

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
APRIL 5, 2016**

5:30 p.m. Budget Workshop

General Government (except Economic Development, GG Property) pgs. 48-60
Planning & Code Enforcement pg. 73

Executive Sessions

- ES-1. Executive Session pursuant to MRSA Title 1, section 405 (6) (c) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.
- ES-2. Executive Session to discuss a Legal Matter regarding Contract Negotiations.

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag.
Moment of Silence.

Presentation - Recognition of the Championship High School Boys Hockey Team and Championship High School Cheerleading Team

Presentation - Spirit of America Award - Lots to Gardens

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 7.

CONSENT AGENDA: All items with an asterisk (*) are considered to be routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

- * 1. Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 562 Sabattus Street.
- * 2. Order Authorizing the City Administrator to accept the offer from Six Sigma Properties to purchase the city-owned property located at 168 Blake Street.

REGULAR BUSINESS:

- 3. Budget Public Hearing for the Fiscal Year 2017 Budget.
- 4. Public Hearing on a new application for a Special Amusement Permit for Live Entertainment for Bear Bones Beer, 43 Lisbon Street.
- 5. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Little Joe's Bar & Grill, 740 Sabattus Street.
- 6. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Derby Athletic Association, 37 Park Street.

7. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Davinci's, 150 Mill Street.
8. Public Hearing and First Passage regarding an amendment to the Animal and Animal Control ordinance regarding increasing the limit on the number of dogs per household from three to four.
9. Public Hearing & Final Passage for Land Use Amendments regarding Fitness and Recreational Sports Centers.
10. Public Hearing and First Passage for re-zoning of the property at 200 College Street.
11. Amendments to the City Policy Manual regarding False Fire Alarms Policy.
12. Resolve Accepting Easements Over and Fee Ownership of Various Parcels of Land and Street Rights of Way Associated with the Division of Certain Properties Owned by the Franklin Property Trust.
13. Resolve Granting a Private Utility Easement in a Portion of Canal Street for Utility Service to 113 Lisbon Street.
14. Annual appointment for the Lewiston-Auburn Railroad Company Board of Directors.
15. Update from the Lewiston School Committee Representative.
16. Reports and Updates.
17. Any other City Business Councilors or others may have relating to Lewiston City Government
18. Executive Session to discuss labor union negotiations regarding the city's six employee unions.

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, APRIL 5, 2016 5:30 PM

1. Budget Review

Topics: General Government (except Economic Development and General Government Property) pages 48-60 of Budget; Planning and Code Enforcement page 73.

2. Executive Session – Economic Development (time allowing; else after regular meeting)

3. Executive Session – Contract Negotiations (time allowing; else after regular meeting)

FOLLOWING THE REGULAR MEETING

4. Executive Session – Labor Negotiations

LEWISTON CITY COUNCIL

MEETING OF APRIL 5, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. ES-1

SUBJECT:

Executive Session pursuant to MRSA Title 1, section 405 (6) (c) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

State statutes define the purposes for entering into an executive session.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (c) to discuss an Economic Development issue of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL
MEETING OF APRIL 5, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. ES-2

SUBJECT:

Executive Session to discuss a Legal Matter regarding Contract Negotiations.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The state statutes outline the issues that will be discussed in executive session.

ETAB/KMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session pursuant to MRSA Title 1, section 405(6)(E) to discuss a legal matter regarding contract negotiations.

LEWISTON CITY COUNCIL

MEETING OF APRIL 5, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 562 Sabattus Street.

INFORMATION:

One of the most powerful collection tools in a municipality's arsenal is the ability to lien properties for delinquent taxes (real and special only), water and sewer balances, and most recently stormwater balances. Once a lien is recorded, eighteen months must lapse without payment before the lien matures. Prior to maturity, the City Council may waive the right to foreclose on a maturing lien as you have done in the past. If the lien is permitted to mature, the municipality may elect to foreclose on the property or, if subsequent payment is received, return the property to its owner via a quitclaim deed.

At this time, the Finance Director is asking the Council to approve a municipal quitclaim deed for the property located at 562 Sabattus Street. The quitclaim deed will release any interest the City may have by virtue of undischarged real estate tax liens or utility liens on this property. Payment of a utility bill has been received in full. Should the Council approve this Order, the quitclaim will be issued to the owners.

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 execution of a municipal quitclaim deed for real estate located at 562 Sabattus Street.



COUNCIL ORDER

Order, Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 562 Sabattus Street.

WHEREAS, the owner, Marc Michaud, failed to pay his utility bill on a timely basis for 562 Sabattus Street (Tax Map 146, Lot 187, Parcel 00-007421); and

WHEREAS, a stormwater lien was filed on December 6, 2013 (Book 8830 Page 124) and matured on June 7, 2015 in the amount of \$104.27; and

WHEREAS, payment was received in full;

NOW, THEREFORE, BE IT ORDERED by the CITY COUNCIL of the CITY of LEWISTON,

That a quitclaim deed is hereby authorized to release the City's interest in the property located at 562 Sabattus Street to the owner.

LEWISTON CITY COUNCIL

MEETING OF APRIL 5, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Order Authorizing the City Administrator to accept the offer from Six Sigma Properties to purchase the city-owned property located at 168 Blake Street.

INFORMATION:

The City condemned and demolished a structure on this 5,000 square foot lot some time ago. Subsequently, a tax lien matured and the City took possession. Staff was recently approached by an abutter expressing potential interest in acquiring this property to provide parking for his building. Staff has determined that the City has no need to retain this property and the Planning Board reviewed and recommended that it be sold through a bid process with a minimum bid requirement of \$10,000. The City Council accepted this recommendation, a request for bids was issued, and no responses were received, likely due to the required minimum bid. Since then we have received several expressions of interest in this property from abutters. Six Sigma Properties has offered \$5,000 to purchase this property and indicates that the plan is to use it as green space for tenants from an adjacent property.

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 City Administrator to accept the offer from Six Sigma Properties to purchase the city-owned property located at 168 Blake Street.



COUNCIL ORDER

Order, Order, Authorizing the City Administrator to Accept the Offer from Six Sigma Properties to Purchase the City-owned Property Located at 168 Blake Street

Whereas, in January of this year, the City Council authorized staff to dispose of the property located at 168 Blake Street through the bid process with a minimum bid requirement of \$10,000 and in accordance with the recommendation of the Planning Board; and

Whereas, a request for bids requiring a \$10,000 minimum bid was issued and abutters and other potentially interested parties were notified; and

Whereas, no bids were received; and

Whereas, the Council subsequently authorized negotiations for the sale of this property with potentially interested parties; and

Whereas, a proposal has been received from Six Sigma Properties offering to purchase this property for \$5,000 for its use as green space for tenants from an adjacent property Six Sigma owns;

Now, therefore, be it ordered by the City Council of the City of Lewiston that

The City Administrator is hereby authorized to accept the offer of \$5,000 from Six Sigma Properties and to execute the required sale documents.

RE00008716
154 BLAKE ST
(Addr Pt ID 2139)

RE00010174
107 PIERCE ST
(Addr Pt ID 339)

RE00007342
158 BLAKE ST
(Addr Pt ID 5272)

RE00002808
109 PIERCE ST
(Addr Pt ID 5270)

RE00003124
166 BLAKE ST
(Addr Pt ID 1612)

RE00007307
113 PIERCE ST
(Addr Pt ID 1614)

RE00007304
168 BLAKE ST
(Addr Pt ID 6968)

RE00008451
115 PIERCE ST
(Addr Pt ID 6971)

Zoning
D

RE00010158
172 BLAKE ST
(Addr Pt ID 5567)

RE00004989
119 PIERCE ST
(Addr Pt ID 8223)

Cond. CV

RE00010158
174 BLAKE ST
(Addr Pt ID)

RE00010158
176 BLAKE ST
(Addr Pt ID)

RE00010158
176.5 BLAKE ST
(Addr Pt ID)

RE00010199
178 BLAKE ST
(Addr Pt ID 3121)

RE00003039 RE00002586
182 BLAKE ST 131 PIERCE ST
(Addr Pt ID 5822) (Addr Pt ID)

RE00008117
186 BLAKE ST
(Addr Pt ID 7361)



1:480

RE00008716
154 BLAKE ST
(Addr Pt ID 2139)

RE00010174
107 PIERCE ST
(Addr Pt ID 339)

RE00007342
158 BLAKE ST
(Addr Pt ID 5272)

RE00002808
109 PIERCE ST
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RE00007307
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Cond. CV

Zoning
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(Addr Pt ID)

RE00010158
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RE00010158
176 BLAKE ST
(Addr Pt ID)

RE00010199
178 BLAKE ST
(Addr Pt ID 3121)

RE00003039 RE00002586
182 BLAKE ST 131 PIERCE ST
(Addr Pt ID 5822) (Addr Pt ID)

RE00008117
186 BLAKE ST
(Addr Pt ID 7361)



Six Sigma Properties
14 Higgins Lane
South Portland, ME 04106

To Whom It May Concern,

Please consider this letter my offer to purchase 168 Blake Street for \$5,000. The City of Lewiston agrees to convey said property free and clear of any liens or other encumbrances.

