

LEWISTON CITY COUNCIL AGENDA

OCTOBER 6, 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.

6:00 p.m. Workshop

- A. Economic Development Plan Update
- B. Status and Future Improvements to Parking Garage Control Systems

7:00 p.m. Regular Meeting

Presentation of Spirit of America Award

Update on City Actions Regarding COVID-19 Pandemic Situation

Acceptance of the minutes of the September 15th & 29th, 2020 meetings.

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 5.

REGULAR BUSINESS:

1. Public Hearing on new applications for a liquor license and a special amusement permit for Lewiston Urban Civic Center Enterprises, LLC d/b/a Firland Management Colisee, LLC, 190 Birch Street.
2. Public Hearing on new applications for a liquor license and a special amusement permit for King of Pins Bowling and Family Entertainment Center, Inc. d/b/a King of Pins, 24 Mollison Way.
3. Public Hearing on new applications for a liquor license and a special amusement permit for The Carriage House Plus, 1119 Lisbon Street.
4. Public Hearing on application for an Extension of Liquor License on Premise for Le Passe-Temps, Inc., 45 Cedar Street.
5. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Fast Breaks, Inc. 1465 Lisbon Street.
6. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Lewiston Recreation Division, 65 Central Avenue.
7. Public Hearing on the renewal application for Agora Grand Event Center, 220 Bates Street.
8. Public Hearing on an application for a Business License renewal for Merrimack River Medical Services, Inc. for an Outpatient Addiction Treatment Clinic at 18 Mollison Way.
9. Public Hearing and Final Passage to adopt Zoning and Land Use Code Map and Text Amendments in support of the Revised Site Plan Review and Design Guidelines and the Design Lewiston Project.
10. Public Hearing and First Passage to amend the Land Use Code and Map to rezone properties along Ash Street, Blake Street, Bartlett Street, College Street, Oak Street and Jack Court from Downtown Residential (DR) to Centreville (CV).

11. Condemnation hearing for the building located at 97 Sabattus Street.
12. Resolve, Adopting the 2020 City of Lewiston Economic Development Plan.
13. Resolve, Accepting the Grant of \$8,000 for the Project Canopy Community Forestry Assistance Grant Program from the Maine Forest Service pursuant to the terms of the attached grant application.
14. Recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the Presidential and State Election, to be held on Tuesday, November 3, 2020.
15. Reports and Updates
16. Any other City Business Councilors or others may have relating to Lewiston City Government.
17. Executive Session pursuant to MRSA Title 1, section 405(6)(c) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, OCTOBER, 6 2020
6:00 PM

1. Economic Development Plan Update

At our June 16, 2020 Workshop staff presented information on the City's current economic development strategies, and opportunities the City could pursue to continue building our local economy. A follow up workshop was held on August 11, 2020 where staff presented a forward thinking economic development plan that identified five targeted strategies with action steps the City can focus on. Tonight's workshop is a continuation of these discussion on the economic development plan with staff presenting metrics that will assist the City in measuring the progress of the plan.

2. Status and Future Improvements to Parking Garage Control Systems.

Downtown parking is a broad issue that will be brought to the City Council as a holistic discussion in the near future as another workshop.

This workshop is a focused discussion related specifically to the parking garages, their Parking Revenue Control (Gate) Systems, issues of lower garage usage and revenue. It has been determined that the Gate Systems are at the end of their useful life from a software, electronic payment and hardware perspective. City staff would like to update the City Council on the suggested next steps to communicate with patrons and upgrade parking Garage Management Systems.

City of Lewiston Economic Development Plan

October 2020

*FY 21 activities are indicated in *bold italics*.

Strategy 1: Continue developing a vibrant downtown attractive to consumers, businesses, and investors.

Over the last 10 years, Lewiston's downtown has benefited from over \$120 million in private sector funding, revitalizing nearly 500,000 s.f. of commercial space, adding approximately 700 new jobs, and preserving historic buildings that define the rich history and story of our community. Nationally, vibrant downtowns are recognized as key factor in a community's economic growth. Revitalized downtowns yield higher tax revenues per acre and where communities have already invested in infrastructure; they add people and talent in a concentrated area; and create jobs. Since 2010 the City has invested significantly in the downtown through the Riverfront Island Master Plan (RIMP) and target efforts along Lisbon Street and Main Street. This has yielded significant success but much work remains. Strategy 1 focuses on actionable steps the City and partners can take to continue and accelerate this work.

- a) Develop an omnibus TIF district to fund the revolving commercial loan program to support gap funding for building rehabs in the target area that create new commercial space and market rate residential units. Additionally, under the omnibus district the Council will have the authority to enter into individual credit enhancement agreements (CEA) for individual projects where they warrant the project meets the objectives of this plan, the comp plan, RIMP, or Choice Neighborhood Transformation Plan and CEA funding is needed to make the project viable.***

TARGET: TIF District established by June 2021

- b) Re-establish CDBG rehab and economic development loan programs to support affordable residential units, job creation, job retention, historic preservation, and/or eliminates blight. As an entitlement community, the City receives Community Development Block Grant funding each year to be used for various activities, including economic development. These funds have supported rehabilitation of vacant and blighted downtown buildings for residential and commercial uses, stimulating economic opportunities and increasing the tax base. Additionally, the funds have supported job creation through expansion of existing businesses and provided much needed assistance to new and successful businesses. Currently, CDBG funds are helping businesses with operating costs to mitigate losses due to COVID-19. Although this assistance is key for ensuring business survival during these

unprecedented times, CDBG funds will be once again be available post-pandemic to assist with continued economic growth and rehabilitation of underutilized buildings.

- c) Support entrepreneurship opportunities in the downtown through the existing LA Top Gun program, micro-enterprise CDBG loan program, Technical Assistance program, co-working space, and site selection services. Emerging business owners often need a variety of supports including, but not limited to, access to financial resources, business plan development, and creative space needs. By supporting technical assistance and loan programs targeting startups and microenterprise business owners, the City can actively create economic opportunities for residents and attract new potential business owners and residents. Since 2017, the Top Gun program has been assisting entrepreneurs with all aspects of the business process, including how to pitch a business idea to potential funders and how to scale existing businesses up in a sustainable way. The LA Metro Chamber will be a critical partner in helping connect and support entrepreneurs in this area. Continued collaboration with them on Top Gun and other initiatives will be important.

- d) Invest in downtown beautification and infrastructure improvement. Creating spaces where people want to interact and engage leads to increased economic success. Providing quality infrastructure investments create an environment in which businesses are comfortable investing and can operate efficiently. Infrastructure creates environments that are safe, comfortable, and attractive for businesses to operate. In downtown areas businesses can control the experience of their patrons inside their business however, the experience of their patrons outside their business is up to the City. Creating a safe, attractive, comfortable environment attracts patrons to the downtown and positive experiences ensure they come back as well as spend more time and more money downtown. Since 2018 significant efforts between the Downtown Lewiston Association, local businesses and the City have leveraged resources to take small efforts toward creating more inviting public spaces downtown that have had significant impact. These efforts include decorative seasonal banners on light posts, additions of flower gardens in tree wells, and new holiday lighting. These efforts have yielded increased activity and positive perceptions of the downtown. By fostering these partnerships and investing in improvements, the City will continue to gain recognition as an interesting place to eat, explore, and enjoy.
 - i. ***Invest in high quality planters at key gateways to enhance the experience of visiting the downtown;***
TARGET: 10 new planters along Lisbon St by August 2021
 - ii. Add low cost decorative lighting to key pedestrian areas to improve aesthetics and safety for pedestrians;

- iii. **Support public art opportunities in the downtown in partnership with LA Public Arts Committee through implementation of the public art plan and proposals for resident led groups like Union of Maine Visual Arts.**
 - 1. **Begin Implementation of the public art plan**
 - 2. **Identify funding streams for new projects and maintenance of existing projects**
 - 3. **Develop public arts approval process for artists seeking projects on public property. (Public Works and Public Arts Committee)**

TARGET: 2 new public art installations by August 2021
- iv. **Increase wayfinding signage where needed**
TARGET: 3 new signs installed by September 2021
- v. **Develop policy to allow non-profits and for profit businesses to sponsor decorative banners and installation. City will need to fund permanent brackets.**
- vi. **Support development of holiday lights plan and partnership with Downtown Lewiston Association to expand holiday lighting opportunity.**
TARGET: Defresne Plaza Installation by December 2020
- vii. **Continue partnership with DLA to expand the adopt a spot program.**
- viii. **Install paid parking on Lisbon Street**
- ix. **Hire private security or parking management company to oversee parking garages to ensure a safe, clean welcoming environment, as well as improve collection of parking fees.**
TARGET: Budgeted for FY22; RFP by August 2021
- x. **Public Safety: Continue police department foot beat patrols in the downtown where officers can work with local businesses to address concerns as well as support a safe, welcoming experience for patrons. Work with the police department to identify issues impacting the downtown and partner with state, federal and community organizations to develop strategies addressing root causes of issues impacting the downtown.**
- xi. **Streamline permitting processes to create easier access to opportunities for outside dining and street closures for ED purposes.**
TARGET: Revised process updated to website by March 2021

STRATEGY 1 METRICS:

Outcome:

Increased foot traffic in the downtown

Diversity of retailers and restaurants

2019:

# of employees in downtown	6,915
# of businesses in downtown	132
New business licenses	
Businesses Closed	
New Restaurants	
New Retail	
New Non-profit	
New Service	
New other	

How often: Annual

Data points: # of existing businesses by type, # of new businesses by type, # relocated by type, #closed by type, full and part time jobs lost/gained/net new business licenses

Source: Downtown Lewiston Association, COL City Clerk’s Business Licenses, Bond Prospectus, COL Assessing Department personal property records.

Event Counts

2019: 133 Total Downtown Events

How often: Annual (calendar year)

Data Points: # of events

Source: COL Event Permits

Outcome: A more productive tax base

Commercial Assessments

2019:

How often: Annual

Data Points: Total personal property assessments, Total real property assessments

Source: City of Lewiston Assessing Department

Private Investment

2019: \$6,849,974

How often: Biannual

Data Points: Building Permit Value

Source: City of Lewiston Code and Planning Department

Public Investment

2019:

How often: Annual

Data Points: Public Infrastructure Projects

Source: City of Lewiston Public Works

Commercial Assessed Value

2020:

How often: Annual

Data Points: Assessed value within downtown
 Source: City of Lewiston Assessing Department, as of April 1

Housing Units Downtown

2019:
 How often: Annual
 Data Points: new, lost, net housing units
 Source: City of Lewiston Code and Planning Department building permits and rental registration data

Outcome: Safe, clean downtown

Police Calls for Service (1 Lisbon – 550 Lisbon)

Selection of Incidents	# of incidents
Assault	8
Criminal mischief or criminal trespass	66
Burglary and Theft (motor vehicle and property)	51
Other criminal	3
Rape or sex offense	6
Weapons, Gun, Knife	4
Marijuana public nuisance	3
City ordinance violation	21
Fight, disturbance, disorderly	70

How often: Biannual
 Data Points: # of incidents
 Source: Lewiston Police Department; Total 2019 Calls to Service Area for 1-550 Lisbon St: 1774

Customer perceptions

How often: Annual
 Data Points:
 Source: patron surveys

Business perceptions

How often: Annual
 Data points:
 Source: business surveys

Strategy 2: Support existing businesses.

A majority of economic growth and investment in Lewiston comes from existing businesses. Proactively connecting to existing businesses to understand and respond to their needs as well as using this knowledge to connect businesses to new opportunities will ensure a strong, attractive economic landscape for businesses to thrive in Lewiston.

a) ***Re-establish Business Expansion and Retention (BEAR) program as a whole City initiative, led by Economic Development. A majority of economic growth and investment in Lewiston comes from existing businesses. The Economic Development department frequently works with existing businesses within the City to identify areas for investment including workforce training and infrastructure. However, sometimes a serious issue does not reach the City's knowledge until well into the process, limiting options for City assistance. By identifying the needs of existing businesses in a proactive and deliberate way, the City can assist with immediate issues, mitigate barriers to development, and support business growth in both emerging and established sectors.***

- i. Identify sectors and business to reach each year***
- ii. Identify key questions and supports***
- iii. Establish visitation team representing multiple partners***
- iv. Establish benchmarks for # of business visits each month***

TARGET: 6 business visits by March 2021

b) Utilize existing business to business (B2B) services to engage with entities with varied economic interests in the area. Although the BEAR program will provide opportunities for formal engagement with business owners, networking opportunities provided by the Chamber and other entities allow ED staff to help Lewiston businesses connect to new markets, clients, and vendors within the City and region.

- i. Work with LA Metro Chamber of Commerce to identify b2b opportunities to make introductions.***
- ii. Identify additional opportunities for networking, such as Maine Women's Network.***

c) ***Foster relationships with business owners who are members of Lewiston's immigrant communities. The Economic Development Department recognizes the important role of immigrant-owned businesses in our community. By intentionally increasing outreach efforts, the department can utilize the knowledge and expertise of business owners to identify additional opportunities for economic growth.***

TARGET: 2 immigrant-owned businesses supported in opening, expanding, or accessing resources by June 2021

STRATEGY 2 METRICS:

Outcome: A more productive tax base

Personal property

FY 2020: \$308,844,284

How often: Annual

Data Points: Total personal property assessments
Source: City of Lewiston Assessing Department

Real property

FY 2020:

Land \$179,198,020
Building \$543,691,340
Assessment \$722,889,360

How often: Annual

Data Points: Total Real Property Commercial Assessments

Source: City of Lewiston Assessing Department

Building permits

2019: 74 Commercial Permits, 51 Sign Permits

Estimated investment \$52,871,557

How often: Biannual

Data Points: # of permits, investment

Source: City of Lewiston Code and Planning Department building permits

Industrial space utilization

2019: Vacant industrial land: 110.45 acres

All industrial: 452.03 acres

Total Industrial Assessment: \$79,183,560

How often: Annual

Data Points: Used industrial space, vacant industrial space

Source: City of Lewiston Assessing Department

Outcome: Increased quality job opportunities

Increased Median Income

Median family income

How often: Annual

Data Points: Median Family Income by race and geography

Sources: S1903 ACS 5 year Median Family Income \$60,480 (2018 Lewiston Only)

Average Wage per Sector:

Year	NAICS Title	Average Weekly Wage
2019	Total, All Industries	\$942
	Agriculture, Forestry, Fishing and Hunting	\$507
	Utilities	\$1,790
	Construction	\$984
	Manufacturing	\$932
	Wholesale Trade	\$1,089
	Retail Trade	\$596
	Transportation and Warehousing	\$892
	Information	\$1,125

Finance and Insurance	\$1,198
Real Estate and Rental and Leasing	\$748
Professional and Technical Services	\$1,060
Management of Companies and Enterprises	\$1,110
Administrative and Waste Services	\$590
Health Care and Social Assistance	\$1,122
Arts, Entertainment, and Recreation	\$307
Accommodation and Food Services	\$420
Other Services, Except Public Administration	\$644

How often: Annual

Data Points: Weekly Wage in 17 sectors

Source: Quarterly/Annual Industry Employment & Wages (MDOL)

Number of establishments:

Year	NAICS Title	Establishments
2019	Total, All Industries	1,078
	Agriculture, Forestry, Fishing and Hunting	4
	Utilities	4
	Construction	94
	Manufacturing	70
	Wholesale Trade	58
	Retail Trade	140
	Transportation and Warehousing	33
	Information	10
	Finance and Insurance	58
	Real Estate and Rental and Leasing	45
	Professional and Technical Services	92
	Management of Companies and Enterprises	15
	Administrative and Waste Services	61
	Health Care and Social Assistance	195
	Arts, Entertainment, and Recreation	16
	Accommodation and Food Services	87
	Other Services, Except Public Administration	84

How often: Annual

Data Points: # of establishments

Source: Quarterly/Annual Industry Employment & Wages (MDOL)

Number of employees:

Year	NAICS Title	Average Employment
2019	Total, All Industries	21,895
	Agriculture, Forestry, Fishing and Hunting	34
	Utilities	86
	Construction	885
	Manufacturing	1,682
	Wholesale Trade	683
	Retail Trade	2,005
	Transportation and Warehousing	1,279
	Information	291
	Finance and Insurance	1,206
	Real Estate and Rental and Leasing	207
	Professional and Technical Services	1,322
	Management of Companies and Enterprises	1,061
	Administrative and Waste Services	1,105
	Health Care and Social Assistance	6,919
	Arts, Entertainment, and Recreation	175
	Accommodation and Food Services	1,409
	Other Services, Except Public Administration	433

How often: Annual

Data points: -# of employees (MSA data) 2019 54,025

-# of employees (MDOL Data) 2019 16,461

Source: 2019 Labor Force Statistics by geography, MDOL [Interactive Labor Force Statistics \(NSA\)](#)

Strategy 3: Business Attraction- market Lewiston to new businesses and developers

While supporting existing businesses utilize the lowest amount of resources for the highest economic gain, focus also needs to be on attracting new businesses to Lewiston to ensure growth, diversity of the tax base, and economic resiliency. As one of the most expensive economic development strategies it is critical for the City to be strategic and targeted in order to realize the greatest results with limited resources.

- a) **Conduct market study and identify 3 sectors to target based on projected growth**
TARGET: 3 sectors identified by June 2021
- b) Establish and maintain business visitation program

- c) ***Uniformly offer to all potential new projects department scoping meetings to review and provide feedback early on in the process.***
TARGET: Offered beginning June 2021
- d) Solicit developers 1-2 times a year to share what Lewiston is doing and welcome feedback on barriers to development. Create targeted marketing material with recent projects and incentives available
- e) Build-out the entrepreneurship action identified in Strategy 1 to roll out city wide entrepreneurship effort.
- f) ***Define incentives and marketing package***
TARGET: Completed by June 2021
- g) Utilize consultant services during specific times or for specific projects when additional capacity or specialized knowledge is needed.
- h) ***Develop city wide prospectus to encourage investment. This should be coupled with marketing package and produced by marketing and design professionals with ED staff providing content and direction.***
TARGET: 6 business visits by August 2021
- i) Support implementation of Local Foods Local Places plan.
- j) ***Create resource lists and flowcharts for city development processes to create greater accessibility and transparency for developers and business owners, with a focus on accessibility for potential business owners for whom English is not a first language.***
TARGET: Completed by March 2021

STRATEGY 3 METRICS:

Outcome: New business investment

Number of new business licenses

How often: Annual

Data Points: # of new licenses, Personal Property

Source: City of Lewiston Clerk's Office

Personal property

How often: Annual

Data Points: Total personal property assessments, new

Source: City of Lewiston Assessing Department

Outcome: A more productive tax base

Personal property

How often: Annual

Data Points: Total personal property assessments, new

Source: City of Lewiston Assessing Department

Building permits

2019: 74 Commercial Permits, 51 Sign Permits

Investment \$52,871,557

How often: Biannual

Data Points: # of permits, valuation

Source: City of Lewiston Code and Planning Department

Industrial space utilization

2019: Vacant industrial land: 110.45 acres

All industrial: 452.03 acres

Total Industrial Assessment \$79,183,560

How often: Annual

Data Points: Used industrial space, vacant industrial space

Source: City of Lewiston Assessing Department

Growth in target sectors

The market study will help identify appropriate sectors to target and data will be collected with that study. Likely sectors may include medical, specialized plastics, and transportation.

-# new business per target sector

-new jobs in target sector

-investment from target sector

Quarterly/Annual Industry Employment & Wages

Strategy 4: Workforce Development

Prior to the pandemic, Maine was experiencing a workforce shortage. Post Covid-19 it is believed this will likely still be a limiting factor in our economy. However, the scale of this is still uncertain. Lewiston has been successful in attracting businesses that provide high quality jobs however, our residents are not connecting to these higher wage jobs. Lewiston's median income (\$40,669) is approximately \$13,000 lower than Androscoggin County (\$53,285) as a whole. Focus needs to be connecting residents to educational and training opportunities in sectors with career trajectories and potential for economic mobility.

a) Support Strengthen LA and existing workforce development opportunities to ensure residents are connected to jobs in the community and career pathways. Partners include Western Maine Community Action, CareerCenter, Community Concepts Inc, LA Metro Chamber, John T Gorman Foundation, Eastern Maine Development Center, Central Maine Community College, Western Central Maine Workforce Board, Djiboutian American Community Empowerment Project, Golden Opportunity and others.

TARGET: TBD

b) Utilize feedback from BEAR LA effort to inform education systems about emerging employment needs and collaborate to see that those needs are met.

- c) Work with state and federal partners to ensure barriers to training and employment are removed. Under existing labor laws, people utilizing social benefit programs are often unable to utilize paid work experience that provide training, and direct work experiences with employers without experiencing a reduction in their current benefits. Labor laws require compensation during these important training experiences but the work experience training does not commit a job. The increased income a participant receives during this time often means a loss in benefits without a guarantee of employment. Barriers like this need to be identified and resolved to ensure people have the opportunity to access quality training that will yield higher wages.

STRATEGY 4 METRICS:

Outcome: *Balanced Employment Percentages*

Unemployment Rate

2019 (annual): 3.2%

2020 (August): 7.7%

How often: Biannual

Data Points: Unemployment Rate

Sources: Labor Force Statistics, MDOL [Interactive Labor Force Statistics \(NSA\)](#)

Outcome: *Increased Median Income*

Median family income

2018: \$60,480

How often: Annual

Data Points: Median Family Income by race and geography

Sources: S1903 ACS 5 year (2018 Lewiston Only)

Median household income

2018: \$41,371

How often: Annual

Data Points: Median Household Income by race and geography

Sources: S1903 ACS 5 year (2018 Lewiston Only)

Median Income by MSA

2019: \$62,600

How often: Annual

Data Points: MSA Income

Source: Lewiston-Auburn MSA Median Family Income [HUD Income](#)

Outcome: *Increased Discretionary Income*

Average Weekly Wage

2019: \$942

How often: Annual
Data Points: weekly wage of all industries
Source: Quarterly/Annual Industry Employment & Wages

Outcome: Increased residents with a credential of value

Residents with college degree

2018: Bachelor's degree or higher: 5,048 residents
Associates degree or higher: 2680 residents

How often: Annual
Data Points: Residents 18+ with bachelor's degree or higher, residents 25+ with associates degree or higher
Source: ACS 5 year estimates table S1501 Educational Attainment

Number of Lewiston residents with credential of value

2019:
How often: Annual
Data Points: # of Lewiston residents completing DOL or Adult Ed programs with credential
Source: Adult Ed and DOL data 2019 data from all local colleges, would be for area

Strategy 5: Community Development- Create a quality community people are attracted to.

When people have a choice in where they can choose to live or do business, they choose the best available options. Lewiston has made significant progress in community development with downtown revitalization, recreational opportunities, and low crime rates. However, the actions below focus on remaining challenges and opportunities the City can focus on to position Lewiston as a city people choose to be in.

- a) Create housing to attract residents and future workforce. Lewiston's housing stock is affordable however, much of that inventory is functionally obsolete or in need of significant investment. A majority of the housing stock was built before 1980 with only 8% of our residential units built since 2000. Technology has changed; how we utilize our homes have changed; and family size has changed. Investment in housing is needed to ensure our housing options are meeting the demand of the market and residents.
 - i. conduct a housing study to determine what is missing and market demand
 - ii. utilize developer round table to identify barriers and opportunities to build
- b) Support Lewiston Public Schools in community efforts to address school improvement & market their successes. While the school system has challenges like many other public school systems, they are doing many things right. People are

attracted to great schools. Collaboration is needed to ensure the successes of our schools are known as well as support for the areas they are improving upon.

- c) ***Invest in public spaces. People are attracted to the outdoors and seeking welcoming, safe spaces to experience nature, even in the heart of the City. Investment in parks, sidewalks, trails, public art, and other outdoor features creates welcoming, desirable spaces people seek out. Nationally, real estate trends have found increased interest and value in properties in close proximity to quality trails and parks. People are choosing to live closer to these amenities and the demand is being seen in higher property values surrounding desirable outdoor public spaces.***

TARGET: TBD

- d) Provide biannual information to real estate agents on recent investment and successes in the City (education, arts and culture events, etc). Real estate agents are working directly with people interested in Lewiston. Ensuring they have up to date knowledge successes in the City creates excitement and interest in investing and living here.
- e) Community Safety Strategy. Lewiston remains one of the safest communities in Maine. However, we are not without challenges and perception of safety concerns require targeted initiatives to address those challenges.
- i. Work with PD on communication and resident engagement
 - ii. Public infrastructure investments in downtown strategy
 - iii. Police Department participation in BEAR LA business visits
 - iv. Continue strategic code enforcement work to ensure the health and safety of buildings.
 - v. Youth programming
- f) ***Digital Equity- ensure all businesses and residents can access and utilize broadband for workforce, education, and business. The community overall has great access to high speed internet however, some areas of the City continue to have poor options or barriers exist to utilize available resources. A plan to address these issues should be developed and implemented. The pandemic has demonstrated the critical need for accessing this utility and in order for the community and residents to advance in a post-Covid economy, significant effort should be focused on ensuring all in the community have access.***

TARGET: TBD

- g) Internal City Hall strategy. Business interactions with City staff are often; ensuring staff in all departments are resourced and informed for these interactions ensures a City government experience that is positive and creates an experience of no wrong doors.
- i. Ensure all staff are informed about ED highlights to communicate to customers
 - ii. Customer service focus for businesses

- iii. Streamline communication within ECDD to foster a more proactive and holistic approach to development efforts
- h) Support implementation of arts and culture LA plan. In keeping with the theme of continuing to build a desirable place to live and do business, arts and culture cannot be overlooked. The Lewiston Auburn area has a rich arts and culture sector. Significant work was done in 2014 exploring how to capitalize on this sector and strengthen it in our community. This plan should be revisited and continue to be implemented.

