

CITY OF LEWISTON
PLANNING BOARD MEETING
Monday, April 27, 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:

- a) An application submitted by Friends of Pettingill Park Neighborhood Association for the creation of a public park on the site of the former Pettingill School utilizing the existing playground and adding pathways, benches, trees and building a pergola for picnics and concerts.
- b) Postponed from April 13, 2015 - An application submitted by Burns & McDonnell, Eng. on behalf of Central Maine Power Company to amend their existing development review approval and conditional use permit to construct a new above ground 115kV transmission line from a substation to be constructed at 51 Middle Street north along the Pan American Railway to the Veterans Memorial Bridge then west across the Androscoggin River to Auburn.

V. OTHER BUSINESS:

- a) 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 April 13, 2015 draft minutes

VII. ADJOURNMENT



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: April 23, 2015
RE: April 27, 2015 Planning Board Agenda Item IV(A)

An application submitted by Friends of Pettingill Park Neighborhood Association for the creation of a public park on the site of the former Pettingill School utilizing the existing playground and adding pathways, benches, trees and building a pergola for picnics and concerts.

The Friends of Pettingill (FOP), a neighborhood association has submitted an application to develop a park on the former site of Pettingill School at 411 College Street. This 2.21 acres parcel located in the Neighborhood Conservation "A" (NCA) district and is currently vacant with the exception of small paved area and playground equipment remaining from the school. After a good deal of discussion, the City Council agreed this vacant lot may be developed as a park with limited city commitment upon the FOP taking the lead in acquiring funds for any desired improvements or amenities.

The applicants request is essentially for a change of use from a vacant lot to a public park. Specifically, municipal uses and public facilities for non-intensive outdoor recreation are both allowed as a conditional use in the NCA district. Given the nature of the proposed park improvements, the proposed change of use may have been deemed a minor project limited to the Staff Review Committee's approval. However, because the use is regulated as a conditional use, approval of the site is bumped to the Planning Board for review and approval pursuant to Article XIII, Section 3(a)(2) of the Zoning and Land Use Code. Therefore, the applicants have addressed Article X, Conditional Uses and Article XIII, Development Review and Standards as part of their application.

FOP proposes Pettingill School Park to be an accessible, multiuse park. While amenities may evolve over time, FOP initial goal is to fund improvements for additional landscaping, paths, benches, and a pergola type structure. Staff notes the following:

- The existing playground area will be maintained and expanded upon. No additional impervious area is being proposed other than from potential paths and the pergola. Public Works has reviewed and expressed no concerns with drainage.
- Staff has noted to the applicants that since the use of the property as a park is a change of use, a determination should be made as to whether additional buffering is need along the northern property line. Right now, there a chain link fence in place. No buffering existed when the school was in use, which was a far more intense use than the proposed park.

Staff has advised the applicant to reach out the neighbor with respect to buffering. No additional fencing or plantings are proposed at this time.

- Nearly all existing city parks offer little or no on-site parking. Parks are not a use specifically referenced in the parking requirements of Article XII, Section 17(d). The number of spaces needed for uses not specifically listed shall be determined by the Planning Board. While historically everyone parked on the street with the school (and continues to do so when using the existing playground), the proposed park is a new use with different and likely much lesser demands. Four on-site parking spaces are being proposed, one of which will be handicap van accessible. The FOP note that that the property has largely been used by the neighborhood since the school was demolished in 2008. While the park is available for the entire community, they do not envision a significant increase in traffic (with the exception of when a special event may occur). The applicants hope the need for on-site parking will minimal anticipating heavy use from the neighborhood and others that may walk or bike to the site. However, in effort to make the site more accessible, including for individuals with disabilities, fours on-site spaces are being provided. Based upon the four spaces being proposed, the anticipation and likelihood that residents will walk to this park, and the availability and historic use of on-street parking (even though it technically not included) staff believes adequate parking is available.

No other concerns have been raised or provided by City staff. Planning and Code Enforcement recommends approval.

ACTIONS NECESSARY:

Make a motion finding that the application meets all of the necessary criteria contained in the Zoning and Land Use Code, including Article X, Conditional Uses and Article XIII, Development Review and Standards and to grant approval to the Friends of Pettingill Park Neighborhood Association for the creation of a public park on the site of the former Pettingill School at 411 College Street (including, if any, specific conditions raised by the Planning Board).

To the Lewiston Planning Board,

April 27, 2015

The Friends of Pettingill, a neighborhood association, requests permission to develop a city park on the former Pettingill School property at 411 College Street. We propose to implement our site plan utilizing the existing playground equipment and funds raised by our association over the last few years in conjunction with the Public Works Department of the City of Lewiston.

The Landscape Master Plan for the proposed Pettingill School Park, created by our contracted professional landscape architect, Mitchell Rasor, incorporates input from Lewiston residents. It strives to provide an accessible, multipurpose park to be enjoyed by citizens of all ages and includes a pergola structure for shaded picnicking and musical performances, a grove of shade trees, open lawn space for recreation, some planters, and pathways lined by several benches.

As part of the Development Review Application, we are attaching:

1 - a Letter of Understanding between the City of Lewiston and Friends of Pettingill, signed by City Administrator Edward Barrett on February 10, 2015;

2 - a letter signed on March 4, 2014, by Heather Hunter, Finance Director/Treasurer of the City of Lewiston, stating that the City is serving as the fiscal agent of the Friends of Pettingill;

3 - a copy of the warranty deed whereby Annie and William Hayes sold the lot in question to the City of Lewiston on November 26, 1925;

4 - the Master Landscape Plan;

5 - Development and Revue Standards (as per Appendix A, Article XIII);

6 - Conditional Use Standards (as per Appendix A, Article X).

The plans for the Pergola (Key item H on the Plan), which will memorialize Lenny Breau and will be built by the Lewiston Regional Technical Center, are still being developed at this time.

We look forward to discussing our plans with you and appreciate your consideration of this municipal enhancement.

Edward Walworth
Chairman, Friends of Pettingill



Development Review Application

City of Auburn Planning and Permitting Department
City of Lewiston Department of Planning and Code Enforcement



PROJECT NAME: Pettingill School Park
PROPOSED DEVELOPMENT ADDRESS: 411 College Street, Lewiston
PARCEL ID#: Map 171, Lot 184

REVIEW TYPE: Site Plan/Special Exception Site Plan Amendment
Subdivision Subdivision Amendment

PROJECT DESCRIPTION: The creation of a public park on the site of the former Pettingill School, utilizing the existing playground, and adding pathways, benches, trees, and building a pergola for picnics and concerts.

