

CITY OF LEWISTON
PLANNING BOARD MEETING
Monday, March 12, 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

An application submitted by Harriman Associates on behalf of the Lewiston School Department for the McMahon Elementary School located at 151 North Temple Street. The project includes a 10-classroom wing on the southwest side of the school and an expansion in the rear from gym and additional classroom space.

V. OTHER BUSINESS:

- a) Request from Veterinary Support Services for a use determination that an animal cremation facility is substantially similar to and compatible with permitted or conditional uses in the Urban Enterprise district, pursuant to Article V, Section 3(g) and Article XI, Section 16 of the Zoning and Land Use Code of the City of Lewiston.
- b) Downtown Neighborhood Winter Parking Proposal
- c) Discussion regarding sign amendment: political signs
- d) Discussion regarding creation of Planning Board Working Committees
- 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
From January 31, 2012 and February 13, 2012.

VII. ADJOURNMENT



CITY OF LEWISTON



Department of Planning & Code Enforcement

TO: Planning Board
FROM: David Hediger, City Planner
DATE: March 7, 2012
RE: March 12, 2012 Planning Board Agenda Item IV(A)

An application submitted by Harriman Associates on behalf of the Lewiston School Department for the McMahon Elementary School located at 151 North Temple Street. The project includes a 10-classroom wing on the southwest side of the school and an expansion in the rear from gym and additional classroom space.

Harriman Associates has submitted an application for the construction of a 25,430 square foot addition to McMahon Elementary School at 151 North Temple Street. Said addition will consist of a 10-classroom wing and an expansion in the rear for a gym and additional classroom space. There will also be a new one-way drive around the rear of the school to accommodate bus traffic. This 68 acre parcel is located in the Suburban Residential (SR) district in which municipal buildings and facilities are regulated as a conditional use. Therefore, in addition to the development review criteria of Article XIII, Section 4 the applicant has also referenced the conditional use criteria of Article X, Section 3.

Staff notes the following with respect to the application:

- All space and bulk standards of the SR district are being met.
- The project is subject to the city's delegated review authority for stormwater permitting, disturbing an area of approximately 77,135 s.f.. With walks and driveways included there is an increase in the impervious area of approximately 1.0 acre. Plans have been reviewed and revised to Public Work's satisfaction. Specific inspection requirements have been noted on sheet C60.1 with respect to the proposed stormwater improvements. In addition to this language, staff recommends prior to a certificate of occupancy being issued, written verification by a professional engineer must be provided to the city that all stormwater water improvements have been completed in accordance with the approved plan.
- In addition to the DEP stormwater requirements, this project is located in an urbanized area. Therefore, the project is subject to additional post construction stormwater management standards contained in Article XIII, Section 15 of the Zoning and Land Use Code. Specifically, the applicant is required to provide a performance guarantee with respect to the ongoing maintenance, repair, or replacement of the sites stormwater system. The applicant has added this language in Section 7 of their application. The language contained is adequate; however, it must be recorded in the Androscoggin Registry of Deeds pursuant to the above referenced code. Staff recommends as a condition of approval to be noted on the plan that no certificates of occupancy be issued for this development until a performance guarantee is provided to the city's satisfaction in accordance with Article XIII, Section 15(e)(3) of the Zoning and Land Use Code.
- Pursuant to Article X, Section 5 staff is recommending the requested conditional use permit be valid for a period of 24-months from the date of approval to be consistent with the 24-month expiration of development review approved projects.

- Site improvements will result in approximately 2,770 square feet of wetland alterations. This falls below the DEP permitting threshold of 4,300 square feet. A detailed erosion control plan has been provided to avoid further impacts to the natural resource areas.
- The applicant expects an increase of 260 students from the current population of approximately 540 students. Parking will be increased by 15 spaces for a total of 115 to accommodate additional staff. This meets the minimum code requirements for parking and is believed to be adequate by school administration.
- The additional enrollment is anticipated to generate an additional 101 trip ends in the AM peak hour and 67 trip ends in the PM peak hour. Since the number of trips exceeds 100, the project is subject to the City's delegated review from DOT for the issuance of a traffic movement permit (TMP). A traffic analysis has been provide by Gorrill Palmer and reviewed to the satisfaction of the City's peer traffic reviewer HNTB. A draft TMP has been included as part of Section 6 of the application. Traffic related improvements are limited to the relocation of flashing school beacons to more appropriate locations and crosswalk improvements. Staff recommends as a condition of approval to be noted on the plan that no certificate of occupancy be issued for this development until written verification has been provided by the applicants traffic engineer that all traffic related improvements have been completed in accordance with the developments TMP.
- Comments provided by Planning and Code Enforcement and Public Works have been addressed by the applicant in their February 13, 20120 response to David Hediger.

Police and Fire have expressed no concerns.

Planning and Code Enforcement recommend approval of the above referenced project subject to the following conditions:

1. To be noted on the plan, that prior to a certificate of occupancy being issued, written verification by a professional engineer must be provided to the city that all stormwater water improvements have been completed in accordance with the approved plan.
2. To be noted on the plan, that no certificates of occupancy be issued for this development until a performance guarantee is provided to the city's satisfaction in accordance with Article XIII, Section 15(e)(3) of the Zoning and Land Use Code.
3. To be noted on the plan that, no certificate of occupancy be issued for this development until written verification has been provided by the applicants traffic engineer that all traffic related improvements have been completed in accordance with the developments TMP.
4. Pursuant to Article X, the requested conditional use permit is valid for a period of 24-months from the date of approval to be consistent with the 24-month expiration of development review approved projects.

ACTIONS NECESSARY:

1. Make a motion to consider a proposal submitted by Harriman Associates on behalf of the Lewiston School Department for the McMahan Elementary School located at 151 North Temple Street in include a 10-classroom wing on the southwest side of the school and an expansion in the rear from gym and additional classroom space.
2. Obtain input on the application;
3. Make a determination that the application is complete;
4. Make a motion finding that the application meets all of the necessary criteria contained in the Zoning and Land Use Code, including Article X, Section 3 and Article XIII, Section 4 of the Zoning and Land Use Code and to grant approval to Lewiston School Department for the construction of a 25,430 square foot addition to McMahan Elementary School at 151 North

Temple Street consisting of a 10-classroom wing and an expansion in the rear for a gym and additional classroom space, and a new one-way drive around the rear of the school to accommodate bus traffic, subject to any concerns raised by the Planning Board or staff.