STRATEGY 5 METRICS:

Outcome: Increased housing choice

Median Single Family Home Price

2019: \$155,950
 How often: Annual
 Data Points: Median home price
 Source: MaineHousing Homeownership Affordability Indexes

Monthly Median Sale Price

How often: Biannual
 Data Points: Median Sale Price August 2020 \$187,000 (single family) \$214,000 (Multi-family)
 Source: Maine Real Estate- Official MLS

Affordability

2019 Homeownership: 0.83
 2017 Rental: 0.59
 How Often: Annual
 Data points: Homeownership Affordability index (2019 0.83; \$42,879), rental affordability index (2017 0.59; \$22,634)
 Source: MaineHousing Homeownership Affordability Indexes, Rental Affordability Indexes

Rental Registrations

2020: 692 Registrations
 3632 units
 How often: Annual
 Data Points: New rental registrations, # of units
 Source: City of Lewiston Rental Registration program

New Residential Units by geography and building type

How often: Biannual
 Data Points: Change of use, Building Conversion
 Source: City of Lewiston Code and Planning Department

Outcome: Increased utilization of green spaces

City Investment

How often: Annual

Data points: \$ invested per space

Source: City of Lewiston Public Works, City of Lewiston Assessing Department

Event Permits

2019: 160

How often: Annual

Data Points: # events

Source: City of Lewiston Events Coordinator

Outcome: Safe community**Crime data**

How often: Annual

Data Points: Crime Rate 2019: Crime rate: 22.24

Source: Lewiston Police Department

Workshop Item

Status and Future Improvements to Parking Garage Control Systems.

Downtown parking is a broad issue that will be brought to the City Council as a holistic discussion in the near future as a workshop.

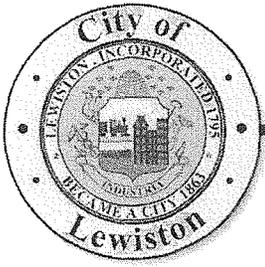
This is a more immediate and focused discussion related specifically to the garages, their Parking Revenue Control (Gate) Systems, issues of lower usage and revenue. The garages were built over a series of years and were initially run by on-site garage maintenance people. Approximately 10 years ago the system was changed to a person-less automated system. In 2018 and 2019 the City commissioned a Parking Revenue Control System Evaluation for the garages and an overall Parking Meter Study. It was determined that the Parking Garage Control Systems were nearing the end of their useful life from a software, electronic payment and hardware perspective. At the time and with some implements it was estimated that the systems could operate in the neighborhood of 4-more years. The city made some upgrades to the garage system infrastructure, but did not want to put much into a system with such a short anticipated service life, unless it had utility with a future system. After receipt of these studies no additional funding was allocated to move forward with a holistic approach to updated parking garage or on-street metering systems.

Additionally, the current system could never be relied upon to provide accurate usage and occupancy data and therefore could not be used for planning purposes.

Now at the summer/fall of 2020. Parking garage usage is currently about a quarter or less of capacity. This related to a number of Covid-19 related factors. The gate systems have become unreliable from both a mechanical and electronic basis and have been placed in the up position. Reduced usage, including people canceling their permits, as well as, the gates being open have greatly impacted parking revenue.

While usage is down there is an opportunity to act and get the garages back on line before patronage returns. We are suggesting the next steps:

1. Provide a letter to permit holders explaining the issues above and what we are doing to approve garage cleanliness, efficiency, and safety. A draft letter is attached. We anticipate sending this letter with the November bills.
2. Develop a Request for proposals seeking a consultant to help us choose a Parking Garage Control System that meets our billing and usage data and will be compatible with any system that we choose for the on-street parking in the future. A general outline of the scope of the RFP is included as an attachment.
3. Propose to council a systematic approach to upgrading the garages redirecting some the funding listed in the attached email and target bringing systems online in the spring of 2020.
4. Coincident with items 2 through 3 begin to engage this City Council with the issues around on-street parking in the down town. With the goal of coming up with a long term comprehensive strategy around parking, garage management and its relationship economic development.



EXECUTIVE DEPARTMENT

Denis D'Auteuil, City Administrator
Dale F. Doughty, Deputy City Administrator

XX September 2020

(Business)

Dear: (

As a corporate parking pass holder and valued customer this letter is intended to update you on the current work going on to address multiple issues and concerns related to the City's parking garages and what we are planning moving forward. The implications of Covid-19 are far reaching, it has impacted many businesses bottom lines, their ability to conduct business as they traditionally have and employees' ability to be as productive as they historically have. The same goes for the administration of the City and its services. But it also offers some opportunities to perform work with minimal disruption.

We also know that the garages are aging and some of the infrastructure, such as the gate and payment systems are reaching the end of their service life. Furthermore, garage usage is significantly down. With all that being said, we look at this as an opportunity to make some changes and upgrades so that the garages better operate, appear safer and cleaner into the future. Therefore, we are embarking on the following activities over the next few months:

1. In nearly all the garages the gate and payment system has become unreliable. The hardware, software, credit card systems and the communication connections are no longer reliable. Failures are frequent and are causing significant disruption for the users. To reduce this disruption to your employees, customers and to provide us time to select, design, and install new modern systems we have temporarily opened the gates. We are currently seeking the services of the consulting firm to help us select and design a system that can be modular in nature, be reliable, have longevity and can integrate with future upgrades of on-street parking management systems. We have set aside some capital funding to make some initial upgrades before the end of the fiscal year.
2. We have instituted a foot patrol officer in the downtown. This officer is also making rounds in the most visited garages to minimize illegal activities. This officer is in addition to the normal Lewiston Police and Public works patrols.
3. We are reviewing our camera surveillance systems city-wide to ensure we have adequate coverage in order to hold people accountable for vandalism and other illegal activities.

4. We have been cleaning, painting the interiors of the garages while usage is down. We are planning to pressure wash all 5 garage exteriors and windows this fall.

We hope this update was helpful and will provide additional updates as we progress through with work outlined above. We value your presence in the down town and sincerely hope you are successfully weathering this challenging year.

If you have questions please feel free to contact Misty Parker or myself.

Respectfully,

Dale F. Doughty

DRAFT

Consultant Scope Outline

Scope for the development of recommendations of a system to meter usage, count hourly usage/occupancy and provide for bill generation and real-time payment.

We are seeking a consultant to:

1. Evaluate the 5-garages and the gate and payment systems
2. Review the 2019 Parking Study
3. Interview staff to determine needs and challenges
4. Review types of historic usage (i.e. pass holders and first come first serve customers)
5. Propose systems that:
 - i. Can integrate with various on-street systems that we may choose in the future
 - ii. Provide for monitoring and metering usage
 - iii. Identify what current system components can be incorporated into a new system
 - iv. Are cost effective in the short and long-term
 - v. Require minimal human intervention for billing and maintenance
 - vi. Can be installed in the 5 garages over time in a phased approach
 - vii. Provide longevity of system operations
6. Generate a report evaluating the systems based on the above criteria
7. When the City has chosen a system, develop bid specifications for the city to solicit contractors.
8. Assist the City monitor the installations and perform testing and a year of post installation support

Optional: Support the City with the development of a comprehensive parking management approach.

Potential Sources of funding to hire a consultant and begin upgrading garages metering and payment systems.

Dale F. Doughty

From: Heather Hunter
Sent: Tuesday, August 4, 2020 11:58 AM
To: Denis D'Auteuil; Dale F. Doughty
Cc: Heather Hunter
Subject: Parking Funds

Here's your options:

7701-701704 Oxford St Parking Lot - \$160,000

7707-707706 Parking Study & Meter Replacement - \$85,602.54

4390-428800 Parking & Garage Initiative - \$125,000

4331-457000 Oxford St Parking Lot - \$40,000

Have a wonderful day,
Heather Hunter
Finance Director/Treasurer
27 Pine Street
Lewiston, ME 04240
207-513-3017

LEWISTON CITY COUNCIL

MEETING OF OCTOBER 6, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Public Hearing on new applications for a liquor license and a special amusement permit for Lewiston Urban Civic Center Enterprises, LLC d/b/a Firland Management Colisee, LLC, 190 Birch Street.

INFORMATION:

We have received new applications for a liquor license and a special amusement permit for Lewiston Urban Civic Center Enterprises, LLC d/b/a Firland Management Colisee, LLC, 190 Birch Street.

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

The police department has reviewed and approved the application.

The business owner has been notified of the public hearing.

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
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To authorize the City Clerk's Office to approve new applications for a liquor license and a special amusement permit for Lewiston Urban Civic Center Enterprises, LLC d/b/a Firland Management Colisee, LLC, 190 Birch Street.

4. Indicate the type of license applying for: (choose only one)

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Restaurant
(Class I, II, III, IV) | <input type="checkbox"/> Class A Restaurant/Lounge
(Class XI) | <input type="checkbox"/> Class A Lounge
(Class X) |
| <input type="checkbox"/> Hotel
(Class I, II, III, IV) | <input type="checkbox"/> Hotel – Food Optional
(Class I-A) | <input type="checkbox"/> Bed & Breakfast
(Class V) |
| <input type="checkbox"/> Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | <input type="checkbox"/> Auxiliary | <input type="checkbox"/> Mobile Cart |
| <input type="checkbox"/> Tavern
(Class IV) | <input type="checkbox"/> Other: _____ | |
| <input type="checkbox"/> Qualified Caterer | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) | |

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

190 BIRCH ST, LEWISTON, ME 04240

6. Is the licensee/applicant(s) citizens of the United States? Yes No
7. Is the licensee/applicant(s) a resident of the State of Maine? Yes No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

Yes No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

Yes No

Not applicable – licensee/applicant(s) is a sole proprietor

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Liquor Licensing
& Enforcement

Page 2 of 11

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

Yes No

If yes, please provide details: _____

11. Do you own or have any interest in any another Maine Liquor License? Yes No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
STEPHEN ANDROLEWICZ	03/04/1962	ST LOUIS, MISSOURI
Residence address on all the above for previous 5 years		
Name STEPHEN ANDROLEWICZ	Address: 9 BEACON ST, 1ST FLOOR LEWISTON, ME 04240	
Name STEPHEN ANDROLEWICZ	Address: 464 SUMMIT TREE CT FENTON, MO 63026	
Name	Address:	
Name	Address:	

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Liquor Licensing
& Enforcement

13. Will any law enforcement officer directly benefit financially from this license, if issued?

Yes No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? Yes No

17. Does the licensee/applicant(s) own the premises? Yes No

If No, please provide the name and address of the owner:

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Liquor Licensing
& Enforcement

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: _____

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

CONCESSION AREA IN THE FRONT OF THE BUILDING

20. What is the distance from the premises to the nearest school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: LEWISTON HIGH SCHOOL

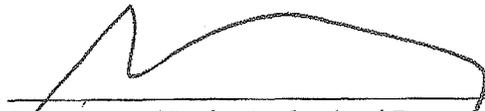
Distance: 1.5 Miles

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 7/16/2020



Signature of Duly Authorized Person

Stephen Androlewicz

Printed Name Duly Authorized Person

Signature of Duly Authorized Person

Printed Name of Duly Authorized Person

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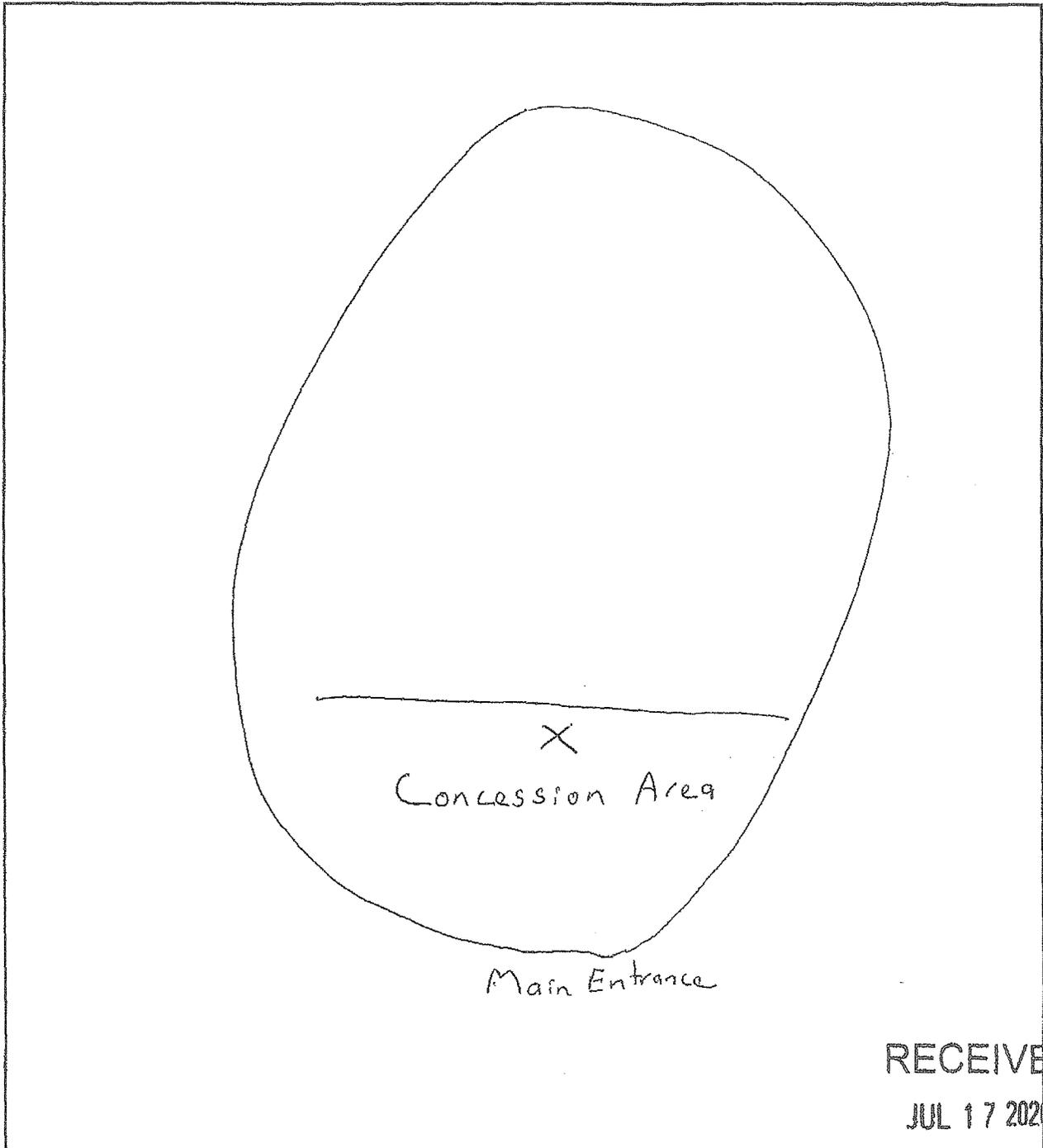
JUL 17 2020

Liquor Licensing
Enforcement

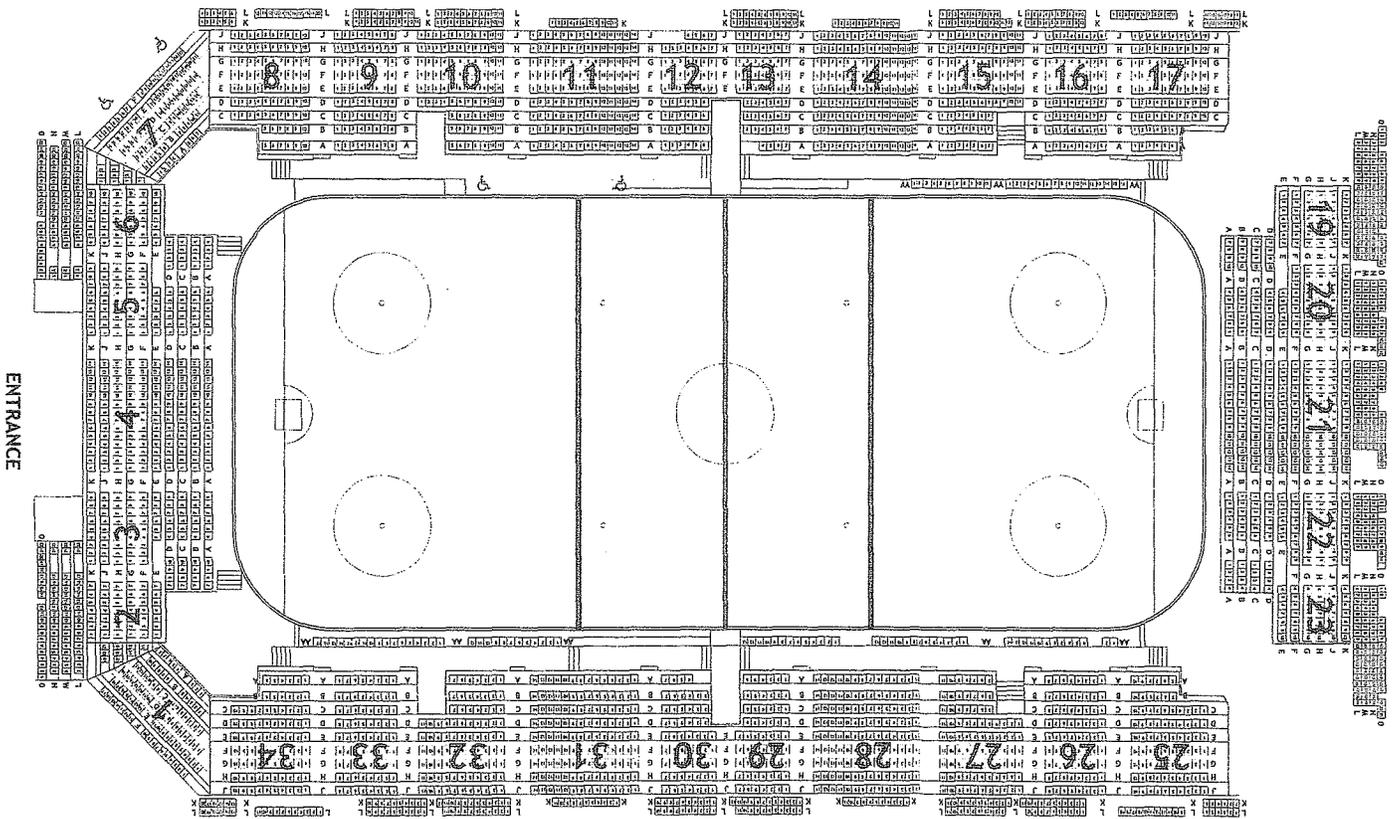
Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.

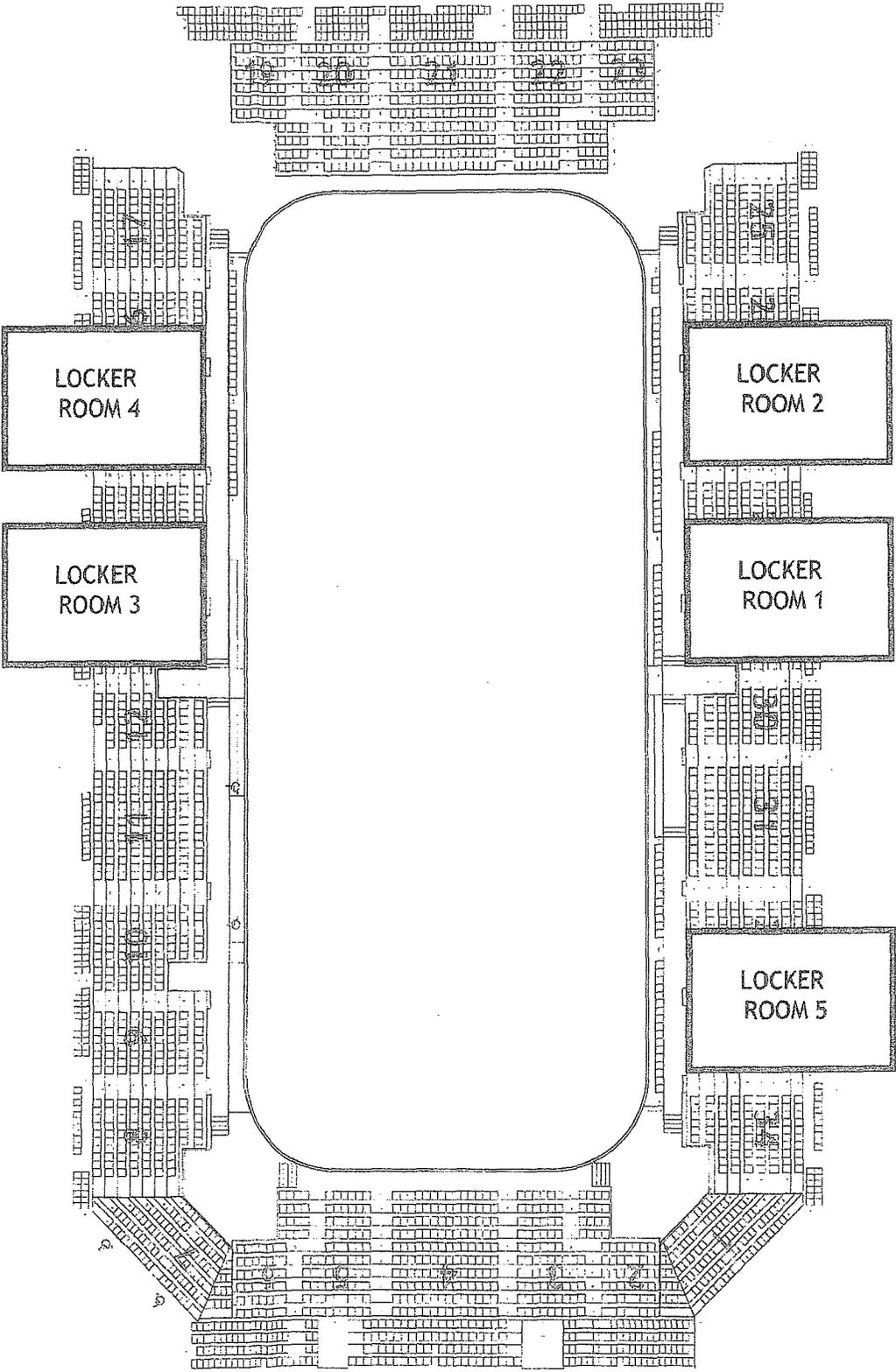


Androscooggin
Bank *Colisée*

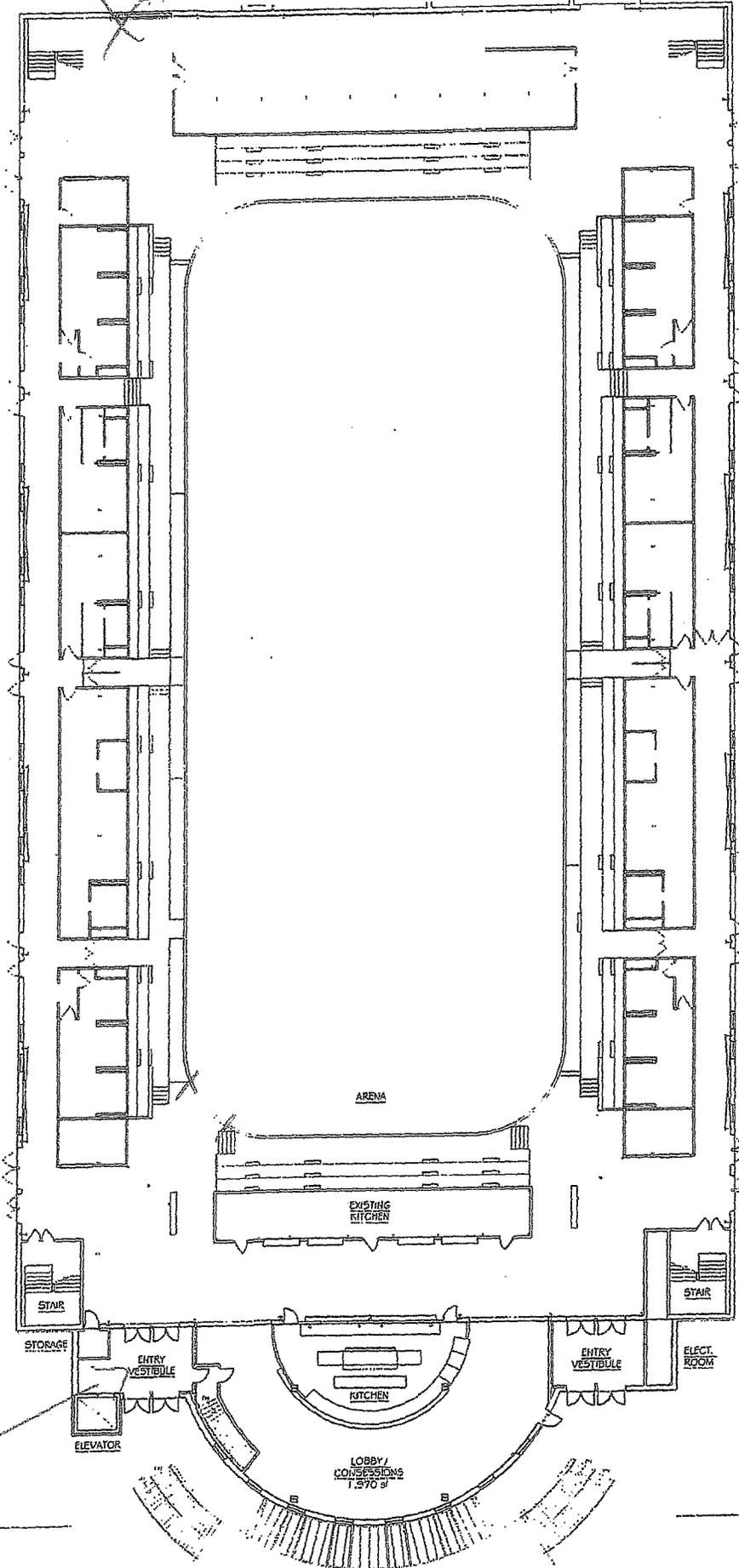


HOCKEY SEATING

MAINEIACS
LOCKER ROOM



Load in



MAIN ENTRANCE

Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: LEWISTON URBAN CIVIC CENTER ENTERPRISES LLC
2. Doing Business As, if any: THE ANDROSCOGGIN BANK COLISEE
3. Date of filing with Secretary of State: 01/20/2004 State in which you are formed: MAINE
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
M DARRYL ANTONACCI	60 WEDGEWOOD RD	08/13/1966	OWNER	100.0000
	AUBURN, ME 04210			
	35 HILLCREST CT			
	SKILLMAN, NJ 08558			

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

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& Enforcement

(1)

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: ~~08/04/2020~~ 9-18-20

Expiration Date: _____

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

Renewal Applicants: Has any or all ownership changed in the 12 months? X Yes No ^(50% owner assumed) _{100%}

****PLEASE PRINT****

DBA (Firland Manager Colisee LLC)

Business Name: LEWISTON URBAN CIVIC CENTER ENTERPRISES LLC Business Phone: 207-783-2009

Location Address: 190 Birch St., Lewiston, ME 04240

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

Mailing Address: 190 Birch St., Lewiston, ME 04240

Email address: accounting@thecolisee.com

Contact Person : Nathan Phillips Phone: 615-390-1398

Owner of Business: M Darryl Antonacci Date of Birth: 08/13/1966

Address of Owner: 60 Wedgewood Rd., Auburn, ME 04210

Manager of Establishment: Stephen Androlewicz Date of Birth: 03/04/1962

Owner of Premises (landlord): M Darryl Antonacci (Firland Manager Colisee LLC)

Address of Premises Owner: 60 Wedgewood Rd., Auburn, ME 04210

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

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

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

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

Corporation Name: Finland Management Colises LLC (Lewiston Vt) (MICR LLC)

Corporation Mailing Address: 190 Birch Street, Lewiston, ME 04240

Contact Person: Darryl Antonacci Phone: 609 912 1502 ot
609 468 8925 cel.