CONTACT INFORMATION:

Applicant

Name: Friends of Pettingill
Address: (Neighborhood Association)
Zip Code: Chairman Edward Walworth
Work #: 8 Manning Ave, Lewiston
Cell #: 207-557-8594 04240
Fax #: _____
Home #: 207-782-1011
Email: ezwalworth@gmail.com

Property Owner

Name: City of Lewiston
Address: _____
Zip Code: _____
Work #: _____
Cell #: _____
Fax #: _____
Home #: _____
Email: _____

Project Representative

Name: Bill Maulder, Co-Chair
Address: 405 College St, Lewiston
Zip Code: 04240
Work #: _____
Cell #: 207-740-4640
Fax #: _____
Home #: 207-795-1386
Email: bill@billstuff.com

Other professional representatives for the project (surveyors, engineers, etc.)

Name: Mitchell Rasov
Address: MRLD LLC
Zip Code: 87 Main St
Work #: Township ME 04096
Cell #: 207-831-9096
Fax #: 866-740-3589
Home #: 207-846-4966
Email: mrasov@mold.net

and

Donald Dostie, PLS
Four Points Associates
9 Ralph Ave
Lewiston ME 04240
W: 207-577-5840
Web: fourpoints-survey.com
Email: dedostie@gmail.com

Zoning Summary

1. Property is located in the Ward 2 NCA zoning district.
 2. Parcel Area: 2.21 acres / 96250 square feet(sf).

| Regulations | <u>Required/Allowed</u> | <u>Provided</u> |
|------------------------------------|--|------------------|
| Min Lot Area | <u>7500</u> | <u>96250</u> |
| Street Frontage | <u>750</u> | <u>900</u> |
| Min Front Yard | <u>15</u> | <u>N/A</u> |
| Min Rear Yard | <u>10</u> | <u>N/A</u> |
| Min Side Yard | <u>10</u> | <u>N/A</u> |
| Max. Building Height | <u>35'</u> | <u>15-20'</u> |
| Use Designation | <u>municipal use</u> | <u>city park</u> |
| Parking Requirement | 1 space/ per _____ square feet of floor area | |
| Total Parking: | <u>1</u> | <u>1</u> |
| Overlay zoning districts (if any): | <u>N/A</u> | <u>1</u> |
| Urban impaired stream watershed? | YES/NO If yes, watershed name _____ | |

DEVELOPMENT REVIEW APPLICATION SUBMISSION

Submission shall include payment of fee and fifteen (15) complete packets containing the following materials:

1. Full size plans containing the information found in the attached sample plan checklist.
2. Application form that is completed and signed.
3. Cover letter stating the nature of the project.
4. All written submittals including evidence of right, title and interest.
5. Copy of the checklist completed for the proposal listing the material contained in the submitted application.

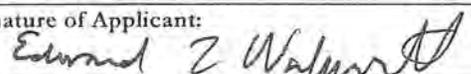
Refer to the application checklist for a detailed list of submittal requirements.

L/A's development review process and requirements have been made similar for convenience and to encourage development. Each City's ordinances are available online at their prospective websites:

Auburn: www.auburnmaine.org under City Departments/ Planning and Permitting/Land Use Division/Zoning Ordinance.
Lewiston: <http://www.ci.lewiston.me.us/clerk/ordinances.htm>. Refer to Appendix A of the Code of Ordinances

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, I certify that the City's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for development review only; a Performance Guarantee, Inspection Fee, Building Permit Application and other associated fees and permits will be required prior to construction.

| | |
|--|---------------------------|
| Signature of Applicant:  | Date: <u>4/10/2015</u> |
|--|---------------------------|

| | | | | | |
|--|---|-----|--|--|--|
| | Planting Schedule | ✓ | | | |
| Stormwater & Erosion Control Plan | | | | | |
| | Compliance w/ chapter 500 | N/A | | | |
| | Show Existing Surface Drainage | — | | | |
| | Direction of Flow | — | | | |
| | Location of Catch Basins, etc. | ✓ | | | |
| | Drainage Calculations | — | | | |
| | Erosion Control Measures | — | | | |
| | Maine Construction General Permit | — | | | |
| | Bonding and Inspection Fees | — | | | |
| | Post-Construction Stormwater Plan | — | | | |
| | Inspection/monitoring requirements | — | | | |
| | Third Party Inspections (Lewiston only) | — | | | |
| Lighting Plan | <i>none</i> | | | | |
| | Full cut-off fixtures | — | | | |
| | Meets Parking Lot Requirements | — | | | |
| Traffic Information | | | | | |
| | Access Management | ✓ | | | |
| | Signage | ✓ | | | |
| | PCE - Trips in Peak Hour | N/A | | | |
| | Vehicular Movements | ✓ | | | |
| | Safety Concerns | ✓ | | | |
| | Pedestrian Circulation | ✓ | | | |
| | Police Traffic | ✓ | | | |
| | Engineering Traffic | ✓ | | | |
| Utility Plan | | | | | |
| | Water | N/A | | | |
| | Adequacy of Water Supply | N/A | | | |
| | Water main extension agreement | ↓ | | | |
| | Sewer | | | | |
| | Available city capacity | ↓ | | | |
| | Electric | ✓ | | | |
| | Natural Gas | — | | | |
| | Cable/Phone | — | | | |
| Natural Resources | <i>N/A</i> | | | | |
| | Shoreland Zone | | | | |
| | Flood Plain | | | | |
| | Wetlands or Streams | | | | |
| | Urban Impaired Stream | | | | |
| | Phosphorus Check | | | | |
| | Aquifer/Groundwater Protection | | | | |
| | Applicable State Permits | | | | |
| | No Name Pond Watershed (Lewiston only) | | | | |

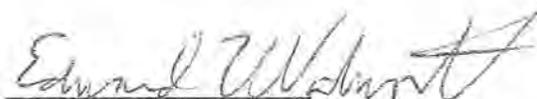
February 3, 2015

Edward Barrett, City Manager
Lewiston City Hall
27 Pine Street
Lewiston, Maine 04240

RE: Letter of Understanding between the City of Lewiston and Friends of Pettingill

The City of Lewiston and Friends of Pettingill have agreed as follows concerning Pettingill School Park:

1. The City of Lewiston shall be responsible for the safety and maintenance of the existing playground. The parties will meet from time to time regarding maintenance and improvements and will communicate and work cooperatively regarding resolution of these issues as they arise. The City will notify the Friends of Pettingill in a timely manner should any piece of playground equipment be scheduled for removal.
2. The City of Lewiston shall be responsible for the safety and maintenance of the new park to the same extent as for other parks in the city. City services shall include, but not be limited to, mowing and trash pick-up, subject to annual City Council appropriation of the funds required for such maintenance. City shall assume ownership of any fixtures or other objects installed in Park by Friends after approval and acceptance of such installation by City. City shall inform and consult with Friends in regard to any City construction activity within the Park.
3. Friends of Pettingill shall be responsible for the acquisition of amenities for the park such as benches, paths, trees and shrubs, signage and the like. The choice and placement of all such amenities shall be subject to the approval of the City Administrator or designee.
4. Installation of said amenities may be done either by the City or by Friends of Pettingill. If installation is by the City, then Friends of Pettingill shall pay the cost incurred by the City unless otherwise agreed. If installation is by Friends of Pettingill, it is subject to approval by the City. Should the Friends enter into an agreement with a company or entity to perform such work, the agreement must include insurance and indemnification language approved by the City's Director of Budget and Purchasing.
5. The City shall maintain liability insurance with respect to use of the park and shall indemnify and hold Friends of Pettingill harmless from any and all liability arising out of the City's use or occupancy of the park.
6. City approval will be required for events held at the park if the event will require sole use of the park, or sole use of part of the park.


Friends of Pettingill

February 10, 2015


Edward A. Barrett
City Administrator



Finance Department

Heather Hunter
Director of Finance/Treasurer

hhunter@lewistonmaine.gov

207-513-3017



March 5, 2014

Dear Grant Applicant Review Committee,

On March 4, 2014, the City of Lewiston City Council reaffirmed its authorization for the Friends of Pettingill Park to solicit means of funding the creation of a 2.11 acre park at the former Pettingill School location through donations, grants, and in-kind services.

The City qualifies as a nonprofit entity under I.R.S. Code 115(l), thus all donations are considered to be tax deductible subject to individual limitations within the law. The Friends of Pettingill Park are operating as a nonprofit group for this purpose.

The City is serving as the fiscal agent on behalf of the Friends of Pettingill Park.

Thank you in advance for your funding consideration,

A handwritten signature in cursive script that reads "Heather Hunter".

Heather Hunter
Finance Director/Treasurer

RESEARCHED BY DUSTIE
 DATE 2/25/15
 SCALE 1" = 200'

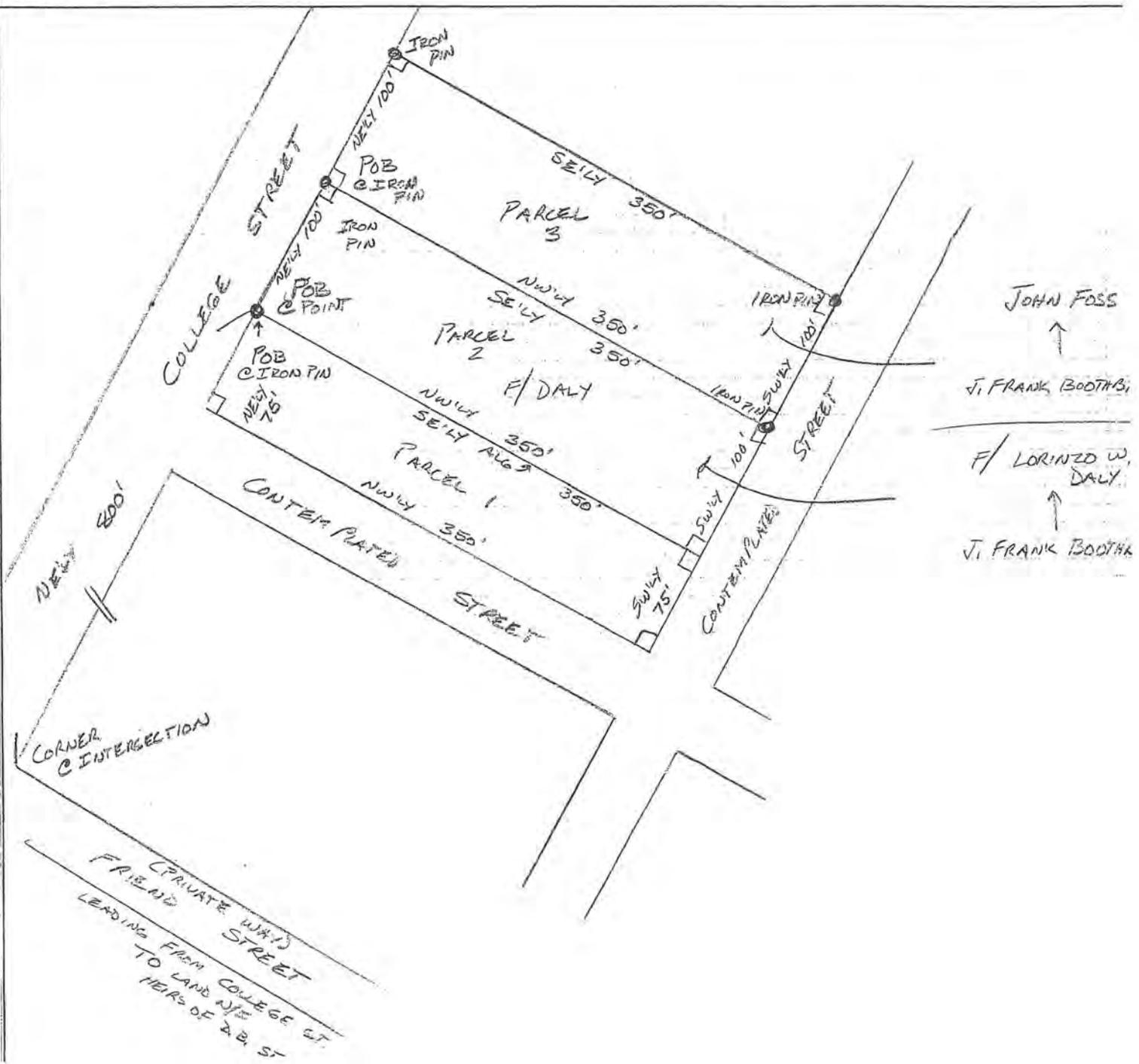
CLIENT FRIENDS OF POTTENGIILL PARK
 PROJECT _____
 LOCATION COLLEGE & LITTLE LEWISTON
 PROJ. NO 15003



