

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
MARCH 4, 2014**

6:00 p.m. Workshop

- A. Downtown Circulation Study (30 minutes)
- B. Lewiston Lower Rail to Trail Proposal (20 minutes)

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag.
Moment of Silence.

Update from the Lewiston Youth Advisory Council
Acceptance of minutes of the meeting of February 4, 2014.

Public Comment period - Any member of the public may make comments regarding issues pertaining to Lewiston City Government (maximum time limit is 15 minutes for all comments)

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 5.

REGULAR BUSINESS:

1. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Carlton Club, 25 Sabattus Street.
2. Public Hearing and Final Passage regarding an amendment to the Business Licensing ordinance regarding garage sale permits.
3. Public Hearing and First Passage for the conditional rezoning of the property at 1 Walnut Street from the Downtown Residential (DR) District to the Centreville (CV) District.
4. Public Hearing and First Passage for an amendment to the conditional rezoning agreement for the property at 170 Summer Street.
5. Public Hearing and Order regarding consolidation of citywide polling places for the June 10, 2014, state primary and special municipal election.
6. Amendment to the Traffic Schedule regarding a change of parking regulations for a portion of College Street.
7. Amendment to the Traffic Schedule regarding a change of parking regulations for a portion of Middle Street.
8. Review of proposed options for the Pettingill School Park and Residential Development Proposal.
9. Resolve accepting the donation of a 2003 Ford Ambulance from United Ambulance.
10. Order authorizing the Deputy City Administrator to execute a Fiscal Sponsorship Grant Agreement with Tri-County Mental Health Services - Accessible Playground.
11. Reports and Updates.
12. Any other City Business Councilors or others may have relating to Lewiston City Government.

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, March 4, 2014
6:00 P.M.

1. Downtown Circulation Study – 30 minutes

A copy of the Downtown Circulation Study has been separately provided and can be found online at <http://www.avcog.org/DocumentCenter/View/931>. The attached memo and recommendation summary outlines the major proposals advanced by the study and includes a spreadsheet that provides staff's recommendation on which proposals should be accepted.

2. Rail to Trail Proposal – Lewiston Lower Rail Line – 20 minutes

The Lewiston Lower line runs from Brunswick through Lisbon to Lewiston. In Lewiston, it passes near Exit 80 and ends near the Lincoln/Cedar Street intersection. The Town of Lisbon has initiated an effort to investigate the conversion of this line, which is currently unused for rail service, to a trail. It has been included in the Androscoggin Land Trust's Androscoggin River Greenway Plan, the Bike-Ped plan developed by AVCOG, and has been endorsed by the Lewiston-Auburn Bike Ped Committee and the City of Auburn. The Bike Ped Committee has requested that the City Council adopt a resolution in support of this plan. Please see the attached information.



City of Lewiston Executive Department

EDWARD A. BARRETT
City Administrator

PHIL NADEAU
Deputy City Administrator



February 27, 2014

To: Honorable Mayor and Members of the City Council
Fr: Edward A. Barrett
Su: Downtown Circulation Study

Attached please find a copy of the Downtown Circulation Study completed this fall by Gorrill-Palmer Consulting Engineers and funded through the Androscoggin Traffic Resource Center (ATRC) by a combination of state, federal, and local resources.. Please note that the attached copy does not include the rather voluminous appendix to the report which catalogues the actual data compiled during the study period. That appendix as well as the full report, can be found on line at <http://www.avcog.org/DocumentCenter/View/931>.

This study was initiated based on concerns expressed by the prior Council that the City lacked an overall plan to address traffic and circulation needs in the area. The goal was to provide a series of recommendations that would improve vehicle, pedestrian, and bicycle traffic in the area. The consultant worked with an Advisory Committee composed of representatives of the City Council, the Police and Fire Departments, the Bike Ped Committee, and the Downtown Neighborhood Advisory Committee. Additional staff support was provided by ATRC, Public Works, Planning, and the City Administrator's Office. Several general public meetings were held to gather ideas and concerns from interested residents and to provide comment on the draft of the final report.

The recommendations of the report, including cost estimates, can be found in the attached Lewiston Downtown Neighborhood Circulation Study – Addendum. While the actual report goes into greater detail, this addendum is a handy guide to the study's recommendations and estimated costs.

City staff, the Bike Ped Committee, and the Downtown Neighborhood Action Committee have reviewed and commented on the report. An attached spreadsheet summarizes the recommendations, staff's position on whether the proposal should be adopted, and related comments.

In general, staff is supportive of the report with several exceptions and caveats. Those are:

- We do not recommend eliminating three traffic signals on Lisbon (at Chestnut, Pine, and Ash) and two on Bates (Pine and Ash). At most of these locations, there are intersection sight line issues. In addition, some of these signals are equipped to assist the Fire Department in using one of its major response routes (Ash Street) from Central Station. The current system is pedestrian friendly, offering good crossing locations and frequent

breaks in traffic. Those breaks also assist motorists in entering and leaving parallel parking spaces.

- While we support redesigning residential streets to accommodate bikes and pedestrians, the proposed design principals may need to be modified in certain locations, most notably on collector streets serving the area (Bartlett, Ash, and Pine).
- While we again support modifying the Canal/Ash intersection, those improvements should be integrated into an overall plan for Canal Street given the recommendations of the Riverfront Island Study and what we may see from the upcoming comprehensive plan.
- Whether the City should or should not maintain the current downtown one-way system remains an area of controversy with conflicting reports from this study, the riverfront island study, and potentially the upcoming comprehensive plan. The differing recommendations may, in part, be a result of the differing missions of these studies. The circulation study focused on the efficient movement of people and traffic through the downtown. The riverfront island study provided some alternate recommendations based on a concern that the current system makes it difficult for those unfamiliar with the area to find their way to and through the area. The City's comprehensive plan will potentially introduce other concerns, such as the value of two way traffic for downtown residential operations. This area, therefore, remains open and we suggest that no final decision be made at this point.

The attachments begin with the Addendum that summarizes the report's recommendations and provides cost estimates. The spreadsheet summarizing staff's recommendations follows. The full report can be found at the end.

Staff will be present at Tuesday's meeting to review the recommendations included in the plan and answer any questions the Council may have.

Lewiston Downtown Neighborhood Circulation Study - Addendum

This addendum is provided as a supplement to the August 2013 Final Report of the same name. The purpose of this Addendum is to provide additional information to aid the City of Lewiston and ATRC in prioritizing the alternatives and recommendations. For the purposes of ease of review, we have provided the "Alternatives / Recommendations" section of the study (*shown in italics*) followed by the preliminary opinion of cost range. To provide a more detailed preliminary opinion of cost, significantly more detail would be required than was collected for this study. However, a general range of potential costs (not including additional right-of-way if needed) is provided to give the City and ATRC an order of magnitude as follows:

- Less than \$10,000
- \$10,000 – \$50,000
- \$50,000 – \$100,000
- \$100,000 - \$250,000
- Greater than \$250,000

Based on our own review of the collected data, field reviews, input from ATRC, Lewiston Staff, the Advisory Committee and the public, there were numerous specific and general locations within the study area where concerns were raised and alternatives or recommendations identified to address the concerns. Those alternatives and recommendations were as follows:

- *Removal of Unwarranted Traffic Signals*
- *Cedar Street*
- *Bates Street - Bus Area*
- *Residential Streets*
- *Lisbon Street at Cedar Street*
- *Ash Street at Canal Street*
- *Additional Striping*
- *Consistency Throughout Study Area*
- *Improve Intersection Safety*
- *Bicycle Lanes*
- *One-way Streets*

The following is a more detailed description of the Alternatives and Recommendations.

Removal of Unwarranted Traffic Signals

As identified in a previous section, there are five locations that are currently signalized that do not meet warrants for signalization. We recommend that the City pursue having these signals removed. This process should be a gradual transition of first putting them on flashing mode and monitoring how the intersection functions. If they function at an acceptable level, they can then be removed and STOP signs erected as appropriate depending on the specific location as identified previously. We recommend that the number of locations

where the removal of signals is being undertaken be limited to one or two at a time and not all at once.

Preliminary Opinion of Cost per intersection – Less than \$10,000

Cedar Street

As discussed previously, reducing the existing number of lanes to something less than the current four lane configuration in the area of the bridge to Auburn was something the City wanted to pursue to provide additional pavement width for bicyclists. We explored numerous options, all of which would provide additional width for bicyclists and some of which appeared feasible to stay within the existing paved width. The chosen concept (Figure 3C in Appendix A) included a single travel lane in each direction with a combination median and center two-way left turn lane.

Preliminary Opinion of Cost - \$50,000 - \$100,000 (See Figure 3C of Appendix A in Study)

Bates Street – Bus Station Area

Bates Street in the area of the fire station and bus facility was identified as having too much wide open pavement with little definition and direction for vehicles and bicyclists. After reviewing this area, some form of channelization island (either raised or flush) is proposed that will separate bus loading and unloading areas from vehicular and bicycle traffic. This would result in a cross section that would include a bus lane, bicycle lane, and a single vehicle lane in each direction. Currently there are two northbound travel lanes on Bates Street that will be reduced to a single lane; however, a single travel lane appears to be sufficient given the traffic volumes. We recommend that if the City move forward with this alternative, that they utilize actual buses in laying out where the islands should be located to ensure all appropriate bus maneuvers can still be accomplished. See Figure 4 in Appendix A.

Preliminary Opinion of Cost - \$10,000 - \$50,000 (See Figure 4 of Appendix A in Study)

Residential Streets

A large portion of the study area is residential in nature. Most of the Streets through the neighborhoods are wide expanses of pavement (approximately 35-36 feet) with little direction to drivers, bicyclists or pedestrians. Based on our field review, the majority of the sidewalks and handicap accessible ramps were non-compliant and / or difficult to navigate. This pedestrian network is critical to encouraging more walking and less reliance on vehicles; especially given the proximity to a large business section of the City, scattered smaller businesses throughout the neighborhood, recreational opportunities in the area, and schools.

The City is currently planning on modifying Walnut Street from Bates Street to Horton Street. This modification includes additional greenspace, narrowing of the intersection throats, ADA compliant handicap ramps, and new sidewalks. These improvements will

beautify the area, give more direction to drivers, potentially slow vehicles down, and encourage pedestrians to use the neighborhood network. We strongly encourage the City to expand on their efforts in the near future and modify other residential streets within the area to encourage pedestrians and discourage cut through traffic but provide for local traffic.

Preliminary Opinion of Cost per roadway – Greater than \$250,000 per roadway

Figures A-J in Appendix A show conceptual layouts of what some of the residential streets would look like with similar modifications as to what is planned for Walnut Street. This includes new or reconstructed sidewalks with ADA compliant handicap ramps, landscaped esplanades, and pedestrian bump-outs. This type of treatment will enhance the pedestrian environment while making drivers aware they are in a neighborhood and should be cautious of pedestrians and bicyclists.

Lisbon Street Single Lane Extension

Within the study area, Lisbon Street is one-way from south to north. The southerly section is clearly delineated as two lanes. However, as vehicles travel northerly it becomes more ambiguous after crossing through the Chestnut Street intersection as to whether or not it is a single lane or two lanes. This concern was echoed from the advisory committee as well as the public. After field reviewing the area and reviewing the traffic volumes, we recommend that the two clearly defined travel lanes in the southerly section terminate at the Cedar Street intersection with overhead and ground mounted directional signs that direct the drivers in the left most lane to Auburn and the drivers in the right most lane to Downtown Lewiston. There is currently an overhead mast arm that could be modified to serve the purpose of the overhead sign. From this intersection northerly, Lisbon Street would become a single lane. Currently there are two approach lanes striped at the existing signalized intersections on Lisbon Street, one for the through traffic and one as an auxiliary lane. If the signals are removed as discussed previously, then the approaches to the intersections could be narrowed to a single approach lane, which in turn would also improve sight distances and shorten pedestrian crossings.

We recommend edge line striping be provided to identify to the driver that they are now in a single lane. This modification would allow the City to restripe that second travel lane to either angled parking, sidewalk widening, green space, or bicycle accommodations (see also "Bicycle Lanes" section).

Preliminary Opinion of Cost – Less than \$10,000 (Striping /Signing)

Ash Street at Canal Street

It was identified that the current geometric design of this intersection would benefit from reconfiguration. The current configuration has drivers traveling down the one-way Ash Street and intersecting Canal Street at an acute angle and directed into a second lane on Canal Street that starts at this intersection. Ash Street is required to STOP before entering onto Canal Street. To exacerbate this problem, the second lane on Canal Street that starts at this intersection is also used by vehicles wishing to enter or exit the adjacent garage creating weaving issues and problems with some vehicles using this lane to accelerate while others

use it to decelerate. To improve this area, we are recommending the modifications shown on Figure 5 of Appendix A. In addition to reconfiguring the Ash Street approach to encourage stopping, it also includes converting the left most lane in front of the garage to a combination of deceleration lane, extension of exit lane, and green space. This should improve this area by encouraging Ash Street vehicles to stop, eliminating the conflict between accelerating and decelerating vehicles, improving the available sight distance for vehicles exiting the garage, and providing additional green space.

Preliminary Opinion of Cost - \$50,000 - \$100,000 (See Figure 5 of Appendix A in Study)

Additional Striping

There are numerous sections of roadway throughout the study area where the pavement is wide and there is little to no direction to drivers as to where they should be positioned, sometimes leading to confusion if there is a single or two lanes of traffic. This makes it difficult for drivers, bicyclists, and pedestrians.

We recommend that edge line striping be provided on the arterial and collector roads to assist drivers in determining where they should be positioned, help reduce vehicular speed, provide additional areas for bicyclists and assist pedestrians in crossing the street.

Preliminary Opinion of Cost – Less than \$10,000 (approximately 40 cents per foot avg)

Consistency Through-out the Study Area

Based on our field review, there is inconsistency for numerous items throughout the study area, potentially creating confusion for drivers, bicyclists, and pedestrians. Those items are as follows listed in order of priority from most to least:

Crosswalk Design – There were numerous crosswalk designs throughout the study area including just parallel lines, “piano key” style, and brick design. Some crosswalks were marked while others were not. We recommend that all crosswalks be marked with either the parallel lines or the “piano keys”. We recommend that the “piano keys” be used in the business area of the downtown where a pedestrian crosses an arterial or collector roadway and parallel lines be used in the residential area and across local roads. We recommend the “piano keys” adjacent to schools regardless of location.

Preliminary Opinion of Cost - Less than \$10,000 (approximately \$5.50 per foot avg)

Location of no parking – There appeared to be some inconsistency as to how close parking was allowed near an intersection. In some locations it was right up to the intersection and in others it was further back. We recommend the City follow the guidelines provided in the *Manual on Uniform Traffic Control Devices (MUTCD)* which is primarily a minimum of 20 feet for an unsignalized intersection and a minimum of 30 feet for a signalized intersection, measured from the intersecting road or the nearest edge of crosswalk to the STOP bar.

Preliminary Opinion of Cost – Not Applicable

Way-Finding Signs – One of the observations that was made, and reiterated by the Advisory Committee, is the need for way-finding signs. This was made apparent when reviewing the parking. There was comment that on-street parking could be full, with drivers looking for spaces when the parking garages had ample spaces available. However, there did not appear to be clear way-finding signs to direct drivers to the parking garages. We recommend that the City revisit their way-finding signage program with a focus on those public facilities within the area that could be considered high destination locations such as City Hall, parking garages, parks, schools etc...

Preliminary Opinion of Cost - \$10,000 - \$50,000

Improve Intersection Safety

Based on a review of the Crash History and a field review of the HCL, there is some mitigation that could be pursued for some of the locations.

Bartlett / Sabattus / Oak – *There is a crash pattern primarily of angle crashes with vehicles from Oak Street and those traveling through on Sabattus Street. Possible mitigation for the intersection may include the following:*

- Additional Striping and/or medians for channelization
Preliminary Opinion of Cost - \$10,000 - \$50,000*
- Potential widening of the north leg of Oak Street because westbound Sabattus Street vehicles turning right onto Oak Street do not appear to have an adequate radius due to a building that is on the corner
Preliminary Opinion of Cost - \$10,000 - \$50,000*

Park / Pine – *This intersection has a crash pattern of angle crashes. The apparent additional mitigation that would address the pattern is adding overhead intersection beacons to the intersection.*

Preliminary Opinion of Cost - \$10,000 - \$50,000

Lisbon / Maple – *There was no clear pattern of crashes; however, we recommend that the southwest corner of the intersection be reconstructed to provide ADA ramps and better delineate the corner of the intersection.*

Preliminary Opinion of Cost - \$10,000 - \$50,000

Ash / Lisbon – *This intersection had a clear angle crash pattern (approximately 11 crashes that were similar). This signalized intersection is one that was identified as recommending removal of the signal. If for some reason the decision is made to keep this intersection signalized, we recommend that the second signal for the Lisbon Street approach be installed.*

Preliminary Opinion of Cost - \$10,000 - \$50,000 (for second signal)

Bartlett from Birch to Walnut – This section of roadway has no clear crash pattern. This section is one that is recommended for reconstruction similar to the current Walnut Street reconstruction. (See “Residential Streets”)

Lisbon from Chestnut to Pine - It is recommended this section of roadway be striped for edge lines. For this section, the edge line would delineate the section as one lane of traffic and also provide a buffer area between the vehicles and the parked cars.

Preliminary Opinion of Cost – Less than \$10,000

Lisbon from Ash to a park access – This section of roadway experienced similar crashes to the previous section of Lisbon Street in that most of the crashes involved parked vehicles. Similar to the previous section, this is a section that we recommend the striping of an edge line on each side such that it further delineates the single thru lane and provides a buffer between vehicles and parked cars.

Preliminary Opinion of Cost - Less than \$10,000

Bicycle Lanes

Preferred bicycle lanes were identified in a previous study, *Bridging the Gaps* (December 2008). As part of this study, we reviewed the conclusions of that study and identified the locations of the preferred bike routes as shown on Figure 2B of Appendix A. Based on a review of those conclusions and our own field review, we do not recommend any additional bicycle lanes with the exception of a section of Lisbon Street which is consistent with the previous study.

Lisbon Street – Currently Park Street serves bicyclists who desire to travel from north to south in the business section of the study area. However, there are no designated bicycle lanes for bicyclists who are traveling from south to north in that part of the study area. As described previously (“Lisbon Street Single Lane Extension”) we are recommending that two travel lanes be maintained for the southerly section of Lisbon Street (up to Cedar St.) and a single travel lane be provided for the northerly section of Lisbon Street (Cedar St. to Main St.). There appears to be enough width in the northerly single lane section to allow for a striped bicycle lane, while for the southerly section where width is more limited, we recommend that sharrows (combination of bike symbols with chevrons / arrows) be striped in the right most travel lane to remind drivers to share the lane with bicyclists. This combination of sharrows and striped bicycle lane will provide a corridor to compliment Park Street and provide accommodations for bicyclists traveling from south to north.

Preliminary Opinion of Cost - Less than \$10,000

In the northerly single lane section, there are cobble stone strips for a portion of the section. Before a bicycle lane could be striped, the cobble stones would need to be removed and replaced with a smoother surface.

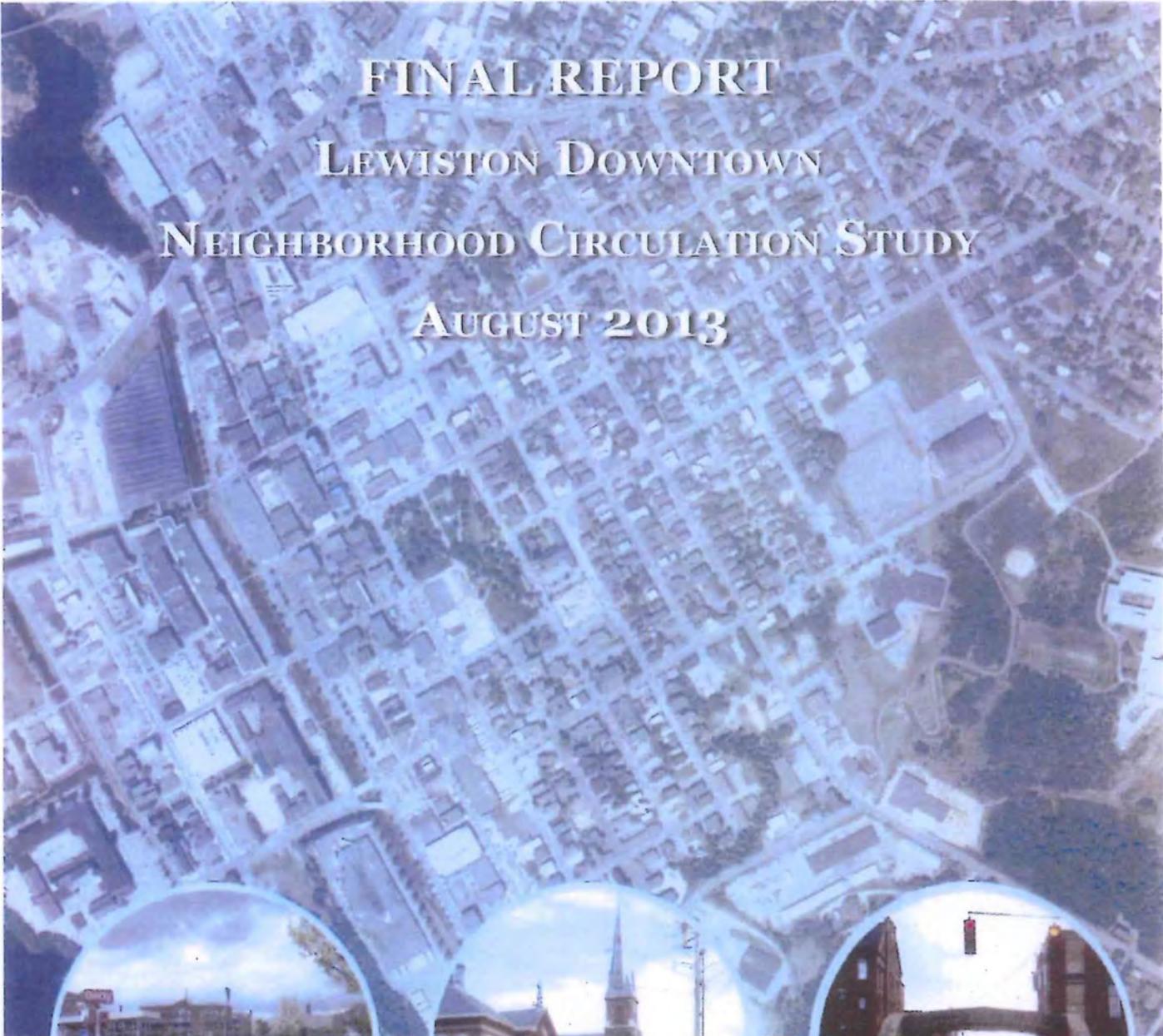
Preliminary Opinion of Cost - \$10,000 - \$50,000

One – Way Streets

As part of this study, we identified (See previously presented Figure 2B) and reviewed the existing one-way roadways within the study area. It is our conclusion that although the City could probably switch some of the streets from one-way to two-way, what they have appears to work and we propose that it will work even better once the recommendations identified in this report are implemented. For that reason, we do not recommend that any of the one-ways be converted back to two-way.

Preliminary Opinion of Cost – Not Applicable

RECOMMENDATION	STAFF POSITION	COMMENTS
Remove 5 traffic signals - 3 on Lisbon St., 2 on Bates St.	Decline	Current Works Well; Limited Sight Lines; Fire Concerns
Reduce travel lanes on Cedar St.	Accept	Proposed in FY 15 LCIP
Improve Bus Area on Bates St.	Accept	Proposed in FY 16 LCIP
Clean up residential streets and make more accomodating to pedestrian / bicycle	Accept	Potential Site Specific Modifications to Proposal
Lisbon Street to One Lane -- Cedar to Main	Accept	Restripe
Improve geometrics of Ash St. at Canal St.	Accept	May Require Modifications Due to Other Planned Canal St. Work
Additional Striping - improve delineation, reduce travel speeds	Accept	On-going
Improve consistency for crosswalks, no parking near intersections, wayfinding	Accept	On-going. Wayfinding Project Partially Funded
improve intersection safety - Improve High Crash Locations (HCLs)	Accept	On-going
Do NOT recommend additional bicycle lanes	Accept	Follow ATRC Bike Ped Plan
DO NOT recommend conversion of one-way streets	HOLD	Competing Recommendations in Various Plans



FINAL REPORT
LEWISTON DOWNTOWN
NEIGHBORHOOD CIRCULATION STUDY
AUGUST 2013



PREPARED FOR:
*City of Lewiston and
Androscoggin Transportation
Resource Center (ATRC)*

PREPARED BY:
*Gorrill-Palmer Consulting Engineers, Inc.
P.O. Box 1237, 15 Shaker Road
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Lewiston Downtown Neighborhood Circulation Study

Final Report Lewiston Downtown Neighborhood Circulation Study August 2013

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Appendix A

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Lewiston Downtown Neighborhood Circulation Study

Study Process

This study was completed with the input from the general public, an Advisory Committee, City Staff and ATRC. Public input is beneficial to the study process creating a community consensus on the recommendations. There were two public meetings held for this project; one at the beginning of the project to receive initial input on the potential issues associated with the study area and the second meeting was held after the initial data was collected and preliminary concepts were created so that feedback could be received. There were four Advisory Committee meetings spaced throughout the study process to provide valuable input on transportation (including vehicles, bicycles and pedestrians) issues and concerns with the study area and to help guide the study process.

Acknowledgements

Special thanks go to those individuals who comprised the Advisory Committee, City Staff, and ATRC. They were integral in the completion of this study.

Advisory Committee

James Minkowsky
Michael Dostie
Brian Banton
Sherie Blumenthal
Mark Fuller
Paul LeClair
Craig Saddlemire

Staff

Ed Barrett
David Hediger
Richard Burnham
Jennifer Williams
Jason Ready

Lewiston Downtown Neighborhood Circulation Study

Executive Summary

Preface

The study area includes the downtown business area around Kennedy Park, the library, bus station and the surrounding neighborhoods to Adams Avenue, Webster Avenue and Sabattus Street. This area has been studied for years; focusing on specific aspects including bicycle / pedestrian accommodations, neighborhoods, traffic and a master plan. The fact that the City has invested so much effort, time and money in this area illustrates how much this area means to the City, and how critical they feel the function and aesthetics of the area are on the City itself. This area serves a wide spectrum of users that varies from neighborhoods, parks and schools to both small and large businesses.

Gorrill-Palmer Consulting Engineers Inc. was retained by the City for this ATRC - funded study to provide a series of recommendations and design strategies that would balance mobility for motorized vehicles, while at the same time making for a pedestrian and bicycle friendly environment that ties the residential neighborhoods and the business portions of the downtown area together.

Alternatives / Recommendations

There are numerous alternatives and recommendations presented throughout the study area that are oriented to the City achieving their stated goal of improving vehicle, pedestrian and bicycle traffic. Some of those alternatives and recommendations are as follows:

- Residential Streets – Beautification, improved pedestrian / bicycle accommodations
- Traffic Signal Removal – Recommend five signals to be removed; including three on Lisbon Street and two on Bates Street
- Cedar Street – Reduce the number of travel lanes from four lanes to three lanes
- Bates Street - Bus Area – Improve Channelization and delineation
- Lisbon Street at Cedar Street – Extend the Lisbon Street single lane back to Cedar St.
- Ash Street at Canal Street – Modify existing geometrics to reduce weaving, improve speed differentials, improve sight distances, beautify
- Additional Striping – To improve delineation, reduce travel speeds, provide buffers for bicycles and parked vehicles
- Consistency Throughout Study Area – Improve consistency for crosswalks, parking spaces, way-finding signs
- Improve Intersection Safety – Advance Signage, signal head orientation, revise geometrics
- Bicycle Lanes – With the exception of a small portion of Lisbon Street, we do not recommend additional bicycle lanes beyond those identified in previous studies
- One-way Streets – Do not recommend conversion of any street from one-way to two-way or two-way to one-way

Lewiston Downtown Neighborhood Circulation Study

Introduction

Project Background

Downtown Lewiston has experienced a true renaissance, with new housing, businesses and cultural activities emerging over the past decade. Recently all but lifeless, lower Lisbon Street has seen incoming businesses, from those established by a new wave of immigrants to higher end boutiques and restaurants. The past few years have seen art walks and film festivals, bringing life after hours to the commercial district. Upper stories of older buildings are being converted (or reconverted) to housing, and several new housing projects have gone up within a few blocks of Kennedy Park. The primarily residential easterly portion of the study area has seen increasing demand as new residents with families rent out apartments along streets that had been losing tenants.

This resurgence of urban activity and increasing population density in places that have lost population for decades has brought added pressure for the need of a transportation network that not only works well for motorists, but also allows walkers, cyclists, and transit users to benefit from a balanced transportation plan.

Study Area

The study area for this project is shown on the following plan and includes the area from Sabattus and Main Streets southerly to Adams Street, and from the canal to Webster Street. This area is extremely diverse in that it includes large and small businesses toward the southerly and westerly portions of the study area and primarily residential areas toward the easterly portion of the study area.

Project Goals

This area of Lewiston includes a diverse mixture of businesses, residential, parks, schools, and municipal offices. This combination of uses provides an opportunity for increased pedestrian and bicycle use as residents can access the businesses.

To take advantage of this diverse mixture of uses, the City and ATRC, stated in the request for proposals that; *"The primary purpose of the project is to develop recommendations that would improve vehicle, bicycle, and pedestrian traffic in the project area."*



Rev.	Date	Revision

Design: RED	Date: AUG 2013
Draft: LAN	Job No.: 2674
Checked: RED	Scale: NONE
File Name: 2674-Study area	


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Drawing Name:	Study Area
Project:	Downtown Traffic Study, Lewiston, Maine

Figure No.
A

Lewiston Downtown Neighborhood Circulation Study

Existing Conditions

The study area includes the downtown business area around Kennedy Park, the library, bus station and the surrounding neighborhoods to Adams Avenue, Webster Avenue and Sabattus Street. This area of Lewiston varies from residential neighborhoods with parks and schools in the central to easterly section of the study area to small and large businesses in the westerly section of the study area. The traffic volume on the streets varies from thousands of vehicles per day in the business section to hundreds of vehicles per day within the residential neighborhoods.

There are numerous one-way streets throughout the area with Canal Street and Lisbon Street acting as a one-way pair while Ash Street and Pine Street act as a second one-way pair perpendicular to the first set. There are currently seven signalized intersections within the body of the study area. Parking within the study area also varies considerably from metered angled and parallel parking, to restricted parking times, to free parking.

Pedestrian accommodations are present throughout the the study area; however, not all of it is compliant or up to current standards. The bicycle routes throughout the study area are shown of Figure 2B in Appendix A.

Previous Studies

The following studies were considered in doing this downtown circulation study.

Lewiston/Auburn Downtown Central Business District Study (2007)

This effort examined operations in downtown Lewiston (and Auburn) primarily from a mobility perspective, with a focus on level of service and general intersection operations. However, a number of recommendations regarding one-way and/or two-way streets were provided, including changes to Canal Street, Middle Street and Park Street.

Bridging the Gaps: Bike/Pedestrian Plan Update (2008)

A regional study for the entire ATRC area, this report contained a number of recommendations for streets within the downtown area, including sidewalk and bicycle lane changes. In addition, the project contained recommendations for updated striping standards, way finding signage, use of bicycle boxes at signalized intersections, and other low-cost, yet potentially effective solutions that would benefit all modes of traffic, but in particular non-motorized ones. It should be noted that, as this plan must be updated every five years or so, a new update should be forthcoming near the end of 2013.

Lewiston Downtown Neighborhood Circulation Study

The Third Place (2009)

This study was developed by the Downtown Neighborhood Task Force with a focus to "...facilitate and foster broader, more creative interaction and discussion surrounding Lewiston's downtown neighborhood." It focused on a residential oriented subset of the study area for this project. The Third Place helped to describe neighborhood area and its' residences to the east of Kennedy Park and provide ideas for moving the neighborhood forward and establishing ground rules for accomplishing the goals of the neighborhood.

Riverfront Island Master Plan (2012)

The Riverfront Island Master Plan has examined the potential for the Riverfront Island portion of Lewiston, directly adjacent to the downtown study area envisioned for this project. While it focused on a different portion of the City, its preliminary recommendations, which included new mixed-use development and focal points for recreational activity such as the canal system, could influence activity in the remaining downtown area. As such, its implementation should be considered carefully as this project moves ahead.

Data Collection

Since this area has undergone previous review, Gorrill-Palmer assembled this information and supplemented it with additional information to provide a complete picture. Additional collected data included the following:

- Completed turning movement counts for both the weekday AM and PM peak time periods at the following locations.
 - Bates St. / Ash St.
 - Bates St. / Pine St.
 - Bartlett St. / Birch St.
 - Cedar St. / Lincoln St.
 - Bates St. / Birch St.

A summary of the peak hours from the above counts as well as counts collected by others is provided on Figure 1 in Appendix A.

- Collected an Automatic Traffic Recorder (ATR) count on Cedar Street just east of the intersection with Lincoln Street for 48 hours. Based on that collected data, we forecasted average daily traffic for each direction as shown on Figure 1.
- Obtained collision history of the area. This is discussed in more detail later in the next section.
- Did an extensive GIS inventory of bike lanes and parking in the business area. We also identified the existing one-way patterns of the study area.

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Collision History

Gorrill-Palmer Consulting Engineers, Inc. obtained the crash data from MaineDOT for the period of 2010-2012, the latest three year period available at the time the collision history was requested. A copy of the crash data is provided in Appendix A.

In order to evaluate whether a location has a crash problem, MaineDOT uses two criteria to define a High Crash Location (HCL). Both criteria must be met in order to be classified as an HCL.

1. A critical rate factor of 1.00 or more for a three-year period. A Critical Rate Factor (CRF) compares the actual crash rate to the rate for a similar intersection in the state. A CRF of less than 1.00 indicates a rate of less than average.
2. A minimum of eight crashes over the same three-year period.

Based on the history, the following locations are High Crash Locations:

Maine DOT Crash Data for 2010-2012: Intersections

Node	Intersection	# of Collisions	CRF	HCL?
3364	Bartlett / Oak / Sabattus	18	4.14	Yes
3477	Park / Pine	12	4.54	Yes
3662	Lisbon / Maple	13	2.81	Yes
3666	Ash / Lisbon	14	1.17	Yes

Maine DOT Crash Data for 2010-2012: Roadway Segments

Nodes	Roadway Segment	# of Collisions	CRF	HCL?
3340-4268	Bartlett from Birch to Walnut	10	2.72	Yes
3664-3665	Lisbon from Chestnut to Pine	8	2.51	Yes
3666-4120	Lisbon from Ash to a park access	8	1.82	Yes

As the previous table identifies, there are seven high crash locations within the study area.

Potential Improvements for HCLs:

Based on a review of the police reports in the field for the high crash locations, we offer the following:

Bartlett / Sabattus / Oak – This intersection is a five legged unsignalized intersection with Bartlett Street being one-way away from the intersection. The intersection is a wide expanse of pavement with little to no channelization or guidance to the driver. There is a crash pattern primarily of angle crashes with vehicles from Oak Street and those traveling through on Sabattus. Possible mitigation for the intersection may include the following:

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- Additional Striping and/or medians for Channelization
- Potential widening of the north leg of Oak Street because westbound Sabattus vehicles turning right onto Oak Street do not appear to have an adequate radius due to a building that is on the corner

Park / Pine – This intersection is unsignalized with Pine Street one-way easterly and Park Street one-way southerly. Park Street is STOP controlled. This intersection has a pattern of angular crashes. The only apparent additional mitigation to address the pattern is adding overhead intersection beacons to the intersection.