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

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

Please describe the type of proposed entertainment:

- dancing
- music by DJ
- live band/singers
- stand up comedian
- karaoke
- magician
- piano player
- other, please list Ice Hockey/Skating
- other, please list _____

If new applicant, what is your opening date?: _____

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

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

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

Signature: Darryl Antonacci Title: Owner Date: 9/16/20

Printed Name: Antonacci

Hearing Date: 10-6-2020



POLICE DEPARTMENT

Brian O'Malley
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: September 28, 2020

RE: Liquor License / Special Amusement – **The Lewiston Urban Civic Center Enterprises
DBA: Firland Management Colisee, LLC**

Mark Darryl Antonacci (new applicant / owner)
Stephen Androlewicz (manager)

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

**The Lewiston Urban Civic Center Enterprises DBA: Firland Management Colisee, LLC
190 Birch St., Lewiston, Maine**



171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007
www.lewistonpd.org



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

**CITY OF LEWISTON
PUBLIC NOTICE**

A hearing on the following liquor license applications will be held by the Lewiston City Council remotely via Zoom and members of the public can participate by going to <https://www.lewistonmaine.gov/2020cc...> on *Tuesday, October 6, 2020, at 7:00 p.m.*, or as soon thereafter as it may be heard. Any interested person will be given the opportunity to be heard before final action on said applications.

Firland Management Colisee, LLC
190 Birch Street
Lewiston Urban Civic Center Enterprises, LLC, owner

King of Pins
24 Mollison Way
King of Pins Bowling and Family Entertainment Center, Inc., owner

The Carriage House Plus
1119 Lisbon Street
The Carriage House Plus, Inc., owner

A hearing on the following extension of liquor license on premise application:

Le Passe Temps Club
45 Cedar Street
Club Passe-Temps, Inc., owner

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

PUBLISH ON: Sept. 30, Oct. 1, & 2, 2020

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

LEWISTON CITY COUNCIL
MEETING OF OCTOBER 6, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Public Hearing on new applications for a liquor license and a special amusement permit for King of Pins Bowling and Family Entertainment Center, Inc. d/b/a King of Pins, 24 Mollison Way.

INFORMATION:

We have received new applications for a liquor license and a special amusement permit for King of Pins Bowling and Family Entertainment Center, Inc. d/b/a King of Pins, 24 Mollison Way.

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

The police department has reviewed and approved the application.

The business owner has been notified of the public hearing.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

DJDKmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To authorize the City Clerk's Office to approve new applications for a liquor license and a special amusement permit for King of Pins Bowling and Family Entertainment Center, Inc. d/b/a King of Pins, 24 Mollison Way.



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for an On-Premises License

All Questions Must Be Answered Completely. Please print legibly.

Division Use Only	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Payment Type:	
OK with SOS: Yes <input type="checkbox"/> No <input type="checkbox"/>	

**Section I: Licensee/Applicant(s) Information;
 Type of License and Status**

Legal Business Entity Applicant Name (corporation, LLC):	Business Name (D/B/A):
King of Pins Bowling and Family Ent. Center Inc.	
Individual or Sole Proprietor Applicant Name(s):	Physical Location:
Joseph Aaron Buccheri	24 Morrison Way Lewiston ME 04240
Individual or Sole Proprietor Applicant Name(s):	Mailing address, if different:
Annette Marie Buccheri	
Mailing address, if different from DBA address:	Email Address:
	ARON.BUCCHERI@GMAIL.COM
Telephone # Fax #:	Business Telephone # Fax #:
207 440 7951	207 440 7951
Federal Tax Identification Number:	Maine Seller Certificate # or Sales Tax #:
83-3050569	
Retail Beverage Alcohol Dealers Permit:	Website address:

1. New license or renewal of existing license? New Renewal

If a renewal, please provide the following information:

Your current license expiration date: _____

The dollar amount of gross income for the licensure period that will end on the expiration date above:

Food: _____ Beer, Wine or Spirits: _____ Guest Rooms: W/A

2. Please indicate the type of alcoholic beverage to be sold: (check all that apply)

Malt Liquor (beer) Wine Spirits

3. Indicate the type of license applying for: (choose only one)

- Restaurant (Class I, II, III, IV)
 Class A Restaurant/Lounge (Class XI)
 Class A Lounge (Class X)
- Hotel (Class I, II, III, IV)
 Hotel – Food Optional (Class I-A)
 Bed & Breakfast (Class V)
- Golf Course with auxiliary and mobile cart options (Class I, II, III, IV)
 Tavern (Class IV)
- Qualified Caterer
 Self-Sponsored Events (Qualified Caterers Only)
- Other: _____

Refer to Section V for the License Fee Schedule

4. If application is for a new license or the business is under new ownership, indicate starting date:

Oct. 8, 2020

5. Business records are located at the following address:

24 Morrison Way Lewiston, ME

6. Is licensee/applicant(s) a business entity like a corporation or limited liability company?
 Yes No If Yes, complete Section VII at the end of this application

7. Do you own or have any interest in any another Maine Liquor License? Yes No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

8. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Joseph Aaron Buccheri	8-21-74	Baltimore Maryland
ANnette Marie Buccheri	2-24-74	Lewiston MAINE
Residence address on all the above for previous 5 years		
Name Joseph Aaron Buccheri	Address: 4509 Glenarm Ave Baltimore, Md 21206 20 Plains Rd Leeds, ME 04263	
Name Annette Marie Buccheri	Address: 4509 Glenarm Ave Baltimore, Md 21206 20 Plains Rd Leeds, ME 04263	
Name	Address:	
Name	Address:	

9. Is the licensee/applicant(s) citizens of the United States? Yes No

10. Is the licensee/applicant(s) a resident of the State of Maine? Yes No

11. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

- Yes No
 Not applicable – licensee/applicant(s) is a sole proprietor

12. Is the licensee/applicant(s) directly or indirectly giving aid or assistance in the form of money, property, credit, or financial assistance of any sort, to any person or business entity holding a liquor license granted by the State of Maine? Yes No

13. Will any law enforcement officer directly benefit financially from this license, if issued?

- Yes No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? Yes No

17. Does the licensee/applicant(s) own the premises? Yes No

If No, please provide the name and address of the owner:

Gerry McSweeney 76 Merrimack St, Haverhill, Ma
01830

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: _____

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

Bowling Alley with a snack bar where spirits, beer, and wine are being sold. As well as non-alcoholic beverages are being sold.

20. What is the distance from the premises to the nearest school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: Lewiston Middle School

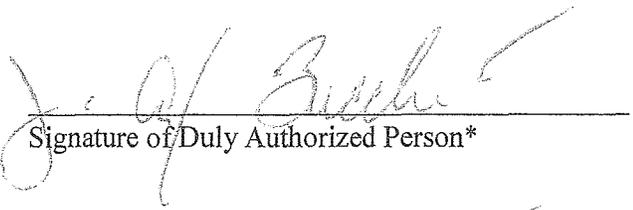
Distance: Central Ave (approx. 2 miles)

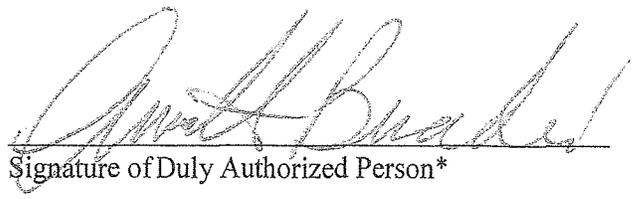
Section II: Signature; Fee; Delivery of application

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 9-17-2020


Signature of Duly Authorized Person*


Signature of Duly Authorized Person*

J. Aaron Bucher
Printed Name Duly Authorized Person

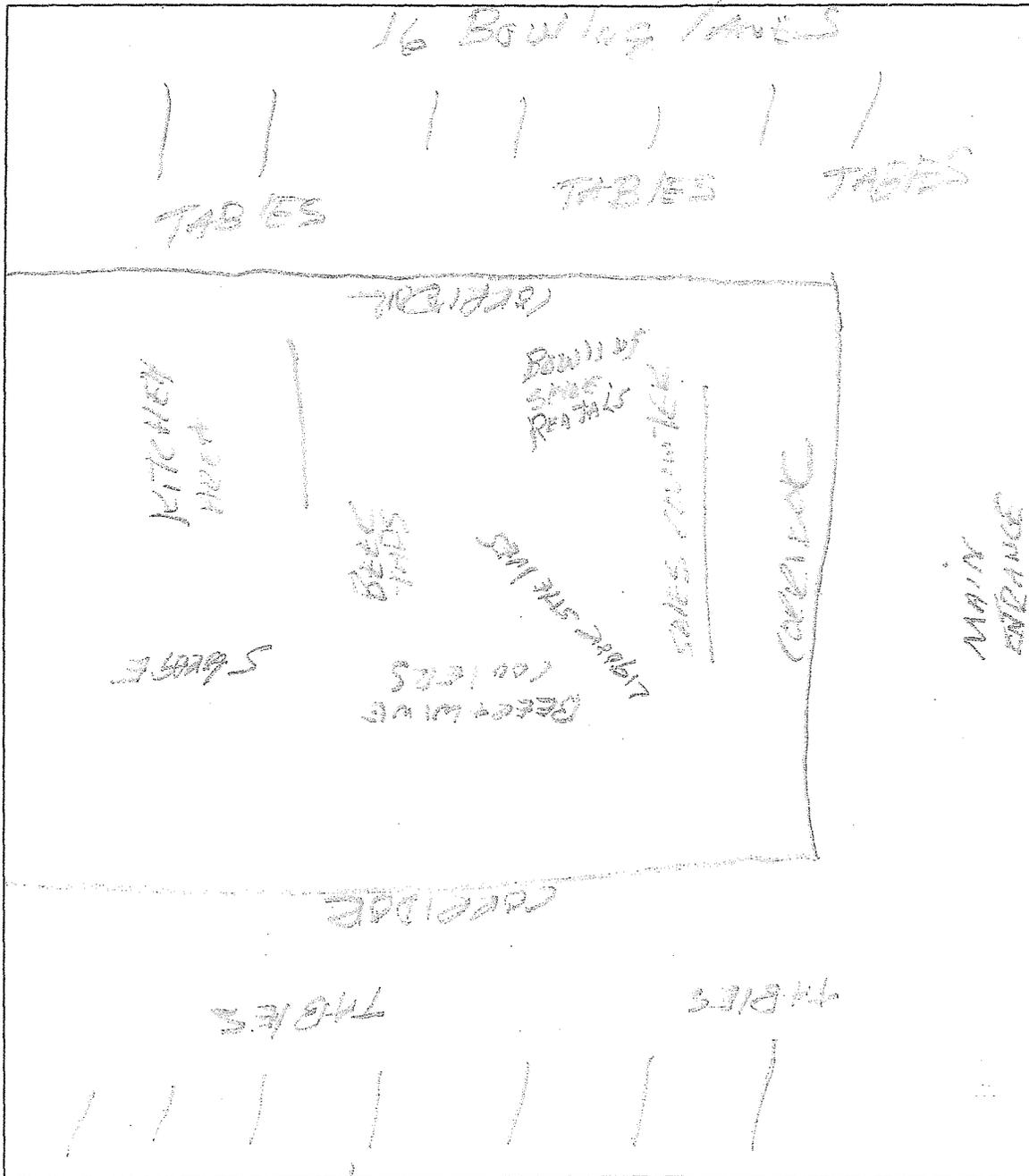
Annette Buecker
Printed Name of Duly Authorized Person

*The person signing this application must appear in Section VII on this application.

Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.



Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: King of Pins Bowling and Family Ent. Center Inc.
2. Doing Business As, if any: King of Pins
3. Date of filing with Secretary of State: 9-14-2020 State in which you are formed: Maine
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Joseph Aaron Buecher	4509 Glenwood Ave Baltimore Md 20 Plains Rd Leeds ME	8-21-74	President Treasurer	50%
Annette Marie Buecher	4509 Glenwood Ave Baltimore Md 20 Plains Rd Leeds ME	2-21-74	Clerk	50%

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

(E)

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 9-17-2020

Expiration Date: _____

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

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

****PLEASE PRINT****

Business Name: King of Pins Bowling and Family Ent. Center Business Phone: _____

Location Address: 24 Hollisow Way Lewiston, ME

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

Mailing Address: _____

Email address: _____

Contact Person: Joseph Aaron Bucccheri Phone: 207 440 7951

Owner of Business: Joseph Aaron Bucccheri Date of Birth: 8-21-74

Address of Owner: 20 Plains Rd Leeds, ME 04263

Manager of Establishment: _____ Date of Birth: _____

Owner of Premises (landlord): Gerry McSweeney

Address of Premises Owner: 76 Merrimack St. Haverhill, MA 01830

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

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

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

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

Corporation Name: King of Pines Bowling and Family Ent. Center Inc.

Corporation Mailing Address: 24 Holliston Way Lewiston, ME

Contact Person: Joseph Aaron Bucccheri Phone: 207 440 7951

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

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 3 mile (approx.)

Please describe the type of proposed entertainment:

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

If new applicant, what is your opening date?: change in ownership

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

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

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

Signature: J. Aaron Bucccheri Title: President Date: 9-17-2020

Printed Name: J. Aaron Bucccheri

Hearing Date: 10-6-2020



POLICE DEPARTMENT

Brian O'Malley
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: September 28, 2020

RE: Liquor License– **King of Pins Bowling and Family Entertainment Center.**

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

King of Pins Bowling and Family Entertainment Center.
24 Mollison Way, Lewiston, Maine



171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007
www.lewistonpd.org



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

CITY OF LEWISTON
PUBLIC NOTICE

A hearing on the following liquor license applications will be held by the Lewiston City Council remotely via Zoom and members of the public can participate by going to <https://www.lewistonmaine.gov/2020cc...> on *Tuesday, October 6, 2020, at 7:00 p.m.*, or as soon thereafter as it may be heard. Any interested person will be given the opportunity to be heard before final action on said applications.

Firland Management Colisee, LLC
190 Birch Street
Lewiston Urban Civic Center Enterprises, LLC, owner

King of Pins
24 Mollison Way
King of Pins Bowling and Family Entertainment Center, Inc., owner

The Carriage House Plus
1119 Lisbon Street
The Carriage House Plus, Inc., owner

A hearing on the following extension of liquor license on premise application:

Le Passe Temps Club
45 Cedar Street
Club Passe-Temps, Inc., owner

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

PUBLISH ON: Sept. 30, Oct. 1, & 2, 2020

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

LEWISTON CITY COUNCIL

MEETING OF OCTOBER 6, 2020

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

SUBJECT:

Public Hearing on new applications for a liquor license and a special amusement permit for The Carriage House Plus, 1119 Lisbon Street.

INFORMATION:

We have received new applications for a liquor license and a special amusement permit for The Carriage House Plus, 1119 Lisbon Street.

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

The police department has reviewed and approved the application.

The business owner has been notified of the public hearing.

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
--------------------------	---	---	---	---	---	---	---	---

To authorize the City Clerk's Office to approve new applications for a liquor license and a special amusement permit for The Carriage House Plus, 1119 Lisbon Street.

4. Indicate the type of license applying for: (choose only one)

- Restaurant (Class I, II, III, IV)
- Class A Restaurant/Lounge (Class XI)
- Class A Lounge (Class X)
- Hotel (Class I, II, III, IV)
- Hotel – Food Optional (Class I-A)
- Bed & Breakfast (Class V)
- Golf Course (included optional licenses, please check if apply) (Class I, II, III, IV)
- Auxiliary
- Mobile Cart
- Tavern (Class IV)
- Other: _____
- Qualified Caterer
- Self-Sponsored Events (Qualified Caterers Only)

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

1119 Lisbon Rd Lewiston ME 04240

6. Is the licensee/applicant(s) citizen.s of the United States? Yes No

7. Is the licensee/applicant(s) a resident of the State of Maine? Yes No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

Yes No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

Yes No

Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

Yes No

If yes, please provide details: _____

11. Do you own or have any interest in any another Maine Liquor License? Yes No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Nicole Suzanne Daigle (maiden name) Bourget	1/8/75	Manchester, CT
Thomas John Daigle	4/26/77	Lewiston ME

Residence address on all the above if for previous 5 years

Name	Address:	Nicole Daigle	51 Dyer Rd Lewiston ME
Name	Address:	Thomas Daigle	51 Dyer Rd Lewiston ME
Name	Address:		
Name	Address:		

13. Will any law enforcement officer directly benefit financially from this license, if issued?

Yes No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? Yes No

17. Does the licensee/applicant(s) own the premises? Yes No

If No, please provide the name and address of the owner:

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: _____

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

located at 119 Lisbon St. Lewiston ME. 18000 sqft building used for Banquets + Catering.

20. What is the distance from the premises to the nearest school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: Church

Distance: 100 yards

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 9/17/2020

Nicole Daigle
Signature of Duly Authorized Person

Nicole Daigle
Printed Name Duly Authorized Person

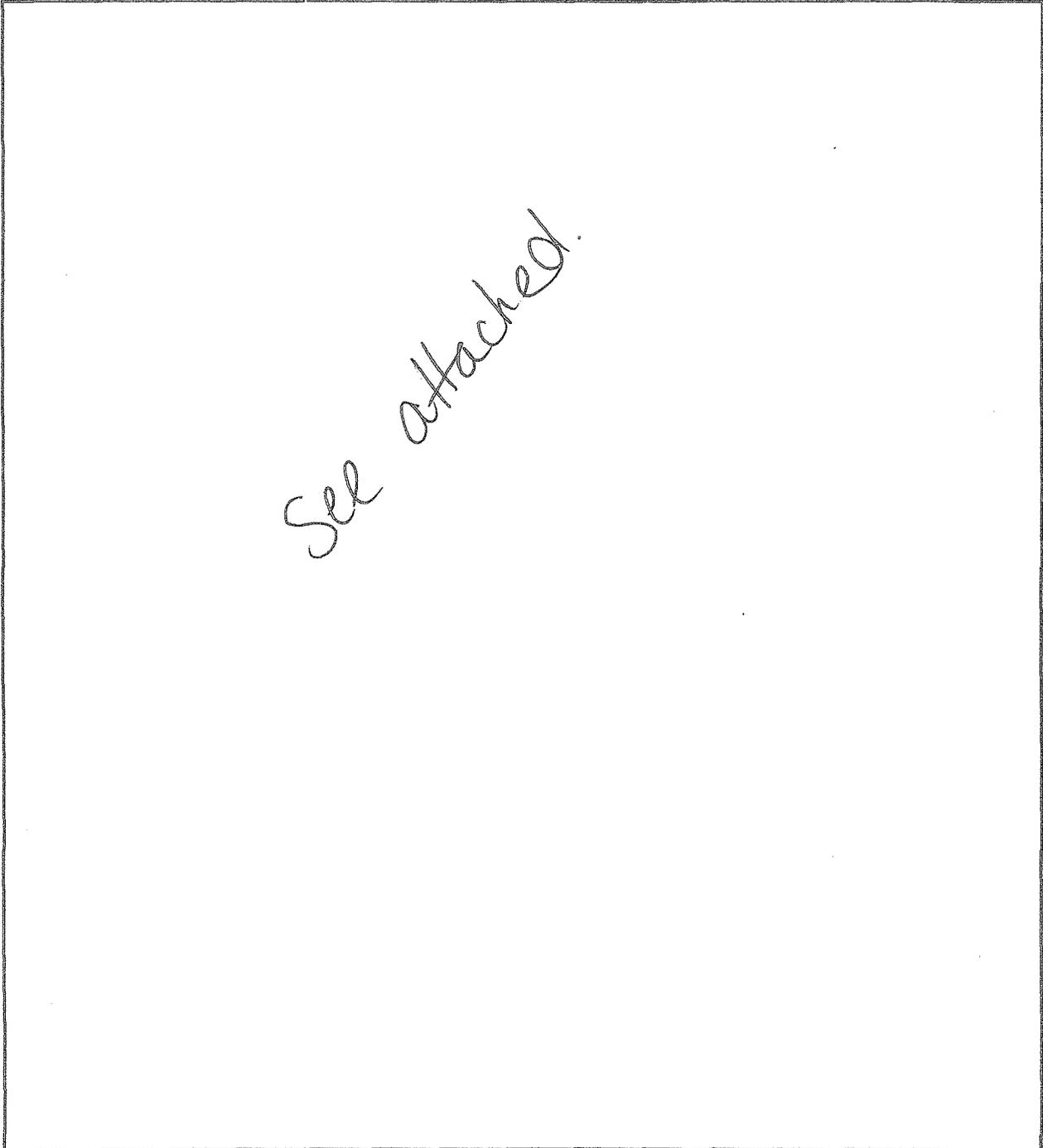
[Signature]
Signature of Duly Authorized Person

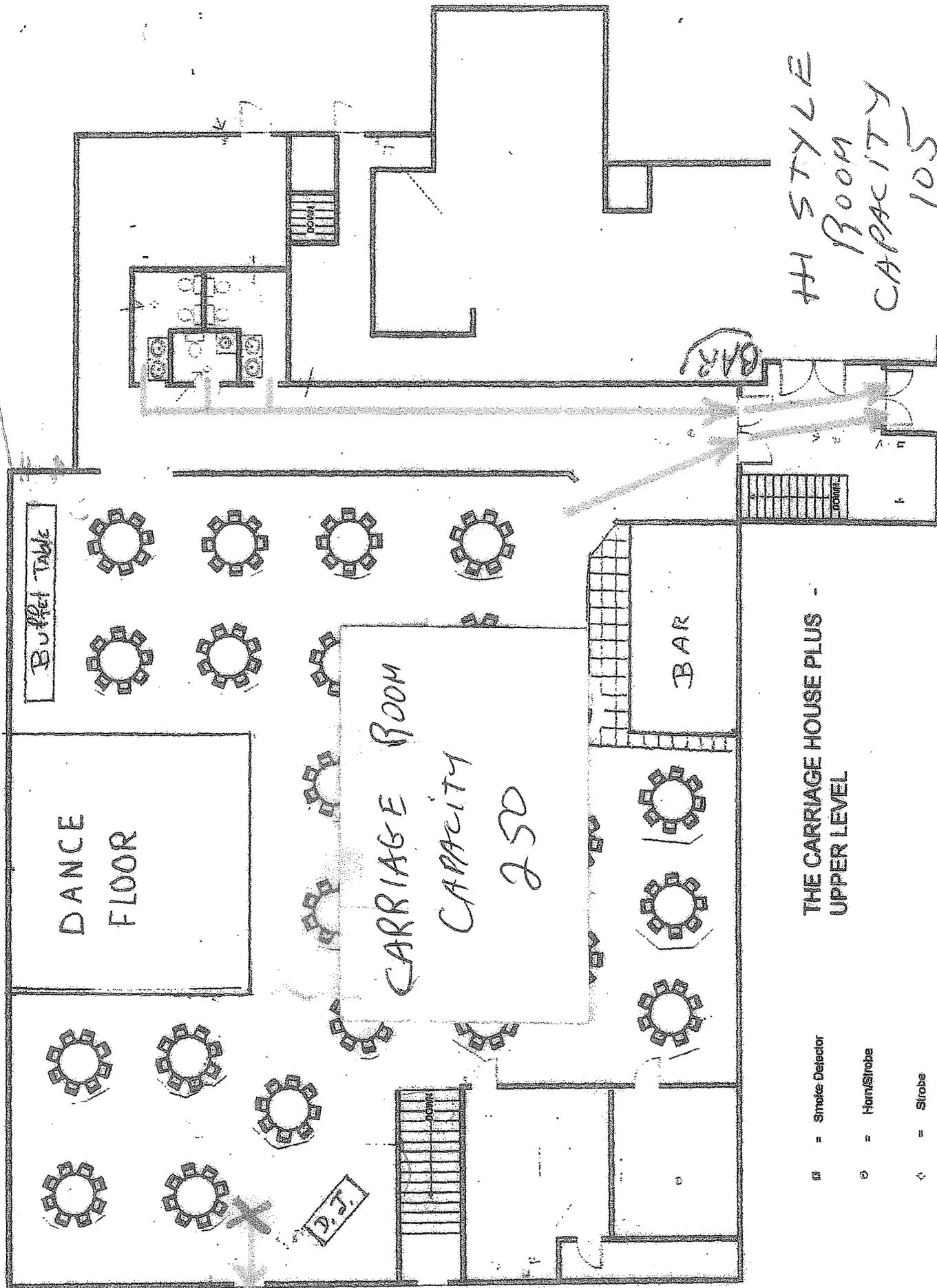
Thomas Daigle
Printed Name of Duly Authorized Person

Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.