The planned use for this property is to create green space for my tenants children to play in.

Best Regards,


Jay Allen

LEWISTON CITY COUNCIL

MEETING OF APRIL 5, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Budget Public Hearing for the Fiscal Year 2017 Budget.

INFORMATION:

The City Council schedules and conducts two public hearings regarding the budget to receive citizen input and comment. The first budget public hearing will be held during this meeting and the final budget public hearing is scheduled for April 28 to be held before the final vote regarding budget adoption.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

This public hearing is part of the budget process to receive citizen input.

EAB/16mm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To conduct the first budget public hearing to receive citizen input and communication regarding the proposed Fiscal Year 2017 Municipal Budget.

**CITY OF LEWISTON
BUDGET PUBLIC HEARING NOTICE**

Notice is hereby given in accordance with Article VI, Section 6.07(a) of the City Charter of a Public Hearing on the City Budget for Fiscal Year 2017. All citizens are invited to attend and provide the City Council with written and/or oral comments and ask questions concerning the City's proposed budget, excluding the School Department.

HEARING DATE: Tuesday, April 05, 2016

TIME: 7:00 P.M.

**PLACE: City Council Chambers, City Building
PROPOSED BUDGET - FISCAL YEAR 2017**

REVENUE SOURCE

General Property Taxes	\$32,997,519
Anticipated Revenues Municipal	11,440,794
TOTAL	\$44,438,313

EXPENDITURES

Municipal	\$42,001,847
County Tax	2,436,466
TOTAL	\$44,438,313

WATER DIVISION

Projected Revenues	\$5,333,580
Projected Expenditures	5,503,293

SEWER DIVISION

Projected Revenue	\$5,781,626
Projected Expenditures	5,773,818

STORM WATER DIVISION

Projected Revenues	\$2,501,000
Projected Expenditures	\$2,788,341

The City of Lewiston is an EOE. For more information, please visit our website at www.lewistonmaine.gov and click on the Non-Discrimination Policy.

Kathleen M. Montejo, MMC
City Clerk
-END-

PUBLISH ON Wednesday, March 23 2016 Display ad - 2 columns wide by 5.25 inches high.

Proof requested (777-4621 fax)

TO: LSJ Advertising Dept. 784-3062 fax Attn: Venise

FROM: Lewiston City Clerk's Office 784-2959 fax

Please bill the City Clerk's Dept account. Thank you.

LEWISTON CITY COUNCIL

MEETING OF APRIL 5, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Public Hearing on a new application for a Special Amusement Permit for Live Entertainment for Bear Bones Beer, 43 Lisbon Street.

INFORMATION:

We have received a new application for a Special Amusement Permit for Live Entertainment from Bear Bones Beer, 43 Lisbon 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 owner has 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.

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to Bear Bones Beer, 43 Lisbon Street.

**CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT**

Date of Application: 3/23/10

Expiration Date: _____

- Class A - \$125.00 - restaurants with entertainment, which **does not have dancing**
- Class B - \$125.00 - lounges/bars with entertainment, which **does not have dancing**
- Class C - \$150.00 - either restaurants or lounges/bars with entertainment, including dancing
- Class D - \$150.00 - function halls with entertainment, including dancing
- Class E - \$150.00 - dance hall or nightclub that admits persons under the age of 21
- Class F - \$150.00 - "chem-free" dance hall or nightclub for patrons aged 18 yrs and older, with no liquor

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

****PLEASE PRINT****

Business Name: Bear Bone Beer **Business Phone:** 207-200-1324

Location Address: 43 Lisbon St.

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

Mailing Address: 43 Lisbon St. Lewiston ME 04240

Email address: bearbonesbeer@gmail.com

Contact Person: Adam B Tuuri **Phone:** 914-310-4992

Owner of Business: Adam B Tuuri / ~~Eric Dingman~~ **Date of Birth:** 11/9/83

Address of Owner: 48 Holland St. Apt. 2 Lewiston ME 04240

Manager of Establishment: Adam B Tuuri **Date of Birth:** 11/9/83

Owner of Premises (landlord): Eric Agren

Address of Premises Owner: 49 Lisbon St. Lewiston ME 04240

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): _____

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: Bear Bones, Inc.

Corporation Mailing Address: 43 ~~11th~~ Lisbon St. Lewiston ME 0424

Contact Person: Adam B Tuuri Phone: 914-310-4992

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? Condos upstairs

Please describe the type of proposed entertainment:

- dancing
- music by DJ
- live band/singers
- stand up comedian
- karaoke
- magician
- piano player
- other, please list acoustic live musicians/singer
- 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: Adam B Tuuri Title: President/CEO Date: 3/23/16

Printed Name: Adam B Tuuri

Hearing Date: 4-5-2016



POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: March 24, 2016

RE: Liquor License/Special Amusement Permit – **Bear Bones Beer**

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

Bear Bones Beer
43 Lisbon St.



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 APRIL 5, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Little Joe's Bar & Grill, 740 Sabattus Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Little Joe's Bar & Grill, 740 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 owner has 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.

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to Little Joe's Bar & Grill, 740 Sabattus Street.

**CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT**

Date of Application: 3/22/16

Expiration Date: 9/10/16

- Class A - \$125.00 - restaurants with entertainment, which **does not have dancing**
 Class B - \$125.00 - lounges/bars with entertainment, which **does not have dancing**
 Class C - \$150.00 - either restaurants or lounges/bars with entertainment, including dancing
 Class D - \$150.00 - function halls with entertainment, including dancing
 Class E - \$150.00 - dance hall or nightclub that admits persons under the age of 21
 Class F - \$150.00 - "chem-free" dance hall or nightclub for patrons aged 18 yrs and older, with no liquor

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

****PLEASE PRINT****

Business Name: Little Joes Bar + Grill **Business Phone:** 783-8361

Location Address: 740 Sabbath St. Lewiston, Me 04240

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

Mailing Address: 740 Sabbath St Lewiston, Me 04240

Email address: MelissaLeighton70@gmail.com

Contact Person: Melissa Leighton **Phone:** 240-5750

Owner of Business: Kenneth Daigle Jr **Date of Birth:** 3/8/77

Address of Owner: 15 Bartholomew St Lisbon, Me 04250

Manager of Establishment: Melissa Leighton **Date of Birth:** 11/4/70

Owner of Premises (landlord): Kenneth Daigle

Address of Premises Owner: 84 New Colwatts Rd Durham, Me 04222

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): Gener Linn Inc
Les College 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: Little Toots Bar & Grill

Corporation Mailing Address: 740 Sabbath St Lewiston, Me 04240

Contact Person: Melissa Leighton Phone: 240-5450

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? 200 feet

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: Melissa Leighton Title: Vice President Date: 3/22/16

Printed Name: Melissa Leighton

Hearing Date: 4-5-2016



POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: February 8, 2016

RE: Liquor License/Special Amusement Permit – **Little Joes**

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

Little Joes
740 Sabattus St.



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 APRIL 5, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for the Derby Athletic Association, 37 Park Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from the Derby Athletic Association, 37 Park 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.

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to the Derby Athletic Association, 37 Park Street.

**CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT**

Date of Application: 3-18-16

Expiration Date: 3-27-16

- Class A - \$125.00 - restaurants with entertainment, which **does not have dancing**
- Class B - \$125.00 - lounges/bars with entertainment, which **does not have dancing**
- Class C - \$150.00 - either restaurants or lounges/bars with entertainment, including dancing
- Class D - \$150.00 - function halls with entertainment, including dancing
- Class E - \$150.00 - dance hall or nightclub that admits persons under the age of 21
- Class F - \$150.00 - "chem-free" dance hall or nightclub for patrons aged 18 yrs and older, with no liquor

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

****PLEASE PRINT****

Business Name: Derby Athletic Association **Business Phone:** 207-782-9285

Location Address: 37 park st Lewiston

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

Mailing Address: 37 park st Lewiston maine 04240

Email address: _____

Contact Person: Tanya Temple **Phone:** 207-312-7300

Owner of Business: _____ **Date of Birth:** _____

Address of Owner: _____

Manager of Establishment: Tanya Temple **Date of Birth:** 01-15-1975

Owner of Premises (landlord): Justin Flannery

Address of Premises Owner: Po Box 748 Gorham maine 04538-0748

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): _____

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: _____

Corporation Mailing Address: _____

Contact Person: _____ Phone: _____

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: Tanya Temple Title: Manager Date 3.18.16

Printed Name: Tanya Temple

Hearing Date: 4-5-2016



POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: February 1, 2016

RE: Liquor License/Special Amusement Permit – **Derby Athletic Club**

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

Derby Club
37 Park St.



