

**CITY OF LEWISTON
PLANNING BOARD MEETING**
Monday, January 23, 2012 – 5:30 P.M.
City Council Chambers – First Floor
Lewiston City Building
27 Pine Street, Lewiston

AGENDA

I. ROLL CALL

II. ADJUSTMENTS TO THE AGENDA

III. CORRESPONDENCE

IV. PUBLIC HEARINGS

None

V. OTHER BUSINESS:

- a) Recommendation on the acquisition of 65 No Name Pond Road.
- b) Recommendation on the disposition of 299 Webster Street.
- c) Discussion regarding in-law standards.
- d) Discussion regarding community gardens.
- e) Discussion regarding zoning matrix.
- f) Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board.

VI. READING OF THE MINUTES: Motion to adopt the draft minutes
January 9, 2012.

VII. ADJOURNMENT



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: January 18, 2012
RE: January 23, 2012 Planning Board Agenda Item V(A)

Recommendation on the acquisition of 65 No Name Pond Road

Pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code, the board shall review and make a recommendation to the city council with regard to the acquisition, except through tax lien foreclosure and disposition of all public ways, lands, buildings and other municipal facilities.

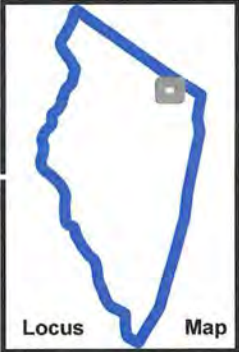
Tony Crowley of 437 Pond Road, Lewiston, has offered to sell to the City a small water front property located at 65 No Name Pond Road. This parcel is located on No Name Pond on the east side of the private beach that is used by the general public and is owned by Pond Ridge Acres Homeowners Associates. The property at 65 No Name Pond Road has approximately 40' of road frontage and approximately 40' of frontage on No Name Pond with an average depth of approximately 50'. The City assessment on this property is \$1,800. The property is zoned Rural Agricultural (RA) and appears to be fully located within the 100-year flood plain. Given the small size of the lot and proximity to No Name Pond, the lot is undevelopable given shoreland zoning setback.

Mr. Crowley is offering this property (the property is in his wife's name, Anna Crowley also of 437 Pond Road) to the City of Lewiston for \$6,000. Mr. & Mrs. Crowley own a cottage located at 103 Parent Lane on No Name Pond and he stated that he wishes to reserve the right to use 65 No Name Pond Road to put in and to remove boats for his personal use for as long as he or his family owns property on No Name Pond. This property does not lend itself to a public boat launch; however, it is adequate for launching canoes, kayaks and any boat that can be hand carried.

Purchasing said lot provides the City the opportunity to create an opportunity for water access and water-oriented recreation on No Name Pond.

ACTION NECESSARY:

Make a motion pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council to acquire 65 No Name Pond Road.



6t5 No Name Pond Road
1/19/2012

This map is user prepared via online GIS mapping service provided by the City of Lewiston Maine. The City of Lewiston shall not be held liable for damages due to errors and makes no warranty of accuracy of map or data. Field verification is required. Parcel overlays are intended for reference only, and shall not be used for description, delineation or transfer. Any service utility depicted is intended for general information only. Other utilities may be present. GIS mapping is not intended for engineering design.

1 inch = 386 feet

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65 No Name Pond Road
1/5/2012

This map is user prepared via online GIS mapping service provided by the City of Lewiston Maine. The City of Lewiston shall not be held liable for damages due to errors and makes no warranty of accuracy of map or data. Field verification is required. Parcel overlays are intended for reference only, and shall not be used for description, delineation or transfer. Any service utility depicted is intended for general information only. Other utilities may be present. GIS mapping is not intended for engineering design.



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: January 19, 2012
RE: January 23, 2012 Planning Board Agenda Item V(b)

Recommendation on the disposition of 299 Webster Street

Pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code, the board shall review and make a recommendation to the city council with regard to the disposition of all public ways, lands, buildings and other municipal facilities.

