

CITY OF LEWISTON
PLANNING BOARD MEETING
Monday, March 23, 2015 – 5:30 P.M.
City Council Chambers – First Floor
Lewiston City Building
27 Pine Street, Lewiston, ME

AGENDA

- I. ROLL CALL**
- II. ADJUSTMENTS TO THE AGENDA**
- III. CORRESPONDENCE**
- IV. PUBLIC HEARINGS:**
REQUEST HAS BEEN WITHDRAWN: Request to postpone an application submitted by A.R.C.C. Land Surveyors, Inc. on behalf of Giles LeBlanc and Edward Poulin for an amendment to lots 1, 2, and 3 of the Blue Heron Subdivision and the establishment of a frontage right-of-way for access to lots 2 and 3 to March 23, 2015.
- V. OTHER BUSINESS:**
 - a) Disposition of 359-369 Lisbon Street
 - b) Disposition of city right-of-way abutting 117 Commercial Street
 - c) Acquisition of 8 Spofford Street
 - d) Discussion about comprehensive plan public hearings
 - e) Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board.
- VI. READING OF THE MINUTES:** Motion to adopt the March 9, 2014 draft minutes
- VII. ADJOURNMENT**

From: Arthur Montana
To: David Hediger
Subject: Blue Heron Subdivision
Date: Tuesday, February 24, 2015 12:14:15 PM

On behalf of Giles LeBlanc we are withdrawing our application for the Blue Heron Lane Subdivision and to thank the Planning Board for their consideration.
Arthur W. Montana

Arthur W. Montana, PLS 492
A.R.C.C. Land Surveyors, Inc.
P.O. Box 294
Auburn, ME 04212-0294

Phone: 346-3455
Cell: 576-7014



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: March 20, 2015
RE: March 23 2014 Planning Board Agenda Item V(a)

Disposition of 355, 359, 369 Lisbon Street and 142 Canal Street Alley

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

Staff has been directed to request a recommendation from the Planning Board for the disposition of 355, 359, 369 Lisbon Street and 142 Canal Street Alley. Administration received a request in February 2015 from the abutter at 381 Lisbon Street, Rick Lachapelle to acquire the property for parking. These four lots combined total approximately 10,280 square feet located in the Centreville (CV) district in which commercial parking and accessory parking is an allowed use. The lots are current vacant, tax acquired by the City in 2005 after being demolished by the City for a total cost of \$84,349.

Table with 8 columns: Address, Map-Lot, GIS Acres, Deed Book, Deed Pg, Land Value, Building Value, Assessed Value. Rows include 142 CANAL ST ALLEY, 359 LISBON ST, 355 LISBON ST, 369 LISBON ST, and a total row.

The current assessed value is \$93,000 for all the lots. However, the City Assessor believes the lots combined should have a fair market value of approximately \$55,000 to \$65,000.

The following concerns and comments have been provided by City staff regarding the possible sale of this property:

- Public Works recommends the City retaining ownership of 25' x 100' portion of 369 Lisbon Street. A portion of the travel way and sidewalk for Cedar Street currently encroaches into the parcel. Public Works recommends establishing a new property boundary for this part the property (see map provided).
Lewiston Fire has expressed concerns with turning radius from Cedar Street onto Lisbon Street if this section of Cedar would ever be converted to two way traffic instead of the

one way traffic. The additional land recommended by Public Works may address this concern.

- Economic and Community Development prefers the City not sell this real estate for a parking lot. The Southern Gateway parking garage is approximately 400' from this lot with plenty of parking available. Staff also recognizes that current market demand may not support a new building, but in time this maybe a very desirable site.
- Planning and Code Enforcement shares the concerns noted above. A possible alternative could be to structure a deal to protect a buyer's investment in developing a parking lot with some type of lease agreement where the buyer/lessee could be compensated for costs associated with development of a parking lot. However, there may be a downside with this type of lease depending upon the amount of compensation due by the city. Mr. Lachapelle indicated that he would consider such a proposition; however, he prefers to own the land. Staff also recommends that should the lot not be sold, the city should be loaming and seeding the site by May 31, 2015.

Should it be determined the property be sold, it will be subject the City's policy for disposition of surplus property that is potentially developable and that the city may market the property through a Request of Proposals (RFP), broker, formal bid, self-brokerage, and/or direct negotiation. The City Administrator shall recommend to the City Council the disposition method or methods to be used at the time the Council is asked to approve disposition of the property.

Should the Board recommend the sale of this property, staff recommends the following conditions be considered.