Four Points Associates
 Land Surveyors of Maine & NH

- LOCUS
- LOCUS CHAIN
- ABUTTER
- ABUTTER CHAIN
- OTHER _____

| Vol./Page | Date | Name |
|---------------|-----------|-------------------|
| | | CITY OF LEWISTON |
| COPY 355/151 | 11/4/1925 | ANNIE G. HAYES |
| | 11/6/1925 | WILLIAM B. HAYES |
| | | ANNIE G. HAYES |
| PARCELS 1 & 2 | 337/281 | 9/4/1923 |
| | | JEREMIAH D. HAYES |
| PARCEL 3 | 335/83 | 9/5/1923 |
| | | JEREMIAH D. HAYES |
| | | |
| | | |



JOHN FOSS
 ↑
 J. FRANK BOOTHBY

 F/ LORINZO W. DALY
 ↑
 J. FRANK BOOTHBY

\$5.50
 Doc. Rev.
 Stamps
 Cancelled

KNOW ALL MEN BY THESE PRESENTS

That, we Annie G. Hayes and William B. Hayes, husband and wife, both of Lewiston, county of Androscoggin, and State of Maine, in consideration of five thousand five hundred (\$5,500.00) dollars, paid by the City of Lewiston, a Municipal corporation, duly established by law and located in Androscoggin county, and state aforesaid, the receipt whereof we do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said City Of Lewiston, its successors and assigns forever, three certain Lots or parcels of land, with the buildings thereon, situated in Lewiston, bounded and described as follows, to wit:

Beginning at an iron pin in the southeasterly line of College Street marking the westerly corner of land sold by J. Frank Boothby to Lorinzo W. Daly; thence southeasterly along the line of said Daly's land three hundred and fifty (350) feet to the northwesterly line of a contemplated street; thence at a right angle southwesterly along the line of said contemplated street seventy-five (75) feet to the northeasterly line of a contemplated street running at right angles with said last named street; thence at a right angle northwesterly along the line of said street three hundred and fifty (350) feet to said line of College Street; thence at right angles northeasterly along said line of College Street seventh-five (75) feet to the point begun at.

Also another certain piece or parcel of land, situated in Lewiston aforesaid, bounded and described as follows, to wit:

Beginning at a point in the southeasterly line of College Street eight hundred (800) feet distant, northeasterly, from the corner formed by the intersection of said line of College Street with the northeasterly line of a private way known as "Friend Street" leading from College Street to land now or formerly owned by the heirs of D.E. Strout; thence northeasterly along the southeasterly line of said College Street one hundred (100) feet to an iron pin marking the westerly corner of land sold by J. Frank Boothby to John Foss; thence at a right angle southeasterly along the line of said Foss' land three hundred and fifty (350) feet to the northwesterly line of a contemplated street; thence at right angles southwesterly along the line of said contemplated street one hundred (100) feet; thence at a right angle northwesterly three hundred and fifty (350) feet to the point of beginning.

Also all that parcel of land situated in Lewiston aforesaid bounded and described as follows, to wit: Beginning at an iron pin in the southeasterly line of College Street nine hundred (900) feet distance northeasterly from an iron pin marking the corner formed by the intersection of said line of College Street with the northeasterly line of a private way leading from College Street to land now or formerly owned by the heirs of D.B. Strout; thence northeasterly along the southeasterly line of said College Street one hundred (100) feet to an iron pin in the ground; thence at a right angle southeasterly three hundred and fifty (350) feet to an iron pin in the ground; thence at a right angle southwesterly ~~one~~ hundred (100) feet to an iron pin in the ground; thence at a right angle northwesterly three hundred and fifty (350) feet to the point of beginning.

The first two described parcels of land being the same conveyed to Annie G. Hayes by Jeremiah D. Hayes, by deed dated September 4, 1923, and recorded in the Androscoggin County Registry of Deeds, Book 337, Page 281; and the latter piece or parcel of land being the same conveyed to the said Annie G. Hayes by Jeremiah D. Hayes by deed dated September 5, 1923, and recorded in said Registry of Deeds, Book 335, Page 83. To all of which records reference is hereby made for a more particular description of the premises hereby conveyed.

To Have and To Hold the aforegranted and bargained premises with all the privileges and appurtenances thereof, to the said City of Lewiston, its successors and assigns, to their use and behoof forever.

And we do Covenant with the said Grantee, its successors and assigns, that we are lawfully seized in fee of the premises; that they are free of all incumbrances; that we have good right to sell and convey the same to the said Grantee to hold as aforesaid; and that we and our Heirs shall and will Warrant and Defend the same to the said Grantee, its successors and assigns, forever, against the lawful claims and demands of all persons.

In Testimony Whereof, we the said Annie G. Hayes and William B. Hayes, have hereunto set our hands and seals this fourth day of November, in the year of our Lord one thousand nine hundred and twenty-five.

Signed, Sealed and Delivered
in presence of

Frank T. Powers
to both

Annie G. Hayes (Seal)

William B. Hayes (Seal)

State of Maine
Androscoggin, ss.

November 4, 1925.

Personally appeared the above named Annie G. Hayes and William B. Hayes
and acknowledged the foregoing instrument to be their free act and deed.

Before me.

Frank T. Powers,

Justice of the Peace.

Received November 6, 1925 at 3 H. P. M. and recorded from the original.

Attest:

.....*Warren L. Lathum*.....Register.

\$.50

Dec. Rev.

Stamp

Cancelled

KNOW ALL MEN BY THESE PRESENTS

That the Livermore Falls Cemetery Association, a corporation duly established
by law, and located in the Town of East Livermore, County of Androscoggin, State
of Maine, in consideration of One Hundred Dollars, paid by Elsie Reynolds Treat of
Livermore Falls, Maine, the receipt whereof it does hereby acknowledge, does hereby
give, grant, bargain, sell and convey unto the said Elsie Reynolds Treat, her Heirs
and assigns forever, a certain lot or parcel of land, situated in the said East
Livermore, and bounded and described as follows, to wit: being Lot numbered 76, as
set forth in Section 1 of a plan of Pleasant Hill Cemetery Extension, made by
Floyd Scammon, June 1925, and recorded in Androscoggin Registry of Deeds in Volume
2, Page 198, Said lot containing approximately 240 superficial square feet.

To Have and To Hold the same unto the said Elsie Reynolds Treat, her Heirs and Assigns
forever, on the condition that the same shall be used and improved only for a burial
lot for the human dead, that it shall not be sold or transferred without leave, had
and obtained of the trustees of the association and that the owners and possessors
thereof shall always be governed by such regulations, orders and liabilities as are
or shall be adopted or made by the constituted authority, for the orderly and
convenient use and improvement of said cemetery.