City of Lewiston

Planning & Code Enforcement

TO: Harriman Associates
FROM: David Hediger, City Planner
DATE: February 7, 2012
RE: MacMahon Elementary Improvements

Planning and Code Enforcement has the following comments at this time upon reviewing the application:

1. Page 3 of stormwater report indicates flooding standards do not apply. They do apply as per the City's local requirements. You have shown a slight increase in run off. Public Works has the ability to sign off on this increase.
2. Section 7 of application: You have referenced the stormwater requirements of Article XIII, Section 15 of the Zoning and Land Use Code. However, note the performance guarantee section and staff's recommendation of option 1. The document you have provided needs to be recorded. This will be recommended as a condition of approval.
3. PlanC00.1: Zoning notes, expiration of approval for development review should make reference to the new language contain in Article XIII, Section 11.
4. C11.1, 12.1, 30.1: clarification needed on the gym addition. Where do the roof drains go? It's not clear how the gym addition drains to watershed 1 versus watershed 2.
5. C20.1 and 30.1: Staff remains concerned with the bioretention cell locations with respect to maintenance and snow removal. It may benefit both structures, especially cell "B" to have bollards or a guard rail structure erected along those portions along the crushed stone strip. This would prevent vehicles from impacting the strip and damage from plows and other equipment.
6. C40.1: Please add storm drain lines to PlanC30.1 with pipe size and invert/outlet elevations.
7. C60.1: Construction oversight note should reference reporting be provided to the City. In addition, prior to a certificate of occupancy being issued, written verification by a professional engineer must be provided to the city that all stormwater water improvements have been completed in accordance with the approved plan.

Additional comments may be provided upon further review from this and other reviewing departments, which will be forwarded ASAP.

With respect to submittal to the Planning Board, the following should be provided by no later than noon on February 21, 2012 to be considered by the Board on February 27th:

- Nine copies of the following:
 - The application you have provide including the development review application and checklist
 - The stormwater narratives.
 - The traffic movement permit narratives.
 - The draft TMP (attached to this email)
 - Cover letter summarizing the project and any of staff comments.
 - 11 x 17 of the plans

- Three copies of the following:
 - All of the above with full scaled plans along with any necessary revisions to the narratives and reports.
- Application fee of \$1,700



DATE: February 6, 2012

TO: David Hediger, Planning Director

FROM: Janice E. Patterson, P.E., Project Engineer

SUBJECT: MCMAHON ELEMENTARY SCHOOL ADDITIONS

◆ Project Data Sheet states that the proposed disturbed area is less than the proposed impervious. Need to verify those numbers.

◆ Para 3 of Stormwater Management Narrative states there are three points of discharge for stormwater runoff. Only two are identified.

◆ Stormwater Quality Summary chart states the post '05 impervious = 69,585 SF. The chart on the previous page states 1.6 acres which is 69,696 SF. The post '05 developed areas also do not match between the two charts.

◆ The page titled "Stormwater Quality – Treatment Sizing" identifies subcatch 1.1S, 1.2S and 1.3S as being captured areas for soil filter A but the areas total more than that. I believe that subcatch 1.4S is also included.

◆ In comparing the packages submitted for the additions done in 2007, 2010 and now in 2012, the stormwater numbers do not match. Sub-catch 1S and 2S are identified as the same areas in all three projects, therefore the pre runoff for 2010 should have been the post quantity from 2007 and the pre runoff for the current project should equal the post of the 2010 project. These numbers do not match. Please verify and explain.

◆ Sub-catch 1S and 2S in the current project total 36 acres in the pre condition and 35.46 acres in the post. Please verify and explain.

◆ Sub-catch 1S shows a decrease in the post condition but actually added the runoff from the new gym roof and sub-catch 2S shows an increase but actually eliminated the area that is the proposed new gym roof. Please verify and explain.

◆ The geotech report only addresses the classroom addition. Was there any geotech exploration for the gym addition?



CITY OF LEWISTON



Department of Planning & Code Enforcement

TO: Planning Board
FROM: David Hediger, City Planner
DATE: March 7, 2012
RE: March 12, 2012 Planning Board Agenda Item V(A)

Request from Veterinary Support Services for a use determination that an animal cremation facility is substantially similar to and compatible with permitted or conditional uses in the Urban Enterprise district, pursuant to Article V, Section 3(g) and Article XI, Section 16 of the Zoning and Land Use Code of the City of Lewiston.

Veterinary Support Services has submitted for the Planning Board's consideration a request for a use determination. Specifically, the applicant is requesting a determination that an animal cremation facility is substantially similar to and compatible with permitted or conditional uses in the Urban Enterprise (UE) district, pursuant to Article V, Section 3(g) for the Zoning and Land Use Code.

The Board may recall making a similar determination in November 2011 for property location in the Highway Business district. Veterinary Support Services is now negotiating the purchase of a portion of land located at 2 Goddard Road to develop with the above referenced use. This undeveloped property is located in the UE district. The applicant is of the opinion that the proposed cremation facility is substantially similar to and compatible with the following UE permitted uses: veterinary hospitals, humane society and related facilities; mortuary or funeral parlors; hospitals; and light industrials uses.

It should be noted the applicant also proposes to sell dry goods to their current customer base, including paper products, kennel supplies, litter, cat food, etc., and clipper blade sharpening and repair. These uses are currently allowed as permitted uses in the UE district as wholesale sales, warehousing, retail, and personal services.

Staff has advised the applicant that prior to submitting a complete application for development review approval, that applicant should have the Board make a finding with respect to the proposed use. Specifically, Article V, Section 3(g) states a use which is not specifically listed as a permitted or conditional use shall be regulated as a conditional use if . . . 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.

The Code does not have a specific definition for animal cremation facilities. The definition of "cemetery" contained in Article II, Section 2 of the Zoning and Land Use Code references crematories when operated in conjunction with and within the boundary of a cemetery. This

essentially makes a crematory an accessory use to a cemetery. The code defines “accessory use” as the subordinate use of a building . . . whose use is customary in connection with the principal building. . . (and) is clearly incidental to the use of the principal building. Crematories facilities are allowed as a permitted accessory use to a veterinary, hospital, or mortuary facility, all of which are permitted in the UE district. While the Code does not specifically define veterinary or mortuary facilities, the applicant has submitted a written request stating the reasons the proposed cremation facility should be deemed similar to said permitted uses in the UE district.

Staff supports the applicants request to find the proposed use substantially similar to and compatible with permitted or conditional uses in the UE district. Based upon the applicant’s request and the UE districts allowance of veterinary, hospital, or mortuary facilities as permitted uses, staff believes that the proposed use is substantially similar to and compatible with permitted uses in the UE district and that that the project be regulated as a conditional use.

Upon a favorable use determination made by the Board, the project will proceed with an application submitted for development review approval as a conditional use.

