adjacent lot.~~

~~All other residential and nonresidential structures requesting modifications must be constructed in accordance with the current building code.~~

~~b. The granting of the reduction will not result in undue impact on adjacent properties due to the placement of buildings or structures, location of service, parking or storage areas, diversion of surface water or blocking of solar access;~~

~~c. The modification will not impede the ability of public safety services to reach or service the property or adjacent properties;~~

~~d. The modification provisions cannot be used to further modify space and bulk requirements already reduced pursuant to the cluster provisions found under article XIII, sections 7 and 9; or to reduce the minimum lot size, minimum frontage, minimum setback and minimum yard requirements for article XI for single-family cluster developments, mixed residential developments, mixed single-family residential developments and mobile home parks as they apply to the development in its entirety as if it were a single unit; or to further modify yard and setback reductions allowed for awning and canopy installations, and existing service stations, pursuant to article V, subsections 3(q) and (t), respectively.~~

~~(10) Modifications of front setbacks limited to vertical expansions, side and rear yards, side and rear setbacks, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios, maximum building height requirements by more than 25 percent (or by more than 30 percent for lots in the highway business and community business zoning districts with frontage on Main Street, Sabattus Street or Lisbon Street), but not greater than 50 percent. The requested modifications of the aforementioned space and bulk requirements shall meet the criteria contained in subsection 3(9) above and the following additional criteria:~~

~~For modifications to the front setbacks, side and rear yards, side and rear setbacks, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios and maximum building height requirements, the proposed structure, building, storage area, parking or other impervious area cannot otherwise be practically located on the lot to satisfy the code requirements from which relief is sought. In assessing practicality, the board shall take into consideration impediments to development imposed by floodplains, wetlands, shore land zoning, topography, geology, lot size and configuration and limitations caused due to existing conditions of development.~~

~~The reviewing authority shall also assess the need for the development and the use of the property in relation to the relief requested such as could the proposed improvements be reduced in scope or be reasonably placed at another location on the lot and still generally meet the petitioners objectives; or are there aesthetic, architectural or structural considerations that warrant that the proposed relief be granted.~~

~~(11) Modifications of side and rear yard and side and rear setback requirements by more than 50 percent. The requested modification of the aforementioned space and bulk requirements shall meet the criteria contained in subsections 3(9) and 3(10) above. In addition, the reviewing authority shall require that the petitioner obtain a maintenance~~

~~easement/agreement from the owner(s) of adjacent impacted property(ies), (i.e. those properties that are immediately adjacent to the proposed improvement(s) requiring relief that will, in the reviewing authority's opinion, be impacted due to construction, maintenance, stormwater runoff, snow and the potential to limit future development opportunity). The easement/maintenance agreement shall be in a form acceptable to the reviewing authority and shall be recorded at the Androscoggin County Registry of Deeds by the petitioner prior to the issuance of any required permits. In addition, the property boundary subject to the requested relief shall be established by a licensed land surveyor with verification provided to the code enforcement official prior to the issuance of any permits for the requested improvements.~~

Sec. 3. Standards for the granting of appeals, variances, and modifications.

(a) *Appeals.* The Board of Appeals shall grant an appeal only when it finds that the following standards have been met:

(1) *Administrative appeals.* That the code enforcement official erred in either his interpretation of the Code or in the application of the Code to the particular circumstances of the application. If the Board of Appeals finds that the code enforcement official correctly interpreted and applied the provisions of this Code, the Board shall affirm his decision. If the Board finds that the code enforcement official erred in the interpretation or application of the Code, the decision of the code enforcement official shall be reversed and the Board shall make an official interpretation of the Code to be used by the code enforcement official.

(2) *Appeals of staff decisions on development reviews.* That the Staff Review Committee erred in the interpretation or application of the approval criteria set forth in Article XIII. If the Board finds that the Staff Review Committee correctly interpreted and applied the provisions of this Code, the Board shall affirm its decision. If the Board finds that the Committee erred in its decision, the decision of the Committee shall be reversed and the Board shall approve, approve with conditions or deny the application.

(3) *Appeals of Historic Preservation Review Board actions on certificates of appropriateness.* That the Historic Preservation Review Board erred in the application of the approval criteria set forth in Article XV. If the Board of Appeals finds that the Historic Preservation Review Board correctly interpreted and applied the provisions for granting a certificate of appropriateness, the Board of Appeals shall affirm its decision. If the Board of Appeals finds that the Historic Preservation Review Board erred in its decision, the decision of the review Board shall be reversed and the Board of Appeals shall approve, approve with conditions, or deny the application.

(b) *Variances.*

(1) *General.* The Board of Appeals shall grant a variance only when it finds that the strict application of a provision of this Code to the petitioner and his property would cause undue hardship. The term "undue hardship" as used in this subsection means:

a. The land in question cannot yield a reasonable return unless a variance is granted because there are physical conditions unique to the property which are of such an extraordinary nature that strict application of the provisions of this Code would result in the practical loss of all beneficial use of the land.

b. The need for the variance is due to unique circumstances of the property and not to the general conditions of the neighborhood;

c. The hardship is not the result of action taken by the petitioner or a prior owner;

d. The granting of the variance will not alter the essential character of the

locality;

e. The granting of the variance will not result in undue impact on adjacent properties due to the placement of buildings or structures, location of storage, parking or service areas, diversion of surface water or blocking of solar access; and

f. The granting of the variance will not impede the ability of public safety services to reach or service the property or adjacent properties.

(2) *Variance from dimensional standards.* The Board of Appeals shall grant a variance from the dimensional standards of the Zoning and Land Use Code when strict application of the ordinance to the petitioner and the petitioner's property would cause a practical difficulty and when the following conditions exist:

a. The need for a variance is due to the unique circumstances of the property and not to the general condition of the neighborhood;

b. The granting of a variance will not produce an undesirable change in the character of the neighborhood and will not unreasonably detrimentally affect the use or market value of abutting properties;

c. The practical difficulty is not the result of action taken by the petitioner or a prior owner;

d. No other feasible alternative to a variance is available to the petitioner;

e. The granting of a variance will not unreasonably adversely affect the natural environment; and

f. The property is not located in whole or in part within shoreland areas as described in Title 38, section 435.

(3) *Setback variance for single-family dwellings.* The Board of Appeals shall grant a variance from setback requirements only under the following conditions:

a. The strict application of the ordinance to the petitioner and the petitioner's property would cause undue hardship;

1. The term "undue hardship" as used in this subsection means:

i. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;

ii. The granting of the variance will not alter the essential character of the locality;

iii. The hardship is not the result of action taken by the applicant or a prior owner;

iv. The granting of the variance will no substantially reduce or impair the use of abutting property; and

v. The granting of the variance is based upon demonstrated

need, not convenience, and no other feasible alternative is available.

b. The request for a variance is for a single-family dwelling that is the primary year-round residence of the petitioner;

c. The variance does not exceed twenty percent (20%) of the prescribed setback requirement; and

1. The Board may grant a setback variance to exceed twenty percent (20%) of the prescribed setback requirement if the petitioner has obtained the written consent of the abutting landowner.

d. The variance will not cause the area of the dwelling to exceed the maximum permissible lot coverage.

(4) *Variance from shoreland zoning standards.* In addition to the standards contained in subsection a., within mandated shoreland zoning areas or in resource conservation, lake conservation or groundwater conservation districts, the Board of Appeals shall grant a variance only when it finds that the granting of the variance:

a. Will not result in unsafe or unhealthful conditions;

b. Will not result in erosion or sedimentation;

c. Will not result in water pollution;

d. Will not result in damage to spawning grounds, fish, aquatic life, bird and other wildlife habitat;

e. Will conserve shoreland vegetation;

f. Will conserve visual points of access to waters as viewed from public facilities;

g. Will conserve actual points of public access to waters;

h. Will conserve natural beauty; and

i. Will avoid problems associated with floodplain development and use, such as erosion, increased risk of flood damage to upstream properties or increased flood damage.

(5) *Variance from the floodplain management standards of Article XIV.*

a. *General.* The Board of Appeals shall grant a variance from the floodplain management standards of Article XIV only when it finds that the granting of the variance:

1. Will not result in an increase in flood levels during the base flood discharge;

2. Is supported by good and sufficient cause;

3. Will not result, should a flood comparable to the base flood occur, in increased flood heights, additional threats to public safety, public expense, or create nuisances, cause fraud or victimization of the

public or conflict with existing local laws and ordinances;

4. Will not cause a conflict with other state, federal or local laws or ordinances;

5. the variance is the minimum necessary, considering the flood hazard, to afford relief, and the Board of Appeals may impose such conditions to a variance as it deems necessary; and

6. Would result in "undue hardship," which in this subsection means:

i. that the land in question cannot yield a reasonable return unless a variance is granted; and

ii. that the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood; and

iii. that the granting of a variance will not alter the essential character of the locality; and

iv. that the hardship is not the result of action taken by the applicant or a prior owner.

b. *New construction and improvements.* The Board of Appeals shall grant a variance for new construction, substantial improvements, or other development for the conduct of a functionally dependent use only when it finds that:

1. Other criteria of Article IX and Article XIV, subsection 6(k) are met; and

2. The structure or other development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.

c. *Historic structures.* The Board of Appeals may grant a variance for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or a state inventory of historic places. Upon the determination that:

1. The development meets the criteria of subsections 3(2)(a) through (d) above; and

2. The proposed repair, reconstruction, rehabilitation, or restoration will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

d. *Disclaimer.* Any applicant who meets the criteria of Article IX, subsections (1) through (3) shall be notified by the Board of Appeals in writing over the signature of the chairman of the Board of Appeals that:

1. The issuance of a variance to construct a structure below the base

flood level will result in greatly increased premium rates for flood insurance up to amounts as high as $25.00 per $100.00 of insurance coverage;

2. Such construction below the base flood level increases risks to life and property; and

3. The applicant agrees in writing that the applicant is fully aware of all the risks inherent in the use of land subject to flooding, assumes those risks and agrees to indemnify and defend the municipality against any claims filed against it that are related to the applicant's decision to use land located in a floodplain and that the applicant individually releases the municipality from any claims the applicant may have against the municipality that are related to the use of land located in a floodplain.

e. *Report to Code Enforcement.* The Board of Appeals shall submit to the code enforcement official a report of all variance actions, including justification for the granting of the variance and an authorization for the code enforcement official to issue a flood hazard development permit, which includes any conditions to be attached to said permit.

f. *Appeals to Superior Court.* Any aggrieved party who participated as a party during the proceeding before the Board of Appeals may take an appeal to Superior Court in accordance with State laws within forty-five days from the date of any decision of the Board of appeals.

(6) *Disability variance.* The Board of Appeals may grant a disability variance to an owner of a dwelling only in the following circumstances:

a. *Accessibility.* For the purpose of making the dwelling accessible to a person with a disability who resides in or regularly uses the dwelling.

1. The Board shall restrict any variance granted under this section solely to the installation of equipment or the construction of structures necessary for access to or egress from the dwelling by the person with the disability.

i. For the purposes of this section, the term "structures necessary for access to or egress from the dwelling" is defined to include railing, wall, or roof systems necessary for the safety or effectiveness of the structure.

2. The Board may impose conditions on the variances granted pursuant to this section including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling.

b. *Storage and parking of a noncommercial vehicle.* To allow an owner of a dwelling who resides in the dwelling and who is a person with a permanent disability to construct a place of storage and parking for a noncommercial

vehicle owned by that person.

1. For the purposes of this subsection, "noncommercial vehicle" mean a motor vehicle as defined in Title 29-A section 101, subsection 42 with a gross vehicle weight of no more than 6,000 pounds, bearing a disability registration plate issued pursuant to Title 29-A, section 521 and owned by the person with the permanent disability.

2. The width and length of the structure may not be larger than 2 times the width and length of the noncommercial vehicle.

3. The owner shall include in an application to the Board proposed plans for such structure.

4. The person with the permanent disability shall prove by a preponderance of the evidence that the person's disability is permanent.

(c) *Modifications*

(1) *Modifications of the non-dimensional space and bulk standards.* The reviewing authority shall grant modifications to the non-dimensional space and bulk standards in Article XI only when it finds that:

a. The proposed structure, building, storage area, parking or other impervious area cannot otherwise be practically located on the lot to satisfy the code requirements from which relief is sought;

1. In assessing practicality, the board shall consider the following:

i. Impediments to development imposed by floodplains, wetlands, shoreland zoning, topography, geology, lot size, and limitation caused due to existing conditions of development.

ii. Aesthetic, architectural, or structural considerations unique to the property or proposed improvements which warrant relief from the standards.

b. The modification will not impede the ability of public safety services to reach or service the property or adjacent properties;

c. The modification is not related to changes in the following standards:

1. Space and bulk standards already reduced pursuant to the cluster provisions found under Article XIII, sections 7 and 9;

2. Minimum lot size, minimum frontage, minimum setback, and minimum yard requirements under Article XI for single-family cluster developments, mixed residential developments, mixed single-family developments, and mobile home parks as they apply to the development in its entirety as if it were a single unit;

3. Additional reductions to setback and yard reductions allowed for

awning and canopy installations, and existing service stations, pursuant to Article V, subsections 3(q) and (t), respectively;

(2) *Modifications of off-street parking requirements.* That the criteria set out in Article XII, section 17, subsections (e) and (h) have been met.

(3) *Modification of wall and fence requirements.* That the criteria as set out in Article XII, section 7, subsection (f), have been met.

***Editor's note:** Ord. No. 00-19, adopted Oct. 5, 2000, added §§ 5, 9, 13, 17 and 22. Hence, §§ 5--7, 8--10, 12--14, 15--18 was renumbered as §§ 6--8, 10--12, 14--16, and 18--21, respectively. See the Code Comparative Table.

A. District Regulations-The following zoning districts regulate land uses.

Sec. 1. Rural-agricultural district (RA).

(a) *Statement of purpose.* The purpose of the rural-agricultural district is to provide areas within the city for the development of very low density residential uses while protecting the rural character of these portions of the city. Within the rural-agricultural district the retention of active agricultural uses is encouraged. Development which occurs within the district should be sensitive to the rural nature of the district and should preserve open space and agricultural land to the maximum extent possible.

(Ord. No. 89-3, 4-7-89; Ord. No. 89-11, 9-15-89; Ord. No. 90-3, 5-17-90; Ord. No. 90-10, 10-4-90; Ord. No. 91-8, 10-3-91; Ord. No. 92-27, 11-19-92; Ord. No. 97-7, 9-11-97; Ord. No. 98-6, 7-2-98; Ord. No. 98-7, 9-10-98; Ord. No. 00-27, 1-11-01; Ord. No. 12-15, 2-7-13)

Sec. 2. Low-density residential district (LDR).

(a) *Statement of purpose.* The purpose of the low-density residential district is to provide areas within the city for the development of single-family homes on individual residential lots and well planned mixed residential developments in environments which protect them from the adverse impacts of incompatible land uses. The standards of the district provide for residential development of up to six units per acre with the availability of public sewerage.

(Ord. No. 89-3, 4-7-89; Ord. No. 89-11, 9-15-89; Ord. No. 90-3, 5-17-90; Ord. No. 90-10, 10-4-90; Ord. No. 91-8, 10-3-91; Ord. No. 92-27, 11-19-92; Ord. No. 96-6, 7-4-96; Ord. No. 97-7, 9-11-97; Ord. No. 98-6, 7-2-98; Ord. No. 00-27, 1-11-01; Ord. No. 12-15, 2-7-13)

Sec. 3. Suburban residential district (SR).

(a) *Statement of purpose.* The purpose of the suburban residential district is to provide areas within the city for the development of high quality single-family homes on individual residential lots in environments which protect them from the adverse impacts of incompatible land uses. The standards of the district provide for residential development of up to two units per acre with the availability of public sewerage.

(Ord. No. 89-3, 4-7-89; Ord. No. 89-11, 9-15-89; Ord. No. 90-3, 5-17-90; Ord. No. 90-10, 10-4-90; Ord. No. 91-8, 10-3-91; Ord. No. 92-27, 11-19-92; Ord. No. 96-6, 7-4-96; Ord. No. 97-7, 9-11-97; Ord. No. 98-6, 7-2-98; Ord. No. 98-7, 9-10-98; Ord. No. 00-27, 1-11-01; Ord. No. 12-15, 2-7-13)

Sec. 4. Medium-density residential district (MDR).

(a) *Statement of purpose.* The purpose of the medium-density residential district is to provide areas within the city for the development of good quality multifamily housing at densities up to eight units per acre, and good quality single-family housing, at densities of up to two units per acre, including mobile homes where appropriate, while protecting established neighborhoods from undesirable impacts from these uses.

(Ord. No. 89-3, 4-7-89; Ord. No. 89-11, 9-15-89; Ord. No. 90-3, 5-17-90; Ord. No. 90-10, 10-4-90; Ord. No. 91-8, 10-3-91; Ord. No. 92-4, 2-20-92; Ord. No. 92-27, 11-19-92; Ord. No. 92-31, 1-7-93; Ord. No. 96-6, 7-4-96; Ord. No. 97-7, 9-11-97; Ord. No. 98-6, 7-2-98; Ord. No. 00-27, 1-11-01; Ord. 10-13, 12-23-10; Ord. No. 12-15, 2-7-13)

Sec. 5. Riverfront (RF).

(a) *Statement of purpose.* The purpose of the riverfront district is to promote redevelopment of the riverfront area for recreation, employment and mixed-age and mixed-income housing by encouraging the development of new buildings or the reuse or conversion of existing buildings and other areas that will enhance the use of the Androscoggin River as an amenity.

(Ord. No. 00-19, 10-5-00; Ord. No. 05-07, 3-17-05; Ord. No. 12-04, 04-05-12; Ord. No. 12-15, 2-7-13)

Editor's note: See editor's note at article XI.

Sec. 6. Neighborhood conservation "A" district (NCA).

(a) *Statement of purpose.* The purpose of the neighborhood conservation "A" district is to promote neighborhood stability by requiring the development of new buildings or the reuse or conversion of existing buildings to conform to the type and density of housing existing within the immediate neighborhood. The standards of the district restrict housing to single-family detached dwellings unless the existing pattern of use in the immediate neighborhood is two-family or predominantly multifamily dwellings.

(Ord. No. 89-3, 4-7-89; Ord. No. 89-11, 9-15-89; Ord. No. 90-3, 5-17-90; Ord. No. 91-8, 10-3-91; Ord. No. 92-25, 11-5-92; Ord. No. 92-27, 11-19-92; Ord. No. 92-34, 1-7-93; Ord. No. 95-12, 9-14-95; Ord. No. 97-7, 9-11-97; Ord. No. 98-6, 7-2-98; Ord. No. 00-18, 8-17-00; Ord. No. 00-19, 10-5-00; Ord. No. 00-27, 1-11-01; Ord. No. 03-18, 1-1-04; Ord. No. 12-15, 2-7-13)

Editor's note: See editor's note at article XI.

Sec. 7. Neighborhood conservation "B" district (NCB).

(a) *Statement of purpose.* The purpose of the neighborhood conservation "B" district is to promote the stability and improvement of older multifamily residential neighborhoods by requiring the development of new buildings or the replacement, reuse or conversion of existing buildings to conform to the type and density of housing existing within the immediate neighborhood. The standards of the district allow multifamily housing while encouraging the upgrading of this housing stock.

(Ord. No. 89-3, 4-7-89; Ord. No. 89-11, 9-15-89; Ord. No. 90-6, 5-17-90; Ord. No. 91-8, 10-3-91; Ord. No. 92-34, 1-7-93; Ord. No. 97-7, 9-11-97; Ord. No. 98-6, 7-2-98; Ord. No. 00-19, 10-5-00; Ord. No. 00-27, 1-11-01; Ord. No.10-02, 3-4-2010; Ord. 10-13, 12-23-10; Ord. No. 12-15, 2-7-13)

Editor's note: See editor's note at Article XI.

Sec. 8. Office-residential district (OR).

(a) *Statement of purpose.* The purpose of the office-residential district is to provide for the

orderly transition of older residential areas along major traffic arteries to low-intensity nonresidential uses and multifamily housing. The conversion of existing properties from residential to nonresidential use should occur in a manner which preserves the architectural character of the neighborhood, provides controlled traffic access and adequate parking and protects adjoining residential neighborhoods from undesirable impacts.

(Ord. No. 89-3, 4-7-89; Ord. No. 90-3, 5-17-90; Ord. No. 90-11, 10-4-90; Ord. No. 91-8, 10-3-91; Ord. No. 92-18, 9-10-92; Ord. No. 92-27, 11-19-92; Ord. No. 97-7, 9-11-97; Ord. No. 98-6, 7-2-98; Ord. No. 99-9, 4-15-99; Ord. No. 00-19, 10-5-00; Ord. No. 00-27, 1-11-01; Ord. No. 04-19, 7-15-04; Ord. 10-13, 12-23-10; Ord. No. 12-15, 2-7-13)

Sec. 9. Downtown residential district (DR).

(a) *Statement of purpose.* The purpose of the downtown residential district is to promote the improvement of older residential neighborhoods within the downtown by encouraging a transition to more mixed use neighborhoods, including owner-occupied, mixed-age and mixed-income housing with less density where desired and appropriate, low-intensity nonresidential uses, more open space and other neighborhood amenities, creating diverse, mixed-use neighborhoods. The standards of the district will encourage the upgrading of the existing neighborhoods by removing blight and vacancy, providing an opportunity for new residential and commercial development, and fostering a sense of community and place through neighborhood meeting, gathering and cultural places.

(Ord. No. 00-19, 10-5-00; Ord. No. 00-27, 1-11-01; Ord. No. 05-07, 3-17-05; Ord. 10-13, 12-23-10; Ord. No. 12-04, 04-05-12; Ord. No. 12-15, 2-7-13)

Sec. 10. Institutional-office (IO).

(a) *Statement of purpose.* The purpose of the institutional-office district is to provide areas within the city for the location of major community facilities including hospitals, schools, colleges and similar institutions. The standards of the district are designed to provide these institutions with flexibility within their property limits but to establish safeguards to protect adjoining residential areas from undesirable impacts associated with these uses.

(Ord. No. 89-3, 4-7-89; Ord. No. 90-3, 5-17-90; Ord. No. 92-11, 6-4-92; Ord. No. 92-18, 9-10-92; Ord. No. 92-27, 11-19-92; Ord. No. 93-8, 6-17-93; Ord. No. 95-6, 6-1-95; Ord. No. 97-2, 4-17-97; Ord. No. 97-7, 9-11-97; Ord. No. 98-6, 7-2-98; Ord. No. 00-19, 10-5-00; Ord. No. 00-27, 1-11-01; Ord. No. 05-07, 3-17-05; Ord. No. 09-09, 12-31-09; Ord. No. 12-15, 2-7-13)

Editor's note: See editor's note at article XI.

Sec. 11. Community business district (CB).

(a) *Statement of purpose.* The purpose of the community business district is to provide areas within the city for the location of major shopping facilities, including shopping centers which serve the wider community. The standards of the district are intended to encourage well planned commercial developments which have controlled vehicular access and high standards of site design.