Lisbon / Maple – This intersection is unsignalized with Lisbon Street having two lanes one-way northbound. Lisbon Street has the right-of-way and Maple Street is STOP controlled. The east leg of Maple Street is two-way; however, the west leg of Maple Street is one-way away from the intersection. There is no clear pattern of crashes; however, we recommend that the southwest corner of the intersection be reconstructed to provide ADA ramps and better delineate the corner of the intersection.

Ash / Lisbon – This is a signalized intersection and it is recommended in the Signal Warrant Analysis section of this report that the signal be removed. This intersection includes Lisbon Street which is one-way northbound and Ash Street which is one-way westbound. Both approaches to the intersection include two approach lanes, a left and thru for Lisbon Street and a thru and right for Ash Street. This intersection has a clear angle crash pattern (approximately 11 crashes that are similar). The morning of the field review there had just been a similar crash that required AD Electric to replace equipment that had been damaged in the crash. The signals for this intersection are all pedestal based and can be difficult to see. Exacerbating this is the fact that the Lisbon Street approach only has one signal head. The Manual on Uniform Traffic Control Devices (MUTCD) requires two signal heads. Furthermore, the sole signal head is located on the west side of the intersection and can be blocked to thru traffic if there is a vehicle in the adjacent left turn lane. As discussed in more detail in the following section, Signal Warrant Analysis, it is recommended that the signal be removed and that the intersection be converted to STOP control. If for some reason the decision is made to keep this intersection signalized, we recommend that the second signal for the Lisbon Street approach be installed.

Bartlett from Birch to Walnut – This section of roadway has no clear crash pattern. The section is typical of the neighborhood streets in the area; it is wide at approximately 36 feet, the pavement surface is rough, and the centerline striping has faded. This section is recommended for reconstruction similar to the current Walnut Street reconstruction. Improvements include reconstructed sidewalks, bumpouts and landscaping,

Lisbon from Chestnut to Pine – Lisbon Street in this section is one-way. It can be confusing to drivers if this section is one lane or two. It is anchored on each end by a signalized intersection but in the following section both these signals are recommended for removal. It is recommended that this section of roadway be striped for edge lines which would delineate the section as one lane of traffic and provide a buffer area between the vehicles and the parked cars.

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Lisbon from Ash to a park access – This section of roadway is very similar to the previous section of Lisbon Street in that most of the crashes involved parked vehicles. The roadway is a little easier to identify as only a single lane wide due to the cobblestone strips along the sides. Similar to the Lisbon Street from Chestnut to Pine section, we recommend the striping of an edge line on each side of the road such that it further delineates the single thru lane and provides a buffer between vehicles and parked cars.

Crash Statistics:

In addition to identifying the high crash locations, we also reviewed the overall crash patterns throughout the study area to see if there was something that was consistent in the crashes such as Unit Type, Time of Day, Driver Age, Traffic Control, Severity of Crash, Light Conditions, or part of a Yearly Traffic Pattern.

Unit Type –

Cars / Pick Up Truck	87%
School Bus	0.2%
Transit Bus	0.1%
Motorcycle	0.8%
Medium/Heavy Trucks	1.4%
Pedestrian	3.4%
Bicycles	1%
Other	6.1%

Time of Day – Approximately 86% of the crashes occurred between 6 AM and 6 PM.

Under the influence of Medications/Drugs/Alcohol – Based on the information provided, approximately 1.7 % of the crashes fell into this category.

Driver Age – Of the reported crashes, the following is a breakdown of the drivers by age.

<u>Age</u>	<u>% of Drivers</u>
15-19	5
20-24	12
25-29	12
30-39	17
40-49	17
50-59	14
60-69	9
70-79	5
80- Over	2
Unknown	7

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Intersection Traffic Control

Traffic Signal (Stop & Go)	30%
Traffic Signal (Flashing)	0.8%
All Way STOP	4%
STOP Sign (other)	27%
YIELD Sign	0.5%
No Passing Zone	0.3%
None	37%
Other	0.4%

Severity of Crash

No Injury	71%
Possible Injury	18%
Non-Incapacitating	9%
Incapacitating	2%
Fatality	0%

Light Condition

Daylight	80%
Dawn	0.7%
Dusk	1.7%
Dark-Lighted	16%
Dark-Not Lighted	0.9%
Dark-Unknown Lighting	0.5%
Unknown	0.2%

Yearly traffic pattern

According to MaineDOT crash data; 29% of the crashes were in 2010; 32% were in 2011; and 39% occurred in 2012. Unfortunately, the trend is for increasing in crashes.

Conclusion of Crash Statistics:

None of the criteria, in our opinion, appeared out of the ordinary for what would be expected in a downtown area such as this.

Collision History for Pedestrians and Bicycles:

In addition to looking at high crash locations and conditions under which the crashes occurred, there was a focus on pedestrians and bicycle crashes as well. The following is a summary of the pedestrian and bicycle crashes.

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Pedestrians

From 2010 to 2012 there were approximately 42 vehicular / pedestrian crashes within the study area. In 2010 there were 14 crashes; in 2011 there were 12 crashes; and in 2012 there were 16 crashes between vehicles and pedestrians. The location with the most concentrated crashes (total of four pedestrians and one bicycle) occurred at the signalized intersection of Bates Street and Main Street. Three of the four crashes involved vehicles turning left or right from Bates onto Main and the fourth involved a vehicle on Main Street traveling through. There did not appear to be any correctable crash pattern or contributing factor. The second most concentrated locations for pedestrian crashes were three each at the signalized intersections of Horton/College/Sabattus and Lisbon/Main and at the unsignalized intersection of Park/Ash. None of these locations had correctable crash patterns. Other than these locations, the crashes appeared to be spread relatively evenly throughout the study area. Of the 42 crashes, 32 occurred during daylight and the remaining 10 during dark hours. In reviewing the police reports, there did not appear to be a consistent crash pattern. Some of the pedestrians were in a crosswalk and turning vehicles did not see them, some were crossing against the light at a signalized intersection, some pedestrians darted in front of vehicles. One pedestrian was hit by a vehicle backing out of a parking space, one pedestrian was intoxicated when they were hit, and all others were not clear on the cause. As stated previously, the crashes were relatively spread out, so there did not appear to be a consistent correctable contributing factor.

Bicycles

From 2010 to 2012 there were approximately 12 vehicular / bicycle crashes within the study area. In 2010 and 2011, there were 2 crashes each year and in 2012 there were 7 crashes between vehicles and bicycles. Similar to the pedestrian crashes, they appeared to be spread relatively evenly throughout the study area. Based on a review of the police reports, it appears that most crashes were attributable to the bicyclists and not the vehicle. There did not appear to be a consistent crash pattern. Bicycle education was raised at this report's Advisory Committee Meetings as needing more attention to inform riders of standard bicycle practices.

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Signal Warrant Analysis

Gorrill-Palmer Consulting Engineers collected turning movement counts and assembled previous counts done by others for the signalized intersections within the study area, focusing on those within the border of the study area. There are seven signalized intersections within the body of the study area as follows:

- Ash St. at Bates St.
- Pine St. at Bates St.
- Ash St. at Lisbon St.
- Pine St. at Lisbon St.
- Chestnut St. at Lisbon St.
- Chestnut St. at Canal St.
- Cedar St. at Canal St.

As part of this study, we evaluated if based on the limited volumes that were available, those seven locations would meet the warrants for signalization as identified in the Manual on Uniform Traffic Control Devices (MUTCD). Those MUTCD warrants are as follows:

- Warrant 1, Eight-Hour Vehicular Volume
- Warrant 2, Four-Hour Vehicular Volume
- Warrant 3, Peak-Hour Vehicular Volume
- Warrant 4, Pedestrian Volume
- Warrant 5, School Crossing
- Warrant 6, Coordinated Signal System
- Warrant 7, Crash Experience
- Warrant 8, Roadway Network
- Warrant 9, Intersection Near a Grade Crossing

When a location is identified as meeting signal warrants, it may only meet one of the warrants above, but preferably meets at least two before a signal is installed. Consistent with MUTCD methodology, the available count volumes were adjusted to average year conditions using MaineDOT seasonal adjustment factors. In addition, the volumes were also adjusted to 2013 conditions using an assumed growth rate of 1%, which is consistent with past studies for the area.

A summary of the results of the signal warrant analysis is summarized as follows:

Warrant 1 – Eight Hour Vehicular Volume

Although typically 12 hours of data are collected to perform this specific warrant review, comparing the results of the volumes that were available to this warrant can eliminate this warrant if the peak hour does not meet the criteria threshold. Based on this review, there are only two intersections that would meet this warrant, the two signalized intersections of Canal Street with Chestnut Street and Canal Street with Cedar Street. The other five locations are not likely to meet this warrant.

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Warrant 2 – Four-Hour Vehicular Volume

Similar to the Eight-Hour Volume warrant, typically 12 hours of data are collected to perform this specific warrant review but comparing the results of the volumes that were available to this warrant can eliminate this warrant if the peak hour does not meet the criteria threshold for the four hours. Based on this review, the intersections of Canal Street with Chestnut Street and Canal Street with Cedar Streets were again the most likely to meet this warrant. It is unlikely that the remaining five intersections would meet this warrant.

Warrant 3 – Peak-Hour Vehicular Volume

Base on the turning movement counts that were performed as part of this study, none of the locations met this warrant for signalization.

Warrant 4 – Pedestrian Volume

This warrant requires 12 hours of data collection of both vehicles and pedestrian crossings the street. However, a minimum pedestrian volume of 133 during the peak hour, concurrent with 1500 vehicles total on the major street would be required. Based on our experience and a review of the information that is available, none of the existing signalized intersections would trigger this signal warrant.

Warrant 5 – School Crossing

This signal warrant does not apply since none of the signals are expected to experience high volumes of school aged children to or from school.

Warrant 6 – Coordinated Signal System

This signal warrant is typically applied to maintain a platoon of traffic through a series of intersections to improve the mobility of the corridor. The "Guidance" provided in the MUTCD recommends that this warrant not be applied *"where the resultant spacing of traffic control signals would be less than 1,000 feet"*.

Recognizing that these signals are already existing, this warrant was used to determine if the signal would have been installed as a result of this warrant. Because these intersections are within the downtown area, constant "friction" is encountered from cars pulling in and out of parking spaces, bicycle traffic, and pedestrians crossing the road. This would limit the platooning that could be maintained even with the intersections signalized. In addition, the resulting system would yield signalized intersections less than the recommended 1,000 foot spacing. For these reasons, it is our opinion that these signals

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would not meet this warrant. The closest locations to meeting this warrant would be the two existing signalized intersections of Canal Street with Chestnut Street and Cedar Street.

Warrant 7 – Crash Experience

Gorrill-Palmer Consulting Engineers obtained the latest available (2010-2012) crash data for the study area. Based on a review of that information, it is our opinion that none of the currently signalized intersections within the central portion of the study area would warrant signalization under this warrant. However, reviewing the crash data after the intersection has been signalized does not adequately demonstrate what the crash patterns and frequency might be if this intersection were not signalized.

Warrant 8 – Roadway Network

This warrant is similar to Warrant 6 described above, in that the intent according to MUTCD is to “encourage concentration and organization of traffic flow”. The only two existing signalized intersections that appear to meet the volume threshold for this warrant are the same two that were mentioned in Warrant 6; the Chestnut Street and Cedar Street intersections with Canal Street. In addition, since these two intersections are on the perimeter of the downtown, interruption of main line traffic flow as a result of pedestrians crossing the road or vehicles entering or existing from a side street would be expected to be less. Therefore, it is our opinion that these two signals together would meet the criteria for this warrant.

Warrant 9 – Intersection Near a Grade Crossing

None of the seven intersections within the body of the study area were adjacent to a rail road crossing, so this warrant does not apply.

Signal Warrant Analysis Conclusion

Based on the information available and this signal warrant review, it is our conclusion that the two intersections of Cedar Street and Chestnut Street with Canal Street would be the only two of the existing seven signalized intersections within the main portion of the study area that would meet the conventional warrants for signalization. The following five locations do not meet the conventional warrants for signalization:

- Lisbon Street at: Ash St., Pine St, or Chestnut St.
- Bates Street at: Ash St., Pine St.

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However, this conventional signal warrant analysis does not consider all possible factors of why the installation of a signal would be warranted. The feasibility of the removal of these traffic signals is discussed in the following section.

This study identified five locations where signals would most likely not meet signal warrants and should be removed:

Ash St. at Bates St. – Due to a sight distance restriction for southbound Bates St. traffic looking left and Ash St. traffic looking right, we recommend three-way (one leg is one-way away) STOP control for this intersection. Currently, the fire department has pre-emption that gives them a green light when they exit their nearby building and travel toward the intersection. For that reason, consideration was given to allowing Bates St. the right-of-way so they would not have to STOP, but unfortunately because of the sight distance restriction they should be required to STOP. The emergency vehicles will still have the option of negotiating the intersection as they would any other STOP controlled intersection. Having this intersection as all way STOP controlled may have some benefits for emergency vehicles in that there is no free flowing traffic they would conflict with in traveling through the intersection.

Pine St. at Bates St. – Similar to the intersection of Ash at Bates, due to a sight distance restriction, we recommend the intersection be put on three way STOP control. This means that emergency vehicles will have to negotiate the intersection as an all way STOP controlled.

Ash St. at Lisbon St. – This intersection has two of the four approaches that are one-way away from the intersection. We recommend that the crosswalk across the easterly leg of Ash Street be narrowed slightly to move the STOP bar up and improve sight distance and that the Ash Street approach be STOP controlled with the Lisbon Street approach having the right of way.

Pine St. at Lisbon St. – Two of the four legs of the intersection are one-way away from the intersection. We recommend that the crosswalk across the westerly leg of Pine Street be narrowed slightly to move the STOP bar up and improve sight distance and that the Pine Street approach be STOP controlled with the Lisbon Street approach having the right-of-way.

Chestnut St. at Lisbon St. – One leg of Lisbon Street is one-way away from the intersection leaving only three approaches of traffic. Based on the available traffic volumes, we recommend that the two Chestnut approaches be STOP controlled and the single Lisbon Street approach receive the right of way. We also recommend the crosswalk across each of the Chestnut Street approaches be narrowed such that the STOP bars on Chestnut can be moved closer to the intersection and improve available sight distance.

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Removal of Traffic Signals

When an existing traffic signal is proposed to be removed, it must be done in stages to avoid any reduction in safety to the intersection. MaineDOT is typically contacted to receive their approval. In this case, MaineDOT has indicated they would entertain the removal of the signals. The second step is to notify the public in advance of where the City is planning to remove the signals and when they are planning to do it. The third step to removal of the signals is typically to put them on 'flash' mode. When an intersection is put into 'flash' mode, typically the higher volume street will see the flashing yellow light and have the right-of-way and will not have to STOP. The minor or lower volume road will see the flashing red light and will have to STOP. In cases where sight distance is restricted, all approaches may be required to STOP. The signals should be put on flash for a minimum of 90 days, with the appropriate STOP signs installed, while the intersections are monitored to observe how they operate. Adjustments should be made if the intersection is determined to be unsafe or is not functioning as expected. If everything is acceptable, the signals can be removed, provided the appropriate signage (such as STOP signs) is in place to identify who has the right-of-way. We recommend that the number of signal removals be limited to one or two at a time and not all at once.

In the interim of evaluating the functionality of the intersections where signals are being removed is the modifications that could be done once the signal is removed. This would include creating bumpouts at the intersections which would further improve sight distances for vehicles and pedestrians, reduce the crossing distances for pedestrians, and reduce the number of approach lanes on the streets with the right of way, since auxiliary lanes would no longer be necessary on those approaches.

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Birch Street at Bates Street Review

In addition to reviewing the existing signalized intersections that may not meet warrants for signalization, the unsignalized two-way STOP controlled intersection of Birch Street at Bates Street was reviewed to determine if the intersection would warrant either a Multi-Way STOP or signalization. This intersection was identified for review due to its unique issues such as poor sight distance in the northeast corner of the intersection due to a brick wall, the steep grade of Birch Street traveling eastbound, and that this intersection was identified at a committee meeting as having potential conflicts between vehicles, pedestrians and bicyclists. This intersection is currently a two-way STOP controlled intersection with the Bates Street approaches being STOP controlled and Birch Street having the right of way and not required to STOP. To aid in evaluating the intersection, turning movement counts were collected at this intersection on July 11, 2013 from 6:30 AM to 6:30 PM. The traffic volumes and analysis are provided in Appendix A.

Multi-Way STOP

A Multi-Way STOP is typically installed at locations with an approximately equal traffic volume on each of the approaches and can be implemented for multiple reasons following the MUTCD:

- a. Safety measure for vehicles and/or pedestrians and/or bicyclists
- b. Need to control left-turn conflicts
- c. Need to control vehicle / pedestrian conflicts in areas of high pedestrian volumes
- d. Sight distance restrictions
- e. Approximately similar roads to improve operational characteristics.

According to the MUTCD, "the decision to install multi-way stop control should be based on an engineering study" which includes:

- a. As an interim measure if signals have been justified.
- b. Five or more reported crashes in a 12-month period that are susceptible to correction by a multi-way stop
- c. Certain volumes are met:
 - Major Street approaches vehicular volume averages at least 300 vehicles per hour for any 8 hours AND
 - Minor Street approaches (vehicles, peds, bicycles) averages at least 200 units per hour for 8 hours (delay is also a factor) BUT
- d. If major street is greater than 40 mph than other criteria may apply
- e. Where no single criteria is met, but criteria b and c are all satisfied to 80 percent of the minimum values

Based on our review, the intersection does not meet any of the above criteria as explained in more detail as follows:

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- a. As discussed in the following section, this intersection does not meet the criteria for signalization.
- b. There were a total of six crashes for the three year period of 2010-2012. Two in 2010, one in 2011 and three in 2012. This criteria is therefore not met.
- c. The average of the AM, Midday, and PM peak hours were reviewed and the peak hours of the day were barely half of what was required for the Major Street traffic. The vehicular volumes for the average of the same peak hours of the day were also reviewed for the minor street approach and were slightly over half of what was required. Although the minor street review did not include pedestrians and bikes, based on field observations it is not expected they would raise the volume enough to warrant this criteria. In addition, both the major street and minor street criteria have to be met to meet this threshold.
- d. Although not posted in the immediate area, due to its urban nature the legal speed limit in the area for the Major Street approach is not expected to exceed 40 mph (Assumed at 25 mph).
- e. Criteria C (vehicle volume) is not satisfied to 80 % of the required level, therefore this criteria is not met.

Signalization

This intersection was compared against the nine signal warrants described in the previous section. Based on this analysis, field observations and review, this intersection falls far short of meeting any of the criteria for warranting a traffic signal.

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Cedar Street Review

As part of this project, the four lane (two lanes in each direction) Cedar Street from Canal Street to the Bernard Lown Memorial Bridge was to be evaluated to determine if bicycles could be better accommodated. This was originally anticipated to be accomplished through reducing the four lane cross section to two (single lane each direction) or three lanes (single lane each direction with center turn lane that transitions to left turn lane at intersection), with the remaining width dedicated to bicycles. Based on the Automatic Traffic Recorder (ATR) that was placed as part of this project, the Annual Average Daily Traffic (AADT) volume on Cedar Street in that area is approximately 12,000 vehicles per day (includes both directions). Although reducing the number of lanes appeared reasonable given the AADT, the potential restriction within this section of roadway is the signalized intersection of Cedar Street and Lincoln Street. To assist us in evaluating the intersection, Gorrill-Palmer performed a capacity and queuing analysis for the following three conditions (See Figures 3A, 3B and 3C in Appendix A for concept drawings). Level of service (LOS) is similar to an academic grading system, where LOS A represents little delay or congestion, and LOS F represents high levels of delay with significant congestion:

1. Existing conditions
2. Three lane cross section on Cedar Street, which results in westbound thru/left and right turn lanes and eastbound thru/left and thru/right lanes. (Figure 3C in Appendix A)
3. Two westbound lanes and a single eastbound lane with a center two-way left turn lane (Figure 3A in Appendix A) or a single lane each direction with center two-way left turn lane (Figure 3B in Appendix A). Both of these configurations resulted in the same lane uses at the intersection of Cedar / Lincoln as the "Existing Conditions" scenario so the capacity and queuing results are the same.

The following summarizes the results of the capacity and queuing analysis.

Cedar Street at Lincoln Street (Signalized)

Movement	2012 PM Peak Hour			
	Existing Conditions / 4 Lane X-Section		Three Lane X-Section	
	LOS	Queue (ft)	LOS	Queue (ft)
Cedar EB - Lt / Th Lt Th / Rt	C	215	C	230
	na	---	na	---
	A	175	A	185
Cedar WB - Lt / Th Rt Th / Rt	B	150	B	235
	na	---	A	60
	A	140	na	---
Lincoln NB - Lt Th / Rt	B	125	C	140
	B	135	C	140
Lincoln SB - Lt Th / Rt	B	100	B	105
	B	180	B	170
Overall	B		B	

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As can be seen from the previous "Cedar Street at Lincoln Street" table, the level of service (LOS) remains primarily the same if the four lane cross section were reduced to a three lane cross section. Reviewing the forecasted distance vehicles would be expected to queue, the distances appear reasonable and would not be expected to negatively impact the operation of the immediate area.

To maintain the LOS and keep the queuing to reasonable levels, while still accommodating bicycles, we recommend the section of Cedar Street from Lincoln Street to the Bernard Lown Memorial Bridge be restriped as shown on the attached Figure 3C in Appendix A. This restriping allows a refuge for midblock left turning vehicles, provides for four and three foot paved shoulders for bicycles on the road and bridge respectively, and allows for the necessary lanes at the signalized intersection.

It should be noted; however, that with this new configuration, there is a potential for eastbound and westbound left turning vehicles to overlap in the area of Oxford / River Street.

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Alternatives / Recommendations

Based on our own review of the collected data, field reviews, input from ATRC, Lewiston Staff, the Advisory Committee and the public, there were numerous specific and general locations within the study area where concerns were raised and alternatives or recommendations identified to address the concerns. Those alternatives and recommendations were as follows:

- Removal of Unwarranted Traffic Signals
- Cedar Street
- Bates Street - Bus Area
- Residential Streets
- Lisbon Street at Cedar Street
- Ash Street at Canal Street
- Additional Striping
- Consistency Throughout Study Area
- Improve Intersection Safety
- Bicycle Lanes
- One-way Streets

The following is a more detailed description of the Alternatives and Recommendations.

Removal of Unwarranted Traffic Signals

As identified in a previous section, there are five locations that are currently signalized that do not meet warrants for signalization. We recommend that the City pursue having these signals removed. This process should be a gradual transition of first putting them on flashing mode and monitoring how the intersection functions. If they function at an acceptable level, they can then be removed and STOP signs erected as appropriate depending on the specific location as identified previously. We recommend that the number of locations where the removal of signals is being undertaken be limited to one or two at a time and not all at once.

Cedar Street

As discussed previously, reducing the existing number of lanes to something less than the current four lane configuration in the area of the bridge to Auburn was something the City wanted to pursue to provide additional pavement width for bicyclists. We explored numerous options, all of which would provide additional width for bicyclists and some of which appeared feasible to stay within the existing paved width. The chosen concept (Figure 3C in Appendix A) included a single travel lane in each direction with a combination median and center two-way left turn lane.

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Bates Street – Bus Station Area

Bates Street in the area of the fire station and bus facility was identified as having too much wide open pavement with little definition and direction for vehicles and bicyclists. After reviewing this area, some form of channelization island (either raised or flush) is proposed that will separate bus loading and unloading areas from vehicular and bicycle traffic. This would result in a cross section that would include a bus lane, bicycle lane, and a single vehicle lane in each direction. Currently there are two northbound travel lanes on Bates Street that will be reduced to a single lane; however, a single travel lane appears to be sufficient given the traffic volumes. We recommend that if the City move forward with this alternative, that they utilize actual buses in laying out where the islands should be located to ensure all appropriate bus maneuvers can still be accomplished. See Figure 4 in Appendix A.

Residential Streets

A large portion of the study area is residential in nature. Most of the Streets through the neighborhoods are wide expanses of pavement (approximately 35-36 feet) with little direction to drivers, bicyclists or pedestrians. Based on our field review, the majority of the sidewalks and handicap accessible ramps were non-compliant and / or difficult to navigate. This pedestrian network is critical to encouraging more walking and less reliance on vehicles; especially given the proximity to a large business section of the City, scattered smaller businesses throughout the neighborhood, recreational opportunities in the area, and schools.

The City is currently planning on modifying Walnut Street from Bates Street to Horton Street. This modification includes additional greenspace, narrowing of the intersection throats, ADA compliant handicap ramps, and new sidewalks. These improvements will beautify the area, give more direction to drivers, potentially slow vehicles down, and encourage pedestrians to use the neighborhood network. We strongly encourage the City to expand on their efforts in the near future and modify other residential streets within the area to encourage pedestrians and discourage cut through traffic but provide for local traffic.

Figures A-J in Appendix A show conceptual layouts of what some of the residential streets would look like with similar modifications as to what is planned for Walnut Street. This includes new or reconstructed sidewalks with ADA compliant handicap ramps, landscaped esplanades, and pedestrian bump-outs. This type of treatment will enhance the pedestrian environment while making drivers aware they are in a neighborhood and should be cautious of pedestrians and bicyclists.

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Lisbon Street Single Lane Extension

Within the study area, Lisbon Street is one-way from south to north. The southerly section is clearly delineated as two lanes. However, as vehicles travel northerly it becomes more ambiguous after crossing through the Chestnut Street intersection as to whether or not it is a single lane or two lanes. This concern was echoed from the advisory committee as well as the public. After field reviewing the area and reviewing the traffic volumes, we recommend that the two clearly defined travel lanes in the southerly section terminate at the Cedar Street intersection with overhead and ground mounted directional signs that direct the drivers in the left most lane to Auburn and the drivers in the right most lane to Downtown Lewiston. There is currently an overhead mast arm that could be modified to serve the purpose of the overhead sign. From this intersection northerly, Lisbon Street would become a single lane. Currently there are two approach lanes striped at the existing signalized intersections on Lisbon Street, one for the through traffic and one as an auxiliary lane. If the signals are removed as discussed previously, then the approaches to the intersections could be narrowed to a single approach lane, which in turn would also improve sight distances and shorten pedestrian crossings.

We recommend edge line striping be provided to identify to the driver that they are now in a single lane. This modification would allow the City to restripe that second travel lane to either angled parking, sidewalk widening, green space, or bicycle accommodations (see also "Bicycle Lanes" section).

Ash Street at Canal Street

It was identified that the current geometric design of this intersection would benefit from reconfiguration. The current configuration has drivers traveling down the one-way Ash Street and intersecting Canal Street at an acute angle and directed into a second lane on Canal Street that starts at this intersection. Ash Street is required to STOP before entering onto Canal Street. To exacerbate this problem, the second lane on Canal Street that starts at this intersection is also used by vehicles wishing to enter or exit the adjacent garage creating weaving issues and problems with some vehicles using this lane to accelerate while others use it to decelerate. To improve this area, we are recommending the modifications shown on Figure 5 of Appendix A. In addition to reconfiguring the Ash Street approach to encourage stopping, it also includes converting the left most lane in front of the garage to a combination of deceleration lane, extension of exit lane, and green space. This should improve this area by encouraging Ash Street vehicles to stop, eliminating the conflict between accelerating and decelerating vehicles, improving the available sight distance for vehicles exiting the garage, and providing additional green space.

Lewiston Downtown Neighborhood Circulation Study

Additional Striping

There are numerous sections of roadway throughout the study area where the pavement is wide and there is little to no direction to drivers as to where they should be positioned, sometimes leading to confusion if there is a single or two lanes of traffic. This makes it difficult for drivers, bicyclists, and pedestrians.

We recommend that edge line striping be provided on the arterial and collector roads to assist drivers in determining where they should be positioned, help reduce vehicular speed, provide additional areas for bicyclists and assist pedestrians in crossing the street.

Consistency Through-out the Study Area

Based on our field review, there is inconsistency for numerous items throughout the study area, potentially creating confusion for drivers, bicyclists, and pedestrians. Those items are as follows listed in order of priority from most to least:

Crosswalk Design – There were numerous crosswalk designs throughout the study area including just parallel lines, “piano key” style, and brick design. Some crosswalks were marked while others were not. We recommend that all crosswalks be marked with either the parallel lines or the “piano keys”. We recommend that the “piano keys” be used in the business area of the downtown where a pedestrian crosses an arterial or collector roadway and parallel lines be used in the residential area and across local roads. We recommend the “piano keys” adjacent to schools regardless of location.

Location of no parking – There appeared to be some inconsistency as to how close parking was allowed near an intersection. In some locations it was right up to the intersection and in others it was further back. We recommend the City follow the guidelines provided in the Manual on Uniform Traffic Control Devices (MUTCD) which is primarily a minimum of 20 feet for an unsignalized intersection and a minimum of 30 feet for a signalized intersection, measured from the intersecting road or the nearest edge of crosswalk to the STOP bar.

Way-Finding Signs – One of the observations that was made, and reiterated by the Advisory Committee, is the need for way-finding signs. This was made apparent when reviewing the parking. There was comment that on-street parking could be full, with drivers looking for spaces when the parking garages had ample spaces available. However, there did not appear to be clear way-finding signs to direct drivers to the parking garages. We recommend that the City revisit their way-finding signage program with a focus on those public facilities within the area that could be considered high destination locations such as City Hall, parking garages, parks, schools etc...

Lewiston Downtown Neighborhood Circulation Study

Improve Intersection Safety

Based on a review of the Crash History and a field review of the HCL, there is some mitigation that could be pursued for some of the locations.

Bartlett / Sabattus / Oak – There is a crash pattern primarily of angle crashes with vehicles from Oak Street and those traveling through on Sabattus Street. Possible mitigation for the intersection may include the following:

- Additional Striping and/or medians for channelization
- Potential widening of the north leg of Oak Street because westbound Sabattus Street vehicles turning right onto Oak Street do not appear to have an adequate radius due to a building that is on the corner

Park / Pine – This intersection has a crash pattern of angle crashes. The apparent additional mitigation that would address the pattern is adding overhead intersection beacons to the intersection.

Lisbon / Maple – There was no clear pattern of crashes; however, we recommend that the southwest corner of the intersection be reconstructed to provide ADA ramps and better delineate the corner of the intersection.

Ash / Lisbon – This intersection had a clear angle crash pattern (approximately 11 crashes that were similar). This signalized intersection is one that was identified as recommending removal of the signal. If for some reason the decision is made to keep this intersection signalized, we recommend that the second signal for the Lisbon Street approach be installed.

Bartlett from Birch to Walnut – This section of roadway has no clear crash pattern. This section is one that is recommended for reconstruction similar to the current Walnut Street reconstruction.

Lisbon from Chestnut to Pine - It is recommended this section of roadway be striped for edge lines. For this section, the edge line would delineate the section as one lane of traffic and also provide a buffer area between the vehicles and the parked cars.

Lisbon from Ash to a park access – This section of roadway experienced similar crashes to the previous section of Lisbon Street in that most of the crashes involved parked vehicles. Similar to the previous section, this is a section that we recommend the striping of an edge line on each side such that it further delineates the single thru lane and provides a buffer between vehicles and parked cars.

Lewiston Downtown Neighborhood Circulation Study

Bicycle Lanes

Preferred bicycle lanes were identified in a previous study, *Bridging the Gaps (December 2008)*. As part of this study, we reviewed the conclusions of that study and identified the locations of the preferred bike routes as shown on Figure 2B of Appendix A. Based on a review of those conclusions and our own field review, we do not recommend any additional bicycle lanes with the exception of a section of Lisbon Street which is consistent with the previous study.

Lisbon Street – Currently Park Street serves bicyclists who desire to travel from north to south in the business section of the study area. However, there are no designated bicycle lanes for bicyclists who are traveling from south to north in that part of the study area. As described previously (“Lisbon Street Single Lane Extension”) we are recommending that two travel lanes be maintained for the southerly section of Lisbon Street (up to Cedar St.) and a single travel lane be provided for the northerly section of Lisbon Street (Cedar St. to Main St.). There appears to be enough width in the northerly single lane section to allow for a striped bicycle lane, while for the southerly section where width is more limited, we recommend that sharrows (combination of bike symbols with chevrons / arrows) be striped in the right most travel lane to remind drivers to share the lane with bicyclists. This combination of sharrows and striped bicycle lane will provide a corridor to compliment Park Street and provide accommodations for bicyclists traveling from south to north.

In the northerly single lane section, there are cobble stone strips for a portion of the section. Before a bicycle lane could be striped, the cobble stones would need to be removed and replaced with a smoother surface.

One – Way Streets

As part of this study, we identified (See previously presented Figure 2B) and reviewed the existing one-way roadways within the study area. It is our conclusion that although the City could probably switch some of the streets from one-way to two-way, what they have appears to work and we propose that it will work even better once the recommendations identified in this report are implemented. For that reason, we do not recommend that any of the one-ways be converted back to two-way.