ACTIONS NECESSARY:

1. Make a motion to consider a request from Request from Veterinary Support Services for a use determination that an animal cremation facility is substantially similar to and compatible with permitted or conditional uses in the Urban Enterprise district, pursuant to Article V, Section 3(g) and Article XI, Section 16 of the Zoning and Land Use Code of the City of Lewiston;
2. Obtain input on the request;
3. Make a motion finding that the proposed animal cremation facility at 62 Goddard Road is substantially similar to and compatible with veterinary hospitals, humane societies and related facilities; mortuary or funeral parlors; hospitals; and light industrials uses as permitted in the Urban Enterprise (UE) district, pursuant to Article V, Section 3(g) for the Zoning and Land Use Code, and that said use shall be regulated as a conditional use upon submittal of an application for development review.

Veterinary Support Services

PO Box 128
Turner, ME 04282

Phone: (207)225-2840
Fax: (207)225-2843

Lewiston Planning Board
Lewiston, Maine 04240

February 20, 2012

To Whom it May Concern:

My name is Paul Cutter and I am President of Veterinary Support Services. I received approval late last year to locate in the Highway Business zone, however the site did not offer the land we required due to wet lands. We have located another parcel for your consideration but again require your approval. I appreciate your time to consider this matter.

Veterinary Support Services operates an animal cremation facility in Turner at present. We began our business originally in Lewiston in 1989 and were located at that time on land we owned off what is now Apple Road, with frontage along the Maine Turnpike. We received approval from the Appeals Board to locate our start up venture on said property. We operated the crematory business at this location until 2004 when we moved to Turner, having sold the Lewiston property.

We are interested in moving back to the Lewiston area and have located a potential property located in the Urban Enterprise District. The property is located on Goddard Road abutting the Maine Turnpike. We would like to see if our facility would be allowed in this zone and would suggest that our use is similar to many current allowed businesses.

We do sell dry goods to our current customer base; paper products, kennel supplies, litter, cat food, etc. We also do clipper blade sharpening and repair. The core part of our business is in processing animal remains into animal cremains and returning them back to their owners.

We see you do allow veterinary clinics, humane society and related facilities. We service both of these type of facilities currently and would be very similar. We would not generate any amount of increase traffic as we do not do retail sales and we pick up at our customer base.

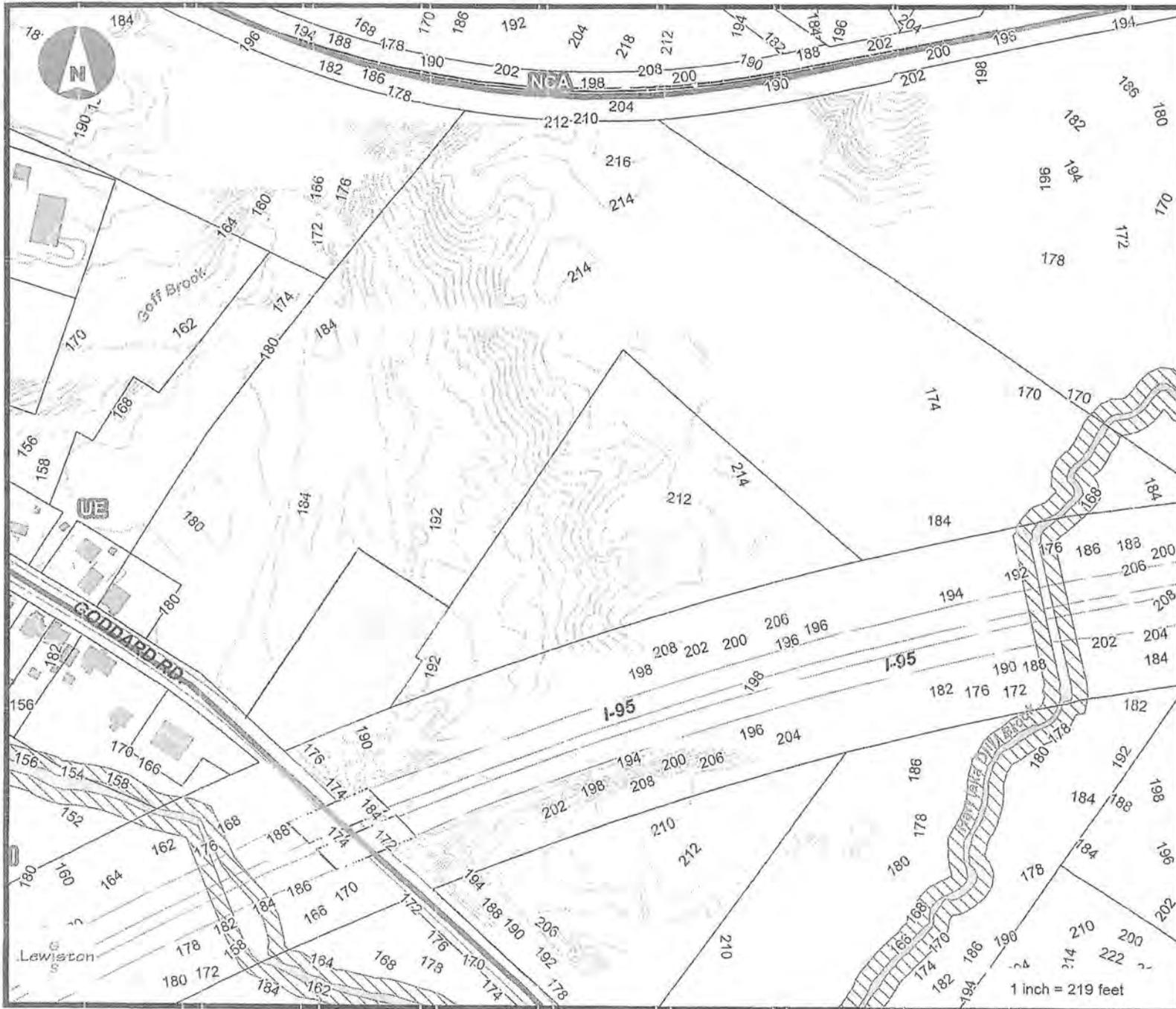
We feel we would be similar to light warehousing considering the dry goods portion of our business and also light processing that is allowed. Item numbers in your permitted use list that we may be similar to are; 11, 15, 22, 23, 25, 38 and 40.

We hope you would give consideration to our business and grant approval for this zone so that we could move on with our goal of relocating to Lewiston. Thank you for your time.

Sincerely,

Paul Cutter
President





62 Goddard Road
2/17/2012

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Sec. 16. Urban enterprise district (UE).