HI STYLE
ROOM
CAPACITY
105

Buffet Table

DANCE
FLOOR

CARRIAGE ROOM
CAPACITY
250

BAR

THE CARRIAGE HOUSE PLUS -
UPPER LEVEL

- = Smoke Detector
- = Horn/Strobe
- ◇ = Strobe

D.J.

**Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises
Liquor License Who are Legal Business Entities**

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: The Carriage House Plus
2. Doing Business As, if any: The Carriage House Plus.
3. Date of filing with Secretary of State: ~~ME~~ State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Nicole Daugle (Maiden) Bourget	51 Dyer rd Lewiston ME	1/8/75	owner	50%
Thomas Daugle	51 Dyer Rd Lewiston ME	4/26/77	owner	50%

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

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 9/12/2020

Expiration Date: _____

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

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

****PLEASE PRINT****

Business Name: The Carrage House Plus Business Phone: _____

Location Address: 1119 Lisbon St. Lewiston ME 04240

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

Mailing Address: 51 Dyer Rd Lewiston ME

Email address: nsdaigle99@yahoo.com

Contact Person: Nicole Daigle Phone: 207-212-1613

Owner of Business: Nicole + Thomas Daigle Date of Birth: 1/8/75 4/26/2020

Address of Owner: 51 Dyer Rd Lewiston ME 04240

Manager of Establishment: Thomas + Nicole Daigle Date of Birth: 4/26/77 1/8/75

Owner of Premises (landlord): Nicole + Thomas Daigle

Address of Premises Owner: 51 Dyer Rd Lewiston ME 04240

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

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

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

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

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

Corporation Name: The Carriage House Plus

Corporation Mailing Address: 51 Dyer Rd Lewiston ME

Contact Person: Nicole Dougle Phone: 207 2121013

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

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? roughly 300 ft (1')

Please describe the type of proposed entertainment:

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

If new applicant, what is your opening date?: _____

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

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

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

Signature: Nicole Dougle Title: owner Date: 9/10/2020

Printed Name: Nicole Dougle

Hearing Date: 10-6-20



POLICE DEPARTMENT

Brian O'Malley
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: September 28, 2020

RE: Liquor License / Special Amusement – **The Carriage House Plus**
Thomas and Nicole Daigle (new applicants / owners)

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

Carriage House Plus
1119 Lisbon St, Lewiston, Maine



171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007
www.lewistonpd.org



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

CITY OF LEWISTON
PUBLIC NOTICE

A hearing on the following liquor license applications will be held by the Lewiston City Council remotely via Zoom and members of the public can participate by going to <https://www.lewistonmaine.gov/2020cc...> on *Tuesday, October 6, 2020, at 7:00 p.m.*, or as soon thereafter as it may be heard. Any interested person will be given the opportunity to be heard before final action on said applications.

Firland Management Colisee, LLC
190 Birch Street
Lewiston Urban Civic Center Enterprises, LLC, owner

King of Pins
24 Mollison Way
King of Pins Bowling and Family Entertainment Center, Inc., owner

The Carriage House Plus
1119 Lisbon Street
The Carriage House Plus, Inc., owner

A hearing on the following extension of liquor license on premise application:

Le Passe Temps Club
45 Cedar Street
Club Passe-Temps, Inc., owner

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

PUBLISH ON: Sept. 30, Oct. 1, & 2, 2020

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

**LEWISTON CITY COUNCIL
MEETING OF OCTOBER 6, 2020**

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Public Hearing on an application for an Extension of Liquor License on Premise for Le Passe-Temps, Inc., 45 Cedar Street.

INFORMATION:

We have received an application for an Extension of Liquor License on Premise from Le Passe-Temps, Inc., 45 Cedar Street.

This application is for malt, vinous & spirituous.

The Police Department has reviewed and approved the application.

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

DAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To authorize the City Clerk's Office to approve an Extension of Liquor License on Premise for Le Passe-Temps, Inc., 45 Cedar Street.



REQUEST FOR EXTENSION OF LICENSE ON PREMISE

Legal Name: CLUB PASSE-Temps INC License Number: CCP-1990-3038
 DBA Name: LE PASSE-Temps LLC Expiration Date: 12-31-2020
 Physical Address: 45 CEDAR ST City, State, Zip LEWISCOI, ME 04240
 Mailing address: SAME
Street / PO Box City State Zip
 Phone: 207-582-9019 Fax: 207-689-9219 Email address: ZACH1953@HOTMAIL.COM

Name, address, telephone number of Property Owner (if property is rented or leased, need copy of rental agreement / lease):

PAUL BOUTIN

Temporary Permanent Inside Outside Live Entertainment: Yes No

Start Date: 9-10-20 End Date (if applicable): _____

Reason for this request: _____

This request for an extension of service area for on premise license location MUST have Town / County Commission approval and MUST have a diagram submitted with this form.

Outdoor Restrictions:

There must be a stanchion or fence completely enclosing the area. Signs must be posted, stating "no alcohol beyond this point". There must be sufficient employees at the extension of premise, which would be able to control and monitor the area.

Paul Boutin PRES
 Signature of Owner / Corporate Officer

PAUL BOUTIN PRES
 Printed Name of Owner / Corporate Officer

For Municipal Approval Only

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

Hereby certify that we have complied with Section 653 of Title 28-A Maine Revised Statutes and hereby approve said application.

Dated at: _____, Maine _____
City/Town (County)

On: _____
Date

The undersigned being: Municipal Offices County Commissioners of the
 City Town Plantation Unincorporated Place of: _____, Maine

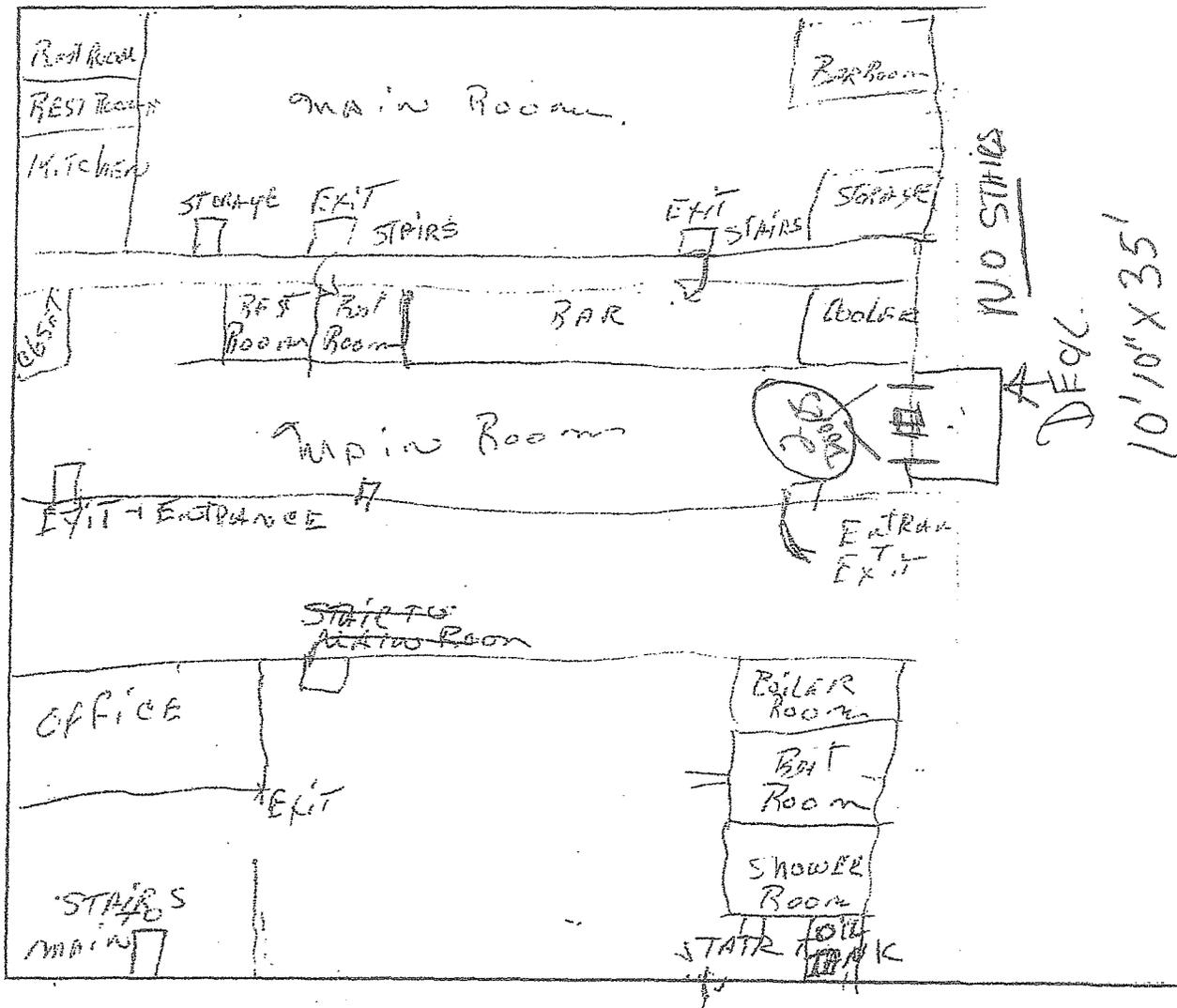
Signature of Officials	Printed Name	Title



SUPPLEMENTAL APPLICATION FORM ON-PREMISE DIAGRAM

In an effort to clearly define your license premise and the areas that consumption and storage of liquor is allowed, The Liquor Licensing & Inspection Division is requiring all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

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



Le Passe-Temps Inc.

Club has added a deck to existing building, on the back side.

Deck is 10' 10" * 35', with 2 doors and a large window. There are no stairs or ladders to climb onto deck.



POLICE DEPARTMENT

Brian T. O'Malley
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St. Pierre, Support Services

DT: September 28, 2020

RE: Liquor License/Special Amusement Permit – **Le Passe Temps**

**** Extension request *****

We have no issues with the above establishment's request for a permanent extension of their current Liquor License/Special Amusement Permit Application to include OUTDOOR service.

Le Passe Temps
45 Cedar St
Lewiston, Maine



171 Park St • Lewiston, Maine • 04240 • Phone 207-513-3137 • Fax 207-795-9007
www.lewistonpd.org



Professionalism

Integrity

Compassion

Dedication

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Dependability

**CITY OF LEWISTON
PUBLIC NOTICE**

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Firland Management Colisee, LLC
190 Birch Street
Lewiston Urban Civic Center Enterprises, LLC, owner

King of Pins
24 Mollison Way
King of Pins Bowling and Family Entertainment Center, Inc., owner

The Carriage House Plus
1119 Lisbon Street
The Carriage House Plus, Inc., owner

A hearing on the following extension of liquor license on premise application:

Le Passe Temps Club
45 Cedar Street
Club Passe-Temps, Inc., owner

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

PUBLISH ON: Sept. 30, Oct. 1, & 2, 2020

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

LEWISTON CITY COUNCIL
MEETING OF OCTOBER 6, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

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

INFORMATION:

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

The Police Department has reviewed and approved the application.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

DAD/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to Fast Breaks, Inc., 1465 Lisbon Street.

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

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

Corporation Name: First Breaks Inc

Corporation Mailing Address: 1485 Lisbon Street Lewiston Me

Contact Person: Lela Richard Phone: 207-754-7666

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

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

Please describe the type of proposed entertainment:

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

If new applicant, what is your opening date?: _____

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

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

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

Signature: [Signature] Title: owner Date: 8-14-20

Printed Name: Lela Richard

Hearing Date: 10-6-20

LEWISTON CITY COUNCIL

MEETING OF OCTOBER 6, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Lewiston Recreation Division, 65 Central Avenue.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Lewiston Recreation Division, 65 Central Avenue.

The Police Department has reviewed and approved the application.

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

The business owner has been notified of the public hearing.

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
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To grant a Special Amusement Permit for Live Entertainment to Lewiston Recreation Division, 65 Central Avenue.

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 9/15/2020

Expiration Date: 10/02/2020

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

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

****PLEASE PRINT****

Business Name: Lewiston Recreation Business Phone: 2075133005

Location Address: 65 Central Ave, Lewiston ME 04240

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

Mailing Address: 65 Central Ave, Lewiston, ME 04240

Email address: cmorin@lewistonmaine.gov

Contact Person: Cheryl Morin Phone: 2075133005

Owner of Business: City of Lewiston Date of Birth: —

Address of Owner: 27 Pike St Lewiston, ME 04240

Manager of Establishment: Jason Hanken Date of Birth: —

Owner of Premises (landlord): City of Lewiston

Address of Premises Owner: 27 Pike St

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

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

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

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

Corporation Name: _____

Corporation Mailing Address: _____

Contact Person: _____ Phone: _____

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

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

Please describe the type of proposed entertainment:

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

If new applicant, what is your opening date?: _____

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

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

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

Signature: Cheryl Lynn Morin Title: Sr. Principal Clerk Date: 9/18/2020

Printed Name: Cheryl Lynn Morin

Hearing Date: 10-6-2020

**LEWISTON CITY COUNCIL
MEETING OF OCTOBER 6, 2020**

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Agora Grand Event Center, 220 Bates Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Agora Grand Event Center, 220 Bates Street.

The Police Department has reviewed and approved the application.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

DADIKMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to Agora Grand Event Center, 220 Bates Street.

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 9/22/2020

Expiration Date: 10-16-2021

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

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

****PLEASE PRINT****

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

Location Address: 220 Bates St, Lewiston, ME 04240

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

Mailing Address: 1 Walnut St, Lewiston, ME 04240

Email address: Agora1887@gmail.com

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

Owner of Business: Agora Properties Inc. Date of Birth: _____

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

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

Owner of Premises (landlord): Agora Properties Inc.

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

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

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

Agora Grand Event Center 220 Bates St, Lewiston, ME 04240
Innat In Agora 1 Walnut St, Lewiston, ME 04240

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

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

Corporation Name: Agora Properties Inc.

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

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

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

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

Please describe the type of proposed entertainment:

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

If new applicant, what is your opening date?: _____

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

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

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

Signature: Billie Jayne B. Cooke Title: Pres., Agora Prop. Date 9/22/2020

Printed Name: BILLIE JAYNE B COOKE

Hearing Date: 10-6-2020

LEWISTON CITY COUNCIL

MEETING OF OCTOBER 6, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Public Hearing on an Application for a Business License renewal for Merrimack River Medical Services, Inc. for an Outpatient Addiction Treatment Clinic at 18 Mollison Way.

INFORMATION:

Merrimack River Medical Services, doing business as Health Care Resource Centers, operates an outpatient addiction treatment clinic (methadone clinic) at 18 Mollison Way and is seeking a renewal of their annual license. The Police Department, Fire Department and Planning & Code Enforcement Department do not have any concerns with the renewal of this license.

The business license was approved last year with a set of conditions and it is recommended the Council approve the license with the same set of conditions which are attached.

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
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1) To conduct a public hearing to receive citizen input and comment regarding the application submitted by Merrimack River Medical Services, Inc. for renewal of their business license to operate an Outpatient Addiction Treatment Clinic at 18 Mollison Way, Lewiston.

2) To approve the License for an Outpatient Addiction Treatment Clinic for Merrimack River Medical Services, Inc. to operate a Clinic at 18 Mollison Way, Lewiston, subject to the attached conditions.

Merrimack River Medical Services, Inc.
October 6, 2020 City Council meeting

Conditions for License to operate an Outpatient Addiction Treatment Clinic in Suite #2 on the first floor of the existing building at 18 Mollison Way:

1. Provide adequate interior client waiting space to eliminate the need for clients to queue or wait for service outside of the building, with the exception of clients waiting for public transportation.
2. Effectively monitor the exterior of the property to ensure that clients do not loiter on or adjacent to the property for any purpose other than waiting for the arrival of public transportation.
3. Designate the exit from the clinic that leads to a lobby shared with other tenants within the building as an emergency exit only and provide an audible alarm that will sound if this exit door is opened.
4. Applicant will maintain a methadone maintenance program as described in their "Treatment Components" and "Program Components". Applicant will immediately report to the police department any breaches of the security system described in the attachment.
5. Consistent with the applicant's application, the number of clients shall not exceed 500 at any given time.
6. The applicant will annually provide documentation to the City Clerk of the receipt of all approvals required by any federal or state agency or department pursuant to federal or state law.
7. The applicant will comply with the requirements of Chapter 22, Article XIV, Section 22-417 of the Code requiring the applicant to conduct meetings at the discretion of the chief of police and or his designee.

**CITY OF LEWISTON
APPLICATION FOR LICENSURE
OUTPATIENT ADDICTION TREATMENT CLINIC**

DATE: 9/10/2020

APPLICATION IS FOR: NEW LICENSE _____ RENEWAL OF LICENSE XX

NAME OF FACILITY/AGENCY: Merrimack River Medical Services, Inc. DBA Health Care Resource Centers

PHYSICAL ADDRESS OF CLINIC:

18 Mollison Way
Lewiston, ME 04240

(City, State, Zip)

MAILING ADDRESS: (if different)

1720 Lakepointe Drive, Suite 117
Lewisville, TX 75057

(City, State, Zip)

TAX MAP & LOT NUMBER OF LOCATION OF FACILITY: Map 169, Lot 25

DIMENSIONS AND ACREAGE OF PROPERTY: 6.27 Acres

NAME OF CONTACT PERSON: Douglas Kilgore, Treatment Center Director

PHONE # 207-312-6860 FAX # 207-312-6863 EMAIL DKilgore@hcrcenters.com

NAME/TITLE OF ADMINISTRATOR/OPERATOR: Douglas Kilgore, Treatment Center Director

PHONE # 207-312-6860 FAX # 207-312-6863 EMAIL DKilgore@hcrcenters.com

NAME OF EXECUTIVE DIRECTOR: Patrice Trisvan, Sr. VP of Operations-OTP

SOCIAL SECURITY # OR EMPLOYER ID #: Federal Tax ID# 02-0510337

CORPORATION NAME/ADDRESS (if different): Baymark Health Services, Inc
1720 Lakepointe Drive, Suite 117
Lewisville, TX 75057

TYPE OF FACILITY/AGENCY:

Individual Proprietorship: _____

Non-Profit Corporation: _____

Other (describe): _____

Partnership: _____

For-Profit Corporation: XX

CATCHMENT AREA: (Geographic Area Served): Adroscoggin, Cumberland, Franklin, Kennebec, Lincoln, Oxford and Sagnadahoc Counties

LIST THE MAXIMUM TOTAL NUMBER OF CLIENTS YOUR AGENCY WIL SERVE AT THIS LOCATION, THE AGE RANGE AND GENDER:

SERVICE: Methadone Treatment # OF CLIENTS Up to 500 AGE RANGE: 18 & Above GENDER: male & female

I/We have received and read the City of Lewiston ordinance regarding Outpatient Addiction Treatment Clinics. I/We understand that this application authorizes representatives of the City of Lewiston to make such visits and inspections as may be necessary to ensure that the facility is in compliance with the laws pertaining to the operation of such facilities.

I/We also understand that the signing of this application effectively serves as a release of information and gives permission to the City of Lewiston to obtain any criminal or protective records information which may be on file in any Country, State or Federal Office.

I/We further certify that all information contained in this application (including addendums) is complete and accurate.

ORIGINAL SIGNATURES REQUIRED:

Douglas Kilgore
Applicant/Operator/Administrator

DATE: September 10, 2020

Douglas Kilgore, Treatment Center Director
Type or Print Name

D.O.B. 1/27/1959

2ND Applicant (If Applicable)

DATE: _____

Type or Print Name

Board President (If Applicable)

DATE: _____

Type or Print Name

OPIOID TREATMENT PROGRAM CERTIFICATION

Substance Abuse and Mental Health Services Administration
Center for Substance Abuse Treatment
Rockville, MD 20857

OTP NUMBER
ME-10017-M

EXPIRATION DATE
8/31/2021

Merrimack River Medical Services, Inc.
DBA: Health Care Resource Centers
18 Mollison Way
Lewiston, ME 04240

This certificate is issued under authority of 42 CFR § 8.11 (21 U.S.C. 823(g)(1))



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Substance Abuse and Mental Health Services Administration
Center for Substance Abuse Treatment
www.samhsa.gov

A. Kathryn Power, M.Ed.
Acting Director,
Center for Substance Abuse Treatment
Substance Abuse and Mental Health Services Administration

THIS CERTIFICATE IS NOT TRANSFERABLE ON CHANGE OF OWNERSHIP, CONTROL, LOCATION, BUSINESS ACTIVITY OR VALID AFTER EXPIRATION DATE



FIRE DEPARTMENT

Brian D. Stockdale, Fire Chief
Mark Caron, Assistant Chief

August 27, 2020

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

RE: Merrimack River Medical Services -18 Mollison Way

Dear Kelly,

The Lewiston Fire Prevention Bureau has no issues or concerns at this time that prohibits the issuance of their city license.

Respectfully,

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

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

Paul / General Files / 2020 Letters / Merrimack River Medical Svcs. Approval Letter / Msw

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

Email: bstockdale@lewistonmaine.gov • mcaron@lewistonmaine.gov

Web Page: www.lewistonmaine.gov



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: City Clerks
FROM: David Hediger, Director of Planning and Code Enforcement
SUBJECT: Merrimack River Medical Services
DATE: 9/29/20

Planning and Code Enforcement staff recommends the license is granted with the same conditions as previously approved by the City Council.



POLICE DEPARTMENT

Brian T. O'Malley
Chief of Police



TO: Kelly J. Brooks, Deputy City Clerk
FROM: Lt. David St.Pierre, Lewiston PD
REF: Outpatient Addiction Treatment Clinic
DATED: September 30, 2020

We have researched our records, and have no objections to the issuance of the Outpatient Addiction Treatment Clinic Permit to the following:

Merrimack River Medical Services, 18 Mollison Way, Lewiston

LEWISTON CITY COUNCIL

MEETING OF MONTH OCTOBER 6, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Public Hearing and Final Passage to adopt Zoning and Land Use Code Map and Text Amendments in support of the Revised Site Plan Review and Design Guidelines and the Design Lewiston Project

INFORMATION:

On September 1, 2020 the City Council approved first passage of the following amendments to the Zoning and Land Use Code and Map:

1. Amendments to Article II, Article IV, Article V, Article VI, Article VII, Article VIII, Article IX, Article XI, Article XII, and Article XIII, to support and govern the Site Plan Review and Design Guidelines: Design Lewiston.
2. Zoning map amendment to re-zone properties along Pine Street, currently zoned Community Business (CB) district to Downtown Residential (DR) district and for areas in the Tree Street Neighborhood zoned Neighborhood Conservation "B" (NCB) district to Downtown Residential (DR) district.
3. Zoning map amendment to add the Design Overlay District consisting of the Riverfront (RF), Mill (M), Centreville (CV), and Downtown Residential (DR) Districts.