1. If no development activity is to occur within 180 days of the sale, the lot must be loamed, seeded, and barricaded with rocks and or permanent fencing;
2. If development is to occur within 180 days, permits must be obtained within 180 days of the sale and development must be completed in 2015;
3. Any land area not supporting development must be loamed and seeded;
4. All requisite codes must be met and satisfied.
5. The city shall retain a 25' x 100' section of 369 Lisbon Street for existing and proposed right-of-way improvements.
6. Should the lot not be sold, the city must loam and seed the site by May 31, 2015.
7. The disposition process shall be initiated and proposals on use of this land must be returned to the Planning Board subject to their review and positive recommendation.

ACTIONS NECESSARY:

- Make a motion pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council for the disposition of 355, 359, 369 Lisbon Street and 142 Canal Street Alley (subject to possible conditions raised by staff or the Planning Board).

From: [Ed Barrett](#)
To: [Rick Lachapelle](#)
Cc: [David Hediger](#)
Subject: RE:
Date: Thursday, February 05, 2015 11:30:39 AM
Attachments: [Property Disposition.pdf](#)

Rick:

Your email will initiate the process. I've attached our policy which outlines the steps we have to follow. Sections 3.2 and 5.0 are most applicable to your request. After you've reviewed the policy, let me know if you have any questions. You may also wish to talk to David Hediger in our Planning Department who can review with you how the land development code would affect what could be done on the property. I don't believe there are any issues with using the property as a parking lot, but he would be able to tell you what would be required to permit the lot and how the lot would have to be developed to meet our code.

Ed

From: Rick Lachapelle [mailto:lps_inc@yahoo.com]
Sent: Thursday, February 05, 2015 10:55 AM
To: Ed Barrett
Subject:

Mr. Barrett

I was told to send you this e-mail to inform you that I am interested in purchasing the vacant lots on the corner of cedar and Lisbon Street. The city currently owns the lots and I would like to purchase them for additional parking for the Lewiston Pawn Shop. What process must I go through.

Thank You

Rick LaChapelle

Lewiston Pawn Shop

RE00006551
140 CANAL ST
(Addr Pt ID 12419)

RE00000587
339 LISBON ST
(Addr Pt ID 5854)

RE00002802
343 LISBON ST
(Addr Pt ID 5841)

RE00009167
347 LISBON ST
(Addr Pt ID 3645)

RE00009166
353 LISBON ST
(Addr Pt ID 4116)

RE00007873
355 LISBON ST
(Addr Pt ID 6376)

FIRM Flood Map Panel 200P0029E
Effective July 8, 2013

RE00007876
359 LISBON ST
(Addr Pt ID 5697)

RE00001284
142 CANAL ST ALLEY
(Addr Pt ID 284)

Zoning
CV

RE00013815
369 LISBON ST
(Addr Pt ID 8202)

RE00001688
160 CANAL ST
(Addr Pt ID 12417)