Appendix A

Figures



- ① DATA COLLECTED:
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BY ATMC
XX = 7:30 - 8:30 AM
(XX) = PM PEAK HOUR
3:45 - 4:45 PM
- ② DATA COLLECTED:
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BY ATMC
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3:45 - 4:45 PM
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8/29/2007
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INTERSECTION

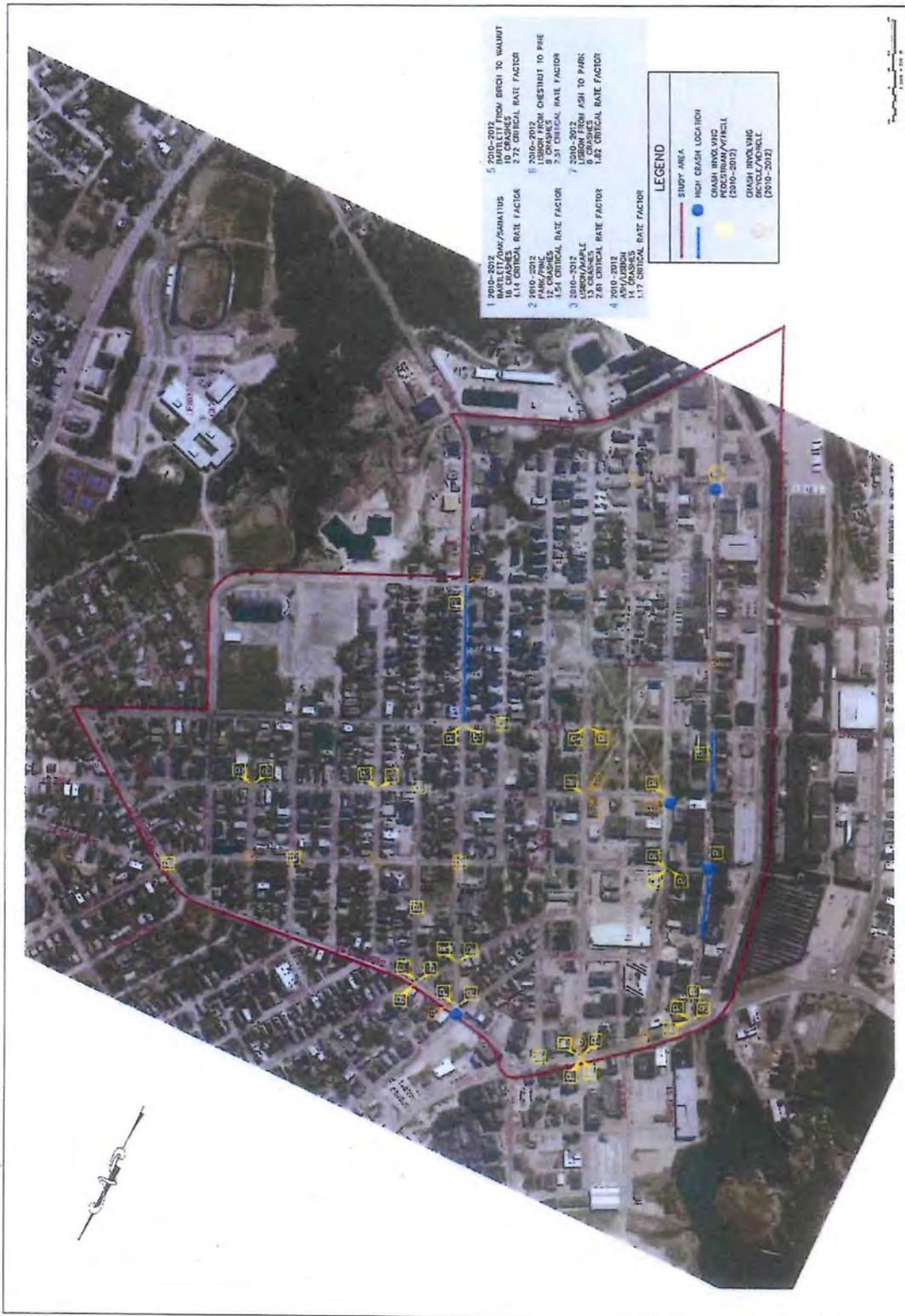
Page 1 of 1

1

Turning Movement Data
Baltimore Traffic Study
Ally/July of Location
37-742 Street Location, DC 21219

Gp Correll-Falmer Consulting Engineers, Inc.
1000 North Washington Street, Suite 200
Baltimore, MD 21201
Phone: 410-528-1100
Fax: 410-528-1101
www.correll-falmer.com

Sheet 1 of 1	Date: 11/15/2012
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- 1 2010-2012 BARLETT/AM/PANATHUS
- 2 2010-2012 CRASHES
- 3 2010-2012 CRASHES
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- 5 2010-2012 CRASHES
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- 100 2010-2012 CRASHES

LEGEND

- STUDY AREA
- HIGH CRASH LOCATION
- CRASH INVOLVING PEDESTRIAN/BICYCLIST (2010-2012)
- CRASH INVOLVING BICYCLIST/PEDESTRIAN (2010-2012)

Drawing No. **2A**

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Client: **ABC/DEF of GHIJK**

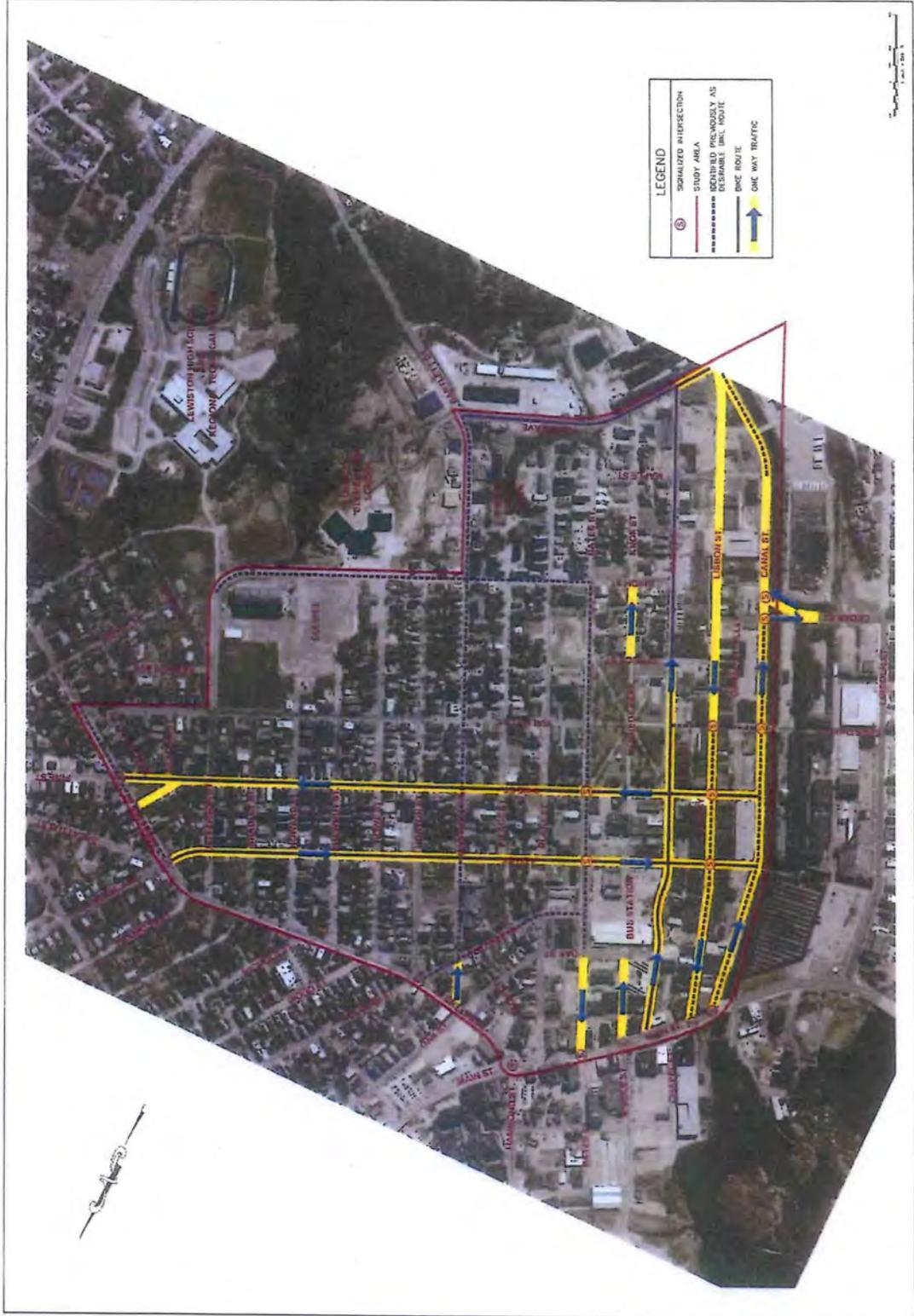
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North Arrow

Scale Bar

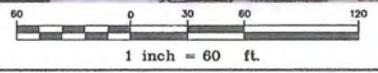
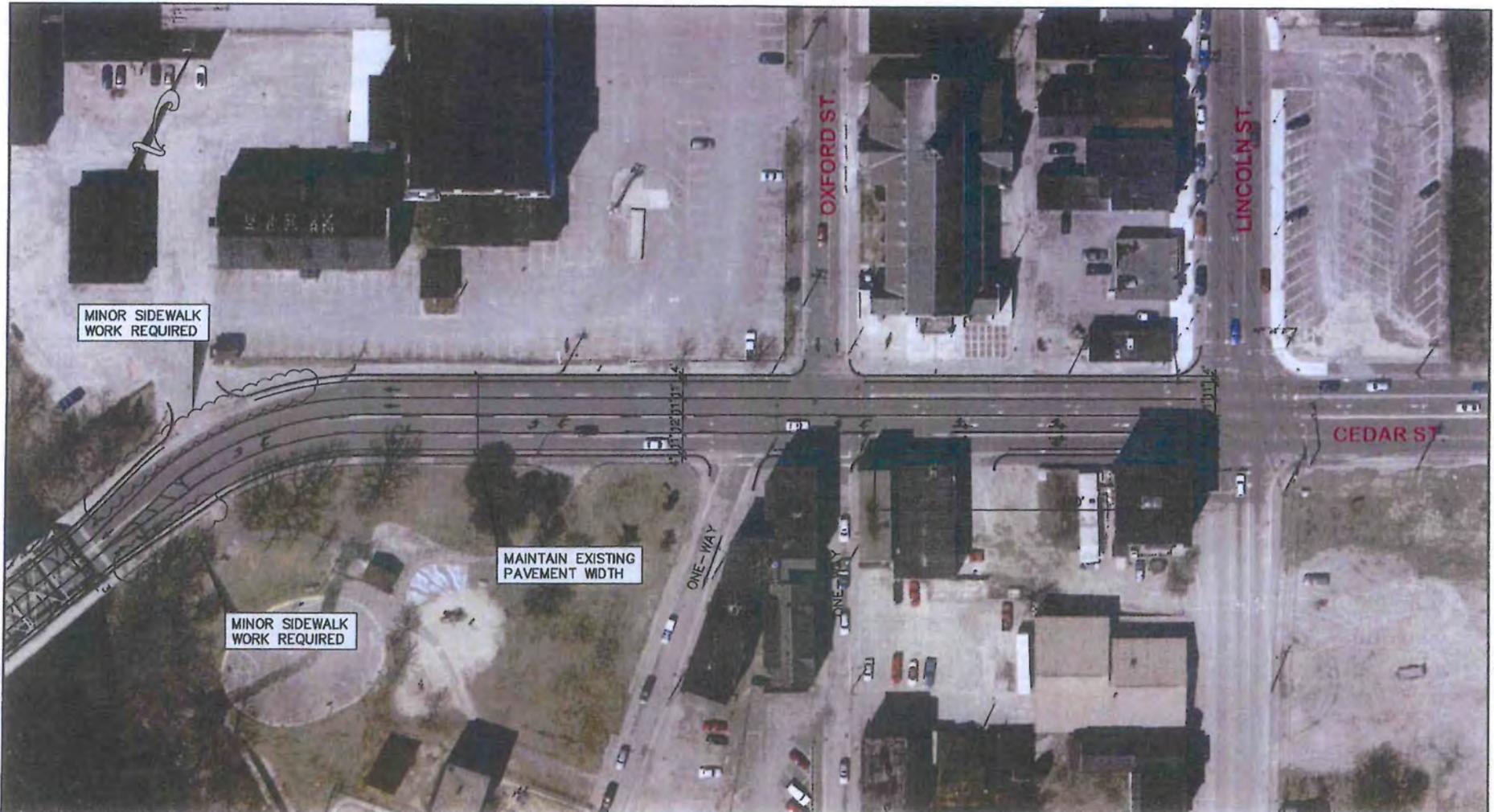
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 License No. **123456789**
 State of **IL**



LEGEND

- ① SIGNALIZED INTERSECTION
- STUDY AREA
- IDENTIFIED PREVIOUSLY AS DISMANTLE ONE WAY
- BIKE ROUTE
- ONE WAY TRAFFIC

Sheet No.	2B	Limits of Downtown Traffic Study		Downtown Traffic Study			
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Sheet No.		Sheet No. [Blank]		Drawing Title: [Blank]			



Rev.	Date	Revision

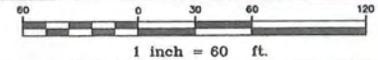
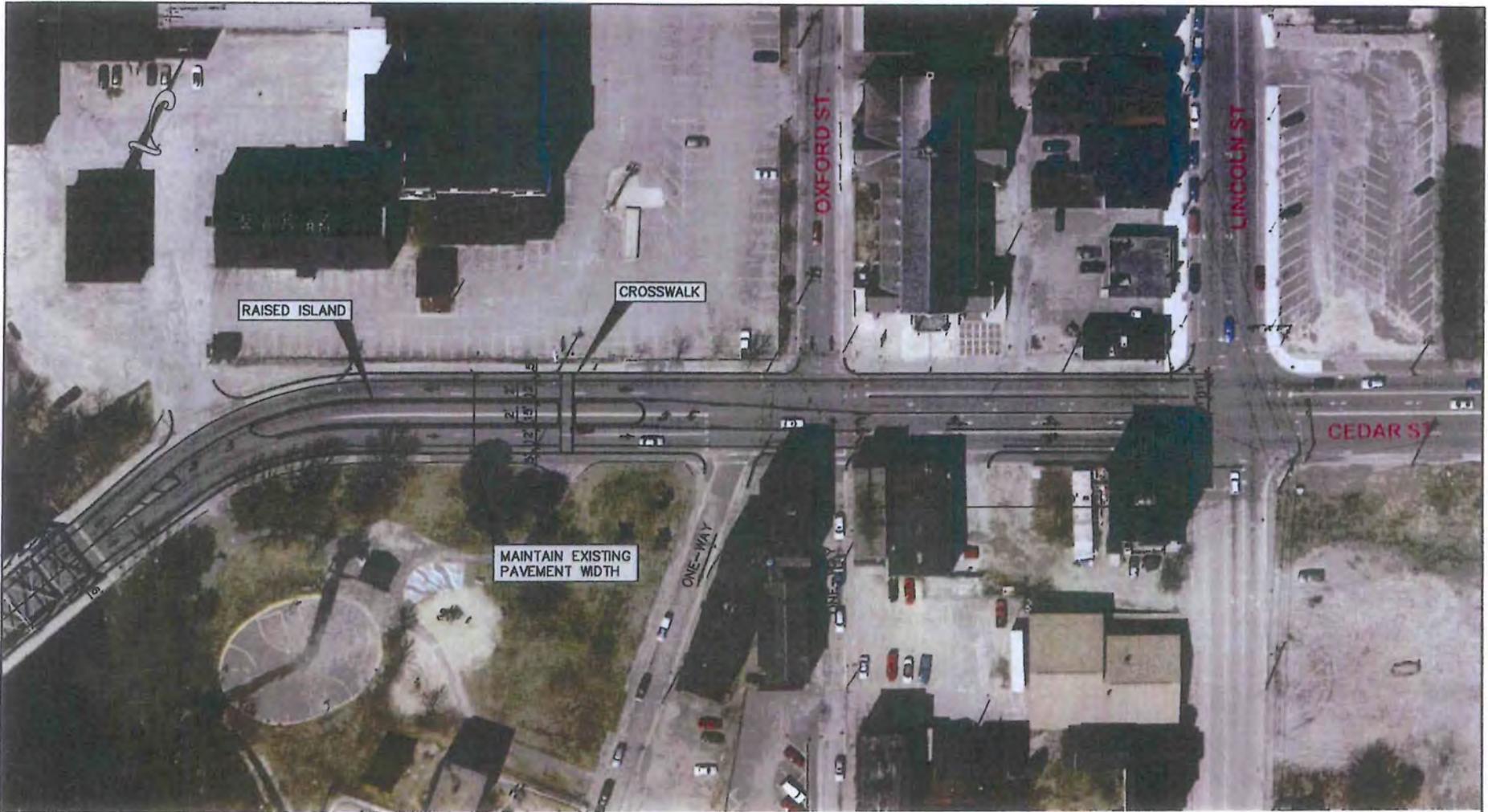
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Drawing Name:	Conceptual Layout Plan
Project:	DOWNTOWN TRAFFIC STUDY, LEWISTON, ME

Figure No.
3A



Rev.	Date	Revision

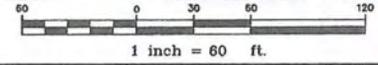
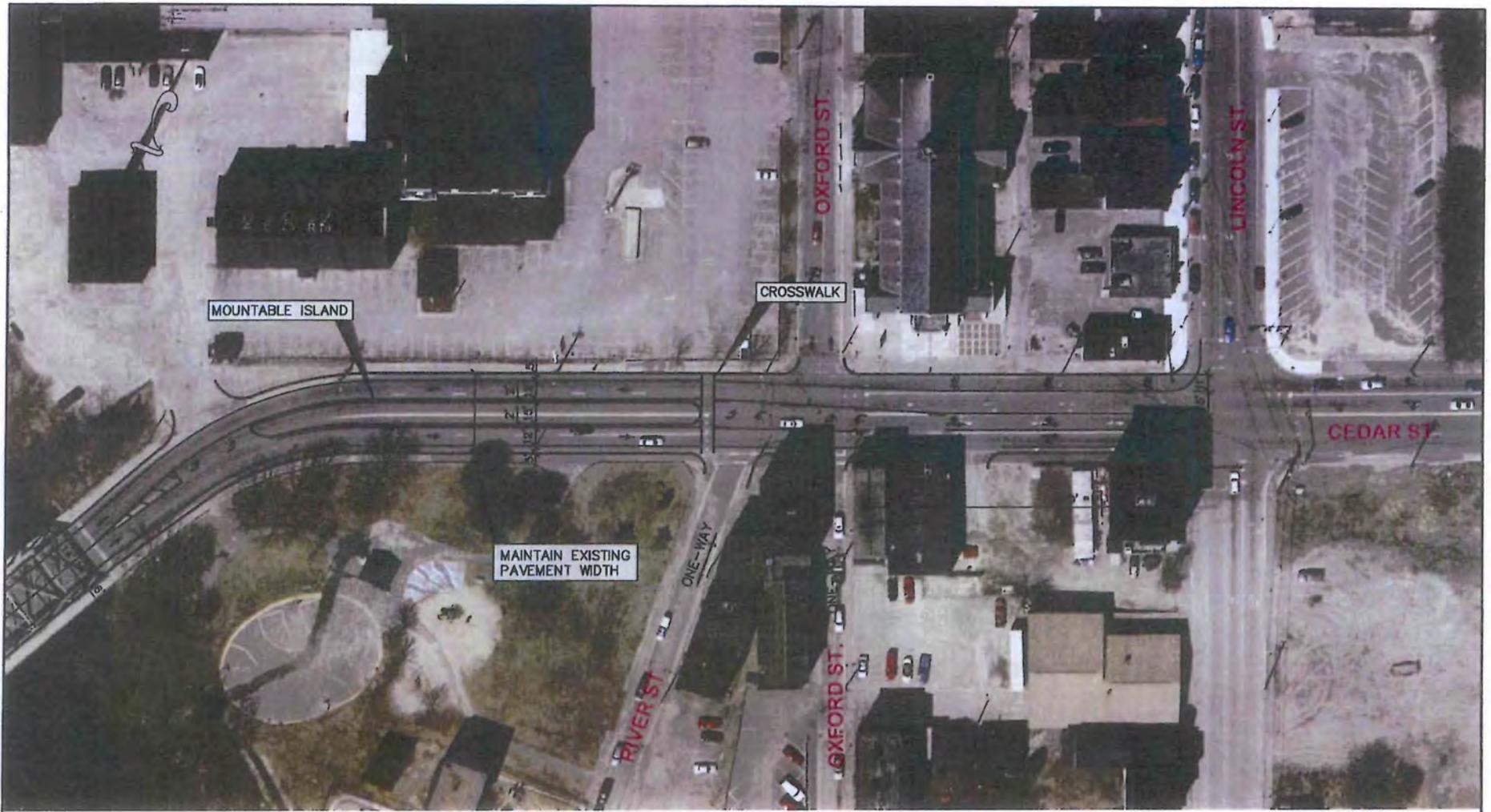
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Figure No.
3B



Rev.	Date	Revision

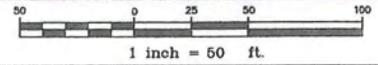
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Drawing Name:	Conceptual Layout Plan
Project:	DOWNTOWN TRAFFIC STUDY, LEWISTON, ME

Figure No.
3C



Rev.	Date	Revision
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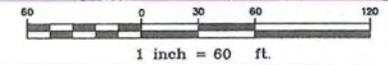
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Drawing Name: **Conceptual Layout Plan**
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Figure No. **4**



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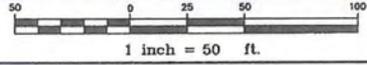
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Drawing Name:	Conceptual Layout Plan
Project:	DOWNTOWN TRAFFIC STUDY, LEWISTON, ME

Figure No.
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Rev.	Date	Revision
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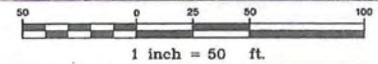
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Drawing Name:	Jefferson Street Conceptual Improvement Plan
Project:	DOWNTOWN TRAFFIC STUDY, LEWISTON, ME

Figure No.
A



Rev.	Date	Revision
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Drawing Name:	Bradley Street Conceptual Improvement Plan
Project:	DOWNTOWN TRAFFIC STUDY, LEWISTON, ME

Figure No. **B**



Rev.	Date	Revision
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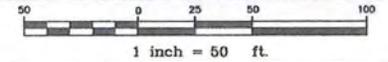
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Drawing Name: **Howard Street Conceptual Improvement Plan**
 Project: **DOWNTOWN TRAFFIC STUDY, LEWISTON, ME**

Figure No. **C**



Rev.	Date	Revision
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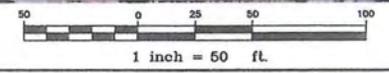
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Drawing Name:	Shawmut Street Conceptual Improvement Plan
Project:	DOWNTOWN TRAFFIC STUDY, LEWISTON, ME

Figure No.
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Rev.	Date	Revision
-	-	-

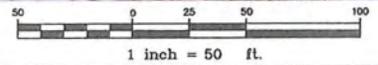
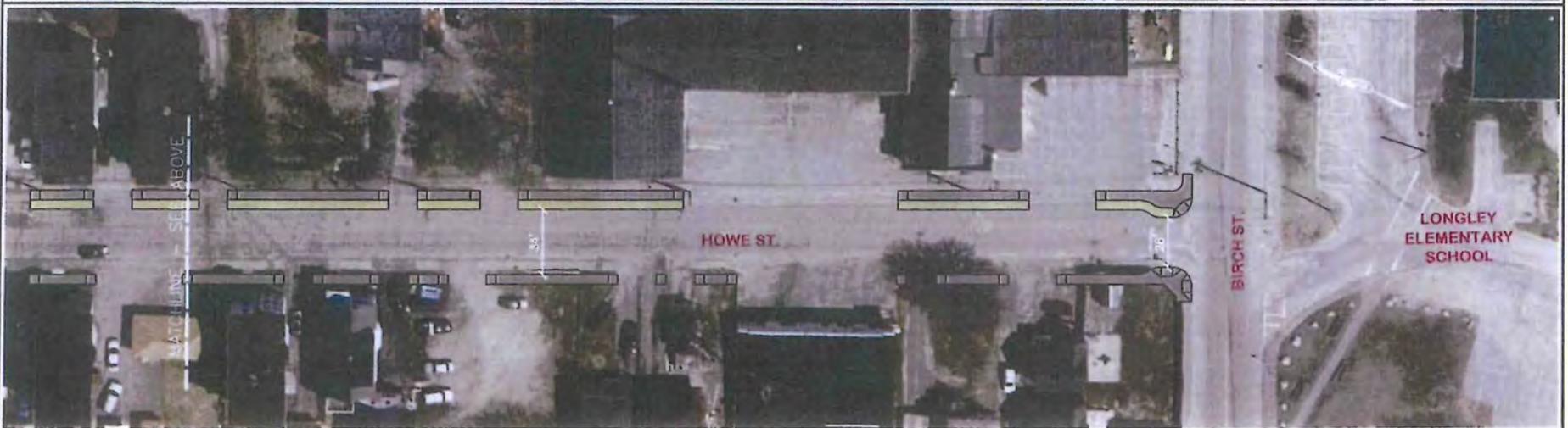
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Drawing Name:	Howe Street Conceptual Improvement Plan - 1
Project:	DOWNTOWN TRAFFIC STUDY, LEWISTON, ME

Figure No.
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Rev.	Date	Revision
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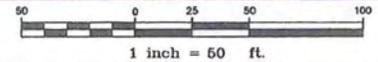

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Drawing Name:
Howe Street Conceptual Improvement Plan - 2

Project:
DOWNTOWN TRAFFIC STUDY, LEWISTON, ME

Figure No.

Rev.	Date	Revision
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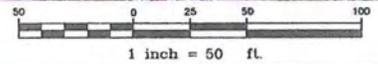
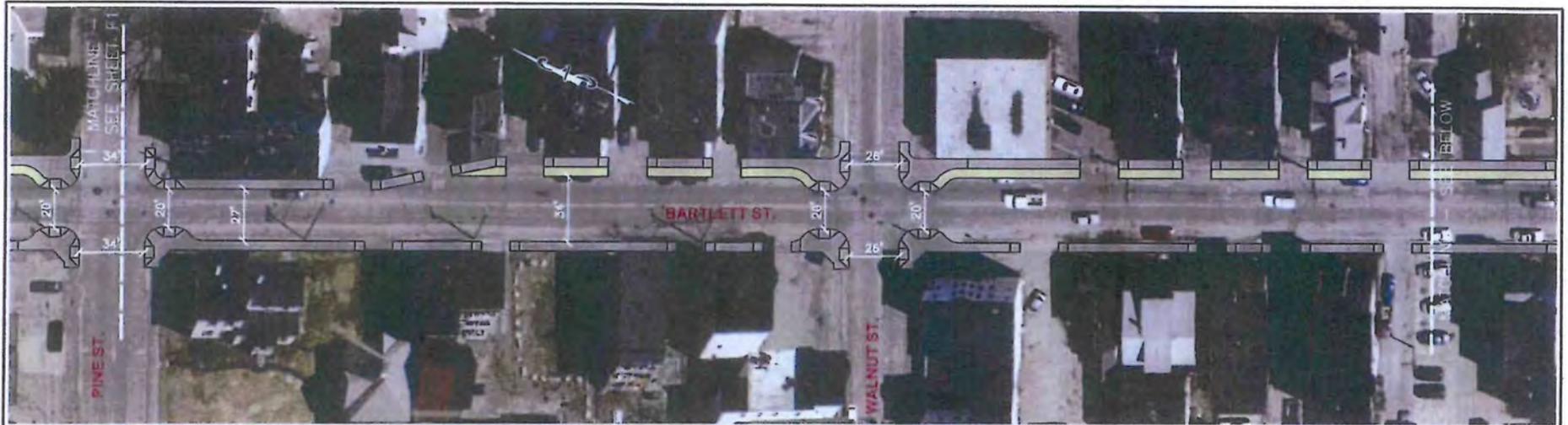
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Drawing Name: **Bartlett Street Conceptual Improvement Plan - 1**
 Project: **DOWNTOWN TRAFFIC STUDY, LEWISTON, ME**

Figure No. **F1**



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Drawing Name:
Bartlett Street Conceptual Improvement Plan - 2

Project:
DOWNTOWN TRAFFIC STUDY, LEWISTON, ME

Figure No.
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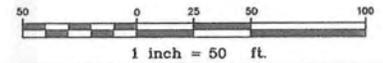

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Drawing Name:
Pierce Street Conceptual Improvement Plan - 1

Project:
DOWNTOWN TRAFFIC STUDY, LEWISTON, ME

Figure No.

Rev.	Date	Revision
-	-	-

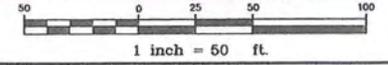
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Draft: DB	Job No.: 2674
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2674_STREET_IMPROVEMENTS.dwg	


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 207-657-6910
 FAX: 207-657-6912
 E-Mail: mholbow@gorrillpalmer.com

Drawing Name:	Pierce Street Conceptual Improvement Plan - 2
Project:	DOWNTOWN TRAFFIC STUDY, LEWISTON, ME

Figure No.
G2



Rev.	Date	Revision

Design:	RED	Date:	JUN 2013
Draft:	DB	Job No.:	2674
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Drawing Name:	Blake Street Conceptual Improvement Plan - 1
Project:	DOWNTOWN TRAFFIC STUDY, LEWISTON, ME

Figure No.
H1



Rev.	Date	Revision
-	-	-

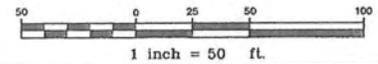
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Draft: DB	Job No.: 2874
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Drawing Name:	Blake Street Conceptual Improvement Plan - 2
Project:	DOWNTOWN TRAFFIC STUDY, LEWISTON, ME

Figure No.
H2



Rev.	Date	Revision
-	-	-

Design: RED	Date: JUN 2013
Draft: DB	Job No.: 2674
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2674_STREET_IMPROVEMENTS.dwg	


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 207-657-6910
 FAX: 207-657-6912
 E-Mail: moliv@gpall.com

Drawing Name:	Bates Street Conceptual Improvement Plan
Project:	DOWNTOWN TRAFFIC STUDY, LEWISTON, ME

Figure No. **I**



Rev.	Date	Revision

Design:	RED	Date:	JUN 2013
Draft:	DB	Job No.:	2674
Checked:	-	Scale:	1"=50'
2674_STREET_IMPROVEMENTS.dwg			


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 Gray, ME 04038
 207-657-6910
 FAX 207-657-9912
 E-Mail molbox@gorrilpalmer.com

Drawing Name:	Knox Street Conceptual Improvement Plan
Project:	DOWNTOWN TRAFFIC STUDY, LEWISTON, ME

Figure No.
J

B



**ANDROSCOGGIN
LAND TRUST**

Agenda

1. Overview of existing planning documents for Rail to Trail
 - a. Androscoggin River Greenway Plan (now completed)
 - b. Health Impact Assessment by MaineCDC
 - c. Status of Lisbon/Route 196 Plan and further references to Trail/Rail

2. Update from partners on work to date
 - a. Lisbon conversations with Governor/Legislators
 - b. AVCOG/ATRC Policy Documents

3. Next Steps
 - a. Thoughts from group?
 - b. Should a resolve be pursued from the three communities?
 - c. Letter to legislative delegation representing the region?
 - d. Meeting with MaineDOT/MaineACF key staffers on status/planning?

Board of Directors

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Androscoggin Land Trust
PO Box 3145 Auburn, Maine 04212
www.androscogginlandtrust.org www.latrails.org
Phone: (207) 782-2302

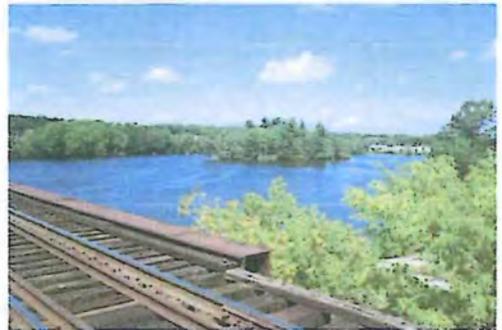


*A Program of
the Androscoggin Land Trust*

January 2013

Androscoggin Land Trust

Androscoggin River Greenway Plan



WRIGHT-PIERCE 
Engineering a Better Environment

Land Use
Planning and
Development

1 Rail Trail, Lincoln Street to I-95 Exit 80, Lewiston

First Tier Priority



a) Rail Trail to utilize existing rail bed to new Exit 80 park & ride lot

Figure 3-a

Description

A rail trail, utilizing the existing rail bed, beginning at Lincoln Street and connecting to the proposed Exit 80 park & ride lot.

Connections

- ◆ Potential regional connectivity south to Lisbon and Topsham via railroad corridor.
- ◆ Connection to Lewiston's designated Growth Area (focus for economic development, planned job center, at exit 80).
- ◆ Connection between downtown Lewiston and I-95 Exit 80 park and ride facilities (with potential regional and multi-modal transportation opportunities).
- ◆ Connection to proposed Cedar Street/Lown Bridge route (#10) with links to downtown Auburn.
- ◆ Connection to proposed Gully Brook (#2b) connection to the schools/Franklin Pasture and to Gaslight Park.
- ◆ Connection for neighborhoods off Lisbon Street to downtown Lewiston.

Length

Off-road route: 2.34 Miles

Construction Type

- ◆ 10'-wide compacted stone dust shared use trail on existing rail bed
- ◆ Drainage improvements and fencing as needed
- ◆ Marked trail crossing on South Avenue
- ◆ Pedestrian bridges in three locations

- ◆ Trailheads with signage and bicycle racks at Cedar Street and the proposed Exit 80 park & ride

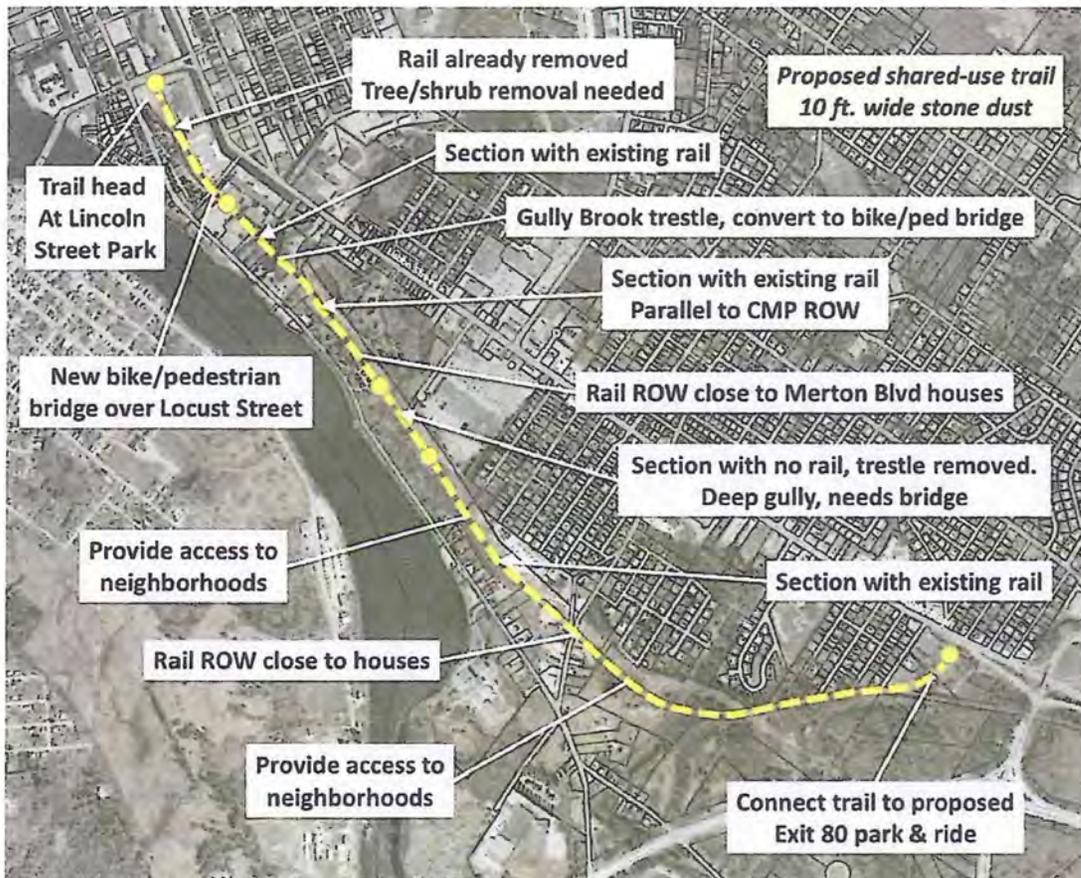
Opportunities and Constraints

- ◆ Rail corridor ownership must be negotiated from Pan Am Railways
- ◆ Additional easements may be necessary to create ADA-compliant grade transition to park & ride at Exit 80
- ◆ Opportunity to connect bicycle commuters with carpools to regional destinations
- ◆ Much of the trail is currently maintained by a snowmobile club - possible conflict, or an opportunity to collaborate. Club has maintained approximately half of the trail in good condition.
- ◆ Crossing of South Ave should not present many difficulties
- ◆ Trail design should be sensitive to adjacent landowners in close proximity to facility
- ◆ Pedestrian bridges present opportunity for views and largely make use of existing infrastructure
- ◆ Opportunity to reach a large population, connecting residences with shopping, workplaces, cultural centers, the river, etc.



Focus Area

Rail Trail from Lincoln Street to I-95 Exit 80, Lewiston



Overview Map



Trail head area at Lincoln Street Park (rail removed)



Existing rail trestle over Gully Brook

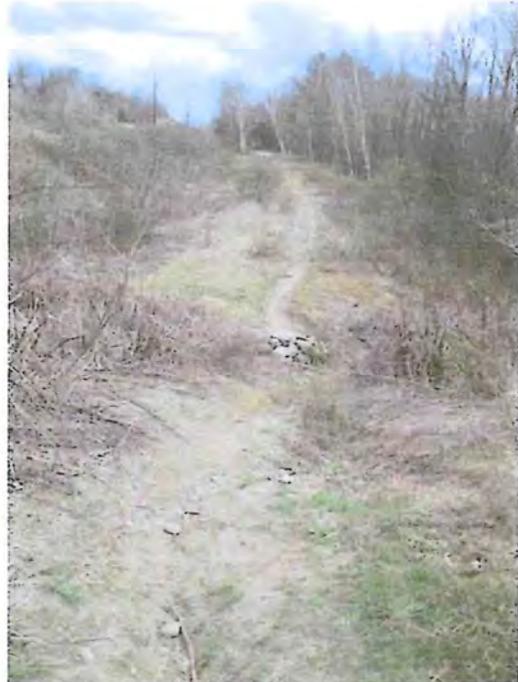
Androscoggin River Greenway



Merton Boulevard, off Lincoln Street, next to rail line



Southern section of rail corridor (typ.)