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



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LEWISTON CITY COUNCIL

MEETING OF APRIL 5, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Davinci's, 150 Mill Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Davinci's, 150 Mill 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 owner has 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.

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To grant a Special Amusement Permit for Live Entertainment to Davinci's, 150 Mill Street.

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 3/11/2016

Expiration Date: 4-14-2017

- Class A - \$125.00 - restaurants with entertainment, which does not have dancing
 Class B - \$125.00 - lounges/bars with entertainment, which does not have dancing
 Class C - \$150.00 - either restaurants or lounges/bars with entertainment, including dancing
 Class D - \$150.00 - function halls with entertainment, including dancing
 Class E - \$150.00 - dance hall or nightclub that admits persons under the age of 21
 Class F - \$150.00 - "chem-free" dance hall or nightclub for patrons aged 18 yrs and older, with no liquor

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

****PLEASE PRINT****

Business Name: Davincis Business Phone: 207-782-2082

Location Address: 150 Mill Street, Lewiston, ME 04240

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

Mailing Address: 150 Mill Street, Lewiston, ME 04240

Email address: jules@davincisrestaurant.com

Contact Person: Jules Poiry Phone: 207-754-3926

Owner of Business: Jules Poiry Date of Birth: 5/12/1958

Address of Owner: 84 Lisbon Street, #4, Lewiston, ME 04240

Manager of Establishment: Laura O'Brien Date of Birth: 9/7/1966

Owner of Premises (landlord): Mill 2 Storehouse, LLC

Address of Premises Owner: 2 Great Falls Plaza, Auburn, ME 04210

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): Davincis
150 Mill Street, 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: Da Vinci's

Corporation Mailing Address: 84 Lisbon Street #4 Lewiston, ME 04240

Contact Person: Jules Patry Phone: 207-782-2358

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? Bates Mill Lofts

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: J. Patry Title: President Date 3/11/2016

Printed Name: Jules Patry

Hearing Date: 4-5-16



POLICE DEPARTMENT

Michael J. Bussiere
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: February 8, 2016

RE: Liquor License/Special Amusement Permit – **Davinci's, Bates Mill Complex**

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

Davinci's
150 Mill St.



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www.lewistonpd.org



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LEWISTON CITY COUNCIL

MEETING OF APRIL 5, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Public Hearing and First Passage regarding an amendment to the Animal and Animal Control ordinance regarding increasing the limit on the number of dogs per household from three to four.

INFORMATION:

A constituent with four dogs recently approached the Council with a request that the City's ordinance limiting the number of dogs permitted on any property to three be reviewed and reconsidered. While numerous communities place limits on the number of dogs that can be kept on a property in order to ensure the tranquility of an area, protect neighbors against the potential for greater noise and sanitation issues, protect the health and welfare of the dogs, and limit enforcement efforts involving animal nuisance issues, communities vary in the actual number allowed. The Council was sympathetic to this request and has indicated an interest in immediately increase the three dog limit to four. In addition, the Council has asked staff to further review this issue and potentially identify other alternatives that would permit the four dog limit to be exceeded when certain conditions are met. Staff anticipates providing such options later this spring/summer.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EARB/kmm

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 14 "Animals", Article II "Animal Care", Section 14-9 "Number of dogs limited", receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regular City Council meeting for Final Passage.

AN ORDINANCE PERTAINING TO ANIMALS

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapters 14 of the Code of Ordinances of the City of Lewiston, Maine are hereby amended as follows:

CHAPTER 14

ANIMALS

ARTICLE II. ANIMAL CARE--GENERAL

Sec. 14-9. Number of dogs limited.

- (a) It shall be unlawful for any person to keep or harbor within the city more than ~~three~~ four dogs over four months old in or about any premises, house, barn or other building, or in or about all buildings on any one premises occupied by any one family, and the keeping or harboring of dogs as aforesaid is hereby declared to be a public nuisance.
- (b) The payment of the license or licenses on dogs required by Maine state law, as amended, shall not be construed to allow the keeping of more than ~~three~~ four dogs, as aforesaid, on any one premises.
- (c) The limitations in this section shall not apply to any person, group of persons, or corporations engaged in the commercial business of breeding, buying, selling or boarding of dogs, or operating a veterinary hospital, providing a state kennel license is obtained if applicable.

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



EXECUTIVE DEPARTMENT

Edward A. Barrett, City Administrator
Phil Nadeau, Deputy City Administrator

March 10, 2016

To: Honorable Mayor and Members of the City Council
Fr: Edward A. Barrett
Su: Code of Ordinances Limit on Dogs

The current City Code limits the number of dogs that may be kept on any premises to three. The applicable provision of the ordinances is:

Sec. 14-9. Number of dogs limited.

- (a) It shall be unlawful for any person to keep or harbor within the city more than three dogs over four months old in or about any premises, house, barn or other building, or in or about all buildings on any one premises occupied by any one family, and the keeping or harboring of dogs as aforesaid is hereby declared to be a public nuisance.
- (b) The payment of the license or licenses on dogs required by Maine state law, as amended, shall not be construed to allow the keeping of more than three dogs, as aforesaid, on any one premises.
- (c) The limitations in this section shall not apply to any person, group of persons, or corporations engaged in the commercial business of breeding, buying, selling or boarding of dogs, or operating a veterinary hospital, providing a state kennel license is obtained if applicable.

Councilor Lajoie was recently contacted by a constituent who requested that this limitation be reviewed and reconsidered. This was initially discussed at a recent Council workshop and what follows expands upon the information and options presented at that time.

Current City staff is not aware of the background that led to adopting a three dog limit. This section of our ordinances has apparently been in effect for some time. Staff speculates that this limit was chosen due to concerns relating to potential noise and nuisance issues arising from the ownership of a large number of dogs, particularly in the City's denser residential areas and multi-unit buildings.

Dog Limits – Other Communities

A review of the limits enforced by other communities in Maine determined that Bangor, Biddeford, South Portland, Waterville, and Westbrook all enforce a three dog limit. Auburn's limit is 3 dogs in multi-family units and 4 in single family. Brunswick, Sanford, and Scarborough have no limit.

A 2009, a national review of animal control ordinances in the 52 largest cities in the country found that 31 had some form of limitation on the number of pets allowed on a property where

21 did not. These limits took three forms: an absolute limit (ranging from 3 to 12); a limit that was based on lot size with a higher limit on larger lots; and a limit that could be exceeded with a permit that allowed for a higher number, with certain conditions tied to the permit.

Should the Council wish to address this issue, the possible alternatives are outlined below:

1. Retain the current three dog limit;

Based on the discussion at the initial workshop, the Council appears to be interested in modifying or eliminating this limit. It could, however, simply be left in place.

2. Increase the limit.

The simplest way to solve the immediate problem presented by the constituent who raised this concern would be to increase the limit to 4 dogs. That would allow this individual and others who currently or wish to own 4 dogs to do so and be in compliance with City ordinances.

3. Adopt an Ordinance with Variable Limits on Dog Ownership

An amended ordinance could draw a distinction between the permissible number of dogs based on the nature of the property involved. For example, Auburn draws a distinction between single family and multi-family properties. Other jurisdictions tie the allowable number of dogs to the size of the lot on which the animals are located. While this appears to take into account the potential for nuisance and care issues related to numerous dogs located either in one unit of a multi-family property or on a single family property with limited yard and buffer, this would most likely not resolve the issue of the constituent who appeared before you and would both increase the administrative burden associated with dog licensing and cause potential confusion among the public as to how many dogs are permissible.

4. Adopt a Limit But Allow for a Larger Number by Special Permit

A number of communities have adopted ordinances that limit dogs to a specific number, with 3 or 4 being the number most often selected. Some communities then offer a permit that allows for additional dogs subject to certain conditions. These communities normally also have a maximum upper limit for the number of dogs allowed on a particular property. This approach would require initial and annual inspections of the premises to ensure that they are adequate for the care of the animals, the animals are well maintained, and potential nuisances (such as the lack of adequate yard sanitation) are addressed. A copy of such an ordinance from Omaha, Nebraska is attached.