(Ord. No. 89-3, 4-7-89; Ord. No. 90-3, 5-17-90; Ord. No. 90-8, 8-10-90; Ord. No. 92-12, 6-4-92; Ord. No. 92-18, 9-10-92; Ord. No. 92-27, 11-19-92; Ord. No. 96-3, 4-18-96; Ord. No. 97-7, 9-11-97; Ord. No.

98-6, 7-2-98; Ord. No. 00-10, 6-15-00; Ord. No. 00-19, 10-5-00; Ord. No. 04-18, 7-15-04; Ord. No. 05-07, 3-17-05; Ord. No. 12-15, 2-7-13)

Editor's note: See editor's note at article XI.

Sec. 12. Highway business district (HB).

(a) *Statement of purpose.* The purpose of the highway business district is to provide areas within the city for the location of businesses which are dependent on automobile borne customers and which require large parking areas to be successful. The standards of this district are intended to allow commercial uses while requiring controlled highway access, good quality site design and protection of adjacent residential property. In addition, the standards require the preparation of a master development plan prior to the development

(Ord. No. 89-3, 4-7-89; Ord. No. 90-3, 5-17-90; Ord. No. 90-17, 1-11-91; Ord. No. 92-12, 6-4-92; Ord. No. 92-18, 9-10-92; Ord. No. 94-14, 10-20-94; Ord. No. 96-3, 4-18-96; Ord. No. 97-7, 9-11-97; Ord. No. 98-2, 3-19-98; Ord. No. 98-6, 7-2-98; Ord. No. 00-19, 10-5-00; Ord. No. 00-27, 1-11-01; Ord. No. 02-07, 5-2-02; Ord. No. 05-07, 3-17-05; Ord. No. 10-14, 1-6-11; Ord. No. 12-15, 2-7-13)

Editor's note: See editor's note at Article XI.

Sec. 13. Centreville district (CV).

(a) *Statement of purpose.* The purpose of the Centreville district is to encourage a concentration of economic enterprises in the central business district that is convenient and attractive for a wide range of retail, service, financial, government, professional, entertainment and appropriate residential uses in a setting conducive to a high volume of pedestrian traffic. The standards of the district will initiate economic revitalization through increased occupancy of downtown properties, improved real estate values, increased consumer activity, and encourage the restoration and preservation of historic buildings and honor the rich Franco-American cultural heritage of the community.

(Ord. No. 00-19, 10-5-00; Ord. No. 00-27, 1-11-01; Ord. No. 04-07, 4-15-04; Ord. No. 05-07, 3-17-05; Ord. No. 10-09, 10-7-10; Ord. 10-13, 12-23-10; Ord. No. 12-04, 04-05-12; Ord. No. 12-15, 2-7-13)

Sec. 14. Office service (OS).

(a) Statement of purpose. The purpose of the office-service district is to set aside areas within the city for the development of major economic activities which do not have significant environmental issues associated with them. The standards of the district provide for well-planned developments with attention to controlled traffic access and buffering of adjacent residential areas. The standards of this district also require that a master development plan be prepared for large parcels prior to the development of the site.

(Ord. No. 89-16, 11-30-89; Ord. No. 90-3, 5-17-90; Ord. No. 92-12, 6-4-92; Ord. No. 92-18, 9-10-92; Ord. No. 93-1, 2-4-93; Ord. No. 96-3, 4-18-96; Ord. No. 97-7, 9-11-97; Ord. No. 98-6, 7-2-98; Ord. No. 00-19, 10-5-00; Ord. No. 00-27, 1-11-01; Ord. No. 05-07, 3-17-05; Ord. No. 10-14, 1-6-11; Ord. No. 12-15, 2-7-13)

Editor's note: See editor's note at article XI.

Sec. 15. Industrial district (I).

(a) *Statement of purpose.* The purpose of the industrial district is to set aside areas of the city for the development of major economic activities, including manufacturing and

processing, and to protect these areas from encroachment from noncompatible residential or commercial uses.

(Ord. No. 89-16, 11-30-89; Ord. No. 90-3, 5-17-90; Ord. No. 90-12, 11-16-90; Ord. No. 91-6A, 7-4-91; Ord. No. 92-12, 6-4-92; Ord. No. 92-18, 9-10-92; Ord. No. 93-1, 2-4-93; Ord. No. 96-16, 12-19-96; Ord. No. 97-7, 9-11-97; Ord. No. 98-6, 7-2-98; Ord. No. 00-19, 10-5-00; Ord. No. 02-06, 5-2-02; Ord. No. 02-08, 5-16-02; Ord. No. 03-16, 1-1-04; Ord. No. 06-07, 5-18-06; Ord. No. 10-14, 1-6-11; Ord. No. 12-15, 2-7-13)

Editor's note: See editor's note at article XI.

Sec. 16. Urban enterprise district (UE).

(a) *Statement of purpose.* The purpose of the urban enterprise district is to encourage the improvement, reuse and redevelopment of older mixed use areas of the city by allowing a wide range of uses with appropriate development standards.

(Ord. No. 89-3, 4-7-89; Ord. No. 90-3, 5-17-90; Ord. No. 92-12, 6-4-92; Ord. No. 92-18, 9-10-92; Ord. No. 92-27, 11-19-92; Ord. No. 93-1, 2-4-93; Ord. No. 93-2, 2-4-93; Ord. No. 94-9, 8-18-94; Ord. No. 95-8, 7-20-95; Ord. No. 96-3, 4-18-96; Ord. No. 97-3, 5-15-97; Ord. No. 97-7, 9-11-97; Ord. No. 98-6, 7-2-98; Ord. No. 99-16, 10-12-99; Ord. No. 99-18, 11-20-99; Ord. No. 00-19, 10-5-00; Ord. No. 04-07, 4-15-04; Ord. No. 05-07, 3-17-05; Ord. 10-13, 12-23-10; Ord. No. 10-14, 1-6-11; Ord. No. 12-15, 2-7-13)

Editor's note: See editor's note at article XI.

Sec. 17. Mill district (M).

(a) Statement of purpose. The purpose of the mill district is to develop a major employment center in the downtown by fostering the development of mixed use commercial enterprises and appropriate high-density residential areas while preserving and restoring historic buildings and properties. Developments located within this district should enhance the commercial, cultural, educational and residential vitality of the downtown and link the downtown to the riverfront through a series of pedestrian corridors, pocket parks and open spaces, utilizing the historic canal system, with expanded arts and recreational amenities.

(Ord. No. 00-19, 10-5-00; Ord. No. 05-07, 3-17-05; Ord. No. 12-04, 04-05-12; Ord. No. 12-15, 2-7-13)

Sec. 18. Resource conservation district (RC).

(a) *Statement of purpose.* The purpose of the resource conservation district is to protect fragile ecological systems, vulnerable areas and areas of unique natural or scenic value from development or use which would adversely affect water quality, productive or unique wildlife and aquatic habitat, biotic systems, ecological relationships or scenic and natural values or which would create unreasonable risks to the public safety and welfare due to flooding, earth movement or slides or unstable soil conditions. To accomplish this purpose, uses are permitted which avoid disruption of the natural environment and are compatible with the natural risks associated with development within these areas while allowing productive use to be made of the land.

(Ord. No. 92-18, 9-10-92; Ord. No. 00-19, 10-5-00; Ord. No. 12-15, 2-7-13)

Editor's note: See editor's note at article XI.

Sec. 19. Groundwater conservation overlay district (GC).

(a) Statement of purpose. The purpose of the groundwater conservation overlay district is to protect, preserve and maintain the quality and quantity of the existing and potential groundwater supply within the city by controlling the use, storage and disposal of potential contaminants of the groundwater in areas of the city and identified significant sand and gravel aquifers and by assuring the groundwater recharge areas associated with these aquifers are protected from overdevelopment. (See Article XI, E, Sec. 26 for regulation requirements)

(Ord. No. 92-5, 3-5-92; Ord. No. 00-19, 10-5-00; Ord. No. 12-15, 2-7-13)

Editor's note: See editor's note at article XI.

~~**Sec. 20. No name pond conservation overlay district (LC).**~~

~~(a) *Statement of purpose.* The purpose of the no name pond conservation overlay district is to protect the water quality of no name pond by controlling the discharge of surface runoff into the lake, thereby limiting nutrient loading to levels which will not result in substantial degradation of the pond's water quality.~~

~~(Ord. No. 92-5, 3-5-92; Ord. No. 00-19, 10-5-00; Ord. No. 02-24, 2-6-03; Ord. No. 06-17, 2-8-07; Ord.No. 08-08, 10-2-08; Ord. No. 12-15, 2-7-13)~~

Editor's note: See editor's note at article XI.

Sec. 2~~1~~0. Mobile home park overlay district (MH).

(a) *Statement of purpose.* The purpose of the mobile home park overlay district is to provide for the accommodation of mobile homes in planned, integrated mobile home parks, and mobile homes on individual residential lots, at a standard consistent with the protection of the health, safety and general welfare of the residents of the city while establishing safeguards to minimize the adverse impacts on neighboring property owners.

(Ord. No. 90-10, 10-4-90; Ord. No. 92-31, 1-7-93; Ord. No. 00-19, 10-5-00; Ord. No. 12-15, 2-7-13)

Editor's note: See editor's note at article XI.

Sec. 21. Neighborhood Conservation "B" Preservation Overlay district (NCBP)

(a) *Statement of purpose:* The purpose of the neighborhood preservation overlay district is to promote the stability and improvement of older multifamily residential neighborhoods by prohibiting the development of new lodging houses or the replacement, reuse or conversion of existing buildings into lodging houses in areas in which said uses would result in an adverse impact on the intended uses of properties in the area impacting residents' quality of living and the ability of property owners to improve and increase the values of their properties. (See Article XI, E, Sec. 29 for regulation requirements)

B. Overlay Districts- The following overlay districts regulate performance standards in defined areas in addition to the underlying zoning district land use regulations.

Sec. 22. No name pond conservation overlay district (LC).

(a) *Statement of purpose.* The purpose of the no name pond conservation overlay district is to

protect the water quality of no name pond by controlling the discharge of surface runoff into the lake, thereby limiting nutrient loading to levels which will not result in substantial degradation of the pond's water quality.

(Ord. No. 92-5, 3-5-92; Ord. No. 00-19, 10-5-00; Ord. No. 02-24, 2-6-03; Ord. No. 06-17, 2-8-07; Ord.No. 08-08, 10-2-08; Ord. No. 12-15, 2-7-13)

Sec. 23- Design District Overlay district

(a) *Statement of purpose.* The purpose of the Design District Overlay district is to encourage quality in-fill development, preserve historic structures and community character, create an attractive city and urban neighborhood environment, and foster a sense of community and place. (See Article XII. Sec. 22 for regulation requirements)

(Ord. No…….)

Sec. 24~~2~~. Land Use Requirements.

(a) *Land Use Requirements* **-** All buildings or structures hereafter erected, reconstructed, altered, enlarged, or relocated, and uses of premises shall be in conformity with the provisions of this Code. No building, structures, land or water area shall be used for any purpose or in any manner except as permitted within the District in which such building, structure, land and water area is located. The District designation for a particular site shall be determined and apply to all land shown on the "Official Zoning Map, City of Lewiston".

(b) *Key to Table*

KEYWORD	DEFINITION
(P)	Allowed/Permitted(the use must be in conformance with all applicable sections of the Zoning and Land Use Code)
(C)	Allowed/Permitted only after the issuance of a conditional use permit in accordance with Article X of this Code (the use must be in conformance with all applicable sections of the Zoning and Land Use Code)
Blank/Empty Column	Use not allowed/permitted; space and bulk requirement not applicable

C. Land Use Requirements, Table and Notes

(c) *Land Use Table* – uses appearing in the table are part of this Code and set forth the uses allowed in all district.

Article XI, District Regulations, Section 25, Land Use Table

Land Use Table: All Zoning Districts 7-22-20	Rural Agricultural (RA)	Low Density Residential (LDR)	Suburban Residential (SR)	Medium Density Residential (MDR)	Neighborhood Conservation "A" (NCA)	Neighborhood Conservation "B" (NCB)	Downtown Residential (DR)	Riverfront (RF)	Centreville (CV)(36)	Mill (M)	Office Residential (OR)	Institutional Office (IO)	Community Business (CB)	Highway Business (HB)	Office Service (OS)	Industrial (I)	Urban Enterprise (UE)	Resource Conservation (RC) (18)	Groundwater conservation Overlay (GC)(28)	No Name Pond Conservation Overlay (NNP)(29)	Mobile Home Park Overlay (MH)(30)
USES(15)(33)																					
Accessory use or structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Commercial-Service																					
Veterinary facilities excluding kennels and humane societies											P	P	P	P							
Veterinary facilities including kennels and humane societies	C														P		P				
Nursery School	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P				
Small day care facilities	C	P(22)	P(22)	P(22)	P(22)	P	P				P	P	P	P	P	P	P				
Day care centers	C						P	P	P	P	P	P	P	P	P	P	P				
Day care centers accessory to public schools, religious facilities,		C(22)	C(22)	C(22)	C(22)	C(22)															
Business and professional offices including research, experimental,						C(31)	P(9)	P(9)	P(9)	P(6)	P(9)	P	P(9)	P	P	P	P				
Restaurants							P(1)	P(1)	P(1)	P(1)		P(5)	P(26)	P(26)	P	P(6)	P				
Drinking places								P	P	P			C	C		P(6)					
Adult business establishments													C								
Hotels, motels, inns							C	P	P	P		P(4)	P	P	P		P				
Movie theaters except drive-in theaters							P	P	P	P			P	P	P		P				
Places of indoor assembly, amusement or culture								P	P	P			P	P	P		P				
Art and crafts studios						C	P	P	P	P		C	P	P	P		P				
Personal Services						P	P	P	P	P	P	P	P	P	P	P(6)	P				
Retail stores							P	P	P	P			P	P		P(6)	P				
Neighborhood retail stores				C(21)		P	C					C									
Lumber and building materials dealer										P			C	P			P				
Gasoline service stations														P			P				
Gasoline service stations which are a part of and subordinate to a													P	P							
New and used car dealers														P			P (17)				
Recreational vehicle, mobile home dealers														P			P				
Equipment dealers and equipment repair														C		P	P				
Automotive services including repair										C(9)			P(9)	P			P				
Registered dispensary(27)														C	C	C	C				
Registered primary caregivers engaged in the cultivations of														P	P	P	P				
Tattoo Establishments													C	C							
Industrial																					
Light industrial uses									P(9,38)	P				P(9)	P	P	P				
Industrial uses									P(16)	C						P	C				
Building and construction contractors										P(6,7)				P(6)	P(6)	P(6,7)	P(6,7)				
Fuel oil dealers and related facilities																P	P(6,7)				
Wholesale sales, warehousing and distribution facilities and										P				P	P	P	P				
Self storage facilities										P					P		P				
Commercial solid waste disposal facilities																C					
Junkyards and auto graveyards																C					
Recycling and reprocessing facilities										P(9)						C	C				
Private industrial/commercial developments(23)										P			P	P	C	P	P				
Transportation																					
Airports or heliports	C																				
Commercial parking facilities						C	C(3)	P	P	P		C	C	P			P				
Transit and ground transportation facilities							C	P	P	P											
Transportation facilities										P(10)				P	C	P	P				
Public and Utility																					
Pumping stations, standpipes or other water supply uses involving	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Power transmission lines, substations, telephone	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C			
Municipal buildings and facilities	C	C	C	C	C	C	P	P	P	P	C	C	P	P	P	P	P	C			
Preservation of historic areas; emergency and fire protection																		P			
Dams																		C			

Article XI, District Regulations, Section 25, Land Use Table

Land Use Table: All Zoning Districts 7-22-20	Rural Agricultural (RA)	Low Density Residential (LDR)	Suburban Residential (SR)	Medium Density Residential (MDR)	Neighborhood Conservation "A" (NCA)	Neighborhood Conservation "B" (NCB)	Downtown Residential (DR)	Riverfront (RF)	Centreville (CV) (36)	Mill (M)	Office Residential (OR)	Institutional Office (IO)	Community Business (CB)	Highway Business (HB)	Office Service (OS)	Industrial (I)	Urban Enterprise (UE)	Resource Conservation (RC) (18)	Groundwater Conservation Overlay District (GC) (28)	No Name Pond Conservation Overlay (NNP)(29)	Mobile Home Park Overlay (MH) (30)
Institutional																					
Religious facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P				
Cemeteries	P	P	P	P	P	P															
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities				C		C	P	P	P	P	P	P	P	P	P		P				
Hospitals, medical clinics,						C	C	P	P	P	P	P	P	P	P		P				
Museums, libraries, and non-profit art galleries and theaters							P	P	P	P		P									
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures,				C(13)		C(13)	P	P	P	P	C	P(12)(24)	P	P	P	P	P				
Civic and social organizations						C			P		P	C									
Public community meeting and civic function buildings including auditoriums							P	P	P	P		P									
Residential																					
Single-family detached dwellings on individual residential lots	P(8)	P	P	P	P	P(2)	P(11)				P	P(2)									
Mobile homes on individual residential lots	P(8)			P(35)																	
Two-family dwellings on individual residential lots				P	P(37)	P	P(11)				P			P(14)							
Multifamily dwellings in accordance with the standards of Article XIII				P(34)		P	P(11)	P(11)	P	P	P	P	P				P				
Single-Family attached dwelling in accordance with the standards of Article XIII	C			P(34)		P	P(11)	P(11)			P	P									
Mixed single-family residential developments in accordance with the standards of Article XIII	C	P		P		P															
Mixed residential developments in accordance with the standards of Article XIII		P		P		P					P										
Mixed use structures						P	P(11)	P(11)	P	P	P	P	P	P			P				
Lodging houses						P	P(11)														
Home occupations	P	P	P	P	P	P	P				P		P				C				
Bed and breakfast establishments as a home occupation	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P				
In-law apartments in accordance with the standards of Article XII	P	P	P	P	P	P	P		P	P	P										
Single family cluster development	P	P	P	P																	
Family day care home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Shelters						C	C														
Dormitories														P							
Natural Resource																					
Agriculture	P(8)																	P			
Farm Stands	P																				
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P	P	P	P	P	P					P		P	P	P	P	P	P			
Earth material removal	C														C	C					
Community gardens(20)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Water dependent uses, e.g. docks and marinas								P		P								C			
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																		C			
Keeping of Chickens (39)	P (39)	P (39)	P (39)	P (39)	P (39)																
Recreation																					
Campgrounds	C																	C			
Public or private facilities for nonintensive outdoor recreation	C	C	C	C	C	C	C	P		P	C							P			
Commercial outdoor recreation and drive-in theaters								P		P(32)			C	C	C						
Fitness and recreational sports centers as listed under NAICS Code 713940								P	P	P	P		P	P	P	P	P				

Land Use Table Notes

(1) Excludes drive-in restaurants.
(2) Allowed only on existing lot of record as of the date of adoption of this code.
(3) Limited to two (2) parking levels.
(4) Limited to less than twenty-five (25) rooms.
(5) If accessory to an allowed use.
(6) Provided there is no exterior storage of materials or equipment visible from a public street or abutting property.
(7) Screening shall be at least eight (8) feet tall
(8) Farm housing on the premise of an agricultural operation.
(9) Must be fully enclosed with no exterior storage.
(10) Except those that include truck transportation as classified under group 484, NAICS 2012 unless approved as a conditional use.
(11) All new residential construction shall comply with the design standards of Article XII Sec. 22.
(12) Dormitories must be at least 125 feet from all district boundaries unless approved as a conditional use.
(13) Excluding residential facilities and dormitories.
(14) Existing non-conforming single-family dwellings in lawful existence as of January 9, 1988 may be converted to a two-family dwelling as long as the conversion is done within the existing building envelope.
(15) Buildings, structures and uses accessory to permitted or conditional uses are allowed in all districts.
(16) Limited to commercial bakeries and printing facilities including newspaper publishers and information services.
(17) Used car dealerships may be deemed an accessory use to gasoline service station, auto repair garages and automotive services, except repair uses, if the following criteria are met: that all the criteria outlined in the definition of accessory use under Article II, section 2 are adhered to; that the parking and on-site circulation for both the existing and proposed use is reviewed and approved pursuant to development review under Article XIII; that the maximum number of used vehicles for sale on site, at any one (1) time, does not exceed six (6) vehicles. Used car dealerships which are not an accessory use to gasoline service stations, auto repair garages and automotive services, except repair uses, are permitted only after the issuance of a conditional permit in accordance with Article X of this Code, and the project is reviewed and approved pursuant to development review under Article XIII.
(18) Any use involving the construction of nonresidential floor space or the conversion of an existing structure from one (1) use to another shall be subject to the development review requirements of Article XIII of the Code.
(19) Limited to group homes.
(20) Shall comply with Article XII, Section 4.
(21) Neighborhood stores as part of a multifamily development, mixed single-family residential development or mixed residential development provided that the gross floor area devoted to retail use shall not exceed ten percent of the total floor area of the development.
(22) Accessory to public schools, religious facilities, multifamily or mixed residential

developments and mobile home parks.

(23) Shall comply with Article XIII, Section 10.

(24) Includes housing facilities on the premise of academic institutions permitted for staff members of such institutions and service buildings or structures ancillary to and affiliated with permitted institutional uses including but not limited to pharmacies and medical supply outlets.

(25) Drive-in restaurants are allowed as part of and subordinate to restaurants.

(26) Includes drive-in restaurants.

(27) Must comply with Lewiston Code of Ordinances, Chapter 22, Article XV.

(28) Any land located within the Ground Water Conservation Overlay District shall apply to the applicable criteria of Article XI, Section 19 of the Code.

(29) Any land located within the No Name Pond Conservation Overlay District shall apply to the applicable criteria of Article XI, Section 20 of the Code.

(30) Any land located within the Mobile Home Park Overlay District shall apply to the applicable criteria of Article XI, Section 21 of the Code.

(31) Limited to business and professional offices, not including research, experimental, testing laboratories, engineering, research, management and related services.

(32) Excluding drive-in theaters.

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

(34) Only permitted if serviced by public sewerage.

(35) Placement of mobile homes on individual lots is permitted only in areas within a mobile home park overlay district.

(36) For those historic building and structure identified in Appendix A, Article XV, Sections 6 through 10 of this Code located in the Centreville district, a nonconforming use may be reestablished to its original use pursuant to Article VI, Section 4 of this Code.

(37) A parcel may be developed with a two-family dwelling, only if both of the following criteria are met:

a. More than 50 percent of the impacted properties that are developed contain residential structures with two or more dwelling units; and

b. More than 50 percent of the adjoining properties that are developed contain residential structures with two or more dwelling units.

An existing single-family dwelling may be converted to a two-family dwelling only if both of the following criteria are met:

a. Forty percent or more of the impacted properties that are developed contain residential structures with two or more dwelling units; and

b. Forty percent or more of the adjoining properties that are developed contain residential structures with two or more dwelling units.

(38) Limited to Food and/or Beverage Facilities. These facilities shall be restricted to 8,000 gross square feet. All store front windows at street level shall remain unobstructed and provide two-way visibility. If facility is in the business of producing alcohol, sales of alcohol for consumption on site shall be limited to what is produced on site. Facilities shall contain a retail component open to all ages.