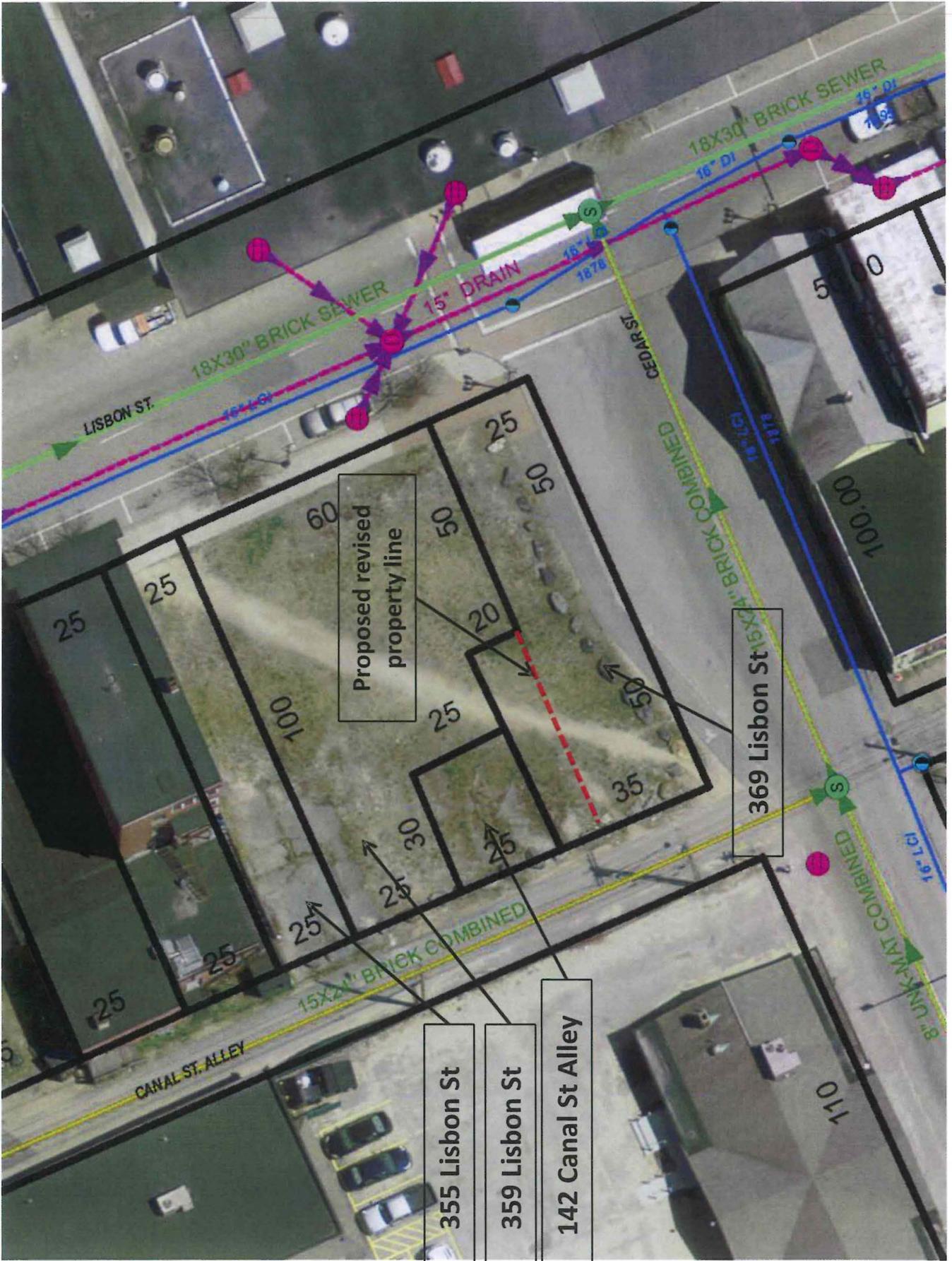
RE00012912
381 LISBON ST
(Addr Pt ID 6249)

RE00009679
389 LISBON ST
(Addr Pt ID 3143)

RE00005477
391 LISBON ST
(Addr Pt ID 1690)

Zoning
M





PROPERTY DISPOSITION

1.0 Purpose

The purpose of this Policy is to provide guidelines for City staff to follow in handling and processing real property in the City's possession which is considered excess to the City's needs.

2.0 Policy

It is the City's policy to periodically review real property in the City's possession to determine whether retention, sale, or lease of such property is in the best interest of the City and to respond in a timely fashion to requests from private parties seeking to purchase or lease such property.

3.0 Determination of Willingness to Sell or Lease City-Owned Property

3.1 City Initiated Sale or Lease

3.1.1 The Planning and Code Department of the City will periodically review real property currently owned by the City but not in active use for municipal purposes to determine whether these properties should be retained or considered for sale or lease. Once properties have been identified for which there is no current City use, the Department will notify the City Administrator.

3.1.2 The City Administrator will then notify all Department Heads of the property or properties being considered for sale and offer them the opportunity to indicate any potential use or need their department might have for the property, including its potential for land banking against future uses.

3.1.3 After consideration of the responses of the various Departments, the Administrator will make a determination if the property should be declared surplus or retained for potential future use.

3.2 Private Sector Request to Purchase or Lease

3.2.1 All requests from the private sector for the purchase or lease of City property shall be directed to the City Administrator.

3.2.2 The Administrator shall notify all Department Heads of the request and provide them with the opportunity to identify any current or potential use which the City may have for the property.

3.2.3 After consideration of the responses of the various Departments, the Administrator will make a determination of whether the property should be declared surplus or retained for current or potential future use.

3.2.3 Once the Administrator has determined a property to be surplus, the Planning Board will be asked to review and make a recommendation on whether to proceed with its disposition. A recommendation from the Planning Board will remain valid for three years; however, should

PROPERTY DISPOSITION

circumstances change during this period, the Administrator may seek an updated review and recommendation.