Gully where trestle was removed, will require new bridge and switch-back trail

Construction Type

- ◆ 10'-wide compacted stone dust shared use trail on existing rail bed
- ◆ Drainage improvements and fencing as needed
- ◆ Marked trail crossing on South Avenue
- ◆ Pedestrian bridges in three locations
- ◆ Trailheads with signage and bicycle racks at Cedar Street and the proposed Exit 80 park & ride

Opportunities and Constraints - Cedar Street to Locust Street

- ◆ Plans for a "road diet" and improved pedestrian crossings on Cedar Street are key to ensuring safe access to the North end of the trail
- ◆ A small crushed stone plaza with benches, a trash receptacle, bike parking, landscaping, and a kiosk with a map and trail information will be accessible from the existing sidewalk on Cedar Street
- ◆ The trail will connect to proposed pedestrian improvements entering Lewiston Island on Mill Street
- ◆ This portion of the trail is thickly wooded, requiring significant clearing
- ◆ The rail bed is currently used for illegal dumping and will need to be regularly maintained after trail completion

Opportunities and Constraints - Locust Street to Gully Brook

- ◆ The existing bridge abutments at Locust Street could be used to support a new, pre-engineered, 60' pedestrian bridge
- ◆ Fencing should be installed for safety along the bridge abutment on the south side of Locust Street
- ◆ Fencing should also be installed, where needed, to provide separation from the adjacent business on this section
- ◆ This section of the tracks is also thickly wooded and will require clearing

Opportunities and Constraints - Gully Brook to the Drainage Channel behind Promenade Mall

- ◆ The existing bridge abutments over Gully Brook could be used to support a new, pre-engineered, 130' pedestrian bridge
- ◆ Tall fencing should be installed as a courtesy where the trail skirts backyards in a residential neighborhood off Merton Boulevard.
- ◆ This section of the tracks is also thickly wooded and will require clearing
- ◆ The trail slopes steeply to the unnamed drainage channel after entering an area dominated by power lines. Informal trails are already used by area residents. A switchback using the CMP-owned land in this area will be necessary to provide an ADA-compliant grade transition to a proposed pedestrian bridge included in the next section. It appears the rail bed used to cross this low spot on a bridge that no longer exists.

Androscoggin River Greenway

Opportunities and Constraints - Drainage Channel behind Promenade Mall to South Avenue

- ◆ A proposed pre-engineered pedestrian bridge crosses the unnamed drainage channel
- ◆ From there, the trail crosses a large cleared area dominated by power lines until rejoining the existing rail bed.
- ◆ An informal trail provides access from this section to Lincoln Street
- ◆ It may be possible to provide a connection to the mall, but the steep rise in grade will need to be overcome and could be costly
- ◆ A tall fence is recommended as a courtesy along the parking area and access drive of an adjacent business at South Road
- ◆ It may be desirable to route the trail onto CMP-owned land in this section until rejoining the existing rail bed
- ◆ From the existing rail bed at the edge of the power line clearing, the trail appears to have been kept clear and in good condition by a snowmobiling club

Opportunities and Constraints - South Avenue to Exit 80 Trailhead

- ◆ Trail crossing signs and an integral-colored crossing are recommended across South Avenue to alert drivers to trail users. Bollards should be installed to prevent vehicles from entering the trail. The crossing does not appear to present significant safety challenges.
- ◆ This section of the trail appears to have been kept clear and in good condition by a snowmobiling club
- ◆ Where the Hart Brook crosses the trail, the bank adjacent to the trail is steep, and in need of stabilization
- ◆ Pondered water suggests some drainage easements may be needed along this section
- ◆ A safety fence should be installed in this area, at the top of the bank
- ◆ Several residential streets dead end in the vicinity of the trail and informal trails connecting them to the trail could be formalized
- ◆ Depending on the configuration of the proposed improvements to the Exit 80 park & ride, it may be necessary to obtain easements from two landowners to provide an ADA-compliant grade transition between the park & ride and the existing rail bed
- ◆ Trail and trailhead improvements should be designed as a part of the Exit 80 park & ride improvements
- ◆ A small crushed stone plaza with a trash receptacle, parking for 10 bicycles, and a kiosk with a map and trail information will be accessible from the improved park & ride, creating an opportunity to connect bicycle commuters with carpools to regional destinations
- ◆ It may be desirable to provide bicycle lockers at the park & ride to further encourage use by bicycle commuters

Rail to Trail from Lincoln Street to I95 Exit 80, Lewiston

Cost Estimates by Segment - 10' Wide Stone Dust Trail

Cedar Street to Locust Street

DESCRIPTION	QTY	UNIT	UNIT COST	COST
Stone Dust Trail Surface	1,260	LF	\$50.00	\$63,000.00
Guardrail/Fence	-	LF	\$40.00	\$0.00
Culvert	-	EA	\$15,000.00	\$0.00
Clearing and Grubbing (20' width x length)	0.6	Acre	\$6,000.00	\$3,471.07
Loam 6" Depth and Seed	13	UNIT	\$750.00	\$9,750.00
Signs - Destination at Locust Street	2	EA	\$50.00	\$100.00
20 x 20 Stone Dust Plaza at Cedar Street Trailhead	1	EA	\$550.00	\$550.00
Trailhead Kiosk	1	EA	\$7,500.00	\$7,500.00
Landscape Plantings at Trailhead	1	LS	\$10,000.00	\$10,000.00
Site Amenities at Trailhead: 2 benches, 3 bike loops and 1 trash receptacle	1	LS	\$3,500.00	\$3,500.00
Subtotal:				\$97,871.07
30% Permitting, Engineering, and Materials Contingency:				\$29,361.32
Total				\$127,232.40

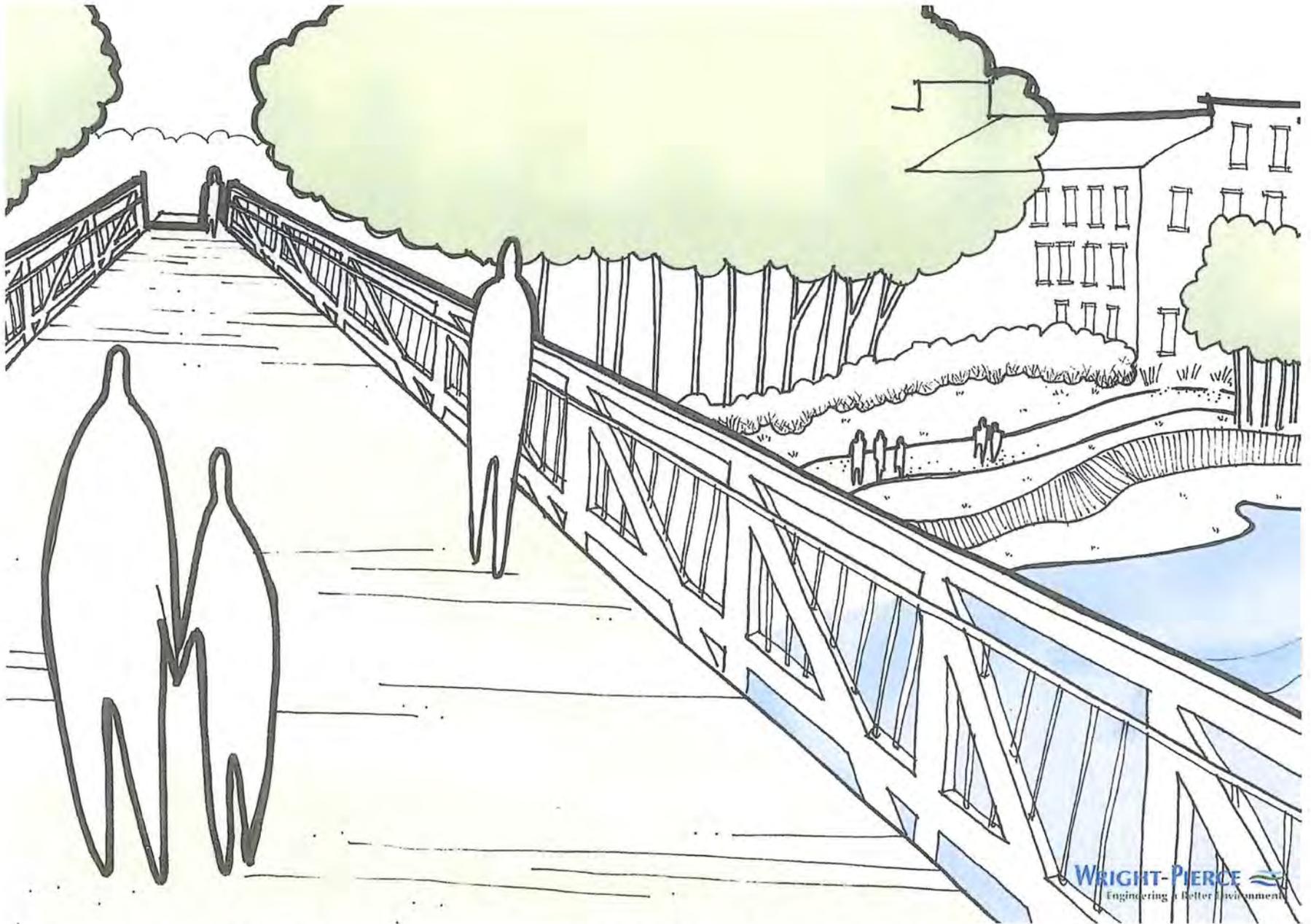
Locust Street to Gully Brook

DESCRIPTION	QTY	UNIT	UNIT COST	COST
Stone Dust Trail Surface	775	LF	\$50.00	\$38,750.00
Chain Link Fence (at Buildings/Elevation Change)	1,000	LF	\$25.00	\$25,000.00
Culvert	-	EA	\$15,000.00	\$0.00
Clearing and Grubbing (20' width x length)	0.4	Acre	\$6,000.00	\$2,134.99
Loam 6" Depth and Seed	8	UNIT	\$750.00	\$6,000.00
Signs - 1/4 Mile Markers	2	EA	\$50.00	\$100.00
Pedestrian Bridge over Locust Street - Uses Existing Abutments	60	LF	\$3,250.00	\$195,000.00
Subtotal:				\$266,984.99
30% Permitting, Engineering, and Materials Contingency:				\$80,095.50
Total				\$347,080.48

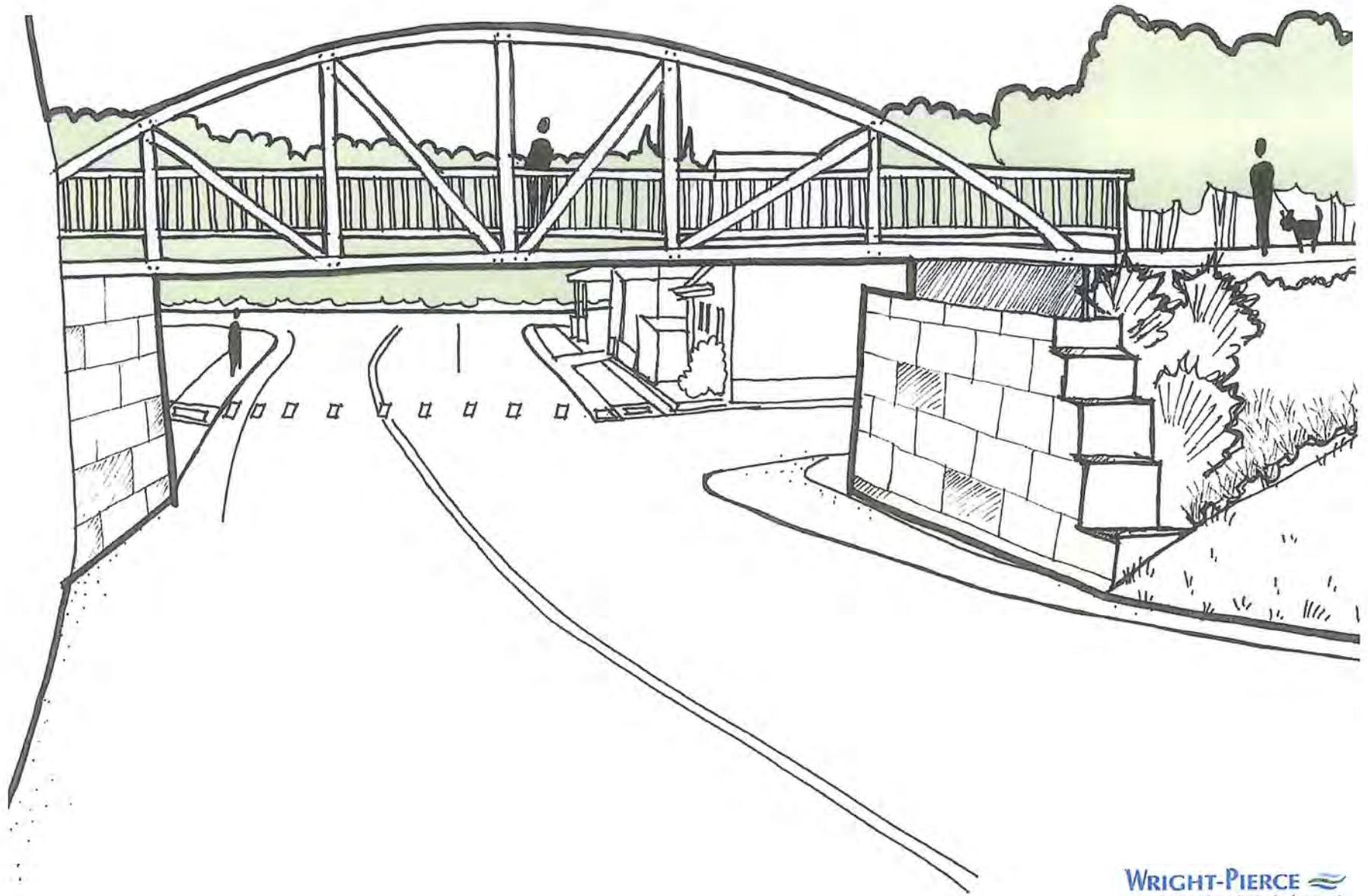
Gully Brook to Unnamed Drainage Channel behind Promenade Mall - South of Merton Boulevard

DESCRIPTION	QTY	UNIT	UNIT COST	COST
Stone Dust Trail Surface	2,000	LF	\$50.00	\$100,000.00
Chain Link Fence (at Residences)	600	LF	\$25.00	\$15,000.00
Culvert	2	EA	\$15,000.00	\$30,000.00
Clearing and Grubbing (20' width x length)	0.9	Acre	\$6,000.00	\$5,509.64
Loam 6" Depth and Seed	20	UNIT	\$750.00	\$15,000.00
Signs - 1/4 Mile Markers and Destinations	6	EA	\$50.00	\$300.00
Pedestrian Bridge over Gully Brook- Uses Existing Abutments	130	LF	\$3,250.00	\$422,500.00
Subtotal:				\$588,309.64
30% Permitting, Engineering, and Materials Contingency:				\$176,492.89

				Total	\$764,802.53
<i>Unnamed Drainage Channel behind Promenade Mall - South of Merton Boulevard to South Avenue</i>					
DESCRIPTION	QTY	UNIT	UNIT COST	COST	
Stone Dust Trail Surface	3,200	LF	\$50.00	\$160,000.00	
Chain Link Fence (at Business near South Road)	460	LF	\$25.00	\$11,500.00	
Culvert	-	EA	\$15,000.00	\$0.00	
Clearing and Grubbing (20' width x length) at South Road only	0.2	Acre	\$6,000.00	\$1,267.22	
Loam 6" Depth and Seed	32	UNIT	\$750.00	\$24,000.00	
Signs - 1/4 Mile Markers and Destinations	8	EA	\$50.00	\$400.00	
Pedestrian Bridge over Drainage Channel - No Existing Abutments	100	LF	\$3,250.00	\$325,000.00	
				Subtotal:	\$522,167.22
				30% Permitting, Engineering, and Materials Contingency:	\$156,650.17
				Total	\$678,817.38
<i>South Avenue to Exit 80 Trailhead</i>					
DESCRIPTION	QTY	UNIT	UNIT COST	COST	
Stone Dust Trail Surface	5,100	LF	\$50.00	\$255,000.00	
Chain Link Fence (at Embankment and Easements)	900	LF	\$25.00	\$22,500.00	
Culvert	2	EA	\$15,000.00	\$30,000.00	
Bank Stabilization	1	LS	\$10,000.00	\$10,000.00	
Clearing and Grubbing (20' width x length) Across Easements near Exit 80 Only	0.3	Acre	\$6,000.00	\$1,652.89	
Loam 6" Depth and Seed	51	UNIT	\$750.00	\$38,250.00	
Signs - 1/4 Mile Markers and Destinations	14	EA	\$50.00	\$700.00	
2 Road Crossing Signs, Pavement Markings, and 4 Bollards	1	LS	\$7,500.00	\$7,500.00	
Curb Ramp Det. Warning	40	SF	\$75.00	\$3,000.00	
30 x 20 Stone Dust Plaza at Exit 80 Trailhead	1	EA	\$825.00	\$825.00	
Trailhead Kiosk	1	EA	\$7,500.00	\$7,500.00	
Landscape Plantings at Trailhead	1	LS	\$5,000.00	\$5,000.00	
Site Amenities at Trailhead: 10 bike loops and 1 trash receptacle	1	LS	\$3,500.00	\$3,500.00	
				Subtotal:	\$385,427.89
				30% Permitting, Engineering, and Materials Contingency:	\$115,628.37
				Total	\$501,056.26
Grand Total (Excluding Easements/ Rights)					\$2,418,989.06



The rail trail would cross Gully Brook on a new pedestrian bridge, and could connect to the proposed Gully Brook trail.



The rail trail would cross Locust Street on a new pedestrian bridge.

Androscoggin Greenway Health Impact Assessment
Final Report

August 31, 2012

Conducted by:
Maine Health Impact Assessment Initiative

Norman Anderson, Maine Center for Disease Control and Prevention

Doug Beck, BS, Maine Center for Disease Control and Prevention

Jaime Comstock, Bangor Region Public Health and Wellness

Rebecca Drewette-Card, MSPH, Public Health Partners, LLC

Sarah Levin Martin, PhD, DBA PEANUT (copyright 2004)

Michelle Mitchell, MSocSc, Partnerships for Health, LLC

Ashley Tetreault, BA, Partnerships for Health, LLC

Table 6. Summary of Expected Health Impacts by Project

	STRAWBERRY AVENUE PROJECT	RIVERFRONT ISLAND PROJECT	NORTH RIVER ROAD PROJECT	EXIT 80 PROJECT
IMPROVED ACCESS				
Fruits and vegetables	+	+	0	0
Services	++	++	++	+
Parks	++	++	+	+
INCREASED TRAIL MILEAGE				
	+	+	++	++
INCREASED PHYSICAL ACTIVITY				
	++	++	++	++
Recreation	+	+	+	+
Active transportation	++	++	+	+
INCREASED NUTRITION				
Fruit and vegetable intake	+	+	0	0
DECREASED BIKE / PED INJURIES				
	+	+	+	+
ENHANCED SOCIAL CAPITAL				
	+	+	+	+
Employment opportunities	+	+	+	+

Figure 12. Logical Pathway for the Riverfront Island Project

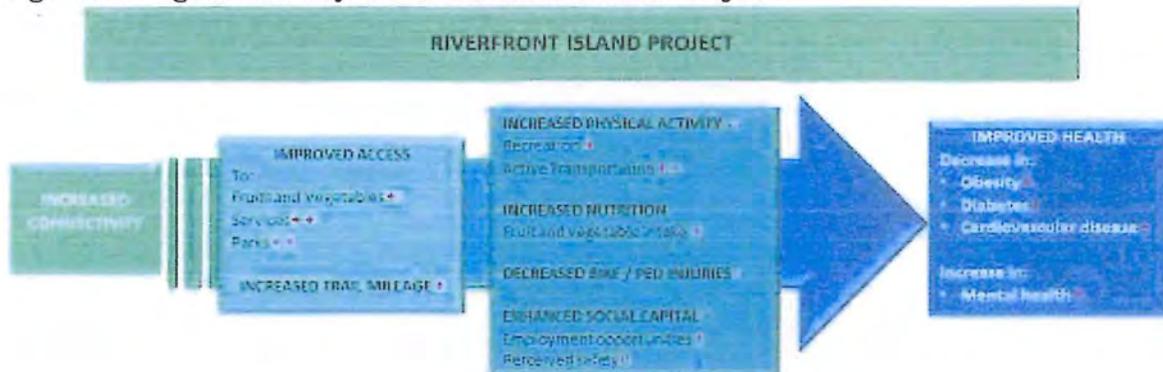


Figure 13. Logical Pathway for the Exit 80 Project

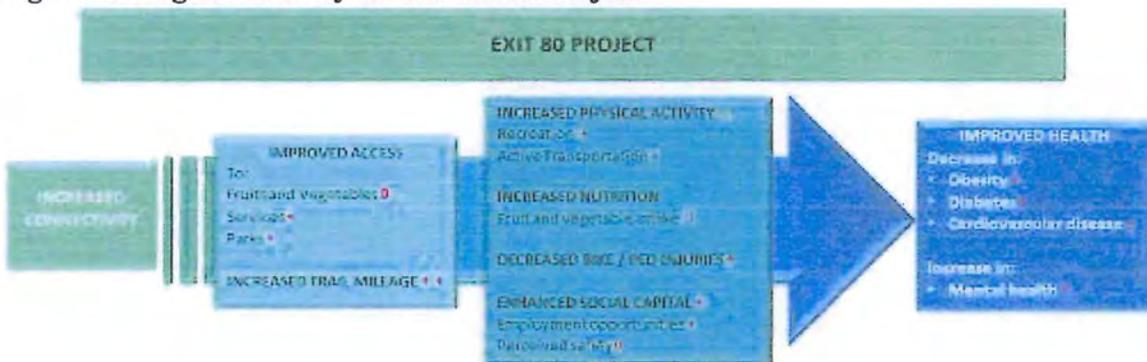


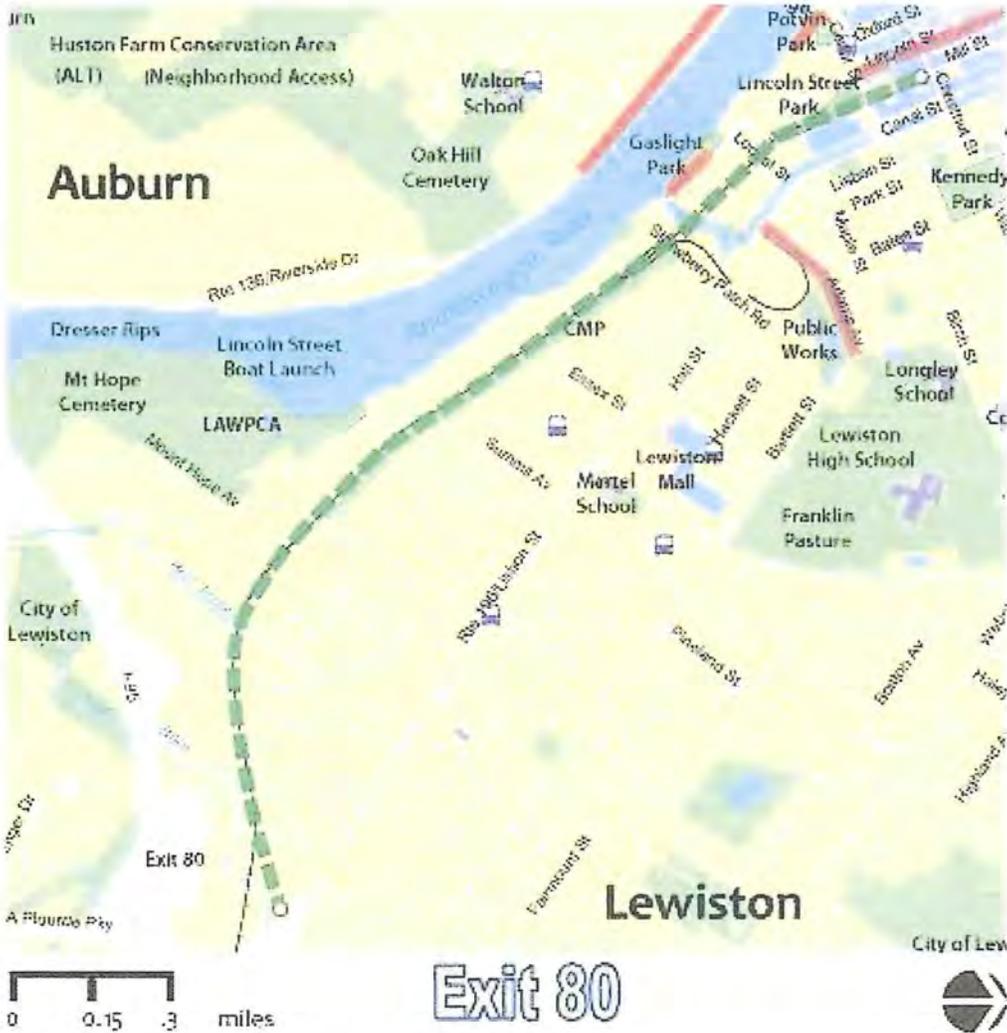
Figure 14. Logical Pathway for the North River Road Project



3.5 Exit 80

The Exit 80 project begins at I-95 Exit 80 in Lewiston and follows the existing rail corridor for 2.25 miles to Chestnut Street in downtown Lewiston. While this corridor is adjacent to some densely populated areas of the city, the topography between the residential area and the trail makes it nearly impossible to reach the trail from those neighborhoods, under the existing plan. This results in a corridor that is almost exclusively point-to-point in nature.

Figure 7. Exit 80 Project Map



LMF Funding for the purchase of multi use rail trails

Date	Miles		Purchase Price	LMF Funding
10/29/1999	13.54	Farmington to French Falls	\$ 198,000.00	\$ 198,000.00
12/5/2003	29	Newport to Dover-Foxcroft	\$1,250,000	\$537,000
3/29/2005	5.9	Patten to Sherman	\$ 120,000.00	\$ 80,000.00
6/24/2005	32.5	Houlton to Presque Isle	\$ 714,049.59	\$ 53,360.00
9/7/2009	16	Medford to Lagrange	\$ 306,000.00	\$ 128,000.00

Lisbon Area Snowmobile Trails

Location



Pejepscot Sno-Chiefs

We meet the 2nd Tuesday of the month at 7PM at the town offices

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

RESOLVE 01-02032014

WHEREAS, The City of Auburn, City Council in the County of Androscoggin, and State of Maine appointed municipal staff and volunteer members of the public have worked with a Regional Rail to Trail Committee from Lewiston and Auburn to produce a plan to construct a multi-use trail from Lisbon to Lewiston on the abandoned rail line.

AND WHEREAS, it is the intent of the City of Auburn, City Council to work with Regional Rail to Trail Committee on the proposed plans to ensure that the future multi-use trail is open to the public for recreational and wellness activity.

AND WHEREAS, the City of Auburn, City Council supports the proposed Rail to Trail as an economic development opportunity that will benefit all organizations and businesses within the Androscoggin County region.

AND WHEREAS, the City of Auburn, City Council also recognizes that the Rail to Trail is supported in the Bridging the Gap, ATRC 2013 Regional Bicycle/Pedestrian Plan; "A number of opportunities exist for multi-use paths in Lewiston, Auburn, Sabattus and Lisbon. Ideally these paths can be constructed on independent right-of-ways such as abandoned railway beds"

AND WHEREAS, the City of Auburn, City Council, supports the removal of the rail so construction of the new trail will be done and also allow the improvement of the rail bed.

AND WHEREAS, the City of Auburn, City Council recognizes that the State of Maine may exercise its right to reconstruct the rail at any time that it deems necessary for regional economic development improvements.

BE IT THEREFORE RESOLVED that the City of Auburn, City Council supports the Regional Rail to Trail efforts as it makes sense financially and functionally to support in earnest:

BE IT FURTHER RESOLVED, The City of Auburn supports any legislative effort that will result in the development and completion of a multi-use trail for recreational and wellness activities. The effect of the completion of this trail will allow all citizens of the State of Maine and its visitors to have access to all that Maine has to offer in terms of recreation and area to encourage healthy life styles. It will also optimize and develop regional cooperation that would enhance economic development opportunities for the Androscoggin County region.

LEWISTON CITY COUNCIL

MEETING OF MARCH 4, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Carlton Club, 25 Sabattus Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from the Carlton Club, 25 Sabattus 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 owners have 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.

EAB/kmm

REQUESTED ACTION:

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

To grant a Special Amusement Permit for Live Entertainment to the Carlton Club, 25 Sabattus Street.

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 2-11-14 Expiration Date: 3-11-15 License fee: \$116.00

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

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

****PLEASE PRINT****

Business Name: Carlton Club Business Phone: 784-9280

Location Address: 25 Sabattus st Lewiston Me 04240

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

Mailing Address: 25 Sabattus st

Contact Person: Steve Bernard Home Phone: 240-9530

Owner of Business: _____ Date of Birth: _____

Address of Owner: _____

Manager of Establishment: Sharon Mendenhall Date of Birth: _____

Owner of Premises (landlord): Robert Urquhart 9017 Black Chestnut Dr. Ieland NC

Address of Premises Owner: 9017 Black Chestnut Dr Ieland NC 28541

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): _____

Carlton Club 25 Sabattus 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: Carlton Club

Corporation Mailing Address: 25 Sebatos St

Contact Person: Steve Bernard Phone: 240-9530

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: [Signature] Title: Treasurer Date: 2-18-14

Printed Name: Steve Bernard

Sent to Code Enforcement: _____ Need reply by: _____ Approved: _____

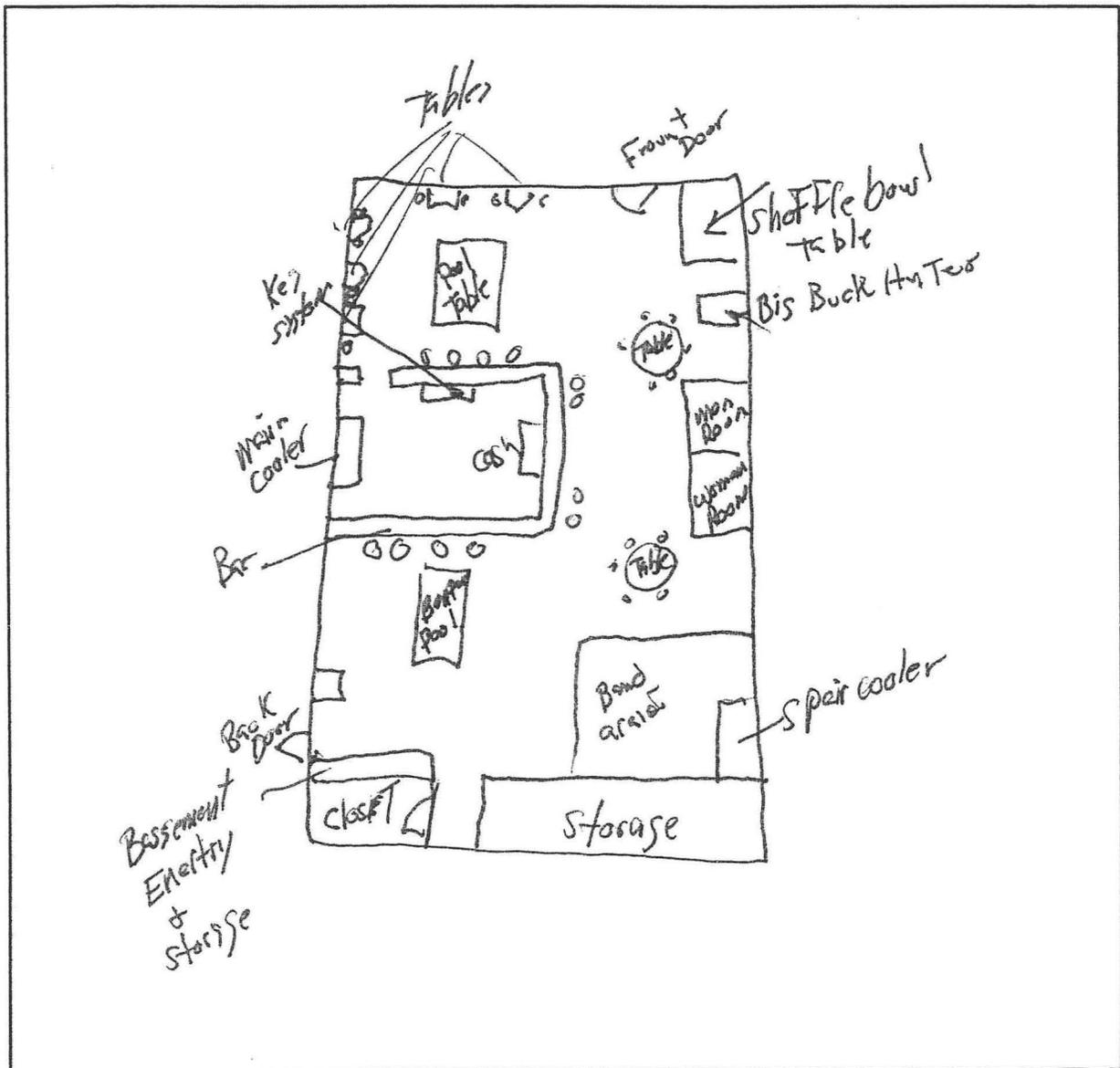
Sent to Police & Fire: _____

Hearing Date: _____ Approved by Council: _____ Vote No: _____

**SPECIAL AMUSEMENT PERMIT
SUPPLEMENTAL APPLICATION FORM
ON-PREMISE DIAGRAM**

In an effort to clearly define your licensed premise and areas that the entertainment is allowed, the City of Lewiston 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 showing where in the facility the entertainment will be, the direction of any speakers and where the dance floor, if any will be located.





POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: February 10, 2014

RE: Liquor License/Special Amusement Permit – **Carlton Club**

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

Carlton Club
25 Sabattus Street



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



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

LEWISTON CITY COUNCIL
MEETING OF MARCH 4, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Public Hearing and Final Passage regarding an amendment to the Business Licensing ordinance regarding garage sale permits.

INFORMATION:

Under the current Business Ordinance, residents are permitted to hold two garage sales a year on their property. Several residents have requested the ability to hold three sales at their location. The reasons vary, some would like to hold one in spring, another in summer and another in fall. Some would like to be able to hold a third sale just to get rid of remaining items if their first two sales were slow due to poor weather or lack of business in previous sales.

The Police Department does not see any concerns with this regarding increased neighborhood traffic or any other concerns.

Passage is recommended.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/klmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That the proposed amendment to the City Code of Ordinances, Chapter 22 "Businesses", Article X "Sale of Personal Property From Residential Premises", Section 22-282 "Permit required; conditions" receive final passage by a roll call vote.

AN ORDINANCE PERTAINING TO SALE OF PERSONAL PROPERTY

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 22 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

CHAPTER 22

BUSINESSES

**ARTICLE X. SALE OF PERSONAL PROPERTY FROM RESIDENTIAL
PREMISES**

Sec. 22-282. Permit required; conditions.