(Ord. No. 12-15, 2-7-13; Ord. No. 14-12, 01-15-15; Ord. No. 15-08, 08-13-15; Ord. No. 16-02, 05-05-16; Ord. No. 19-03, 08-15-19; Ord. 19-14; 12-19-19; Ord. 19-15; 12-19-19; Ord. 20-03; 02-20-20)

(39) *Keeping of Chickens*- Notwithstanding, the provisions under Article XI, Sec. 23 of this Code, the keeping of up to six female chickens is permitted in the Rural-Agricultural (RA), Low Density Residential (LDR), Suburban Residential (SR), Medium Density Residential (MDR), and the Neighborhood Conservation "A"(NCA) districts on lots of no less than 30,000 square feet developed with single family detached dwellings including mobile homes on individual lots pursuant to the provisions contained in Chapter 14, Article XIII, Sec. 14-45 through 14-53

D. Space and Bulk Requirements, Table and Notes

Sec. 25~~3~~. Space and Bulk Requirements

Space and Bulk Table - Lots in each District shall meet or exceed the following minimum space and bulk standards as noted in the Space and Bulk Standards Table.

Text Amendment to Space and Bulk Table

Article XI, District Regulations, Section 25, Space and Bulk Table: All Zoning Districts 7-22-20

Dimensional Requirements (13)	Resource Conservation (RC)	Rural Agricultural (RA)	Suburban Residential (SR)	Low Density Residential (LDR)	Medium Density Residential MDR)	Neighborhood Conservation A (NCA)	Neighborhood Conservation B (NCB)	Downtown Residential (DR) (2) (22)	Riverfront (RF) (2)	Centreville (CV)	Mill (M)	Urban Enterprise (UE)	Office Residential (OR) (12)	Institutional Office (IO)	Community Business (CB) (12)	Highway Business (HB) (18)	Office Service (OS) (18)	Industrial (I) (1)	Ground water Conservation Overlay (GC)	No Name Pond Conservation Overlay (LC)	Mobile Home Park Overlay (MH)
Minimum lot size with public sewer																					
Single family detached (24)		60,000 sf	20,000 sf	10,000 sf	10,000 sf	7,500 sf							7,500 sf								
Single family attached		20 acres			20,000 sf								12,000 sf								
Two-family dwellings					15,000 sf	12,500 sf							10,000 sf								
Single family cluster development		20 acres	5 acres	5 acres	5 acres	5 acres															
Mixed single family residential development (14)		20 acres		5 acres	5 acres																
Mixed residential development (14)				5 acres	5 acres								5 ac								
Multifamily dwellings					20,000 sf							5,000 sf	20,000 sf								
Mixed use structures													7,500 sf								
Agriculture		120,000 sf																			
Religious facilities		120,000 sf	40,000 sf	40,000 sf	40,000 sf	20,000 sf															
Veterinary facilities		120,000 sf																			
Other uses		40,000	20,000 sf	20,000 sf	40,000 sf	20,000 sf							7,500 sf								
All permitted uses	10,000 sf						None	~~5,000 sf~~ 4,000 sf	~~5,000 sf~~ 4,000 sf	None	None	5,000 sf		10,000 sf	None	None	20,000 sf	40,000 sf			5 acres
Minimum lot size without public sewer (3)																					
Single family detached, mobile homes on individual lots (24)		60,000 sf	40,000 sf	40,000 sf	40,000 sf	20,000 sf							20,000 sf								
Single family attached		60,000 sf											60,000 sf								
Two-family dwellings					80,000 sf	20,000 sf							40,000 sf								
Single family cluster development (1)		20 acres	10 acres	5 acres	5 acres	5 acres															
Mixed single family residential development (14)		20 acres		5 acres	5 acres																
Mixed residential development (14)				5 acres	5 acres								5 ac		20,000 sf						
Multifamily dwellings												20,000 sf	60,000 sf		20,000 sf						
Mixed use structures													60,000 sf								
Agriculture		120,000 sf																			
Religious facilities		120,000 sf	40,000 sf	40,000 sf	40,000 sf	40,000 sf									20,000 sf						
Veterinary facilities		120,000 sf													20,000 sf						
Other uses	10,000 sf	40,00	40,000 sf	40,000 sf	40,000 sf	40,000 sf						20,000 sf	20,000 sf	20,000 sf	20,000 sf	20,000 sf	20,000 sf	40,000 sf			5 acres
Minimum net lot area per d.u. with public sewer																					
Single family detached		60,000 sf																			
Single family attached		60,000 sf			5,000 sf																
Two-family dwellings						5,000 sf															
Mixed single family residential development (14)		60,000 sf		7,000 sf	5,000 sf																
Mixed residential development (14)				7,000 sf	5,000 sf																
Multifamily dwellings												1,500									
Mixed use structures												1,500			3,000 sf	3,000 sf					
All permitted residential uses							26	1,250 sf	1,250 sf	None	None		3,000 sf	3,000 sf	3,000 sf						6,500 sf per unit
Minimum net lot area per d.u. without public sewer																					
Single family detached, mobile homes on individual lots		60,000 sf																			
Single family attached		60,000 sf																			
Two-family dwellings						5,000 sf															
Mixed single family residential development (14)		60,000 sf		20,000 sf	20,000 sf																
Mixed residential development (14)				20,000 sf	20,000 sf																
Multifamily dwellings												1,500 sf									
Mixed use structures												1,500 sf				3,000 sf					
All permitted residential uses													20,000 sf		3,000 sf						6,500 sf per unit
Minimum lot frontage																					
Single family detached, mobile homes		200 ft	125 ft	100 ft	100 ft	75 ft															
Single family attached		200 ft			200 ft								100ft (50ft)								
Two-family dwellings					125 ft	125 ft															
Single family cluster development (with multiple vehicular accesses)		200 ft (50 ft)	200 ft (50 ft)	200 ft (50 ft)	200 ft (50 ft)	200 ft (50 ft)															
Mixed single family residential development (with multiple vehicular accesse		200 ft (50 ft)		200 ft (50 ft)	200 ft (50 ft)																
Mixed residential development (with multiple vehicular accesses) (14)				200 ft (50 ft)	200 ft (50 ft)								100ft (50ft)								
Multifamily dwellings (with multiple vehicular accesses)					200 ft								100ft (50ft)								
Mixed use structures																					
Agriculture		250 ft																			
Religious facilities		250 ft	200 ft	200 ft	200 ft	125 ft															
Veterinary facilities																					
Other uses		200	125 ft	100 ft	100 ft	125 ft															
All permitted uses	50 ft (9)						50 ft	~~50 ft.~~ 40 ft	~~50 ft~~ 40 ft	25 ft	25 ft	100 ft	100 ft	100 ft	100 ft	150 ft	100 ft	100 ft			200 ft
Minimum front building setback																					
Single family detached, mobile homes on individual lots		25 ft	25 ft	20 ft	20 ft	20 ft (21,22)		~~None~~													
Single family attached		50 ft			30 ft			~~None~~													
Two-family dwellings					20 ft	20 ft (21,22)		~~None~~													
Single family cluster development		50 ft	50 ft	50 ft	30 ft	50 ft															
Mixed single family residential development (14)		50 ft		50 ft	30 ft																
Mixed residential development (14)				50 ft	30 ft			~~None~~													

Text Amendment to Space and Bulk Table

Article XI, District Regulations, Section 25, Space and Bulk Table: All Zoning Districts 7-22-20

Dimensional Requirements (13)	Resource Conservation (RC)	Rural Agricultural (RA)	Suburban Residential (SR)	Low Density Residential (LDR)	Medium Density Residential (MDR)	Neighborhood Conservation A (NCA)	Neighborhood Conservation B (NCB)	Downtown Residential (DR)(2)	Riverfront (RF) (2)	Centreville (CV)	Mill (M)	Urban Enterprise (UE)	Office Residential (OR) (12)	Institutional Office (IO)	Community Business (CB) (12)	Highway Business (HB) (18)	Office Service (OS) (18)	Industrial (I) (11)	Groundwater Conservation Overlay District (GC)	No Name Pond Conservation Overlay District (LC)	Mobile Home Park Overlay District (MH)
Minimum front building setback (Continued)																					
Multifamily dwellings					30 ft																
Mixed use structures																					
Agriculture		50 ft						~~None~~													
Religious facilities		25 ft	50 ft	50 ft	50 ft	20 ft (21,22)															
Veterinary facilities		25 ft						~~None~~													
Other uses		25 ft	25 ft	20 ft	50 ft	20 ft (21,22)															
All permitted uses	50 ft (8)					20 ft (21,22)	10 ft (21,22)	5 ft. / (Note 22)	5 ft. / (Note 22)	0 ft / (Note 22)	0 ft / (Note 22)	25ft (Note 22)	20 ft (Notes 22,23)	30 ft (17, 27)	20ft	20ft	50 ft	50 ft			50 ft
Maximum front building setback																					
Single Family Detached																					
Single family attached																					
Multifamily dwellings																					
Other uses																					
All permitted uses								10 ft	10 ft	5 ft	10 ft										
Minimum front yard																					
Single family detached, mobile homes on individual lots		25 ft	25 ft	20 ft	20 ft	15 ft (21)															
Single family attached		50 ft			20 ft																
Two-family dwellings					20 ft	15 ft (21)															
Single family cluster development		50 ft	50 ft	50 ft	30 ft	50 ft															
Mixed single family residential development (14)		50 ft		50 ft	30 ft																
Mixed residential development (14)				50 ft																	
Multifamily dwellings					30 ft																
Mixed use structures		25 ft																			
Religious facilities		25 ft	25 ft	20 ft	30 ft	20 ft (21)															
Veterinary facilities		25 ft																			
Other uses		25 ft	25 ft	20 ft	30 ft	20 ft (21)															
All permitted uses	20 ft						10 ft (21,22)	N/A	N/A	N/A	N/A	10 ft	10 ft (23)	10 ft (17)	15 ft	15ft	20 ft	25 ft (6)			25 ft
Minimum side and rear setback																					
Single family detached, mobile homes on individual lots		25 ft	15 ft	10 ft	10 ft	10 ft															
Single family attached					30 ft																
Two-family dwellings					30 ft	10ft															
Single family cluster development		50 ft	30 ft	30 ft	30 ft	30 ft															
Mixed single family residential development (14)		50 ft		30 ft	30 ft																
Mixed residential development (14)				30 ft	30 ft																
Multifamily dwellings					30 ft																
Religious facilities		50 ft	50 ft	50 ft		30 ft															
Mixed use structures																					
Veterinary facilities		50 ft																			
Farm structures for keeping of animals		100 ft																			
Other uses		50 ft	30 ft	25 ft	30 ft	30 ft															
All permitted uses	25 ft						5 ft	5 ft side/ 10 ft rear	0 ft side/10 ft rear	none	none	20 ft	15 ft (23)	20 ft	20 ft	20 ft (15)	25 ft	25 ft			
Minimum side and rear yard																					
Single family detached, mobile homes on individual lots		10 ft	15 ft	10 ft	30 ft	10 ft															
Single family attached		50 ft			30 ft																
Two-family dwellings					30 ft	10 ft															
Single family cluster development			30 ft		30 ft	30 ft															
Mixed single family residential development (14)		50 ft		30 ft	30 ft																
Mixed residential development (14)		50 ft		30 ft	30 ft																
Multifamily dwellings				30 ft	30 ft																
Mixed use structures					30 ft																
Religious facilities			30 ft	25ft		30 ft (16)															
Veterinary facilities		25 ft		25 ft																	
Farm structures for keeping of animals		25 ft																			
Other uses		25 ft	30 ft		30 ft	30 ft (16)															
All permitted uses	15 ft	25 ft		25 ft			5 ft (16,21)	10 ft (required on	10 ft	None	None	10 ft (10,16)	10 ft (16,23)	10 ft (16,17)	10 ft	10 ft	10 ft (7,10)	10 ft (10,20)			
Minimum height																					
All permitted uses								20 ft	20 ft	20 ft	20 ft										
Maximum height																					
Agriculture		75 ft																			
Other permitted uses	35 ft	35 ft	35 ft	35 ft	35 ft	35 ft	65 ft	60 ft	75 ft	150 feet(25)	100 ft	80 ft	35 ft	75 ft	50 ft	65 ft	75 ft	100 ft			
Hospital, nursing homes and medical offices														120 ft							
Ratios																					
Maximum lot coverage	0.10	0.15	0.20	0.3	0.30	0.40	0.75		0.60	1.00	0.90	0.60	0.30	0.75(28)	0.50	0.50	0.50	0.75			0.4
Maximum impervious coverage	0.10						0.85	0.75	0.75	1.00	0.90	0.80	0.60	0.75(28)	0.75	0.75	0.75	0.75	0.25	0.1	

Space and Bulk Table Notes

(1) This development shall meet the requirements set forth in Article XIII, Section 8.
(2) All new residential development shall comply with the design standards of Article XII, Section 22.
(3) Or a larger minimum lot size based on the requirements of the Maine Subsurface Wastewater Disposal Rules
(4) All uses
(5) Reference must be made Use Matrix and Use Matrix Additional Standards.
(6) Where the front yard area for uses other than residential is located across the street from an abutting property in a residential zoning district and in residential use, a twenty-five (25) foot buffer area shall be maintained in the front yard area meeting the standards of Article XIII. In the Industrial district, buffer areas may not be reduced by modification or variance.
(7) Where the side or rear yard area is located within fifty (50) feet of a residential zoning district, a fifty-foot wide buffer strip shall be maintained in accordance with the buffer standards of Article XIII.
(8) 75 ft minimum setback from shoreline all structures other than permitted piers, docks, marinas, dams, bridges and other water dependent uses; 50 ft minimum shoreline and 25 ft minimum stream buffers to be maintained in natural vegetative state
(9) Minimum shoreline frontage 100 ft
(10) Any required side or rear yard area located within fifty (50) feet of a lot containing a dwelling not in a residential zoning district shall be maintained as a buffer area meeting the standards of Article XIII. In the Industrial district, buffer areas may not be reduced by modification or variance.
(11) The industrially-zoned land on the east side of River Road, from Alfred A. Plourde Parkway to the northwesterly property line of 380 River Road is subject to the following additional standards:
    a. The minimum front setback for all uses is 100 feet.
    b. The minimum front yard for all uses is 100 feet, and shall be maintained as a buffer area meeting the standards of article XIII.
    c. No new vehicular access points are allowed along the frontage between 326 River Road and that portion of 9 Gendron Drive that has frontage on River Road.
    d. The above referenced setback, yard, and buffer requirements shall also apply to the portion of 380 River Road located directly across from 367 River Road.
    e. Only one vehicular access point no wider than 50 feet within the 100-foot buffer of 380 River Road shall be permitted.
(12) The land on the on the east side of Main Street from Brooks Avenue to the Russell Street overpass, including 579 Main Street and 15-18 Pettingill Street, and the land on the west side of Main Street to the Maine central Railroad right-of-way from Strawberry Avenue south to the Russell Street overpass is subject to the following additional standards:
    a. Modifications of the space and bulk standards may not be granted by granted by the board of appeals, planning board, staff review committee or code enforcement officials, with the exception of side and rear yards where the abutting use is nonresidential.

b. In all cases, trees on the entire site with a diameter of greater than six (6) inches shall be preserved unless removal is necessary for development activity as determined by the appropriate reviewing authority.

c. The front yard must be planted with deciduous street trees (not including flowering ornamental trees) at intervals of fifteen (15) to thirty (30) feet on center, shall have a minimum two and one-half (2 1/2) inch caliber, and shall be at least eight (8) to twelve (12) feet high at the time of planting. Existing impervious front yard areas must be revegetated to these standards, when a property is subject to development review.

d. Each premises is permitted one (1) free standing ground sign not exceed seventy-two (72) square feet. Each business entity is permitted a wall sign not to exceed five (5) percent of the ground floor principal facade area of that business or a minimum of sixteen (16) square feet, whichever is greater. Ground signs are encouraged to be pedestal type ground signs not exceeding eight (8) feet in height.

e. Access is prohibited onto Brooks Avenue, with the exception of single-family homes.

f. The following design standards are encouraged for any project subject to development review; however, may be waived by the appropriate reviewing authority due to site limitations and the nature of the development:

(1) Off street parking is to be located on the side and rear of buildings;

(2) Any new development or renovations shall generally relate in design features to the surrounding building, showing respect for the local context of Main Street, as seen from Holland Street to Montello Street;

(3) Gable or hipped roofs should be used to the greatest extent possible with any new development or renovations. Flat and shed style roofs are discouraged, unless architectural features are applied to minimize the roofs appearance from Main Street (i.e., false fronts, parapets, etc.)

(4) Shared driveway entrances shall be encouraged with adjacent sites, in order to minimize curb cuts.

(5) Additional landscaping, buffering, and screening are encouraged to minimize views of parking areas from streets and abutting properties.

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

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

(15) Ten (10) foot minimum side and rear setback in HB District for structures measuring less than 125 square feet accessory to residential uses

(16) Any required side or rear yard area for uses other than residential located within fifty (50) feet of a residential zoning district or dwelling shall be maintained as a buffer area meeting the standards of Article XIII.

(17) For the purpose of determining compliance with front, rear and side setback and yard requirements, an enclosed walkway connecting structures on abutting lots in the institutional-office (IO), whether it be underground, elevated or at grade, shall not be considered a structure but shall be considered a walkway. Similarly, awnings and

canopies installed on lots in the institutional-office (IO) district that provide shelter from the elements, whether made of permanent or non-permanent material shall not be considered as structures and may extend into the front, side, and rear yard areas to the extent necessary to provide adequate shelter from the elements as long as the installation will not result in undue impact on adjacent properties, due to the placement of the awnings or canopies, location of service, parking or storage areas, or blocking of solar access, and shall in no way interfere with utilities or with the convenient and safe use of the sidewalk and street right-of-way by all pedestrians and vehicles, but in no case may the canopy be closer than two (2) feet from the property line.

(18) Existing lots of record having 150 feet or less of frontage on a street functionally classified as an arterial shall be limited to one point of vehicular access to the arterial to serve all development on the lot including the division of the lot into additional lots.

Existing lots of record having more than 150, but less than 500 feet of frontage on a street functionally classified as an arterial shall be limited to two points of vehicular access to the arterial to service all development on the lot including the division of the lot into additional lots. Existing lots of record having 500 feet or more of frontage on a street functionally classified as an arterial shall be limited to two points of vehicular access to the arterial for up to 1,000 feet of frontage, plus one additional point of access to the arterial for each additional 500 feet of frontage on the arterial or portion thereof. These points of access shall service all development on the lot, including the division of the lot into additional lots.

Prior to the division of any existing lot of record having a gross lot area of five acres or more or 500 or more feet of street frontage on a road functionally classified as an arterial or the submission of a development plan for all or a portion of the lot, the owner shall file a master development plan with the planning board. The master development plan shall be conceptual in nature and shall be based upon a site inventory plan identifying the major development opportunities and constraints associated with the site. This inventory shall be prepared by a registered landscape architect or registered professional engineer and shall show in a conceptual manner natural drainage features, environmentally sensitive areas, prime development areas, potential points of vehicular access, and other significant manmade and natural features of the site.

The master development plan shall address the overall use of the parcel, the overall vehicular circulation system within the parcel, the coordination of accesses onto the arterial street, the general layout of utilities and drainage and provisions for buffering. The master development plan shall also demonstrate how the requirements of the office service district and the standards of article XIII will be met. Once the master development plan has been filed with the planning board, any division of land or application for approval shall be consistent with the plan unless a revised master development plan is filed.

(19) The land on the on the west side of Main Street from Brooks Avenue to the Main Central railroad right-of-way from Strawberry Avenue south to the Russell Street overpass is subject to the following additional standards:

a. Modifications of the space and bulk standards may not be granted by granted by the board of appeals, planning board, staff review committee or code enforcement officials, with the exception of side and rear yards where the abutting use is nonresidential.

b. In all cases, trees on the entire site with a diameter of greater than six (6) inches shall be preserved unless removal is necessary for development activity as determined by the appropriate reviewing authority.

c. The front yard must be planted with deciduous street trees (not including flowering ornamental trees) at intervals of fifteen (15) to thirty (30) feet on center, shall have a minimum two and one-half (2 1/2) inch caliper, and shall be at least eight (8) to twelve (12) feet high at the time of planting. Existing impervious front yard areas must be revegetated to these standards, when a property is subject to development review.

d. Each premises is permitted one (1) free standing ground sign not exceed seventy-two (72) square feet. Each business entity is permitted a wall sign not to exceed five (5) percent of the ground floor principal facade area of that business or a minimum of sixteen (16) square feet, whichever is greater. Ground signs are encouraged to be pedestal type ground signs not exceeding eight (8) feet in height.

e. The following design standards are encouraged for any project subject to development review; however, may be waived by the appropriate reviewing authority due to site limitations and the nature of the development:

(1) Off street parking is to be located on the side and rear of buildings;

(2) Any new development or renovations shall generally relate in design features to the surrounding building, showing respect for the local context of Main Street, as seen from Holland Street to Montello Street;

(3) Gable or hipped roofs should be used to the greatest extent possible with any new development or renovations. Flat and shed style roofs are discouraged, unless architectural features are applied to minimize the roofs appearance from Main Street (i.e., false fronts, parapets, etc.)

(4) Shared driveway entrances shall be encouraged with adjacent sites, in order to minimize curb cuts.

(5) Additional landscaping, buffering, and screening are encouraged to minimize views of parking areas from streets and abutting properties.

(20) Where the side or rear yard area for uses other than residential is located within fifty (50) feet of a residential zoning district, a minimum fifty (50)-foot wide buffer area shall be maintained along the side and rear yards in accordance with the buffer standards of Article XIII. In the Industrial district, buffer areas may not be reduced by modification or variance.

(21) Notwithstanding, applicable setback and yard requirements and the provisions of Article XII, section 17(f)(3), the area between the required front yard and the front wall of the portion of the building or structure closest to the street and running the full width of that portion of the building shall be maintained as a yard area, except that only one (1) of the two (2) following options may be instituted: a. Access roads or drives in this area are permitted only when a minimum of twenty (20) feet of front yard area can be maintained (forty (40) feet in the NCA District); or b. No more than one (1) parking space shall be created in this area.

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

(23) Fifty (50) percent of the area between the required front yard and the front wall of the portion of the building or structure closest to the street and running the full width of that portion of the building shall not be used for parking and shall be maintained as additional yard area, except that access roads or drives and sidewalks are permitted in this area.

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

(25) Building height to be measured at principal facade of the building or structure.

(26) The required minimum lot area per dwelling unit for any residential use in the neighborhood conservation "B" district shall be the average lot area per dwelling unit of impacted properties. The maximum number of dwelling units that can be placed on a parcel in the district shall be figured by the following procedures: The total lot area of all developed impacted properties shall be calculated. In determining the total area of the impacted properties, the tax records of the City of Lewiston shall be used unless the applicant or the owner of an impacted property presents definitive evidence to the contrary. The total number of legally existing dwelling units shall be calculated. The total lot area shall be divided by the total number of dwelling units existing on the impacted properties. This figure divided into the lot area of the subject parcel yields the total dwelling units which can be placed on the lot. If less than 50 percent of the impacted properties are in residential use, the minimum lot area per dwelling unit shall be the greater of: (1) One thousand five hundred square feet per dwelling unit; or (2) The minimum area derived by the procedure outlined above.