4.0 Procedure for Disposition of Surplus Property – Substandard Lots

- 4.1 Vacant lots that do not meet minimum space and bulk standards for construction may, at the discretion of the City Administrator, be offered for sale or lease to abutting property owners. If one or more of these owners express an interest in the property, the City Administrator shall make a recommendation to the City Council on the disposition of the property.
- 4.2 The following factors will be considered in determining whether the property should be sold:
 - 4.2.1 The proposed sale price or lease rate, if any, as compared to an estimate of the value of the property prepared by the City Assessor;
 - 4.2.2 The proposed use of the property;
 - 4.2.3 The value of any proposed improvements to the property;
 - 4.2.4 The impact of the sale or lease of the property on the assessed value of the adjacent property in the same ownership; and
 - 4.2.5 The extent to which the sale or lease will support overall City policy in the area or neighborhood within which the property is located.

5.0 Procedure for the Disposition of Surplus Property – Potentially Developable

In instances where surplus property may be redeveloped or developed, that property may be marketed by one of a number of methods based on the nature and estimated value of the property and any specific plans or policies which development of the property might either further or hinder. The following methods may be used to market the property, including a combination of two or more.

- 5.1 **Request for Proposals.** The City may use a Request for Proposals process. This process is generally best suited to significant development parcels for which the City has specific expectations as to the nature, type, and value of the anticipated development.
- 5.2 **Real Estate Broker.** The City may contract with a real estate broker to find a buyer. This method may be most applicable to individual properties or groups of properties that the City is seeking to redevelop or develop for a specified purpose such as single family housing and/or multi-family housing renovation.
- 5.3 **Formal Bid.** The City may advertise for formal bids. This method may be most applicable in instances where the City believes that multiple parties may be interested in the property and the nature of the development or redevelopment is such that the City does not anticipate placing additional restrictions on what is to happen on the property after its sale.
- 5.4 **Self-Brokerage.** The City may employ a sell by owner approach. This would generally be applicable to situations such as the sale of individual lots within a residential or commercial subdivision.

PROPERTY DISPOSITION

- 5.5 Direct Negotiation.** Where alternative methods have failed to produce an acceptable sale and/or in instances where the City has been directly approached by an individual or organization with a proposal that matches or exceeds the City's expectations for development on the parcel, the City may entertain direct negotiations with a private party who expresses interest in purchasing a property.
- 5.6** The City Administrator shall recommend to the City Council the disposition method or methods to be used at the time the Council is asked to approve disposition of the property.

6.0 Council Approval of Disposition

- 6.1** The final decision to accept a bid, proposal, or offer to purchase City-owned property must be made by the City Council.
- 6.2** The normal process for transferring a city-owned property will be by way of municipal quitclaim deed. Warranty deeds may be approved in instances where such action is recommended by the City Administrator for good and reasonable cause.



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: March 20, 2015
RE: March 23 2014 Planning Board Agenda Item V(b)

Disposition of city right-of-way abutting 117 Commercial Street

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

Staff has been directed to request a recommendation from the Planning Board for the disposition of city right-of-way abutting 117 Commercial Street. Administration received a request in March 2015 from the Kevin Morin of Morin's Machine Shop at 117 Commercial Street to acquire an unused portion of city right-of-way so that they may expand their business. The area in question consists of approximately 19,000 square feet of right-of-way outside the paved travel area of Ferry Road and Commercial Street and is located in the Urban Enterprise (UE) district. Since this is land located with the city right-of-way, no assessed value has been assigned. However, the City Assessor believes \$5,000 to \$10,000 would be a fair price for an abutter purchase.

No concerns have been expressed by City staff with the sale of this land. However, the specific area being considered must be coordinated with Public Works to establish new right-of-way boundaries for Ferry Road and Commercial Street ensure adequate width for existing and proposed travel way improvements.

Should it be determined the property be sold, it will be subject the City's policy for disposition of surplus property that is potentially developable and that the city may market the property through a Request of Proposals (RFP), broker, formal bid, self-brokerage, and/or direct negotiation. The City Administrator shall recommend to the City Council the disposition method or methods to be used at the time the Council is asked to approve disposition of the property. It worth noting that with setbacks taken into consideration, the developability of this lot is significantly limited.

Should the Board recommend the sale of this property; staff recommends the following conditions be considered.

1. All requisite codes must be met and satisfied.
2. The city must retain sufficient land area to the satisfaction of Lewiston Public Works to establish new right-of-way boundaries for Ferry Road and Commercial Street ensuring adequate width for existing and proposed travel way improvements.

3. The disposition process shall be initiated and proposals on use of this land must be returned to the Planning Board subject to their review and positive recommendation.