KEY

- A: BUFFER PLANTINGS / SHRUBS
- B: PLAY MOUND - LAWN
- C: EXISTING PLAYGROUND W/ NEW BENCHES
- D: EXISTING ASPHALT PLAY AREA W/ BOLLARDS
- E: ON-SITE PARKING (3 STANDARD AND 1 VAN ACCESSIBLE)
- F: FENCE AT TOP OF HILL
- G: EXISTING ACCESS TO MARBLE STREET
- H: LARGE EVENT / SHADE PERGOLA (FINAL SIZE TBD)
- I: TYPICAL EXISTING SITE CATCH BASIN (GRADE TO DRAIN)
- J: PLANTING BED WITH WOOD OR CONCRETE SIGN
- K: SHADE GROVE / ARBORETUM
- L: REMOVE DAMAGED TREES - PER STEVE MURCH
- M: COMMON
- N: BENCH - TYP
- O: EXISTING TREES
- P: PLANTING BED - TYP
- Q: ON-STREET PARKING (13 CARS +/-)
- R: ENTRANCE PLAZA
 - SIGN (WOOD OR CONCRETE)
 - PLANTING BED
 - BENCHES
 - PAVERS OR ASPHALT

CITY ARBORIST RECOMMENDED TREES:

- Elm - Homestead, Valley Forge or Princeton
- Tree Lilac
- Black Tupelo
- Zelkova
- River Birch
- Tulip Tree
- Hawthorn - thornless varieties
- Dawn Redwood
- Copper Beech
- Sourwood
- Ginko - male
- Red Maple



DATE _____

Pettingill School Park | Landscape Master Plan
 411 College Street | Lewiston | ME | 04240 | 4.7.15

APPENDIX A – ZONING AND LAND USE CODE
ARTICLE XIII. DEVELOPMENT REVIEW AND STANDARDS

Applicability: We are establishing an area for new nonresidential use, which would classify the project as a “Minor Development.” One structure is proposed, an open-air pergola for shaded picnic tables with a raised platform for performances. Other “structures” will be planters, benches, tables and so forth. We anticipate that a building permit will be required for the pergola, which will have a locked electrical outlet box, but no plumbing.

General Information: See first page of the Pettingill School Park Development Review Application and attachments.

Existing Conditions:

- 1 – zoning = Neighborhood Conservation Area
- 2 – bearing and distances – see Landscape Master Plan and original Deed.
- 3 – one storm drain near SW corner of existing playground (see LMP); existing water mains and sewers along College, Little, and Marble Streets will not be altered.
- 4 – dimensions and rights-of-way of College, Little, and Marble Streets – no change;
- 5 – N/A. No buildings remain on the site.
- 6 – location of existing driveways and pavement on site – see LMP.
- 7 – intersecting roads and driveways – N/A
- 8 – open drainage courses, wetlands, natural features, etc. – N/A
- 9 – existing water drainage across the largely grassy site – no change anticipated.
- 10 – an existing sign by the playground will remain.

Proposed Development Activity:

- 1 – it is our understanding that setbacks, yards, and buffers do not apply.
- 2 – we will provide the dimensions and elevations of the pergola.
- 3 – the locations of the existing pavement (driveway ramp, basketball area, and on-site parking) and the pathways are depicted on the LMP.
- 4 – water supply and wastewater – N/A
- 5 – surface water drainage would use the existing drain by the playground and would actually be less of a concern than previously, because the majority of the pre-existing impermeable pavement plus the school buildings were removed during the demolition.
- 6 – we will place signs at the entrance (location Q on the LMP), location I, location G pertaining to parking and vehicular safety, and on the pergola itself.
- 7 – we plan no new lighting. Park usage will be “dawn to dusk” and existing streetlights will continue to provide some illumination of the park grounds overnight.
- 8 – in regard to landscaping, see the LMP. Buffering should not be necessary.
- 9 – state approval and permits – N/A
- 10 – construction of the paths and pergola will be accomplished over the summer and into the autumn. Additional benches and such will be installed as time and funding permits.

Additional Information:

- a – two-foot topography contours should not be necessary; no further grading to be done.
- b – storm water and erosion control plan – not necessary; again, no grading planned.
- c – groundwater impact analysis – not necessary, given no plans for alteration of surface or subsurface.
- d – there will be a buried electrical line running from a telephone pole along Little Street to the pergola (to the locked outlet box).
- e – a tree-planting schedule will be worked out with the City Arborist; please refer to the LMP to see the varieties under consideration; planting should take place in August into September, 2015.
- f – the property has already been used by residents as green space and playground since the School closed in 2008. We do not envision any significantly increased traffic to the site, certainly not to the extent when the School was in use. For this reason, a traffic study should not be necessary.
- g – the property is serviced by existing water lines and our proposed use will not include water service.
- h – a sidewalk already exists adjacent to the site along the eastern border of College Street. We propose to create 4-foot wide stone dust paths as per the LMP.
- i – construction drawings – only applicable to the pergola
- j – proposed lot lines – N/A
- k – lots and blocks – N/A
- l – N/A, in that the entire area is for public use.
- m – data for city engineer – N/A
- n – to our knowledge, restrictive covenants or deeds neither exist nor are necessary.
- o – written offers for city attorney – N/A
- p – re condominium or cluster development – N/A
- q – due to the minimal nature of improvements and successful fundraising efforts, we ask that a performance guarantee be waived.
- r – cost of development and financial capacity – see the Application form and the March 2, 2014, letter from the City Finance Director. Incremental improvements will be made over time as additional funds and pledges are received.

Approval Criteria:

- a – the plan does reflect the natural capabilities of the site.
- b – regarding traffic movement, we hope that on-site parking will be minimal as opposed to parking along the College Street. Not only that, we hope to encourage pedestrian and bicycle access to the park. There already are designated bicycle lanes that pass the park site along College Street. As noted previously, we anticipate minimal change in the vehicular traffic along College, Little, and Marble Streets once the Park is fully established.
- c – access into the site is provided by the existing ramp from Marble Street; four parking places will be marked, one for a handicap vehicle. We will place a sign by the ramp regarding parking and vehicular safety.

d (1,2,3) - regarding internal vehicular circulation, please see above. We would appreciate advice from the LPD and the Planning Board. Items 4,5,6 do not apply.

e - the pathways depicted on the LMP provide a system for pedestrian circulation. The common and the grove of trees, not to mention the play mound, also encourage pedestrian activity.

f - stormwater management - not applicable, given the existing drain and the fact that the Park decreases by far the amount of previously impermeable area.

g - erosion control - not a concern, given that the existing topography is not altered.

h - water supply - unchanged

i - sewage disposal - N/A.

j - utilities - no significant change; power supply to pergola, as mentioned above.

k - natural features - unchanged or enhanced by the addition of trees and planters.