(27) The minimum front setback and front yard requirements for hospitals, nursing homes, medical offices and academic institutions are zero provided the lot directly across the street is in the institutional-office (IO) district.

(28) Maximum lot coverage and impervious ration in the institutional-office (IO) for hospitals, nursing homes and medical offices is 1.00.

(Ord. No. 12-15, 2-7-13; Ord. No. 16-08, 10-6-16; Ord. No. 17-15, 10-19-17)

E. Additional Overlay District Requirement

Sec. 264. Additional District Regulation Requirements

1) Groundwater conservation overlay district (GC).

(a) Statement of purpose. The purpose of the groundwater conservation overlay district is to protect, preserve and maintain the quality and quantity of the existing and potential groundwater supply within the city by controlling the use,

storage and disposal of potential contaminants of the groundwater in areas of the city and identified significant sand and gravel aquifers and by assuring the groundwater recharge areas associated with these aquifers are protected from overdevelopment.

(b) Applicability. The standards of the groundwater conservation overlay district shall apply to any land meeting any of the following criteria:

(1) Is located above a significant sand and gravel aquifer as identified by the Maine Geologic Survey, Maine Department of Conservation, "Hydrogeologic Data for Significant Sand and Gravel Aquifers," Maps 11 and 16; or

(2) Is located within 100 feet of a significant sand and gravel aquifer; or

(3) Is located within the recharge area of a significant sand and gravel aquifer as defined by the extent of permeable stratified sand and gravel and recharging wetlands within them that drain into the aquifer; or

(4) Is located within the seasonal high water limits of any stream that flows into a recharge area of a significant sand and gravel aquifer.

Where the bounds delineated are in doubt or in dispute, the burden of proof shall be upon the owner(s) of the land in question to show where they should properly be located. At the request of the owner(s), the city may engage a professional geologist, geotechnical engineer, or soil scientist to determine more accurately the location and extent of an aquifer or recharge area, and shall charge the owner(s) for the cost of the investigation.

These standards shall apply in addition to the standards of the underlying zoning district in which the property is located.

(c) Permitted uses. Any use permitted in the underlying zoning district and not prohibited by subsection (e) shall be permitted in the groundwater conservation overlay district.

(d) Conditional uses. Any use permitted with a conditional use permit in the underlying zoning district and not prohibited by subsection (e) shall be permitted as a conditional use in the groundwater conservation overlay district.

(e) Prohibited uses. Any use prohibited in the underlying zoning district together with the following uses, even if permitted in the underlying zoning district, shall be prohibited in the groundwater conservation overlay district:

(1) The disposal of solid wastes, other than brush and stumps in accordance with Solid Waste Disposal Rules and Regulations of the State of Maine;

(2) The storage of gasoline or other refined petroleum products except as heating fuel stored within a building or accessory to an allowed use and in accordance with the standards of the Maine Department of Environmental Protection for Permitting Underground Oil Storage Facilities;

(3) The storage of road salt or other deicing chemicals;

(4) The dumping of snow brought in from outside of the district;

(5) The storage or disposal of hazardous wastes as defined by the hazardous waste regulations promulgated by the Bureau of Land Quality Control, Maine Department of Environmental Protection;

(6) Automotive and equipment service and repair shops;

(7) Junkyards and salvage yards;

(8) Cemeteries.

(f) Space and bulk standards. Any building, structure or use of land within the groundwater conservation overlay district shall comply with the following requirements in addition to the space and bulk regulations of the underlying zoning district:

Maximum impervious surface ratio	0.25 or as otherwise provided in subsection

(g) Additional standards. Any building, structure or use of land within the groundwater conservation overlay district shall comply with the following requirements:

(1) Timber harvesting.

a. Over any ten-year period, harvesting shall not remove more than 50 percent of the volume of trees over four inches in diameter. For the purpose of these standards, volume may be considered equivalent to basal area.

b. Burning of slash is prohibited. Export of woodchips to wood-to-energy plants or on-site chipping and broadcast application to the land are recommended for slash disposal.

(2) Agriculture.

a. Land application of sludge and spray irrigation of industrial wastewater or sewage are prohibited in the groundwater conservation district.

b. Manure spreading is permitted if carried out in conformance with a conservation plan which meets the standards of the state soil and water conservation commission and is approved by the Androscoggin Valley Soil and Water Conservation District. The conservation plan must include provisions for control of surface water runoff and nonpoint source pollution.

(3) Animal husbandry.

a. Animal husbandry and associated manure handling must be carried out in conformance with a conservation plan which meets the

standards of the state soil and water conservation commission and is approved by the Androscoggin Valley Soil and Water Conservation District. The conservation plan must include provision for control of surface water runoff and nonpoint source pollution.

(4) Impervious surface.

a. The impervious surface ratio for nonresidential uses may be increased if a groundwater study prepared by a groundwater hydrologist demonstrates that such increase will not have an adverse impact on either the quality or quantity of groundwater or that proposed mitigation measures will result in there being no adverse impact to either the quality or quantity of the groundwater.

(5) Industrial and commercial uses.

a. Facilities shall be designed so that all stored, spilled or leaked hazardous materials are contained on-site;

b. Facilities shall be designed so that no stored, spilled or leaked hazardous materials can infiltrate into the ground;

c. Permanent disposal of any waste containing hazardous materials shall not be allowed on-site;

d. Interior floor drains shall not be directed to any stream, storm drain, dry well or subsurface wastewater disposal system. They shall be directed to holding tanks, treatment systems or the public sewer system;

e. Above ground storage tanks for hazardous materials shall be located within a diked area which is impervious to the substance(s) being stored and large enough to contain the entire contents of the tank(s);

f. Storage areas for drums shall be contained within a diked area which is impervious to the substances being stored. All drums shall be stored in product-tight containers which are protected from leakage, accidental damage and vandalism;

g. Commercial or industrial activities which have uncovered storage areas shall have specially designed stormwater drainage facilities which provide for disposal of stormwater in a manner that will not adversely affect groundwater quality;

h. Dumpsters used to store industrial or commercial wastes shall be covered;

i. The design of storage and containment storage shall be approved by the city engineer for conformance with standard engineering practice.

(6) Subsurface wastewater disposal systems.

a. In areas which are not served by public sewer, no more than one

dwelling unit may be connected to a subsurface waste disposal system, and no "engineered systems" are permitted unless a full hydrogeologic study which examines the specific groundwater impacts of the proposed system indicates that there will be no off-site impacts on groundwater quality. The study must be conducted by a state certified geologist with proven experience in hydrogeology.

b. Disposal of hazardous materials to wastewater disposal systems is prohibited.

(7) Earth material extraction.

a Extraction shall not be allowed below the average seasonal high water table. No ditches, trenches, pumping or other methods shall be used to artificially lower the water table to permit more gravel extraction than could occur under natural conditions.

b. All petroleum products shall be kept out of the pit. If refueling and oil changes must be conducted in the pit, a special area must be constructed that would prevent the maximum possible spill from entering the ground. Absorbent pads shall be kept onsite to be used immediately, should any petroleum products be spilled on the soil.

c. The pit shall not be used for storage or dumping of any substances that could produce a harmful leachate.

d. Any washing or crushing operations shall be conducted in a manner that will minimize runoff and evaporation.

e. Access and haul roads into and around the pit shall not be oiled or salted.

f. Access to the pit shall be strictly controlled at all times with locking gates. When the pit is permanently closed, all vehicular entrances shall be made impassable.

g. When the pit is permanently closed, it shall be loamed and seeded. Application of fertilizer, manure or other soil amendments to bare soil whose topsoil has been removed is prohibited.

(8) Pesticides and herbicides. The application of pesticides and herbicides for nondomestic or nonagricultural uses shall be carried out with all necessary precautions to prevent hazardous concentrations of pesticides and herbicides in the water and on the land within the groundwater conservation district as a result of such application. Such precautions include, but are not limited to; erosion control techniques, the control of runoff water (or the use of pesticides having low-solubility in water), the prevention of volatilization and redeposition of pesticides and the lateral displacement (i.e. wind drift) of pesticides.

(9) Development approval. All nonresidential projects requiring development review shall prepare a groundwater protection plan which shall identify proposed measures for protecting the groundwater from

adverse impacts from loss of recharge capacity, exfiltration from sewer pipes and contamination by oils, chemicals or nutrients.

~~*2) No name pond conservation overlay district (LC).*~~

~~(a) Statement of purpose. The purpose of the no name pond conservation overlay district is to protect the water quality of no name pond by controlling the discharge of surface runoff into the lake, thereby limiting nutrient loading to levels which will not result in substantial degradation of the pond's water quality.~~

~~(b) Applicability. The standards of the no name pond conservation overlay district shall apply to any land located within the watershed of no name pond which discharges surface water either directly or indirectly to no name pond, as shown on the Official Zoning Map, City of Lewiston. These standards shall apply in addition to the standards of the underlying zoning district in which the property is located.~~

~~(c) Permitted uses. Any use permitted by right in the underlying zoning district shall be permitted in the no name pond conservation overlay district.~~

~~(d) Conditional uses. Any use permitted with a conditional use permit in the underlying zoning district shall be permitted as a conditional use in the No Name Pond conservation overlay district.~~

~~(e) Prohibited uses. Any use prohibited in the underlying zoning district shall be prohibited in the No Name Pond conservation overlay district.~~

~~(f) Space and bulk standards. Any building, structure or use of land within the no name pond conservation overlay district shall comply with the following requirements in addition to the space and bulk regulations of the underlying zoning district:~~

~~Minimum setback from shoreline (all structures other than permitted piers, docks, marinas and similar water dependent uses)~~	~~100 feet~~
~~Minimum shoreline buffer retained in natural vegetated state~~	~~50 feet~~
~~Minimum shoreline frontage for any abutting on the pond~~	~~100 feet~~
~~Minimum buffer from perennial or intermittent stream or open stormwater drainage course retained in natural vegetated state~~	~~50 feet~~
~~Maximum impervious surface ratio~~	~~0.1~~

~~(g) Additional standards. Any building, structure or use of land within the no name pond conservation overlay district shall comply with the following requirements:~~

~~(1) Fertilizer use:~~

~~a. The use of fertilizers within the required shoreline, stream or drainage course buffers is prohibited.~~

~~b. The use of solid chemical fertilizers for agricultural or other nondomestic purposes is prohibited.~~

~~c. The use of liquid chemical fertilizers or manure for agricultural or other nondomestic purposes shall be done in accordance with a fertilizing plan approved by the District Conservationist of the Androscoggin Valley Soil and Water Conservation District. This plan shall be filed with the code enforcement official at least 48 hours prior to application of any fertilizer. A plan for a year-long or similar time period may be submitted to the code enforcement official to avoid having to file a separate plan for each application.~~

~~(2) The total area of any lot devoted to lawns and gardens shall not exceed 30 percent of the total area of the lot. Any lot exceeding this requirement as of January 9,1988 shall be permitted to retain all existing lawn and garden areas. No new lawn or garden area shall be established within the required shoreline, stream or drainage course buffers.~~

~~(3) Private sewage disposal systems:~~

~~a. For all proposed on-site sewage disposal systems within the no name pond conservation overlay district and within 250 feet of the shoreline of no name pond, the minimum separation distance required by the applicable state subsurface wastewater disposal rules, between the disposal area bottom and the most limiting soil or groundwater condition (seasonable high groundwater table, restrictive layer or bedrock), must be increased by a factor of 1.5.~~

~~b. For all proposed on-site sewage disposal systems within the no name pond conservation overlay district within 1,000 feet but greater than 250 feet of the shoreline of no name pond, the minimum separation distance required by the applicable state subsurface wastewater disposal rules, between the disposal area bottom and the most limiting soil condition, must be increased by a factor of 1.25.~~

~~c. The installation of any on-site sewage disposal system within 250 feet of the shoreline of no name pond, any perennial or intermittent stream tributary to no name pond or any open stormwater drainage course shall comply with the above standard and all the other requirements of the applicable state subsurface wastewater disposal rules without variance.~~

~~d. The installation of any on-site sewage disposal system with a design capacity in excess of 1,000 gallons per day shall be permitted only if a detailed groundwater hydrology study, acceptable to the city engineer, demonstrates that the system will not have an adverse impact on the water quality of no name pond.~~

~~e. Replacement or reconstruction of lawfully-existing private residential sewage disposal systems in existence and in use on the effective date of this ordinance and systems on lots in~~

~~subdivisions approved prior to the effective date of this ordinance, shall not be subject to the requirements of subsections (3)a and (3)b, but shall be required to comply with the applicable requirements of the state subsurface wastewater disposal rules.~~

~~(4) Proposals for the development of all new or existing lots within the no name pond conservation overlay district, including single-lot residential development, shall comply with the following additional requirements as part of the approval of the project:~~

~~a. The applicant shall demonstrate, using methodology approved in advance by the Maine Department of Environmental Protection, that the proposed development will incorporate appropriate stormwater best management practices based on standards to assure that development within the watershed will not increase the total phosphorous concentration of no name pond by more than 0.75 part per billion. If the analysis demonstrates that this standard will not be met, the applicant shall propose modifications to the plan to bring the project into conformance with the standard.~~

~~b. The applicant shall demonstrate, using the soil conservation service methodology for small urban watersheds for a 25-year, 24-hour storm, that the total volume of stormwater discharged from the site in its post development condition shall not exceed the total runoff in its predevelopment condition by more than 20 percent. If this analysis demonstrates that this standard will not be met, the applicant shall propose modifications to the plan to retain runoff on the site to bring the project into conformance with the standard.~~

~~c. The applicant shall prepare an erosion and sedimentation control plan to minimize, to the maximum extent possible, the discharge of sediments to no name pond. This plan shall be consistent with the practices set forth in the most recent edition of the Environmental Quality Handbook - Maine, published by the Maine Soil and Water Conservation Service and shall be reviewed and approved by the District Conservationist of the Androscoggin County Soil and Water Conservation District.~~

~~(5) Projects within the no name pond conservation overlay district that include one acre or more of disturbed area, must comply with the Maine Stormwater Management Law, 38 MRSA Section 420-D, and any regulations issued thereunder, specifically Rules 500 and 502, having an effective date of December 31, 1997, repealed and replaced on November 16, 2005, and further amended on December 21, 2006. Furthermore, all projects within 250 feet distance from the normal high water line from no name pond must meet the standard under article XII, shoreland area standards.~~

~~(h) Conflicts. In any case in which a provision of article XI, section 20~~

~~conflicts with provisions contained in other articles of this Code, the more stringent standard shall apply.~~

(27) Mobile home park overlay district (MH).

(a) *Statement of purpose.* The purpose of the mobile home park overlay district is to provide for the accommodation of mobile homes in planned, integrated mobile home parks, and mobile homes on individual residential lots, at a standard consistent with the protection of the health, safety and general welfare of the residents of the city while establishing safeguards to minimize the adverse impacts on neighboring property owners.

(b) Applicability. The standards of the mobile home park overlay district shall apply to all land shown on the "Official Zoning Map, City of Lewiston" as being located within the mobile home park overlay district.

(c) Permitted uses. Any use permitted in the underlying zoning district shall be permitted in the mobile home park overlay district. In addition the following uses shall be permitted whether or not they are permitted in the underlying district:

(1) Mobile home parks consisting of:

a. Residential mobile homes and accessory buildings or structures;

b. Facilities for the operation and maintenance of the mobile home park including:

1. A dwelling for the owner or manager;

2. Laundry and restroom facilities;

3. Offices and common areas for the management of the park;

4. Indoor recreation facilities, meeting rooms and common facilities for the exclusive use of park residents and their guests;

5. Outdoor recreation facilities for the exclusive use of park residents and their guests;

6. Service and utility buildings for the storage and repair of equipment used in the operation and maintenance of the park; and

7. Storage facilities for the exclusive use of ark tenants.

c. Facilities for the sales of mobile homes including a sales office and not more than five model units for parks having 50 or fewer sites plus one additional model for each 25 additional approved sites in excess of 50 to a maximum of 12 model units.

(2) Mobile homes on individual residential lots.

(d) Conditional uses. Any use permitted with a conditional use permit in the underlying zoning district shall be permitted as a conditional use in the mobile

home park overlay district unless such use is made a permitted use by subsection (c) above.

(e) Prohibited uses. Any use prohibited in the underlying zoning district which is not a permitted or conditional use in the mobile home park overlay district shall be prohibited in the district.

(f) Space and bulk standards. Any use other than a mobile home park shall comply to the space and bulk standards of the underlying district. Mobile home parks shall comply with the following requirements:

Minimum lot size	5 acres
Minimum street frontage	200 feet
Minimum net lot area per dwelling unit	6,500 sq. feet
Minimum setback of mobile home from the perimeter of the site	50 feet
Minimum front yard	25 feet
Minimum side and rear yard	50 feet
Minimum side and rear buffer	25 feet
Maximum lot coverage ratio	.040

(g) Additional standards.

(1) The general standards of performance of article XII shall apply.

(2) The expansion or development of a mobile home park shall be subject to the development review requirements of article XIII of this Code.

(3) The mobile home park shall conform to the off-street parking requirements of article XII.

(4) The layout, design and construction of individual mobile home sites and related facilities shall conform to the standards set forth in article XII of this Code.

(5) No development which is approved under this section as a mobile home park may be converted to another use without the approval of the planning board, and meeting the appropriate lot size, frontage, setbacks and other requirements. The plan to be recorded at the registry of deeds and filed with the city shall include the following restrictions as well as any other notes or conditions of approval:

a. The land within the park shall remain in a unified ownership and the fee to lots or portions of lots shall not be transferred.

b. No dwelling unit other than a manufactured housing unit shall be located within the park.

c. The owner or operator of a mobile home park shall be responsible for ensuring the maintenance of the park and code compliance with all provisions of the Revised Code of Ordinances of the City of Lewiston for all park owned structures, including recreation and open space areas and mobile home sites.

(Ord. No. 12-15, 2-7-13)

(28) Neighborhood conservation "B" preservation overlay district (NCBP)

(a) Statement of purpose: The purpose of the neighborhood preservation overlay district is to promote the stability and improvement of older multifamily residential neighborhoods by prohibiting the development of new lodging houses or the replacement, reuse or conversion of existing buildings into lodging houses in areas in which said uses would result in an adverse impact on the intended uses of properties in the area impacting residents' quality of living and the ability of property owners to improve and increase the values of their properties.

(b) Applicability. The standards of the neighborhood preservation overlay district shall apply to all land shown on the "Official Zoning Map, City of Lewiston" as being located within the neighborhood conservation "B" overlay district.

(c) Prohibited uses. Any use permitted by right in the underlying zoning district shall be allowed in the neighborhood preservation overlay district with the exception of lodging houses, which are a prohibited use in the NCB overlay district.

(d) Space and bulk standards. The space and bulk requirements of the underlying zoning district shall apply in the neighborhood conservation "B" overlay district.

(Ord. No. 17-20a, 12-21-17)

APPENDIX A – ZONING AND LAND USE CODE
ARTICLE XII. PERFORMANCE STANDARDS

TABLE OF CONTENTS

Section # and Name	Page 1
Section 1- Applicability	A XII: 2
Section 2- Shoreland (Zoning) Area Standards	A XII: 2
Section 3- Timber Harvesting Standards	A XII: 17
Section 4- Community Garden Standards	A XII: 19
Section 5- Earth Removal Standards	A XII: 19
Section 6- Swimming Pools	A XII: 25
Section 7- Walls and Fences	A XII: 27
Section 8- Wind Energy Systems	A XII: 28
Section 9- Adult Business and Tattoo Establishments and Drinking Place Standards	A XII: 29
Section 10- Frontage Right-of-Way Provisions	A XII: 30
Section 11- In-Law Apartment Standards	A XII: 31
Section 12- Campground Standards	A XII: 32
Section 13- Standards for the Installation of Mobile Homes on Individual Lots	A XII: 32
Section 14- Standards for the Installation of Mobile Homes in Mobile Home Parks	A XII: 33
Section 15- Erosion and Sedimentation Control	A XII: 34
Section 16- Signs	A XII: 35
Section 17- Off Street Parking and Loading	A XII: 48
Section 18- Public and Private Improvement Standards for Design and Construction	A XII: 56
Section 19- Environmental Performance Standards	A XII: 57
Section 20- Child Care Facilities Standards	A XII: 59
Section 21- No Name Pond Conservation Overlay District Standards	A XII: 62
Section 22- Design District Overlay Standards	A XII: 64

subsection (e) of these regulations, and publicly erected information kiosks, special intracommunity service signs, or sign boards and signs approved by the city council advertising civic events and function shall be located in the public right-of-way of any street or highway.

(4) *Terminated businesses.* Signs relating to any business which has been out of business for more than 180 days. The owner of the property or his agent shall be responsible for removing all mountings, brackets, poles, sign faces and other sign material.

(5) *Signs on natural features.* No signs shall be permitted which are erected, painted or maintained upon trees, rocks and other natural features.

(Ord. No. 89-3, 4-7-89; Ord. No. 92-16, 8-13-92; Ord. No. 93-5, 3-18-93; Ord. No. 93-6, 5-6-93; Ord. No. 94-4, 7-7-94; Ord. No. 95-7, 6-1-95; Ord. No. 95-9, 7-20-95; Ord. No. 95-10, 9-14-95; Ord. No. 95-11, 9-14-95; Ord. No. 97-8, 10-16-97; Ord. No. 99-3, 3-4-99; Ord. No. 00-1, 2-17-00; Ord. No. 00-19, 10-5-00; Ord. No. 01-1, 2-15-01; Ord. No. 03-02, 3-20-03; Ord. No. 04-08, 4-15-04; Ord. No. 05-15, 9-8-05; Ord. No. 05-16, 11-3-05; Ord. No. 05-20, 1-19-06; Ord. No. 08-04, 5-15-08; Ord. No. 12-01, 3-5-12; Ord. No. 12-05, 5-3-12; Ord. No. 12-14, 1-03-13)

Cross references: Advertising, ch. 6.

Sec. 17. Off-street parking and loading.

(a) ***Applicability***. The following minimum off-street parking and loading requirements except as provided for in subsections (e)(3) and (e)(4) shall be met for:

(1) The use of any parcel of land;

(2) The construction of any building or structure;

(3) The conversion of an existing building, structure or portion thereof to a new use;

(4) The enlargement of an existing building or structure; or

(5) The modification of an existing building or structure to create additional floor area, dwelling units, seats or similar measures of parking demand set out in the standards of subsection (d).

Modifications, enlargements or conversions of buildings or structures or the change in or intensification of use shall not be permitted unless off-street parking and loading is provided for an additional number of spaces representing the difference between what this Code requires for the existing building or structure and what this Code requires for the proposed building or structure.

(b) ***Classification of use***. Off-street parking or loading which is provided to serve an allowed

use or legally existing nonconforming use shall be considered to be an accessory use if it is provided on the same lot or on another lot in the same zoning district in accordance with the standards of this section.

Off-street parking provided in one zoning district to serve a use in another zoning district or off- street parking not associated with a particular use shall not be considered to be an accessory use and shall be permitted only in those zoning districts where commercial parking facilities are allowed as a principal use.