No person shall sell or offer for sale personal property from any residential premises except as permitted by this article. Only the sale of donated personal property and the sale of personal property owned, used and maintained for personal use only by the seller, and not for resale to the public, shall be permitted to be sold from residential premises, and only after issuance to the seller of a permit for such purposes, as follows:

- (1) A permit may be obtained from the city clerk's office. The fee for a permit shall be paid in accordance with the business fee schedule as established by the city council.
- (2) No permit shall be issued for sales of personal property upon residential premises for a period of more than three consecutive days, and no more than ~~two~~ three permits shall be issued for such sales upon a residential premises in any one calendar year. Permits required under this article shall be on forms furnished by the city clerk.

Note: Additions are underlined; deletions are ~~struck-out~~.

LEWISTON CITY COUNCIL

MEETING OF MARCH 4, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Public Hearing and First Passage for the conditional rezoning of the property at 1 Walnut Street from the Downtown Residential (DR) District to the Centreville (CV) District.

INFORMATION:

The Planning Board voted 7-0 to send a favorable recommendation to the City Council to conditionally rezone the property at 1 Walnut Street from the Downtown Residential (DR) District to the Centreville (CV) District, subject to the conditional rezoning agreement.

Andrew Knight has submitted a petition to request a conditional rezoning of this property (which is the former St. Patrick's Church) to allow uses of the property which are permitted and conditional uses in the DR zoning district and the following as conditional uses: "drinking places", and "places of indoor assembly, amusement or culture". The rezoning would allow for the petitioner to utilize the property for commercial purposes; specifically large events such as weddings and conferences.

Please see the enclosed memorandum from City Planner David Hediger for additional information as well as a site map and other background information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator supports the requested action.

EATB/kmm

REQUESTED ACTION:

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

To approve first passage of the amendment to the Zoning and Land Use Code and Map to conditionally rezone the property at 1 Walnut Street from the Downtown Residential (DR) District to the Centreville (CV) District, subject to a conditional agreement, and to continue the public hearing to the next regular City Council meeting for final passage.



City of Lewiston
Planning & Code Enforcement
Gil Arsenault, Director



MEMORANDUM

To: Ed Barrett, City Administrator
City Clerk's Office
City Council Members

From: David Hediger

Date: February 26, 2014

Subject: Planning Board Action

The Planning Board took the following action at their public meeting held on February 24, 2014 regarding the Conditional Rezoning of St. Patrick's Church & Rectory located at 1 Walnut Street:

The following motion was made:

MOTION: By **Paul Madore** pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration to conditionally rezone the property at 1 Walnut Street from the Downtown Residential (DR) district to the Centreville (CV). Second by **Pauline Gudas**.

VOTED: 7-0 (Passed).

c: Planning Board Members



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Honorable Mayor and Members of the City Council
FROM: David Hediger, City Planner
DATE: February 25, 2014
RE: Request by Andrew Knight to conditionally rezone the property a 1 Walnut Street – formerly St. Patrick’s Church –from the Downtown Residential (DR) district to the Centreville (CV) district.

Andrew Knight has submitted a petition pursuant to Article XVII, Section 5 of the Zoning and Land Use Code to conditionally rezone the property a 1 Walnut Street – formerly St. Patrick’s Church –from the Downtown Residential (DR) district to the Centreville (CV) district. This property of approximately 1.4 acres consists of a vacant church, rectory, and parking lot. The church was constructed in 1886 and held its last mass in October 2009. The structures are located within the Kennedy Park Historic District with any changes to the exterior subject to a Certificate of Appropriateness from the Lewiston Historic Preservation Review Board. Mr. Knight currently has an option to purchase the property from the Roman Catholic Bishop of Portland.

The petitioner’s request to conditionally rezone the property will allow uses of the property which are presently permitted and conditional uses in the DR zoning district and the following as conditional uses: “drinking places”, and “places of indoor assembly, amusement or culture”. The rezoning would allow for the petitioner to utilize the property for commercial purposes; specifically, large events such as wedding and conferences. While these types of events may be considered accessory to a religious facility, the ability to operate a place of indoor assembly, amusement, or culture independently is not an allowed use in the DR district. The proposed rezoning will allow the property to be used for non-religious assemblies and events regulated as conditional uses. The petitioner has suggested the primary clientele will likely consist of corporate, not-for-profit, and government entities seeking mid-size conference space and wedding parties seeking a unique and beautiful ceremony and reception venue.

The rezoning would also allow drinking places as a conditional use. Staff understands the petitioner is not proposing to operate a traditional bar at this location; though, that would be allowed. However, rezoning to allow drinking places as a conditional use provides the ability to have a liquor license at this location instead of catering alcoholic beverages for events.

As noted above, the property will continue to allow all those uses currently permitted in the DR district. Of particular interest to the petitioner is the option of operating a restaurant as a permitted use and a hotel/motel/inn as a conditional use. Staff has provided a table listing all of the allowed uses in the DR and CV in comparison with the proposed conditional rezoning.

On February 24, 2014 the Planning Board unanimously to send a favorable recommendation for the City Council’s consideration to conditionally rezone the above referenced property.

Land Use Table: pursuant to Article XI, Section 22 et seq. of the Zoning and Land Use Code	Downtown Residential (DR)	Centreville (CV) ⁽³⁶⁾	Proposed Conditional Rezoning-CV: 1 Walnut Street
USES(15)(33)			
Accessory use or structure	P	P	P
Commercial-Service			
Veterinary facilities excluding kennels and humane societies			
Veterinary facilities including kennels and humane societies			
Small day care facilities	P		P
Day care centers	P	P	P
Day care centers accessory to public schools, religious facilities, multifamily or mixed res. developments, and mobile home parks			
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services	P(9)	P(9)	P(9)
Restaurants	P(1)	P(1)	P(1)
Drinking places		P	C
Adult business establishments			
Hotels, motels, inns	C	P	C
Movie theaters except drive-in theaters	P	P	P
Places of indoor assembly, amusement or culture		P	C
Art and crafts studios	P	P	P
Personal Services	P	P	P
Retail stores	P	P	P
Neighborhood retail stores			
Lumber and building materials dealer			
Gasoline service stations			
Gasoline service stations which are a part of and subordinate to a retail use			
New and used car dealers			
Recreational vehicle, mobile home dealers			
Equipment dealers and equipment repair			
Automotive services including repair			
Registered dispensary(27)			
Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients.			
Tattoo Establishments			
Industrial			
Light industrial uses			
Industrial uses		P(16)	

Land Use Table: pursuant to Article XI, Section 22 et seq. of the Zoning and Land Use Code	Downtown Residential (DR)	Centreville (CV) ⁽³⁶⁾	Proposed Conditional Rezoning-CV: 1 Walnut Street
Building and construction contractors			
Fuel oil dealers and related facilities			
Wholesale sales, warehousing and distribution facilities and self-storage facilities			
Self storage facilities			
Commercial solid waste disposal facilities			
Junkyards and auto graveyards			
Recycling and reprocessing facilities			
Private industrial/commercial developments(23)			
Transportation			
Airports or heliports			
Commercial parking facilities	G(3)	P	C(3)
Transit and ground transportation facilities	C	P	C
Transportation facilities			
Public and Utility			
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P	P	P
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C	C	C
Municipal buildings and facilities	P	P	P
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways			
Dams			
Institutional			
Religious facilities	P	P	P
Cemeteries			
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities	P	P	P
Hospitals, medical clinics,	C	P	C
Museums, libraries, and non-profit art galleries and theaters	P	P	P

Land Use Table: pursuant to Article XI, Section 22 et seq. of the Zoning and Land Use Code	Downtown Residential (DR)	Centreville (CV) ⁽³⁶⁾	Proposed Conditional Rezoning-CV: 1 Walnut Street
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,	P	P	P
Civic and social organizations		P	
Public community meeting and civic function buildings including auditoriums	P	P	P
Residential(8)			
Single-family detached dwellings on individual residential lots	P(11)		P(11)
Mobile homes on individual residential lots			
Two-family dwellings	P(11)		P(11)
Multifamily dwellings in accordance with the standards of Article XIII	P(11)	P	P(11)
Single-Family attached dwelling in accordance with the standards of Article XIII	P(11)		P(11)
Mixed single-family residential developments in accordance with the standards of Article XIII			
Mixed residential developments in accordance with the standards of Article XIII			
Mixed use structures	P(11)	P	P(11)
Lodging houses	P(11)		P(11)
Home occupations	P		P
Bed and breakfast establishments as a home occupation	P	P	P
In-law apartments in accordance with the standards of Article XII	P	P	P
Single family cluster development			
Family day care home	P	P	P
Shelters	C		C
Natural Resource			
Agriculture			
Farm Stands			
Forest management and timber harvesting activities in accordance with the standards of Article XIII			
Earth material removal			
Community gardens(20)	P	P	P
Water dependent uses, e.g. docks and marinas			

Land Use Table: pursuant to Article XI, Section 22 et seq. of the Zoning and Land Use Code	Downtown Residential (DR)	Centreville (CV) ⁽³⁵⁾	Proposed Conditional Rezoning-CV: 1 Walnut Street
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet			
Recreation			
Campgrounds			
Public or private facilities for nonintensive outdoor recreation	C		C
Commercial outdoor recreation and drive-in theaters			
Fitness and recreational sports centers as listed under NAICS Code 713940			

ANDREW KNIGHT, J.D.

1/22/2014

David Hediger
City Planner/Deputy Director, Planning and Code Enforcement
City of Lewiston
27 Pine Street
Lewiston, ME 04240-7201

Dear Mr. Hediger:

As part of my submission for a conditional rezoning of property located at 220 Bates Street and 1 Walnut Street (formerly St. Patrick's Church and Rectory), please find the following attachments:

- A proposed amendment to Appendix A, Article IV, of the Zoning and Land Use Code of Lewiston, Maine
- A statement indicating the reasons for the proposed amendment
- A statement indicating how the proposed amendment is in conformance with the comprehensive plan
- A conditional rezoning agreement
- A copy of the ratified Purchase and Sale Agreement from the existing owner to the proponent, which includes Exhibit A, describing the parcels involved in the proposed amendment, and a copy of the existing deed to the parcels involved in the proposed amendment.
- Exhibit B, a black line print of a diagram reflecting the verbal description of the proposed change and the relation of the proposed change to the presently existing district boundaries involved

I am proposing a conditional rezoning of the subject property from the Downtown Residential (DR) zoning district to the Centreville (CV) zoning district to allow the property to be utilized productively and efficiently as a successful commercial property, particularly a large events venue specializing in weddings and conferences. The Centreville zoning will allow the property to be used as a restaurant, drinking place, hotel/motel/inn, and place of indoor assembly/amusement/culture. I will send the signed petition under separate cover.

I look forward to discussing this proposal with you. Please let me know if you have further questions.

Kind regards,



Andrew Knight, J.D.

AN ORDINANCE PERTAINING TO ZONING 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," adopted pursuant to this Section, is hereby amended by conditionally rezoning the parcels more fully described in Exhibit "A" attached hereto, and as shown on a black line print attached hereto as Exhibit "B," said parcels being located at 220 Bates Street and 1 Walnut Street, Lewiston, Maine (formerly known as St. Patrick's Church and Rectory), from the Downtown Residential (DR) zoning district to the Centreville (CV) zoning district.

REASONS FOR THE PROPOSED AMENDMENT

The reasons for the proposed amendment include allowing the former St. Patrick's Church and Rectory (located, respectively, at 220 Bates Street and 1 Walnut Street, Lewiston, Maine) to be run as successful businesses that attract clientele and revenue from within and without the Lewiston-Auburn area, increase revenue to local businesses, improve local property values, and discourage crime in and around Kennedy Park, all while preserving these historic structures. Specifically, proponent would like to have the properties, which are currently zoned for the Downtown Residential (DR) zoning district, conditionally rezoned to the Centreville (CV) zoning district to allow the operation of a large events venue, specializing in weddings and conferences with on-site accommodations, catering, and alcoholic beverage options in addition to those uses currently allowed in the DR.

CONFORMANCE WITH COMPREHENSIVE PLAN

1. To establish a Cultural District in the downtown area (Culture & Arts Policy #5, page 18).
2. Stimulate and maintain vital business investment in the Downtown area (Downtown Goals #1, page 22).
3. Promote preservation of important historic buildings that define the character of the Downtown area (Downtown Goals #4, page 22).

4. Attract new investors to purchase, redevelop and whenever possible utilize the buildings within the Downtown Area (Downtown Policy #7, page 32).
5. Continue to recognize, preserve and protect the visual, architectural, cultural, historical and archeological resources that contribute to and define the unique character of the City (Historic Preservation Goals #1, page 55).
6. Contribute to the vitality and economic development of the City by recapturing under-utilized space for special uses, increasing the real estate tax base, and re-establishing ... other areas to their former status in the region through preservation efforts targeted to enhance the aesthetics and the cultural climate of the City (Historic Preservation Goals #2, page 55).
7. Enhance the image of Lewiston and its proud heritage by ... fostering the continued conversion of vacant space to productive reuses that will contribute to the revitalization of the entire Downtown and City (Historic Preservation Goals #3, page 55).
8. Encourage orderly growth and development in appropriate areas of the City, while protecting the City's rural character, making efficient use of public services and preventing development sprawl (Land Use Goal #1, page 122).
9. Provide incentives for adaptive reuse of building or infill construction (Long Range Planning Policy #3, Strategy A, page 133).

CONDITIONAL REZONING AGREEMENT

The proponent requests that the official zoning map for the City be amended by deleting the subject property from the Downtown Residential (DR) zoning district and conditionally rezone the subject premises to the Centreville (CV) zoning district, subject to the limitations more fully described below.

In compliance with the provisions of the Code, Article XVII, Section 5(g), the proponent hereby proposes the following conditions:

- (a) Allowed uses of the property shall include those uses which are presently permitted and conditional uses in the Downtown Residential (DR) zoning district, and the following as conditional uses: "drinking places", "places of indoor assembly, amusement or culture", as listed below and subject to the conditions contained herein.

Land Use Table: pursuant to Article XI, Section 22 <i>et seq.</i> of the Zoning and Land Use Code, subject to applicable <i>Land Use Table Notes</i> of aforementioned section of code.	Conditional Rezoning-Centreville (CV): 1 Walnut Street/220 Bates Street
USES(15)(33)	
Accessory use or structure	P
Commercial-Service	
Veterinary facilities excluding kennels and humane societies	
Veterinary facilities including kennels and humane societies	
Small day care facilities	P
Day care centers	P
Day care centers accessory to public schools, religious facilities, multifamily or mixed res. developments, and mobile home parks	
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services	P(9)
Restaurants	P(1)
Drinking places	C
Adult business establishments	
Hotels, motels, inns	C
Movie theaters except drive-in theaters	P
Places of indoor assembly, amusement or culture	C
Art and crafts studios	P
Personal Services	P
Retail stores	P
Neighborhood retail stores	
Lumber and building materials dealer	
Gasoline service stations	
Gasoline service stations which are a part of and subordinate to a retail use	
New and used car dealers	
Recreational vehicle, mobile home dealers	

Equipment dealers and equipment repair	
Automotive services including repair	
Registered dispensary(27)	
Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients.	
Tattoo Establishments	
Industrial	
Light industrial uses	
Industrial uses	
Building and construction contractors	
Fuel oil dealers and related facilities	
Wholesale sales, warehousing and distribution facilities and self-storage facilities	
Self storage facilities	
Commercial solid waste disposal facilities	
Junkyards and auto graveyards	
Recycling and reprocessing facilities	
Private industrial/commercial developments(23)	
Transportation	
Airports or heliports	
Commercial parking facilities	C(3)
Transit and ground transportation facilities	C
Transportation facilities	
Public and Utility	
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C
Municipal buildings and facilities	P
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways	
Dams	
Institutional	

Religious facilities	P
Cemeteries	
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities	P
Hospitals, medical clinics,	C
Museums, libraries, and non-profit art galleries and theaters	P
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures,	P
Civic and social organizations	
Public community meeting and civic function buildings including auditoriums	P
Residential(8)	
Single-family detached dwellings on individual residential lots	P(11)
Mobile homes on individual residential lots	
Two-family dwellings	P(11)
Multifamily dwellings in accordance with the standards of Article XIII	P(11)
Single-Family attached dwelling in accordance with the standards of Article XIII	P(11)
Mixed single-family residential developments in accordance with the standards of Article XIII	
Mixed residential developments in accordance with the standards of Article XIII	
Mixed use structures	P(11)
Lodging houses	P(11)
Home occupations	P
Bed and breakfast establishments as a home occupation	P
In-law apartments in accordance with the standards of Article XII	P
Single family cluster development	
Family day care home	P
Shelters	C

Natural Resource	
Agriculture	
Farm Stands	
Forest management and timber harvesting activities in accordance with the standards of Article XIII	
Earth material removal	
Community gardens(20)	P
Water dependent uses, e.g. docks and marinas	
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet	
Recreation	
Campgrounds	
Public or private facilities for nonintensive outdoor recreation	C
Commercial outdoor recreation and drive-in theaters	
Fitness and recreational sports centers as listed under NAICS Code 713940	

(b) Violations of any of the conditions herein will constitute a violation of the Code.

(c) The conditions described herein shall bind the proponent, its successors and assigns, and any person in possession or occupant of the subject premises, or any portion thereof, and shall inure to the benefit of and be enforceable by the City.

(d) The proponent shall, at his own expense, record in the Androscoggin County Registry of Deeds a copy of the conditions within thirty (30) days following final approval of this proposal by the City. Such form of recording is to be in a form satisfactory to the City.

(e) The conditions described herein shall run with the subject premises.

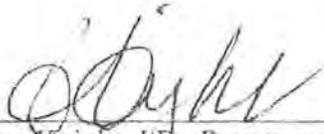
(f) In addition to other remedies to which the City may be entitled under applicable provisions of statute or ordinance, if any party in possession of use of the subject premises fails or refuses to comply with any of the conditions imposed, any rezoning approved by the City in accordance with the conditions shall be of no force or effect. In that event, any use of the subject premises and any building or structures developed pursuant to the rezoning shall be immediately abated and brought into compliance with all applicable provisions of the Code with the same effect as if the rezoning had never occurred.

(g) If any of the conditions are found by a court of competent jurisdiction to be invalid, such determination shall not invalidate any of the other conditions.

(h) Any rezoning approved by the City conditionally shall be of no force or effect if the proponent fails or refuses to comply with conditions imposed.

(i) Any allowed proposed use, addition, or expansion of the property deemed applicable to Article XIII, Section 2 of the Zoning and Land Use Code shall be subject to the applicable sections of Article XIII of the Zoning and Land Use Code, Development Review and Standards.

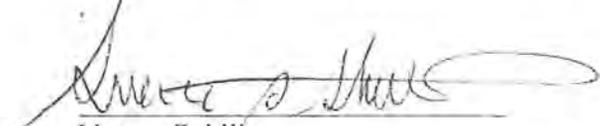
(j) By submitting this proposal, the proponent agrees in writing to the conditions described herein.



Andrew Knight, J.D., Proponent

Fairfax County, Virginia

On 1-22, 2016, Personally appeared the above named Andrew Knight and acknowledged the foregoing to be of his free act and deed.



Notary Public
Commission Expires: June 30, 2016



Sign Envelope ID: FF5BFA9E-7D4C-4575-A51B-3157C9E08133

PURCHASE AND SALE AGREEMENT

("days" means business days unless otherwise noted, see paragraph 23)

November 26, 2013
Offer Date

Effective Date
Effective Date is defined in Paragraph 23 of this Agreement.

1. PARTIES: This Agreement is made between Andrew Knight and or assigns ("Buyer") and Roman Catholic Bishop of , Portland, a corporation sole ("Seller").

2. DESCRIPTION: Subject to the terms and conditions hereinafter set forth, Seller agrees to sell and Buyer agrees to buy (all part of; if "part of" see para. 26 for explanation) the property situated in municipality of Lewiston, County of Androscoggin, State of Maine, located at 220 Bates St & 1 Walnut St and described in deed(s) recorded at said County's Registry of Deeds, Book(s) 161, Page(s) 261.

3. FIXTURES: The Buyer and Seller agree that all fixtures, including but not limited to existing storm and screen windows, shades and/or blinds, shutters, curtain rods, built-in appliances, heating sources/systems including gas and/or kerosene-fired heaters and wood/pellet stoves, sump pump and electrical fixtures are included with the sale except for the following: no exceptions

Seller represents that all mechanical components of fixtures will be operational at the time of closing except: n/a

4. PERSONAL PROPERTY: The following items of personal property as viewed on November 20, 2013 are included with the sale at no additional cost, in "as is" condition with no warranties: everything shall remain as of 11-20-2013

5. PURCHASE PRICE/EARNEST MONEY: For such Deed and conveyance Buyer agrees to pay the total purchase price of [redacted]. Buyer has delivered; or will deliver to the Agency within 3 days of the Offer Date, a deposit of earnest money in the amount [redacted]. If said deposit is to be delivered after the submission of this offer and is not delivered by the above deadline, this offer shall be void and any attempted acceptance of this offer in reliance on the deposit being delivered will not result in a binding contract. Buyer agrees that an additional deposit of earnest money in the amount of \$ n/a will be delivered n/a. Failure by Buyer to deliver this additional deposit in compliance with the above terms shall constitute a default under this Agreement. The remainder of the purchase price shall be paid by wire, certified, cashier's or trust account check upon delivery of the Deed.

This Purchase and Sale Agreement is subject to the following conditions:

6. ESCROW AGENT/ACCEPTANCE: Prudential Northeast Properties ("Agency") shall hold said earnest money and act as escrow agent until closing; this offer shall be valid until December 3, 2013 (date) 5:00 AM PM; and, in the event of non-acceptance, this earnest money shall be returned promptly to Buyer. In the event that the Agency is made a party to any lawsuit by virtue of acting as escrow agent, Agency shall be entitled to recover reasonable attorney's fees and costs which shall be assessed as court costs in favor of the prevailing party.

7. TITLE AND CLOSING: A deed, conveying good and merchantable title in accordance with the Standards of Title adopted by the Maine Bar Association shall be delivered to Buyer and this transaction shall be closed and Buyer shall pay the balance due and execute all necessary papers on January 31, 2013 (closing date) or before, if agreed in writing by both parties. If Seller is unable to convey in accordance with the provisions of this paragraph, then Seller shall have a reasonable time period, not to exceed 30 calendar days, from the time Seller is notified of the defect, unless otherwise agreed to in writing by both Buyer and Seller, to remedy the title. Seller hereby agrees to make a good-faith effort to cure any title defect during such period. If, at the later of the closing date set forth above or the expiration of such reasonable time period, Seller is unable to remedy the title, Buyer may close and accept the deed with the title defect or this Agreement shall become null and void in which case the parties shall be relieved of any further obligations hereunder and any earnest money shall be returned to the Buyer.

8. DEED: The property shall be conveyed by a Release Deed deed, and shall be free and clear of all encumbrances except covenants, conditions, easements and restrictions of record which do not materially and adversely affect the continued current use of the property.

9. POSSESSION, OCCUPANCY, AND CONDITION: Unless otherwise agreed in writing, possession and occupancy of premises, free of tenants and occupants, shall be given to Buyer immediately at closing. Said premises shall then be broom clean, free of all possessions and debris, and in substantially the same condition as at present, excepting reasonable use and wear. Buyer shall have the right to view the property within 24 hours prior to closing.

January 2013

Page 1 of 4 - P&S

Buyer(s) Initials [Signature]

Seller(s) Initials [Signature]

10. RISK OF LOSS, DAMAGE, DESTRUCTION AND INSURANCE: Prior to closing, risk of loss, damage, or destruction of premises shall be assumed solely by the Seller. Seller shall keep the premises insured against fire and other extended casualty risks prior to closing. If the premises are damaged or destroyed prior to closing, Buyer may either terminate this Agreement and be refunded the earnest money, or close this transaction and accept the premises "as-is" together with an assignment of the insurance proceeds relating thereto.

11. FUEL/UTILITIES/PRORATIONS: Fuel remaining in tank on day of closing shall be paid by Buyer at cash price as of date of closing of company that last delivered the fuel. Metered utilities such as electricity, water and sewer will be paid through the date of closing by Seller. The following items, where applicable, shall be prorated as of the date of closing: collected rent, association fees, (other) no prorations of fuel. The day of closing is counted as a Seller day. Real estate taxes shall be prorated as of the date of closing (based on municipality's fiscal year). Seller is responsible for any unpaid taxes for prior years. If the amount of said taxes is not known at the time of closing, they shall be apportioned on the basis of the taxes assessed for the preceding year with a reapportionment as soon as the new tax rate and valuation can be ascertained, which latter provision shall survive closing. Buyer and Seller will each pay their transfer tax as required by State of Maine.

12. DUE DILIGENCE: Neither Seller nor Licensee makes any warranties regarding the condition, permitted use or value of Seller's real or personal property, or any representations as to compliance with any federal, state or municipal codes, including, but not limited to, fire, life safety, electrical and plumbing. Buyer is encouraged to seek information from professionals regarding any specific issue or concern. This Agreement is subject to the following investigations, with results being satisfactory to Buyer:

TYPE OF INVESTIGATION		YES	NO	RESULTS REPORTED TO SELLER	TYPE OF INVESTIGATION		YES	NO	RESULTS REPORTED TO SELLER
a.	General Building		X	Within _____ days	n.	Arsenic Treated Wood		X	Within _____ days
b.	Sewage Disposal		X	Within _____ days	o.	Pests		X	Within _____ days
c.	Coastal shoreland/septic		X	Within _____ days	p.	Code Conformance		X	Within _____ days
d.	Water Quality		X	Within _____ days	q.	Insurance		X	Within _____ days
e.	Water Quantity		X	Within _____ days	r.	Environmental Scan		X	Within _____ days
f.	Air Quality		X	Within _____ days	s.	Lot size/acreage		X	Within _____ days
g.	Square Footage		X	Within _____ days	t.	Survey/MLI		X	Within _____ days
h.	Pool		X	Within _____ days	u.	Zoning		X	Within _____ days
i.	Energy Audit		X	Within _____ days	v.	Farmland Adjacency		X	Within _____ days
j.	Chimney		X	Within _____ days	w.	Habitat Review/Waterfowl		X	Within _____ days
k.	Smoke/CO detectors		X	Within _____ days	x.	Flood Plain		X	Within _____ days
l.	Mold		X	Within _____ days	y.	Other line 26	X		Within 10 days
m.	Lead Paint		X	Within _____ days					

All investigations will be done by persons chosen and paid for by Buyer in Buyer's sole discretion. If the result of any investigation or other condition specified herein is unsatisfactory to Buyer, Buyer will declare the Agreement null and void by notifying Seller in writing within the specified number of days, and any earnest money shall be returned to Buyer. If the result of any investigation or other condition specified herein is unsatisfactory to Buyer in Buyer's sole discretion, and Buyer wishes to pursue remedies other than voiding the Agreement, Buyer must do so to full resolution within the time period set forth above; otherwise this contingency is waived. If Buyer does not notify Seller that an investigation is unsatisfactory within the time period set forth above, this contingency is waived by Buyer. In the absence of investigation(s) mentioned above, Buyer is relying completely upon Buyer's own opinion as to the condition of the property.

13. PROPERTY DISCLOSURE FORM: Buyer acknowledges receipt of Seller's Property Disclosure Form and the information developed by the Maine Center for Disease Control and Prevention regarding arsenic in private water supplies and arsenic in treated wood.

14. FINANCING: This Agreement is is not subject to Financing. If subject to Financing:

- a. This Agreement is subject to Buyer obtaining a _____ loan of _____ % of the purchase price, at an interest rate not to exceed _____ % and amortized over a period of _____ years. Buyer is under a good faith obligation to seek and obtain financing on these terms.
- b. Buyer to provide Seller with letter from lender showing that Buyer has made application for loan specified in (a), and, subject to verification of information, is qualified for the loan requested within _____ days from the Effective Date of the Agreement. If Buyer fails to provide Seller with such letter within said time period, Seller may terminate this Agreement and the earnest money shall be returned to Buyer.
- c. Buyer hereby authorizes, instructs and directs its lender to communicate the status of the Buyer's loan application to Seller, Seller's licensee or Buyer's licensee.
- d. After (b) is met, Buyer is obligated to notify Seller in writing if a lender notifies Buyer that it is unable or unwilling to provide said financing. Any failure by Buyer to notify Seller within two days of receipt by Buyer of such notice from a lender shall be a default under this Agreement.
- e. Buyer agrees to pay no more than _____ points. Seller agrees to pay up to \$ _____ toward Buyer's actual pre-pays, points and/or closing costs, but no more than allowable by Buyer's lender.
- f. Buyer's ability to obtain financing is is not subject to the sale of another property. See addendum Yes No .
- g. Buyer may choose to pay cash instead of obtaining financing. If so, Buyer shall notify Seller in writing including providing proof of funds and the Agreement shall no longer be subject to financing, and Seller's right to terminate pursuant to the provisions of this paragraph shall be void.

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15. BROKERAGE DISCLOSURE: Buyer and Seller acknowledge they have been advised of the following relationships:

Dot Fernald (000128) of Prudential Northeast Properties (1063)
Licensee MLS ID Agency MLS ID
is a Seller Agent Buyer Agent Disc Dual Agent Transaction Broker

Scott Robert (013073) of Prudential Northeast Properties (1063)
Licensee MLS ID Agency MLS ID
is a Seller Agent Buyer Agent Disc Dual Agent Transaction Broker

If this transaction involves Disclosed Dual Agency, the Buyer and Seller acknowledge the limited fiduciary duties of the agents and hereby consent to this arrangement. In addition, the Buyer and Seller acknowledge prior receipt and signing of a Disclosed Dual Agency Consent Agreement.

16. DEFAULT/RETURN OF EARNEST MONEY: In the event of default by the Buyer, Seller may employ all legal and equitable remedies, including without limitation, termination of this Agreement and forfeiture by Buyer of the earnest money. In the event of a default by Seller, Buyer may employ all legal and equitable remedies, including without limitation, termination of this Agreement and return to Buyer of the earnest money. Agency acting as escrow agent has the option to require written releases from both parties prior to disbursing the earnest money to either Buyer or Seller.

17. MEDIATION: Earnest money disputes subject to the jurisdiction of small claims court will be handled in that forum. For all other disputes or claims arising out of or relating to this Agreement or the property addressed in this Agreement shall be submitted to mediation in accordance with the Maine Residential Real Estate Mediation Rules. Buyer and Seller are bound to mediate in good faith and pay their respective mediation fees. If a party does not agree first to go to mediation, then that party will be liable for the other party's legal fees in any subsequent litigation regarding that same matter in which the party who refused to go to mediation loses in that subsequent litigation. This clause shall survive the closing of the transaction.

18. PRIOR STATEMENTS: Any representations, statements and agreements are not valid unless contained herein. This Agreement completely expresses the obligations of the parties.

19. HEIRS/ASSIGNS: This Agreement shall extend to and be obligatory upon heirs, personal representatives, successors, and assigns of the Seller and the assigns of the Buyer.

20. COUNTERPARTS: This Agreement may be signed on any number of identical counterparts with the same binding effect as if the signatures were on one instrument. Original or faxed or other electronically transmitted signatures are binding.

21. SHORELAND ZONE SEPTIC SYSTEM: Seller represents that the property does does not contain a septic system within the Shoreland Zone. If the property does contain a septic system located in the Shoreland Zone, Seller agrees to provide certification at closing indicating whether the system has/has not malfunctioned within 180 calendar days prior to closing.

22. NOTICE: Any notice, communication or document delivery requirements hereunder may be satisfied by providing the required notice, communication or documentation to the party or their licensee. Withdrawals of offers and counteroffers will be effective upon communication, verbally or in writing.

23. EFFECTIVE DATE/BUSINESS DAYS: This Agreement is a binding contract when signed by both Buyer and Seller and when that fact has been communicated which shall be the Effective Date. Licensee is authorized to fill in the Effective Date on Page 1 hereof. Except as expressly set forth to the contrary, the use of the term "days" in this Agreement, including all addenda made a part hereof, shall mean business days defined as excluding Saturdays, Sundays and any observed Maine State/Federal holidays. Deadlines in this Agreement, including all addenda, expressed as "within x days" shall be counted from the Effective Date, unless another starting date is expressly set forth, beginning with the first day after the Effective Date, or such other established starting date, and ending at 5:00 p.m. Eastern Time on the last day counted. Unless expressly stated to the contrary, deadlines in this Agreement, including all addenda, expressed as a specific date shall end at 5:00 p.m. Eastern Time on such date.

24. CONFIDENTIALITY: Buyer and Seller authorize the disclosure of the information herein to the real estate licensees, attorneys, lenders, appraisers, inspectors, investigators and others involved in the transaction necessary for the purpose of closing this transaction. Buyer and Seller authorize the lender and/or closing agent preparing the closing statement to release a copy of the closing statement to the parties and their licensees prior to, at and after the closing.

25. ADDENDA: Lead Paint - Yes No ; Other - Yes No

Explain: _____
The Property Disclosure Form is not an addendum and not part of this Agreement.

26. OTHER CONDITIONS: Buyer to have 10 calendar days not including weekends or holidays for due diligence. To meet with town etc... and to meet his expectations.

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27. GENERAL PROVISIONS:

- a. A copy of this Agreement is to be received by all parties and, by signature, receipt of a copy is hereby acknowledged. If not fully understood, contact an attorney. This is a Maine contract and shall be construed according to the laws of Maine.
- b. Seller acknowledges that State of Maine law requires buyers of property owned by non-resident sellers to withhold a prepayment of capital gains tax unless a waiver has been obtained by Seller from the State of Maine Revenue Services.
- c. Buyer and Seller acknowledge that under Maine law payment of property taxes is the legal responsibility of the person who owns the property on April 1, even if the property is sold before payment is due. If any part of the taxes is not paid when due, the lien will be filed in the name of the owner as of April 1 which could have a negative impact on their credit rating. Buyer and Seller shall agree at closing on their respective obligations regarding actual payment of taxes after closing. Buyer and Seller should make sure they understand their obligations agreed to at closing and what may happen if taxes are not paid as agreed.
- d. Buyer acknowledges that Maine law requires continuing interest in the property and any back up offers to be communicated by the listing agent to the Seller.

Buyer's Mailing address is _____

DocuSigned by:
Andrew Knight 11/21/2013
 BUYER _____ DATE _____ BUYER _____ DATE _____
 Andrew Knight and or assigns

Seller accepts the offer and agrees to deliver the above-described property at the price and upon the terms and conditions set forth and agrees to pay agency a commission for services as specified in the listing agreement.

Seller's Mailing address is _____

~~SELLER Roman Catholic Bishop of _____ DATE _____ SELLER Portland, a corporation sole _____ DATE _____~~

COUNTER-OFFER

Seller agrees to sell on the terms and conditions as detailed herein with the following changes and/or conditions:
See attached Amendment with Exhibit A.

The parties acknowledge that until signed by Buyer, Seller's signature constitutes only an offer to sell on the above terms and the offer will expire unless accepted by Buyer's signature with communication of such signature to Seller by (date) _____ (time) _____ AM _____ PM

~~SELLER *Robert J. Nelson* _____ DATE _____ SELLER _____ DATE _____
 Roman Catholic Bishop of Portland, corporation sole~~

The Buyer hereby accepts the counter offer set forth above.