l - groundwater protection - unchanged or enhanced, given the reduction of impermeable surface, as mentioned above.

m - water and air pollution - N/A

n - exterior lighting - no additional lighting planned; existing street lights sufficient.

o - waste disposal - to be continued by LPW; one trash bin is present already by the playground; one or two more will be placed.

p - lot layout - see LMP

q - landscaping - minimal - see LMP

r - shoreland relationship - none

s - open space - by definition, the Park provides recreation areas and open space.

t - technical and financial capacity - we will be working with LRTC on the pergola, with LPW and the vendor in regard to benches and tables, and with Heather Hunter (Lewiston Financial Director) regarding finances. The Friends of Pettingill will continue fund raising efforts: pledges, cash donations, and in-kind donations.

u - buffering - N/A

v - compliance with district regulations - N/A

w - design consistent with performance standards - N/A

APPENDIX A – ZONING AND LAND USE CODE
ARTICLE X. CONDITIONAL USES

Applicability: The rationale for a conditional use permit is outlined below under Standards.

General Information: See first page of the Pettingill School Park Development Review Application and attachments.

Standards for Conditional Use Permits:

1 – the proposed use of the site will not have an adverse impact on the value or quiet possession of the surrounding properties, because:

- a. the size of the proposed use represents no significant change from the original use as a school and playground;
- b. the amount and type of traffic generated will not significantly differ from current surrounding use;
- c. the generation of noise, dust, odor, vibration, glare, smoke, letter, and other nuisances is comparable to surrounding uses;
- d. as for the impact of the use of groundwater available to abutting properties, no groundwater will be utilized and the amount of impermeable surface area was reduced during the school demolition;
- e. there are no unusual physical characteristics of the site (size, shape, soils, or topography) that would aggravate surrounding properties.

2 – vehicular and pedestrian (and bicycle) access to, into, and within the site will be safe and will not be overburdened or create hazards; in fact, there will be little change from current access to the site.

3 – municipal facilities serving the proposed use will not be overburdened or create hazards, because:

- a. the capacity of sewerage and water supply will not change;
- b. the capacity of the storm drainage will not change;
- c. the ability of the fire department to provide necessary protection services to the site is and will remain adequate.

4 – the soils on the proposed site have adequate capacity and stability to support all loadings on the proposed site and use will not cause soil erosion or reduction in the capacity of the land to hold water.

5 – the scale and design of the proposed structure (the pergola) with respect to materials, scale, and massing is compatible with existing structures within 500 feet of the site.

Limitations on Conditional Use Permits: We request that our conditional use permit be valid for two years, since the improvements and additions to the park will be incremental.



CITY OF LEWISTON

Department of Planning & Code Enforcement



TO: Planning Board
FROM: David Hediger, City Planner
DATE: April 23, 2015
RE: April 27, 2015 Planning Board Agenda Item IV(B)

Postponed from April 13, 2015 - An application submitted by Burns & McDonnell, Eng. on behalf of Central Maine Power Company to amend their existing development review approval and conditional use permit to construct a new above ground 115kV transmission line from a substation to be constructed at 51 Middle Street north along the Pan American Railway to the Veterans Memorial Bridge then west across the Androscoggin River to Auburn.

This item was postponed by the Planning Board at their April 13, 2015 meeting so applicant could return with additional information. Specifically, abutters of the project and the Board had additional questions regarding pole height and location, possible health impacts associated with proximity to a transmission line, the design and location of a transmission line located with a railroad corridor, and impact to property values when abutting a transmission line. The applicant has provided additional information regarding these items. The applicant also noted at that meeting that they would be meeting with number of the property owners individually to learn more of their concerns.

The Board should still review the application from April 13th where specific reference has been made addressing a number of sections of the Zoning and Land Use Code, including Article X, Conditional Uses; Article XI, District Regulations; Article XII, Performance Standards; and Article XIII, Development Review and Standards. Reference should be made to the draft findings of facts and conclusion provided by the applicant as part of that initial application, too. The Board should also recall that transmission lines are regulated as a conditional use in the Zoning and Land Use Code. Therefore, the applicant is requesting that this request for an amended conditional use permit be granted for a two year period to be consistent with the expiration of development review approved projects. Currently, they have until August 23, 2015 to start construction and August 23, 2018 to complete the project. While CMP expects to start clearing before this August, they are requesting their approval period restart with this amended permit providing the applicant until April 27, 2017 to start and April 27, 2020 to finish. Staff supports this request.

Planning and Code Enforcement recommend approval of the above referenced project, with the following condition:

The conditional use approval of this project is granted for a two year period to be

consistent with expiration of development review approved projects, providing the applicant until April 27, 2017 to start and April 27, 2020 to finish.

ACTIONS NECESSARY:

Make a motion finding that the application meets all of the necessary criteria contained in the Zoning and Land Use Code, including Article X, Conditional Uses; Article XI, District Regulations; Article XII, Performance Standards; Article XIII, Development Review and Standards and to grant approval to Central Maine Power Company (CMP) for the construction of a new aboveground 115kV transmission line from a new substation at 51 Middle Street north along the Pan American Railway to the Veterans Memorial Bridge then west across the Androscoggin River to Auburn, (including, if any, specific conditions raised by the Planning Board).



April 23, 2015

David Hediger, City Planner
City of Lewiston
27 Pine Street
Lewiston, Maine 04240

RE: Central Maine Power Company, Lewiston Loop Project (Section 255)
Responses to April 13, 2015 Planning Board Questions

Dear Mr. Hediger,

Please find below Central Maine Power Company's (CMP) responses to questions raised at the City of Lewiston's Planning Board meeting on April 13, 2015. At that meeting representatives from CMP addressed concerns and questions from the Board and city residents regarding proposed transmission line Section 255 as part of the Lewiston Loop project.

Railroad Safety

CMP worked extensively with Pan Am Railways throughout the design of the project and has obtained their approval of the design and placement of the structures adjacent to the track, which is a Class 2 track with a 25 mph speed limit. CMP has amended their Master License Agreement with Central Maine Railroad to include the Lewiston Loop project, specifically for the installation of Section 255, Structures 3-12 in Lewiston, Maine. Pan Am provided their standard clearance drawing (attached) which shows the minimum required clearance distance of 9 feet from the centerline of the track. The Section 255 transmission structures are located a minimum of 39 feet from the centerline of the track.

Pan Am engineers utilize American Railway Engineering and Maintenance-of-Way Association (AREMA) guidelines for situations where utilities occupy the same corridor. AREMA guidelines include adherence to minimum clearance requirements and specifically for electric lines, the completion of an inductive interference study. CMP is adhering to Pan Am's minimum clearance requirements and has performed this interference study and will be incorporating the results of that study in the installation of this work.

