

## James P. Francomano

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**From:** Paul Gibbons [paul@attorneygibbons.com]  
**Sent:** Wednesday, February 25, 2015 11:00 PM  
**To:** James P. Francomano  
**Cc:** 'William B. Gartley'; Steve Smith; msabatini@bnpmaine.com  
**Subject:** Recommended changes to Land Use Ordinance 913 and Special District Standards

To all;

Here are my comments and recommended changes:

1. 913.2(3) which states: *Parking lots with 4 or less parking spaces accessory to a permitted use if on a different lot is permitted.*
  - a. This provision should be eliminated. It conflicts with Section 800 and its effect on Section 800 parking are difficult to determine.
  - b. Given the number of residential and retail units found in the three, large, buildings within the Special District, a parking limit of 4 or less seems incongruent and unwise to a terrible degree.
2. Each of the 900 districts, with the sole exception of 913, has within the section, all the tables of dimensions, uses etc. in addition to the table of uses found on pages 9-14 to 9-22. Look at page 9-14. It would rationally lead one to conclude that there are no permitted uses in this zone. No mention is made of the remaining 913 zone and there no mention of the tables found later in the ordinance.
3. No reference is made to the land use chart on Pages 9-14 to 9-22 in the 913 District Regulations on page 9-14.
4. The land use charts on pages 9-14 to 9-22 have no column for **Special District Standards**.
5. The 913 tables are in conflict with 913.2(4). For example, there is a zero side and rear setback distance described on page 9.14 but in the tables on Page 9-20, the minimum sideyard and rear setback is 6 feet and the minimum front yard is 10 feet. Because there is no table for **Special District Standards**, this table appears to regulate all of zoning district 913.
6. The minimum lots size of 12,000 sq ft for 913 page 9-20 makes no sense for the Special District Standards of 913.2. The **Special District Standards** should provide that the lots sizes existing at the time of the enactment of the amendment to the ordinance creating the **Special District** are of sufficient size for uses allowed in this district.
7. A special exception is required for multi-family dwelling on Page 9-18 when there is perhaps one single family dwelling on that side of Central Street which shares a common wall with the multi-use building. All the other building has multi use or multi-family use. The single family use is the exception not the rule. Multi family dwelling should be a permitted use in the **Special District**.
8. A parking lot is a special exception in 913 table at 9-18 which is fine for 913 but a parking lot in the **Special district** should be permitted because of the multi-use building there that present parking demands not present in the remaining part of District 913.
9. There is a conflict between the percent of maximum lot size coverage found in the table on page 9-20 (70%) and the provision bound on Page 9-14 -100%

10. There is a conflict between building height found at page 9-14 (50 feet) and the table at 9-18 (34 feet)

Much, and if not most, of these errors appear to be clerical. There is too much missing to know whether some committee has resolved the problems and the final printed ordinance did not include these provisions.

This is a problem that must be resolved soon because with the present conflicts, the 913 zone is all a-briestle with conflicts to the point one could argue that there is presently no uses permitted in 913.

Paul Gibbons, Attorney at Law  
P.O. Box 616 | 9 Washington Street  
Camden, ME 04843  
Office: 207.236.3325  
Fax: 207.236.8611  
Cell: 207.542.9527  
[paul@attorneygibbons.com](mailto:paul@attorneygibbons.com)