DocuSigned by:
Andrew Knight
 BUYER _____ DATE _____ BUYER _____ DATE _____

EXTENSION

The closing date of this Agreement is extended until _____ DATE _____

SELLER _____ DATE _____ SELLER _____ DATE _____

BUYER _____ DATE _____ BUYER _____ DATE _____



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AMENDMENT TO PURCHASE AND SALE AGREEMENT "AGREEMENT") BETWEEN
ROMAN CATHOLIC BISHOP OF PORTLAND, CORPORATION SOLE, ("SELLER") & ANDREW KNIGHT
("BUYER")
REGARDING 220 BATES STREET & 1 WALNUT STREET, LEWISTON, MAINE
(KNOWN AS ST. PATRICK'S CHURCH AND RECTORY)

Whereas the Seller desires to accept the contract offer offering [redacted] purchase price, dated
November 26, 2013 (bearing a signature date of November 21, 2013) for the above property but only
subject to the below conditions;

Whereas the Seller is signing the contract offer indicating that the Seller is making a counteroffer;

Whereas this Amendment constitutes the counteroffer;

Whereas, upon signature of both parties below, this Amendment shall constitute an amendment to the
Agreement, and the Agreement as amended shall be in force;

Therefore, the parties agree as follows:

1. Paragraph 2's description of the property is replaced by the attached Exhibit A, which is the legal description of the property of the Seller at 220 Bates St. and 1 Walnut Street, Lewiston, known as the St. Patrick church and rectory, along with the restrictions subject to which the property will be conveyed.
2. Paragraph 6's reference to the date of December 3, 2013 (as the date by which the Buyer's contract offer may be accepted) is deleted, since that date is moot in light of the fact that the Seller is counter-offering with this Amendment.
3. Paragraph 16 is deleted and replaced with the following: "In the event that Buyer fails to close hereunder for any reason other than (i) a default by Seller or (ii) valid termination of this Agreement by Buyer under Paragraph 7 ("Title and Closing") or Paragraphs 12 y and 26, Seller shall retain the Deposit as full and complete liquidated damages in lieu of any other legal or equitable remedy, whereupon this Agreement will terminate and neither party will be under any further obligation hereunder. In the event of Seller's default hereunder, Buyer shall have as its exclusive and sole remedy either but not both of (i) termination of the Agreement and return of the Deposit (in which case neither party will be under any further obligation hereunder) or (ii) pursuit of any rights it may have to seek specific performance so as to compel sale of the Property in the condition then existing."

DATE: _____

DocuSigned by:
Andrew Knight
Andrew Knight

DATE: _____

ROMAN CATHOLIC BISHOP OF PORTLAND,
corporation sole
Richard J. Malone
Richard J. Malone, Apostolic Administrator of
The Roman Catholic Diocese of Portland

Exhibit A to
AMENDMENT TO PURCHASE AND SALE AGREEMENT "AGREEMENT" BETWEEN
ROMAN CATHOLIC BISHOP OF PORTLAND, CORPORATION SOLE, ("SELLER") & ANDREW KNIGHT
("BUYER")
REGARDING 220 BATES STREET & 1 WALNUT STREET, LEWISTON, MAINE
(KNOWN AS ST. PATRICK'S CHURCH AND RECTORY)

St. Patrick's Lot

The certain three parcels of land referenced below as Parcels One, Two and Three

Parcel One

A certain lot land situated in said Lewiston, bounded and described as follows, to wit:

Beginning at a point formed by the intersection of the Southerly line of Walnut Street with the Easterly line of Bates Street; thence running Southerly on the Easterly line of Bates Street, one hundred (100) feet to the Northerly line of land, conveyed by the Franklin Company to the Right Rev. James A. Healy, Bishop of Portland, by deed No. 823, dated November 4th, 1886; thence Easterly on said Northerly line two hundred (200) feet to the Westerly line of Blake Street; thence Northerly on said Westerly line of Blake Street, one hundred (100) feet to the Southerly line of Walnut Street; thence Westerly on said Southerly line of Walnut Street two hundred (200) feet to the point of commencement.

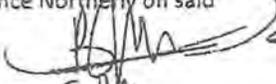
FOR SOURCE OF TITLE to Parcel One, reference may be had to deed from Thomas H. Wallace to the Roman Catholic Bishop of Portland, dated December 13, 1892, and recorded in the Androscoggin County Registry of Deeds at Book 161, Page 261. Being the same parcel conveyed to Thomas H. Wallace by the Franklin Company, by deed of Quitclaim No. 896, dated February 28, 1890, and recorded in said registry at Book 75, Page 695.

Parcel Two

A certain lot of land, situated in the City of Lewiston, in the County of Androscoggin and State of Maine, bounded and described as follows, to wit:

Commencing on the Easterly line of Bates Street, at a point one hundred (100) feet Southerly of the Southerly line of Walnut Street; thence Southerly on said Easterly line of Bates Street one hundred (100) feet to the Northerly line of land formerly of the Hill Manufacturing Company; thence Easterly on said Northerly line two hundred (200) feet to the Westerly line of Blake Street; thence Northerly on said

DocuSigned by:
Andrew Knight
13501828E57143D4
Buyer


Seller

Westerly line of Blake Street, one hundred (100) feet; thence Westerly on a line one hundred (100) feet Northerly of and parallel with said Northerly line of said Hill Manufacturing Company's land two hundred (200) feet to the point of commencement.

FOR SOURCE OF TITLE to Parcel Two, reference may be had to the parcel of land in the deed from James Augustine Healey to the Roman Catholic Bishop of Portland, dated February 20, 1891, and recorded in the Androscoggin County Registry of Deeds at Book 143, Page 166, described particularly at Page 169 thereof as the real estate described in the "Deed from the Franklin Company, dated November 4, 1886, and recorded in the Registry of Deeds for said last named County, Book 75, Page 371, conveying real estate in Lewiston in said last named county, known as St. Patrick Church."

Parcel Three

A certain lot or parcel of land situated in said Lewiston and bounded and described as follows:

Commencing on the Easterly side of Bates Street at a point about two hundred (200) feet Southerly from the corner formed by the intersection of the Southerly line of Walnut Street and the Easterly line of Bates Street; thence by said line of Bates Street Southerly one hundred and ten (110) feet to land formerly owned by J. G. Coburn; thence Easterly by the line of said Coburn's land two hundred (200) feet to Blake Street; thence Northerly by said Blake Street one hundred and ten (110) feet to land conveyed to the Right Rev. James A. Healy by the Franklin Company by deed dated November 4th, 1886, and recorded in the Androscoggin County Registry of Deeds, Book 75, Page 371; thence Westerly by said land two hundred (200) feet to point of beginning on Bates Street, also the buildings situated thereon.

FOR SOURCE OF TITLE to Parcel Three, reference may be had to deed from the Hill Manufacturing Company to the Roman Catholic Bishop of Portland, dated September 10, 1897, and recorded in the Androscoggin County Registry of Deeds at Book 176, Page 96.

The above-described premises are conveyed SUBJECT to the restrictions that the Grantee, Grantee's successors and assigns, shall not use the premises in any way relating to: 1) counseling regarding or performance of abortions; 2) sale or distribution of pornographic materials; or 3) erotic displays or activities. The burden of this restriction shall run with the land conveyed hereby to the Grantee. The benefit of this restriction is held by the Roman Catholic Bishop of Portland, corporation sole, its successors and assigns.

DocuSigned by:
Andrew Knight
1367688E3714B4
Buyer


Seller

Know all Men by these Presents,

That I, Thomas C. Wallace of Lewisburg, in the County of Androscounty and State of Maine

in consideration of the sum of One Dollar paid by the Roman Catholic Bishop of Portland, in consideration of the laws of Maine, grant located at Portland in the County of Androscounty in the State of Maine the receipt whereof I do hereby acknowledge do hereby give, grant, bargain, sell, and convey unto the said Roman Catholic Bishop of Portland his successors heirs and assigns forever,

a certain lot of land situated in a certain street in Portland, Maine described as follows to-wit: beginning at a point found by the intersection of the westerly line of that street with the westerly line of a certain street above mentioned on the easterly line of that street one hundred and five feet westerly line of land conveyed by the Frankton Company to the Right Reverend Bishop of Portland, by deed No. 503 dated March 1886, thence easterly on said westerly line one hundred and five feet to the easterly line of that street thence southerly on said easterly line of that street one hundred and five feet to the southerly line of that street thence westerly on said southerly line of that street two hundred and five feet to the point of commencement, and being the same premises conveyed to me by the Frankton Company by deed of said class No. 576 dated February 28th 1886.



To Have and to Hold the above granted and bargained premises, with all the privileges and appurtenances thereof to the said Roman Catholic Bishop of Portland, his heirs and assigns, to their use and behoof forever. And I do covenant with the said Roman Catholic Bishop of Portland his heirs and assigns that I am lawfully seized in fee of the premises, that they are free of all incumbrances, that I have good right to sell and convey the same to the said Roman Catholic Bishop of Portland to hold as aforesaid and that I, and my heirs shall and will warrant and defend the same to the said Roman Catholic Bishop of Portland his heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, I the said Thomas C. Wallace, and _____

in testimony of which I have hereunto set my hand and seal this _____ day of _____

in the year of our Lord one thousand eight hundred and _____

Signature of Thomas C. Wallace

Personally appeared the above named _____ and acknowledged the above instrument to be _____ free act and deed.

Received... May 29, 1885 at 12 o'clock... before me, _____ Justice of the Peace.

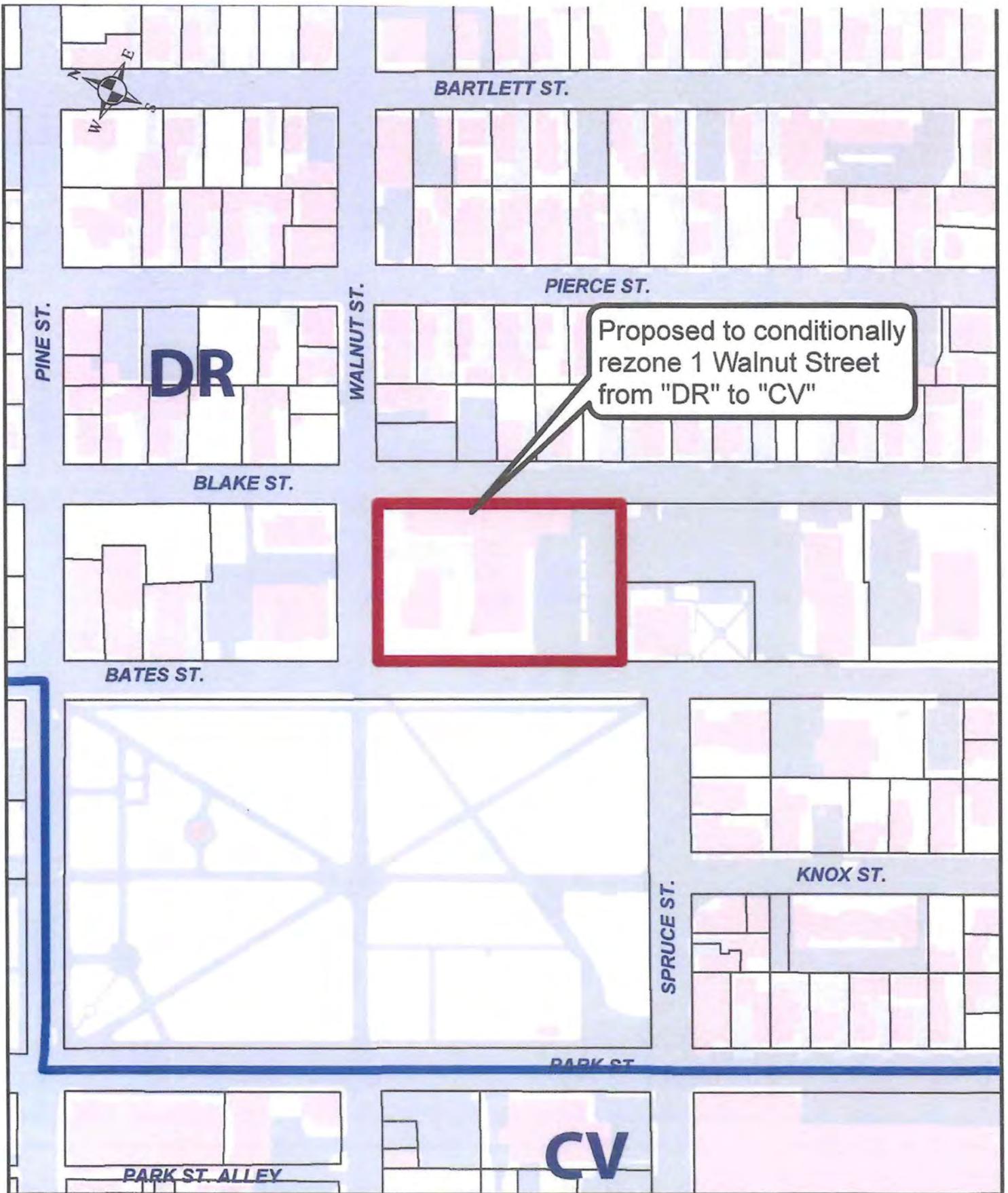


Exhibit B

January 2014
Not to Scale

**PETITION TO AMEND THE CITY OF LEWISTON
ZONING AND LAND USE CODE**

Pursuant to Appendix A, Article XVII, Section 5 A Amendments @ of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to conditionally rezone the parcels being located at 220 Bates Street and 1 Walnut Street, Lewiston, Maine (formerly known as St. Patrick's Church and Rectory), from the Downtown Residential (DR) zoning district to the Centreville (CV) zoning district as described in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		Laurie Ouellette	10 Bobby St Lew	1/28/14
2		Karl Ouellette	10 Bobby St	1/28/14
3		ANDRE GAGNE	7 ADELE ST	1/25/14
4		MONIQUE G. GAGNE	7 ADELE ST.	1/28/14
5		GUY St. Jean	13 Stevens	1/20/14
6		Deborah Camell	310 CHESTNUT #419	1/28/14
7				
8		49 Lisbon St 3B	Tamera Grieder	1/28/14
9		Richard Charest Richard Charest	87 Pond Rd Lewiston	1/28/14
10		Christine Charest	87 Pond Rd Lewiston	1/28/14
11		Christy Riva	42 HOJAN RD	1/29/14
12		Leon Francon	40 FRANKLIN	1/28/14
13		J PARDON	84 LISBON ST	1/28/14
14		SPENCER Ouellette	10 Bobby Street	1-28-14
15				
16				
17				
18				
19				
20				

CIRCULATOR'S VERIFICATION

I hereby verify that I am the Circulator of this petition that all the signatures to this petition were made in my presence, and to the best of my knowledge and belief, each signature is that of the person it purports to be, and each person is a resident of the City of Lewiston.

Signature of Circulator

Laurie Anne Ouellette
Printed N

REGISTRAR'S CERTIFICATION

I hereby certify and verify that the names of all of the petitioners listed as valid appear on the voting list as registered voters in the City of Lewiston.

Total Valid: 12 Total Invalid: 2

Signature of Registrar Deputy Registrar

Date: 1/28/14

BUSINESS PLAN

The Agora Grand Wedding and Conference Center

Andrew Knight, J.D., Owner

Created on December 26, 2013

1. EXECUTIVE SUMMARY

1.1 Product

The Agora Grand will provide high-end facilities and services for weddings, conferences, and social events.

1.2 Customers

The primary clientele for The Agora Grand during the week consists of corporate, not-for-profit, and government entities seeking mid-size conference space. The primary clientele for weekends consists of wedding parties seeking a unique and beautiful wedding ceremony and reception venue.

1.3 What Drives Us

The Agora Grand aims to evolve into the must-have wedding venue of central Maine, specializing in upscale events with a gorgeous and memorable backdrop. With 50-foot ceilings, Neogothic architecture, and a custom bar area overlooking the sanctuary, The Agora Grand aspires to be the venue-of-choice for young couples.

Further, for midweek events, The Agora Grand will fill the existing need for mid-size conference space for both private and government entities.

2. COMPANY DESCRIPTION

2.1 Mission Statement

To provide a unique and high-end venue for for hosting successful conferences, memorable weddings, and classy social events.

2.2 Principal Members

Andrew F. Knight, J.D. - owner, designer, and general manager

A wide range of potential employees, contractors, and partnership opportunities in the L-A area has been identified, including potential event managers, florists, photographers, caterers, architects, general contractors, marketers, attorneys, and accountants.

2.3 Legal Structure

The company will be a Maine limited liability company.

3. MARKET RESEARCH

3.1 Industry

The Agora Grand Wedding and Conference Center, located in the former St. Patrick's Church in Lewiston, Maine, will provide event hosting facilities and services, available to private and governmental entities for midweek conferences as well as private gatherings for weekend weddings and social events.

Maine currently has many options for wedding venues, both within cities (especially Portland) and along the Maine coast, often in the form of "barn" weddings in natural settings. With the legalization of gay marriage in Maine and the growing popularity of Maine as a wedding destination, the industry continues to boom. While every venue differs in its offerings, setting, and uniqueness, the majority of Maine wedding venues charge between \$1000 and \$4000 for the venue rental and provide in-house catering and alcohol service (or exclusive catering partnerships) from which the venues further profit. Market research suggests that while most available venues in Maine are booked for all or most Saturdays during the six-month wedding season of 2014, there is significant availability for Fridays and Sundays. Many venues solve the problem of vacancy by offering weekend-long exclusive use of the facilities while charging a premium for this benefit. A market study of the Maine and New England wedding markets, performed by an independent market research company, is attached.

Further, Maine has a variety of convention and conference venues throughout the state, mostly in hotels, resorts, and colleges. However, there seems to be a shortage of mid-size conference centers capable of seating more than 200 people in banquet style. A typical price point for conference space is around 10 cents per square foot, although many venues charge no venue rental fee, relying solely on minimum food and beverage (F&B) purchase requirements for revenue. A typical F&B minimum ranges from \$4000 to \$10000 per day to avoid avoid the venue rental fee. A market study of mid-size conference venues has not yet been performed; however, a market study regarding the use of Bates Mill 5 (Lewiston) as a convention center was performed in 2003, with an update in 2008, indicating a need for conference space in central Maine. This study is attached.

3.2 Customers

The Agora Grand will be marketed with equal effort (initially) as a wedding and social events venue as well as a conference venue. As a wedding venue, our customers will include high-end clients who seek the charm of a traditional church wedding without the need for church affiliation, as well as those who are enchanted by the reception hall itself (50-foot ceilings, ornate columns, Neogothic architecture, a remodeled balcony overlooking the church, etc.). Initially, the customers are likely to come from L-A and surrounding communities. However, as the venue gets known as a beautiful and unique venue, the client base may extend to larger metropolitan areas. The availability of lodging in the attached inn, coupled with the "one-stop shop" feature of The Agora Grand, may help attract clientele from Boston and Quebec, where comparable amenities would cost twice as much.

As a conference center, we will market to corporate, not-for-profit, and governmental entities that require conference space for up to 400 people seated together in banquet style. Customers will mostly likely consist of Maine entities, although regional conferences and shows may be attracted to the low cost of central Maine, given a venue large enough to accommodate them.

3.3 Competitors

A market study of Maine and New England wedding venues is attached. With few exceptions, competitors consist of mixed use venues for which weddings are a secondary source of income, such as hotels/inns, resorts, farms, restaurants, colleges, and cultural centers, with the most unique and expensive venues being buildings with grand architectural elements, such as The Boston Symphony Hall, the Castle at Boston University, and Grace Restaurant in Portland. Wedding venues range drastically from 4-hour rentals in public cultural centers to weekend (or even week-long) rentals of bed-and-breakfast inns with renovated barns.

In the L-A area, a wide range of small or low-end reception venues exists. The most closely related venues, in terms of architecture, size, and amenities, are The Franco Center and The Royal Oak Room. The Franco Center, a beautifully restored stone church, has a 428-seat performance hall and a basement allowing for a maximum reception seating of 250. It charges \$1200 for the use of both rooms and profits from alcohol sales and an exclusive partnership with DaVinci's. The Royal Oak

Room, a tastefully renovated room in a former train station, can seat up to 150 people for a wedding and reception (with a cocktail hour for repurposing the room). It charges a \$1800 rental fee and profits from in-house catering and liquor sales.

Regarding conference venues, there are fewer than a dozen mid-size venues throughout Maine having a single room greater than 6,000 square feet, able to accommodate more than about 200 guests in a banquet style. While there are a few in Portland (such as the Holiday Inn By the Bay), there are no mid-size venues in the L-A area capable of comfortably seating more than 250 guests in banquet style or more than 450 guests in reception style.

3.4 Competitive Advantage

This property is (and will be) unique in a variety of ways.

First, as a repurposed Roman Catholic Church, it has aesthetic and architectural elements that are absolutely unsurpassed and which would be prohibitively expensive to build today, including: 50-foot ceilings, intricate woodwork and columns, Neogothic architecture and brick bell towers, a remodeled balcony overlooking the church, even stained glass windows. Unlike The Franco Center, receptions can be held in the most interesting, vast, and picturesque area of the property. The word "agora" is taken from its Greek origin: a large, open gathering place.

Second, the choir balcony will be repurposed to include a luxury bar area and private suite (such as a bridal suite for wedding preparation). This does not appear to exist anywhere in the United States or world.

Third, the venue size allows for large weddings and social events as well as mid-size conferences, for which there is currently a dearth of available venues.

Fourth, with a chapel, reception hall, rentals, and inn on premises, the property offers an all-in-one wedding or conference package that is currently unavailable in the L-A area. The inn may or may not be available initially; the decision will depend on financing and demand. Allowing clients the option of a "one-stop shop" with straightforward pricing will provide ease and simplicity in the otherwise stressful process of wedding or large event planning.

3.5 Regulations

The property will need to be rezoned to an appropriate land use so that large public gatherings are allowed. The business will seek a liquor license and possibly a food service license. The property will also be subject to change-of-use regulations, including possible renovations to comply with fire code and other regulations. Parking and traffic issues will need to be addressed; luckily, the property includes a sizeable parking lot, and public parking garages are within walking distance.

4. PRODUCT/SERVICE LINE

4.1 Product or Service

The Agora Grand will offer facilities and services for weekday conferences and weekend weddings and social events.

4.2 Pricing Structure

Pricing and specific offerings are still on the table. The following represents one possible offering and price structure.

Agora Grand - midweek: No rental fee. Exclusive use of the venue with minimum \$4000 in food/beverage purchases. In-house catering or exclusive catering partnerships are likely to provide more than \$1000 in revenue per day.

Agora Grand - weekend: Rental fee of \$2000 for 3pm until 11am the next day. Per-person beverage charges, as well as catering partnerships, are likely to provide an additional \$2000 per wedding in revenue.

4.3 Product/Service Life Cycle

n/a

4.4 Intellectual Property Rights

Agora Grand will be an asserted trade name. The company owns AgoraGrand.com. The name of the business may or may not change. No other IP rights are asserted.

4.5 Research & Development

n/a

5. MARKETING & SALES

5.1 Growth Strategy

To grow the company, The Agora Grand will:

- * Provide a very high-end, custom-tailored service product to wedding parties and conference organizers for a reasonable price
- * Be responsive to the market to provide desired facilities and services and to discontinue undesired services
- * Maintain a strong, modern Internet presence and ensure that The Agora Grand appears prominently and favorably on relevant websites and web searches
- * Host regular gatherings to generate media interest and positive word-of-mouth
- * Spend significant resources on creating and maintaining a "wow" factor in a unique venue that has no analog

5.2 Communication

The Agora Grand will contact and maintain communication with clients in a variety of ways, including:

- * A strong, modern Internet presence that conveys the beauty, uniqueness, and amenities of the venue
- * An aggressive Internet marketing campaign, including targeted listings, in which couples searching for a Maine wedding will have the opportunity to consider The Agora Grand
- * An aggressive Internet marketing campaign, including targeted listings, in which conference organizers will have the opportunity to consider The Agora Grand
- * Attendance at relevant wedding conferences

- * Engagement of the local and regional press to showcase unique and interesting features of the venue
- * Targeted Google(tm) and Facebook(tm) advertisements
- * Email or phone follow-up with all clients to build goodwill and determine areas for improvement

5.3 Prospects

A marketing firm, independent marketer, and/or in-house professional with marketing expertise will be engaged. The owner, Andrew Knight, will oversee sales and marketing.

LEWISTON CITY COUNCIL

MEETING OF MARCH 4, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Public Hearing and First Passage for an amendment to the Conditional Rezoning Agreement for the property at 170 Summer Street.

INFORMATION:

Rockingham Electrical Supply Co Inc. of 170 Summer Street has submitted a petition to amend the existing conditional rezoning agreement for this property. They are requesting the ability to amend the rezoning agreement to allow a wholesale sales, warehousing and distribution facility, a neighborhood retail sales business and business and professional offices.

The Planning Board voted 7-0 to send a favorable recommendation to the City Council to amend the existing conditional rezoning agreement for this property.

Staff is supportive of this request. Please see the memorandum from City Planner David Hediger for additional details.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve first passage for the amendment to the conditional rezoning agreement for 170 Summer Street, to conditionally rezone the property, subject to the conditions defined in the rezoning agreement, and to continue the public hearing for final passage to the next regularly scheduled City Council meeting.



City of Lewiston
Planning & Code Enforcement
Gil Arsenault, Director



MEMORANDUM

To: Ed Barrett, City Administrator
City Clerk's Office
City Council Members

From: David Hediger

Date: February 26, 2014

Subject: Planning Board Action

The Planning Board took the following action at their public meeting held on February 24, 2014 regarding the Conditional Rezoning of 170 Summer Street.

The following motion was made:

MOTION: By **Walter Hill** pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation for the City Council's consideration to amend the existing conditional rezoning agreement for the property at 170 Summer Street to allow a wholesale sales, warehousing and distribution facility, a neighborhood retail sales business, and business and professional offices, in addition to the previously approved light industrial uses and accessory uses. Second by **Paul Madore**.

VOTED: 7-0 (Passed).

c: Planning Board Members



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: February 26, 2014
RE: Request by Rockingham Electrical Supply Co Inc. to amend the existing conditional rezoning agreement for the property at 170 Summer Street.

Rockingham Electrical Supply Co Inc., has submitted a petition pursuant to Article XVII, Section 5 of the Zoning and Land Use Code to amend the existing conditional rezoning agreement for the property at 170 Summer Street, said property to remain conditionally rezoned from the Neighborhood Conservation "B" (NCB) District to the Urban Enterprise (UE) District, and to allow a wholesale sales, warehousing and distribution facility, a neighborhood retail sales business, and business and professional offices.

This property of approximately 1.7 acres consists of a 17,500+ SF office/warehouse structure built in 1986 by Tufts Printing, later renamed One-Right Systems, Inc., and now One Source Printing. At that time, printing facility was allowed as a permitted use with the property located in the Commercial zoning district. In 1988 the zoning of the property changed to Neighborhood Conservation "B" (NCB) and use of the facility became legally nonconforming. In 2002, One Source President Mark Hartnett successfully petitioned to conditionally rezone the property to the Urban Enterprise (UE) district to allow the facility to become legally conforming with the ability to make future planned expansions and other improvements. That conditional rezoning was limited to "light industrial uses and accessory buildings and uses".

The petitioner, Rockingham Electrical Supply Co Inc., has an option to lease and purchase this property from One Source. They are an electrical wholesaler and with nine locations in Massachusetts, New Hampshire, and Maine. They also have a small retail component – a lighting showroom – at one of their locations. The petitioner is requesting an amendment to the existing conditional rezoning agreement for the property at 170 Summer Street to allow a wholesale sales, warehousing and distribution facility, a neighborhood retail sales business, and business and professional offices in addition to the previously approved light industrial uses and accessory buildings and uses. "Neighborhood stores" are defined as a retail store that occupies less than five thousand (5,000) square feet of total floor space and within which no alcoholic beverages are consumed. Allowing these additional uses provides both the petitioner and the current owner of 170 Summer Street more options of utilizing a property that became legally nonconforming. Staff has provided a table listing all of the allowed uses in the NCB and UE in comparison with the proposed conditional rezoning.

On February 24, 2014 the Planning Board voted unanimously to send a favorable recommendation for the City Council's consideration to amend the existing conditional rezoning agreement for the property at 170 Summer Street to allow a wholesale sales, warehousing and distribution facility, a neighborhood retail sales business, and business and professional offices, in addition to the previously approved light industrial uses and accessory uses.

Land Use Table: pursuant to Article XI, Section 22 et seq. of the Zoning and Land Use Code	Neighborhood Conservation "B" (NCB)	Urban Enterprise (UE)	Existing Conditional Rezoning to UE-170 Summer Street	Proposed Amended Conditional Rezoning to UE-170 Summer Street
USES(15)(33)				
Accessory use or structure	P	P	P	P
Commercial-Service				
Veterinary facilities excluding kennels and humane societies				
Veterinary facilities including kennels and humane societies		P		
Small day care facilities	P	P		
Day care centers		P		
Day care centers accessory to public schools, religious facilities, multifamily or mixed res. developments, and mobile home parks	C(22)			
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services	C(31)	P		P
Restaurants		P		
Drinking places				
Adult business establishments				
Hotels, motels, inns		P		
Movie theaters except drive-in theaters		P		
Places of indoor assembly, amusement or culture		P		
Art and crafts studios	C	P		
Personal Services	P	P		
Retail stores		P		
Neighborhood retail stores	P			P
Lumber and building materials dealer		P		
Gasoline service stations		P		
Gasoline service stations which are a part of and subordinate to a retail use				
New and used car dealers		P (8,17)		
Recreational vehicle, mobile home dealers		P		
Equipment dealers and equipment repair		P		
Automotive services including repair		P		
Registered dispensary(27)		C		
Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients.		P		
Tattoo Establishments				
Industrial				
Light industrial uses		P	P	P

Land Use Table: pursuant to Article XI, Section 22 et seq. of the Zoning and Land Use Code	Neighborhood Conservation "B" (NCB)	Urban Enterprise (UE)	Existing Conditional Rezoning to UE-170 Summer Street	Proposed Amended Conditional Rezoning to UE-170 Summer Street
Industrial uses		C		
Building and construction contractors		P(6,7)		
Fuel oil dealers and related facilities		P(6,7)		
Wholesale sales, warehousing and distribution facilities and self-storage facilities		P		P
Self storage facilities		P		
Commercial solid waste disposal facilities				
Junkyards and auto graveyards				
Recycling and reprocessing facilities		C		
Private industrial/commercial developments(23)		P		
Transportation				
Airports or heliports				
Commercial parking facilities	C	P		
Transit and ground transportation facilities				
Transportation facilities		P		
Public and Utility				
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P	P		
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C	C		
Municipal buildings and facilities	C	P		
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways				
Dams				
Institutional				
Religious facilities	P	P		
Cemeteries	P			
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities	C	P		
Hospitals, medical clinics,	C	P		
Museums, libraries, and non-profit art galleries and theaters				

Land Use Table: pursuant to Article XI, Section 22 et seq. of the Zoning and Land Use Code	Neighborhood Conservation "B" (NCB)	Urban Enterprise (UE)	Existing Conditional Rezoning to UE-170 Summer Street	Proposed Amended Conditional Rezoning to UE-170 Summer Street
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures,	C(13)	P		
Civic and social organizations	C			
Public community meeting and civic function buildings including auditoriums				
Residential(8)				
Single-family detached dwellings on individual residential lots	P(2)			
Mobile homes on individual residential lots				
Two-family dwellings	P			
Multifamily dwellings in accordance with the standards of Article XIII	P	P		
Single-Family attached dwelling in accordance with the standards of Article XIII	P			
Mixed single-family residential developments in accordance with the standards of Article XIII	P			
Mixed residential developments in accordance with the standards of Article XIII	P			
Mixed use structures	P	P		
Lodging houses	P			
Home occupations	P	C		
Bed and breakfast establishments as a home occupation	P	P		
In-law apartments in accordance with the standards of Article XII	P			
Single family cluster development				
Family day care home	P	P		
Shelters	C			
Natural Resource				
Agriculture				
Farm Stands				
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P	P		
Earth material removal				
Community gardens(20)	P	P		

Land Use Table: pursuant to Article XI, Section 22 et seq. of the Zoning and Land Use Code	Neighborhood Conservation "B" (NCB)	Urban Enterprise (UE)	Existing Conditional Rezoning to UE-170 Summer Street	Proposed Amended Conditional Rezoning to UE-170 Summer Street
Water dependent uses, e.g. docks and marinas				
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet				
Recreation				
Campgrounds				
Public or private facilities for nonintensive outdoor recreation	C			
Commercial outdoor recreation and drive-in theaters				
Fitness and recreational sports centers as listed under NAICS Code 713940				



ROCKINGHAM ELECTRICAL SUPPLY COMPANY

Corporate Offices

437 Shattuck Way • Newington, NH 03801
(603) 436-7731 • Fax: (603) 436-7807

2/19/2014

Planning Board
City of Lewiston
27 Pine Street
Lewiston, ME 04240

Dear Ladies and Gentlemen,

Rockingham Electrical Supply is a family owned electrical supply distributor that has been in business for over 50 years. We currently have nine locations including two in the state of Maine (Portland and Augusta). It is our hope to expand with a location in city of Lewiston. In our endeavor to do so we located a location on 170 Summer Street.

While reviewing the zoning regulations for 170 Summer Street we became aware that the location is currently zoned for light industrial use. Our proposed amendment is to allow the premises to operate as a wholesale sales, warehousing and distribution facility, a neighborhood retail sales business, business and professional offices.

We humbly request that you hear our request in hopes of approving fore mentioned changes.

Respectfully,

A handwritten signature in blue ink, appearing to read 'J. Pender', is written over the word 'Respectfully,'.

James Pender,
President

AN ORDINANCE PERTAINING TO ZONING 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 City of Lewiston hereby ordains that the Official Zoning Map of the City of Lewiston be amended by modifying the existing conditional rezoning agreements as recorded in the Androscoggin Registry of Deeds Book 5206 Page 167 for the property at 170 Summer Street depicted on Exhibit "A" and more fully described in Exhibit "B", both of which are attached hereto as follows, said property to remain conditionally rezoned from the Neighborhood Conservation "B" (NCB) District and to the Urban Enterprise (UE) District.

REASONS FOR THE PROPOSAL AMENDMENT

The reasons for the proposed amendment include allowing the premises situated in the municipality of Lewiston County of Androscoggin County, State of Maine, located at 170 Summer Street (see Exhibit A, Registry of Deeds Book 4443, Page 199) be allowed to operate a wholesale sales, warehousing and distribution facility, a neighborhood retail sales business and business and professional offices. The property (see Exhibit B) contains a structure built in 1986 by Tufts Printing. The current use is a printing company. The tenant Rockingham Electrical Supply Co Inc. proposes to operate an electrical supply wholesale business which will originally employ 4-6 employees.

CONFORMANCE WITH COMPREHENSIVE PLAN

The City Council of the City of Lewiston hereby determines that the change to the Zoning maps is in conformance with the Comprehensive Plan for the following reasons:

- (1.) Study the mixed-use area west of Main Street between the Longley Bridge and the Veterans Bridge for potential re-zonings that will deal with issues ranging from commercial expansion, neighborhood protection, and increased utilization of the Maine Central Railroad line. (Land Use Issue #9, page 124.)
- (2.)in order to assure that there is sufficient industrial land to meet the future

industrial needs of the City, the city should explore where there are areas that are appropriate for future industrial uses and to rezone them accordingly. (Industrial Development, page 121.)

- (3.) Build on the strengths of manufacturing and service industries as source of quality jobs. (See Economy, Goal 3, page 37.)
- (4.) Ensure that there is adequate land / buildings for expanding firms and entrepreneurial start-ups within Lewiston by working with local developers. (See Economy, Policy (4), Strategy A, page 40.)

CONDITIONAL REZONING AGREEMENT

The proponent requests that the official zoning map for the City be amended by modifying the existing conditional rezoning agreement with the subject property remaining conditionally rezoned Urban Enterprise (UE), subject to the limitations more fully described below.

In compliance with the provisions of the Code, Article XVII, Section 5(g), the proponent hereby proposes the following conditions:

- (a) Allowed uses of the property shall include those uses which are presently permitted under the existing conditional rezoning agreements as recorded in the Androscoggin Registry of Deeds Book 5206 Page 167 for the property at 170 Summer Street and the following uses: wholesale sales, warehousing and distribution facilities and self-storage facilities, neighborhood retail sales, and business and professional offices, as listed below and subject to the conditions contained herein.