- (a) *Statement of purpose.* The purpose of the urban enterprise district is to encourage the improvement, reuse and redevelopment of older mixed use areas of the city by allowing a wide range of uses with appropriate development standards.
- (b) *Applicability.* The standards of the urban enterprise district shall apply to all land shown on the "Official Zoning Map of the City of Lewiston" as being located within an urban enterprise district.
- (c) *Permitted uses.* In an urban enterprise district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following:
 - (1) Hotels, motels and inns;
 - (2) Restaurants;
 - (3) Drive-in restaurants;
 - (4) Places of indoor assembly, amusement or culture;
 - (5) Retail stores;
 - (6) Art and craft studios;
 - (7) Professional offices;
 - (8) Office buildings and business offices;
 - (9) Tradesman's offices;
 - (10) Personal services;
 - (11) Wholesale sales, warehousing and distribution facilities;
 - (12) Lumber and building material dealers;
 - (13) Building and construction contractors, provided that all exterior storage of materials and equipment are screened to a minimum height of eight feet from all abutting properties and public streets;
 - (14) Self-storage facilities;
 - (15) Research, experimental and testing laboratories;
 - (16) Reserved;
 - (17) Transportation facilities;
 - (18) Gasoline service stations;
 - (19) Auto repair garages;
 - (20) Equipment repair garages;
 - (21) Commercial parking facilities;

- (22) Light industrial uses;
- (23) Mortuary or funeral parlors;
- (24) Academic institutions, including buildings or structures for classroom, administrative, laboratory, art, theater, dining, service, library, bookstore and student recreational uses, and athletic buildings or structures in which the number of spectators permitted under the fire code of the City of Lewiston shall not exceed the combined staff and resident student population of the institution; together with buildings accessory to the foregoing permitted principal buildings or structures;
- (25) Hospitals, including institutions for the handicapped;
- (26) Religious facilities including churches, synagogues, and other houses of worship, rectories and parsonages and church-affiliated community purpose facilities;
- (27) Municipal buildings and facilities;
- (28) Private or commercial schools including business colleges;
- (29) Home occupations;
- (30) Accessory buildings and uses;
- (31) Automotive services, except repair;
- (32) Family day care homes;
- (33) Small day care facilities;
- (34) Day care centers;
- (35) Private industrial/commercial developments;
- (36) Forest management and timber harvesting activities in accordance with the standards of article XII;
- (37) New car dealerships;
- (38) Mixed use structures;
- (39) Movie theaters.
- (40) Veterinary hospitals, Humane Society and related facilities;
- (41) Group care facilities.

(d) *Conditional uses.* In an urban enterprise district, any new building or structure which is constructed, any existing building or structure or part thereof which is used, altered or enlarged and any parcel of land, whether in whole or in part, may be used for one or more of the following uses only after the issuance of a conditional use permit in accordance with article X of this Code:

- (1) Reserved;
- (2) Multifamily dwellings;
- (3) Reservoirs, pumping stations, standpipes or other water supply uses involving

facilities located on or above the ground surface;

- (4) Transformer stations, high voltage power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use;
- (5) Industrial uses;
- (6) Recycling and reprocessing facilities;
- (7) Boarding houses;
- (8) Lodging houses;
- (9) Motor freight transportation facilities;
- (10) Used car dealership except for areas of the urban enterprise (UE) district in the downtown portion of the city as defined as north of Gulley Brook and south of Island Avenue;
- (11) Used car dealerships.

(e) *Space and bulk standards.*

TABLE INSET:

<i>Minimum lot size</i>	
multifamily dwellings	5,000 square feet
nonresidential uses serviced by public sewerage	5,000 square feet
nonresidential uses not serviced by public sewerage	20,000 square feet
Minimum net lot area per dwelling unit - all residential uses	1,500 square feet
Minimum frontage - all uses	100 feet
Minimum front setback - all uses	25 feet unless provided for in subsection (f)
Minimum front yard - all uses	none
<i>Minimum side and rear setback</i>	
all other uses	20 feet
<i>Minimum side and rear yard</i>	
all uses	10 feet except where buffers required in accordance with subsection (f)
Maximum lot coverage ratio	0.60
Maximum impervious surface ratio	0.80
Minimum open space ratio	0.20
Maximum building height	80 feet

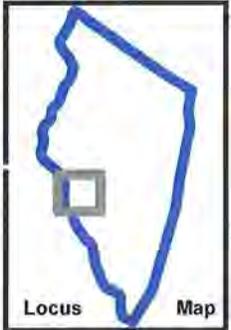
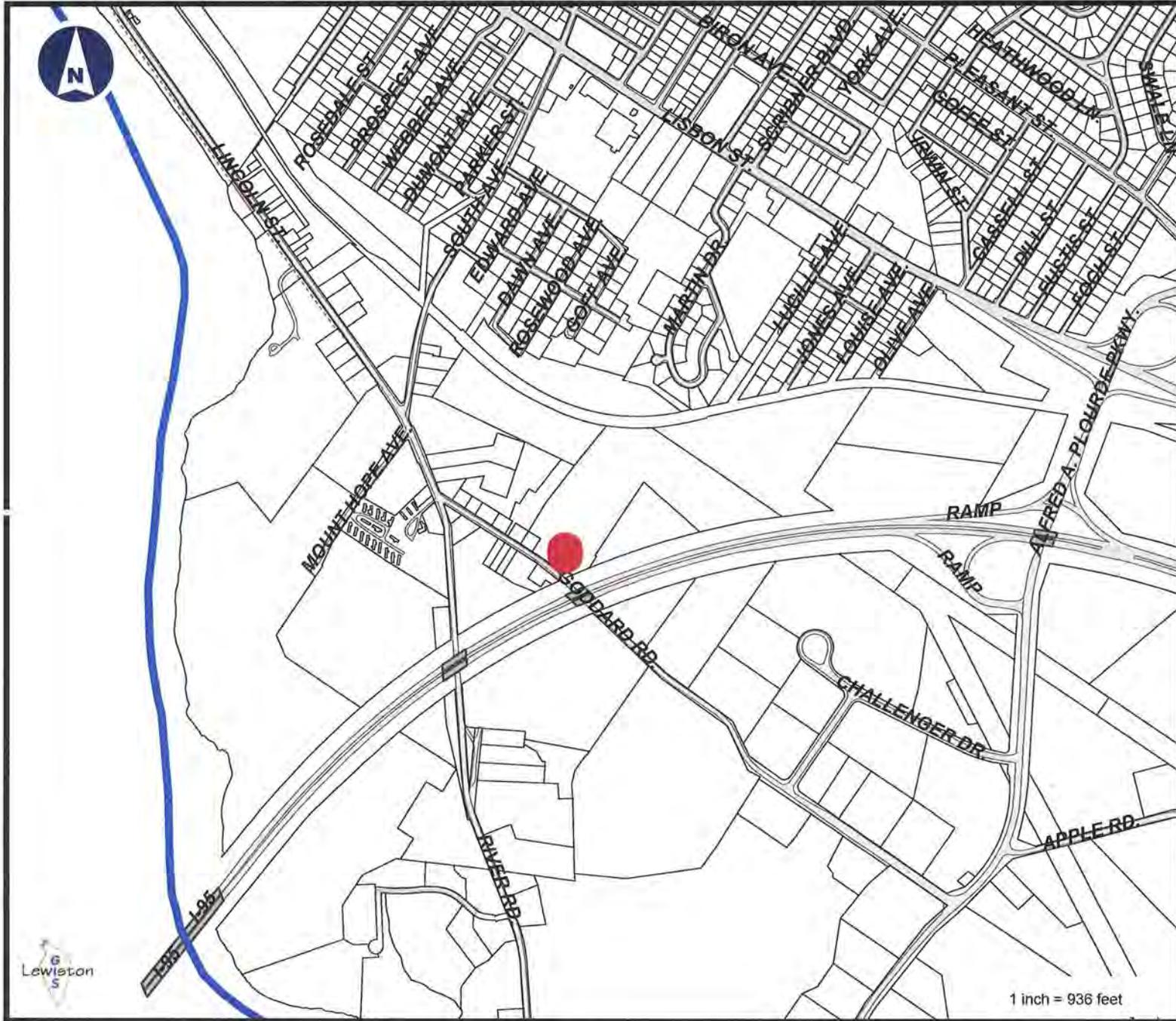
(f) *Additional standards.*