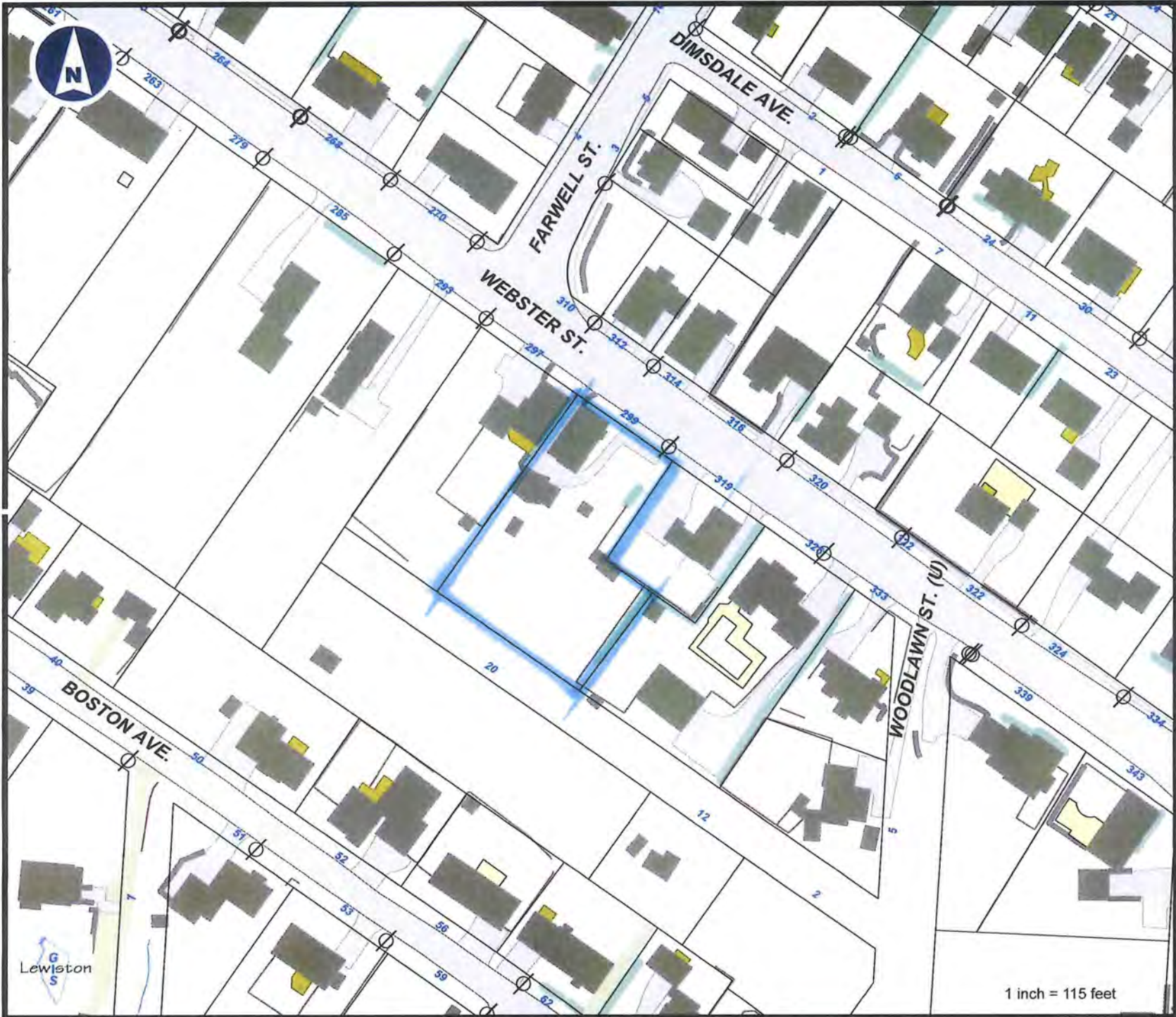
The city is interested in disposing of a tax acquired property at 299 Webster Street. The property consists of a two family dwelling with a detached garage located on a 25,264 square foot lot in the Neighborhood Conservation "A" district. Both structures are nonconforming with respect to side back and yard requirements. The property has been vacant since 2007 when the water meter was pulled for nonpayment.

Formally owned by Raymond A Samson, the 2009 tax lien for this property matured on August 22, 2011. The total taxes due on this property going back to 2006 are \$21,191.45. The Water Division has an outstanding balance of \$440.76. The City attorney is currently working on the issuance of a clear title to move forward in selling this property. The City assessment for this property is \$89,110: land at \$22,560 and building at \$66,550.