On September 15, 2020 the City Council continued the second hearing and passage of the above referenced amendments, at staff's request, to provide additional time to review comments received from the City Attorney on some of the proposed amendment language.

Staff has since made minor revisions to the proposed amendments to ensure consistency with state law, specifically pertaining to variances. The changes are de minimis in nature and not substantive from what was acted upon by the Council on September 1. Please see the enclosed memorandum to the Lewiston City Council dated October 6, 2020, from Doug Greene, City Planner, for additional information as well as maps and other background information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested actions. *DAD/kmm*

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve Final Passage of the listed map and text amendments to the Zoning and Land Use Code and Map.

AN ORDINANCE PERTAINING TO THE ZONING AND LAND USE CODE

THE CITY OF LEWISTON HEREBY ORDAINS:

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

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

Sec. 2. Definitions.

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

Alcove means a recessed entrance to a structure.

Congregate care and assisted living facilities means a residential facility that is primarily engaged in providing residential and personal care services for the elderly and/or other persons who are unable to or do not desire to live independently. The care typically includes room, board, supervision, and assistance in daily living, such as housekeeping, community spaces, common dining areas, transportation and specialized services such as medical support and physical therapy.

Design District Overlay means designated areas where specific design standards, as per Article XI, Section 24(5), are required for new development and building additions greater than 50% of the existing building.

Equipment dealer means a business or commercial enterprise involving the retail sales and service of trucks and construction, wood harvesting, or similar wheeled or tracked vehicles designed primarily for non-highway use.

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

Modification means the relaxation of a provision of the zoning ordinance that is a condition to a certain use, rather than a prohibition of a use, where such modification would not adversely affect the abutting landowners or the general health, safety, and welfare of the City.

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

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

Variance means the authority extended to a land owner to use property in a manner prohibited by a zoning ordinance absent such a variance ~~a relaxation of the terms of this Code~~ where such variance will not be contrary to the public interest, and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Code will result in ~~unnecessary or~~ undue hardship, or practical difficulty for variances

~~discussed in Article IX, Section 3(b)(2). As used in this Code, a variance is authorized only for the space and bulk requirements of Article XI and the performance standards of Article XII, and the floodplain management ordinance of Article XIV.~~

APPENDIX A
ZONING AND LAND USE CODE
ARTICLE IV. ESTABLISHMENT OF DISTRICTS

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

APPENDIX A
ZONING AND LAND USE CODE
ARTICLE V. ADMINISTRATION AND ENFORCEMENT

Sec. 3. General provisions.

A. Lots, Yards, and Setbacks.

~~(a1)~~ Arrangement of Buildings and Structures on Lots. All buildings and other structures shall be so located and arranged on lots 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)~~ ~~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.~~
- ~~(e2)~~ 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:

- ~~(1a)~~ 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.
- ~~(2b)~~ 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.
- ~~(3c)~~ 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 a minimum diameter equal to the required minimum frontage for the district.
- ~~(5) — 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.)~~
- (d3) 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.
- (e4) 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.
- (f5) 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 the 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.
- (h6) 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.
- (j7) 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 space and bulk regulations appropriate to the type of use.

- (s8) 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.
- (t9) 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.
- (z10) 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

- (g1) 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.
- (i2) Transition of a Legal Use to a 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.~~

- (k3) 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

- (l1) Multiple Principal 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.
- (m2) Temporary Structures. In all zones, nonpermanent 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.
- (p3) 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.
- (q4) 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 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 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 10 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 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) 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 no closer than 15 feet from the nearest point of any principal residential structure existing on any adjacent lot unless otherwise allowed by this Code.

D. Property Maintenance

- (#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 motor vehicle.
- (#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).
- ~~(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.~~

E. Temporary Housing

- (~~1~~) *Temporary Housing.* Notwithstanding Article V, section 3(1) 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 homeowner 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.

- (7g) 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.
- (8h) 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.—~~
- ~~(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.~~

**APPENDIX A
ZONING AND LAND USE CODE
ARTICLE VI. NONCONFORMANCE**

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) *Developable Unimproved Lot 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 lot 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.
- (e d) *Single developed, nonconforming 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~~e) *Multiple developed nonconforming 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~~f) *Contiguous nonconforming 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 XIX~~, Section 3(b)(6) have been met.

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 conditions are met:

- (1) ~~The enlargement or accessory structure does not itself exceed the prescribed height standard;~~
- (~~2~~2) ~~The enlargement in combination with the existing structure does not exceed, or worsen the any existing nonconformity, 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-and horizontal expansions of a ~~single-family residential~~ structure, which does not meet the prescribed setback requirements and yard requirements, may be built;
- (a) if the ~~vertical~~ expansion does not extend any further into the required yard or setback than does the existing structure, but than five feet 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.
- (c) the expansion may be built no closer than five feet to a property line unless otherwise permitted by a district regulation.
- (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 any Nonconforming 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.
- (c) Reconstruction of a Nonconforming 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.
- (d) Reconstruction of a Nonconforming Residential Structure with greater than 80% damage 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.~~

- (e) Reconstruction Timeframe- Any reconstruction permitted by this subsection shall begin within one (1) year and be completed within two (2) 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 (1) year extension shall be granted.
- (e f) Shoreland Zone Reconstruction Standards- A residential structure which is located in a shoreland area and is nonconforming because it; (a) does not meet 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 (1) 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) 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.

Sec. 4. Nonconforming uses.

- (a) Continuance of a Nonconforming 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 Nonconformance 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 Nonconforming 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 use of historic structures in the Centreville district - 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 Nonconforming Use 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 a 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 a 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 any Nonconforming Use 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.
- (g) Reconstruction of a Nonconforming 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.~~
- (h) Reconstruction of a Nonconforming 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.

- (i) Reconstruction Timeframe- Any reconstruction permitted by this subsection shall be begun within one (1) year and completed within two (2) 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 (1) year extension shall be granted.

Sec. 7. Off-street parking and loading spaces.

- (a) Nonconforming 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) Nonconforming 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) Nonconforming 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.

**APPENDIX A
ZONING AND LAND USE CODE
ARTICLE VII. PLANNING BOARD**

Sec. 4. Powers and duties.

- (k) ~~—Modifications. The Board shall hear and decide requests for the reduction of the provisions under article XI, sections 1 through 14, district regulations, with respect 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(c), as applicable, are met.~~

**APPENDIX A
ZONING AND LAND USE CODE
ARTICLE VIII. BOARD OF APPEALS**

Sec. 3. Organization and rules.

The board of appeals shall:

- (a) ~~e~~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:

- (1a) *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.
- (2b) *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.
- (3c) *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.
- (2d) *Variances.* To approve, approve with conditions, or disapprove applications for variances from the strict enforcement of only the provisions of this Code which relate to the 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.
- (3e) *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.
- (4f) *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.~~
- (6g) *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.
- ~~(7h) — Modification of off-street parking standards. To hear and decide requests for modifications of the requirements of Article XII, subsections 17(e) and (h).~~
- ~~(8i) — 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.
- ~~(10j) — Modifications. The board shall hear and decide requests for the reduction of the provisions under Article XI, sections 1 through 14, district regulations, with respect to space and bulk standards, for setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, 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.~~

**APPENDIX A
ZONING AND LAND USE CODE
ARTICLE IX. APPEALS AND VARIANCES**

Sec. 1. Applicability.

The procedures and standards set forth in this Article shall apply to appeals and variances that are brought before ~~either the bBoard of aAppeals or pPlanning bBoard~~ under this Code and, except as otherwise provided in aArticle X, to applications for conditional use permits pursuant to aArticle X.

Sec. 2. Appeal procedures.

(a) *Petition.*

(2) The petition for appeals shall contain the following information:

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 aArticle XIII of the Code, this drawing shall meet the requirements of aArticle XIII, subsection 3(h)(3).

(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 bBoard of aAppeals.

~~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 and variances.

(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. Except as provided in parts 2 through 6 of this subsection, 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, including where strict application of the zoning ordinance 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 granting of the variance will not alter the essential character of the locality;
- d. The hardship is not the result of action taken by the petitioner or a prior owner;
- 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) Disability variance; vehicle storage. 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. All medical records submitted to the board and any other documents submitted for the purpose of describing or verifying a person's disability are confidential. For purposes of this subsection, "disability" has the same meaning as a physical or mental disability under Title 5, section 4553-A.

(3) Code enforcement officer; authority for disability structures permits. Notwithstanding Article IX, Section 3(b), the code enforcement office may issue a permit to an owner of a dwelling for the purpose of making a dwelling accessible to a person with a disability who resides in or regularly uses the dwelling. If the permit requires a variance, the permit is deemed to include that variance solely for the installation of equipment or the construction of structures necessary for access to or egress from the dwelling for the person with a disability. The code enforcement officer may impose conditions on the permit, including limiting the permit to the duration of the disability or to the time that the person with a disability lives in the dwelling. All medical records submitted to the code enforcement officer and any other documents submitted for the purpose of describing or verifying a person's disability are confidential.

For the purposes of this section, the term "structures necessary for access to or egress from the dwelling" includes ramps and associated railings, walls or roof systems necessary for the safety or effectiveness of the ramps.

For the purposes of this section, "disability" has the same meaning as a physical or mental disability under Title 5, section 4553-A.

(4) 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, provided that a variance under this subsection may exceed 20% of a setback requirement, except for minimum setbacks from a wetland or water body required within shoreland zones by rules adopted pursuant to Title 38, chapter 3, subchapter I, article 2-B, if the petitioner has obtained the written consent of an affected abutting landowner;
 - d. The variance will not cause the area of the dwelling to exceed the maximum permissible lot coverage.
- (5) Variance from dimensional space and bulk standards. The Board of Appeals shall grant a variance from the dimensional space and bulk 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.
- (6) Variance from shoreland zoning standards. The Board of Appeals shall grant a variance within mandated shoreland zoning areas or in Resource Conservation (RC), Lake Conservation (LC), or Groundwater Conservation (GC) districts only when it finds that the granting of the variance, in addition to meeting the standards contained in subsection (b)(1), also:
- 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.

(7) Variance from the floodplain management standards of Article XIV. 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, in addition to meeting the standards contained in subsection (b)(1), also:

- a. 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; and
- e. Is limited to 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.

(7-A) Variance for new construction and improvements within the floodplain. 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 the standards in subsection b(6) have been met and that:

- a. Other criteria of 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.

(7-B) Variance for historic structures within the floodplain. 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 the proposed repair, reconstruction, rehabilitation, or restoration, in addition to meeting the standards of subsection b(6), will not preclude the structure's continued designation as a historic structure and that the variance is the minimum necessary to preserve the historic character and design of the structure.

(7-C) Disclaimer. Any applicant who meets the criteria of Article IX, Section 3(6)(

subsections (a) through (c) 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.

(7-D) 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.

(7-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.

**APPENDIX A
ZONING AND LAND USE CODE
ARTICLE XI. DISTRICT REGULATIONS**

~~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.~~

~~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.~~

~~Sec. 21. 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.~~

Sec. 22. Land Use Requirements.

- (a) *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 22, Land Use Table

Land Use Table: All Zoning Districts 10-06-20	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 Conservatio n (RC) (18)	Groundwater conservation Overlay (GC) ⁽²⁵⁾	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							
New and used car dealers																	P (17)				
Recreational vehicle, mobile home dealers																	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				
Preservation of historic areas; emergency and fire protection																		P			
Dams																		C			

Article XI, District Regulations, Section 22, Land Use Table

Land Use Table: All Zoning Districts 10-06-20	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

(39) Keeping of Chickens- Notwithstanding, the provisions under Article XI, Sec23 of this Code, the keeping of up to six female chickens are 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.

Sec. 23. 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.

Article XI, District Regulations, Section 23, Space and Bulk Table: All Zoning Districts

Dimensional Requirements (13) 10-06-20	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	40,000	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									
All permitted residential uses							26	1,250 sf	1,250 sf	None	None		3,000 sf	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																
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 accesses)		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	60 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 23, Space and Bulk Table: All Zoning Districts

Dimensional Requirements (13) 10-06-20	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 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	30 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	0.65	0.60	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

(12) (Reserved)

~~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.~~

(13) (Reserved)

~~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, and the staff review committee and the code enforcement official pursuant to Articles V, VII, VIII, IX, and XIII of this Code.~~

Sec. 24. Additional Overlay District Regulation Requirements

5) Design District Overlay district

- a) Applicability- All major and minor Development Review projects in the Design District Overlay shall comply with the following Design District Standards.
- b) 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.
- c) Exterior Building Standards
 - 1) Commercial and Mixed-Use Building Standards-
 - a. 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.
 - b. Commercial First Floor Elevation- Commercial first floors shall be at street grade.

- c. 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.
- d. 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.

2) Residential Building Standards-

- a. 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.
- b. 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.
- c. Residential First Floor Entrances- Multifamily entrances shall have covered weather protection.
- d. 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.
- e. Residential Entrances shall provide weather protection and include one of the following entrance features; a stoop, porch or landing.

3) Windows- Windows shall not be flush with exterior wall treatments and shall be recessed at least 2 ½ inches and/or provided with an architectural surround at the jambs, header, and sill.

4) Blank Walls- Building facades visible from a public street shall not contain blank walls longer than fifteen feet.

5) 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.

d) Parking Access and Design

1) 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.

- 2) 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.
 - 3) 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.
 - 4) 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.
- e) Treatment of Front Yards in the Design District Overlay
- 1) 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).
 - 2) 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.
 - 3) Trees are recommended if the front setback is at least 5 feet wide to provide adequate space for the tree roots.
 - 4) Short fences of approximately 3 feet in height are desirable in residential front yards.
- f) Roofs
- 1) 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.
 - 2) Solar panels- Solar panels shall follow rooflines and, where possible, be integrated with the roof design.
 - 3) Falling snow- Roofs shall be designed to prevent falling ice and snow onto entrances and walkways.
- g) Context-Sensitive Design-

- 1) Documentation of Surrounding Context- Development Review applications in the Design District Overlay shall include documentation consisting of:
 - a) 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) A site map and a map of adjacent principal buildings or structures
 - c) 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
 - d) Photos of the development site and adjacent principal buildings or structures.

- 2) 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:
 - a) 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.
 - b) 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.
 - c) 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.
 - d) Building materials and texture shall exhibit the characteristics of texture, composition, and reflectivity of the adjacent principal buildings, structures or lots.
 - e) The placement and orientation of the new construction/in-fill shall be in harmony with the adjacent principal buildings, structures or lots.
 - f) Architectural consistency: The proposed project shall maintain consistency of architectural character, treatments, and details on all building facades visible from public rights of way.

h) Waiver Requests

- 1) Development Review applications shall meet all the standards contained in Article XII, Section 22, unless the appropriate reviewing authority grants a waiver request.

- 2) Applicants shall provide written justification as to how the waiver request meets the following criteria.
- a. 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.
 - b. The conditions do not generally apply to other property in the vicinity.
 - c. The conditions are not the result of the applicant's own actions.
 - d. Granting of the waiver would not substantially conflict with the Comprehensive Plan, and the purposes and intent of this Code
 - e. 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.
 - f. 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 waiver.

**APPENDIX A – ZONING AND LAND USE CODE
ARTICLE XII. PERFORMANCE STANDARDS**

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Sec. 6. Swimming pool standards.

~~(g) *Pool occupancy permit.* After construction of a pool, a pool occupancy permit must be obtained from the code enforcement official prior to the use of the pool, and said permit must be displayed near the swimming pool.~~

Sec. 7. Walls and fences.

(b) *Retaining walls.* Retaining walls may be constructed, altered, added to or changed anywhere on a lot to the lot line provided the following conditions are met:

- (1) Retaining wall exceeding six feet in height shall be designed by a registered professional engineer in accordance with the requirements of the ~~BOCA code~~ Maine Uniform Building and Energy Code, as amended, and shall be approved by the code enforcement official prior to the start of construction.
- (2) A wall or fence may be required by the code enforcement official in accordance with subsection (c) if a potential safety hazard will be created by a retaining wall.
- (3) The retaining wall shall be located and constructed in a manner that will not create a barrier or undue impediment to public safety officers in performing their function in connection with the premises or adjacent properties.
- (4) Retaining walls may be located in the corner cutback area of any lot provided the height of the wall does not exceed three feet.

(f) *Modifications.* The code enforcement official may allow a modification in the requirements of this section if he finds, following an on-site inspection of the premises, that the modification will neither create, nor aggravate a safety hazard. The owner(s) of the property(ies) which is(are) directly impacted by the proposed modification and is(are) abutting to the subject property will be notified by the code enforcement official of said determination.

If an abutter feels that the code enforcement official erred in his determination, he may request an administrative appeal in writing within ten days of the mailing date of the notification in accordance with article VIII, section 4(4a) of the Revised Code of Ordinances of the City of Lewiston [appendix A].

Sec. 13. Standards for the installation of mobile homes on individual lots.

The installation of mobile homes on individual residential lots shall conform to the following standards:

- (3) The unit shall have its wheels, axles and tongue removed and shall be placed on a permanent foundation meeting the requirements of the ~~BOCA Building~~ Maine Uniform Building and Energy Code.
- (6) The mobile home shall be anchored in accordance with the standards of article XIV, ~~section 4~~ if it is located in an area of special flood hazard as identified by the flood insurance rate map of the city.

Sec. 14. Standards for the installation of mobile homes in mobile home parks.

The creation of mobile home lots in mobile home parks and the installation of mobile homes on those lots shall conform to the following standards:

- (1) *Lot development standards.*
 - a. *Utilities.* Each lot shall be serviced by public water and sewer and provided with electrical and telephone service, all in accordance with the standards contained in article XIII, section 4(j) of this Code.
 - b. *Stand.* Each lot shall be developed with a suitable stand for the mobile home. This stand may consist of any one of the following systems:
 1. A four-inch reinforced concrete slab. This slab shall be located on soils which are not susceptible to frost action or shall be located on a 12-inch gravel base with appropriate underdrains; or
 2. A pair of reinforced concrete grade beams designed in accordance with the ~~BOCA Building~~ Maine Uniform Building and Energy Code, as amended; or
 3. A series of columns and footings in which the footings are a minimum of two feet on a side and extend below the frost line.
 - c. *Off-street parking.* Each site shall contain two off-street parking spaces meeting the requirements of article XII, section 17. This parking shall be surfaced with a minimum of two inches of bituminous paving on a 12-inch gravel base or equivalent as approved by the city engineer.
 - d. *Drainage.* Each site shall be graded to provide positive surface water drainage away from the stand and into the overall stormwater system.
 - e. *Landscaping.* All areas of the lot not covered by buildings, structures, paving or other improvements shall be maintained in a vegetated state.

Sec. 15. Erosion and sedimentation control.

- (c) *Standards.* Any person, entity or property owner who conducts, causes or allows to be conducted, an activity which results in unstabilized soil conditions shall take measures to prevent unreasonable erosion of sediment or soil beyond the project site or into a protected natural resource as defined by M.R.S.A, Title 38 § 480-B. Erosion control measures must be in place before the activity begins and remain in place and be maintained until the site is permanently stabilized. All erosion control and stabilization measures required by this section shall be in accordance with Maine Erosion and Sediment Control Best Management Practices (BMPs) Manual for Designers and Engineers, October 2016, as amended ~~the Maine Erosion and Sedimentation Control BMPs Pub. No. DEPLW0588, published by the Maine Department of Environmental Protection, Bureau of Land and Water Quality, (March 2003),~~ or other measures

determined to be appropriate by the Lewiston Director of Planning and Code Enforcement.

Sec. 17. Off-street parking and loading.

- (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
<u>Child Care and Nursery School Facilities</u> <u>Family Day Care</u> <u>Small Day Care</u> <u>Day Care Centers</u>	<u>One on-site space for each staff person plus one space for each six children</u>
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
<u>Neighborhood Retail Store</u>	<u>One space per five hundred square feet of gross floor area</u>
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 <u>similar uses</u>	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.

Sec. 18. Public and Private Improvement Standards for Design and Construction.

Sec. 20. Child care facility standards.

- (3) *Off-street parking/drop-off and pick-up areas.* All proposed child care facilities shall provide adequate off-street parking for all full and/or part time employees.
- i. For family day care homes, parking spaces may be arranged in a stacked manner, no more than two vehicles deep, where one vehicle is parked behind the other as long as the maneuvering on-site is safe and convenient. For small day care facilities and day care centers, only staff parking may be arranged in a stacked manner where one vehicle is parked behind the other as long as the maneuvering on-site is safe and convenient. The required front, side and rear yards for the zoning district in which the child care facility is proposed must be maintained, unless modified pursuant to article IX. If the child care facility will operate with more than one shift, the number of parking stalls shall reflect the greatest number of employees in any one shift.
 - ii. The parking requirements for all child care facilities shall be ~~as follows in accordance with Article XII, Section 17, (d):~~
Family day care homes: In addition to the existing on-site parking required for the residential use, one additional on-site parking stall shall be required for each staff person.
Small day care facilities: One on-site parking stall for each staff person.

~~Day care centers: One on-site parking stall for each staff person.~~

- iii. All proposed child care facilities shall also provide adequate drop-off and pick-up areas. These areas shall be safe and convenient, and shall not conflict with on-site pedestrian and vehicular movements. All drop-off and pick-up shall occur on-site unless otherwise permitted pursuant to article XII, section 17 (e). One parking space shall be provided for drop-off and pick-up purposes based on a ratio of one space per six children. These spaces shall not be arranged in a stacked manner.
- iv. In the event that the code enforcement official determines that a proposed child care facility has less demand for drop-off, pick-up and parking due to interurban transit use, car and van pooling, bus service, foot traffic, etc. the above requirements may be reduced to reflect the anticipated demand. The code enforcement official may also reduce the above referenced parking requirements upon the applicant submitting a report from a licensed traffic engineer demonstrating the parking demand based on a comparison to at least three other comparable sized child care facilities, including, but not limited to the number of children attending the facility; the number of children licensed for the facility; location of the facility, etc. This report may be subject to a peer review conducted by the City at the applicant's cost.
- v. Notwithstanding the above, there are no parking requirements for drop-off, pick-up and staff parking for family day care homes located on streets other than those identified in the above subsection.
- vi. Off-street parking for child care facilities must meet the *off-street parking and loading* provisions contained in article XII, section 17 (e), (f), and (g) (1-4) of the Zoning and Land Use Code.

Sec. 22. Residential design standards for the downtown residential and riverfront districts. Reserved.

~~(a) — New residential development in the downtown residential (DR) and riverfront (RF) districts shall be reviewed for compliance with the following development standards. The general intent of these standards is to achieve an attractive city neighborhood environment, fostering 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 provide a high level of visual interest and include design elements that enhance the streetscape.~~

- ~~(1) — Porches and bays should face the street;~~
- ~~(2) — Primary ground floor residential entries to multifamily building must orient to streets, not to interior blocks or parking lots. Secondary and upper floor entries from the interior of a block are acceptable. The front door to single family homes, duplexes and townhouses must be visible from the street;~~
- ~~(3) — The design approach shall provide an architecture that will be a visible and permanent expression of the character of the neighborhood through appropriately scaled entries, porches, fenestration, landscaping and architectural details;~~
- ~~(4) — The facade shall be varied and articulated to provide visual interest to pedestrians;~~
- ~~(5) — Each project must provide visual and acoustical privacy between units and shall maximize natural light and ventilation within units.~~

APPENDIX A
ZONING AND LAND USE CODE
ARTICLE XIII. DEVELOPMENT REVIEW AND STANDARDS

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.

Sec. 2. Applicability.

- (a) The requirements of this article shall apply to the following:
- (15) Minor or major development of properties located within the Design District Overlay shall meet the requirements for Article XI, Section 24 (5), Development District Overlay Standards.

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.

- (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 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.~~

- (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.

- (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.

(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:

(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.

Sec. 4. Approval criteria.

- (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.
 - (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.
 - 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.
- (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.
- (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 as amended shall be implemented.

- (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:
- ~~(2) — Cutting of trees on the northerly borders of the development will be avoided to extent possible to retain natural wind buffers.~~
- (l) *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.
- (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.
- (m) *Lot layout.* Lot layout shall conform to Article II, Definitions, Net Lot Area and Article V, Administration and Enforcement, Section 3.
- (n) *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".
- (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. ~~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.
- (u) *Buffering.* The 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.
- (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.

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 projects 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.

- (b) Notwithstanding other provisions of this Code, the ~~planning board~~ Planning Board in reviewing and approving proposed single family clustered developments may approve development proposals that do not meet the Space and Bulk requirements of Article XI in

~~order to promote cluster development. modify provisions relating to space and bulk to permit innovative approaches to housing and environmental design in accordance with the following standards.~~ The purpose of this section shall be to encourage housing development that will result in:

- (1) Open space and recreation areas;
- (2) Variety and choice of housing;
- (3) A pattern of development in harmony with the natural features of the land;
- (4) Efficient use of the land, with small networks of utilities and streets.