Land Use Table: pursuant to Article XI, Section 22 <i>et seq.</i> of the Zoning and Land Use Code, subject to applicable <i>Land Use Table Notes</i> of aforementioned section of code.	Proposed Amended Conditional Rezoning to UE-170 Summer Street
USES(15)(33)	
Accessory use or structure	P
Commercial-Service	
Veterinary facilities excluding kennels and humane societies	

Veterinary facilities including kennels and humane societies	
Small day care facilities	
Day care centers	
Day care centers accessory to public schools, religious facilities, multifamily or mixed res. developments, and mobile home parks	
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services	P
Restaurants	
Drinking places	
Adult business establishments	
Hotels, motels, inns	
Movie theaters except drive-in theaters	
Places of indoor assembly, amusement or culture	
Art and crafts studios	
Personal Services	
Retail stores	
Neighborhood retail stores	P
Lumber and building materials dealer	
Gasoline service stations	
Gasoline service stations which are a part of and subordinate to a retail use	
New and used car dealers	
Recreational vehicle, mobile home dealers	
Equipment dealers and equipment repair	
Automotive services including repair	
Registered dispensary(27)	
Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients.	
Tattoo Establishments	
Industrial	
Light industrial uses	P
Industrial uses	
Building and construction contractors	
Fuel oil dealers and related facilities	
Wholesale sales, warehousing and distribution facilities and self-storage facilities	P

Self storage facilities	
Commercial solid waste disposal facilities	
Junkyards and auto graveyards	
Recycling and reprocessing facilities	
Private industrial/commercial developments(23)	
Transportation	
Airports or heliports	
Commercial parking facilities	
Transit and ground transportation facilities	
Transportation facilities	
Public and Utility	
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	
Municipal buildings and facilities	
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways	
Dams	
Institutional	
Religious facilities	
Cemeteries	
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities	
Hospitals, medical clinics,	
Museums, libraries, and non-profit art galleries and theaters	
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,	
Civic and social organizations	

Public community meeting and civic function buildings including auditoriums	
Residential(8)	
Single-family detached dwellings on individual residential lots	
Mobile homes on individual residential lots	
Two-family dwellings	
Multifamily dwellings in accordance with the standards of Article XIII	
Single-Family attached dwelling in accordance with the standards of Article XIII	
Mixed single-family residential developments in accordance with the standards of Article XIII	
Mixed residential developments in accordance with the standards of Article XIII	
Mixed use structures	
Lodging houses	
Home occupations	
Bed and breakfast establishments as a home occupation	
In-law apartments in accordance with the standards of Article XII	
Single family cluster development	
Family day care home	
Shelters	
Natural Resource	
Agriculture	
Farm Stands	
Forest management and timber harvesting activities in accordance with the standards of Article XIII	
Earth material removal	
Community gardens(20)	
Water dependent uses, e.g. docks and marinas	
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet	
Recreation	

Campgrounds	
Public or private facilities for nonintensive outdoor recreation	
Commercial outdoor recreation and drive-in theaters	
Fitness and recreational sports centers as listed under NAICS Code 713940	

(b) Violations of any of the conditions herein will constitute a violation of the Code.

(c) The conditions described herein shall bind the proponent, its successors and assigns, and any person in possession or occupant of the subject premises, or any portion thereof, and shall inure to the benefit of and be enforceable by the City.

(d) The proponent shall, at his own expense, record in the Androscoggin County Registry of Deeds a copy of the conditions within thirty (30) days following final approval of this proposal by the City. Such form of recording is to be in a form satisfactory to the City.

(e) The conditions described herein shall run with the subject premises.

(f) In addition to other remedies to which the City may be entitled under applicable provisions of statute or ordinance, if any party in possession of use of the subject premises fails or refuses to comply with any of the conditions imposed, any rezoning approved by the City in accordance with the conditions shall be of no force or effect. In that event, any use of the subject premises and any building or structures developed pursuant to the rezoning shall be immediately abated and brought into compliance with all applicable provisions of the Code with the same effect as if the rezoning had never occurred.

(g) If any of the conditions are found by a court of competent jurisdiction to be invalid, such determination shall not invalidate any of the other conditions.

(h) Any rezoning approved by the City conditionally shall be of no force or effect if the proponent fails or refuses to comply with conditions imposed.

(i) Any allowed proposed use, addition, or expansion of the property deemed applicable to Article XIII, Section 2 of the Zoning and Land Use Code shall be subject to the applicable sections of Article XIII of the Zoning and Land Use Code, Development Review and Standards.

(j) By submitting this proposal, the proponent agrees in writing to the conditions described herein.

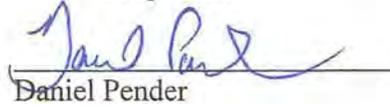
The Proponent hereby respectfully submits this Proposal as of the 11th day of February, 2014.

Rockingham Electrical Supply Co Inc/Daniel Pender

Witness



Proponent

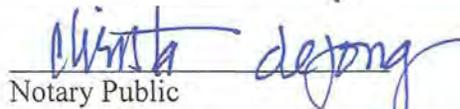


Daniel Pender

Androscoggin, SS
Lewiston, Maine

February 11, 2014

Personally appeared the above named James Pender Jr and acknowledged the foregoing to be his free act and deed.



Notary Public
Commission Expires:

NOTARY PUBLIC
15

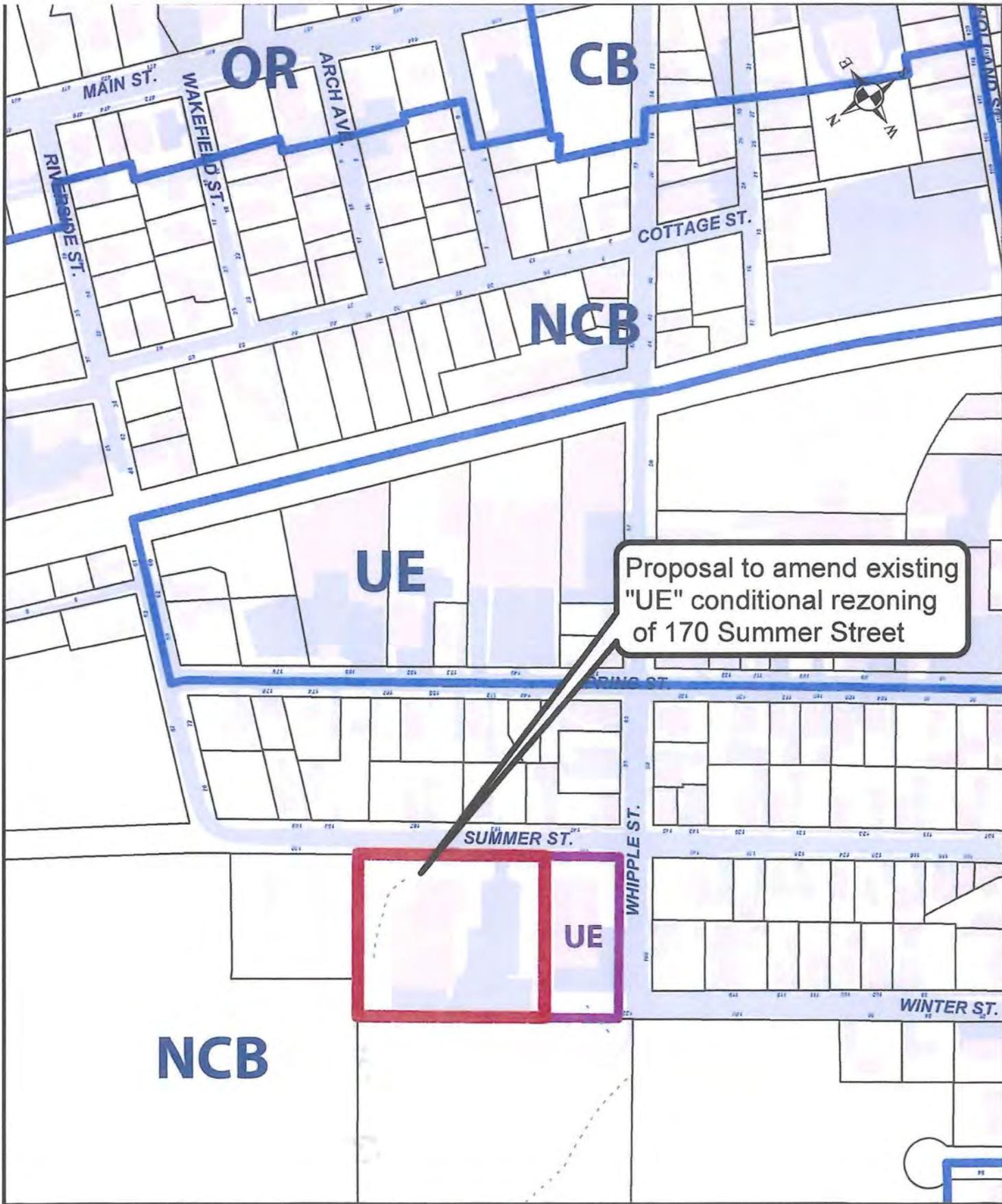


Exhibit B

January 2014
Not to Scale



One Canal Plaza
Portland, ME 04101
T 207 772 1333
F 207 871 1288
www.boulos.com

December 12, 2013

Mark Hartnett
One Source Printing
170 Summer Street
Lewiston, Maine

Re: Letter of Intent
170 Summer St
Lewiston, ME

Dear Mark,

This letter sets forth the terms and conditions under which "Rockingham Electrical Supply Company, Inc." is willing to enter into a lease agreement with One Source (hereinafter referred to as "Landlord") for space at the above-referenced location.

Property: 170 Summer St, Lewiston, Maine

Tenant: Rockingham Electrical Supply Company, Inc.

Landlord: One Source Printing

Demised Premises: The demised premises shall be deemed to contain 6,000±SF of leased space plus outdoor yard area for parking and storage in common with the Landlord. Notwithstanding the foregoing, Landlord shall have access through the leased premises to and from the loading dock located in the demised premises during Landlord's normal business hours (8 am to 5 pm)

Lease Term: Five (5) years

Option Term: One (1), five (5) year option, provided six (6) months prior written notice from Tenant.

Possession Date: Upon lease execution

Occupancy Date: Thirty (30) days from lease execution and receipt of Occupancy Permit

Rent Commencement Date: Sixty (60) days from Occupancy Date
~~Thirty (30) days from Occupancy Date~~

Landlord's Work: Landlord to build tenant a half bath for demised premises. Landlord shall provide Tenant with quotes for installing a half bath. Upon acceptance of quote, Tenant shall pay contractor directly upon presentation of periodic

THE RIGHT WAY TO DO REAL ESTATE

invoices from the Landlord or the contractor. Any under slab drain plumbing shall be at the Landlord's cost.

Tenant's Work:

Any and all additional modifications to the building by Tenant or Tenant's agent shall be completed in compliance with all applicable state and municipal building codes and ordinances.

Lease Rate:

Years 1: \$30,000/Yr Mod Grs (\$ 2,500/Mo. MG)

2% annual increases to base rent.

The above rent is quoted Modified Gross basis. Therefore, Tenant is responsible for its pro-rata share of heating cost, and will pay increases in real estate taxes, property insurance and outdoor maintenance, over base year (first 12 months of occupancy)

Option Rent:

Option rent to be at market rates each year, but not to exceed a 15% increase over previous year. There shall be no rent decrease from prior year.

Electricity:

To be billed to tenant monthly, at a rate of \$1.00/sf, ^{AT} per year. *JST*

Use:

Tenant will use the demised premises for showroom, warehousing and distribution activities associated with the electrical supply company.

Deposit:

Upon full execution of this letter tenant to provide a deposit equal to one months rent payable to CBRB/The Boulos Company which will be held in escrow pending lease execution and then credited to tenants rent.

Security Deposit:

Upon full execution of a Lease Agreement, Tenant will deposit with Landlord an additional one months rent. This sum represents the security deposit due under the lease. Said deposit will be returned to Tenant at the end of the lease term, provided the premises are left in good repair, "broom clean," and provided Tenant has not been in default of lease. Interest will not be paid on said deposit.

Signage:

Signage will be at Tenant's sole expense subject to Landlord's approval. Said approval not to be unreasonably withheld or delayed.

Parking:

Parking is available on-site in common with owner.

Brokerage Commission:

Landlord's responsibility in accordance with CBRB/The Boulos Company's standard commission schedule.

Sublease:

Tenant shall be permitted to sublet space, but only with the prior written approval of the Landlord, said Landlord consent not to be unreasonably withheld or delayed.

Zoning:

It is the responsibility of Tenant to determine all zoning information and secure all necessary or required permits and approvals for its proposed use of the subject premises. Landlord and CBRE/The Boulos Company make no representations or warranties as to the suitability of, or the ability to obtain regulatory approval for, the subject premises for Tenant's intended use.

Fax Copies:

The undersigned jointly and severally agree to accept fax copies of the documents which have been sent by either party to the other, or to any other party or agent to this transaction, as original documents, with the exception of the final lease document.

Lease Agreement:

Landlord agrees to forward its proposed lease to Tenant within ten (10) days of the full execution of this Letter of Intent. In the event Landlord and Tenant have not executed a lease within 14 days of receipt, then either party may cancel this agreement and any deposit will be returned to Tenant.

Option to Purchase:

Landlord agrees to grant Tenant option to purchase property during Years 4 and 5 of the initial lease term. Option Purchase Price for Year 4 for shall be \$680,000. Option Purchase Price for Year 5 shall be \$690,000. ~~In the event Tenant exercises their Option to Purchase, Landlord shall have the right to lease back the space Landlord occupies for a term of up to twelve (12) months at a lease rate per square foot equal to price Tenant was currently paying at the time Option to Purchase is exercised.~~ *yes **

It is agreed that this Letter of Intent is subject to the formal execution of a mutually agreeable lease and until all parties sign such lease, this Letter of Intent will be non-binding. All parties agree to negotiate in "good faith".

Sincerely,

Daniel Greenstein
Broker/Partner

DG/hjn

** In the event that Tenant exercises its option to purchase, it shall provide Landlord with not less than 60 days notice of its exercise, and Landlord shall have 90 days subsequent to closing to relocate. During said 90 day period, Landlord shall pay rent at a lease rate per square foot equal to the price that Tenant was paying at the time the option is exercised.* *yes*

SEEN AND AGREED TO:

ROCKINGHAM ELECTRICAL SUPPLY COMPANY, INC.

By: James Estender Date: 12/17/13
Its: CEO/CFO

ONE SOURCE PRINTING

By: Mark D. Montross Date: 12/13/13
Its: President

PETITION TO AMEND THE CITY OF LEWISTON
ZONING AND LAND USE CODE

Pursuant to Appendix A, Article XVII, Section 5 AAmendments@ of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to amend Zoning and Land Use Code to include allowing the premises situated in the municipality of Lewiston County of Androscoggin County, State of Maine, located at 170 Summer Street (see Exhibit A, Registry of Deeds Book 4443, Page 199) be allowed to operate a wholesale sales, warehousing and distribution facility, a neighborhood retail sales business and business and professional offices. The property (see Exhibit B) contains a structure built in 1986 by Tufts Printing. The current use is a printing company. The tenant Rockingham Electrical Supply Co Inc. proposes to operate an electrical supply wholesale business which will originally employ 4-6 employees. As described in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1	<i>Michael E Blais</i>	Michael E Blais	9 Tremont Drive	2/6/14
2	<i>Ronald Obermeyer</i>	Ronald Obermeyer	576 MAIN	2-7-14
3	<i>Donald Obermeyer</i>	Donald Obermeyer	12 Riverside Place	2/7/14
4	<i>Gary Dubois</i>	GARY DUBOIS	688 Webster St	2/8/14
5	<i>Carmen Kirwan</i>	CARMEN KIRWAN	4 Orchard Circle	2/8/14
6	<i>Danny Cote</i>	Danny Cote	4 Orchard Circle	2/8/14
7	<i>Denise L Theriault</i>	Denise L Theriault	6 Acorn Lane	2-8-14
8	<i>Susan Poulter</i>	SUSAN Poulter	76 Grogue St	2-8-14
9	<i>James S Theriault</i>	James S Theriault	6 Acorn Ln	2-8-14
10	<i>Richard Breau</i>	RICHARD BREAU	310 OLD GREENE RD.	2/10/14
11	<i>Gertrude S Breau</i>	Gertrude S Breau	310 Old Greenwood Rd	2-10-14
12	<i>Daniel R. Pelletier</i>	Daniel R. Pelletier	82 No Temple St.	2/10/14
13				
14				
15				
16				
17				
18				
19				
20				

CIRCULATOR=S VERIFICATION

I hereby verify that I am the Circulator of this petition that all the signatures to this petition were made in my presene, and to the best of my knowledge and belief, each signature is that of the person it purports to be, and each person is a resident of the City of Lewiston.

Mark D. Hartnett Mark D. Hartnett 2/10/14
Signature of Circulator Printed Name of Circulator Date

REGISTRAR=S CERTIFICATION

I hereby certify and verify that the names of all of the petitioners listed as valid appear on the voting list as registered voters in the City of Lewiston.

Total Valid: 12 Total Invalid: 2

Greg R. Pearson
Signature of Registrar/Deputy Registrar

Date: 2/10/14

From: [Mark Hartnett](#)
To: [David Hediger](#)
Cc: jpender@rockingham.com; [Chris Paszyc](#)
Subject: Rockingham Electric
Date: Tuesday, February 04, 2014 2:05:39 PM

Dear David,

I want thank you for taking time out of your busy schedule to meet with me yesterday regarding Rockingham Electric's interest in leasing some space in my building here in Lewiston. I am sure you share my enthusiasm that an out of state company is interested in establishing a presence in the Lewiston area. Rockingham Electric is a very successful family owned business that has a total of nine locations throughout New England; one in Massachusetts, six in New Hampshire and 2 in Maine (Augusta & Portland). Their interest in a new location in Lewiston is a win for all parties involved including the City of Lewiston. This would be their third investment in Maine. Rockingham Electric has been a family owned business since 1951 and is very well respected in their industry. I am confident that they will make a great tenant and corporate citizen for the Lewiston area. I look forward to the planning board welcoming them to the city by approving their requested use of space here in Lewiston. I have included a link to Rockingham Electric's web site below.

Thank you again for your time.

Sincerely,

Mark Hartnett
President



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LEWISTON CITY COUNCIL

MEETING OF MARCH 4, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Public Hearing and Order regarding consolidation of citywide polling places for the June 10, 2014 state primary and special municipal election.

INFORMATION:

Due to the changes in the redistricting of the house district boundary lines and the county district boundary lines, the City will have 21 different state ballot styles at the June 10 state primary election. Once the City adopted the new city ward boundary lines, this number will decrease, however the new ward lines will not be ready until the November 2014 election. In order to minimize confusion for both the voters and the citizen election workers, the City Clerk is recommending that all voting for citizens take place in one central location for the June election only, and this would be the Longley Elementary School gym. This will allow for more city staff to be on site to help oversee the process.

In order to consolidate voting places, the City Council must conduct a public hearing, adopt the Order to consolidate and the City Clerk must obtain permission from the Secretary of State. The City Clerk has been in communication with the Deputy Secretary of State on this issue and their office is in full support of this proposal.

The City Council is requested to conduct a public hearing for citizen input and to approve a proposal to consolidate the city polling places for the June 10 election. Wards 4, 5 and 7 already vote at this location. This location is also the usual voting place for all unscheduled or emergency elections, so the voters are familiar with this site.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action .

EATB/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 comments regarding the proposal to consolidate the city polling places for the June 10, 2014 election.

2) To adopt the Order to Consolidate the Polling Locations for the June 10, 2014 election.

**ORDER APPROVING THE CONSOLIDATION OF CITY POLLING
PLACES FOR THE JUNE 10, 2014 ELECTION**

ORDERED, that after conducting a public hearing to receive citizen input and comment, held on March 4, 2014, the Municipal Officers, in accordance with Title 21-A MRSA, section 631, subsection 1, approve the Certificate of Consolidation of Voting Places, consolidating the City's current four voting locations (seven wards) into one citywide polling place to be the Longley Elementary School Gymnasium for the June 10, 2014 election only,

AND, BE IT FURTHER ORDERED that this Certificate be recorded with the City Clerk and that she immediately file an attested copy with the Secretary of State's Office, in accordance with Title 21-A, section 631, subsection 1.

Motion by Councilor:

Second by Councilor:

Vote:

A TRUE COPY ATTEST:

Kathleen M. Montejo, City Clerk

**CERTIFICATE OF CONSOLIDATION OF VOTING PLACES
RECITALS**

Whereas, the City of Lewiston has four voting locations that were previously established by the Municipal Officers and approved by the Secretary of State's Office, and

Whereas, after notice and hearing, the Municipal Officers adopted an Order on March 4, 2014, consolidating the four voting places into one location for the City of Lewiston for the June 10, 2014 election, and designated the Longley Elementary School Gymnasium as the citywide polling place,

Now, Therefore, pursuant to Title 21-A, MRSA, section 631, subsection 1, the Municipal Officers of the City of Lewiston hereby certify that the four existing polling places be consolidated into one citywide voting location for the City of Lewiston for the June 10, 2014 election.

MUNICIPAL OFFICERS OF THE CITY OF LEWISTON:

Robert E. Macdonald, Mayor

Leslie T. Dubois, City Councilor, Ward 1

Donald A. D'Auteuil, City Councilor, Ward 2

Nathan L. Libby, City Councilor, Ward 3

Doreen M. Christ, City Councilor, Ward 4

Kristen S. Cloutier, City Councilor, Ward 5

Mark A. Cayer, City Councilor Ward 6 and
City Council President

Michael R. Lachance, City Councilor, Ward 7

A true copy, Attest:

Kathleen M. Montejo, City Clerk
Lewiston, Maine

LEWISTON CITY COUNCIL
MEETING OF MARCH 4, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Amendment to the Traffic Schedule regarding a change of parking regulations for a portion of College Street.

INFORMATION:

A business on College Street is requesting that two parking spaces on the street be designated as two hour parking to allow for the turnover of customers in their business. The current parking time allowance is for a longer period of time.

The Police Department has reviewed this request and recommends the adoption of a two hour parking allowance instead. Please see the attached memorandum from Sgt. David Chick of the Police Department for additional information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To adopt the proposed amendment to the Traffic Schedule regarding the creation of a two hour parking time regulation for this section of College Street, as outlined on the attached vote sheet.



POLICE DEPARTMENT

Sgt. David K. Chick
Inspector of Police



DATE: February 19, 2014
TO: Traffic Schedule Review
FROM: Sgt. David Chick, Inspector of Police
Subject: College St (Stylz Hair at 204 College St)

**Traffic Schedule Amendment – Chapter 70 Section 158
Two (2) Hour Parking
9:00 A.M. to 6:00 P.M. – Monday to Friday (Section 32)**

This action is initiated upon a request coming through the Councilor-constituent forum. The Stylz Hair business is competing with on-street parking space availability with other residential interests who often occupy for extended periods of time making convenient parking spaces unavailable for client/patron use. This action will provide some mandatory rotation and openings.

NOTE: (Additions are double underlined; deletions are ~~struck out~~).

**Section 32 – Parking Time Regulated
Monday Through Friday
2 Hours – 09:00 AM To 06:00 PM**

COLLEGE STREET **Odd numbered side east side beginning at a point 130' north of the northeasterly corner of College St & Vale St and extending 40' northerly on College St (2 parking spaces)**

(These spaces are situated on the side of the street which is designated for year-round parking, and are occupying frontage on a lot which has no building constructed. These spaces are conveniently across the street from the driveway curb cut for 204 College St.)

If this amendment is approved, this would require Public Works department to install sign(s) and marking(s) pertaining to the intended designations.

Sgt. David Chick, Inspector of Police



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POLICE DEPARTMENT

Sgt. David K. Chick
Inspector of Police



cc: **Michael Bussiere**
Ed Barrett – City Hall; Phil Nadeau – City Hall; Lincoln Jeffers – City Hall;
Kathy Montejo – City Clerk; Steve Murch – Public Works; Paul Ouellette – Fire



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LEWISTON CITY COUNCIL
MEETING OF MARCH 4, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Amendment to the Traffic Schedule regarding a change of parking regulations for a portion of Middle Street.

INFORMATION:

A citizen had concerns regarding the intersection of Main Street and Middle Street noting it was extremely difficult to navigate turning from Main Street and that very often traffic becomes gridlocked in this area. Staff from the Police Department and Public Works reviewed the area at various times of the day for traffic flow and concurred that improvements are necessary due to the congestion.

The Police Department has reviewed this request and recommends the changes to the parking designations. Please see the attached memorandum from Sgt. David Chick of the Police Department for additional information.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To adopt the proposed amendments to the Traffic Schedule regarding the parking regulation for this section of Middle Street, as outlined on the attached vote sheet.



POLICE DEPARTMENT

Sgt. David K. Chick
Inspector of Police



DATE: February 20, 2014
TO: Traffic Schedule Review
FROM: Sgt. David Chick, Inspector of Police
Subject: Middle St

**Traffic Schedule Amendment – Chapter 70 Section 158
Two (2) Hour Parking
9:00 A.M. to 6:00 P.M. – Monday to Friday (Section 32)**

**Traffic Schedule Amendment – Chapter 70 Section 150
Parking Restricted
Hazardous or Congested Places (Section 44)**

A complaint was received from a resident of W.Bates St that this intersection was extremely difficult to navigate turning from Main St, and that very often traffic becomes gridlocked here. Staff from LPD and LPW visited the scene on several occasions and reviewed the current situation occurring with traffic here, and concur that these proposed changes are necessary due to the congestion caused by having the 3 travel lanes at this intersection. An alternative approach which would eliminate the left turning lane would merely exchange the sort of traffic gridlock to another problem.

NOTE: (Additions are double underlined; deletions are ~~struck-out~~).

**Section 32 – Parking Time Regulated
Monday Through Friday
2 Hours – 09:00 AM To 06:00 PM**

MIDDLE STREET **Even numbered side, east side, beginning at a point 50' 146' northerly of the northeast corner of Middle St & Main St and extending northwesterly on Middle St to Lowell St (~~creating at least 11 delineated parallel parking spaces~~).**
ADDED by City Council – 3/1/2011, Vote #

(The possibility exists of creating a few additional spaces on the opposite side of the street in the area between the entrances of a large parking lot designated to serve DHHS office staff and clients. That can only be properly evaluated once the snow banks are no longer present. That opposite side of the street falls under winter months parking prohibition.)



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POLICE DEPARTMENT

Sgt. David K. Chick
Inspector of Police



NOTE: (Additions are double underlined; deletions are ~~struck-out~~).

Section 44 – Parking Restricted – No Parking Anytime – Hazardous or Congested Places

MIDDLE STREET

Even numbered side, east side, beginning at the northeast corner of Middle St & Main St and extending northwesterly on Middle St a distance of 146’.

(This intersection has been widened to 3 lanes with a left turning lane added. This is the main point of access for larger commercial trucks servicing businesses in this area and for Spring St, Avon St, and their intersecting side streets. This is also the primary traffic route for vehicles leaving from this business and residential neighborhood. When vehicles are waiting at the light to make a left turn, the street becomes too narrow to a point which restricts traffic and has resulted in vehicles stuck blocking the free movement of traffic through the intersection and impacting out onto Main St. This change will result in the loss of 2 existing parking spaces which may be off-set by the creation of spaces on the opposite side of the street, further down, and looking toward other future creation of on-street space availability in the surrounding area.)

If this amendment is approved, this would require Public Works department to install sign(s) and marking(s) pertaining to the intended designations.

Sgt. David Chick, Inspector of Police

- cc: **Michael Bussiere**
- Ed Barrett – City Hall; Phil Nadeau – City Hall; Lincoln Jeffers – City Hall;**
- Kathy Montejo – City Clerk; Steve Murch – Public Works; Paul Ouellette – Fire**



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Inspector of Police



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LEWISTON CITY COUNCIL

MEETING OF MARCH 4, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Review of proposed options for the Pettingill School Park and Residential Development Proposal.

INFORMATION:

The City Council recently held a workshop on the redevelopment options for the Pettingill School property. Suggestions have been made to turn the property into a park or to create some residential housing lots in addition to a small neighborhood park on the site.

Three alternatives have been prepared for Council review and action for this agenda item. Please reference the attached memorandum from the City Administrator for additional information on this item.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

This is a policy decision of the City Council.

EVAB/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To review the three proposed options for the Pettingill School Property Park Proposal and to determine a course of action:

Option A: Resolve Providing Direction on the Future of Pettingill School and Property - Park Only

Option B: Resolve Providing Direction on the Future of Pettingill School and Property - Split Between Park and Residential Development - Two House Lots

Option C: Resolve Providing Direction on the Future of Pettingill School and Property - Split Between Park and Residential Development - Four House Lots



City of Lewiston Executive Department

EDWARD A. BARRETT
City Administrator

PHIL NADEAU
Deputy City Administrator



February 19, 2014

To: Honorable Mayor and Members of the City Council
Fr: Edward A. Barrett
Su: Pettingill School/Park Proposal

On February 11, the City Council will held a workshop to discuss the future use of the Pettingill School property. Interested parties appeared at that meeting, and a number of alternatives for the Pettingill property were discussed. At this point, the City Council should consider establishing the direction for staff to pursue on this property.

Background

On December 8, 2008, the Committee on the Disposition of Pettingill Elementary School presented its findings to the School Committee. The Disposition Committee found that the economic constraints on the building and site limited available options. These included: the estimated cost of upgrades for continued occupation – 1.3 million dollars; small site (2.11 acres); and zoning restrictions. The School Committee then approved a motion offering the land and accompanying structure to the City and suggesting that the most affordable and satisfactory solution would be to demolish the building and convert the site into a neighborhood park with a playground.

On May 19, 2009, the City Council accepted the property from the School Department and issued a proposal for its sale and redevelopment. While this was advertised and proposals were solicited, the closing date of July 14, 2009 passed without response. Subsequently, the City was approached by a number of parties who expressed interest in the property. A second request was issued on August 14, 2012, and two (2) proposals were received by September 13, 2012.

The first proposed paying the City \$10,000 for the property in order to renovate/construct 180 student/residential/assisted living rental units. This would add a second level onto the 1960 wing and add a second building of equal size. This proposal is inconsistent with the property's zoning and with the adjacent neighborhood and should not be considered.

Under the second proposal, the City would have paid \$10,000 and transferred the property to the proposer who would demolish existing structures and pay for Asbestos Containing Material (ACM) abatement. The property would then be subdivided into five (5) residential lots (see attached property map). Upon completion of demolition, the site would be graded and temporarily seeded. Houses would be constructed at a pace allowed by the market. Staff was

prepared to recommend that this proposal be accepted; however, it was subsequently withdrawn when the proposer determined that it was not economically viable at that time.

In the fall of 2012, the City Council discussed the property and indicated a desire to move forward with the demolition of the school while leaving open potential options for reuse of the property. At that same time, a neighborhood group was formed, the Friends of Pettingill Park, with the goal of transforming the property into a park. The City Council subsequently authorized this group to raise funds for that purpose. That group has raised slightly over \$4,000 to date.

Funds for the demolition of the school building were included in the FY 14 Capital Improvement Program and bonds for this purpose were subsequently authorized in the amount of \$130,000. That project is substantially complete with only site clean-up and seeding remaining. That work should be completed this spring/early summer. At this time, it appears that the total project cost will be right at the \$130,000 that was authorized.

Now that the school building has been demolished, the question of the future of the property remains.

Options

There are three basic options available to the City:

1. Develop the entire property into a park
2. Subdivide the property into house lots
3. Maintain a playground area and subdivide the remainder of the property

City Development

The property could be redeveloped for new housing. The City could subdivide the property into from four to six lots. With 4 lots, Assessing estimates a value of between \$35,000 and \$40,000 each; with 6 lots, each would be between \$25,000 and \$30,000. The total value of a 4 lot subdivision would be between \$140,000 and \$160,000; a six lot subdivision could yield \$150,000 to \$180,000. Please note that there would also be certain costs associated with establishing a new subdivision and the City would also face certain carrying costs for basic lot maintenance while awaiting sale. Given the current housing market, it is difficult to predict the time required to market and sell the lots. In addition to fully developing the parcel for housing, two other alternatives have been advanced. One would split the lot roughly in half with one half set aside for a playground and open space, the other for two one-half acre house lots. The second would divide the parcel into six one-sixth of an acre lots with one or two lots reserved for a playground/open space area and four or five house lots.

Redevelop as a Park

Redeveloping the entire property as a park would require certain initial capital costs for landscaping, fencing, lighting, and some basic amenities. Initial cost estimates for full redevelopment are:

Landscaping	25,000
Fencing (along College Street – potentially optional)	5,500
Lighting	10,000

4 Picnic Tables; 5 Benches; 6 Trash Receptacles	14,500
TOTAL	\$55,000

It should be noted that actual costs will be influenced by the option selected for the property. Those options involving housing would potentially require relocation of some of the playground equipment. In addition, fencing, which may be optional if the entire property is devoted to park use, would likely be required if housing was developed adjacent to the park.

In recent conversations with representatives of the Friends organization, they have indicated that they do not expect to see the park developed all at once and would be happy with a phased approach, so these expenses (as well as associated fund raising) could be spaced out over time.

Annual operating costs are estimated at about \$18,000 for a complete park. This amount would likely be lower for proposals including some housing.

Playground and Development

Public Works estimates that retaining the playground will require on-going maintenance costs in the range of \$3,500 per year. If there is residential development elsewhere on the site and depending on how the site is subdivided, the City might also incur some additional costs (in the range of \$5,000 to \$10,000) associated with removing pavement, relocating certain pieces of play equipment, and adding fencing. Some capital costs will also be required in future years for replacing/repairing playground equipment.

The School Department estimated last year that 42 pre-K through 6th grade children live within ¼ mile of the playground. The next closest public playground is located at Geiger School, approximately .8 mile from Pettingill. However, the sidewalk on College Street ends at Fair Street, well before the school, largely limiting access to those that drive.

At the present time, the Public Works Department is challenged to maintain the existing public green space owned by the City. A listing of these spaces was provided at the recent workshop.

Possible Council Actions

Three alternatives are presented for your consideration. The first, Option A, would designate the entire parcel for park purposes. Option B would split the property in half between a park and two house lots. Option C would provide for four house lots and about one-third of an acre for a playground. From staff's perspective, a third of an acre would be about the minimum required to allow for a playground and some adjacent open area.