- (1) The use of an existing building or structure shall be changed to another allowed use only if there is adequate off-street parking and loading to meet the requirements of article XII for the new use without variation.
- (2) The enlargement of an existing building or structure shall be permitted only if the entire project will comply with the off-street parking and loading requirements of article XII upon completion of the expansion.

- (3) Any required side or rear yard area for uses other than residential located within 50 feet of a residential zoning district shall be maintained as a buffer area meeting the standards of article XIII. Any required side or rear yard area for uses other than residential located within 50 feet of a lot containing a dwelling not in a residential zoning district shall be maintained as a buffer area meeting the standards of article XIII.
- (4) In areas where the existing buildings have an established uniform setback relationship to the street, any new building or modification to an existing building may maintain this established relationship notwithstanding the provisions of subsection (e). An established uniform setback relationship is deemed to exist when the distances between the front face of the building and the edge of the travel way in the adjoining street for the two adjacent parcels fronting on the same street on each side of the subject parcel are within +/- five feet of mean of this distance for the four parcels. For the purposes of this provision, lots shall be deemed to be adjacent even if separated by a street or public easement.
- (5) Used car dealerships may be deemed an accessory use to gasoline service station, auto repair garages and automotive services, except repair uses, if the following criteria are met:
 - a. That all the criteria outlined in the definition of accessory use under article II, section 2 are adhered to;
 - b. That the parking and on-site circulation for both the existing and proposed use is reviewed and approved pursuant to development review under article XIII;
 - c. That the maximum number of used vehicles for sale on-site, at any one item, does not exceed six vehicles.
- (6) Used car dealerships which are not an accessory use to gasoline service stations, auto repair garages and automotive services, except repair uses, are permitted only after the issuance of a conditional permit in accordance with article X of this Code, and the project is reviewed and approved pursuant to development review under article XIII.
- (7) Modifications (ie. 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 subsection (e) may be granted by the board of appeals, planning board, staff review committee and the code enforcement official pursuant to articles V, VII, VIII, IX, and XIII of this Code.

(Ord. No. 89-3, 4-7-89; Ord. No. 90-3, 5-17-90; Ord. No. 92-12, 6-4-92; Ord. No. 92-18, 9-10-92; Ord. No. 92-27, 11-19-92; Ord. No. 93-1, 2-4-93; Ord. No. 93-2, 2-4-93; Ord. No. 94-9, 8-18-94; Ord. No. 95-8, 7-20-95; Ord. No. 96-3, 4-18-96; Ord. No. 97-3, 5-15-97; Ord. No. 97-7, 9-11-97; Ord. No. 98-6, 7-2-98; Ord. No. 99-16, 10-12-99; Ord. No. 99-18, 11-20-99; Ord. No. 00-19, 10-5-00; Ord. No. 04-07, 4-15-04; Ord. No. 05-07, 3-17-05)

Editor's note: See editor's note at article XI.



62 Goddard Road
3/8/2012

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1 inch = 936 feet



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: March 7, 2012
RE: March 12, 2012 Planning Board Agenda Item V(B)

Downtown Neighborhood Winter Parking Proposal

The Downtown Neighborhood Advisory Committee (DNAC) has been in discussions with various City departments regarding parking policies and ordinances in the downtown. Taking their direction from the 2009 Downtown Neighborhood Action Plan, several goals were identified, including: Eliminate the no on-street parking regulation, between November and April, to allow on-street winter parking and work with the neighborhood to establish winter relief parking locations during snow storms and clean up.

Representatives of DNAC are looking to discuss their proposal with the Planning Board with respect to winter parking. While no formal action is required at this time, the DNAC is looking for comments, suggestions, and if appropriate motion of endorsement from the Planning Board with respect to the changes being proposed.

Downtown Neighborhood Action Committee
DRAFT- Winter Parking Proposal
March 1, 2012

Overview

The Downtown Neighborhood Task Force recommended in its 2009 plan that the City establish a revised winter parking program (recommendation I5). The rationale for this recommendation is twofold: to improve the quality of life for downtown residents and to improve, broadly speaking, the investment climate in the downtown area.

Proposal

The DNAC proposes that all aspects of the current parking schedule remain in force with the exception of the winter overnight parking prohibition(Ch. 70-158 (b) City of Lewiston Code of Ordinances). The DNAC proposes that the overnight prohibition be eliminated in favor of storm specific parking bans. The DNAC believes that this will greatly enhance both the quality of life for downtown residents and the investment climate in the downtown area.

Parking Bans

City wide parking bans may be declared as necessary by public safety staff.

Off-street parking availability- During snow ban events residents must find off-street parking either in a private lot, in a City owned parking garage or in limited number of City owned surface lots. Parking is available in parking garages at Southern Gateway, Chestnut Street, Oak Street, Lincoln Street and Canal Street.

Towing issues/tow lot- As is current practice, it may at times be necessary to tow vehicles that remain on City streets after a parking ban has been declared to facilitate snow removal. A City owned tow lot should be established at the Gas Patch parking lot on Lincoln Street. This site has approximately 125-140 spaces. There is also an adjacent lot that has approximately 25 additional spaces. The rationale for this aspect of the proposal is to shorten tow truck round trips and to thereby increase towing capacity. The details of this aspect of the proposal are currently being analyzed by City staff and under discussion with tow truck operators.