Sec. 9. Additional standards for mobile home parks.

(4) *Mobile home park cluster developments.*

a. Notwithstanding other provisions of the Code, the ~~planning board~~ Planning Board ~~in reviewing and approving mobile home parks,~~ may approve development proposals that do not meet the Space and Bulk standards of Article XI in order to promote cluster development that will modify provisions relating to space and bulk to permit innovative approaches to park design which are sensitive to the natural opportunities and constraints of the site, and that will result in:

- (1) Open space and recreation areas;
- (2) A pattern of development in harmony with the natural features of the land;
- (3) Efficient use of the land, with small network of utilities and streets;
- (4) Siting of units on lots to avoid monotony and sameness.

Sec. 10. Additional standards for private commercial or industrial subdivisions.

Lots within a private commercial or industrial development may gain their required frontage on private roads. In addition to the criteria set forth in Article XII, section 18 and Article XIII, section 4, applications for these developments shall meet the following additional standards:

- (4) Existing buildings on proposed private roads may have their required front yard and setbacks from the private road reduced by the planning board to an extent necessary to accommodate the road within the development. The reductions, however, must not interfere with the convenient and safe use of the road right-of-way for all vehicles and pedestrians, and must be noted on the plans and be incorporated into the covenants of the development. Unless ~~the necessary modifications or a variances are~~ is obtained from the board of appeals ~~or planning board,~~ all other space and bulk standards required for the respective zoning district must be met by the existing structures, proposed lot and any proposed building or structure.

REASON FOR THE PROPOSED AMENDMENT

The current zoning ordinance regulations for historic, site plan, and architectural design elements are out of date, lack specificity, are overly permissive, (may vs. shall) or are incomplete. This situation forces the Staff and Planning Board to negotiate important design issues with developers on a case by case basis with little regulatory backing. New standards that clarify and simplify what is required for structures and landscaping for development projects in the Design Districts will benefit the City, developers, and residents alike.

CONFORMANCE WITH 2017 COMPREHENSIVE PLAN

“Regulatory Barriers Simplify the Code” The comprehensive plan encourages the City to pursue form-based codes in order to achieve “desired outcomes in appropriate areas.” (pg. 226-228) The new guidelines and standards are based on form-based principles and provide more clarity and certainty for the City and for developers.

“Improving the Quality of Affordable Housing” through Form Based Code (pg. 236) The new standards will encourage flexible but quality development while allowing for a “wide variety of building types and housing options.”

“Simplifying and Improving Historic Preservation Regulations and Improve the Effectiveness and Predictability of Design Review” (pg. 240)

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	<i>Androscoggin County Registry of Deeds</i> 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	<i>Androscoggin County Registry of Deeds</i> 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

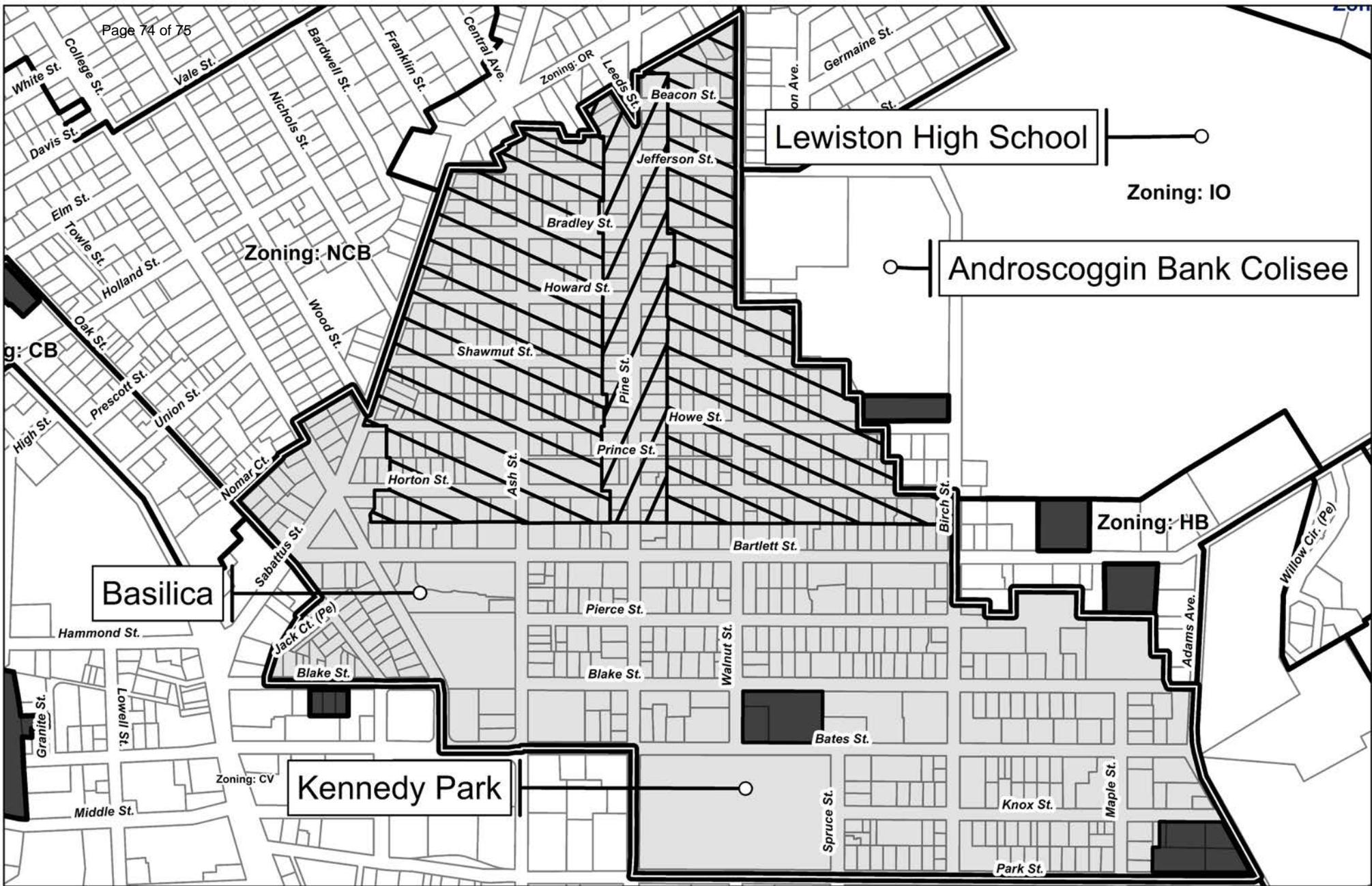
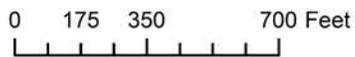
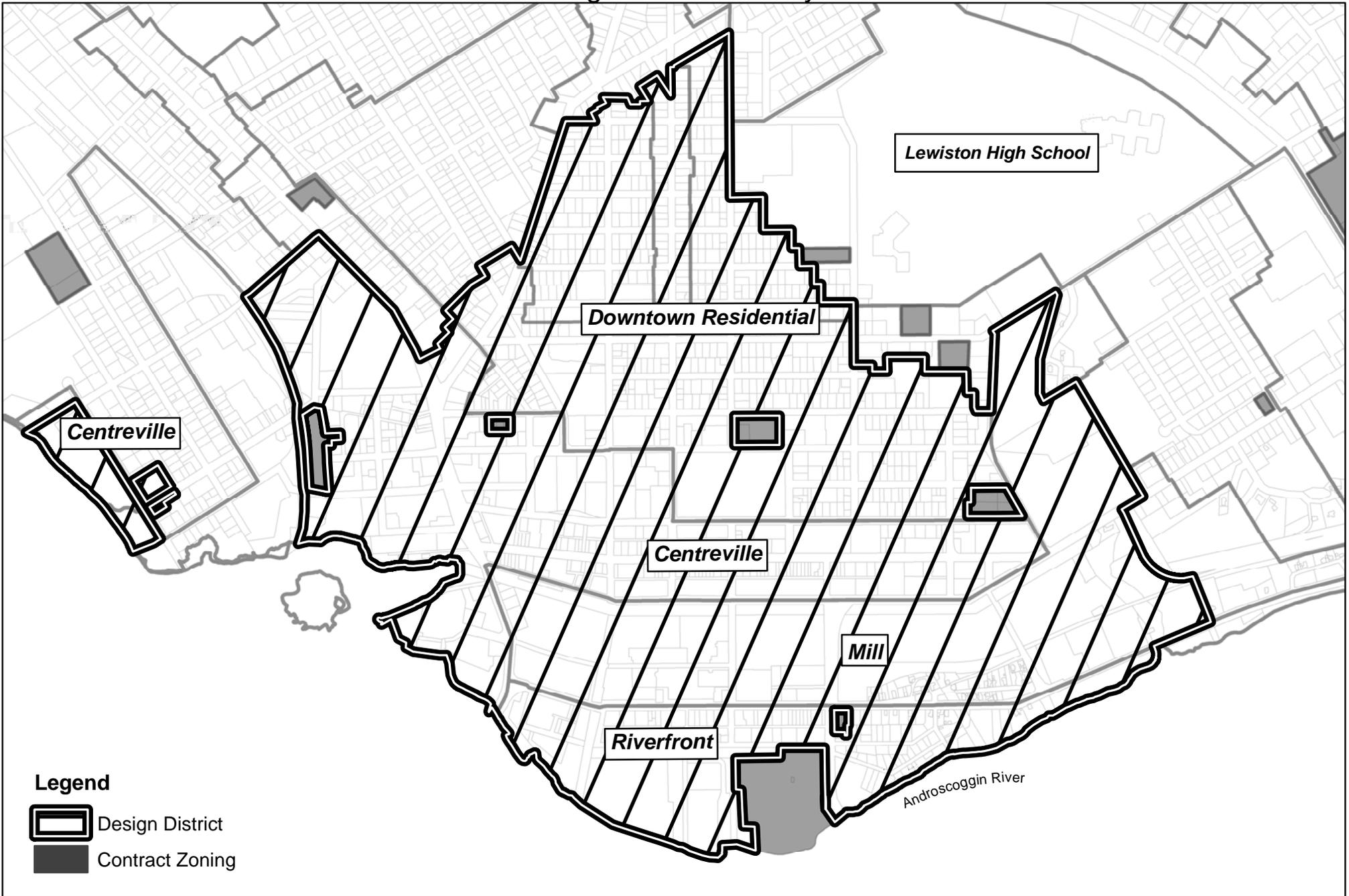


Exhibit C - Design Lewiston Zone Change



-  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

Design Lewiston Design District Overlay



LEWISTON CITY COUNCIL

MEETING OF MONTH OCTOBER 6, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Public Hearing and First Passage to amend the Land Use Code and Map to rezone properties along Ash Street, Blake Street, Bartlett Street, College Street, Oak Street and Jack Court from Downtown Residential (DR) to Centreville (CV).

INFORMATION:

The Planning Board voted 7-0 at their September 14, 2020 meeting to send a favorable recommendation to the City Council pursuant to Article VII, Section 4, and Article XVII, Section 5 of the Zoning and Land Use Code for a Zoning Map Amendment to rezone properties along Ash Street, Blake Street, Bartlett Street, College Street, Oak Street, and Jack Court from Downtown Residential (DR) to Centreville (CV). Rezoning these parcels from DR to CV supports many of the ongoing initiatives between the departments of Economic and Community Development and Planning and Code Enforcement and their community partners. The rezoning will allow the City to address a number of existing nonconformities in these neighborhood blocks and target redevelopment to an area that is ideal for housing and mixed uses close to retail, services, employment, and existing infrastructure.

See attached memorandum dated September 14, 2020, from City Planner Doug Greene to the Planning Board for more information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested actions.

DADKMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve First Passage of the proposed amendment to the Land Use Code and Map regarding the rezoning of properties along Ash Street, Blake Street, Bartlett Street, College Street, Oak Street, and Jack Court from Downtown Residential (DR) to Centreville (CV) and to continue the public hearing for Final Passage to the next regularly scheduled City Council meeting.



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Mayor and City Council
FROM: Douglas Greene, City Planner
DATE: September 15, 2020
RE: Planning Board recommendation:

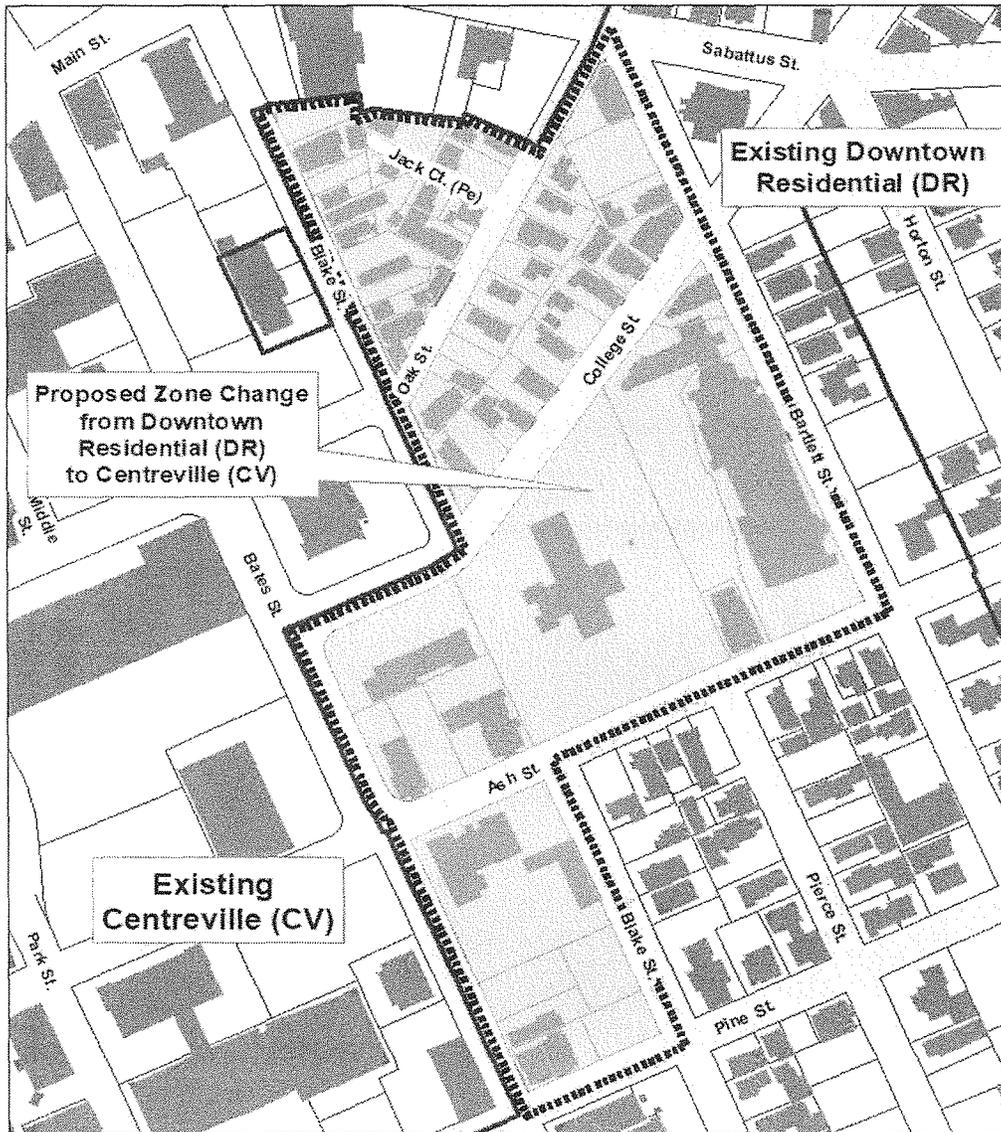
The Planning Board took the following action at their Zoom meeting held on September 14, 2020:

MOTION: by **Lucy Bisson**, to send a favorable recommendation pursuant to Article VII, Section 4 and Article XVII, Section 5 to the City Council for a Zoning Map Amendment to rezone properties along Ash Street, Blake Street, Bartlett Street, College Street, Oak Street and Jack Court as depicted in the attached map, (including, if any, specific conditions raised by the Planning Board or Staff).

Second by **Linda Scott**.

VOTED: 7-0 (Passed Unanimously)

During the public hearing for this item, no one spoke in opposition or support.



Blake Street Area Rezoning From Downtown Residential (DR) to Centreville (CV)



September 2020



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Lewiston Planning Board

FROM: Douglas Greene, AICP, RLA, City Planner

DATE: September 14, 2020

RE: Agenda Item 4 c, Zoning Map Amendment for the Blake Street Area

The Lewiston Planning Board initiated a zoning map amendment request to change the zoning in the Blake Street area from Downtown Residential (DR) to Centreville (CV) at their August 24, 2020 meeting. The Planning Board is now asked to review the application produced by Staff and make a recommendation to the City Council for their consideration.

PROJECT DESCRIPTION

The Lewiston Housing Authority (LHA) approached the Departments of Economic Development and Planning and Code Enforcement about constructing a new 40 unit apartment building at 70 Blake Street. The new building would be located along the property's Ash Street frontage in an area of underutilized parking and greenspace. The current zoning of Downtown Residential (DR) requires 1,250 sf of lot size for each proposed residential unit. The initial conversation focused on a contract rezoning of the property from DR to CV in order to allow the density desired by the LHA. The Staff looked at other nearby properties owned by LHA and surrounding properties and recommended a "straight zoning," which would expand the nearby CV zoning into the LHA property and other nearby properties on Ash Street, Blake Street, Bartlett Street, College Street, Oak Street, and Jack Court.

The Planning Staff evaluated the residential area between Blake Street, College Street, Oak Street, and Jack Court and found a significant number of non-conforming lots based on the existing DR zoning. Changing the zoning to CV would eliminate almost all of the non-conformities and facilitate the redevelopment of this area as well.

The amendment to the zoning ordinance and map submitted by Staff provides the reason for the amendment and lists how the request is in conformance with the 2017 Comprehensive Plan.

1. "The plan envisions that most residential and non-residential development over the next ten years will occur in this growth sector." (pg. 125)
2. "Focus Housing within Growth Areas" The Comprehensive Plan encourages the development of "new, high-quality, multi-family residences" in areas already served by municipal services such as water and sewer. (pg. 172)
3. "Improve the Quality of Affordable Housing" The zone change will allow Lewiston Housing Authority to develop an underutilized portion of land in the Downtown area to provide quality and attractive, affordable housing, subject to design standards, rather than

congregating such housing in areas of the City separated from services and other uses.
(pgs. 172-173)

Rezoning this area to allow for redevelopment at a slightly higher density and form will allow the City to accommodate future growth in a part of town already served by employment, retail, services, and infrastructure.

LIST TYPES OF APPROVALS

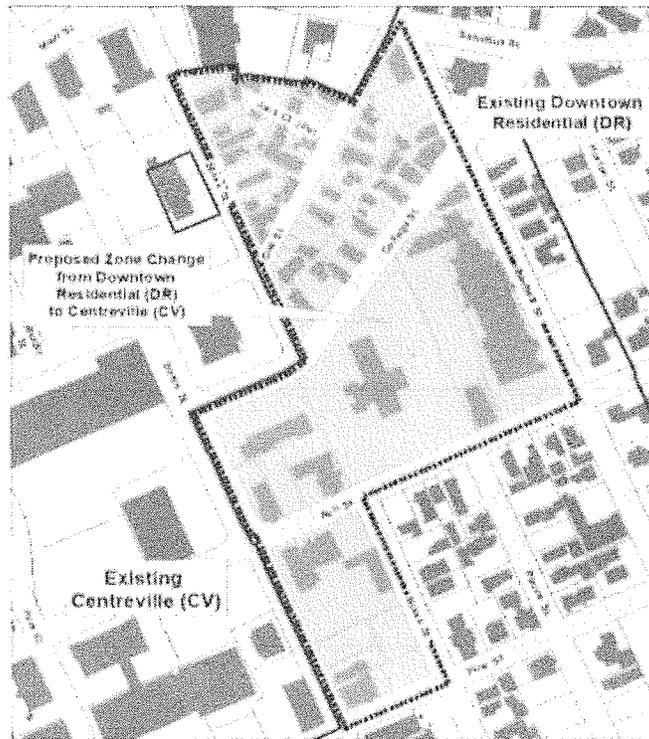
The Planning Board needs to make a recommendation to the City Council pursuant to Article VII, Planning Board, Section 4, Powers and Duties and Article XVII, Amendments, and Other Legal Provisions, Section 5, Amendments.

STAFF RECOMMENDATION

Staff recommends the Planning Board send a favorable recommendation to the City Council for the proposed zone change.

ACTION NECESSARY

Make a motion that the Planning Board provide a favorable recommendation pursuant to Article VII, Section 4 and Article XVII, Section 5 to the City Council for a Zoning Map Amendment to rezone properties along Ash Street, Blake Street, Bartlett Street, College Street, Oak Street and Jack Court as depicted in the attached map, (including, if any, specific conditions raised by the Planning Board or Staff).



Blake Street Area Rezoning From Downtown Residential (DR) to Centreville (CV)

September 2020

Attached Map 1 Blake Street Rezoning Discussion



Nonconforming Parcels

	Current DR		Proposed DR		CV standards	
	standards	%	standards	%		%
Lot size	34	61%	16	29%	0	-
Lot density	22	50%	22	50%	0	-
Frontage	14	25%	8	14%	1	1%

Note: Density calculations are meant to provide context as to the current land use pattern in the neighborhood. Density is not necessarily a concern with respect to the continuation or reconstruction of the nonconforming use for 1, 2, or 3 unit dwellings, per Article VI of Appendix A: Zoning and Land Use Code of the City of Lewiston Code of Ordinances.

Total lots: 56 | Approx. 44 in residential use. Lot density calculations are based on total residential lots.

- Current CV Zoning Line
- Proposed CV Zoning Line
- Nonconforming lot size under current DR standards
- Nonconforming lot size under proposed DR standards
- Nonconforming density under current and proposed DR standards
- Nonconforming frontage under current DR standards
- Nonconforming frontage under proposed DR standards
- Nonconforming frontage under CV standards



**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 below and displayed on the map attached as **Exhibit A**, are rezoned from
Downtown Residential (DR) to Centreville (CV):

1 BARTLETT ST	Bk 516 Pg 399	4 COLLEGE ST	Bk 5854 Pg 146
1 COLLEGE ST	Bk 1005 Pg 592	40 COLLEGE ST	Bk 9922 Pg 52
10 COLLEGE ST	Bk 9186 Pg 298	42 BLAKE ST	Bk 6974 Pg 81
110 ASH ST	Bk 1472 Pg 327	54 BLAKE ST	Bk 6974 Pg 81
111 BLAKE ST	Bk 10325 Pg 292	65 OAK ST	Bk 9545 Pg 162
12 COLLEGE ST	Bk 10245 Pg 349	67 OAK ST	Bk 1399 Pg 142
12 JACK COURT	Bk 9856 Pg 300	68 PINE ST	Bk 4594 Pg 109
122 ASH ST	Bk 2080 Pg 278	7 BARTLETT ST	Bk 9926 Pg 6
13 JACK COURT	Bk 4432 Pg 206	7 JACK COURT	Bk 10384 Pg 18
15 BARTLETT ST	Bk 9922 Pg 54	70 BLAKE ST	Bk 1010 Pg 395
16 BLAKE ST	Bk 219 Pg 260	71 OAK ST	Bk 2321 Pg 176
172 BATES ST	Bk 8971 Pg 301	72 PINE ST	Bk 8280 Pg 212
174 BATES ST	Bk 10265 Pg 225	74 OAK ST	Bk 9714 Pg 61
18 BLAKE ST	Bk 9167 Pg 59	75 OAK ST	Bk 7896 Pg 251
18 COLLEGE ST	Bk 5464 Pg 86	76 ASH ST	Bk 8946 Pg 132
22 BLAKE ST	Bk 8159 Pg 102	76 OAK ST	Bk 10217 Pg 201
23 BARTLETT ST	Bk 3372 Pg 136	77 OAK ST	Bk 10261 Pg 314
24 BLAKE ST	Bk 9695 Pg 130	8 JACK COURT	Bk 9226 Pg 66
26 BLAKE ST	Bk 10361 Pg 228	80 ASH ST	Bk 4913 Pg 209
26 COLLEGE ST	Bk 5981 Pg 21	81 ASH ST	Bk 8115 Pg 104
27 BARTLETT ST	Bk 3372 Pg 128	81 OAK ST	Bk 10383 Pg 335
3 BARTLETT ST	Bk 9742 Pg 119	82 OAK ST	Bk 10217 Pg 203
30 BLAKE ST	Bk 3878 Pg 347	82 PINE ST	Bk 10345 Pg 87
30 COLLEGE ST	Bk 2188 Pg 327	85 OAK ST	Bk 4101 Pg 272
34 BLAKE ST	Bk 10074 Pg 198	89 OAK ST	Bk 3731 Pg 148
34 COLLEGE ST	Bk 9343 Pg 68	90 ASH ST	Bk 8246 Pg 342
36 BLAKE ST	Bk 2180 Pg 114	90 OAK ST REAR	Bk 2660 Pg 178
36 COLLEGE ST	Bk 9343 Pg 210	92 OAK ST	Bk 10367 Pg 12
38 BLAKE ST	Bk 7575 Pg 54		

REASON FOR THE PROPOSED AMENDMENT

Rezoning these parcels from Downtown Residential to Centreville supports many of the ongoing initiatives between the departments of Economic and Community Development and Planning

and Code Enforcement and their community partners. This proposal was initiated by Lewiston Housing Authority which sought a contract zone to allow for the redevelopment of a portion of 70 Blake Street and the construction of a new building on the lot through the Choice Neighborhood Implementation grant. A straight rezoning of the larger area between 70 Blake Street and the existing Centreville boundary will allow the City to address a number of existing nonconformities in these neighborhood blocks. Finally, by opening the area to Centreville zoning standards, the City will be in a position to target redevelopment to an area that is ideal for housing and mixed uses close to retail, services, employment, and existing infrastructure.