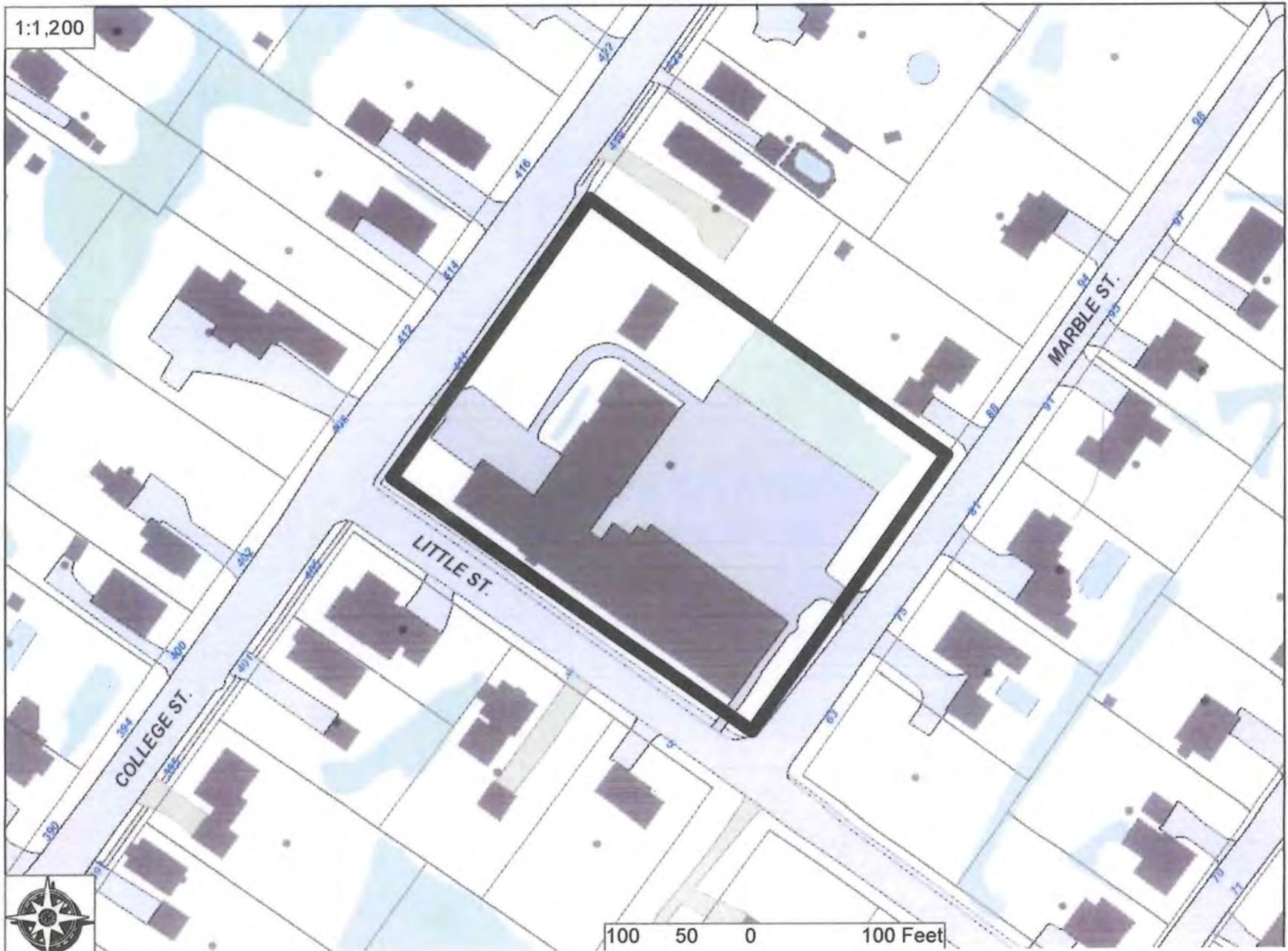
I would note that there are other alternatives. Should some other option be preferred, it could be designed around answers to the following two questions: How much, if any, of the parcel should be devoted to open space? If housing is to be included, should those lots be half-acre (21,780 square feet) or one-sixth acre (7,260 square feet)?

Please also see the attached memo from Council Chair Cayer and the accompanying map showing open space in the area of Pettingill School.

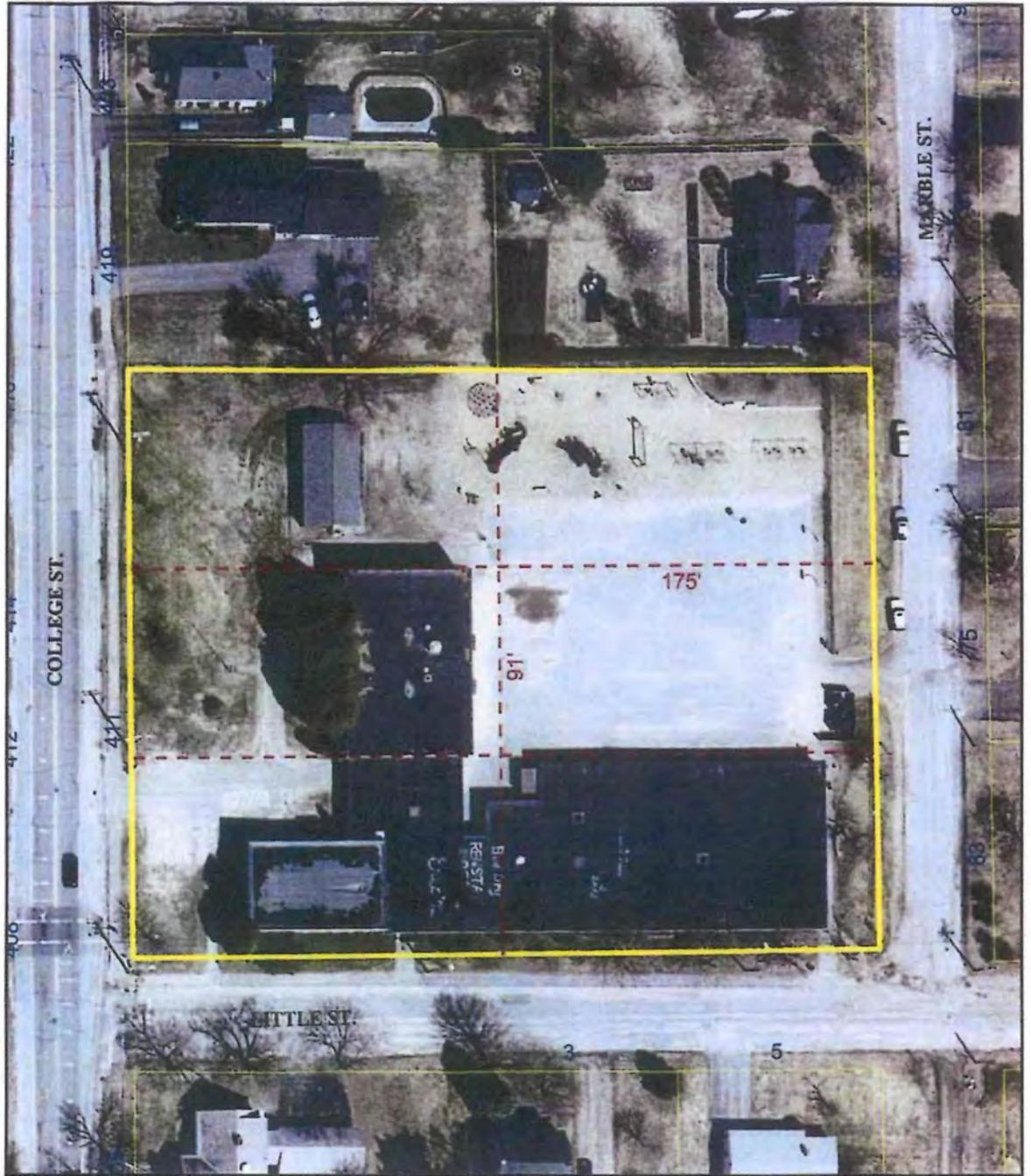
The Friends of Pettingill have been notified of the meeting.

Pettingill School Property Map

Subject Area



Pettingill School Property with



PETTINGILL SCHOOL

May 2009

Scale: 1" = 50'

Lewiston
Maine

To: Lewiston City Council-Council Agenda Packet

From: Councilor Mark Cayer

RE: Proposed Pettingill Park

Councilors,

I have asked that the enclosed map be made a part of this council packet for our meeting. I have also asked that a 10 year expense/revenue projection be provided for Tuesday's meeting.

The map illustrates the open public spaces within a one mile radius of the Pettingill property. As you will see, there are a combination of a half dozen open spaces that are city owned, city maintained, or privately owned but open to the public within a mile radius of Pettingill. Five of the six are city owned. Just outside the 1 mile mark, another five properties are available for public use. Four of those five are city owned or controlled. Although Bates College offers numerous green spaces, including Davis Mountain, open areas, walking trails, a pond, and a running track, I have only counted that property once. Not highlighted well on the attached map is also the trail system currently being developed along the river from Sunnyside Park to Riverview. This project is being funded in part with city funds. Between city owned and private/public space, a significant amount of acreage is available within one mile of the proposed park.

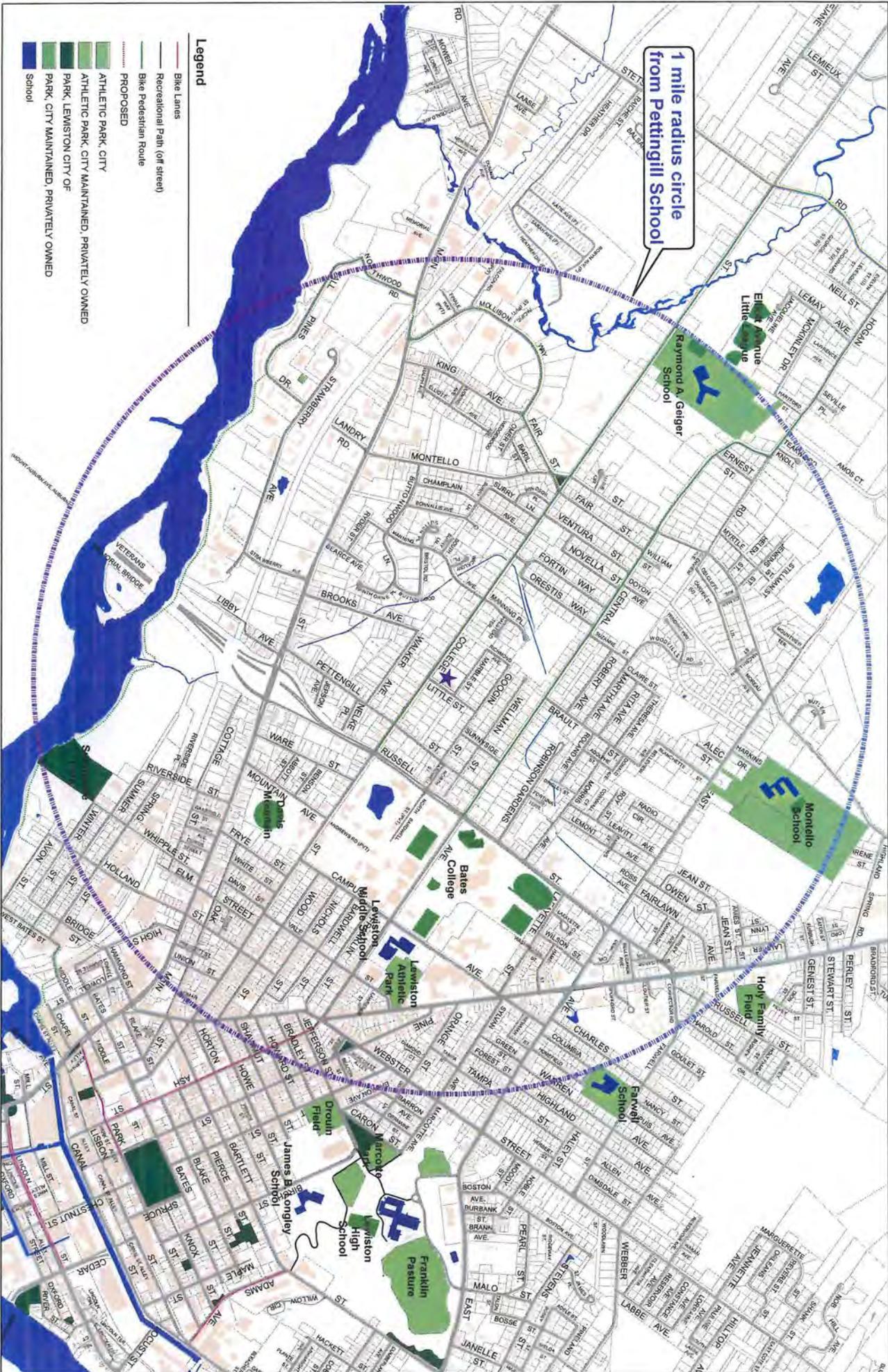
Although a mile is easily walkable, in today's world most parents would not allow children to walk much further than a block from their home. This holds true to the proposed park as well. Each open space noted on the map is a mere few minute drive from the proposed park.

Finally, while I hope to do more listening than speaking at the next meeting, I do plan on briefly discussing:

1. My support for setting aside a portion of the property for a small neighborhood playground/park.
2. Infill of available space within neighborhoods reduces sprawl.
3. The city's past and ongoing investment in infrastructure.
4. The city's past and ongoing investment in open spaces a short distance from the proposed property.
5. The city's endless effort to locate revenues without tax increases.

Respectfully,

Mark



1 mile radius circle
from Pettingill School

Legend

- Bike Lanes
- Recreational Path (off street)
- Bike Pedestrian Route
- PROPOSED
- ATHLETIC PARK, CITY
- ATHLETIC PARK, CITY MAINTAINED, PRIVATELY OWNED
- PARK, LEWISTON CITY OF
- PARK, CITY MAINTAINED, PRIVATELY OWNED
- School



OPTION A

**City of Lewiston Maine
City Council Resolve
March 4, 2014**



Resolve, Providing Direction on the Future of Pettingill School and Property – Park Only

Whereas, the School Department returned the Pettingill School and surrounding property to the City in 2008; and

Whereas, after the property was returned, the City received no acceptable responses when reuse proposals were formally solicited on two separate occasions; and

Whereas, recognizing that the building constituted a blight and potential public safety hazard, the City Council authorized it to be demolished and demolition and site restoration will be completed this year; and

Whereas, residents in the area have expressed a desire to retain the existing playground and develop a park on the Pettingill site as a neighborhood amenity and the City Council has authorized the Friends of Pettingill to raise funds toward developing all or a portion of the property as a park; and

Whereas, the City Council has reviewed a variety of options for this property ranging from using the entire property as a park to dividing the property between a park and single family house lots; and

Whereas, it is now appropriate for the Council to determine the final use for this property;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that

The entire former Pettingill School Property is hereby designated for park and open space use and City Staff is authorized to work with the Friends of Pettingill and neighborhood residents to establish a master plan for the development of the property.

Be it Further Resolved, that the Friends of Pettingill are hereby authorized to continue to solicit and raise donations for the purpose of establishing a park and playground on this property. This authorization shall remain valid until January 1, 2015 unless further extended by action of the Council. Pledges and Donations for this purpose shall be made to the City of Lewiston and shall be deposited in a separate account established by the Finance Director for this purpose. The Finance Director shall provide all donors with receipts recognizing their contribution. If, for any reason, this project is not completed, the Finance Director shall return any donations actually received by the City to the donor.



OPTION B

**City of Lewiston Maine
City Council Resolve
March 4, 2014**



Resolve, Providing Direction on the Future of Pettingill School and Property – Split Between Park and Residential Development – Two House Lots

Whereas, the School Department returned the Pettingill School and surrounding property to the City in 2008; and

Whereas, after the property was returned, the City received no acceptable responses when reuse proposals were formally solicited on two separate occasions; and

Whereas, recognizing that the building constituted a blight and potential public safety hazard, the City Council authorized it to be demolished and demolition and site restoration will be completed this year; and

Whereas, residents in the area have expressed a desire to retain the existing playground and develop a park on the Pettingill site as a neighborhood amenity and the City Council has authorized the Friends of Pettingill to raise funds toward developing all or a portion of the property as a park; and

Whereas, the City Council has reviewed a variety of options for this property ranging from using the entire property as a park to dividing the property between a park and single family house lots; and

Whereas, it is now appropriate for the Council to determine the final use for this property;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that the Pettingill School Property shall be redeveloped as both a park and for residential housing. Approximately one-half of the property shall be allocated to park and playground purposes, and City Staff is authorized to work with the Friends of Pettingill and neighborhood residents to establish a master plan for the development of this portion of the property. The remaining parcel shall be divided into two residential lots, and City staff is authorized to take the necessary steps to establish these lots and prepare them for sale and development.

Be it Further Resolved that the Friends of Pettingill are hereby authorized to continue to solicit and raise donations for the purpose of establishing a park and playground on the portion of this property designated for that purpose. This authorization shall remain valid until January 1, 2015 unless further extended by action of the Council. Pledges and Donations for this purpose shall be made to the City of Lewiston and shall be deposited in a separate account established by the Finance Director for this purpose. The Finance Director shall provide all donors with receipts recognizing their contribution. If, for any reason, this project is not completed, the Finance Director shall return any donations actually received by the City to the donor.

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

27 Pine Street Lewiston, Maine 04240 Telephone (207) 513-3017 Fax (207) 784-2959

OPTION C



City of Lewiston Maine
City Council Resolve
March 4, 2014



Resolve, Providing Direction on the Future of Pettingill School and Property – Split Between Park and Residential Development – Four House Lots

Whereas, the School Department returned the Pettingill School and surrounding property to the City in 2008; and

Whereas, after the property was returned, the City received no acceptable responses when reuse proposals were formally solicited on two separate occasions; and

Whereas, recognizing that the building constituted a blight and potential public safety hazard, the City Council authorized it to be demolished and demolition and site restoration will be completed this year; and

Whereas, residents in the area have expressed a desire to retain the existing playground and develop a park on the Pettingill site as a neighborhood amenity and the City Council has authorized the Friends of Pettingill to raise funds toward developing all or a portion of the property as a park; and

Whereas, the City Council has reviewed a variety of options for this property ranging from using the entire property as a park to dividing the property between a park and single family house lots; and

Whereas, it is now appropriate for the Council to determine the final use for this property;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that The Pettingill School Property shall be redeveloped as both a park and for residential housing. Approximately one-third of the property shall be allocated to park and playground purposes, and City Staff is authorized to work with the Friends of Pettingill and neighborhood residents to establish a master plan for the development of this portion of the property. The remaining parcel shall be divided into four residential lots, and City staff is authorized to take the necessary steps to establish these lots and prepare them for sale and development.

Be it Further Resolved, that the Friends of Pettingill is hereby authorized to continue to solicit and raise donations for the purpose of establishing a park and playground on the portion of this property designated for that purpose. This authorization shall remain valid until January 1, 2015 unless further extended by action of the Council. Pledges and Donations for this purpose shall be made to the City of Lewiston and shall be deposited in a separate account established by the Finance Director for this purpose. The Finance Director shall provide all donors with receipts recognizing their contribution. If, for any reason, this project is not completed, the Finance Director shall return any donations actually received by the City to the donor.

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27 Pine Street Lewiston, Maine 04240 Telephone (207) 513-3017 Fax (207) 784-2959

LEWISTON CITY COUNCIL
MEETING OF MARCH 4, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Resolve accepting the donation of a 2003 Ford Ambulance from United Ambulance.

INFORMATION:

United Ambulance has offered to donate a 2003 ambulance vehicle to the Lewiston Police Department. The Department would like to use this vehicle as an evidence technician vehicle at crime scenes. Please see the attached memorandum from Deputy Chief James Minkowsky for additional information on this project.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EVAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Resolve accepting the donation of a 2003 Ford ambulance from United Ambulance.



**City of Lewiston Maine
City Council Resolve
March 4, 2014**



Resolve, Accepting the Donation of a 2003 Ford Ambulance from United Ambulance.

Whereas, the collection of evidence at crimes scenes has become increasingly sophisticated due to the advance of technology and the growing importance of appropriately handling and maintaining items that are collected; and

Whereas, the ability to store all of the equipment and supplies required for evidence collection and accident reconstruction in a single vehicle will ensure that required material will be readily available to officers and detectives working scenes; and

Whereas, United Ambulance has offered to donate a 2003 ambulance to the Lewiston Police Department for this purpose; and

Whereas, Given the limited use anticipated for this unit, operating expenditures are anticipated to be minor;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that

The donation of a 2003 Ford ambulance from United Ambulance is hereby accepted.



POLICE DEPARTMENT

James T. Minkowsky
Deputy Chief of Police



Date: 4 February 2014
To: Ed Barrett, City Administrator
From: James Minkowsky, Deputy Chief
Subject: Evidence Tech Vehicle

Ed,

Regarding the conversation you had recently with Mike Bussiere concerning the acquisitions of a vehicle from United Ambulance. I am writing this memo to provide further details of the proposed transaction. United Ambulance is in the process of replacing some of its existing fleet.

They have offered, at no cost, a 2003 Ford ambulance. With your support and the consent of the Council, we would like to convert this vehicle to an evidence tech vehicle. This would be its sole purpose. As such, CID and our evidence techs will have a secured and dedicated mobile unit to respond to scenes with all relevant equipment on board. It is simply not feasible to get every piece of required evidence collection equipment into a passenger vehicle and have the ability to itemize and detail the items at the scene. Also, the use of the command post at large scenes is not always conducive to solely evidence purposes as the vehicle serves as a multi functional unit.

Once decaled, the vehicle will be identified as "Evidence Tech Unit" or some variation. The vehicle comes nearly fully equipped with emergency lights etc. One cost associated with the re-outfit, in addition to decaling, would be changing the emergency lighting lens covers from red to blue, which is relatively inexpensive. In reality, since it is generally a non-emergency vehicle, much of these costs could be put off for a period of time.

The mileage on the vehicle is currently 176,900. While the age and mileage may be of concern, the vehicle has been well maintained and will be used minimally. With respect to future replacement, we would seek the same source to acquire another vehicle. If that is not an option, we would explore other options fully knowing that if they do not exist, we may have to go without a dedicated evidence vehicle for a period of time in the future.

In closing, I urge the City Council to support this piece of equipment. The public expects a higher level of service than ever before, and we need to supply the tools for these situations.

I appreciate your consideration, and welcome any questions.



171 Park St • Lewiston, Maine • 04240 • jminkowsky@ci.lewiston.me.us
Phone 207-513-3137 ext.3300 • Fax 207-795-9007 • www.lewistonpd.org



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LEWISTON CITY COUNCIL

MEETING OF MARCH 4, 2014

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Order authorizing the Deputy City Administrator to execute a Fiscal Sponsorship Grant Agreement with Tri-County Mental Health Services - Accessible Playground.

INFORMATION:

In 2011, city staff sought permission from the City Council to enter a national contest to receive funding to create and establish a universally accessible playground in Lewiston. The City partnered with numerous area child development agencies and disability advocates on the preparation of the proposal and did receive a grant from the Together We Play universally accessible playground equipment program. The playground would be located at Marcotte Park.

Per the grant requirements, it must be administered through a 501-c-3 non profit organization and Tri-County Mental Health has offered to serve as the fiscal sponsor for this project.

This agenda item is seeking authorization to enter into this partnership with Tri-County Mental Health for the program.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing the Deputy City Administrator to execute a Fiscal Sponsorship Grant Agreement with Tri-County Mental Health Services - Accessible Playground.



**City of Lewiston Maine
City Council Order
March 4, 2014**



Order, Authorizing the Deputy City Administrator to Execute a Fiscal Sponsorship Grant Agreement with Tri-County Mental Health Services – Accessible Playground

Whereas, several years ago, Shane’s Inspiration, a non-profit organization dedicated to improving the lives of children with disabilities, selected the City of Lewiston as the recipient of technical and design support and partial funding toward a universally accessible playground project to be located in Marcotte Park; and

Whereas, local stakeholders have joined with the City and representatives of Shane’s Inspiration to develop a design for that park; and

Whereas, a portion of the funding of this project must come through grants and fundraising activities; and

Whereas, certain foundations and granting organizations will only fund projects that are financially managed through a 501-c-3 non-profit organization; and

Whereas, Tri-County Mental Health Services is a 501-c-3 and is willing to become the Fiscal Sponsor for this project;

Now, therefore, be It Ordered by the City Council of the City of Lewiston that

the Deputy City Administrator is hereby authorized to execute the attached Fiscal Sponsorship Agreement with Tri-County County Mental Health Services for the universally accessible playground project planned for Marcotte Park.



Executive Department

Edward A. Barrett
City Administrator

Deputy City Administrator
Phil Nadeau



February 25, 2014

Catherine Ryder
Executive Director
Tri-County Mental Health Services
1155 Lisbon Street
Lewiston, ME 04240

Dear Ms. Ryder:

This letter serves as the "**cover letter**" for the fiscal sponsorship agreement between the City of Lewiston and Tri-County Mental Health Services in regards to the universally accessible playground project to be established at Marcotte Park, Lewiston.

The project would be the first such playground in New England to enable able-bodied children/families and children/families with mobility, physical, sensory, emotional, and developmental challenges to play alongside each other. There would be no barriers.

As was discussed with you and the Tri-County Board, the City previously entered a "*Together We Play*" Shane's Inspiration/Landscape Structures contest in hopes of winning a universally accessible playground. Lewiston was selected as a regional winner resulting in a \$10,000 allotment towards Landscape Structures universally accessible playground equipment, as well as playground design, development, and *Together We Are Able* educational programming (\$50,000 value).

After vast project stakeholder/community member input, "**The River**" was selected as the playground theme to reflect Lewiston's commitment to the development of Riverfront Island and enhancement of multi-use access to the Androscoggin River. Numerous features in the design reflect that theme. Additional details regarding the City's universally accessible playground project are also described in the Sponsorship Packet previously provided to the Tri-County Board, additional copies of which are available upon request.

To begin and eventually complete the project as described in the above-referenced materials, funds are needed to purchase equipment and develop the various sections of the playground. Tri-County's fiscal sponsorship of this project will hopefully enable us to be more successful in acquiring funds to make this project a reality. We look forward to working with Tri-County within the bounds of the agreement that both parties will sign to move this project forward.

Sincerely,

Phil Nadeau
Deputy City Administrator

dapw:kn

FISCAL SPONSORSHIP GRANT AGREEMENT

On February 11, 2014, Tri-County Mental Health Services ("Grantor") decided that financial support of the project described in the cover letter accompanying this Agreement will further Grantor's tax-exempt purposes. Therefore, Grantor has created a restricted fund designated for such project, and has decided to grant all amounts that it may deposit to that fund, less any administrative charge as set forth below, to the City of Lewiston ("Grantee") solely for use in its Together We Play Project ("Project"), subject to the following terms and conditions:

1. Grantee hereby acknowledges that it is a municipality as defined in Title 30-A M.R.S. §2002, and therefore has separate legal existence as a body corporate.
2. Grantee shall use the grant solely for the Project as described in the accompanying cover letter, and Grantee shall repay to Grantor any portion of the amount granted which is not used for that Project. Any changes in the purposes for which grant funds are spent must be approved in writing by Grantor before implementation. Grantor retains the right, if Grantee breaches this Agreement, or if Grantee's conduct of the Project jeopardizes Grantor's legal or tax status, to withhold, withdraw, or demand immediate return of grant funds, and to spend such funds so as to accomplish the purposes of the Project as nearly as possible within Grantor's sole judgment. Any and all tangible or intangible property, including copyrights, obtained or created by Grantee as part of this Project shall remain the property of Grantee.
3. Grantee may solicit gifts, contributions and grants to Grantor, earmarked for Grantor's restricted fund for the Project. Grantee's choice of funding sources to be approached and the text of Grantee's fundraising materials are subject to Grantor's prior written approval. All grant agreements, pledges, or other commitments with funding sources to support the Project via Grantor's restricted fund shall be subject to Grantor's approval, which approval will not be unreasonably withheld, conditioned or delayed. If so approved, the same shall be executed by Grantor. The cost of any reports or other compliance measures required by such funding sources shall be borne by Grantee.
4. An administrative charge of five percent (5%) of all amounts paid to Grantee from the restricted fund shall be deducted by Grantor to defray Grantor's costs of administering the restricted fund, grants to Grantee from the restricted fund, and any other services to be provided to Grantee by Grantor as provided herein.
5. Nothing in this Agreement shall constitute the naming of Grantee as an agent or legal representative of Grantor for any purpose whatsoever except as specifically and to the extent set forth herein. This Agreement shall not be deemed to create any relationship of agency, partnership, or joint venture between the parties hereto, and Grantee shall make no such representation to anyone.

6. During the term of this Agreement, Grantee shall:
 - a. Implement and operate the Project according to the terms of this Agreement and as described in the accompanying letter, and in accordance with any requirements imposed by funding sources which are not inconsistent with this Agreement and such letter;
 - b. Submit a full and complete report to Grantor as of the end of Grantee's annual accounting period within which any portion of this grant is received or spent. The initial report shall be submitted by Grantee no later than June 30, 2014, and subsequent reports, if any, shall be due on the anniversary date of the initial report. The report shall describe the progress of the Project conducted by the Grantee with the aid of this grant and the expenditures made with grant funds, and shall report on the Grantee's compliance with the terms of this grant;
 - c. Forward all contributions, donations, and/or payments made for use by the Project to Grantor in a timely manner following receipt;
 - d. Provide Grantor, in writing, with the names of Grantee's approved representatives who can authorize or approve disbursement of funds for vendor payments, and provide written notice when there is a change in approved representatives; and
 - e. Maintain appropriate general liability insurance and bonding insurance.

7. During the term of this Agreement, Grantor shall:
 - a. Provide monthly statements to Grantee regarding grants, tax-deductible contributions and other funds received by Grantor from corporate, individual and other funding sources for use in carrying out the Project;
 - b. Timely prepare and submit, with information obtained from Grantee, as necessary, all grant reports required by funding sources;
 - c. Upon Grantee's request accompanied by proper documentation of the expense, disburse funds directly to Project vendors and service providers in a timely manner, for the administrative convenience of the Grantee;
 - d. Provide written acknowledgments of contributions, donations and/or payments made by funding sources for use by the Project, as necessary or desired; and
 - e. Maintain appropriate general liability insurance and bonding insurance.

8. This grant is not to be used in any attempt to influence legislation within the meaning of Internal Revenue Code (IRC) Section 501(c)(3). No agreement, oral or written, to that effect has been made between Grantor and Grantee.
9. Grantee shall not use any portion of the funds granted herein to participate or intervene in any political campaign on behalf of or in opposition to any candidate for public office, to induce or encourage violations of law or public policy, to cause any private inurement or improper private benefit to occur, nor to take any other action inconsistent with IRC Section 501(c)(3).
10. Grantee shall notify Grantor immediately of any change in (a) Grantee's legal or tax status, and (b) Grantee's executive or key staff responsible for achieving the grant purposes.

This Agreement shall remain in effect until all amounts in the designated restricted fund have been properly expended and all terms and conditions of grants from funding sources of the Project have been satisfied, or until all funding sources have released Grantor from further responsibility for the funds. Grantor shall not accept additional funds for the Project after the date specified in a written notice given by either party to the other party at least thirty (30) days prior to the specified date.

11. Grantee will indemnify Grantor and hold Grantor harmless from all claims arising from any of Grantee's actions or failures to act relating to Grantee's implementation and operation of the Project, which indemnity will extend to reasonable attorneys' fees and costs incurred by Grantor in defending such claims and in enforcing this provision, except to the extent that such claims, liabilities, losses or expenses arise from or in connection with any act or omission of Grantor, its officers, directors, trustees, employees or agents. This provision will survive the termination of this Agreement.
12. Grantor and Grantee agree that they will strive to resolve amicably any dispute arising under this Agreement. In the event they are unable to resolve a dispute, either party may initiate dispute resolution proceedings. All disputes between the Parties hereto shall be submitted to arbitration, at the election of the party initiating the dispute resolution proceedings. The place of any dispute resolution shall be in Lewiston, Maine. The decision of the arbitrator shall be final and binding upon the parties, and the expense of the proceedings shall be shared equally between the parties unless the mediator or arbitrator determines otherwise. Judgment upon any award rendered by an arbitrator may be entered in the Superior Court for Androscoggin County, Maine.
13. This Agreement shall be governed by and construed in accordance with the laws of the State of Maine applicable to agreements made and to be performed entirely within such State.
14. This Agreement shall supersede any prior oral or written understandings or communications between the parties and constitutes the entire agreement of the

We Want to Make This Happen! **First-in-New England Universally Accessible Playground!**

Here in Lewiston!



In September 2012, the City of Lewiston unveiled design plans for a forthcoming **first-in-New England** universally accessible playground to be located at Marcotte Park. The playground would enable able-bodied children/families and children/families with mobility, physical, sensory, emotional, and developmental challenges to play alongside each other without any barriers.

Upon viewing a wheelchair accessible water feature as part of a sensory rock wall, Isabel Hayes stated, ***“Daddy can play with me in the water.”*** Her parents, Erin and Ben Hayes, spoke at the playground plan unveiling due to Ben experiencing a spinal cord injury in 2007. With Isabel’s reaction to what she was seeing and hearing, Erin noted to attendees that ***“she’s only 5 years old, and she gets it,”*** and Ben shared that the accessible playground would enable him to be more engaged with his daughter when they play together.



How Did This Project Begin? With the support of the Lewiston City Council, the City previously entered a ***“Together We Play”*** Shane’s Inspiration/Landscape Structures contest in hopes of winning a universally accessible playground. Lewiston was selected as a regional winner resulting in a \$10,000 allotment towards Landscape Structures universally accessible playground equipment, **as well as** playground design, development, and ***Together We Are Able*** educational programming (\$50,000 value).

The City and community stakeholders worked closely with Shane’s to produce an **original design for the first-ever universally accessible playground in Lewiston and New England!** The playground theme is ***“The River,”*** which was decided upon due to Lewiston’s commitment to the development of Riverfront Island and enhancement of multi-use access to the Androscoggin River.

To complete the project, however, **sponsorships are needed** for pieces of equipment and/or play areas. The project’s informational/sponsorship packet can be found at www.lewistonmaine.gov/playground (*takes a few seconds to load*).

(Turn Over)



Areas of the playground will include an interactive **Riverfront Rock Wall**, **Sensory Rock Wall**, **Animal Sculptures**, **Sound Garden**, **Spinner Alley**, **Embankment Fun**, and **Tree Canopy Swings**—all incorporating the river and colors, rocks, animals, and fish local to this area.

Supporters of the project include: *The Hayes Family, Lewiston Public Schools, Lewiston Police Department, Sandcastle Clinical & Educational Services, Androscoggin Head Start & Child Care, The Visible Community, First Step Child Development Services, The Margaret Murphy Center for Children, Sandcastle Clinical and Educational Services, Healthy Androscoggin, Central Maine Heart & Vascular Institute, and the Maine Division for the Blind & Visually Impaired.*

Lewiston’s Community Relations Coordinator Dottie Perham-Whittier and Director of Recreation Maggie Chisholm have spearheaded this project, and any questions may be directed to them at either dottie@lewistonmaine.gov or mchisholm@lewistonmaine.gov. Donations may be forwarded to Perham-Whittier, City of Lewiston, Administrator’s Office, 27 Pine Street, Lewiston, ME 04240, with checks made payable to “**City of Lewiston**” with “**Universally Accessible Playground**” referenced.

What is Shane’s Inspiration?

In 1997, Catherine Curry-Williams and Scott Williams lost their son, Shane Alexander, to Spinal Muscular Atrophy (Type I: Werdnig-Hoffman Disease) only a few weeks after his birth. Had Shane lived, he would have spent his life in a wheelchair. Because of a physical disability, Shane would have been denied one of the most fundamental rights of childhood: the right to play independently with friends and family at neighborhood and school playgrounds. This realization encouraged the Williams and family friend Tiffany Harris to turn a tragedy into a vision that resulted in Shane's Inspiration, a non-profit organization dedicated to improving the lives of children with disabilities.

In 1998, Shane's Inspiration gave a gift to thousands of Los Angeles children through the creation of an environment where all children can play together at the highest level of their ability. With the support of visionary community leaders, Shane's Inspiration created the first universally accessible playground in the Western United States and the largest in the nation: "Shane's Inspiration." Located in Griffith Park, "Shane’s Inspiration" provides two acres of fully accessible, sensory-rich, and physically challenging equipment. More importantly, this playground gives children with disabilities and children without the opportunity to play with and learn from each other, thus increasing awareness and acceptance.

Since the opening of the flagship playground at Griffith Park, Shane’s Inspiration has helped raise millions of dollars to develop over 40 universally accessible playground projects throughout Southern California and as far away as Sri Lanka. Shane’s also reaches thousands of children each year through transportation, education, and community outreach programs.