Communication/ Public Awareness

It is imperative that residents, business owners and visitors be made aware of the policy change and of parking bans as they occur. The City is now well positioned to effectively communicate using electronic means through City website *Notify Me* feature (text and email). In addition, permanent signage should be placed in all parking garages indicating free parking during snow ban events. Also portable electronic message boards should be placed on Lisbon Street, Main Street and Sabattus Street notifying inbound traffic of the parking ban event. Permanent street signage should indicate where parking is not permitted during winter months. Television and radio should also be used.



The Third Place

Downtown
Neighborhood
Action Plan
February 2009



Downtown
Neighborhood
Task Force





- b. **The City should remove existing sign bases and other infrastructure stubs that protrude from the sidewalks in the study area.** These unsightly objects present a significant safety and maintenance hazard for pedestrians, bicyclists and maintenance personnel.

I5 Parking:

- a. **Eliminate the no on-street parking regulation, between November and April, to allow on-street winter parking and work with the neighborhood to establish winter relief parking locations during snow storms and clean up.** There is a need for a revised winter parking program that accommodates people who have no access to off-street parking for themselves or their guests where they live.
- b. **Amend the City’s current Vehicle Parking Space Requirements for new development and redevelopment of residential and commercial properties.**
- c. **Lower the required number of parking spaces to a reasonable space-per-unit ratio that fits the character of the mixed-use neighborhood.**
- d. **Provide property owners the option of using their required surface parking area for another purpose** (such as green space), so long as that use does not unreasonably preclude the use of that space for surface parking in the future.

I6 Modifications to citylink:

- a. **Work with the Lewiston/Auburn Transit Committee (LATC) on establishing revised bus routes, specifically: Revise Route #2 (Sabattus Street) and Route #3 (Lisbon Street) to provide more options and encourage additional use by residents for access to major shopping areas.**
- b. **Work with the LATC to expand the Downtown Shuttle routing to bring people who live or work in the study area to and from the Oak Street bus station and along Lisbon and Main Streets in the central business district.** Expanding the downtown shuttle route(s) will allow for easy access to the station and for more convenient transfers.
- c. **Work with area businesses and the LATC to establish a yearly bus pass program.** This type of program is readily available on other public transit systems and should require minimal modification to the current monthly pass that already exists.
- d. **Work with the LATC to extend bus hours in both the morning and evening during the week and to develop some weekend service.** Bus service for workers and residents outside of a 9-5 time slot is unavailable, and it is also nonexistent outside of these hours for access to shopping, cultural amenities, etc.

- I7 Encourage and facilitate the placement of bike racks and benches in strategic locations throughout the neighborhood.** These improvements will enhance the neighborhood feel of the area and encourage non-vehicular modes of transportation.

- I8 Work with area colleges to inventory/asset map transportation resources within non-profit organizations and develop strategies for maximizing these resources to meet more community needs.** There are many and often competing, private and public transportation options serving the area, but there is no comprehensive understanding of how they interconnect.

PARKS and COMMUNITY SPACES:

"Gathering places are essential community facilities that are venues for activities and events that create community cohesion."



P1 Kennedy Park:

- a. **Implement the improvements recommended in the Kennedy Park Master Plan.**
- b. **Enhance the use of Kennedy Park for structured recreational activities by evaluating program opportunities offered through the Lewiston Recreation Department and other community-based organizations.**



Transit Fixed Route Service

citylink is the public, fixed route bus service, servicing both Lewiston and Auburn. This system works on a network hub where all of the buses run their designated routes and return to a central location to transfer riders from one route to another. In this system, the designated transfer station(s) are located in Lewiston at the parking garage on the corner of Bates and Oak streets while the Auburn facility is located in Great Falls Plaza--all transfers occur at the two designated centers. The **citylink** system offers free fare zones, bus passes, ADA compatible paratransit buses and buses with bike racks. Currently, looking at the fixed routes, the **citylink** does not run through the study area, but skirts the fringe of the area. As a result, inner City riders responsible for getting to the closest bus stop, which is at the corner of Park Street and Pine Street (City Hall). For some people living in this neighborhood, this represents a walk of 10-20 minutes, covering up to ¾ mile, often with impassable sidewalks during the winter months. Considering that the study area is the most densely populated section of the **citylink** system and the area with the lowest car ownership rates in the state, it seems logical that access to the bus should be improved in the neighborhood by adding stops within its boundaries.

“There should be bus service on the weekend even if it doesn’t run as much. People downtown have no way of getting anywhere.”

- Public Meeting attendee

In addition to its routing limitations, the **citylink** schedule does not adequately meet the needs of downtown residents and employees. The system currently operates from 6:00 A.M. to 5:43 P.M. Monday through Friday with no weekend or evening service. Given the limited time window, this schedule fails to accommodate any group other than “9 to 5” employees. It leaves second shift workers and weekend needs entirely unserved. Many of the people living in this neighborhood are left with unreliable and/or expensive transportation during these periods. In addition, a limited bus schedule does not support increasing the number of visitors to the downtown and its associated amenities, such as Kennedy Park, without increasing vehicular congestion.

Parking

At first glance it is easy to determine that downtown Lewiston was designed with the pedestrian, not the motor vehicle, in mind. Indeed, at the time of its design, the downtown residential grid and its resulting property development reflect that it was, quite literally, a “walking neighborhood”. The vast majority of those who lived there walked to and from the mills daily and rarely traveled outside of the downtown. However, now that the car is the dominant means of transportation and the fact that there is not a ‘guaranteed’ parking space



available for every resident of the downtown at any time of day, leads some to conclude that there is a parking ‘problem’. It is true that adequate parking cannot be accommodated in off-street lots or directly in front of all dwellings on all streets at all times. However, the entire study area appears to have adequate parking capacity to serve the neighborhood at large, all within less than a ten-minute walk. Furthermore, there is considerable debate regarding the conflict between the built-in density of the urban core and the desire to create additional parking. This dichotomy is most clearly seen in the City’s parking requirements within the downtown residential zone. The code requires that a given development actively seek to provide the maximum amount of parking conceivable based upon its use type. This approach does not allow for any consideration of the market realities that the development may be faced with. Ultimately, current zoning regulations limit the feasibility of investment in new or substantially rehabilitated housing.

In order to address this contradiction, the DNTF recommends amending the City’s current Vehicle Parking Space Requirements in the Downtown Residential zone for new development and redevelopment of residential and commercial properties. Specifically, the required number of parking spaces should be reduced to a more reasonable space-per-unit ratio that fits the character of the mixed-use neighborhood. There have been studies⁷ conducted that support decreased parking ratios in the urban downtowns. Also, to provide maximum flexibility for different use types and changing market conditions, property owners should have the option of using the required surface parking area for another (non-parking related) purpose, such as green space, so long as that use does not unreasonably restrict the use of that space for surface parking in the future.