CONFORMANCE WITH 2017 COMPREHENSIVE PLAN

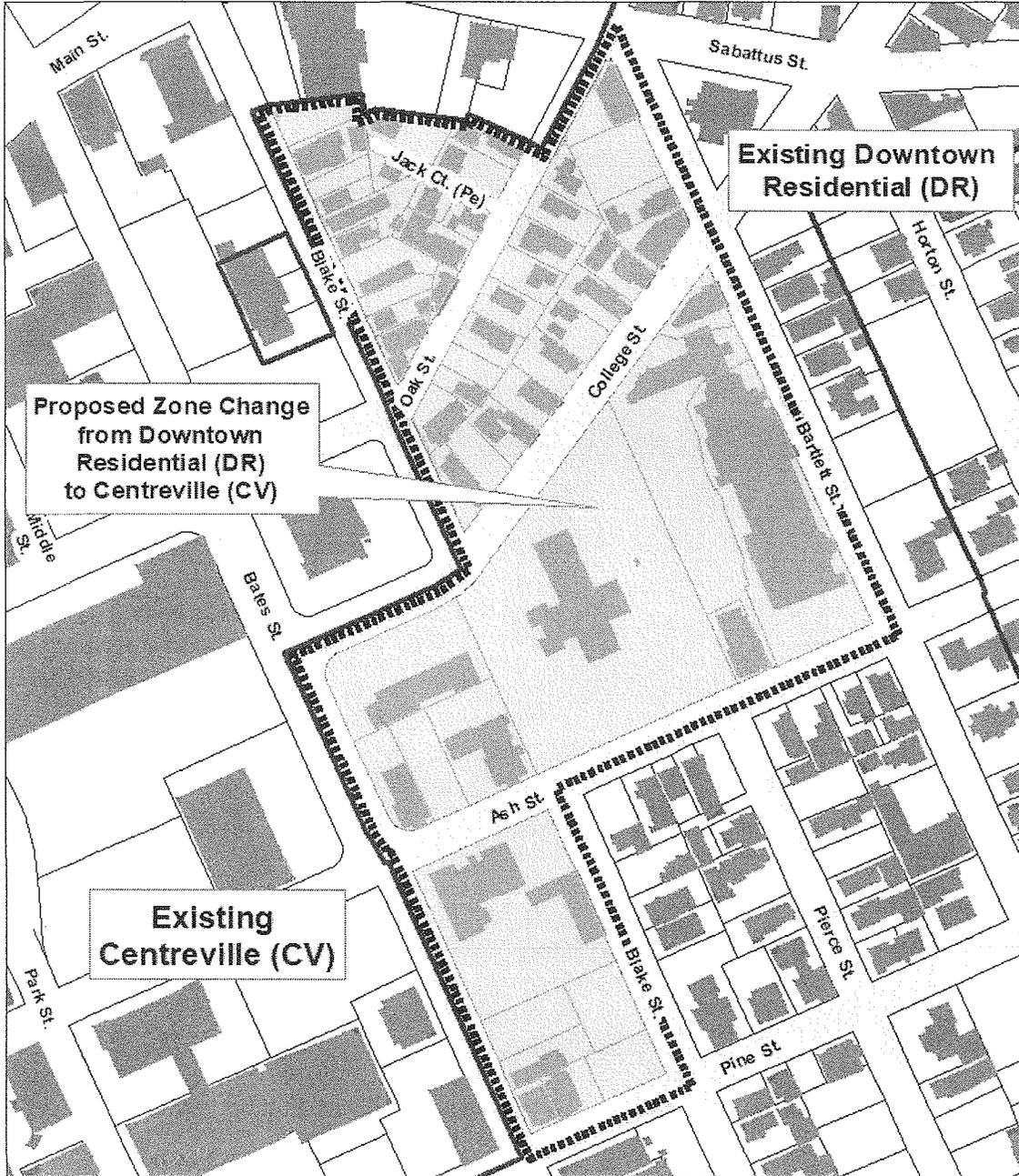
The area proposed for rezoning falls within the G-5 Infill Growth Sector in the Legacy Lewiston Comprehensive Plan. (pg. 125) “The plan envisions that most residential and nonresidential development over the next ten years will occur in this growth sector.”

“Focus Housing within Growth Areas” (pg. 172) The Comprehensive Plan encourages the development of “new, high-quality, multi-family residences” in areas already served by municipal services such as water and sewer.

“Improve the Quality of Affordable Housing” (pgs. 172-173) The zone change will allow Lewiston Housing Authority to develop an underutilized portion of land in the Downtown area to provide quality and attractive affordable housing, subject to design standards, rather than congregating such housing in areas of the city separated from services and other uses.

Rezoning this area to allow for redevelopment at a slightly higher density and form will allow the City to accommodate future growth in a part of town already served by employment, retail, services, and infrastructure.

Exhibit A



Blake Street Area Rezoning From Downtown Residential (DR) to Centreville (CV)



September 2020



September 2, 2020

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

RE: Proposed Expansion of the Centreville Zone

Dear David:

I am writing to support the City's proposal to expand the Centreville zone so that it will include LHA's Blake Street Tower campus (along with several other properties).

As you recall, I wrote the City about a month ago seeking guidance on how to best approach the possible development of the approximately 300' x 100' portion of the Blake Street Tower site bound by Ash Street, Blake Street Tower and the buildings at 90 Ash and 110 Ash.

While our initial interest in the topic was confined to our site, we are fully supportive of the holistic approach staff has taken to the initiative. You have identified a series of properties that are currently non-conforming under the Downtown Residential zone that appear to be better suited both now and in the future to the Centreville zone.

This approach makes sense for our site as well as the immediate vicinity. This zone change, when implemented alongside the new Design Lewiston Site Plan Review and Design Guidelines/Standards, will allow for infill development in the area that is sensitive to the neighborhood context.

We look forward to collaborating with the City and the community in the coming years in strengthening this critical part of the City.

Yours Truly,

A handwritten signature in black ink that reads 'Christopher Kilmurry'.

Chris Kilmurry
Executive Director

Cc: Lincoln Jeffers, Douglas Greene, Misty Parker, James Buzzell

LEWISTON CITY COUNCIL

MEETING OF MONTH OCTOBER 6, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Condemnation hearing for the building located at 97 Sabattus Street.

INFORMATION:

The City has begun the process for condemnation of the property at 97 Sabattus Street under the dangerous building classification. This property has been abandoned by the owner and upon inspection of city staff has been determined to be an unsafe structure.

The agenda background material highlights the condition of this property. The City Attorney will be present on Tuesday evening to assist the City Council with the condemnation hearing and to advise accordingly.

PLEASE NOTE: The background material for this agenda item is included in a separate binder that was distributed with the meeting agenda binder.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested actions.

DAD/Kmm

REQUESTED ACTION:

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

1) To conduct a hearing to determine if the building located at 97 Sabattus Street has met the dangerous building statutes as defined in Title 17, sec. 2851 et all.

If it is determined that the building does meet the dangerous building criteria, then the Council is asked:

2) With regard to the property at 97 Sabattus Street, to adopt the Findings of Fact, Conclusions of Law and Order of Demolition proposed by the City Planning and Code Enforcement Department, which Order established the corrective action to be taken by the property owner and the time frame for taking such action, and which authorized the City Administrator to take such corrective action if the property owner fails to do so, and to recoup the City's costs through a special tax or collective action.

MAINE SHORT FORM WARRANTY DEED

We, **THOMAS L. CREMONA and LOUISE B. CREMONA**, of Livermore, Maine ,
for consideration paid, grant to **JENNIFER L. CREMONA**, whose mailing address is 99
Sabattus Street, Lewiston, Maine, 04240, with **WARRANTY COVENANTS**, a certain lot or
parcel of land, with any buildings thereon, situated in Lewiston, County of Androscoggin, and
State of Maine, being further described in the attached Exhibit A.

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

WITNESS our hands this 30th day of November, 2007.

MAINE REAL ESTATE
TRANSFER TAX PAID

Norman R. Couture
Witness

Thomas L. Cremona
Thomas L. Cremona

(to both)
Witness

Louise B. Cremona
Louise B. Cremona

STATE OF MAINE
COUNTY OF ANDROSCOGGIN, SS

Then personally appeared the above named Thomas L. Cremona and Louise B. Cremona,
known to me, this 30th day of November, 2007 and acknowledged before me the foregoing
instrument to be their free act and deed.

Norman R. Couture
Notary Public

Name: Norman R. Couture
Notary Public, Maine

My commission expires October 16, 2008

**EXHIBIT
A**

Order No: 1382568 (07-2654)

EXHIBIT 'A'

A CERTAIN LOT OR PARCEL OF LAND, TOGETHER WITH THE BUILDINGS AND IMPROVEMENTS THEREON, SITUATED IN LEWISTON, COUNTY OF ANDROSCOGGIN AND STATE OF MAINE, INCLUDING THE GARAGE ON THE EASTERLY SIDE OF THE DRIVEWAY RUNNING BETWEEN THE LOT HEREIN CONVEYED AND THE LOT NEXT WESTERLY THEREOF, DESCRIBED IN A CERTAIN DEED GIVEN BY MARGARET PACKARD TO JEAN F. LECLAIR BY DEED DATED APRIL 26, 1958 RECORDED IN THE ANDROSCOGGIN COUNTY REGISTRY OF DEEDS IN BOOK 781, PAGE 326, WHICH PREMISES BEING CONVEYED HEREBY ARE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTHERLY LINE OF SABATTUS STREET AT THE NORTHWESTERLY CORNER OF THE LOT HEREIN CONVEYED; THENCE RUNNING IN A GENERALLY WESTERLY DIRECTION ALONG THE SOUTHERLY LINE OF SAID SABATTUS STREET A DISTANCE OF FORTY-ONE (41) FEET, MORE OR LESS, TO THE CENTER OF THE DRIVEWAY FROM SAID SABATTUS STREET TO THE GARAGES LOCATED ON SAID LOT HEREIN CONVEYED AND THE LOT NEXT WESTERLY THEREOF, AND BETWEEN THE BUILDINGS ON THE LOT HEREIN CONVEYED AND THE BUILDINGS ON THE LOT NEXT WESTERLY OF SAID LOT HEREIN CONVEYED; THENCE AT AN ANGLE AND IN A GENERAL SOUTHERLY DIRECTION A DISTANCE OF ONE HUNDRED THIRTY (130) FEET, MORE OR LESS; THENCE AT AN ANGLE IN A GENERAL EASTERLY DIRECTION A DISTANCE OF FORTY-ONE (41) FEET; MORE OR LESS; THENCE AT AN ANGLE IN A GENERAL NORTHERLY DIRECTION A DISTANCE OF ONE HUNDRED THIRTY (130) FEET, MORE OR LESS, TO SABATTUS STREET AND THE POINT OF BEGINNING.

TOGETHER WITH A RIGHT OF WAY TO BE USED IN COMMON IN AND TO THE PORTION OF SAID AFORESAID DRIVEWAY WHICH IS A PART OF THE LOT ADJACENT TO AND NEXT WESTERLY OF THE LOT HEREIN CONVEYED AND EXCEPTING AND RESERVING TO THE OWNER OF SAID LOT ADJACENT TO AND NEXT WESTERLY OF THE LOT HEREIN CONVEYED, THEIR HEIRS AND ASSIGNS, A RIGHT OF WAY IN COMMON IN AND TO THAT PORTION OF THE AFORESAID DRIVEWAY, WHICH IS A PART OF THE LOT HEREIN CONVEYED.

BEING THE SAME PREMISES CONVEYED TO THOMAS L. CREMONA AND LOUISE B. CREMONA BY WARRANTY DEED FROM DONALD CARNEY AND BONNY FOURNIER CARNEY DATED DECEMBER 15, 2005 AND RECORDED IN THE ANDROSCOGGIN COUNTY REGISTRY OF DEEDS IN BOOK 6616, PAGE 120.

ANDROSCOGGIN COUNTY
Tina M. Chouard
REGISTER OF DEEDS



This Map is provided by the City of Lewiston, Maine for and is intended for general reference purposes. The City of Lewiston shall not be held liable for damages due to discrepancies, and makes no warranty of accuracy of this map. Field verification is required. *Please note this map is not printed to scale.



*Approximate Map Scale:
1 in = 19 ft

- Legend**
- Parcel Line
 - ROW
 - Easement
 - Mobile Home Lot
 - Size of Address
 - 22 Subject Map and Lot
 - 123-45
 - 100.25 Lot Dimension
 - [] Utility ROW

- Planimetric Legend:**
- Building, Central
 - Mobile Home
 - Foundation
 - Deck
 - Patio
 - Garage
 - Fence
 - Roads, Parking, Walks
 - Athletic Courts, Fields
 - Swimming Pool
 - Lakes or Pond, River, Canal
 - Sewer or Apartment Wastewat
 - Stormwater Detention Pond
 - Bioswale

Cadastral mapping displayed is intended for assessment purposes only, and shall not be used in place of a boundary survey. Do not use for description, delineation, or transfer of property.

Parcel ID
RE00002668

97 SABATTUS ST

Map/Lot 195-318

Effective April 1, 2020
to April 1, 2021

City of Lewiston
Assessing Dept.
27 Pine Street
Lewiston Maine 04240
(207) 513-3122

EXHIBIT
B100.00

PARID: RE00002668

97 SABATTUS ST

Parcel

Parcel ID	RE00002668
Map/Lot	195/000/318
Property Location	97 SABATTUS ST
Property Class	Two Family Residence
Land Area (acreage)	.13

Owners

Owner	CREMONA JENNIFER L
Address	P O BOX 160
City	TENANTS HARBOR
State	ME
Zip	04860
Book	7319
Page	328

Sales History

Date	Amount	Book	Page
12/05/2007	\$140,000	7319	328
12/20/2005	\$122,500	6616	120
06/21/2002	\$74,000	7319	328

Primary Building

Style	OLD STYLE
Year Built	1900
Stories	2
Attic	1-NONE
Fuel Type	1-OIL
Heat System	3-HOT WATER
Heat/AC Type	2-BASIC
Fireplaces	2
Total Rooms	11
Bedrooms	5
Kitchens	
Full Baths	2
Half Baths	
Basement	6-FULL
Basement Garage Spaces	
Finished Basement Area	0
Basement Rec Room Area	
Unfinished/Cathedral Area	
Living Area	2,908

Entrance

Inspection Date	Inspection Code	Info Source Code
08/14/2017	9 - 4 YEAR REVIEW	4 - ESTIMATED

EXHIBIT
C

NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
Dangerous Buildings

Jennifer L. Cremona
21 Lisbon St.
Lisbon, ME 04250-6063

(via Certified Mail and First Class Mail only)
Jennifer L. Cremona
P.O. Box 160
Tenants Harbor, ME 04860

(via Certified Mail and First Class Mail only)
Jennifer L. Cremona
81 East Ave., Apt. 8
Lewiston, ME 04240

Bank of America, N.A.
c/o CT Corporation System
818 West Seventh St., Suite 930
Los Angeles, CA 90017

(via Certified Mail and First Class Mail only)
Bank of America, N.A.
401 N Tryon St., NC1-021-06-01
Charlotte, NC 28255

Bank of America Corporation
c/o C T Corporation System
128 State St. #3
Augusta, ME 04330

Wilmington Savings Fund Society, FSB,
doing business as Christiana trust, not in its
individual capacity but solely as trustee for
BCAT 2014-4TT
500 Delaware Avenue, 11th Floor
Wilmington, DE 19801

Nation One Mortgage Company, Inc.
c/o Corporation Service Company
45 Memorial Circle
Augusta, ME 04330

97 SABATTUS STREET, LEWISTON, MAINE

You are hereby notified that the City Council of the City of Lewiston, Maine will hold a hearing on:

October 6, 2020 at 7:00 pm
Lewiston City Hall
27 Pine Street, Lewiston, Maine 04240

The hearing is regarding the building at 97 Sabattus Street, Lewiston, Maine, identified as Parcel ID RE00002668 on the City of Lewiston Tax Maps, and further described in a Warranty Deed dated November 30, 2007. The hearing is to determine whether the building is a nuisance or dangerous, within the meaning of 17 M.R.S. § 2851, and if so, what is the appropriate remedy.

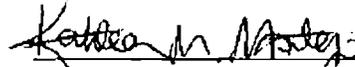
If the City Council finds that the building is a nuisance or dangerous, it may order the appropriate corrective action, including, but not limited to, demolition and removal of the building. The City may then recover all of its expenses, by means of a special tax or civil action, including reasonable attorneys' fees and costs, costs of removal of the building, and any costs incurred in securing the building pending its removal. If the corrective action is not taken by the

deadline established by the City Council's order, and no appeal is taken, the City may take the corrective action.

This hearing is also to determine whether the building poses a serious threat to public health and safety, within the meaning of 17 M.R.S. § 2856, and must be secured. If the City secures the building, it may then recover all of its expenses, including reasonable attorney's fees and costs, by means of a special tax or civil action.

This hearing is your opportunity to present evidence as to why the building is not a nuisance or dangerous and/or to oppose any corrective action ordered by the City Council. Failure to attend may result in the waiver of certain rights with regard to this property.

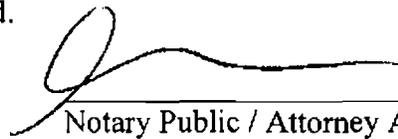
September 11, 2020


Kathleen M. Montejo, City Clerk

STATE OF MAINE
ANDROSCOGGIN, ss

September 11, 2020

Before me this day personally appeared Kathleen M. Montejo, who acknowledges the foregoing instrument to be her free act and deed.


Notary Public / Attorney At Law

ALLISON R. PEASE
Notary Public, State Of Maine
My Commission Expires August 31, 2022

Attorney or Party without Attorney:
BRANN & ISAACSON

Case No: OFLEWISTON
Doc. No: 3122009170272

184 MAIN ST
LEWISTON, ME 04243-3070

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT STATE OF CALIFORNIA
Court: CITY HALL County: LEWISTON State: MAINE
CITY OF LEWISTON VS BANK OF AMERICA, NA

AFFIDAVIT OF SERVICE

I certify that KEISHIA S. LIMBRICK
being first duly sworn, deposes and says: That he is a regularly appointed,
qualified deputy Sheriff of the said County of Los Angeles, in the State of
California, and over the age of twenty-one years, not a party to the action
or related to either party, nor an attorney for a party, nor in any way
interested in the within named action, and authorized to serve civil process
NOTICE OF HEARING

On 09/23/20 at 09:00 AM and that he served the same on the defendant and/or
respondent named below, on the date indicated, by delivering to and leaving
with said defendant and/or respondent in the County of Los Angeles, State of
California, personally, a true and correct copy thereof, with all notices and
endorsements thereon, in the manner and the place and time shown below:

1. Name: BANK OF AMERICA, NA

2. Person served and title:
ALBERT DAMONTE, CT CORPORATION INTAKE SPECIALIST

3. Person with whom left and title or relationship to person served:

4. Date and time of delivery
09:00 AM
09/23/20

5. Mailing date, type of mail and place of mailing

6. Address, city and state:
818 W 7TH ST STE 930
LOS ANGELES, CA 90017

() Home (X) Business

EXHIBIT
E

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
97 Sabattus Street, Lewiston, Maine
Dangerous Buildings

On September 22, 2020, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Bank of America Corporation, c/o of C.T. Corporation System, its Registered Agent, as follows:

Bank of America Corporation
c/o C.T. Corporation System, Agent *thm*
128 State Street, Suite 3
Augusta, ME 04330

Costs of Service:

Service: \$ _____
Travel: \$ _____
Postage: \$ _____
Other: \$ _____

TOTAL: \$ _____

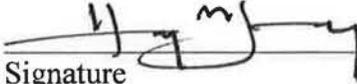

Signature
HARRY MCKENNEY
Chief Civil Deputy
Agency: KENNEBEC COUNTY
SHERIFF'S OFFICE

EXHIBIT
F

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
97 Sabattus Street, Lewiston, Maine
Dangerous Buildings

On September 22, 2020, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Nation One Mortgage Company, Inc., c/o Corporation Service Company, its Registered Agent, as follows:

Nation One Mortgage Company, Inc.
c/o Corporation Service Company, Agent *H*
45 Memorial Circle
Augusta, ME 04330

Costs of Service:

Service: \$ _____
Travel: \$ _____
Postage: \$ _____
Other: \$ _____

TOTAL: \$ _____

[Handwritten Signature]

Signature

HARRY MCKENNEY
Chief Civil Deputy

Agency KENNEBEC COUNTY
SHERIFF'S OFFICE

**EXHIBIT
G**



**Office of the Sheriff
New Castle County, Delaware**

**Scott T. Phillips
Sheriff**

**EXHIBIT
H**

Louis L. Redding City/County Bldg.
800 N. French Street, 5th Floor
Wilmington, DE 19801
Office: 302-395-8450, Fax: 302-395-8460

AFFIDAVIT OF SERVICE

STATE OF DELAWARE)

9/23/2020

) SS

NEW CASTLE COUNTY)

**CITY OF LEWISTON, MAINE-NOTICE OF HEARING, 97 SABATTUS
STREET, LEWISTON, MAINE**

vs

**WILMINGTON SAVINGS FUND SOCIETY, FSB D/B/A CHRISTIANA TRUST,
ET AL**

**Court Case # NO CASE #
Sheriff # 20-004549**

Jesse Rice, being duly sworn, deposes that he/she is a Deputy Sheriff and avers that he/she served upon and left personally upon MARIA DICRISTOFARO, RECEPTIONIST for WILMINGTON SAVINGS FUND SOCIETY, FSB D/B/A CHRISTIANA TRUST, ET AL at 500 DELAWARE AVENUE 11TH FLOOR WILMINGTON, DE 19801, on 9/21/2020 at 2:35 PM a copy of NOTICE OF HEARING.

Fees Paid: \$75.00

Jesse Rice, Deputy Sheriff

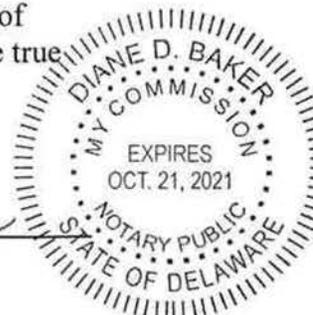
STATE OF DELAWARE)

) SS

NEW CASTLE COUNTY)

BE IT REMEMBERED that on 9/23/2020 personally came before me, the Subscriber, a Notary Public of the State of Delaware, Jesse Rice, a Deputy Sheriff of New Castle County and State of Delaware and stated that the facts stated above are true and correct.

SWORN AND SUBSCRIBED before me, the date and year aforesaid.

Notary Public

CITY OF LEWISTON
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
Pursuant to 17 M.R.S. §§ 2851-59
97 Sabattus Street, Lewiston, Maine
Dangerous Buildings

On September 21, 2020, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Wilmington Savings Fund Society, FSB, doing business as Christiana trust, as follows:

Wilmington Savings Fund Society, FSB
Doing business as Christiana trust, not in its
Individual capacity but solely as trustee for
BCAT 2014-4TT
500 Delaware Avenue, 11th Floor
Wilmington, DE 19801

2020 SEP 15 AM 11:49
RECEIVED
CLERK OF COURT

Costs of Service:

Service: \$ _____
Travel: \$ _____
Postage: \$ _____
Other: \$ _____

TOTAL: \$ _____

Jane Rice
Signature
NCLDE Sheriff's Dept
Agency

State of Maine

Department of Economic and Community Development
Code Enforcement Officer Training and Certification Program

Certifies

Benjamin Westman

To perform duties as code enforcement officers in the areas of
Residential Radon Code

Certification no.: 1100

Certification expiration date: 1/31/2024



Brianne Hasty, Program Manager



STATE OF MAINE
DEPARTMENT OF ECONOMIC
AND COMMUNITY DEVELOPMENT



PAUL R. LEPAGE
GOVERNOR

GEORGE C. GERVAIS
COMMISSIONER

November 9, 2017

Benjamin Westman
via email

Dear Mr. Westman,

I am pleased to inform you that you have successfully completed the following examination(s):

- **Residential Radon Code**
- **Subsurface Wastewater**

If you have any questions, please don't hesitate to call 624-7507 or email me at brianne.hasty@maine.gov.