5. Eliminate the Limit

The final option would be to simply repeal the section of our ordinance limiting the number of dogs.

We believe that there are sound reasons to limit the total number of dogs allowed on an individual property, including ensuring an area's tranquility and protecting neighbors against the potential for greater noise and sanitation issues, protecting the health and welfare of the dogs, and limiting enforcement efforts involving animal nuisance issues.

It should be noted that our zoning ordinance addresses land use requirements for kennels that keep more than three dogs for breeding or other commercial purposes. They can only be located in the Office Service and Urban Enterprise zones as a permitted use and in the Rural Agricultural zone as a conditional use. As a conditional use in the RA zone, the Planning Board must conclude that the proposed kennel would not have a significant adverse impact upon the value or quiet possession of surrounding properties greater than would normally occur from permitted uses in that zoning district. Given this, it is clear that our zoning ordinance recognizes that a large number of dogs can create issues that would adversely affect surrounding properties, particularly relatively dense urban or suburban residential areas. Since we do not permit a commercial kennel to be established in a dense residential area, it seems inconsistent for us to allow a single residential property to have as many or more dogs than might be present at a licensed kennel.

Enforcement

Enforcing municipal ordinances is not always easy or straightforward, and can become even more so when the emotional issues surrounding pet ownership are involved. First, violations of municipal ordinances are civil, not criminal. As a result, they are not processed through the criminal justice system where violations are investigated by the police and reviewed by a district attorney prior to formal court proceedings.

When our animal ordinances are violated, we initially contact the owner to discuss the complaint and seek voluntary compliance. If it is not clear that the party has complied, we must investigate the situation and document the existence of a violation, either through direct observation by our animal control officer or testimony from others who have observed the violation and who are willing to provide that testimony during civil proceedings in court. If we conclude a violation continues, we then issue a summons that requires a court appearance. Should the court uphold the summons and issued an order to abate the violation and/or impose a fine, we must then check to see if the violation has been abated or eliminated. If it has not, we must go back to court to seek further penalties for failing to comply with a court order. All of this takes time and resources, and, as with other municipal code violations, our primary interest is to seek compliance, not penalties. It should be noted that we are rarely required to issue summons and take violators to court since most individuals agree to voluntarily comply with our ordinances.¹

The clearer the ordinance standard for a violation, the easier seeking compliance becomes. For example, if our ordinance allows 4 dogs and there are 5 dogs present, it is a clear violation. Barking and sanitation issues may not be as clear. At what point does a neighbor's barking dog

¹ Last year, we received 788 animal control complaints, most of which involved dogs. Typical complaints include dogs running at large, reports of vicious dogs, and occasional animal bites. Generally, these complaints are handled and resolved by informal actions on the part of our Animal Control Officer. Only five individuals were summonsed to court for violations in 2015.

become a nuisance? When do feces left in a yard become a sanitation problem? The clearer the standard, the easier it is to enforce.

Limitation on Authority

A question also came up at the workshop as to whether the City has the authority to enter onto private property to seize a dog if that property is over the current 3 dog limit. The applicable provision of the Code is:

Sec. 14-24. Right of entry.

- (a) The ACO is hereby authorized to enter upon any fenced or unfenced lot, tract or parcel of land for the purpose of capturing, impounding and/or quarantining any animal upon having probable cause to believe said animal to: Have bitten, injured or otherwise attacked a human being or other animal; to have, or have been exposed to rabies or another communicable disease posing a danger to the public health, safety or welfare; or otherwise pose a clear and present danger to human beings or other animals. This authorization is granted due to the emergency created by the potential rabies hazard or danger of injury to persons or other animals, and in recognition of the likelihood that such animals will otherwise escape capture. As a matter of policy, ACO's shall not enter upon private property to capture and/or impound any animal known to belong to the owner of said property without probable cause to believe said animal poses a threat or danger to property, human beings or other animals.
- (b) Furthermore, should the ACO be unable or not permitted to gain entry to a property or premises where a dangerous animal(s) is believed to be present, the ACO or any law enforcement agent may seek an ex parte order from the district court or superior court for authorization to take possession of the dangerous animal.

This section of the Code authorizes the ACO to enter onto a property -- but only to seize an animal that has bitten or attacked another person or animal or which has been exposed to rabies or other communicable disease posing a danger to public health, welfare, etc. Further, section (b) clarifies that the owner of the property can refuse entry, even under these circumstances, requiring the ACO to seek a court order to take possession. I have reviewed this with both Chief Bussiere and the City Attorney who concur that the City is not authorized to enter private property to seize a dog if the property exceeds the three dog limit.

Recommendation

As noted above, some limitation on the total number of dogs allowed on a property seems appropriate and defensible, especially given the restrictions on kennels in our zoning ordinance. While selecting a specific number is somewhat arbitrary, this option would be our first choice. It would also align with our desire to maintain an administratively simple system and to have clear and unambiguous standards for what is allowed. See the attached memo from our Animal Control Officer and Police Lieutenant Adam Higgins.

If the Council wishes to go further, we would recommend adopting a permit system that would allow for a larger number subject to certain conditions, but which would still impose a maximum limit.

As noted above, the Council does have other alternatives including retaining the current three dog limit or eliminating the limit all together.

Once we have Council direction, we will prepare the appropriate ordinance amendment.

LEWISTON CITY COUNCIL

MEETING OF APRIL 5, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

Public Hearing and Final Passage for Land Use Code Amendments regarding Fitness and Recreational Sports Centers.

INFORMATION:

These amendments to the City's Land Use Code are regarding the permitted zoning locations of fitness and recreational sports centers within the city.

City staff is recommending that they be allowed to operate in the following zones:
Community Business, Office Residential, Highway Business, Urban Enterprise, Office Service, Centreville, Riverfront, and Mill.

The City Council held a workshop on this matter on March 8. Please see the attached memorandum from City Planner David Hediger for additional information.

Passage is recommended.

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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That the proposed amendment to Appendix A, Article XI "District Regulations" of the City Zoning and Land Use Code, concerning fitness and recreational sports centers, receive final passage by a roll call vote.

**AN ORDINANCE PERTAINING TO FITNESS AND RECREATIONAL
SPORTS CENTERS**

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 XI. DISTRICT REGULATIONS

Sec. 22. Land Use Requirements.

- (c) *Land Use Table* – uses appearing in the table are part of this Code and set forth the uses allowed in all district.

(SEE TABLE)

REASONS FOR PROPOSED AMENDMENT

A discrepancy exists within the Zoning and Land Use Code regarding the use categories for *places of assembly, amusement, recreation, entertainment, or culture* and *fitness and recreational sports centers as listed under NAICS Code 713940* (North American Industry Classification System).

Upon the adoption of the Zoning and Land Use Code in 1988, fitness centers have operated and been established in zoning districts under the semblance of places of assembly, amusement, recreation, entertainment, or culture. However, in 1999 an amendment was adopted with specific reference to permitting fitness and recreational sports centers as a conditional use in the Office Residential (OR) district for the YWCA on East Avenue to allow for a proposed expansion. The YWCA was a nonconforming use and could not expand prior to the new use clarification being added to the code. In 2003, the use was added to the Industrial (I) district to allow for the establishment of a squash court. No other districts specifically permit fitness and recreational sports centers. However, fitness centers have continued to be permitted in nonresidential districts as places of assembly, amusement, recreation, entertainment, or culture.

In effort to provide clarification within the code and to eliminate inconsistencies in use determinations and definitions, staff is proposing to allow fitness and recreational sport centers in the same zoning districts that places of indoor assembly, amusement or culture are permitted: the Riverfront, Community Business, Highway Business, Centreville, and

Office Service, Urban Enterprise, and Mill districts. Permitting this use is consistent and compatible with other allowed uses when considering the similarity or intensiveness of uses currently allowed in these districts (i.e. academic institutions including athletic facilities, hospitals and medical clinics, public community meeting and civic function buildings, business and professional offices, movie theaters, places of assembly, amusement, recreation, entertainment, or culture, commercial parking facilities).