Lastly, the need for a revised downtown winter parking program has long been discussed in Lewiston. Several options and alternatives have been considered, but none have been selected to date. One outcome of the lack of change is certain—the existing situation will continue to create problems. The downtown grid and property development pattern does not allow for sufficient private, off-street parking for every car envisioned by the zoning code. In order to accommodate lesser, more realistic off-street parking requirements, on-street parking must be allowed in some capacity during the winter months or alternative parking locations (e.g. City parking garages and lots) must be made available to residents.

⁷ *Example: Parking at Mixed-Use Centers in Small Cities: Marshall and Garrick (2005)*



I4 Sidewalk Improvements:

- a. **Improve sidewalks in the downtown and review sidewalk snow removal procedures.** In inclement weather, the streets inevitably turn into makeshift sidewalks because they are not clear enough to walk on. Improved sidewalk clearance practices will keep these areas open and reduce risk for pedestrians and vehicles alike. At a minimum, the City should evaluate the idea of major walk routes for designated sidewalk snow removal in the downtown.
- b. **The City should remove existing sign bases and other infrastructure stubs that protrude from the sidewalks in the study area.** These unsightly objects present a significant tripping hazard for pedestrians and are a crash hazard for bicyclists.

I5 Parking:

- a. **Establish a revised winter parking program that accommodates people who have no access to off-street parking for themselves or their guests where they live.** Eliminate the no on-street parking arrangement between November and April, allow on-street winter parking, and work with the neighborhood to establish winter relief parking locations during snow storms and clean up.
- b. **Amend the City's current Vehicle Parking Space Requirements for new development and redevelopment of residential and commercial properties so that:**
 - i. **The required number of parking spaces is lowered to a reasonable space-per-unit ratio that fits the character of the mixed-use neighborhood.**
 - ii. **Property owners have the option of using their required surface parking area for another purpose (such as green space), so long as that use does not unreasonably preclude the use of that space for surface parking in the future.**

I6 Modifications to citylink:

- a. **Work with the Androscoggin Transportation Resource Center (ATRC) and the Lewiston-Auburn Transit Committee (LATC) on establishing revised bus routes, specifically; revise Route #2 (Sabattus Street) and Route #3 (Lisbon Street) to provide more bus access and options within the neighborhood.** These routes should go into the neighborhood via Bates Street to Birch Street and then to Bartlett Street, with a new bus stop location added at the intersection of Birch and Blake Streets.
- b. **Work with area businesses and LATC to establish a yearly bus pass program.**
- c. **Work with the LATC to extend bus hours in both the morning and evening during the week and to develop some weekend service.**
- d. **Work with LATC to adjust the Downtown Shuttle to bring people who live or work in the study area to the Oak Street bus station, and from the bus station into the neighborhood and along Lisbon and Main Streets in the central business district.** This shuttle would allow residents and workers in the neighborhood to connect with all citylink buses and have easier access to the Auburn routes. LATC should work with local businesses to create sponsorships for the shuttle. In addition to helping

TRAFFIC AND VEHICLES

- (a) The police chief with the approval of the council is hereby authorized to determine and designate by proper signs places not exceeding 100 feet in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic.
- (b) When official signs are erected at hazardous or congested places as authorized in this section, no person shall stop, stand or park a vehicle in any such designated place.

(Code 1982, § 26-99)

Sec. 70-151. Authority to regulate parking adjacent to school property.

The police chief is hereby authorized to cause temporary or permanent signs to be erected, indicating no parking adjacent to any school property, when such parking would, in his opinion, interfere with traffic or create a hazardous situation. When official signs are erected indicating no parking adjacent to any school property, no person shall park a vehicle in any such designated place.

(Code 1982, § 26-101)

Sec. 70-152. Lights on parked vehicles.

Whenever a vehicle is lawfully parked in a place and under conditions where there is sufficient artificial light to make such vehicle clearly visible from a distance of not less than 500 feet in each direction, no lights need be displayed upon such parked vehicle; otherwise, lights must be displayed during the period from one-half hour before sunset to one-half hour before sunrise. Any lighted headlamps upon a parked vehicle shall be depressed or dimmed.

(Code 1982, § 26-102)

State law references: Similar provisions, 29 M.R.S.A. § 1071.

Sec. 70-153. Reserved.

Sec. 70-154. Parking prohibited on even-numbered sides of certain streets.

During the period commencing December 1 and terminating March 31 of the following year, it shall be unlawful for any person to stop, park or stand any vehicle or leave such vehicle unattended on the even-numbered side of the public streets specified by the city council; provided, however, that metal signs at least 18 inches by 12 inches, with red printing on white background, be installed 150 feet apart on such streets giving notice of this restriction.

(Code 1982, § 26-105; Ord. No. 02-22, 11-12-02; Ord. No. 08-11, 1-15-09)

Sec. 70-155. Parking prohibited on odd-numbered sides of certain streets.

During the period commencing December 1 and terminating March 31 of the following year, it shall be unlawful for any person to stop, park or stand any vehicle or leave such vehicle unattended on the odd-numbered side of the public ways or streets specified by the city council; provided, however, that metal signs 18 inches by 12 inches, with red printing on white background, be installed 150 feet apart on such streets giving notice of this restriction.

TRAFFIC AND VEHICLES

(Code 1982, § 26-106; Ord. No. 02-22, 11-12-02; Ord. No. 08-11, 1-15-09)

Sec. 70-156. Places where parking prohibited at all times, fire lanes.

When signs are erected giving notice thereof, no person shall park a vehicle at any time upon any of the streets or parts of streets as specified by the city council, nor shall any person stop, stand or park a vehicle at any time in any fire lane enumerated in this section or as specified by ordinance:

- (1) Any corner: No parking within 25 feet of any corner.
- (2) Bridge: No parking on any bridge.
- (3) Driveways: No person shall park a vehicle so as to block any driveway.

(Code 1982, § 26-107)

Sec. 70-157. Limited daytime parking in business area.

No person shall stop, stand or park any vehicle for more than one hour between the hours of 9:00 a.m. and 6:00 p.m. of any day except Sundays and legal holidays in front of any store, shop or place of business offering services to the public; provided, that this restriction shall not apply in those areas where parking is otherwise limited or restricted to less than one hour, or where parking is forbidden, or within any loading zone, taxi stand or bus stop.

(Code 1982, § 26-108)

Sec. 70-158. Parking time limited on streets; winter nighttime parking.