(c) ***Parking facilities***. Parking required by this section may be provided in open air parking spaces or by spaces located in a garage. Parking spaces shall be so arranged

so that each space can be used without another vehicle having to be moved except for single-family detached and two-family detached dwellings and for assigned parking for an individual dwelling unit in an attached single-family or multifamily dwelling, or assigned employee parking in nonresidential projects that are classified as minor developments under this code when reviewed in connection with development review pursuant to article XIII hereof.

(d) ***Off-street parking required.*** The following minimum off-street parking shall be provided and maintained for each situation identified in subsection (a). In computing the number of spaces required, lots with two or more uses shall meet the combined requirement for all of the uses. In calculating the parking requirement, major fractional spaces (0.5 or greater) shall be rounded up to the next whole space. Employee parking is based on the largest shift.

Single-family detached dwellings	two spaces per dwelling unit
Two-family dwellings	two spaces per dwelling unit
Single-family attached or multifamily dwellings with	one space per dwelling unit plus 0.1 spaces per dwelling unit for visitor parking for all single-family attached or multi-family dwellings
Housing for the elderly	one-half space per dwelling unit
Types "A" and "B" group care facilities	one space per three bedrooms, plus one space per employee
Tourist homes	two spaces plus one space per lodging unit
Motels, hotels and inns	three spaces plus one space per sleeping room (accessory eating and drinking establishments or other facilities shall provide additional parking as required).
Rooming houses, boarding houses, lodging houses	one space per three bedrooms
Bed and breakfast establishments	one space per guest sleeping room and two spaces per dwelling unit plus one space per every two employees on the largest shift; establishments approved by development review pursuant to article XIII for meeting facilities for non-guests or for special outdoor functions shall provide one space per two seats in any meeting facilities and one space per two special outdoor function guests based on the approved capacity; if such additional off-street parking is provided off the site, it shall comply with the requirements of article XII section 17.e except that, notwithstanding the provisions of subsection e, the planning board shall have the authority to approve such off-site parking.

Hospitals	one space per patient bed plus one space per three employees
Medical clinics	two spaces per treatment room or patient bed, whichever is greater
Nursing or convalescent homes	one parking space per five resident beds and one space per employee
Child Care and Nursery School Facilities Family Day Care Small Day Care Day Care Centers	One on-site space for each staff person plus one space for each six children
Schools	
Elementary schools	one and a half spaces per classroom
Secondary schools	five spaces per classroom
Residential colleges, universities and institutions of higher education, including accessory facilities athletic and assembly facilities designed primarily for student use	one space per 7 seats in classroom facilities
Business colleges and schools	one space per 4 seats in classroom facilities
Retail and personal service establishments	one space per two hundred fifty square feet of gross floor area. For retail stores which are part of a gasoline service station complex, one-half of the service spaces at the pump islands may be applied to meet not more than one-half of the required parking demand
Neighborhood Retail Store	One space per five hundred square feet of gross floor area
Eating and drinking establishments	one space per three seats
Drive-in restaurants	ten spaces plus one additional space per one hundred feet of gross floor area
Professional and business offices	one space per 300 square feet of gross floor area
Construction contractors, tradesman, offices, laboratories and similar uses	one space per 500 square feet of gross floor area
Adult business establishments, drinking place	one space per 3 seats or 200 square feet of gross floor area, whichever is greater
New and used car dealers	five spaces plus one space per 3,000 square feet of display area (indoor and outdoor)
Auto repair garages and gasoline service stations	two spaces per service bay plus one space per employee
Light industrial uses, industrial uses, wholesale, storage and distribution facilities	one space per 500 square feet of gross floor area up to 3,000 sq. ft. plus one space for each 1,000 sq. ft. of gross floor area in excess of 3,000 square feet

Community centers, libraries, museums, civic clubs, theatres, places of indoor assembly, amusement or culture, religious facilities, and similar uses	one space per 4 seats where fixed seating is provided plus 1 space per 200 square feet of area otherwise available for assembly
Auditoriums, stadiums, sport arenas, race tracks, skating rinks, gymnasiums, convention halls or similar uses	one space per each 4 seats; where individual seats are not provided, each 24 inches of bench or other similar seating, or eight sq. ft. of seating or standing space shall be considered as one seat for the purpose of determining requirements thereof
Self storage facilities	five spaces
Uses not specifically listed or able to be placed into one of the above categories, or listed uses which can be clearly shown to have a differing parking need (either fewer or greater) than otherwise required	Sufficient spaces to accommodate the normal parking demand of the use without requiring on-street parking. The number of required spaces shall be determined by the planning board for major project development review or by the staff review committee for minor project development review or by the planning director if no review is required in accordance with accepted standards.

(e) ***Location of off-street parking facilities.*** Required or provided off-street parking in all districts shall be located on the same lot as the principal building or use, except as provided below:

(1) In residential districts, required or provided off-street parking, serving permitted or conditional uses, may be located off the site, provided it is located within 1,320 feet of the principal building or use measured along lines of public access and cannot reasonably be provided on the same lot. Such off-street parking shall be held in fee simple by the owner of the principal use served, or in such other tenure as assures continued availability for parking as long as the particular land will be needed for such use, provided that if tenure is other than ownership in fee simple, the form of tenure shall be approved by the planning director before the request is considered by the appropriate deciding body. Evidence of fee simple ownership or approved tenure shall be required.

(2) In all zones other than residential, required or provided off-street parking may be located off the site, provided it is located within 1,320 feet of the principle buildings or use measured along lines of public access and cannot be provided on the same lot. Such off-street parking shall be held in fee simple by the owner of the use served, or in such other tenure as assures continued availability for parking as long as the particular land will be needed for such use, provided that if tenure is other than ownership in fee simple, the form of tenure shall be approved by the planning director before the request is considered by the appropriate deciding body. Evidence of fee simple

Sec. 21. No Name Pond Conservation Overlay District Standards

(a) Statement of purpose. The purpose of the no name pond conservation overlay district is to protect the water quality of no name pond by controlling the discharge of surface runoff into the lake, thereby limiting nutrient loading to levels which will not result in substantial degradation of the pond's water quality.

(b) Applicability. The standards of the no name pond conservation overlay district shall apply to any land located within the watershed of no name pond which discharges surface water either directly or indirectly to no name pond, as shown on the Official Zoning Map, City of Lewiston. These standards shall apply in addition to the standards of the underlying zoning district in which the property is located.

(c) Permitted uses. Any use permitted by right in the underlying zoning district shall be permitted in the no name pond conservation overlay district.

(d) Conditional uses. Any use permitted with a conditional use permit in the underlying zoning district shall be permitted as a conditional use in the No Name Pond conservation overlay district.

(e) Prohibited uses. Any use prohibited in the underlying zoning district shall be prohibited in the No Name Pond conservation overlay district.

(f) Space and bulk standards. Any building, structure or use of land within the no name pond conservation overlay district shall comply with the following requirements in addition to the space and bulk regulations of the underlying zoning district:

Minimum setback from shoreline (all structures other than permitted piers, docks, marinas and similar water dependent uses)	100 feet
Minimum shoreline buffer retained in natural vegetated state	50 feet
Minimum shoreline frontage for any abutting on the pond	100 feet
Minimum buffer from perennial or intermittent stream or open stormwater drainage course retained in natural vegetated state	50 feet
Maximum impervious surface ratio	0.1

(g) Additional standards. Any building, structure or use of land within the no name pond conservation overlay district shall comply with the following requirements:

(1) Fertilizer use:

a. The use of fertilizers within the required shoreline, stream or drainage course buffers is prohibited.

b. The use of solid chemical fertilizers for agricultural or other nondomestic purposes is prohibited.

c. The use of liquid chemical fertilizers or manure for agricultural or other nondomestic purposes shall be done in accordance with a fertilizing plan approved by the District Conservationist of the Androscoggin Valley Soil and Water Conservation District. This plan shall be filed with the code enforcement official at least 48 hours prior to application of any fertilizer. A plan for a year-long or similar time period may be submitted to the code enforcement official to avoid having to file a separate plan for

each application.

(2) The total area of any lot devoted to lawns and gardens shall not exceed 30 percent of the total area of the lot. Any lot exceeding this requirement as of January 9,1988 shall be permitted to retain all existing lawn and garden areas. No new lawn or garden area shall be established within the required shoreline, stream or drainage course buffers.

(3) Private sewage disposal systems:

a. For all proposed on-site sewage disposal systems within the no name pond conservation overlay district and within 250 feet of the shoreline of no name pond, the minimum separation distance required by the applicable state subsurface wastewater disposal rules, between the disposal area bottom and the most limiting soil or groundwater condition (seasonable high groundwater table, restrictive layer or bedrock), must be increased by a factor of 1.5.

b. For all proposed on-site sewage disposal systems within the no name pond conservation overlay district within 1,000 feet but greater than 250 feet of the shoreline of no name pond, the minimum separation distance required by the applicable state subsurface wastewater disposal rules, between the disposal area bottom and the most limiting soil condition, must be increased by a factor of 1.25.

c. The installation of any on-site sewage disposal system within 250 feet of the shoreline of no name pond, any perennial or intermittent stream tributary to no name pond or any open stormwater drainage course shall comply with the above standard and all the other requirements of the applicable state subsurface wastewater disposal rules without variance.

d. The installation of any on-site sewage disposal system with a design capacity in excess of 1,000 gallons per day shall be permitted only if a detailed groundwater hydrology study, acceptable to the city engineer, demonstrates that the system will not have an adverse impact on the water quality of no name pond.

e. Replacement or reconstruction of lawfully-existing private residential sewage disposal systems in existence and in use on the effective date of this ordinance and systems on lots in subdivisions approved prior to the effective date of this ordinance, shall not be subject to the requirements of subsections (3)a and (3)b, but shall be required to comply with the applicable requirements of the state subsurface wastewater disposal rules.

(4) Proposals for the development of all new or existing lots within the no name pond conservation overlay district, including single-lot residential development, shall comply with the following additional requirements as part of the approval of the project:

a. The applicant shall demonstrate, using methodology approved in advance by the Maine Department of Environmental Protection, that the proposed

development will incorporate appropriate stormwater best management practices based on standards to assure that development within the watershed will not increase the total phosphorous concentration of no name pond by more than 0.75 part per billion. If the analysis demonstrates that this standard will not be met, the applicant shall propose modifications to the plan to bring the project into conformance with the standard.

b. The applicant shall demonstrate, using the soil conservation service methodology for small urban watersheds for a 25-year, 24-hour storm, that the total volume of stormwater discharged from the site in its post development condition shall not exceed the total runoff in its predevelopment condition by more than 20 percent. If this analysis demonstrates that this standard will not be met, the applicant shall propose modifications to the plan to retain runoff on the site to bring the project into conformance with the standard.

c. The applicant shall prepare an erosion and sedimentation control plan to minimize, to the maximum extent possible, the discharge of sediments to no name pond. This plan shall be consistent with the practices set forth in the most recent edition of the Environmental Quality Handbook - Maine, published by the Maine Soil and Water Conservation Service and shall be reviewed and approved by the District Conservationist of the Androscoggin County Soil and Water Conservation District.

(5) Projects within the no name pond conservation overlay district that include one acre or more of disturbed area, must comply with the Maine Stormwater Management Law, 38 MRSA Section 420-D, and any regulations issued thereunder, specifically Rules 500 and 502, having an effective date of December 31, 1997, repealed and replaced on November 16, 2005, and further amended on December 21, 2006. Furthermore, all projects within 250 feet distance from the normal high water line from no name pond must meet the standard under article XII, shoreland area standards.

(h) Conflicts. In any case in which a provision of article XI, section 20 conflicts with provisions contained in other articles of this Code, the more stringent standard shall apply.

Editor's note: Ord. No. 06-17, effective Feb. 8, 2007, repealed art. XII, § 21, in its entirety. Formerly, said section pertained to additional standards for stormwater management and erosion and sedimentation control.

Sec. 22. Design District Overlay Standards.

(1) *Applicability*- All major and minor Development Review projects in the Design District Overlay shall comply with the following Design District Standards.

(2) *Purpose*- The general intent of these standards is to encourage quality infill development, preserve historic structures and community character, achieve an attractive city and urban neighborhood environment, and foster a sense of community and place. Varied and

human-scaled building facades are key to making a place "pedestrian-oriented," as well as friendlier and safer. Building designs should be compatible with surrounding buildings, provide a high level of visual interest, and include design elements that enhance the streetscape.

(3) *Exterior Building Standards*

a. *Commercial and Mixed-Use Building Standards-*

1. *Commercial First Floor Doors and Windows-* A minimum of fifty percent (50%) of the first floor façade shall consist of clear glass as visible from a public street. No minimum requirement shall be imposed for theaters, places of worship, fire and police stations, municipal service facility, or transformer stations.
2. *Commercial First Floor Elevation-* Commercial first floors shall be at street grade.
3. *Commercial First Floor Entrances-* Commercial buildings shall have a minimum of one entrance every 75 feet of street frontage. The entrance shall be visible and accessible from a sidewalk and shall be open during normal business hours. Commercial entrances shall be recessed and between 15 and 100 square feet in size, with a surface grade that matches the sidewalk.
4. *Commercial Upper Floor Doors and Windows-* A minimum of twenty-five percent (25%) of the upper floor façade shall consist of clear glass as visible from a public street.

b. *Residential Building Standards-*

1. *Residential First Floor Doors and Windows-* A minimum of twenty-five percent (25%) of the first floor façade shall consist of clear glass as visible from a public street.
2. *Residential First Floor Elevation-* A residential first floor elevation shall be twenty-one inches (21") or three steps above the grade of any adjacent sidewalk and first floor window sills of dwelling units shall be a minimum of sixty inches (60") above sidewalk grade.
3. *Residential First Floor Entrances-* Multifamily entrances shall have covered weather protection.
4. *Residential Upper Floor Doors and Windows-* A minimum of twenty-five percent (25%) of the upper floor façade shall consist of clear glass as visible from a public street.
5. Residential Entrances shall provide weather protection and include one of the following entrance features; a stoop, porch or landing.

c. *Windows-* Windows shall not be flush with exterior wall treatments and shall be recessed at least 2 ½ inches or provided with an architectural surround at the jambs, header, and sill.

d. *Blank Walls-* Building facades visible from a public street shall not contain blank walls longer than fifteen feet.

e. *Mechanical Protrusions:* Vent stacks, roof vents, and other mechanical protrusions shall be screened or painted the color of the roof or the adjacent façade. Roofs and roof lines shall minimize the visual impact of mechanical systems.

(4) *Parking Access and Design*

a. *Parking in Front Setbacks and Yards*- Vehicle parking is prohibited in the area between building frontage and public streets except in conjunction with single or two-family dwellings.

b. *Driveways*- Driveways to parking areas and service facilities on the site shall be limited to a total width of 24 feet unless a wider entrance is justified for any individual driveway. The number of access drives shall be limited to one per 100 feet of lot frontage, with a minimum of one driveway per lot.

c. *Maximum Number of Parking Spaces*: For buildings greater than 10,000 gross square feet, no more than 140 % of the required minimum number of parking spaces are permitted, except as provided in Article XII, Section 17 Off-Street Parking and Loading.

d. *Multi-modal Facilities*: Projects with 20 or more parking spaces shall provide outdoor bicycle racks for a minimum of 4 bicycles. Required bicycle racks shall be within 100 feet walking distance of the main building entrance.

(5) *Treatment of Front Yards in the Design District Overlay*

a. The areas between the principal facade of a building and the public right of way shall be landscaped except for driveways, sidewalks, and allowable building projections (stoops, chimneys, awnings, porches).

b. Front yard landscaping shall consist of ground covers, annual or perennial flowers, shrubs or appropriately sized trees. Plant materials shall not encroach into the sidewalk or right-of-way.

c, Trees are recommended if the front setback is at least 5 feet wide to provide adequate space for the tree roots.

d. Short fences of approximately 3 feet in height are desirable in residential front yards.

(6) *Roofs*

a. *Rooflines*- Roofs and roof ridgelines shall avoid unbroken expanses the length of the building through the use of dormers, chimneys, and changes in the ridgeline. Variations in design shall connect to the overall building design, such as being shaped to define building corners and entries.

b. *Solar panels*- Solar panels shall follow rooflines and, where possible, be integrated with the roof design.

c. *Falling snow*- Roofs shall be designed to prevent falling ice and snow onto entrances and walkways.

(7) *Context-Sensitive Design-*

a. *Documentation of Surrounding Context*- Development Review applications in the Design District Overlay shall include documentation consisting of:

i. A site map and a map of adjacent principal buildings or structures

ii. Elevation drawings of all proposed building facades visible from the public right of way including calculations of all first and upper floor window and door coverage

iii. Photos of the development site and adjacent principal buildings or structures,

iv. A narrative that describes how the development proposal meets the Context-Sensitive Design Criteria, the architectural style, character, and site conditions of the eight adjacent principal buildings, structures or lots (two buildings on the right, two on the left, and four across the street).

b. *Context-Sensitive Design Criteria*- An applicant shall address the following criteria in a narrative to ensure the proposed project will be compatible and in harmony with the adjacent principal buildings or structures by describing how:

i. The height of proposed principal building or structure, its bulk; the nature of its roofline and the will be of similar scale and proportion as the adjacent principal buildings, structures or lots.

ii. The location, size, and proportions of openings in the facade, primarily windows and doors, of new construction will be consistent in proportion and rhythm with openings in the facade of the adjacent principal buildings, structures or lots.

iii. The massing and type of roof (flat, gabled, hip, gambrel, mansard) of the new construction shall complement the massing and type of roof as the adjacent principal buildings, structures or lots.

iv. Building materials and texture shall exhibit the characteristics of texture, composition, and reflectivity of the adjacent principal buildings, structures or lots.

v. The placement and orientation of the new construction/in-fill shall be in harmony with the adjacent principal buildings, structures or lots.

vi. Architectural consistency: The proposed project shall maintain consistency of architectural character, treatments, and details on all building facades visible from public rights of way.

(8) *Waiver Requests*

a) Development Review applications shall meet all the standards contained in Article XII, Section 22 unless the deciding body grants a waiver request.

b) Applicants shall provide written justification as to how the waiver request meets the following criteria.

i. There are extraordinary and exceptional conditions pertaining to the particular piece of property. For example, the waiver is justified because of topographic or other special conditions unique to the property and development involved, as opposed to the mere inconvenience or financial disadvantage.

ii. These conditions do not generally apply to other property in the vicinity.

iii. The conditions are not the result of the applicant's own actions.

iv. Granting of the waiver would not substantially conflict with the Comprehensive Plan, Plan and the purposes and intent of this Code

v. Because of these conditions, the application of this Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.

vi. The authorization of a waiver will not be of substantial detriment to adjacent property or the public good, and the character of the zone will not be harmed by the granting of the variance

Sec. 1. Purpose.

The purpose of development review is to provide for the review and approval of development plans for nonresidential and residential developments including, but not limited to, subdivisions and mobile home parks to ensure that the development of both private and public land occurs in a manner which minimizes the adverse impact on public facilities, the natural environment, and neighboring uses, and to otherwise protect the health, safety and general welfare of the people. (Ord. No. 99-11, 5-20-99; Ord. No. 99-15, 8-12-99)

Sec. 2. Applicability.

(a) The requirements of this article shall apply to the following:

(1) The creation of a subdivision as defined under 30-A M.R.S.A., § 4401, as amended;

(2) The construction of any new, nonresidential building or structure;

(3) The expansion of an existing nonresidential building or structure provided such expansion involves at least 1,000 square feet of total floor area. However, expansions of buildings or structures reviewed and approved under development review may be determined by the planning director or designee to be of a de minimis nature and can be processed in accordance with the procedures under subsection 3(k) below;

(4) The conversion of an existing building from residential to nonresidential uses unless the planning director or designee determines the conversion does not constitute an intensification and/or will have minimal impacts on adjacent residential properties;

(5) The construction of any new residential structure, conversion of an existing building into a residential use, the creation of a bed and breakfast establishment with five or six rooms, or the modification of an existing residential structure that results in the net creation of three or more dwelling units;

(6) Earth moving, removal, grading, or filling activities which involve more than 5,000 cubic yards of material which is not associated with a building construction project and for which no permit is required pursuant to chapter 66 or 74 of the Code of Ordinances;

(7) The development or expansion of a mobile home park;

(8) The change of an existing nonresidential building or structure from one use to another use where the proposed use is more intensive than the existing use; or the intensification of any use;

(9) The establishment of a new nonresidential use even if no buildings or structures are proposed;

(10) The amendment or reconfiguration of an approved subdivision as defined by 30-A M.R.S.A. § 4401, as amended or the amendment of any other development, as defined herein, for which development approval was previously obtained under this article or the amendment to any plan approved by the planning board under the Code of Ordinances in effect prior to January 9, 1988, unless determined by the planning director or designee to be a de minimis change and therefore can be processed in accordance with the procedures under subsection 3(k) below;

(11) The creation of a right-of-way for the purpose of allowing a residential lot to gain required frontage pursuant to article XII, section 10; or

(12) The modernization modifications of existing gasoline service stations that involve existing nonconforming pump island replacement.

(13) The City of Lewiston has also been granted the authority to substitute their review and approval for the following kinds of projects that require a permit from the Maine Department of Environmental Protection (DEP):

a. Subdivisions as described in 38 M.R.S.A. Section 482, subsection 5, as amended, of more than 20 acres but less than 100 acres;

b. Structures as described in 38 M.R.S.A. Section 482, subsection 6, Paragraph B, as amended, in excess of three acres, but less than seven acres of non-revegetated ground area;

c. Projects requiring a permit under the State Stormwater Management Law, as described in 38 M.R.S.A. Section 420-D.

(14) The City of Lewiston has also been granted the authority to substitute their review and approval for the following kinds of projects that require a permit from the Maine Department of Transportation (MDOT):

a. A project generating 100 to 200 passenger car equivalents at peak hour as described in 23 M.R.S.A., Section 704-A subsection 2 and 4. [For the purposes of this article, passenger car equivalents at peak hour means the number of passenger cars, or, in the case of non-passenger vehicles, the number of passenger cars that would be displaced by non-passenger vehicles, that pass through an intersection or on a roadway under prevailing roadway and traffic conditions at that hour of the day during which the traffic volume generated by the development is higher than the volume during any other hour of the day. A one tractor-trailer combination is the equivalent of two passenger cars. (See 23 M.R.S.A. Section 704-A subsection 1-B.]

b. A project generating 200 or more passenger car equivalents at peak hour (provided there is no impact in any other municipality other than Lewiston as described in 23 M.R.S.A., Section 704, subsections A(2) and (4)).

(15) Minor or major plans for properties located within the Design District Overlay shall meet the requirements for Article XII, Section 22, Development District Overlay Standards.

(b) This section does not apply to the construction of single-family homes or two-family homes, the placement of manufactured housing or mobile homes on individual lots, agricultural buildings or structures, agriculture and forest management, and timber harvesting activities.

(c) No building permit, plumbing permit or certificate of occupancy shall be issued for a development within the scope of this article unless and until a final plan of the development has been approved in accordance with the procedures set forth in article XIII, section 3.

(d) The city council may from time to time establish reasonable application fees to defray the costs of reviewing major and minor site plans.