The City is looking for the Planning Board and City Council to act on this matter so that once a clear title is obtained, the property may go out to bid and be sold prior to April 1st.

ACTION NECESSARY:

Make a motion pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council for the disposition of 299 Webster Street.



Locus Map

299 Webster Street
1/19/2012

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Lewiston

1 inch = 115 feet



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: January 18, 2012
RE: January 23, 2012 Planning Board Agenda Item V(c)

Discussion regarding in-law standards

Based upon discussion with the Board at the last meeting, staff has prepared a draft amendment for the Board's consideration. In view of the fact that the in-law provisions are not instructive with respect to size, the amendment specifies a maximum square footage allowed. The amendment also provides additional performance standards in effort to maintain the appearance and character of Lewiston's single family neighborhoods while providing additional clarification so that the application of the Code will be clear to both staff and the citizens of Lewiston.

At this time, staff is looking for comments and direction from the Board on the proposed amendment prior to scheduling for a public hearing.

No Action Necessary

AN ORDINANCE PERTAINING TO IN-LAW APARTMENTS

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.

In-law apartment means an ~~small~~-accessory apartment contained within or attached to a single-family dwelling which meets the standards of section 11 of Article XII.

Sec. 11 In-law apartment standards

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

- (1) The in-law shall be accessory to the use of the premises as a single-family detached dwelling, and only one (1) in-law apartment shall be created as part of a single-family dwelling;
- (2) The in-law apartment shall be created within or attached to a single-family detached dwelling;
- (3) The person(s) occupying the in-law apartment must be a first, second, or third degree ~~relative~~ relation (parent, child, stepchild, sibling, aunt, uncle, niece, nephew, or grandparent) of the principal occupant(s) of the single-family dwelling by blood or by marriage, and the burden of proof of this relationship shall be on the homeowner;
- (4) The creation of the in-law apartment unit shall not alter the single-family character of the property. The following standards shall be met in creating the unit:
 - a. The in-law apartment must share a joint entrance with the single-family home and the in-law apartment shall not have a separate front entrance from the outside. A joint entrance shall consist of an

enclosed structure with access directly into the in-law apartment and the single-family dwelling or direct access from the single-family into the in-law apartment. A second-story side entrance must be contained within the building envelope; and

- b. Provisions for one (1) additional parking space shall be made in conformance with Article XII, Section 17. However, no additional curb cuts or driveways may be created to facilitate the creation of the in-law apartment, and any new or expanded driveway entrance curb cut on the property must not exceed ~~eighteen (18)~~ twenty-four (24) feet in width.
 - c. The habitable area of the in-law apartment shall not exceed 900 square feet and shall not contain more than two (2) bedrooms.
- (5) One (1) of the units must be owner-occupied.
 - (6) All applicable fire safety and egress laws must be observed in the creation of the in-law apartment.
 - (7) There shall not be separately metered electric or water service for the in-law apartment.
 - (8) The occupancy permit for the in-law apartment shall be recorded at the registry of deeds within two (2) weeks of issuance.

REASON FOR PROPOSED AMENDMENT

Article II, Section 2 of the Zoning and Land Use Code defines an in-law apartment as a “small accessory apartment contained within a single-family dwelling which meets the standards of section 11 of Article XII”. Many years ago there was a restriction that in-law apartments could not exceed 750 square feet; as a result staff received many complaints that the allowed living area was too small, and the square footage limitation was eliminated. With no square footage limitation, staff has historically permitted the creation of in-law apartments as long as the unit was of less square footage than the principle single family dwelling; thereby, being smaller unit. However, as currently used in the definition of in-law apartment, the term “small” is relative to that of the square footage of the single family dwelling. For example, a 2,500 square foot single family dwelling may have a small accessory in-law apartment of an additional 2,000 square feet attached to that dwelling.

Therefore, in view of the fact that the in-law provisions are not instructive with respect to size, the amendment specifies a maximum square footage allowed. The amendment also provides additional performance standards in effort to maintain the appearance and character of Lewiston’s single family neighborhoods while providing additional clarification so that the application of the Code will be clear to both staff and the citizens of Lewiston.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The proposal is in conformance with the Comprehensive Plan, because it:

1. Encourage and promote safe, affordable, decent housing opportunities for all
2. Lewiston citizens (Housing, Goal #1, p. 69).
3. Continue to allow a wide variety of housing types in all appropriate zones within the City (Policy 1, Strategy H, p. 70).
4. Review permitting and licensing policies and practices to see where they can be streamlined in order to better service the development community (Economy, Policy 1, Strategy C, p 38).
5. Promotes the orderly growth and development of the appropriate areas of the City while making efficient use of public services (Land Use, Goals, #1, p. 122).