Sincerely,

A handwritten signature in cursive script that reads 'B Hasty'.

Brianne Hasty
CEO Training & Certification Program



STATE OF MAINE
DEPARTMENT OF ECONOMIC
AND COMMUNITY DEVELOPMENT



PAUL R. LEPAGE
GOVERNOR

GEORGE C. GERVAIS
COMMISSIONER

February 16, 2018

Ben Westman
via email

Dear Mr. Westman,

I am pleased to inform you that you have successfully completed the following examination(s):

- **Legal Issues**

If you have any questions, please don't hesitate to call 624-7507 or email me at brianne.hasty@maine.gov.

Sincerely,

A handwritten signature in cursive script that reads 'B Hasty'.

Brianne Hasty
CEO Training & Certification Program



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF ECONOMIC
AND COMMUNITY DEVELOPMENT



HEATHER JOHNSON
COMMISSIONER

February 11, 2019

Benjamin Westman
via email

Dear Mr. Westman,

I am pleased to inform you that you have successfully completed the following examination(s):

- **Land Use**

If you have any questions, please don't hesitate to call 624-7507 or email me at brianne.hasty@maine.gov.

Sincerely,

A handwritten signature in black ink that reads 'B. Hasty'.

Brianne Hasty
CEO Training & Certification Program

97 Sabattus Street Dangerous Buildings Act Hearing

October 6, 2020

Lewiston City Council Meeting

1

EXHIBIT

J

Inspecting Code Enforcement Officer Benjamin Westman

3 years experience as a State of Maine certified code enforcement officer

4 years as Housing Choice Voucher (HCV) Inspector for Lewiston Housing
Authority

Foundation

May 31, 2018

- Foundation wall bowed in creating an unstable condition
- Dangerous to property as it leads to deterioration and potential collapse
- Constitutes a hazard to health and safety due to inadequate maintenance and dilapidation
- Is dangerous to life and property.



Exterior

September 18, 2020

- Marked with Red X by LFD
- Deteriorated front porches creating safety hazard
- Structurally unsound stairs creating safety hazard
- Constitutes a hazard to health and safety because of inadequate maintenance, dilapidation, and abandonment



Fire Hazards

May 21, 2020

- Accumulation of materials create an increased fire load for the property
- Constitutes a fire hazard
- Is dangerous to life and property



Interior- Water damage

May 21, 2020

- Water has infiltrated all floors due to dilapidated roof leading to deteriorated conditions of the walls, and ceilings
- Contributes to development of mold, creating an unsanitary condition
- Constitutes a hazard to health and safety due to inadequate maintenance, dilapidation and abandonment
- Is dangerous to life and property



See attached photos in Appendix for additional photos of interior deterioration.

Interior electrical

May 21, 2020

- Interior electric has been impacted on all levels of the building by water infiltration from dilapidated roof
- Water damaged ceiling and walls
- Constitutes a hazard to health and safety due to inadequate maintenance, dilapidation and abandonment
- Is dangerous to life and property



Interior- electrical

May 21, 2020

- Improper wiring and exposed electrical connections
- Constitutes a hazard to health and safety due to inadequate maintenance and dilapidation
- Is dangerous to life and property



See attached photos in Appendix for additional photos of deteriorated electrical

Interior- Plumbing

May 21, 2020

- Property has no water supply due to pipes being disconnected. Water has been shut off since July 2012.
- Plumbing throughout the property has been disabled
- The



Mechanical Systems – Heating

May 21, 2020

- Metal strapping holding doors onto furnace, improper, maintenance of appliance
- Chimney shows signs of deterioration
- Constitutes a hazard to health and safety due to inadequate maintenance, dilapidation and obsolescence
- Is dangerous to life and property.



Water Heater

May 21, 2020

- Water heaters are improperly installed, water connections have been cut, and exhaust is not properly connected
- Dilapidated vent pipe, potential for allowing carbon monoxide gas to leak into the basement
- Constitutes a hazard due to inadequate maintenance and dilapidation
- Is dangerous to life and property



Access – Unsecured

September 18, 2020

- Property is unsecured and has been since at least May 21, 2020
- Constitutes a hazard to safety due to inadequate maintenance, dilapidation, abandonment
- Is dangerous to the property



Conclusion

- The building is structurally unstable and unsanitary
- The building constitutes a fire hazard
- It constitutes a hazard to health and safety due to inadequate maintenance, dilapidation, obsolescence, and abandonment
- It is dangerous to life and property
- The building is dangerous and a nuisance
- Therefore the building must be demolished

Appendix

**Additional photographs showing
the extent of the deteriorated
conditions of the building**

Exterior deterioration

September 18, 2020



Electrical

September 18, 2020



Interior deterioration

May 21, 2020



Interior unsanitary

May 21, 2020



**LEWISTON CITY COUNCIL
MEETING OF OCTOBER 6, 2020**

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

SUBJECT:

Resolve, Adopting the 2020 City of Lewiston Economic Development Plan.

INFORMATION:

The City Council will be holding a workshop on Tuesday at 6pm to receive a presentation on the proposed new 2020 City of Lewiston Economic Development Plan. The Plan focuses on developing a vibrant downtown, supporting existing businesses, attracting new businesses, workforce development and community development.

This agenda item is to adopt the Plan. Please refer to the workshop material for additional background information on this item.

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
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To adopt the Resolve, Adopting the 2020 City of Lewiston Economic Development Plan.



COUNCIL RESOLVE

Resolve, Adopting the 2020 City of Lewiston Economic Development Plan

Whereas, the Mayor and City Council directed the Economic Development Department to draft and present a forward looking economic development plan for the City; and

Whereas, on August 11, 2020 Economic Development Staff presented to the City Council a draft 2020 City of Lewiston Economic Development Plan; and

Whereas, the plan identifies five strategies focused on a vibrant downtown; supporting existing businesses; attracting new businesses; workforce development; and community development; and

Whereas, the Economic Development Plan outlines actionable steps City departments and partners can take over the next five years to achieve a stronger local economy; and

Whereas, each strategy identifies representable metrics to measure progress on each strategy; and

Whereas, City staff shall report back the City Council biannually in March and September of each year on progress of the plan;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the 2020 City of Lewiston Economic Development Plan be adopted.

LEWISTON CITY COUNCIL

MEETING OF OCTOBER 6, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 13

SUBJECT:

Resolve, Accepting the Grant of \$8,000 from the Project Canopy Community Forestry Assistance Grant Program from the Maine Forest Service pursuant to the terms of the attached grant application.

INFORMATION:

The City has been awarded a grant from Project Canopy Community Forestry Assistance Grant Program from the Maine Forest Service.

The grant award is for \$8,000.00, which requires a 50/50 match by the City of Lewiston.

The City's match of Approximately \$8,000 will be primarily in-kind services including labor, equipment, and City nursery stock. Details of this grant are in the attached grant Memo from the City Arborist and application. If limited matching cash is needed for anything not covered above, we would use the Tree Board Account.

Acceptance of this grant will allow us to use some the trees in our nursery while they are still at a manageable size.

Work will begin this fall and end before the grant decline of June 30, 2021.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

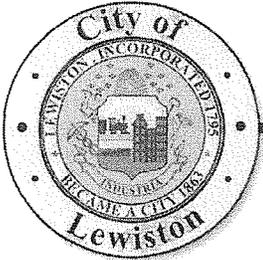
The City Administrator recommends approval of the requested action.

DAD/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve, Accepting the Grant of \$8,000 from the Project Canopy Community Forestry Assistance Grant Program from the Maine Forest Service, matching it with City nursery stock and in-kind services.



CITY OF LEWISTON, MAINE

October 6, 2020

COUNCIL RESOLVE

Resolve, Accepting and appropriating an \$8,000 Grant from the Project Canopy Community Forestry Assistance Grant Program from the Maine Forest Service pursuant to the terms of the attached grant application, dated March 3, 2020 (the "Grant Application").

Whereas, the City has been notified that it has been awarded a Grant of \$8,000 that requires an in-kind match of \$8,000; and

Whereas, the City plans to principally use in-kind services and City tree stock as a match. If any

Now, therefore, be it Resolved that the Grant from the State's Keep Maine Healthy 2020 Municipal COVID-19 Awareness Campaign Round II is hereby accepted in the amount of \$212,160 and is appropriated for the purposes set forth in the City's grant application, a copy of which is attached hereto.



September 16, 2020

Dale Doughty
Asst. City Administrator/Director of Lewiston Public Works

Subject: Project Canopy Tree Planting Grant

Dale,

As you're aware I applied for a Project Canopy Community Forestry Assistance Grant from the Maine Forest Service in early March. The project is to plant 20-30 trees throughout the city. I am requesting your help in securing appropriate approval so I can begin work.

I received notice the grant was awarded in May but because so many things had changed due to COVID, I was hesitant to accept the grant. I was concerned we couldn't commit to our match. After a lot of thought, I feel I can do it now and need to get approval so I can work on this over the next few weeks.

The grant award is for \$8,000.00 which requires a 50/50 match by the City of Lewiston. Our match will be primarily in-kind services from City Staff for equipment and labor as we dig and transplant trees from our nursery.

The \$8,000.00 grant will primarily be used to pay a contractor to plant trees next spring. If any of the \$8,000.00 is used to purchase items needed for this project, those funds would be reimbursed through the grant. If funds are needed for anything not covered above I would use the Forest Board Account.

The grant period terminates June 30, 2021.

In addition to our manpower and funding issues that have affected this project, I have been struggling with the fact that we have many trees at our Tree Nursery that have grown so quickly they are close to being too big to dig with our equipment. We have invested a lot in them and I don't want our efforts to be wasted. I need to dig them this season. It's been frustrating knowing I need to get this done and had the grant available to work with but just couldn't get to it. Finally now I feel like I could work on this over the next few weeks.

I submit this request for your review and approval so we can move forward on this project. I can provide the complete application with more detailed information if necessary.

Steve Murch
City Arborist/ Traffic Supervisor

**2020 PROJECT CANOPY ASSISTANCE
TREE PLANTING AND MAINTENANCE**
USDA FOREST SERVICE-URBAN AND COMMUNITY FORESTRY CFDA 10:675

Applicant (Entity Name): City of Lewiston

*Designated Representative: Steve Murch

Title: City Arborist

Address: 103 Adams Ave

Lewiston, Maine, 04240

Phone Number: 513-3003 ext 3443 Email Address: smurch@lewistonmaine.gov

Applicant's Federal Identification Number: 01-000030

Previously Received Community Forestry Assistance Funding Yes No

Does your community have a comprehensive plan? Yes No

Date certified by Department of Agriculture, Conservation, and Forestry: 02/07/2017

Short Project Title: Replacement Tree Planting

Budget:

(Refer to the Project Canopy Planting and Maintenance Grant guidelines)

GRANT REQUEST					LOCAL MATCH	
Tree Species	Dia.	No.	\$/ tree	Total cost	Matching Items	\$ Value
see detailed budget.	2-2.5"	12	400	4800	Trees	\$ 4,500.00
				0	1 Year Maintenance	
				0	Mulch, supplies, other materials	\$ 500.00
				0		
				0		
Other Reimbursable Costs			\$ Value			
Labor (pruning, planting, removal)					Volunteer labor, administration, equipment	
contractor tree planting			\$ 3,200.00		(hourly rate \$ X #hrs) =	0
						\$ 3,000.00
Maintenance						
Mulch, supplies, other materials						
TOTAL GRANT REQUEST			\$ 8,000.00		TOTAL MATCH (> or = grant request)	\$ 8,000.00

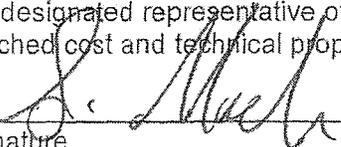
Name of local State Senator Nate Libby

Name of local State Representative Kristen Cloutier

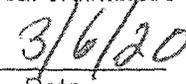
Grant applications must include:
(Refer to the Project Canopy Planting and Maintenance Grant guidelines)

- Completed Application Form
- Narrative
- 3-Year Maintenance Plan
- Project Map
- Letters of Support

*As designated representative of said applicant, I hereby agree to implement this project according to the attached cost and technical proposals and to abide by all local ordinances and restrictions that apply.

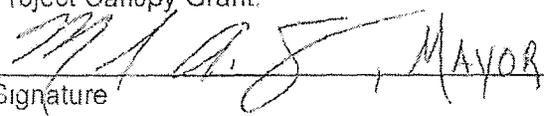


Signature

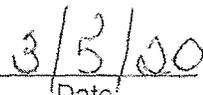


Date

**As official representative of said applicant, I hereby authorize the project submitted for the proposed Project Canopy Grant.



Signature



Date

Please submit proposals in PDF format to the following e-mail: jan.santerre@maine.gov, no later than **5 PM, March 6, 2020**. Required information for the proposal should not exceed five (5) pages (excluding budget tables), with a print font size of 12 preferred. Note: the proposal submission inbox can accept mes-sage up to 10 MB in size. Multiple messages per proposal may be submitted if necessary. Additional in-formation such as maps, tables, and letter of support may be included in addition to the proposal.

* Designated representative refers to the person authorized by the applicant to submit a grant application, sign documents and take necessary actions to undertake, direct and complete the approved project.

**Official representative refers to the Mayor or Town Board Official for a municipality, a Superintendent or Principal for a school; and the Board Director or President in the case of a non-profit organization.

Note: Amount Eligible for Reimbursement is Limited to \$8,000.

Project Canopy Community Capacity Checklist



Please rate your community's capacity for urban and community forestry management. Put a check mark next to each capacity component that applies to your community.

1. Inventories and management plans: X

Community has a tree and forest management plan developed from professionally-based resource assessments and inventories.

2. Professional staff: X

Community employs or has written agreement with professional forestry staff who possess at least one of the following credentials: degree in forestry or related field, and ISA certified arborist or equivalent professional certification.

3. Tree care ordinance: X

Community has local ordinances or policies that focus on planting, protecting, and maintaining urban and community trees and forests.

4. Local advisory /advocacy organization: X

Community has local advocacy/advisory organizations such as active tree boards, commissions, or non-profit organizations that are formalized or chartered to advise and/or advocate for the planting, protection, and maintenance of urban and community trees and forests.

**Project Canopy
2020 Tree Planting Grant
City of Lewiston Application**

Narrative:

A. Overview: The City of Lewiston has had a City Arborist for nearly 30 years. In the year 2000, the Lewiston Auburn Community Forestry Board (LACFB) was established "to enhance, preserve, and maintain the community forest in Lewiston and Auburn". This 9 member board meets monthly to work towards these goals. In addition, our city has been a Tree City USA for 15 years. We have a trained staff which works year round maintaining the health, safety and appearance of the urban forest within the City of Lewiston. Our goals in the next 5 years are to continue to manage our woodlots utilizing our Forest Management Plan, work with our Tree Board to educate the public about the importance of trees in our Urban Forest, and more importantly, the role trees play in the economic growth and development of our Community. We will also continue to prune, remove and plant trees to provide an enjoyable and safe environment for our residents.

B. Project Description:

For the past several years, reduced staffing and budget cuts have limited our replacement tree planting. Although we have planted some tree's, we have not kept pace with replacing the number of trees we have removed. This has left many openings in our downtown and residential areas. This project would allow us to plant more trees this year and get back on track, closing the large gap we have between tree removals and tree planting.

We have a current list of tree planting locations comprised of residents requesting replacement trees as well as spots in our downtown business district that are open after trees have been removed. It would take several years to complete this list at our current pace and far exceeds what we could accomplish with this grant alone.

If this grant were approved, the City Arborist would work off this list, visit each site and identify species which would be suitable for each location. Consideration would be given to species diversity, available space and stock availability. Prices would be quoted from qualified contractors for providing and planting trees and the least expensive bid which meets our needs would be chosen. Great effort would be made to maximize the number of trees planted with using the available funds.

Our grant match would be provided by Lewiston Public Works staff who will prep sites where necessary and will be responsible for watering after planting. City staff will also work to transplant trees out of our tree nursery. Although our nursery has been successful it is still new and developing and does not produce enough trees to meet our replacement needs alone. We expect 5-10 will be ready and available this year which would contribute to our replacement tree planting project.

The timeline for this project will be to complete tree planting by the end of September 2020. We will then continue maintenance needs as described in the 3 year maintenance plan listed below.

C. Meeting Project Canopy and USDA Forest Service Goals:

This project meets many Project Canopy and United States Forest Service goals, some of which are highlighted below.

1. By assisting the City of Lewiston with its management of our community forest and providing funding for replacing trees Project Canopy is stimulating our own program and nearly doubling our efforts for this year and helping us get back on track.
2. Where the City of Lewiston has worked with and received many grants for various projects with Project Canopy and the Maine Forest Service we are hoping to continue a strong partnership which has existed over the past 20 years.
3. Replacement trees we are planting as part of this project will be in visible locations where they will make a direct, positive impact on the Community.
4. By focusing on planting trees in our residential and downtown (business district) area, this project will help promote the importance of trees and the social and economic benefits they bring to an urban environment.

**Project Canopy
2020 Tree Planting Grant
City of Lewiston Application**

Detailed Budget:

Costs eligible for reimbursement:

- \$8,000.00 in grant funding will be used to purchase and install approximately (12) 2-2 1/2 " caliper trees. Care and consideration when selecting trees will be made for each specific planting location to select the best value possible. Species diversity, mature size, cost and availability will each be weighed as selections are made. Trees planted will meet ASNS specifications.

Applicant's share match:

- At planting sites where a stump exists or the digging is rough, the City of Lewiston will excavate a hole in an effort to reduce the labor cost of tree planting by the contractor and maximize the amount of trees planted with the funds available. Expected value of this effort will be around \$2,000.00.
- City of Lewiston Public Works Tree crew will dig and plant 5-10 trees out of our tree nursery as part of our match to this project. Expected value of this effort will be around \$5000.00.
- City of Lewiston Public Works tree crew will water trees as needed and install tree cages where necessary. Estimated value of this effort during the grant period will be around \$1000.00

3 Year Maintenance Plan:

All trees planted through this project will be the responsibility of the City Arborist. They will be checked and observed on a regular basis and crews will be dispatched as necessary to complete work described below.

First year: trees will be watered as needed. Tree cages will be installed in areas where it is determined they are needed.

Second year: Trees will be watered as needed. Trees will be pruned as needed. Trees in downtown business areas will have new mulch installed. Trees will be fertilized with 10-10-10.

Third year: Trees will be watered as needed. Trees will be pruned as needed. Trees in downtown business areas will have new mulch installed. Trees will be fertilized with 10-10-10.

2020 Replacement Tree Planting Locations

	A	B	C	D
1	Number of Trees	Location	Tree Species	Comments
2				
3	1	Canal St @ Cedar St	Red Maple/shade trees	
4	2	Bates St (near Ash St)	Shade Trees	Post Office bed
5	2	Mill St @ Railroad Alley	Crabapple	near parking garage
6	2	Lincoln St	Red Maple/ Shade Trees	arcross from LHOP
7	4	Canal St @ Cedar St	sade trees	between Cedar St and Maple St
8	2	Lisbon St	shade trees	near Purdue Global
9	3	Lisbon St	Shade Trees	between Ash St and Main St
10	1	Main St	Shade Trees	between Chaple St and Chaple St Alley
11	1	Park St @ Ash St	Shade Trees	
12	1	Bates St (across from College St)	Shade Trees	
13	1	69 Horton St		
14	1	Cedar St @ Lincoln St	Shade Trees	between sidewalk and parking lot
15	1	Blake St (across from #38)	Shade Trees	along parking lot
16	2	Oak St	Shade Trees	between Union St and Sabattus St
17	2	Main St (between Lincoln St and Mill St)	Shade Trees	
18	3	Lincoln St	Shade Trees	between Main St and Mill St
19	2	488 Main St and 494 Main St	Shade Trees	
20	3	Farwell St	Shade Trees	between Sabattus St and Goulett
21	4	Lincoln St at Chestnut St	Shade Trees	
22	1	Maple St at Knox St	Shade Trees	
23	2	Androscoggin Ave	Shade Trees	



PUBLIC WORKS DEPARTMENT

Dale F. Doughty, Director

March 3, 2020

Jan Ames Santerre, Project Canopy Coordinator
Maine Forest Service
22 State House Station
Augusta, ME 04333

Re: Project Canopy Tree Planting and Maintenance Grant

Dear Jan,

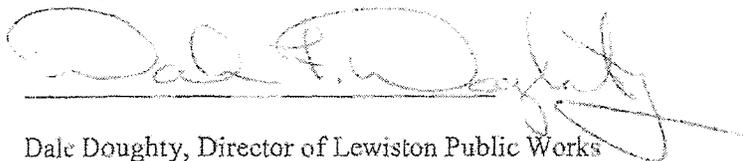
I am writing in support of the grant proposal submitted to your office by the City of Lewiston.

The City of Lewiston has made large investments in the landscaping and the urban forest within our city. We understand the important contributions trees make to a community. Their impact on both the economy and quality of life cannot be understated. Project Canopy grants have been a great assistance to the City of Lewiston in the past. Tree planting, educational workshops, a detailed tree inventory and a Forest Management Plan are just some of the great projects which would not have been completed if it were not for Project Canopy assistance.

Due to reductions in staffing and reduced municipal budget over the last several years, the City of Lewiston has not replaced many of the hazardous trees we have removed over the last decade. Although we plant trees when funds have been available and planted some trees out of our young tree nursery last year, we are not close to meeting our goal of replacing trees that are removed. This has left many holes and openings in the canopy of our urban forest in the downtown business district and dense residential areas. If awarded, this project would see approximately 22 trees planted and provide a needed boost to our tree replacement program.

Our City has been working hard to attract business and improve our image. We have made great strides and the result of this effort is a better quality of life for our residents and a positive experience for visitors to our Community. As Director of Public Works, I can assure you this project will have all the support necessary from this Department and the City of Lewiston. I ask that you look favorably on our application and strongly consider this proposal.

Thank you for your consideration,



Dale Doughty, Director of Lewiston Public Works

Jan Ames Santerre
Project Canopy Coordinator
Maine Forest Service
22 State House Station
Augusta, ME 04333



March 3, 2020

Dear Jan,

Please accept this letter on behalf of the Lewiston Auburn Community Forest Board (LACFB) supporting the City of Lewiston and their 2020 Project Canopy Tree Planting Grant application. The Board sees this as a critical project that will benefit our community in many ways.

Our tree board has worked with Project Canopy on many projects. We are active in our community promoting awareness and educating the public about the importance and benefits of trees. We have specifically worked hard mowing and weeding at our Lewiston Auburn Tree Nursery, a project that began with the help of Project Canopy. This work produced many trees that were planted last summer. Unfortunately, we have an aging urban forest made up of trees that grow in tough conditions. Because of these conditions and their age, trees are removed faster than they are replanted. The replacement tree planting proposed in the attached grant application for the City of Lewiston will be very helpful in providing a new generation of health young trees

As advocating for more tree planting is one of our key goals listed in our strategic plan, the LACFB stands ready to fully support this effort. Thank you in advance for your consideration of this proposal and please feel free to contact me directly if you have any questions regarding our support for this project.

Sincerely,

Rick Shea
Chair, Lewiston-Auburn Community Forest Board

LEWISTON CITY COUNCIL

MEETING OF OCTOBER 6, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 14

SUBJECT:

Recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the Presidential and State Election, to be held on Tuesday, November 3, 2020.

INFORMATION:

Recommendations on election related issues:

- A. That the hours for acceptance of registrations in person only, prior to the November 3rd election, as required by MRSA Title 21A, sec. 122, 6A(2), be set on business days at 8:30am to 4:00pm, October 20 through November 2, 2020; and additional hours of 4:00pm – 7:00pm on Oct 14, 22 and 27, Oct. 24 from 9am – 12noon and Oct. 30 until 5pm.
- B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with MRSA Title 21A, sec. 122, subsec. 7B.
- C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the central polling place at 8:00am, 2:00pm, 6:00pm and any and all remaining shall be processed at 8:00pm, if necessary.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

DAD/kmm

REQUESTED ACTION:

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To approve the Recommendations from the City Clerk/Registrar of Voters on actions necessary to conduct the Presidential and State Election, to be held on Tuesday, November 3, 2020:

- A. That the hours for acceptance of registrations in person only, prior to the November 3rd election, as required by MRSA Title 21A, sec. 122, 6A(2), be set at on business days at 8:30am to 4:00pm, October 20 through November 2, 2020; and additional hours of 4:00pm – 7:00pm on Oct 14, 22 and 27, Oct. 24 from 9am – 12noon and Oct. 30 until 5pm..
- B. That the names of those persons who register during the closed session for registration shall be recorded in accordance with MRSA Title 21A, sec. 122, subsec. 7B.
- C. Pursuant to Title 21A, sec 759(7), absentee ballots will be processed at the central polling place at 8:00am, 2:00pm, 6:00pm and any and all remaining shall be processed at 8:00pm, if necessary.

LEWISTON CITY COUNCIL
MEETING OF OCTOBER 6, 2020

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 17

SUBJECT:

Executive Session pursuant to MRSA Title 1, section 405 (6) (c) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

State statutes define the purposes for entering into an executive session.

DADKmm

REQUESTED ACTION:

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To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (c) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.