- (a) When signs are erected in each block giving notice thereof, no person shall park a vehicle for longer than the period of time specified thereon between the hours prescribed thereon, upon any of the streets or parts of streets specified by the city council.
- (b) Parking vehicles upon any street in the city for more than one hour between the hours of 12:00 midnight and 6:00 a.m. each day during the period commencing December 1 of each year and ending March 31 of the following year is hereby prohibited, except in cases of emergency. Provided, however, that this section shall not apply to such streets as are specified by the city council.
- (c) The foregoing provisions shall not apply to automobiles belonging to or used by the following; physicians, nurses, persons employed in night work and using such automobiles in their business or as a means of conveyance; taxicabs in their regular stands; municipal employees or officers of the city engaged in public business; persons attending a house or establishment where a deceased is being prepared or kept for burial; police or fire departments.

(Code 1982, §§ 26-109--26-115; Ord. No. 99-6, 4-1-99; Ord. No. 08-11, 1-15-09; Ord. No. 11-03, 4-14-2011)

Secs. 70-159--70-165. Reserved.

Sec. 70-166. Parking in alleys prohibited.



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: March 7, 2012
RE: March 12, 2012 Planning Board Agenda Item V(C)

Proposed Political Sign Amendment

On February 14, 2012, the City Council conducted a workshop to discuss political signs. Specifically, the discussion focused on whether or not political signs should continue to be permitted in the public right-of-way of any street or highway; be subject to size restrictions, and should the ordinance be amended to authorize staff to remove illegal political signs. In view of this discussion, staff prepared two proposed amendments:

Option A: Proposed amendment to Zoning and Land Use Code, Article XII, Section 16(b) (1), Political Signs, to authorize staff to remove illegal political signs.

Option B: Proposed amendment to Zoning and Land Use Code, Article XII, Section 16(b) (1), Political Signs, to prohibit the placement of political signs within the public right-of-way and to authorize staff to remove removal illegal political signs.

On March 6, 2012 the Council held a public hearing and voted 7-0 for first passage of a proposed amendment to authorize staff to remove illegal political signs (Option A) and that the matter be referred to the Planning Board for their review and recommendation pursuant to Article XVII, Section 5(b) of the Zoning and Land Use Code. Option B failed.

At this time, staff is providing the Board an update of the Council's action and the proposed language to be considered at a future public hearing. Once the Planning Board has conducted a public hearing and made their recommendation on Option A, the matter will be returned to the Council for a second reading/public hearing.

NO ACTION NECESSARY



City of Lewiston, Maine

Department of City Clerk

Kathleen M. Montejo, MMC
City Clerk & Registrar of Voters

Kelly J. Merzier, CMC
Deputy City Clerk



CERTIFICATION OF CITY COUNCIL ACTION

I, Kathleen M. Montejo, City Clerk of Lewiston, Maine, do hereby certify that the following action was taken by the Lewiston City Council at a public meeting of the City Council, held on Tuesday, March 6, 2012:

PUBLIC HEARING AND FIRST PASSAGE FOR LAND USE CODE AMENDMENTS CONCERNING THE PLACEMENT OF POLITICAL CAMPAIGN SIGNS AND REFERRAL OF ISSUE TO THE PLANNING BOARD

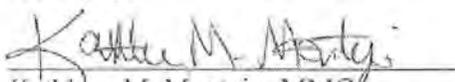
VOTE (77-2012)

Motion by Councilor Butler, seconded by Councilor Christ:

That the proposed amendment to Appendix A, Article XII "Performance Standards", Section 16, "Signs", of the City Zoning and Land Use Code, concerning authorization for city staff to remove illegally placed political signs (Option A), receive first passage by a roll call vote and that the matter be referred to the Planning Board for their review and recommendation.

Passed - Vote 7-0

ATTEST:


Kathleen M. Montejo, MMC
City Clerk

March 8, 2012
Date

AN ORDINANCE PERTAINING TO ZONING AND LAND USE PERFORMANCE
STANDARDS RELATIVE TO POLITICAL SIGNS

THE CITY OF LEWISTON HEREBY ORDAINS:

APPENDIX A

ZONING AND LAND USE CODE

ARTICLE XII.

PERFORMANCE STANDARDS

Sec. 16. Signs.

(b) *Signs permitted in all districts.*

(1) The following types of signs may be erected in all zoning districts without obtaining a permit from the code enforcement official:

c. *Temporary signs.* Temporary signs listed below shall not be placed in a position that will impair vision, obstruct traffic, or in any manner create a hazard or nuisance to the general public.

5. *Political signs.* Signs of a temporary nature bearing political messages relating to an election, primary or referendum may be placed ~~within or~~ outside the public right-of way of any street or highway in accordance with the timelines established in M.R.S.A. Title 23, §1913-A, Section 1(H). Political signs ~~located within or outside the right-of-way~~ are prohibited on ~~or in front of~~ City owned property including schools, parks, cemeteries, ~~and~~ municipally owned buildings and within the public right-of-way of any street or highway. Notwithstanding Article V, Sec. 7, the code enforcement official may remove any political signs erected contrary to this section.

(g) *Prohibited signs.* The following signs are prohibited in all areas of the city, except as otherwise provided in these regulations:

(3) *Signs in street right-of-way.* No sign except ~~political signs~~, traffic and similar public safety signs, erected in accordance with the Code of Ordinances, official business directional signs erected in accordance with subsection (e) of these regulations, and publicly erected information kiosks, special intracommunity service signs, or sign boards and signs approved by the city council advertising civic events and function shall be located in the public right-of-way of any street or highway.

REASON FOR PROPOSED AMENDMENT

The Zoning and Land Use Code currently allows for the placement of political signs within the public right-of-way of any street or highway; however, prior to May 5, 2008 political signs were not allowed to be placed within the public right-of-way of any street or highway. In view of the significant numbers of political signs that clutter median strips and the sides of streets this proposed amendment prohibits the placement of political signs within the public right-of-way of any street or highway.

The Zoning and Land Use Code does not contain a provision that authorizes the code enforcement official to remove illegal political signs; however, M.R.S.A. Title 23, §1917 Section 5, provides for immediate removal of illegal signs located with the public right-of-way, by the Commissioner of the Maine Department of Transportation (MDOT) and it is the position of the MDOT that municipalities may remove illegal political signs located within the public right-of-way. Illegal signs are deemed to be signs that create public safety issues and/or are located within the interstate system. Consistent with MDOT's position on the removal of illegal political signs, the code enforcement official removes such signs along with signs erected contrary to the Zoning and Land Use Code. This amendment will specifically provide for such authorization.

CONFORMANCE WITH COMPREHENSIVE PLAN

Review permitting and licensing policies and practices to see where they can be streamlined in order to better service the development community. . . (see Economy, Policy 1, Strategy C, p 39).