Section 255 is designed to meet, or exceed, all National Electrical Safety Code (NESC) standards. The NESC minimum clearance for a 115kV transmission line over rails is 28.1 feet. The CMP design criterion for a 115kV line is 33 feet over rails or a 4.9 foot buffer above the NESC standard.



Section 255 is equipped with a redundant high speed protection system. In the rare event of a structure failure or catastrophic event damaging the structures and causing a fault on the circuit, the protection system will detect the disturbance, and de-energize the line, typically in 4-6 cycles (70-100 milliseconds).

Design

As stated above, Section 255 is designed to meet or exceed the NESC standards. The center of the Section 255 structures are placed a minimum of 7.5 feet from the eastern edge of the Pan Am right-of-way. This places the conductors a minimum of 14.5 feet from the edge of the right-of-way. CMP has either purchased property or obtained rights along the corridor. The additional rights will maintain a minimum of 40 feet from the conductors to the nearest capable vegetation.

In the area between Bridge Street and Middle Street, the eastern edge of the Pan Am right-of-way is offset far enough from the structure locations to accommodate the minimum 40ft of planned clearing (from the conductors), without obtaining additional clearing rights from the abutting landowners. The approximate distance from the conductor on structure 5 to the edge of the Pan-Am right-of-way is 57 feet.

The structure heights along the railroad right-of-way are shown in the table below.

| Structure | Structure Type | Height (ft) |
|-----------|----------------|-------------|
| 1 | Steel Monopole | 80 |
| 2 | Steel Monopole | 80 |
| 3 | Steel Monopole | 85 |
| 4 | Steel Monopole | 90 |
| 5 | Steel Monopole | 90 |
| 6 | Steel H-Frame | 64 |
| 7 | Steel H-Frame | 46 |
| 8 | Steel H-Frame | 67 |
| 9 | Steel Monopole | 90 |
| 10 | Steel Monopole | 90 |
| 11 | Steel Monopole | 100 |
| 12 | Steel Monopole | 100 |
| 13 | Wood Monopole | 105 |
| 14 | Wood Monopole | 95 |
| 15 | Steel Monopole | 90 |

EMF (Electric and Magnetic Fields)

CMP has developed an EMF Fact Sheet which summarizes the national and international studies conducted on the impacts of EMF on human health. Following are excerpts from the Fact Sheet, included with this information packet.

"Some people have expressed concern that exposure to EMF might adversely affect human health. In response to these concerns, the National Institute of Environmental Health Sciences (NIEHS) has conducted numerous studies and a major review of research to evaluate the potential effects of EMF on human health. In June 1999, the NIEHS reported to the U.S. Congress that scientific evidence for an EMF-cancer link is

weak. The following are excerpts from that report: 'The NIEHS believes that the probability that ELF-EMF exposure is truly a health hazard is currently small. The weak epidemiological associations and lack of any laboratory support for these associations provide only marginal scientific support that exposure to this agent is causing any degree of harm.'

"In June of 2007, after more than 10 years of study, the World Health Organization (WHO) released a review of the research on EMF and health. The conclusions of this report are consistent with the previous review of NIEHS and other national and international agencies."

Real Estate Impacts

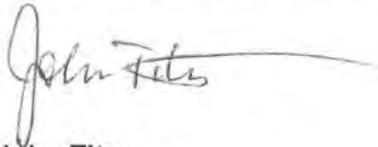
Several studies have been completed that have determined no detrimental impact on the fair market values of properties abutting transmission lines.

CMP commissioned an analysis in 1988 of 35 home sales in the Rockland area to measure the impact upon the market value of properties in proximity to a 115kV transmission line. The analysis found no measurable or discernible positive or negative impact on market value of properties in proximity to transmission lines.

In 2003, *The Appraisal Journal* published the results of a study in which the authors analyzed the impacts of high voltage transmission lines (HVTLs) on property values in three cities in the Pacific Northwest. The study found that the data did not support a finding of a price effect on property due to the fact that the property abutted an HVTL right-of-way.

In addition to this, an extensive literature review on the property value impacts from transmission lines that covered articles published from 1992-2007 concluded: "In short, most studies conclude that proximity to a HVTL per se does not necessarily lead to a drop in the value of surrounding properties and that other physical as well as neighborhood variables prevail in the price determination process."

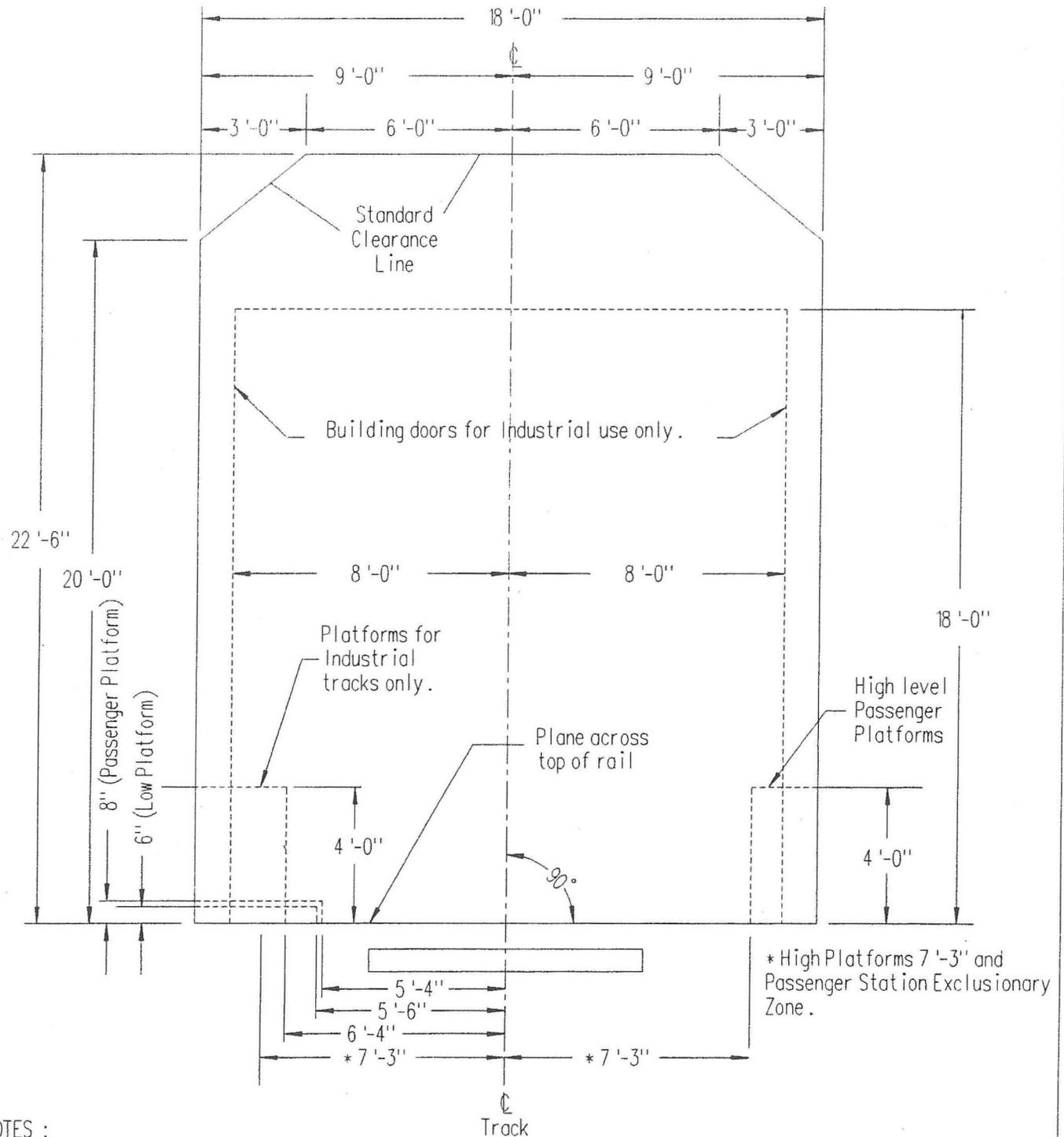
Please call or email me if you would like to discuss these issues further. I can be reached at 207-624-2448 or jtitus@burnsmcd.com.