(Ord. No. 89-3, 4-7-89; Ord. No. 90-4, 5-17-90; Ord. No. 91-1, 3-19-91; Ord. No. 99-15, 8-12-99; Ord. No. 03-09, 7-17-03; Ord. No. 06-04, 4-20-06; Ord. No. 06-17, 2-8-07; Ord. No. 07-01, 3-8-07; Ord. No. 08-08, 10-2-08)

Sec. 3. Procedure.

(a) Classification of a project. Projects subject to development review ~~shall be~~ are divided into two classes, minor developments and major developments:

(1) *Minor development.*

a. A minor development shall be those projects involving:

i. The construction or addition of less than 5,000 square feet of nonresidential floor area,

ii. The conversion of a residential structure with less than 5,000 square feet of total floor area to a nonresidential use,

iii. The change of use of an existing nonresidential building or structure, the separate conveyance of attached and detached principal residential structures,

iv. The construction or alteration of a multifamily residential structure, or a conversion of a nonresidential building which involves the creation of 12 or less additional dwelling units, (unless required to be reviewed under state subdivision law),

v. Earth moving, removal, filling or grading activities involving greater than 5,000 cubic yards of material, the creation of a right-of-way for the purpose of allowing a residential lot to gain required frontage,

vi. The establishment of a new nonresidential use when no buildings or structures are proposed; and

vii. The modernization modifications of existing gasoline service stations that involve existing nonconforming pump island replacement.

b. Projects otherwise meeting the minor development classification, but requiring issuance of a conditional use permit, shall be classified as a major project.

c. The planning director or designee may also determine that projects otherwise meeting the minor development classification be classified as major projects due to such issues as expected significant public input, impacts to neighborhoods, natural resources or government services, or other significant potential effects to public health, welfare or safety.

(2) *Major development.* Major developments include the following:

a. Projects requiring development review and not classified as minor developments including those projects that are determined to be applicable under subsections 3(a)(1)(b) and (c) above;

b. Projects which generate 100 or more passenger car equivalents at peak hour; or

c. Projects that require a permit under the State Site Location of Development Act and/or Stormwater Management Laws.

(b) *Review authority.* The responsibility for reviewing and approving developments shall rest with the planning board or the staff review committee depending on the classification of the project.

(1) *Planning board authority.* The planning board is authorized to review and act on all development plans for major developments.
(2) *Staff review committee authority.* The staff review committee is authorized to review and act on all development plans for minor developments.

(c) *Planning board actions.* In considering development plans under this section, the planning board may act to approve, approve with conditions, or disapprove development applications based on the applicable criteria set forth in this article.

The board shall hear and decide requests for the reduction of the provisions under article XI, sections 1 through 14, district regulations, with respect to space and bulk standards for setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios, and maximum building height, where the development is a major development as defined in article XIII, subsection 3(a) (2) of this Code. In order for the board to grant the aforementioned relief, it must find that the standards contained in article IX, sections (3) (9),(10) and (11), as applicable, are met.

(d) *Staff review committee actions.* In considering development plans under this section, the staff review committee may act to approve, approve with conditions, or deny site plan applications based on the applicable criteria set forth in this article.

The staff review committee shall consist of the planning director, or designee, who shall serve as chairman and a representative from the following departments; public services, planning and code enforcement, police and fire.

Actions by the staff review committee to approve an application or approve an application with conditions shall require the unanimous consent of the members of the committee. The disapproval of two or more members of the committee shall constitute denial of the application.

The staff review committee shall hear and decide requests for the reduction of the provisions under article XI, sections 1 through 14, district regulations, with respect to space and bulk standards for setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios, and maximum building height, where the development is a minor development as defined in article XIII, subsection 3(a)(1) of this Code. In order for the committee to grant the aforementioned relief, it must find that the standards contained in article IX, section 3(9), (10) and (11), as applicable, are met.

The staff review committee shall hear and decide requests for the separate conveyance of attached and detached principal residential structures. In order for the committee to grant such requests, it must find that the standards contained in article V (3)(w) are met.

(e) *Pre-application procedures.* The applicant for any development approval shall meet with the planning director or designee prior to the submission of a development ~~plan~~ review application to generally discuss the proposal and to obtain guidance in the development of the plan.

The planning director or designee, shall review materials in terms of the requirements of this Code and shall provide direction to the applicant on the plan concept, overall suitability of the proposal, questions or issues to be addressed in the development plan and act on any modifications or waivers requested by the applicant pursuant to subsection 3(h)(5) of this article. Modifications or waivers will be granted when the size of the project or circumstances of the site are such that the requirements would not be applicable or would be an unnecessary burden upon the applicant and that such modification or waiver would not adversely affect the abutting landowners or the general health, safety and welfare of the city, and must be confirmed by the reviewing authority at the meeting.

(f) *Application procedures.* Applications for development review shall be submitted on application forms provided by the city. The completed application form, appropriate fee and the required copies of a complete site plan for the proposed development and any related information shall be submitted to the office of the planning director.

(g) *Application requirements.* The application for development review, the site plan and related submissions shall contain at least the following exhibits and information:

(1) A fully executed and signed copy of the application for development review.

~~(2) One original of all maps and drawings on durable, permanent transparency material.~~

(2) Initial Review Materials- Five ~~Three~~ copies (for both minor and major developments) of written application materials plus five sets (for both minor and major developments) of maps or drawings containing the information listed below. The written materials shall be contained in a bound report. The maps or drawings shall be at a scale sufficient to allow the review of the items listed under approval criteria, but in no case shall be more than 50 feet to the inch for that portion of the tract of land being proposed for development.

(3) Digital files for all written materials and plans (.PDF files are acceptable).

(4) Final Development Review Application- After the application has been reviewed by staff and revisions made, and the application is deemed complete by Staff, a meeting date shall be established for consideration by the Staff Review Board or Planning Board. The applicant shall be notified of the meeting date.

(5) Final Development Review Materials- A complete application for the Planning Board shall consist of twelve copies of the complete application, nine 11” x 17” and three 24” x 36” copies of maps and drawings and PDF files of all application materials shall be submitted to the Planning Office no later than 5 days before the scheduled meeting.

a. *General Application Information.*

1. Record owner's name and address and applicant's name and address if different.
2. The name of the proposed development.
3. Sketch map showing general location of the site within the city.
4. Boundaries of all contiguous property under the control of the owner or applicant regardless of whether all or part is being developed at this time.
5. The tax map number and street or parcel number of the parcel or parcels.
6. A copy of the deed to the property, option to purchase the property or other documentation to demonstrate right, title or interest in the property on the part of the applicant.
7. The name, registration number and seal of the land surveyor, architect, engineer and/or similar professional who prepared the plan.

b. *Existing Conditions*.

1. Zoning classification(s) of the property and the location of zoning district boundaries if the property is located in two or more zoning districts or abuts a different district.
2. The bearings and distances of all property lines of the property to be developed and the source of this information.
3. Location and size of any existing sewer and water mains, culverts and drains on the property to be developed and of any that will serve the development from abutting streets or land.
4. Location, names, and present widths of existing streets and rights-of-way within or adjacent to the proposed development.
5. The location, dimensions and ground floor elevations of all existing buildings on the site.
6. The location and dimensions of existing driveways, streets, parking and loading areas and walkways on the site.
7. Location of intersecting roads or driveways within 200 feet of the site.
8. The location of open drainage courses, wetlands, stands of trees and other important natural features, with a description of such features to be retained.
9. The direction of existing surface water drainage across the site.
10. The location, front view and dimensions of existing signs.
11. Location and dimensions of any existing easements and copies of existing covenants or deed restrictions.

c. *Proposed development activity.*

1. The location of all building setbacks, yards and buffers required by this Code.
2. The location, dimensions, and ground floor elevations of all proposed buildings on the site.

3. The location and dimensions of proposed driveways, parking and loading areas, and walkways.
4. The location and dimensions of all provisions for water supply and wastewater disposal.
5. The direction of proposed surface water drainage across the site.
6. Location of all proposed signs.
7. Location, ~~and~~ height and type of exterior lighting.
8. Proposed landscaping and buffering.
9. Copies of applicable state approvals and permits, provided, however, that the board or staff review committee may approve development plans subject to the issuance of specified state approvals and permits where it determines that it is not feasible for the applicant to obtain them at the time of development review.
10. A schedule of construction, including anticipated beginning and completion dates.
11. Space shall be provided on the plan for the signature of the chair of the reviewing body and dates of the meeting and the signature together with the following words, "Approved: City of Lewiston".

(6) Additional information that may be required due to the nature of the project. The applicant shall consult with Staff to determine if the following is required:

a. Existing and proposed topography of the site at two-foot contour intervals.
b. A stormwater drainage and erosion control plan showing:
   1. The existing and proposed method of handling stormwater runoff.
   2. The direction of flow of the runoff through the use of arrows.
   3. The location, elevation, and size of all catch basins, dry wells, drainage ditches, swales, retention basins and storm sewers, and all other stormwater management structures.
   4. Engineering calculations used to determine drainage requirements as specified by subsection 4(f) of this article.
   5. Methods of controlling erosion and sedimentation during and after construction.
c. A groundwater impact analysis prepared by a groundwater hydrologist for projects involving common on-site water supply or sewage disposal facilities with a capacity of 2,000 gallons per day or greater or for projects located within the groundwater conservation overlay district.
d. A utility plan showing, in addition to provisions for water supply and wastewater disposal, the location and nature of electrical, telephone and any other utility services to be installed on the site.
e. A planting schedule keyed to the site plan and indicating the general varieties and sizes of trees, shrubs and other plants to be planted on the site.
f. A traffic impact analysis demonstrating the impact of the proposed project on the capacity, level of service and safety of adjacent streets.
g. A written statement as to the adequacy of the water supply in terms of quantity and pressure for both domestic and fire flows.

h. The location, width, typical cross-section, grades and profiles of all proposed streets and sidewalks.

i. Construction drawings for streets, sanitary sewers, water and storm drainage and management systems, designed and prepared by a professional engineer registered in the State of Maine.

j. Proposed lot lines with their dimensions and the location of required setbacks. If the development involves a subdivision consisting of principal buildings on the same lot, the locations, building outlines, and dimensions of all buildings, with setback dimensions, shall be shown.

k. Lots and blocks within a subdivision numbered in accordance with local practice.

l. The location of any pedestrian ways, lots, easements, open spaces and other areas to be reserved for or dedicated to public use and/or ownership. For any proposed easement, the developer shall submit the proposed easement language with a signed statement certifying that the easement will be executed upon approval of the development. In the case of any streets or other ways dedicated to public ownership, the developer shall submit a signed statement that he will maintain such streets or ways year-round until they are accepted by the city.

m. Sufficient data acceptable to the city engineer to determine readily the location, bearing, and length of every street line, lot line, easement, and boundary line and to reproduce such lines upon the ground. Where practical, these should be tied to reference points previously established and the data transferred in an appropriate electronic file format.

n. A copy of such covenants or deed restrictions, if any, as are intended to cover all or part of the tract. Such covenants or deed restrictions shall be referenced on the plan.

o. Written offers of dedication or conveyance to the municipality, in a form satisfactory to the city attorney, of all land included in the streets, highways, easements, parks, or other open space dedicated for public use, and copies of agreements or other documents showing the manner in which spaces, title to which is reserved by the developer, are to be maintained.

p. If the development is a condominium or a clustered development, evidence that all requirements relative to establishment of a homeowners' association or condominium owners' association have been met. If the development is a clustered development, evidence shall be presented that all other requirements of this Code pertaining to clustered development have been met. The submission shall include copies of the by-laws of any homeowners' or condominium association charged with maintaining common spaces and lands. Homeowners' association or condominium documents shall clearly state that the association or condominium shall properly maintain private roadways and stormwater management systems serving the development after the developer has legally relinquished that responsibility and until such time as the city may accept them as public ways.

q. A performance guarantee in a form and amount meeting the requirements of article XIII, section 12 to secure the completion of all public improvements required by the planning board in a form acceptable to the city. The guarantee need not be submitted as part of the application, but must be submitted before the plan is signed. The plan shall not be deemed approved until the performance guarantee has been filed. Cost estimates of the proposed public improvements obtained by the applicant from a licensed professional engineer who, in the planning board's judgment, is qualified to make such estimates, shall be submitted as part of the final plan application. If a conditional agreement is to be filed in lieu of the performance guarantee, it must be endorsed by the planning board on the plan and meet the requirements under article XIII, section 12.

r. Cost of the proposed development and evidence of financial capacity to complete it. This evidence should be in the form of a commitment letter from a bank or other source of financing indicating the name of the project and the amount of financing proposed.

(7) The planning board or staff review committee shall confirm the modification or waiver of any of the submission requirements in article XIII, subsection 3(g) recommended by the planning director or designee, when it determines that because of the size of the project or circumstances of the site such requirements would not be applicable or would be an unnecessary burden upon the applicant and that such modification or waiver would not adversely affect the abutting landowners or the general health, safety and welfare of the city.

(h) *Review procedures.* The following procedures shall be used for the review of development applications:

(1) *Minor developments.*

a. Upon receipt of an application for a minor development, the planning director shall, within five working days, determine substantial completeness of the application and, if so determined, notify the applicant in writing that the application is substantially complete, additional information necessary to complete the application the date, time and place on which the staff review committee will consider the application.

b. Staff shall notify all abutting property owners and the appropriate municipality when a development review project abuts or is in close proximity to an adjacent municipality's border, by mail sent no less than seven days prior to the meeting, of: the pending application, the opportunity to submit written comments on the application to the office of the planning director, and the date, time and place of the staff review committee meeting at which the application will be considered.

c. If the application is not substantially complete, the planning director shall notify the applicant of the additional information necessary to complete the application.

d. Upon determination of substantial completeness, the planning director shall also transmit copies of the plans and related information to the

following departments; public services, planning and code enforcement, police and fire.

e. The staff review committee shall meet to review the application and the committee shall approve, approve with conditions or deny the application. A written record of the staff review committee's meeting shall be maintained and shall be available for public inspection. The committee shall act on each application within 30 days of the date on which said application was determined by the planning director to be complete so long as the required notice to abutters has been given, or at its next regularly scheduled meeting after said required notice has been given, whichever occurs later.

f. Within five working days of the date of the committee's action, the office of the planning director shall notify the applicant in writing thereof.

(2) *Major developments.*

a. Upon receipt of an application for a major development, the planning director shall review said application for substantial completeness and if so determined, schedule a review of said application before the planning board and notify the applicant and all abutting property owners, by mail, sent no less than seven days prior to the meeting, of the pending application, the opportunity to submit written comments on the application to the planning board on or before the date of said review and the date, time and place of the planning board meeting at which the application will be considered.

b. All reviews of applications for development review shall be public hearings, and shall be held within 30 days of the date the planning director determined the application to be substantially complete and shall advertise said public hearing in a newspaper of general circulation in the city at least two times, the date of the first publication to be at least six days prior to the date of the hearing.

c. The planning board shall take final action on said application within 30 days of the public hearing.

d. Except for developments which involve the creation of a subdivision as defined by 30-A M.R.S.A. Section 4401 as amended, the limits provided for in this subsection may be extended by mutual agreement between the planning director and the applicant. For those developments which involve the creation of a subdivision as defined by 30-A M.R.S.A. Section 4401 as amended, the limits provided in this subsection may be extended only by mutual agreement between the planning board and the applicant.

(i) *Building permit.* One copy of the notice of approval of the application shall be included in the application for a building permit and shall become part of the permit.

(j) *Appeals of staff decisions.* The applicant or any participating abutter may appeal the action of the staff review committee to the board of appeals within 15 days of the committee action.

(k) *De minimis changes to development plans.* The planning director or designee may determine amendments to a development plan are "de minimis," that is of a minor nature, and do not require a formal review process. Accordingly, the amended plan can be signed directly by the planning director or designee. However, amendments to developments which involve the creation of a subdivision as defined by 30-A M.R.S.A. Section 4401, as amended, will require signature of the amended plan by the planning board chair, who may request that the de minimis change be brought before the board for their review and approval prior to the signing of the permanent copy of the plan (mylar.) A report of all approved de minimis changes will be submitted to the planning board or staff review committee as appropriate at their next available meeting.

(Ord. No. 89-3, 4-7-89; Ord. No. 90-4, 5-17-90; Ord. No. 94-18, 12-1-94; Ord. No. 95-10, 9-14-95; Ord. No. 98-6, 7-2-98; Ord. No. 98-12, 11-19-98; Ord. No. 99-15, 8-12-99; Ord. No. 03-09, 7-17-03; Ord. No. 03-17, 1-1-04; Ord. No. 06-17, 2-8-07)

Sec. 4. Approval criteria.

The following criteria are to be used by the staff review committee and the planning board in judging applications for development review and shall serve as minimum requirements for approval of the application. The application shall be approved unless the staff review committee or the planning board determines that the applicant has failed to meet one or more of these standards. In all instances, the burden of proof shall be on the applicant and such burden of proof shall include the production of evidence sufficient to warrant a finding that all applicable criteria have been met.

(a) *Utilization of the site.* A grading ~~The~~ plan for the development will reflect the natural capabilities of the site to support development. Buildings, lots and support facilities will be clustered in those portions of the site that have the most suitable conditions for development. Environmentally sensitive areas such as wetlands, steep slopes, floodplains and unique natural features will be maintained and preserved to the maximum extent. Natural drainage areas will be preserved to the maximum extent.

(b) *Traffic movement into and out of the development area.* The developer has made adequate provision for traffic movement of all types into and out of the development area. Vehicular access to the site will be on roads which have adequate capacity to accommodate the additional traffic generated by the development. Intersections on major access routes to the site within one-half mile of any entrance road which are functioning at a level of service of C or better prior to the development will function at a minimum at level of service C after development. If any intersection is functioning at a level of service D or lower prior to the development, the project will not reduce the current level of service. If a development is located in the highway business (HB), community business (CB), centreville (CV), mill (M), riverfront (RF), urban enterprise (UE), office service (OS), office residential (OR), and industrial (I) districts, which are designated as growth areas within the comprehensive plan, and the plan has been found by the state to be consistent with the growth management program under Title 30-A, Chapter 187, the planning board or staff review committee shall require improvements to the level of

traffic service only if the level of service adjacent to or in the vicinity of the development is or would be level of service E or F, as determined by the City of Lewiston's Engineering Department and/or LACTS. In these cases, improvements shall be required so as to bring the traffic service to, at minimum, level of service D. All level of service determinations shall be made in accordance with the "Highway Capacity Manual" (3rd Ed. 1994), and as described in the site plan review and design guidelines.

Before granting approval for any development, the planning board or staff review committee shall determine that any traffic increase attributable to the proposed development will not result in unreasonable congestions or unsafe conditions on a road in the vicinity of the proposed development. The applicant shall provide to the City of Lewiston with an analysis of traffic movement of all types into and out of the development area and with a statement of recommended findings on traffic issues, after consulting, as necessary, with the Maine Department of Transportation (MDOT), the City of Lewiston Engineering Department, and the Lewiston-Auburn Comprehensive Traffic Study (LACTS). The reviewing body may require this analysis to be done by a registered professional engineer. In all cases where the passenger car equivalents at peak hour is 100 or greater, the project must be reviewed by the planning board and a registered professional engineer shall prepare the analysis and recommendations. In all instances, the city shall discuss with the applicant and their representatives the scope of impact evaluation required for the proposed development to be studied, what other agencies need to be consulted, and what other information is required. In making its determination under this subsection, the planning board or staff review committee shall consider the analysis and recommendations provided by the applicant as well as those submitted by the Maine Department of Transportation (MDOT), the City of Lewiston Engineering Department, and the Lewiston-Auburn Comprehensive Traffic Study (LACTS), as applicable. Where required by state law, the applicant shall provide notice to affected abutting municipalities.

The planning board or staff review committee may approve a development not meeting this requirement if the applicant demonstrates that:

(1) A public agency has committed funds to construct the improvements necessary to bring the level of access to this standard; or
(2) The applicant will assume financial responsibility for the improvements necessary to bring the level of service to this standard and will guarantee the completion of the improvements within one year of approval of the project.

(c) *Access into the site.* Vehicular access into the development will provide for safe and convenient access.

(1) Grades, intersections, access and sight distances shall be in accordance with the City of Lewiston's Policy for the Design and Construction of Streets and Sidewalks.

(d) *Internal vehicular circulation.* The layout of the site will provide for the safe movement of passenger, service and emergency vehicles through the site.

(1) ~~Nonresidential p~~ Projects with delivery needs shall provide a clear route for delivery vehicles with appropriate geometric design to allow turning and backing for WB-40 vehicles.

(2) Clear routes of access will be provided and maintained for emergency vehicles to all portions of the site and will be posted with appropriate signage.

(3) The layout and design of parking areas will provide for safe and convenient circulation of vehicles throughout the lot and will prohibit vehicles from backing out onto a street.

(4) All streets will be designed to harmonize with the topographic and natural features of the site. The road network will provide for vehicular and pedestrian safety, all season emergency access, snow storage and delivery and collection services.

a. Residential streets will be curved whenever practicable to the extent necessary to avoid conformity of lot appearance.

b. ~~Culs-de-sac and loop streets are encouraged so that through traffic on residential streets is minimized.~~ Similarly, to the extent practicable, driveway access to collector or arterial streets will be minimized to facilitate the free flow of traffic and avoid traffic hazards.

c. Streets will be designed to provide for proper continuation of streets from adjacent development and for ~~proper~~, projection of streets into adjacent unsubdivided and open land. Where the developer owns substantial contiguous land that is not part of the proposed development, the planning board may require a conceptual layout of streets to serve the contiguous land. This layout will not be binding, but shall provide an indication of how the contiguous area can be served in relation to the proposed development.

d. Wherever existing or planned streets, topographical features, and public safety permit, streets will run in east-west directions, and lots on a north-south axis, to maximize access to direct sunlight for solar energy systems. The character, extent, width, and grade of all streets will be considered in their relation to existing or planned streets.

(5) Where a development borders an existing narrow road (below standards set in this Code for public streets) or when the comprehensive plan indicates plans for realignment or widening of a road that would require use of some of the land in the development, the applicant shall be required to show areas for widening or realigning such roads on the plan, marked "Reserved for Road Realignment (or Widening) Purposes." It shall be mandatory to indicate such reservation on the plan when a proposed widening or realignment is shown on the official map. Land reserved for such purposes may not be counted in satisfying setback or yard or area requirements of the zoning districts.

(6) Where a development abuts or contains an existing or proposed arterial street, the board may require marginal access streets (street parallel to arterial street providing access to adjacent lots), reverse frontage lots (that is, frontage on a street other than the existing or proposed arterial street) with screen planting

contained in a nonaccess reservation along the rear property line, or such other treatment(s) as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

(e) *Pedestrian circulation.* The development plan will provide for a system of pedestrian circulation within the development. This system will connect with existing sidewalks if they exist in the vicinity of the project. The pedestrian network may be located either in the street right-of-way or outside of the right-of-way in open space or recreation areas. The system will be designed to link residential units with recreational and commercial facilities, other common facilities, school bus stops and existing sidewalks in the neighborhood. Sidewalks shall meet the standards identified in the City of Lewiston's Policy for the Design and Construction of Streets and Sidewalks and Complete Streets Policy ordinance.