CONFORMANCE WITH COMPREHENSIVE PLAN

The City Council hereby determines that the changes to the Zoning and Land Use Code are in conformance with the Comprehensive Plan for the following reasons:

1. Stimulate and maintain vital business investment in the downtown area (1997 Plan, Downtown, Goal, #1).
2. Review development review, permitting, and licensing policies and practices to see where they can be streamlined in order to better service the development community (1997 Plan, Economy, Policy 1, Strategy B and C).
3. 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 (1997 Plan, Land Use, Goals, #1).
4. Locating new development within the downtown, as well as other identified growth areas supported by existing infrastructure, makes efficient use of municipal resources and will stimulate the transformation of the City's economy and regional reputation. Encourage infill and redevelopment within the downtown, existing service areas, and designated growth areas (Legacy Lewiston, Prioritize Economic Vitality).
5. Support the efforts to stabilize and reuse the building or redevelopment of Mill 5 (Legacy Lewiston, Celebrate History, and Arts & Culture).

Land Use Table: All Zoning Districts 03.10.06	Rural Agricultura l (RA)	Low Density Residentia l (LDR)	Suburban Residentia l (SR)	Medium Density Residentia l (MDR)	Riverfront (RF)	Neighbor hood Conservati on "A" (NCA)	Neighbor hood Conservati on "B" (NCB)	Office Residentia l (OR)	Downtown Residentia l (DR)	Institutiona l Office (IO)	Communit y Business (CB)	Highway Business (HB)	Centrevil le (CV) ⁽³⁶⁾	Office Service (OS)	Industrial (I)	Urban Enterpris e	Mill (M)	Resource Conserva tion (RC) (18)	Groundw ater conserva tion overlay district (GC) ⁽²³⁾	No Name Pond Conserva tion Overlay District (NNP) ⁽²⁵⁾	Mobile Home Park overlay district (MH) ⁽²⁰⁾
Places of indoor assembly, amusement or culture					P						P	P	P	P		P	P				
Fitness and recreational sports centers as listed under NAICS Code 713940					P			C-P			P	P	P	P	P	P	P				



City of Lewiston
Planning & Code Enforcement
Gil Arsenault, Director
MEMORANDUM



To: City Clerk's Office
City Council Members
Mayor Robert E. Macdonald

From: David Hediger

Date: March 29, 2016

Subject: Planning Board Action

The Planning Board took the following action at its meeting held on March 28, 2016 regarding a proposed amendment to Appendix A, Article XI "District Regulations" of the Zoning and Land Use Code to allow fitness and recreational sports centers as a permitted use in the Riverfront, Community Business, Highway Business, Centreville, Office Service, Urban Enterprise, and Mill districts:

The following motion was made:

MOTION: by **Pauline Gudas** 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 adopt a proposed amendment to Appendix A, Article XI "District Regulations" of the Zoning and Land Use Code to allow fitness and recreational sports centers as a permitted use in the Riverfront, Community Business, Highway Business, Centreville, Office Service, Urban Enterprise, and Mill districts (including, if any, specific conditions raised by the Planning Board). Second by **Sandra Marquis**.

VOTED: 7-0 (Passed)

c: Ed Barrett, City Administrator
Planning Board Members

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CITY OF LEWISTON



Department of Planning & Code Enforcement

TO: City Council Members
Mayor Robert E. Macdonald
FROM: David Hediger, City Planner
DATE: March 10, 2016
RE: Zoning and Land Use Amendment – Fitness and Recreational Sports Centers

As discussed at the City Council workshop on March 8, 2016, it has recently come to staff's attention that a discrepancy exists within the Zoning and Land Use Code regarding the use categories "*Places of assembly, amusement, recreation, entertainment, or culture*" and "*Fitness and recreational sports centers as listed under NAICS Code 713940 (North American Industry Classification System)*".

Historically, the city has permitted fitness centers and gyms as a commercial use allowed in many nonresidential districts. This determination has been made in part by reference to the following definition in Article II, Section 2 of the Zoning and Land Use Code:

Places of assembly, amusement, recreation, entertainment, or culture means facilities designed to accommodate the public for amusement, entertainment, recreation or social activities including halls, auditoria, sports arenas, gymnasiums, skating and hockey rinks, stadia, golf courses, racetrack operations (excluding motorized vehicle racing), meeting rooms, theaters, and similar facilities but not including movie theaters.

Staff was recently discussing a proposed sports training facility to be located in the Community Business (CB) district and the proposal for the YMCA to be located at Mill 5 in the Mill (M) district. Upon closer review of the district regulations contained in Article XI, Section 22(c) a specific use category exists for fitness and recreational sports centers as listed under NAICS Code 713940. The NAICS is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. Lewiston's Zoning and Land Use Code makes reference to this system when additional clarification or specificity is needed for specific use types. NAICS Code 713940 includes the following:

713940 Fitness and Recreational Sports Centers

This industry comprises establishments primarily engaged in operating fitness and recreational sports facilities featuring exercise and other active physical fitness conditioning or recreational sports activities, such as swimming, skating, or racquet sports. Illustrative examples include:

- Aerobic dance or exercise centers
- Ice or roller skating rinks
- Gymnasiums
- Physical fitness centers
- Handball, racquetball, or tennis club facilities
- Swimming or wave pool

Upon the adoption of the Zoning and Land Use Code in 1988, fitness centers have operated and been established in zoning districts under the semblance of a places of assembly, amusement, recreation, entertainment, or culture. However, in 1999 an amendment was adopted with specific reference to permitting fitness and recreational sports centers as a conditional use in the Office Residential (OR) district for the YWCA on East Avenue to allow for a proposed expansion. The YWCA was a nonconforming use and could not expand prior to the new use clarification being added to the code. In 2003, the use was added to the Industrial (I) district to allow for the establishment of a squash court. No other districts specifically permit fitness and recreational sports centers. However, fitness centers have continued to be permitted in nonresidential districts as places of assembly, amusement, recreation, entertainment, or culture.

In effort to provide clarification within the code and to eliminate inconsistencies in use determinations and definitions, staff is proposing to allow fitness and recreational sport centers in the same zoning districts that places of indoor assembly, amusement or culture are permitted: the Riverfront, Community Business, Highway Business, Centreville, and Office Service, Urban Enterprise, and Mill districts. Permitting this use is consistent and compatible with other allowed uses when considering the similarity or intensiveness of uses currently allowed in these districts (i.e. academic institutions including athletic facilities, hospitals and medical clinics, public community meeting and civic function buildings, business and professional offices, movie theaters, places of assembly, amusement, recreation, entertainment, or culture, commercial parking facilities).

At the City Council workshop, there was discussion of whether fitness centers should be permitted in other districts where they are already allowed as an accessory use (i.e. Bates College is in the Institutional Office (IO) district which does not permit fitness centers as a stand-alone use, but has a fitness center). The proposed amendment remains unchanged with the purpose of the IO district to accommodate major community facilities including hospitals, schools, colleges and similar institutions that may easily provide fitness centers as an accessory use. There was also discussion of whether places of assembly, amusement, recreation, entertainment, or culture should be allowed in the Industrial (I) district since fitness centers area already allowed as a permitted use. The proposed amendment remains unchanged. Lewiston has a limited amount of industrial land available for the development of major economic activities, including manufacturing and processing. Ideally, this district would remain free of encroachments from non-compatible residential or commercial uses that may be impacted from more noxious industrialized uses.

LEWISTON CITY COUNCIL

MEETING OF APRIL 5, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Public Hearing and First Passage for re-zoning of the property at 200 College Street.

INFORMATION:

Fred Greenwood from Rubellite LLC, property owner of 200 College Street, has submitted a petition to the City to rezone that property from the Institutional Office (IO) District to the Neighborhood Conservation "B" (NCB) District to allow for lodging house use as permitted in support of their interest in developing the property.

The Planning Board held a public hearing on this proposal at their March 14, 2016 meeting and voted 5-2 to recommend passage of this item.

Please see attached material from City Planner David Hediger.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested item.

ERB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That the proposed amendment to re-zone the property at 200 College Street from the Institutional Office (IO) District to the Neighborhood Conservation "B" (NCB) District receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regularly scheduled City Council meeting for final passage.

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 rezoning the parcel more fully described in Exhibit "A" attached hereto, and as shown on Exhibit "B," said parcel being located at 200 College Street, Lewiston, Maine, from the Institutional Office (IO) zoning district to the Neighborhood Conservation "B" (NCB) zoning district.