ACTIONS NECESSARY:

- Make a motion pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council for the disposition of city right-of-way abutting 117 Commercial Street (subject to possible conditions recommended by staff or the Board).

From: [Kevin Morin](#)
To: [Ed Barrett](#)
Cc: [Carol Morin](#); [Marcel Morin](#); [Gildace Arsenault](#); [David Hediger](#)
Subject: 117 Commercial Street
Date: Wednesday, March 11, 2015 8:09:48 AM
Attachments: [117 Commercial St 2013 Aerial.pdf](#)

Dear Mr. Barrett,

I am writing on behalf of Morin's Machine Shop located at 117 Commercial Street, owned by Marcel and Carol Morin. We are currently considering options for expanding our business in 2015. In order to better understand our location, please refer to the attached map image, taken from the Lewiston GIS website. The 2013 aerial view map shows the current extent of our building. As you can see, we have nearly exhausted the buildable limits of our site. The only feasible option is to expand to the west of the current building. To the north, we must maintain access to the building, access to our septic system, and parking for guests and employees. To the east, we must maintain the space for full size tractor trailer trucks to deliver materials. Last week, I spoke with Mr. Arsenault in the Planning Department about the options available to us. We discussed that the odd configuration of the site creates a very large amount of frontage on our property, and greatly restricts the amount of buildable land on our site due to setback requirements. Both the property line along Commercial Street and the curved property line abutting the empty field at the corner of Commercial and Ferry are considered frontage. The best solution would be for Morin's Machine Shop to acquire the empty triangular field at the corner of Commercial and Ferry. This would allow us to add the square footage we desperately need, would create greater visibility for our company, would add unused land to the city's tax roll, and the added capacity would allow us to add employees.

Morin's Machine Shop is currently in the fortunate position of having a tremendous amount of work, and could add much more work, but we have exhausted our building both in the amount of equipment that fits inside and the number of employees needed to run that equipment. If able to expand to our full potential, we would add square footage as well as employees. We never expected to outgrow our current site, but we have and finding another property and/or building would present a great hardship to the business. Moving the large heavy equipment we own would cost tens of thousands of dollars. Expanding the building to the maximum extent allowed on our current site would be economically unfeasible because we would outgrow that amount of space almost immediately.

It is for the above reasons that we respectfully ask the city of Lewiston to consider our request to acquire the aforementioned plot of land at the corner of Commercial and Ferry. We are looking to begin our expansion as quickly as possible.

Thank you for your time and consideration on this matter.

Kevin Morin



117 Commercial Street Lewiston, ME 04240
Mailing: P.O. Box 2108 Lewiston, ME 04241
(207) 782-4155
www.morinsmachineshop.com



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CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: March 20, 2015
RE: March 23, 2014 Planning Board Agenda Item V(c)

Acquisition of 8 Spofford Street

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

Staff has been directed to request a recommendation from the Planning Board for the acquisition of 8 Spofford Street. Administration received a request from the current owner Charlotte Deschense to donate this land to the city. This 100' x 100' property is located in the Neighborhood Conservation "A" (NCA district), has no frontage, and is partially impacted by shoreland zoning. The current assessed value on this property is \$2,640. Having no frontage or access, it is undevelopable unless acquired by an abutter. There are three abutters, one of which is the City with 180+ acres associated with Garcelon Bog.

City staff recommends accepting the donation of this property given that it is not developable and it may be beneficial for wetland mitigation efforts currently associated with Garcelon Bog.

ACTION NECESSARY:

- Make a motion pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council for the acquisition in the form of a donation of 8 Spofford Street (subject to possible conditions raised by staff or the Planning Board).

FIRM Flood Map Panel 23001C0327E
Effective July 8, 2013

RE00011043
175 FARWELL ST
(Addr Pt ID 499)

Zoning
NCA

RE000065
8 SPOFFORD ST
(Addr Pt ID 938)

RE00010257
167 FARWELL ST
(Addr Pt ID 1757)

RE00002566
6 GOULET ST
(Addr Pt ID 7066)

Shoreland Zoning Overlay District

RE00000248
10 GOULET ST
(Addr Pt ID 9349)

RE00002584
157 FARWELL ST
(Addr Pt ID 9344)

RE00004533
12 GOULET ST
(Addr Pt ID 9145)

RE00005837
55 HAROLD ST
(Addr Pt ID 3844)

RE00007049
61 HAROLD ST
(Addr Pt ID 1136)

RE00001448
67 HAROLD ST
(Addr Pt ID 4253)

NWL TYPE PEM1
FIRM Flood Zone
AE