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: January 20, 2012
RE: January 23, 2012 Planning Board Agenda Item V(d)

Community Gardens

As the Board will recall, Article II, Section 2 of the Zoning and Land Use Code defines *Community gardens* as the non-commercial use of a lot or a portion thereof for the purpose of growing vegetables, flowers, landscaping and/or other cultivated plants which are intended for consumption and/or use primarily by the surrounding neighborhood. Said use of land is limited to four zoning districts: Riverfront (RF), Mill (M), Downtown Residential (DR), and Centreville (CV). Staff has been approached by property owners in the downtown other parts of the city to establish community gardens. Upon reviewing the ordinance, some of the proposed areas are located in the Neighborhood Conservation "A" (NCA) and "B" (NCB) and Community Business (CB) districts.

Staff believes that any district or area of the city should be allowed to establish a community garden as an accessory use and has drafted performance standards for the Board's consideration prior to scheduling a public hearing. The language drafted this time has taken into consideration previous comments of the Board's as well as some initial dialogue with the local Lots to Gardens organization and additional review of other municipal ordinances.

At this time, staff is looking for guidance with the language before scheduling for a public hearing.

AN ORDINANCE PERTAINING TO COMMUNITY GARDENS

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

Community gardens means the non-commercial use of a lot or a portion thereof for the purpose of growing vegetables, flowers, landscaping and/or other cultivated plants which are intended for consumption and/or use primarily by the surrounding neighborhood as regulated under Article XII, Section 4. Community gardens shall be deemed an accessory use

Comment [Hediger1]: This allows for the vacant and developed land to be used as a matter or right for gardening purposes.

Comment [Hediger2]: This allows for the vacant and developed land to be used as a matter or right for gardening purposes.

Article XII. Performance Standards

Sec. 4. Reserved. Community garden standards.

The following standards shall apply to the establishment or creation of any community garden in City of Lewiston:

1. A community garden may be located in any zoning district in with the exception of the Resource Conservation district.
2. Unless in located in the Rural Agricultural district, a community garden may be no more lager than 10,000 square feet.
3. A community garden may be divided into separate garden plots for cultivation by one or more individuals or may be farmed collectively by members of a group.
4. Unless permitted by the underlying zoning district on-site sale of community garden products shall be prohibited.
5. The site shall be designed and maintained to prevent any chemical pesticide, fertilizer or other garden waste from draining on to adjacent properties.
6. Compost bins or piles shall be located as close as practicable to the center of the lot.
7. Accessory structures including buildings or signs shall comply with requirements of the underlying zoning district.
8. Cultivated areas shall be prevented from encroaching onto adjacent properties.
9. The property shall be maintained free of high grass, weeds or other debris. Dead garden plants shall be regularly removed and, in any instance, no later than October 31 November 30th of each year.

Comment [Hediger3]: Agricultural uses are allowed in the RA as a permitted use. Therefore, as drafted, there are no standards for a community garden in the RA.

Comment [Hediger4]: Should we be considered with who is operating the garden?

Comment [Hediger5]: This provision does allow for the sale or donation of products, as long as not on site, unless the underlying zone permits.

Comment [Hediger6]: Site will be regulated through odor provisions. So why limit location of compost.

Comment [Hediger7]: Some crops may remain later into the season.

1/18/12

10. Use of mechanical equipment shall be limited to that customarily identified as household lawn and garden equipment. Use of said equipment shall be restricted to the hours 7:00 a.m. to 7:00 p.m.
11. Only individuals or organizations authorized by the property owner shall participate in garden use.
12. The community garden shall be subject to applicable odor provisions contained in Article XII, Section 19(4).
13. A use permit must be obtained prior to gardening activity, subject to the above referenced standards.

Comment [Hediger8]: Does this really need to be included. Should community gardens be self-regulated without the city's involvement?

Comment [Hediger9]: Do we really want to require permits for gardening? Eliminating the need for a permit, yet having performance standards would provide the city a mechanism to take enforcement action in the event the property is not being used appropriately.