REASONS FOR THE PROPOSED AMENDMENT

The Petitioner Rubellite, LLC (Fred Greenwood, Sole Member) proposes to remove the Property from the IO District, ~~"The purpose of the institutional office district is to provide areas within the city of the location of major community facilities including hospitals, school, colleges and similar institutions. The standards of the district are designed to provide these institutions with flexibility within their property limits but to establish safeguards to protect adjoining residential areas from undesirable impacts associated with these uses"~~, to the NCB District, the statement of purpose for which is: "The purpose of the neighborhood conservation "B" district is to promote the stability and improvement of older multifamily residential neighborhoods by requiring the development of new buildings or the replacement, reuse or conversion of existing buildings to conform to the type and density of housing existing within the immediate neighborhood. The standards of the district allow multifamily housing while encouraging the upgrading of this housing stock."

The Petitioner proposes that the enacting clause relating to this petition shall be: "The City of Lewiston hereby ordains that as to the real estate located at 200 College Street in Lewiston, Maine, said real estate shall be located in the Neighborhood Conservation "B" Zoning District, subject to all requirements applicable to said real estate as set forth in the Lewiston Zoning and Land Use Code, as amended."

The reasons for the proposed amendment are as follows. The Petitioner has been operating the Property as a lodging house for the benefit of Bates College students since purchasing and thereafter renovating the Property in 2012. The Petitioner's current use of the Property is entirely consistent with the prior and similar historic use of the Property by the prior owner, Sisters of Charity. Based on City records, Sisters of Charity was approved by the City to operate the Property as a group home in 1985. This use was continued uninterruptedly from 1985 to

approximately 2008. In 2008, and continuing through early 2012, according to all available information, the building was not used for any purpose and was essentially vacant. At some point between 2008 and 2012, the office of the City Assessor characterized the Property as a three (3) unit multifamily building. The Property was then listed for sale by a local real estate office, which produced the standard Multiple Listing Service Property Summary form (a/k/a Agent Synopsis). This form represented to all potential purchasers that the Property was a three (3) unit multifamily building, consistent with the City Assessor's records. In reliance on this information, which the Petitioner confirmed with the City Assessor's office prior to closing, the Petitioner purchased the Property.

After purchase, Mr. Greenwood began substantial upgrades and renovations to the building, applying for and receiving all appropriate City permits while representing the three (3) family characterization of the Property consistent with the City Assessor's records. These upgrades and renovations were also performed in cooperation with the Lewiston Fire Department, which recommended the removal of the then existing fire alarm system due essentially to its age. The existing sprinkler system remains in the building and is fully operational, and was allowed to remain due to the reliance by the Fire Department on the City's characterization of the Property at that time as a three (3) unit multifamily building. Mr. Greenwood complied by removing the fire alarm system, and upon completion of renovations, has been leasing the property to Bates students each year, including existing contracts for lease for the 2016-2017 calendar year. Mr. Greenwood was unaware that the Property at some point after acquisition had been re-characterized by the City, from a three (3) unit multifamily building to a lodging house.

Recent action taken by the Department of Planning and Code Enforcement was the first indication to the Petitioner that the designated zoning district for the Property did not allow the Property to be used as a lodging house. In immediate response to this City action, Mr. Greenwood met with City officials and representatives of the Fire Department. The Fire Department strongly urged that a Code compliant fire alarm system be installed, which the Petitioner has agreed to and is currently undertaking. However, since the Department of Planning and Code Enforcement has indicated the Property can only be used as a single family residence under the current IO district designation, which use is entirely inconsistent with both the historical use of the building on the Property and its original construction as a multifamily structure, the Petitioner is requesting that the Property be included in the NCB District.

The current use of the Property, as well as its historic use back to the mid 1980's, is far greater in consistency with the parameters of the NCB District than the IO District. Neither the former nor current uses of the Property, as the IO District states, constitute an undesirable impact on adjoining residential areas. Conversely, the Property has been, and continues to be, used in a manner which the NCB District expressly prefers; namely, the improvement of older multifamily residential neighborhoods by the reuse of existing buildings conforming to the type and density of housing existing within the immediate neighborhood. There are other parcels in the immediate vicinity of the Property which engage in identical uses to the present use of the Property, particularly since the NCB District lies immediately adjacent to and behind the Property. All actions taken by Mr. Greenwood since acquiring this Property have been consistent with those representations and information available at the time of acquisition and thereafter, but more importantly, consistent with the historical use of the Property and the Comprehensive Plan for the City.

CONFORMANCE WITH COMPREHENSIVE PLAN

The petition before you is consistent with the City's Comprehensive Plan (CP), for the reasons stated above and also based on the following. The CP encourages the rehabilitation or adaptive re-use of existing buildings and residential units (Page 68, subsections 8 and 9). The CP advocates that the City accomplish these goals through Code amendments and rezonings (Page 71, Section H(1)). In addition, the current and future tenants of the Property provide the diversity of residents living in the College Street neighborhood, discouraging segregation and stratification, all in conformance with the CP (Page 68, subsection 10). Furthermore, this rezoning will accomplish better utilization of existing housing stock and related resources in meeting the needs of Bates College (Page 125, subsection 15). The CP encourages and promotes affordable and decent housing opportunities for all Lewiston citizens, which will continue to allow a diverse range of housing types in the community (Policy 5, Pages 135-136). Without this rezoning, a number of college students may be compelled to live further away from campus, placing additional strains on the City's infrastructure (traffic, pollution, parking), and will run contrary to the CP's stated goals of advancing alternative transportation (in particular, pedestrian and bicycle use, particularly with Bates students, given the close proximity of the Property to the College proper) (Page 131, subsection 7).

Lastly, the granting of this petition will promote and advance the goals outlined in the City's March 2015 "Legacy" draft of its revised CP. In relevant part, the proposed SD-CM Bates Campus Special District contemplates a new approach to this special and unique area of the City, and expressly targets the current IO District to be re-zoned to address the needs of the College. Specifically, the report (Page 124) states: "Bates University, because of its function and design, requires a unique set of standards to accommodate large detached buildings, buildings that face onto internal greens and other qualities seen in a campus environment. This Special District is assigned to Bates College. It includes the City's current Institutional Office zone, which would be rezoned as a form-based Special District." The report also outlines a number of guiding principles, highlighting the City's vision to "strengthen neighborhoods and expand housing choice", by providing "a greater range of housing choices to meet the needs of young adults, families, retirees, seniors, immigrants, refugees and people of different income levels. Housing types should include small houses, multi-family buildings, live-work units, accessory dwelling units and single family homes. A more intentional and diversified housing strategy is critical to the City's quality of life and economic growth". (Page 116). Legacy emphasizes the need to simplify property use rules in order to make easier the redevelopment of buildings that respect the character of the existing neighborhood. One of the ways to accomplish this is to encourage reinvestment in older, higher density residential neighborhoods by allowing full utilization of existing buildings and flexible parking requirements (Page 128 under the CD4 outline). Mr. Greenwood's efforts to date have done just that...reinvesting in an old, then unused building in a high density neighborhood, to restore it to its full and historic utilization, while respecting the character of the neighborhood. The current use of this Property, if preserved by the granting of this rezoning petition, will be in lock step with the City's vision to create this special District.



CITY OF LEWISTON

Department of Planning & Code Enforcement

**TO: Mayor Robert E. Macdonald
Members of the City Council**

FR: David Hediger, City Planner

DT: March 29, 2016

RE: Petition to rezone 200 College Street

Fred Greenwood, sole member of Rubellite, LLC, submitted a petition to the Planning Board to rezone his 200 College Street property from the Institutional Office (IO) district to the Neighborhood Conservation "B" (NCB) district to include, but not be limited to, the permitting of lodging houses.

This property of approximately 5,000 square feet consists of a three-story structure that was lawfully used as a group care facility from 1985 to 2008. Prior to 1985, it had been used as a three-unit multifamily dwelling. In 2012, Mr. Greenwood purchased and renovated the property and has since rented it to Bates College students. Several months ago, Lewiston Fire Prevention and Code Enforcement inspected the property due to a possible violation of fire code occupancy requirements and determined that the structure exceeded said requirements. It was also determined that the property is being used as a lodging house, which is not a permitted use in the IO district. The adjacent NCB district and the IO district permit multifamily dwellings; however, given minimum net lot area requirements the property cannot be converted back to a three-unit multifamily dwelling. The current zoning would limit residential use to a single family dwelling. The proposed rezoning will provide Mr. Greenwood with the option to either establishing a lodging house or a two-family dwelling at this location.

Expanding the abutting NCB district to include 200 College Street is a reasonable and appropriate request given the existing zoning, allowed uses, and densities within proximity to this property. When looking at the three remaining IO zoned properties on this block, it could be argued that they should be included in the NCB district as well given their uses and lots sizes; however, at this time, the request is limited to 200 College Street.

During the Planning Board's March 14th public hearing on this matter, two neighbors expressed concerns about the impact college students have on the neighborhood with respect to parking, noise, and other disturbances.