(f) *Stormwater management*. Adequate provisions shall be made for the disposal of all stormwater collected on streets, parking areas, roofs or other impervious surfaces through a stormwater drainage system which will not have adverse impacts on abutting or downstream properties. All projects disturbing less than one acre shall be designed to meet the requirements of this subsection 4(f). All projects including one acre or more of disturbed land shall meet the requirements of this subsection 4(f) and the requirements of the Site Location of Development Law, 38 MRSA, 481--490, the Maine Stormwater Management Law, 38 M.R.S.A. Section 420-D, and regulations promulgated there under, specifically Rules 500, 501, and 502, as amended on August 12, 2015. At the discretion of the director of public works or his/her designee he/she may waive the above requirements, based on a finding that a particular site will have no significant runoff.

(1) The plan will demonstrate the disposal of stormwater on the land at the site of development, and do so through the wise use of the natural features of the site. Stormwater runoff systems will infiltrate, detain or retain water falling on the site such that the rate of flow from the site does not exceed that which would occur in the predevelopment state for a storm of intensity equal to at least a 2-, 10-, and 25-year storm, with a duration equal to the time of concentration. The stormwater quantity calculations must be in accordance with acceptable engineering practice. Acceptable stormwater methodologies and models include but are not limited to TR-20-Computer Program for Project Formulation--Hydrology, Second Edition, U.S. Department of Agriculture, Soil Conservation Service (May 1983); TR-55-Urban Hydrology for Small Watersheds, Second Edition, U.S. Department of Agriculture, Soil Conservation Service (June 1986); TR-55 Microcomputer Program, Version 2.0, (January 15, 1990); and HEC-1 Flood Hydrology Package, U.S. Army Corps of Engineers. Any methodology other than those listed must have prior approval from the director of public works or his/her designee. Use of the 25-year, 24-hour storm as a design standard in this chapter is not intended to prohibit appropriate use of the rational method. The outlet structures of each detention basin must be designed to control 24-hour storms of 2-, 10-, and 25-year frequencies. Each detention basin must be constructed with an emergency

spillway designed to independently convey the unrouted runoff from a 25-year, 24-hour storm event.

Additionally, a waiver from these standards may be granted by the director of public works or his/her designee in the cases specifically identified below:

a. *Discharge to the Androscoggin River*. A project conveys stormwater exclusively in a manmade piped or open drainage system directly into the Androscoggin River. Areas of the project or adjoining properties to be flooded during the 2-, 10-, and 25-year, 24-hour storms must be identified and easements secured, if necessary. A project that changes the flow-type (example: sheet to shallow concentrated), changes the flow channel, or increases the stormwater discharge must secure easements on the intervening property that meet the easement and covenant requirements following in this section. The discharge may not result in erosion of any upland or freshwater wetlands. The director of public works or his/her designee may allow a waiver if it is determined that the increase in peak flow from the site will not significantly affect the peak flow of the receiving waters or result in unreasonable adverse impact on the river.

b. *Public stormwater system.* A project discharges its stormwater flow into the City of Lewiston Stormwater System, when the applicant has adequately demonstrated to the director of public works or his/her designee that it has the capacity to accommodate increases in flow. The director of public works or his/her designee may allow an insignificant increase in the peak flow from the site or in the peak flow of the receiving waters, if it is determined that the increase cannot be avoided by reasonable changes in project design or density and does not significantly impact abutters or city property.

(2) If the outflow volume is greater than that for the undeveloped site, the developer will demonstrate that downstream channel or system capacity is sufficient to carry the flow without adverse effects, or will be responsible for the improvements to provide the required increase in capacity.

(3) All natural drainage ways will be preserved at their natural gradients and will not be filled or converted to a closed system except as approved by the director of public works or his/her designee and appropriate state agencies.

(4) The design of stormwater drainage systems will insure the acceptance and disposal of stormwater runoff based on quantities calculated per subsection 4(f)(1) above, without damage to streets, adjacent properties or downstream properties.

(5) The design of the storm drainage systems will be fully cognizant of upstream runoff which must pass over or through the site to be developed. The system will be designed to pass upstream flows, based on quantities calculated per subsection 4(f)(1) above, from the land, as fully developed, without surcharging the system.

(6) The maximum length for carrying open stormwater in a street gutter prior to intake at a catch basin will be three hundred feet. No stormwater will be permitted to drain on the surface across a street or across an intersection.

(7) The storm drainage system to serve a proposed development will be designed and installed in accordance with the plans and specifications prepared by a

professional engineer, unless waived at the discretion of the director of public works or his/her designee.

(8) The developer will maintain and inspect all components of the stormwater runoff system unless the system is formally accepted by the city, or is placed under the jurisdiction of a legally created property owners association whose charter and powers require maintenance of the system, with adequate financing to carry out this responsibility. Any approved plans must include a statement as to who will be responsible for said maintenance and inspections. The components of the stormwater run-off system shall include, but not be limited to, detention ponds, level spreaders, inlet and outlet protection and structures, swales, etc., and the piping unless the piping is under an accepted city street. For piping under accepted city streets, at the time of street acceptance, the piping shall become the property and maintenance responsibility of the city. An easement shall be provided to the city for the maintenance of this piping. In addition, a separate access easement for all other stormwater runoff components shall be provided to the city for emergency purposes.

(9) The biological and chemical properties of the receiving waters will not be degraded by the stormwater runoff from the development site. The use of oil and grease traps in manholes, the use of on-site vegetated waterways, and the reduction in use of deicing salts and fertilizers may be required, especially where the development stormwater discharges into a gravel aquifer area or other water supply source.

(10) The filling of wetlands on-site will be conducted only in accordance with applicable federal and state law and regulations, including the Natural Resources Protection Act.

(g) *Erosion control.* For all projects, building and site designs and street layouts will fit and utilize existing topography and desirable natural surroundings to the fullest extent possible. Filling, excavation and earth moving activity will be kept to a minimum. Parking lots on sloped areas will be terraced to avoid undue cuts and fills, and the need for retaining walls. Natural vegetation will be preserved and protected wherever possible. Erosion and sedimentation control measures shall comply with the Maine Erosion and Sedimentation Law, 38 M.R.S.A. § 420-C, and regulations promulgated thereunder, as amended, both during construction and continuously after construction is complete. In addition, erosion and sedimentation measures consistent with the Maine Erosion and Sedimentation Control BMPs, ~~Pub. No. DEPLW0588, published by the Maine Department of Environmental Protection (March 2003)~~ Manual for Designers and Engineers, October 2016 shall be implemented.

(1) Storage of fill materials within 50 feet of the banks of any stream, intermittent or perennial or water body will not be allowed.

(2) The top of a cut or the bottom of a fill will not be closer than ten feet from a property line.

(3) Removal of topsoil from any lot will not be allowed, except for that removed from areas to be occupied by buildings, paving or other surfaces that will not be

revegetated, or unless in conformance with the performance standards for earth material removal set forth in article XII of this Code.

(h) *Water supply.* The development will be provided with a system of water supply that provides each use with an adequate supply of water meeting the standards of the State of Maine for drinking water. A water system shall be designed and constructed in accordance with the City of Lewiston's Policy for the Design and Construction of Streets and Sidewalks. Developments and projects that will be provided by private water supplies shall demonstrate sufficient water is available for the reasonably foreseeable needs of the development or project.

(i) *Sewage disposal.* A sanitary sewer system will be installed at the expense of the developer, or, if in the opinion of the planning board, service by a sanitary sewer system is not feasible, the board may allow individual underground waste disposal systems to be used. A sewer system shall be designed and constructed in accordance with the City of Lewiston's Policy for the Design and Construction of Streets and Sidewalks.

(j) *Utilities.* The development will be provided with electrical and telephone service adequate to meet the anticipated use of the project.

(1) Each utility system has adequate capacity to service the proposed development.
(2) All overhead utility poles and lines will be located to minimize potential safety hazards and visual impact to the public. Similarly, transformer boxes, meters, pumping stations and other components of the utility system located above ground will be located so as not to be unsightly or hazardous to the public and will be landscaped or otherwise buffered so as to screen the components from public view.

(k) *Natural features.* The landscape will be preserved in its natural state insofar as practical by minimizing tree removal, disturbance and compaction of soil and by retaining existing vegetation insofar as practical during construction. A grading plan for the project shall be included in the application and communicate the following:

(1) Extensive grading and filling will be avoided as far as possible.
~~(2) Cutting of trees on the northerly borders of the development will be avoided to extent possible to retain natural wind buffers.~~
(2) The planning board or staff review committee may require a shadow study if it believes the proposed development may interfere with the solar access of adjacent properties.
(3) If there has been excessive natural vegetation removal from the site since the adoption of the current zoning and land use code prior to the submittal of an application for development review, the planning board or staff review committee may require a regeneration plan to be submitted by a registered forester and to be implemented to revegetate that portion of the site not directly impacted by the proposed development. For the purposes of this section, excessive is defined as

the removal of more than 60 percent of trees from a property, either in number of stems or area of tree cover, in any ten-year period.

(4) Tree protection areas shall be shown on the site and flagged prior to any site disturbance.

(l) *Groundwater protection.* The proposed site development and use will not adversely impact either the quality or quantity of groundwater available to abutting properties or public water supply systems. Projects involving common on-site water supply or sewage disposal systems with a capacity of 2,000 gallons per day or greater have demonstrated that the groundwater at the property line will comply, following development, with the standards for safe drinking water as established by the State of Maine.

(m) *Water and air pollution.* The proposed development will not result in undue water or air pollution.

(n) *Exterior lighting.* The proposed development will provide for adequate exterior lighting to provide for the safe use of the development in nighttime hours.

(1) All exterior lighting will be designed and shielded to avoid undue adverse impact on neighboring properties and rights-of-way.

(2) Pole lighting shall be a maximum of 25' tall to the greatest extent possible.

(3) Lighting will be provided, at a minimum, in the following areas:

a. Entrances to facilities and recreation areas;

b. Street intersections;

c. Pedestrian crossings; and

d. Entrance roads.

(o) *Waste disposal.* The proposed development will provide for adequate disposal of solid wastes and hazardous wastes.

(1) All solid waste will be disposed of at a licensed disposal facility having adequate capacity to accept the project's wastes.

(2) All hazardous wastes will be disposed of at a licensed hazardous waste disposal facility and evidence of a contractual arrangement with the facility has been submitted.

(p) *Lot layout.* Lot layout shall conform to Article II, Definitions, *Net Lot Area* and Article V, Administration and Enforcement, Section 3.

(q) *Landscaping.* The development plan will provide for landscaping to define street edges, break up parking areas, soften the appearance of the development and protect abutting properties from adverse impacts of the development.

(1) A ~~The~~ landscaping plan will be provided and comply with the guidelines contained in the City of Lewiston's Site Plan Review and Design Guidelines as

amended. The landscape plan shall list the location, spacing, species and size of the plant materials.

(2) Where required- New major or minor developments in non-residential districts shall provide a landscape plan along street edges, parking areas adjacent to a street frontage, and for commercial development from adjacent residential properties.

(3) Landscaping requirements- Required frontage landscaping shall consist of one canopy tree for every 25-50 linear feet of frontage and shrubs planted between the street trees every 5 feet on center. Trees shall be a minimum of 8 feet in height and 2.5" caliper at the time of planting. Shrubs shall be a minimum of 24' in height at the time of planting. Perennial or annual flower beds may comprise 25% of the frontage landscaping. The spacing of trees and shrubs may altered to better fit the conditions of the site.

(4) Maintenance: Property owners are responsible for maintaining the landscaping on the property as approved in Development Review. Canopy trees may have the lower 1/3 branches pruned to allow visibility into the site and shrubs must be maintained at a minimum height of 36".

(r) *Shoreland relationship.* The development will not adversely affect the water quality or shoreline of any adjacent water body. The development plan will provide for access to abutting navigable water bodies for the use of residents of the development.

(s) *Open space.* The development plan will provide for recreation areas and open space to meet the needs of residents and users of the development.

(1) For projects involving the construction of ten or more new residential dwelling units in a land subdivision, a portion of the site shall be set aside as permanent open space or recreational land.

(2) Required Open Space-
The size of the area to be set aside for open space shall be based upon the following:

a. Dwelling units exclusively for occupancy by persons 55 years or older-- ~~None.~~ Two hundred and fifty square feet per dwelling unit.

b. Dwelling units with less than two rooms designed or used for sleeping-- Three hundred fifty square feet per dwelling unit.

c. Dwelling units with two rooms designed or used for sleeping--Seven hundred square feet per dwelling unit.

d. Dwelling units with three or more rooms designed or used for sleeping-- One thousand square feet per dwelling unit.

e. For mobile home parks, the size of the area to be set aside shall be no less than ten percent of the combined area of the individual lots within the mobile home park.

(3) No portion of the site used to meet the minimum lot size or minimum lot area per dwelling unit requirements shall be used toward meeting this requirement. This shall include the required open space in a clustered residential development.

(4) The area to be set aside for open space shall be shown on the development plan and marked "Reserved for Recreation and/or Conservation Purposes".

(5) The open space provided to meet this requirement shall be owned and managed by one of the following methods:
- a. Continued ownership by the project owner for developments involving rental housing, mobile home parks and similar situations where the development remains under single ownership; or
- b. Ownership by a condominium or lot owners association for developments involving the creation of separate lots, condominiums or other situations where the development is owned by a number of entities; or
- c. Dedication of the land to the City of Lewiston as public park land; or
- d. Transfer, with permanent restrictions, to a land trust or other recognized conservation organization.

(6) The planning board shall approve the arrangements for the ownership, control and maintenance of the open space as part of the approval of the final plan. No changes in the ownership or management of the open space shall be made without planning board approval. The arrangements for the ownership and management, if the open space is not to be dedicated to the city, shall provide for at least the following:
- a. That the area shall be permanently maintained as open space.
- b. That there shall be no transfer of the open space separately from the remainder of the development without approval of the planning board.
- c. That there shall be no division of the property.
- d. That no structures or buildings other than those shown on the approved plan shall be erected in the open space.
- e. That any agricultural or forestry activity be carried out in accordance with an approved plan of action.

(7) The land designated as open space shall meet the following requirements:
- a. The site shall have pedestrian access from a public street or private road and shall be of such size, shape, and topography as to be usable for open space or recreation purposes, with at least 50 percent of the land to be suitable to be used for active recreation, including, but not limited to, softball fields, swimming pools, tennis courts, ~~bicycle~~ multi-use paths, tot lots and hard surface court games.
- b. Parcels ~~which~~ that can be combined with existing city-owned property, dedicated open space on adjacent parcels, or with possible future land dedications shall be given priority.
- c. The land will be maintained in a usable condition and retained in a natural state to the maximum extent practicable. All clearing, grading and material

placement or removal shall be carried out in accordance with the approved landscape plan and under the supervision of the city engineer and code enforcement officials.

(t) *Technical and financial capacity*. The applicant has demonstrated that he has the financial and technical capacity to carry out the project in accordance with this Code and the approved plan.

(1) The applicant has submitted evidence from a financial institution or other source of project funding that demonstrates that adequate resources are available to complete the project in accordance with the approved plans.

(u) *Buffering*. ~~The~~ New development ~~will~~ shall comply with the guidelines contained in the City of Lewiston's Site Plan Review and Design Guidelines as amended and provide for the buffering of adjacent uses where there is a transition from one type of commercial use to ~~another~~ a residential use and to screen service and storage areas.

(v) *Compliance with district regulations.* The applicant has established that the development will be consistent with the district regulations of article XI.

(w) *Design consistent with performance standards.* The applicant has so designed the development as to make it probable that the development and its use will comply with performance standards of article XII, insofar as they may be applicable.

(Ord. No. 89-3, 4-7-89; Ord. No. 90-10, 10-4-90; Ord. No. 92-12, 6-4-92; Ord. No. 92-18, 9-10-92; Ord. No. 99-11, 5-20-99; Ord. No. 99-15, 8-12-99; Ord. No. 00-5, 5-4-00; Ord. No. 01-23, 2-7-02; Ord. No. 05-21, 1-19-06; Ord. No. 06-17, 2-8-07; Ord. No. 07-02, 3-22-07; Ord. No. 08-08, 10-2-08; Ord. No. 16-12, 12-15-16)

Sec. 5. Coordination with state subdivision law.

To the extent that the following standards are not contained in article XIII, section 4, said standards shall be applicable to the review and approval of subdivisions:

(1) Will not result in undue water or air pollution. In making this determination, it shall at least consider: the elevation of land above sea level and its relation to the floodplains; the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable state and local health and water resources regulations.
(2) Has sufficient water available for the reasonably foreseeable needs of the subdivision.
(3) Will not cause an unreasonable burden on an existing water supply, if one is to be utilized.
(4) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result.
(5) Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads, existing or proposed.
(6) Will provide for adequate sewage waste disposal.

(7) Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage, if municipal services are to be utilized.

(8) Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas or any public rights for physical or visual access to the shoreline.

(9) Is in conformance with this Code and the city's comprehensive plan.

(10) The subdivider has adequate financial and technical capacity to meet the above stated standards.

(11) Whenever situated, in whole or in part, within 250 feet of any pond, lake, river or tidal waters, will not adversely affect the quality of that body of water or unreasonably affect the shoreline of that body of water.

(12) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater.

(13) The subdivider will determine, based on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps, whether the subdivision is in a flood-prone area. If the subdivision, or any part of it, is in such an area the subdivider will determine the 100-year flood elevation and flood hazard boundaries within the subdivision. The proposed subdivision plan shall include a condition of plat approval requiring that principal structures on lots in the subdivision shall be constructed with their lowest floor, including the basement, at least one foot above the 100-year flood elevation.

(14) Will not interfere unreasonably with the solar access of existing buildings or adjacent parcels.

Sec. 6. Site Plan Review and Design ~~g~~Guidelines.

The planning board shall adopt, on the recommendation of the planning director, site plan review and design guidelines. The Site Plan Review and Design Guidelines contains two distinct components; 1.) City-wide Design Guidelines which shall be advisory in nature, unless specifically stated otherwise and 2.) Design District Standards which are required, unless specifically stated otherwise. Applicants for all development review ~~are encouraged to~~ shall consider and incorporate said guidelines in the preparation of applications. The planning board and staff review committee shall consider said guidelines in evaluating appropriate design solutions to specific situations.

Sec. 7. Additional standards for single-family cluster developments.

(a) Single-family clustered development is a form of housing development which allows a developer to create smaller lots than would otherwise be required by the applicable zoning district regulations in return for setting aside the balance of the tract as permanent open space. The density of the development shall remain the same as if the site were developed as a conventional subdivision in full compliance with the zoning district standard which would otherwise be applicable.

(b) Notwithstanding other provisions of this Code, the planning board in reviewing and approving proposed single-family clustered developments may modify provisions

AN ORDINANCE PERTAINING TO ZONING DISTRICT BOUNDARIES

THE CITY OF LEWISTON HEREBY ORDAINS:

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

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

Sec. 1. Zoning map.

The "Official Zoning Map, City of Lewiston" (herein, "Zoning Map") is amended as follows:

The properties listed in *Exhibit A*, and displayed on the map attached as *Exhibit C*, are rezoned from Community Business (CB) to Downtown Residential (DR):

The properties listed in *Exhibit B*, also displayed on said map attached as *Exhibit C*, are rezoned from Neighborhood Conservation "B" (NCB) to Downtown Residential (DR):

REASON FOR THE PROPOSED AMENDMENT

The purpose of this change is to allow for a greater mix of uses as well as standardized density calculations in the downtown. Per Article XI of the Zoning and Land Use Code, parcels zoned as Neighborhood Conservation B are subject to an average density which subjects a large portion of the downtown to uncertainty with respect to the redevelopment of vacant lots. In addition to simplifying the zoning in the downtown, this change will allow development to better reflect the social and economic needs of the downtown community by replacing the Community Business district, with its emphasis on "major shopping facilities" and "well planned commercial developments" with an expansion of the Downtown Residential zoning district, which encourages "diverse, mixed-use neighborhoods" and "foster[s] a sense of community and place through neighborhood meeting, gathering, and cultural spaces."

CONFORMANCE WITH 2017 COMPREHENSIVE PLAN

(1) The Legacy Lewiston Comprehensive Plan classifies the area of this zone changes as a G-5 Infill Growth Sector and calls for rezoning to "character-based districts to more easily enable context-appropriate investments in the City center." (2017 Legacy Lewiston Comprehensive Plan 125)

The Downtown Residential zoning district is currently proposed to become one of four such "character-based" zoning districts through the implementation of new design standards. By rezoning said parcels, this amendment effectively expands the area of the downtown which will be subject to these new development standards.