John Titus
Community Relations Field Specialist
Burns & McDonnell

cc: John Kayser (BMcD), Chris Marshall (BMcD), Katryn Mitchell (BMcD), Mark Goodwin (BMcD), Gerry Mirabile (CMP)

GUILFORD RAIL SYSTEM
 STANDARD CLEARANCE DIAGRAM
 SPRINGFIELD TERMINAL RAILWAY CO.
 BOSTON AND MAINE CORPORATION
 MAINE CENTRAL RAILROAD CO.
 PORTLAND TERMINAL CO.



NOTES :

1. The clearances shown are to be used for all new work and where possible in remodeling existing structures.
2. No obstruction of any kind whatsoever, shall be permitted within the standard clearance line, unless expressly approved by the Vice President-Engineering.
3. Clearances shown are for tangent track, add 1" per degree for curved track.



What is EMF and is it regulated?

EMF refers to the electric and magnetic fields produced through the generation, transmission, and use of AC (60 HZ alternating current) electric power.

We encounter EMF throughout our daily activities at work and at home. Sources of magnetic fields in our homes include fields generated by appliances, the wiring that powers those appliances, the distribution lines that supply electricity to the home, and any currents flowing on water pipes. Nearby transmission lines may also be a source of magnetic fields in the home but their contribution depends largely upon the distance from the home.

Some people have expressed concern that exposure to EMF might adversely affect human health. In response to these concerns, the National Institute of Environmental Health Sciences (NIEHS) has conducted numerous studies and a major review of research to evaluate the potential effects of EMF on human health. In June 1999, the NIEHS reported to the U.S. Congress that scientific evidence for an EMF-cancer link is weak. The following are excerpts from the report: "The NIEHS believes that the probability that ELF-EMF exposure is truly a health hazard is currently small. The weak epidemiological associations and lack of any laboratory support for these associations provide only marginal, scientific support that exposure to this agent is causing any degree of harm."

In June 2007, after more than ten years of study, the World Health Organization (WHO) released a review of research on EMF and health. The conclusions of this report are consistent with previous review of NIEHS and other national and international agencies. Like NIEHS, the WHO reported that there is a weak statistical association between childhood leukemia and average exposure to magnetic fields at levels above 3-4 milligauss in some studies. However, the WHO also reported that no consistent adverse health effects, including cancer, had been reported in animals, even after exposure to high levels of EMF or that a mechanism to explain any adverse effect had been identified. Based on this review, the WHO concluded that the research does not establish that exposure to magnetic fields causes or contributes to any disease or illness and that electric fields pose no substantive health issues at levels generally encountered by the public. The WHO suggested that engineering practices to reduce EMF exposure from equipment or devices should be considered, provided that they yield other additional benefits, such as greater safety, or involve little or no cost.

60 Hz EMF is not regulated by the State of Maine and at the current time there are no federal standards for occupational or residential exposure to 60 Hz EMF. Nevertheless, CMP will consider the guidance from the WHO on this matter.

(continued)

Consult the following organizations for more information:

World Health Organization, International EMF Project

<http://www.who.int/mediacentre/factsheets/fs322/en/index.html>

U.S. National Institute of Environmental Health Sciences

Electric & Magnetic Fields <http://www.niehs.nih.gov/health/topics/agents/emf/>

Download NIEHS EMF Q&A (PDF) <http://www.niehs.nih.gov/health/docs/emf-02.pdf>

U.S. National Cancer Institute

<http://www.cancer.gov/cancertopics/factsheet/Risk/magnetic-fields>



83 Edison Drive
Augusta, ME 04336
(207) 623-352
www.cmpco.com

Common Sources of Magnetic Fields (mG)

Office Sources

- Air Cleaners
- Copy Machines
- Fax Machines
- Fluorescent Lights
- Electric Pencil Sharpeners
- Video Display Terminals

Bathroom Sources

- Hair Dryers
- Electric Shavers

Workshop Sources

- Battery Chargers
- Drills
- Power Saws
- Electric Screwdrivers (while charging)

Living Room Sources

- Ceiling Fans
- Window Air Conditioners
- Color Televisions

Kitchen Sources

- Blenders
- Can Openers
- Coffee Makers
- Dishwashers
- Food Processors
- Garbage Disposals
- Microwave Ovens
- Mixers
- Electric Ovens
- Electric Ranges
- Refrigerators
- Toasters

Bedroom Sources

- Digital Clock
- Analog Clocks
- Baby Monitor (unit nearest child)

Laundry/Utility Sources

- Electric Clothes Dryers
- Washing Machines
- Irons
- Portable Heaters
- Vacuum Cleaners
- Sewing Machines



115 kV Single Pole



115 kV H-Frame



345 kV H-Frame

Source: *EMF In Your Environment*, U.S. Environmental Protection Agency, 1992.