Staff will be in attendance at your April 5th public hearing on this matter to field any questions that you may have.

*Quitclaim Deed
With Covenant*

Know All Men by these Presents, that **St. Mary's Health System**, formerly known as Sisters of Charity Health System, Inc., a Maine non-profit company with a mailing address of 93 Campus Ave., P.O. Box 7291, Lewiston Maine 04243-7291, ("Grantor"), for consideration paid by **Rubellite, LLC**, a Maine limited liability company with a mailing address of 195 Center Street, Auburn, Maine 04210 ("Grantee"), does hereby grant unto said Grantee, with **Quitclaim Covenants**, a certain lot or parcel of land, with any building thereon, situated in Lewiston, County of Androscoggin, and State of Maine, bounded and described as follows:

(200 College Street, Lewiston). A certain lot or parcel of land in Lewiston, County of Androscoggin, State of Maine, together with any buildings thereon, bounded and described as follows:

Beginning at an iron pin in the ground at the most easterly corner of a lot of land on the northwesterly line of College Street in said Lewiston sold to John Foss by William P. Frye, Sarah C. Frye and Addie Dawes, formerly all of Lewiston, Maine; thence northwesterly by the line of said John Foss lot of land about one hundred six (106) feet to an iron pin in the ground marking the most northerly corner of said John Foss lot of land; thence northeasterly by a lot of land sold by said William P. Frye, Sarah C. Frye and Addie Dawes to Chester M. Lord, fifty (50) feet to an iron pin in the ground; thence southeasterly on a line parallel with said John Foss lot of land about one hundred four (104) feet to an iron pin in the ground on said northwesterly line of College Street; thence southwesterly by said northwesterly line of College Street, fifty (50) feet to the point of beginning.

This conveyance is subject, however, to the restriction that no building shall be erected or maintained on said premises nearer the line of College Street than fifteen (15) feet.

Being the same premises conveyed to Sisters of Charity Health System, Inc. by Warranty Deed from Campus Holding, Inc., successor to Campus Properties, Inc., dated December 30, 1994 and recorded in the Androscoggin County Registry of Deeds in Book 3372, Page 214.

In Witness Whereof, **St. Mary's Health System**, by and through its undersigned authorized Chief Financial Officer, Carolyn M. Kasabian, has hereunto set her hand and seal this 27th day of January, 2012.

MAINE REAL ESTATE
TRANSFER TAX PAID

St. Mary's Health System

Lou J. Tame
Witness

By: Carolyn M. Kasabian
Carolyn M. Kasabian, Chief Financial Officer

State of Maine
Androscoggin, ss.

January 27, 2012

Then personally appeared the above named Carolyn M. Kasabian, Chief Financial Officer of St. Mary's Health System and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed of St. Mary's Health System.

Before me,

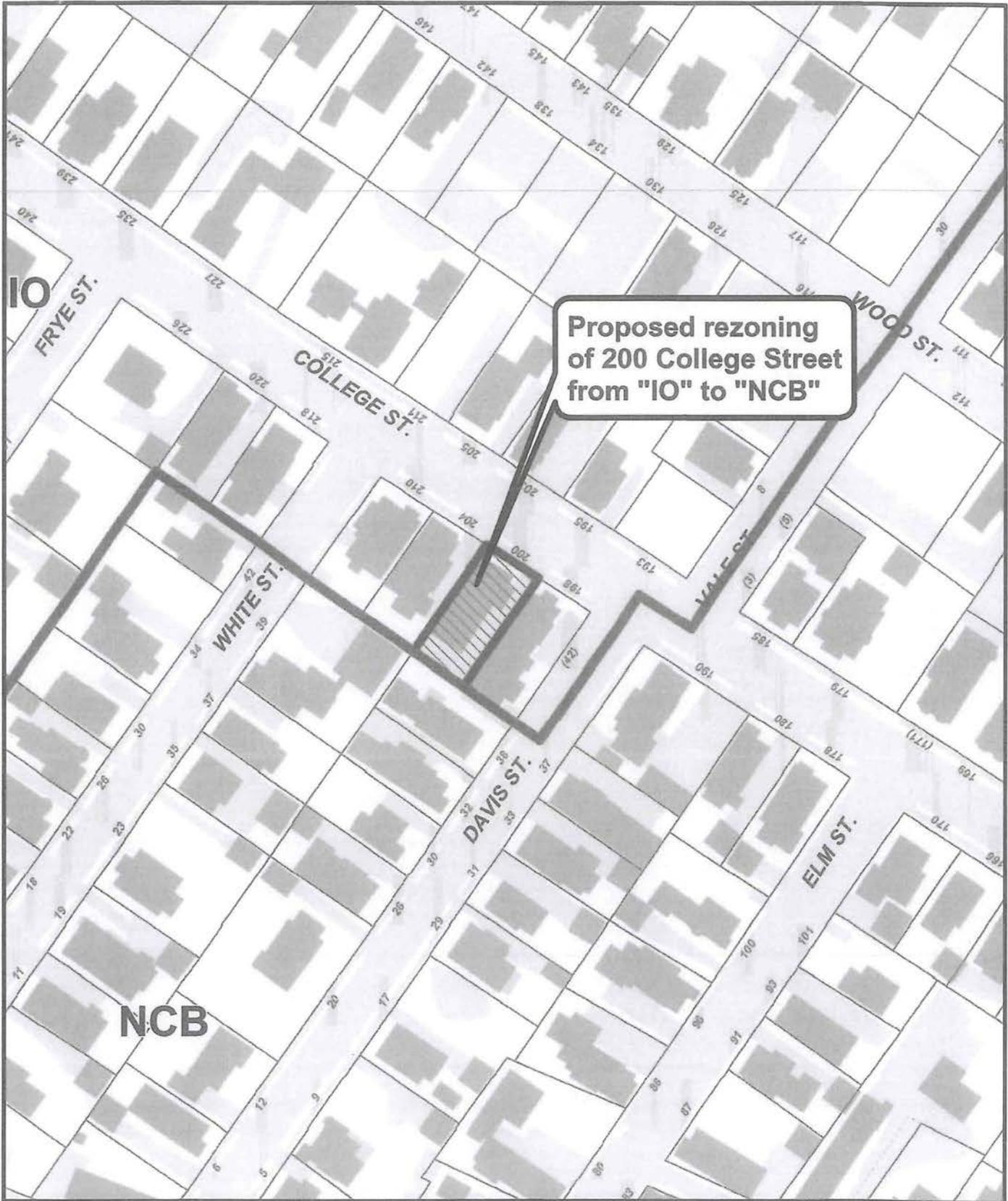
Pamela M. Beaulé
Notary Public/Attorney at Law

SEAL

Print Name PAMELA M. BEAULÉ
Notary Public, Maine
My Commission Expires July 18, 2013

1367591-1

ANDROSCOGGIN COUNTY
TINA H CHOUINARD
REGISTER OF DEEDS



Proposed rezoning
of 200 College Street
from "IO" to "NCB"

NCB



Proposed Rezoning 200 College Street

January 2016

**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 (insert and describe your zoning amendment here) described in the exhibits attached hereto:

Mekine Hyde

Mekine Hyde

26 Thorne Ave.
Lewiston

2/13

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1	<i>America D Hyde</i>	America D Hyde	26 Thorne Ave Lewiston	2/13
2	<i>James P. Hyde Jr.</i>	JAMES P Hyde JR.	26 Thorne Ave. Lewiston	2/13
3	<i>Marilyn H. Stevens</i>	Marilyn H. Stevens	3 Windsor Place Lewiston, Me.	2/17/16
4	<i>Benjamin M. Stevens</i>	Benjamin M. Stevens	3 Windsor Place Lewiston, Me.	2/17/16
5	<i>Robert T. Roy</i>	Robert T Roy	49 Toomahine Drive Lewiston, Me	2/17/16
6	<i>Ricky Brochu</i>	Ricky Brochu	204 College St Lewiston	2/18/16
7	<i>Joseph Dean Paulucci JR</i>	Joseph Dean Paulucci JR	555 Bates College Lewiston	2/18/16
8	<i>Elizabeth Horstmayr</i>	Elizabeth Horstmayr	200 College St, Lewiston	2-18-16
9	<i>Karl Rickett</i>	Karl Rickett	200 College St. Lewiston	2-18-16
10	<i>Emma Brinkman</i>	Emma Brinkman	200 College St. LEWISTON	2/18/16
11	<i>Sarah Koe</i>	Sarah Koe	B Vale St LEWISTON, ME, 04240	2/18/16
12	<i>Liz Dildrey</i>	Liz Dildrey	B Vale St LEWISTON, ME, 04240	2/18/16
13	<i>Jackson Moore</i>	Jackson Moore	210 College Street, Lewiston, ME, 04240	2/19/16
14	<i>Colby Spiehler</i>	Colby Spiehler	255 North Baskwell St LEWISTON ME, 04240	2/18/16
15	<i>William Cleaves</i>	William Cleaves	200 College St. Lewiston	2/18/16
16	<i>Catherine DiPietro</i>	Catherine DiPietro	200 College St, Lewiston	2/18/16
17	<i>Nicole Cueli</i>	Nicole Cueli	200 College Street Lewiston ME, 04240	2/19/16
18	<i>Claire Poussard</i>	CLAIRE POUSSARD	240 Old Webster Rd - Lewiston	2-19-16
19	<i>Reginald L. Poussard</i>	REGINALD L. POUSSARD	240 Old Webster Rd Lewiston	2-19-16
20	<i>Jeanne Martin</i>	Jeanne Martin	246 Old Green Rd	2-23-16
21	<i>Denise Dube</i>	Denise Dube	16 Barron Ave Lewiston	2-24-16