(2) The Legacy Lewiston Comprehensive Plan calls for “strengthening neighborhoods and expanding housing choice” while focusing on “growth areas” and “investing in the downtown neighborhoods” (2017 Legacy Lewiston Comprehensive Plan 116, 172)

Exhibit A: Properties to be rezoned from Community Business to Downtown Residential

Property Address	***Androscoggin County Registry of Deeds* Book and Page**
82 Horton Street	Bk 1905 Pg 262
4 Leeds Street	Bk 9861 Pg 245
6 Leeds Street	Bk 9917 Pg 160
10 Leeds Street	Bk 9097 Pg 284
311 Main Street	Bk 8641 Pg 201
123 Pine Street	Bk 9335 Pg 194
124 Pine Street	Bk 9048 Pg 25
125 Pine Street	Bk 10292 Pg 195
128 Pine Street	Bk 8234 Pg 274
131 Pine Street	Bk 9858 Pg 345
132 Pine Street	Bk 01694 Pg 00273
137 Pine Street	Bk 10124 Pg 143
141 Pine Street	Bk 4732 Pg 49
143 Pine Street	Bk 9519 Pg 187
144 Pine Street	Bk 906 Pg 7
149 Pine Street	Bk 7754 Pg 134
150 Pine Street	Bk 7648 Pg 147
153 Pine Street	Bk 9931 Pg 312
154 Pine Street	Bk 8812 Pg 88
155 Pine Street	Bk 9693 Pg 71
158 Pine Street	Bk 8295 Pg 86
159 Pine Street	Bk 6871 Pg 257
160 Pine Street	Bk 1958 Pg 315
163 Pine Street	Bk 8348 Pg 53
166 Pine Street	Bk 8772 Pg 67
167 Pine Street	Bk 9586 Pg 265
170 Pine Street	Bk 10039 Pg 235
171 Pine Street	Bk 6583 Pg 263
172 Pine Street	Bk 9335 Pg 196
175 Pine Street	Bk 9759 Pg 34
176 Pine Street	Bk 8400 Pg 269
179 Pine Street	Bk 9303 Pg 27
182 Pine Street	Bk 10012 Pg 134
184 Pine Street	Bk 5932 Pg 322
185 Pine Street	Bk 9986 Pg 233
189 Pine Street	Bk 9986 Pg 233
190 Pine Street	Bk 9243 Pg 14
192 Pine Street	Bk 10284 Pg 86
193 Pine Street	Bk 8400 Pg 269
195 Pine Street	Bk 10044 Pg 231

196 Pine Street	Bk 10182 Pg 304
199 Pine Street	Bk 9097 Pg 284
200 Pine Street	Bk 10051 Pg 251
203 Pine Street	Bk 9756 Pg 77
207 Pine Street	Bk 9008 Pg 232
208 Pine Street	Bk 9290 Pg 169
213 Pine Street	Bk 9291 Pg 60
215 Pine Street	Bk 8400 Pg 274
219 Pine Street	Bk 6703 Pg 309
222 Pine Street	Bk 5652 Pg 325
224 Pine Street	Bk 8805 Pg 283
225 Pine Street	Bk 6152 Pg 126
229 Pine Street	Bk 9200 Pg 328

Exhibit B: Properties to be rezoned from Neighborhood Conservation 'B' to Downtown Residential

Property Address	***Androscoggin County Registry of Deeds* Book and Page**
134 Ash Street	Bk 9472 Pg 211
135 Ash Street	Bk 9087 Pg 347
140 Ash Street	Bk 4554 Pg 3
158 Ash Street	Bk 5932 Pg 322
170 Ash Street	Bk 9257 Pg 350
174 Ash Street	Bk 9125 Pg 213
188 Ash Street	Bk 5932 Pg 322
204 Ash Street	Bk 9017 Pg 293
205 Ash Street	Bk 9742 Pg 119
210 Ash Street	Bk 7410 Pg 120
229 Ash Street	Bk 10297 Pg 345
230 Ash Street	Bk 8016 Pg 71
231 Ash Street	Bk 9583 Pg 44
257 Ash Street	Bk 8380 Pg 151
9 Beacon Street	Bk 4397 Pg 191
10 Beacon Street	Bk 9200 Pg 328
15 Beacon Street	Bk 8735 Pg 92
17 Beacon Street	Bk 1143 Pg 315
18 Beacon Street	Bk 8820 Pg 164
19 Beacon Street	Bk 9258 Pg 99
21 Beacon Street	Bk 9188 Pg 41
22 Beacon Street	Bk 9461 Pg 257
26 Beacon Street	Bk 9372 Pg 78
108 Birch Street	Bk 6121 Pg 221
5 Bradley Street	Bk 8889 Pg 326
12 Bradley Street	Bk 9686 Pg 154
13 Bradley Street	Bk 9752 Pg 137
17 Bradley Street	Bk 10311 Pg 235
25 Bradley Street	Bk 9741 Pg 98
28 Bradley Street	Bk 9571 Pg 214
33 Bradley Street	Bk 7086 Pg 277
36 Bradley Street	Bk 9619 Pg 299
40 Bradley Street	Bk 6797 Pg 234
43 Bradley Street	Bk 6540 Pg 162
55 Bradley Street	Bk 1972 Pg 50
57 Bradley Street	Bk 9839 Pg 297
66 Bradley Street	Bk 8933 Pg 143
74 Bradley Street	Bk 2676 Pg 139
78 Bradley Street	Bk 4534 Pg 350
9 Horton Street	Bk 9503 Pg 38

11 Horton Street	Bk 3446 Pg 247
17 Horton Street	Bk 8364 Pg 86
18 Horton Street	Bk 9725 Pg 272
22 Horton Street	Bk 4796 Pg 22
23 Horton Street	Bk 8381 Pg 174
26 Horton Street	Bk 10019 Pg 202
28 Horton Street	Bk 8920 Pg 310
32 Horton Street	Bk 8872 Pg 272
34 Horton Street	Bk 7969 Pg 307
45 Horton Street	Bk 9266 Pg 37
65 Horton Street	Bk 10126 Pg 246
69 Horton Street	Bk 7879 Pg 144
70 Horton Street	Bk 3797 Pg 201
75 Horton Street	Bk 9365 Pg 341
84 Horton Street	Bk 10265 Pg 328
85 Horton Street	Bk 10297 Pg 293
86 Horton Street	Bk 6588 Pg 285
90 Horton Street	Bk 9331 Pg 2
91 Horton Street	Bk 7214 Pg 290
94 Horton Street	Bk 9590 Pg 72
95 Horton Street	Bk 4140 Pg 260
99 Horton Street	Bk 10019 Pg 20
100 Horton Street	Bk 9377 Pg 212
104 Horton Street	Bk 8737 Pg 169
107 Horton Street	Bk 1955 Pg 256
110 Horton Street	Bk 4225 Pg 185
111 Horton Street	Bk 10258 Pg 224
112 Horton Street	Bk 8693 Pg 145
115 Horton Street	Bk 7637 Pg 50
116 Horton Street	Bk 10042 Pg 271
117 Horton Street	Bk 9661 Pg 184
120 Horton Street	Bk 10168 Pg 45
124 Horton Street	Bk 10258 Pg 246
127 Horton Street	Bk 1885 Pg 342
128 Horton Street	Bk 7924 Pg 132
130 Horton Street	Bk 9439 Pg 200
131 Horton Street	Bk 6897 Pg 103
134 Horton Street	Bk 5748 Pg 312
135 Horton Street	Bk 9207 Pg 2
138 Horton Street	Bk 10193 Pg 77
139 Horton Street	Bk 9080 Pg 292
142 Horton Street	Bk 9080 Pg 292
143 Horton Street	Bk 9080 Pg 292
144 Horton Street	Bk 9827 Pg 209
147 Horton Street	Bk 2951 Pg 113

149 Horton Street	Bk 1955 Pg 256
151 Horton Street	Bk 10207 Pg 73
7 Howard Street	Bk 9688 Pg 35
8 Howard Street	Bk 8528 Pg 216
15 Howard Street	Bk 9238 Pg 202
20 Howard Street	Bk 6379 Pg 55
21 Howard Street	Bk 8985 Pg 145
24 Howard Street	Bk 9322 Pg 207
27 Howard Street	Bk 9325 Pg 294
30 Howard Street	Bk 9463 Pg 134
33 Howard Street	Bk 9759 Pg 164
34 Howard Street	Bk 9741 Pg 96
36 Howard Street	Bk 9631 Pg 175
39 Howard Street	Bk 3521 Pg 132
47 Howard Street	Bk 8636 Pg 165
48 Howard Street	Bk 9075 Pg 153
51 Howard Street	Bk 9823 Pg 217
54 Howard Street	Bk 4588 Pg 43
55 Howard Street	Bk 6264 Pg 329
56 Howard Street	Bk 3554 Pg 273
75 Howard Street	Bk 7292 Pg 203
76 Howard Street	Bk 5863 Pg 322
78 Howard Street	Bk 8400 Pg 272
79 Howard Street	Bk 3424 Pg 345
80 Howard Street	Bk 8923 Pg 205
81 Howard Street	Bk 9883 Pg 29
82 Howard Street	Bk 8400 Pg 269
86 Howard Street	Bk 8400 Pg 269
93 Howard Street	Bk 7446 Pg 275
2 Howe Street	Bk 8147 Pg 105
7 Howe Street	Bk 10122 Pg 97
8 Howe Street	Bk 9589 Pg 199
9 Howe Street	Bk 8631 Pg 49
12 Howe Street	Bk 10210 Pg 330
15 Howe Street	Bk 9080 Pg 292
16 Howe Street	Bk 4550 Pg 246
17 Howe Street	Bk 8626 Pg 157
20 Howe Street	Bk 7689 Pg 344
23 Howe Street	Bk 8426 Pg 224
25 Howe Street	Bk 7137 Pg 292
28 Howe Street	Bk 10174 Pg 306
30 Howe Street	Bk 9339 Pg 242
32 Howe Street	Bk 9138 Pg 44
34 Howe Street	Bk 8252 Pg 251
38 Howe Street	Bk 9518 Pg 28

47 Howe Street	Bk 7690 Pg 274
48 Howe Street	Bk 8388 Pg 205
51 Howe Street	Bk 9955 Pg 56
52 Howe Street	Bk 9905 Pg 24
55 Howe Street	Bk 5070 Pg 151
56 Howe Street	Bk 7643 Pg 277
60 Howe Street	Bk 9167 Pg 103
65 Howe Street	Bk 5212 Pg 198
66 Howe Street	Bk 6089 Pg 212
68 Howe Street	Bk 6764 Pg 28
70 Howe Street	Bk 8067 Pg 309
83 Howe Street	Bk 9190 Pg 60
87 Howe Street	Bk 9190 Pg 60
88 Howe Street	Bk 8848 Pg 245
92 Howe Street	Bk 9655 Pg 61
93 Howe Street	Bk 10086 Pg 269
94 Howe Street	Bk 8545 Pg 180
97 Howe Street	Bk 8891 Pg 323
110 Howe Street	Bk 10220 Pg 185
114 Howe Street	Bk 10220 Pg 185
115 Howe Street	Bk 8466 Pg 95
117 Howe Street	Bk 4440 Pg 340
118 Howe Street	Bk 10172 Pg 210
119 Howe Street	Bk 8753 Pg 295
123 Howe Street	Bk 10257 Pg 188
126 Howe Street	Bk 4010 Pg 146
127 Howe Street	Bk 9102 Pg 134
128 Howe Street	Bk 7458 Pg 217
130 Howe Street	Bk 9097 Pg 284
137 Howe Street	Bk 1590 Pg 303
139 Howe Street	Bk 6686 Pg 335
7 Jefferson Street	Bk 9286 Pg 323
9 Jefferson Street	Bk 9286 Pg 323
15 Jefferson Street	Bk 10293 Pg 324
17 Jefferson Street	Bk 10220 Pg 193
33 Jefferson Street	Bk 7849 Pg 54
37 Jefferson Street	Bk 6234 Pg 323
38 Jefferson Street	Bk 7001 Pg 304
40 Jefferson Street	Bk 10226 Pg 29
42 Jefferson Street	Bk 9402 Pg 315
45 Jefferson Street	Bk 9284 Pg 138
61 Jefferson Street	Bk 8245 Pg 159
62 Jefferson Street	Bk 7109 Pg 278
65 Jefferson Street	Bk 1033 Pg 730
67 Jefferson Street	Bk 1728 Pg 105

68 Jefferson Street	Bk 9303 Pg 288
72 Jefferson Street	Bk 1445 Pg 301
91 Sabattus Street	Bk 1885 Pg 344
95 Sabattus Street	Bk 9093 Pg 259
97 Sabattus Street	Bk 7319 Pg 328
101 Sabattus Street	Bk 10188 Pg 121
111 Sabattus Street	Bk 9237 Pg 148
133 Sabattus Street	Bk 8200 Pg 99
143 Sabattus Street	Bk 9696 Pg 285
147 Sabattus Street	Bk 9907 Pg 144
149 Sabattus Street	Bk 9686 Pg 154
151 Sabattus Street	Bk 10080 Pg 74
153 Sabattus Street	Bk 5799 Pg 177
157 Sabattus Street	Bk 5170 Pg 151
2 Shawmut Street	Bk 1644 Pg 194
3 Shawmut Street	Bk 8850 Pg 64
5 Shawmut Street	Bk 7951 Pg 238
6 Shawmut Street	Bk 10210 Pg 330
7 Shawmut Street	Bk 5721 Pg 145
10 Shawmut Street	Bk 9238 Pg 199
20 Shawmut Street	Bk 9238 Pg 199
21 Shawmut Street	Bk 8440 Pg 284
25 Shawmut Street	Bk 9627 Pg 336
34 Shawmut Street	Bk 1861 Pg 208
36 Shawmut Street	Bk 5990 Pg 132
37 Shawmut Street	Bk 4935 Pg 98
45 Shawmut Street	Bk 10220 Pg 195
46 Shawmut Street	Bk 1898 Pg 45
47 Shawmut Street	Bk 5178 Pg 222
48 Shawmut Street	Bk 7942 Pg 85
53 Shawmut Street	Bk 8891 Pg 181
56 Shawmut Street	Bk 5799 Pg 179
57 Shawmut Street	Bk 8199 Pg 290
58 Shawmut Street	Bk 9632 Pg 141
61 Shawmut Street	Bk 10249 Pg 296
62 Shawmut Street	Bk 5178 Pg 222
80 Shawmut Street	Bk 8480 Pg 225
81 Shawmut Street	Bk 4979 Pg 72
84 Shawmut Street	Bk 8595 Pg 305
85 Shawmut Street	Bk 10058 Pg 251
88 Shawmut Street	Bk 7446 Pg 273
89 Shawmut Street	Bk 9388 Pg 240
93 Shawmut Street	Bk 9969 Pg 90
105 Shawmut Street	Bk 10220 Pg 185
108 Shawmut Street	Bk 10220 Pg 185

109 Shawmut Street	Bk 9469 Pg 301
112 Shawmut Street	Bk 3183 Pg 241
115 Shawmut Street	Bk 6514 Pg 286
117 Shawmut Street	Bk 5344 Pg 58
121 Shawmut Street	Bk 3686 Pg 279
61 Walnut Street	Bk 9105 Pg 64
71 Walnut Street	Bk 9511 Pg 344
72 Walnut Street	Bk 8763 Pg 73
73 Walnut Street	Bk 10300 Pg 95
76 Walnut Street	Bk 9756 Pg 100
84 Walnut Street	Bk 6730 Pg 179
89 Walnut Street	Bk 10220 Pg 185
91 Walnut Street	Bk 10220 Pg 185
92 Walnut Street	Bk 10040 Pg 82
94 Walnut Street	Bk 10184 Pg 48
98 Walnut Street	Bk 9542 Pg 112
101 Walnut Street	Bk 8119 Pg 141
102 Walnut Street	Bk 5597 Pg 99
105 Walnut Street	Bk 8539 Pg 82
106 Walnut Street	Bk 9484 Pg 190
120 Walnut Street	Bk 7837 Pg 217
144 Walnut Street	Bk 9993 Pg 165
154 Walnut Street	Bk 9286 Pg 323
172 Walnut Street	Bk 9468 Pg 34
180 Walnut Street	Bk 9258 Pg 97

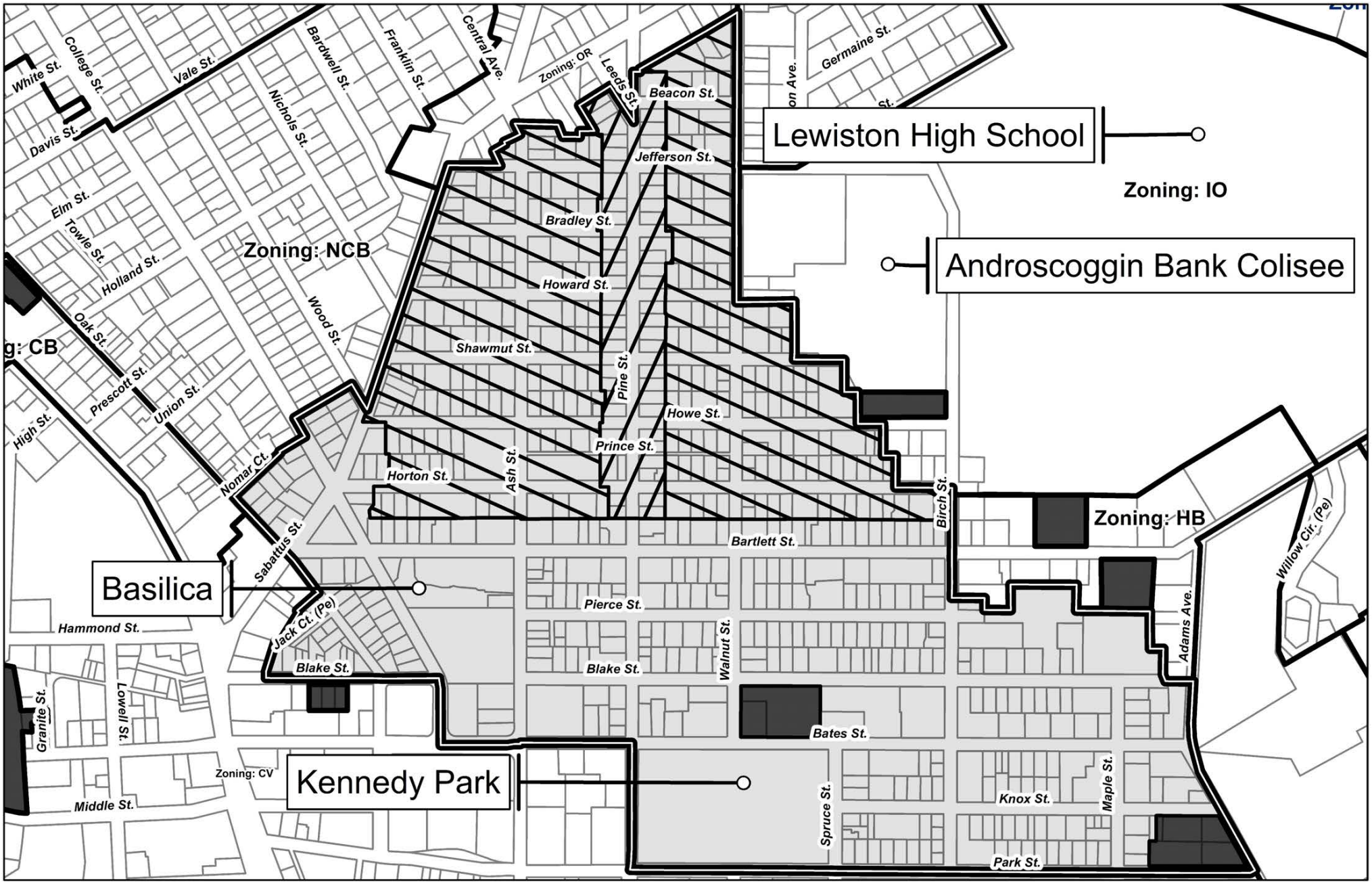


Exhibit C - Design Lewiston Zone Change

0 175 350 700 Feet

N E S W

- Proposed Expansion of Downtown Residential Zoning District
- Contract Zone
- Proposed Elimination of Community Business Zoning District
- Proposed Elimination of Neighborhood Conservation B Zoning District
- Zoning Lines to Remain

Use Changes

	Previously allowed uses...		...proposed uses
Zone Change Use Comparison Table	**Neighborhood Conservation "B" (NCB)**	**Community Business (CB)**	**Downtown Residential (DR)**
USES(15)(33)			
Accessory use or structure	P	P	P
Commercial-Service			
Veterinary facilities excluding kennels and humane societies		P	
Veterinary facilities including kennels and humane societies			
Nursery School	C	P	P
Small day care facilities	P	P	P
Day care centers		P	P
Day care centers accessory to public schools, religious facilities, multifamily or mixed res. developments, and mobile home parks	C(22)		
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services	C(31)	P(9)	P(9)
Restaurants		P(26)	P(1)
Drinking places		C	
Adult business establishments		C	
Hotels, motels, inns		P	C
Movie theaters except drive-in theaters		P	P
Places of indoor assembly, amusement or culture		P	
Art and crafts studios	C	P	P
Personal Services	P	P	P
Retail stores		P	P
Neighborhood retail stores	P		
Lumber and building materials dealer		C	
Gasoline service stations			
Gasoline service stations which are a part of and subordinate to a retail use		P	
New and used car dealers			
Recreational vehicle, mobile home dealers			
Equipment dealers and equipment repair			
Automotive services including repair		P(9)	
Registered dispensary(27)			
Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients			
Tattoo Establishments		C	
Marijuana store(27)		P	
Industrial			
Light industrial uses			
Industrial uses			
Building and construction contractors			
Fuel oil dealers and related facilities			
Wholesale sales, warehousing and distribution facilities and self-storage facilities			
Self storage facilities			
Commercial solid waste disposal facilities			
Junkyards and auto graveyards			
Recycling and reprocessing facilities			
Private industrial/commercial developments(23)		P	
Marijuana cultivation, manufacturing, testing, nurseries, and registered dispensary (27)			
Transportation			
Airports or heliports			

Use Changes

Zone Change Use Comparison Table	Previously allowed uses...		...proposed uses
	Neighborhood Conservation "B" (NCB)	Community Business (CB)	Downtown Residential (DR)
Commercial parking facilities	C	C	C(3)
Transit and ground transportation facilities			C
Transportation facilities			
Public and Utility			
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P	P	P
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C	C	C
Municipal buildings and facilities	C	P	P
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways			
Dams			
Institutional			
Religious facilities	P	P	P
Cemeteries	P		
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities	C	P	P
Hospitals, medical clinics	C	P	C
Museums, libraries, and non-profit art galleries and theaters			P
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures	C(13)	P	P
Civic and social organizations	C		
Public community meeting and civic function buildings including auditoriums			P
Residential			
Single-family detached dwellings on individual residential lots	P(2)		P(11)
Mobile homes on individual residential lots			
Two-family dwellings	P		P(11)
Multifamily dwellings in accordance with the standards of Article XIII	P	P	P(11)
Single-Family attached dwelling in accordance with the standards of Article XIII	P		P(11)
Mixed single-family residential developments in accordance with the standards of Article XIII	P		
Mixed residential developments in accordance with the standards of Article XIII	P		
Mixed use structures	P	P	P(11)
Lodging houses	P		P(11)
Home occupations	P	P	P
Bed and breakfast establishments as a home occupation	P	P	P
In-law apartments in accordance with the standards of Article XII	P		P
Single family cluster development			
Family day care home	P	P	P
Shelters	C		C
Dormitories			
Natural Resource			
Agriculture			
Farm Stands			
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P	P	
Earth material removal			
Community gardens(20)	P	P	P

Use Changes

	Previously allowed uses...		...proposed uses
Zone Change Use Comparison Table	**Neighborhood Conservation "B" (NCB)**	**Community Business (CB)**	**Downtown Residential (DR)**
Water dependent uses, e.g. docks and marinas			
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet			
Recreation			
Campgrounds			
Public or private facilities for nonintensive outdoor recreation	C		C
Commercial outdoor recreation and drive-in theaters		C	
Fitness and recreational sports centers as listed under NAICS Code 713940		P	

Space and Bulk Changes

	Previous standards...		Proposed standards...
Dimensional Requirements (13)	**Neighborhood Conservation B (NCB)**	**Community Business (CB)(12)**	**Downtown Residential (DR)(2)**
Minimum lot size with public sewer			
All permitted uses	None	None	5,000 sf
Minimum net lot area per d.u. with public sewer			
Single family detached			
Single family attached			
Two-family dwellings			
Mixed single family residential development (14)			
Mixed residential development (14)			
Multifamily dwellings			
Mixed use structures		3,000 sf	
All permitted residential uses	26	3,000 sf	1,250 sf
Minimum frontage			
All permitted uses	50 ft	100 ft	50 ft
Minimum front setback			
Single family detached, mobile homes on individual lots			None
Single family attached			None
Two-family dwellings			None
Single family cluster development			
Mixed single family residential development (14)			
Mixed residential development (14)			None
Multifamily dwellings			
Mixed use structures			
Agriculture			None
Religious facilities			
Veterinary facilities			None
Other uses			
All permitted uses	10 ft (21,22)	20ft	None (22)
Minimum front yard			
All permitted uses	10 ft (21,22)	15 ft	None (22)
Minimum side and rear setback			
All permitted uses	5 ft	20 ft	10 ft
Minimum side and rear yard			
All permitted uses	5 ft (16,21)	10 ft	10 ft (required on one side)
Maximum height			
Agriculture			
Other permitted uses	65 ft	50 ft	60 ft
Hospital, nursing homes and medical offices			
Ratios			
Maximum lot coverage	0.65	0.50	
Maximum impervious coverage	0.85	0.75	0.75