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

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: 18 Total Invalid: 4

Erin H. Smith

2/2/16 Date:

Signature of Registrar/Deputy Registrar



200 College St



Fred Greenwood

Homes - Land - Multi-family - Commercial - Business

Phone: 207-376-3124

Cell: 207-754-8281

Fax: 207-783-4994

Email: fredgreenwood@kw.com

Website: fredgreenwood1.point2agent.com

200 College St



Type: Other
Style: Other
Bed(s): 12 "13 - 14 bedroom home"
Bath(s): 3
Basement: Yes, Full
Size: 4,836 sq. ft.
Lot Type: Rectangular

Description

Renovations completed on this classic wood frame home near Bates College.
Features: 5 minute walk to Campus Ave; 3 full bathrooms; 2 laundry rooms; large modern kitchen with adjoined living room; hardwood floors; tastefully painted rooms and common areas; partly furnished.

Safety features: hardwired smoke/Co detectors; fully sprinklered building.

Features

Interior Features

Alarm System Carpeted Floors Hardwood Floors Laundry Room Window Covers

View

City Lights Park

Heating

Hot Water/Steam Natural Gas Zoned

Lot Features

Front Porch Landscaped Trees/Shrubs

Exterior Finish

Vinyl

Roof

Asphalt Shingles

Appliances

Dishwasher Dryer Garbage Disposal Oven Range Refrigerator Washer

Sewer/Water Systems

Public Water District

Extra Features

Cable Available High Speed Internet Available Public Transportation Reserved Parking Storage Unfurnished

Photos



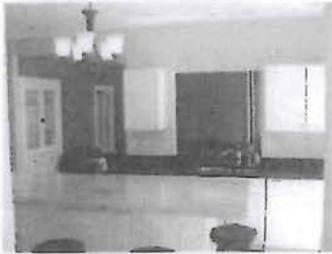
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100 4109



100 4062



100 4063



100 4070



100 4071



100 4069



100 4073



100 4074



100 4072



100 4082



100 4081



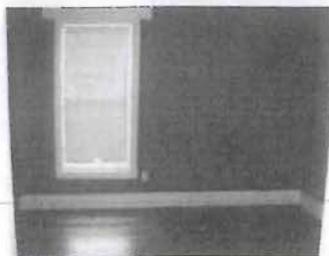
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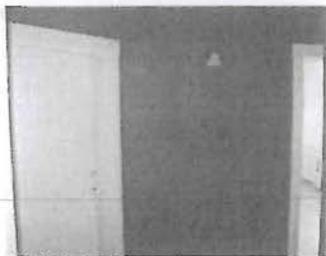
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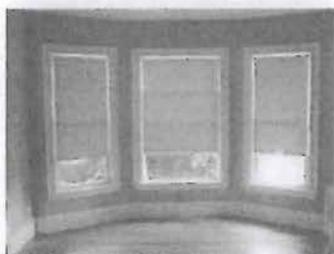
100 4096



100 4078



100 4079



100 4087



100 4088



100 4085



100 4090



100 4091



100 4097



100 4100



100 4106



100 4107



100 4110



100 4111



100 4117



100 4994



100 4992



20141009 143245



20141009 143131



20141009 143141



20141009 143213



20141009 143227



20141009 143236

Land Use Table: All Zoning Districts 01.15.15	Neighborhood Conservation "B" (NCB)	Institutional Office (IO)
USES(15)(33)		
Accessory use or structure	P	P
Commercial-Service		
Veterinary facilities excluding kennels and humane societies		P
Veterinary facilities including kennels and humane societies		
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
Restaurants		P(5)
Drinking places		
Adult business establishments		
Hotels, motels, inns		P(4)
Movie theaters except drive-in theaters		
Places of indoor assembly, amusement or culture		
Art and crafts studios	C	C
Personal Services	P	P
Retail stores		
Neighborhood retail stores	P	C
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	C
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	P	P
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C	C
Municipal buildings and facilities	C	C
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways		
Dams		

Land Use Table: All Zoning Districts 01.15.15	Neighborhood Conservation "B" (NCB)	Institutional Office (IO)
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		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,	C(13)	P(12)(24)
Civic and social organizations	C	C
Public community meeting and civic function buildings including auditoriums		P
Residential		
Single-family detached dwellings on individual residential lots	P(2)	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	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	
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	
Earth material removal		
Community gardens(20)	P	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		

Dimensional Requirements (13) 12.18.2012	Neighborhood Conservation B (NCB)	Institutional Office (IO)
Minimum lot size with public sewer		
Single family detached (24)		
Single family attached		
Two-family dwellings		
Single family cluster development		
Mixed single family residential development (14)		
Mixed residential development (14)		
Multifamily dwellings		
Mixed use structures		
Agriculture		
Religious facilities		
Veterinary facilities		
Other uses		
All permitted uses	None	10,000 sf
Minimum lot size without public sewer (3)		
Single family detached, mobile homes on individual lots (24)		
Single family attached		
Two-family dwellings		
Single family cluster development (1)		
Mixed single family residential development (14)		
Mixed residential development (14)		
Multifamily dwellings		
Mixed use structures		
Agriculture		
Religious facilities		
Veterinary facilities		
Other uses		20,000 sf
Minimum net lot area per du with public sewer		
Single family detached		
Single family attached		
Two-family dwellings		
Mixed single family residential development (14)		
Mixed residential development (14)		
Multifamily dwellings		
Mixed use structures		
All permitted residential uses	120% of average (26)	3,000 sf
Minimum net lot area per du without public sewer		
Single family detached, mobile homes on individual lots		
Single family attached		
Two-family dwellings		
Mixed single family residential development (14)		
Mixed residential development ⁽¹⁴⁾		
Multifamily dwellings		
Mixed use structures		
All permitted residential uses		
Minimum frontage		
Single family detached, mobile homes		
Single family attached		
Two-family dwellings		
Single family cluster development (with multiple vehicular accesses)		
Mixed single family residential development (with multiple vehicular accesses) ⁽¹⁴⁾		
Mixed residential development (with multiple vehicular accesses) (14)		
Multifamily dwellings (with multiple vehicular accesses)		
Mixed use structures		
Agriculture		
Religious facilities		
Veterinary facilities		
Other uses		
All permitted uses	50 ft	100 ft
Minimum front setback		
Single family detached, mobile homes on individual lots		
Single family attached		

Dimensional Requirements (13) 12.18.2012	Neighborhood Conservation B (NCB)	Institutional Office (IO)
Two-family dwellings		
Single family cluster development		
Mixed single family residential development (14)		
Mixed residential development (14)		
Multifamily dwellings		
Mixed use structures		
Agriculture		
Religious facilities		
Veterinary facilities		
Other uses		
All permitted uses	10 ft (21,22)	30 ft (17, 27)
Minimum front yard		
Single family detached, mobile homes on individual lots		
Single family attached		
Two-family dwellings		
Single family cluster development		
Mixed single family residential development (14)		
Mixed residential development (14)		
Multifamily dwellings		
Mixed use structures		
Religious facilities		
Veterinary facilities		
Other uses		
All permitted uses	10 ft (21,22)	10 ft (17)
Minimum side and rear setback		
Single family detached, mobile homes on individual lots		
Single family attached		
Two-family dwellings		
Single family cluster development		
Mixed single family residential development (14)		
Mixed residential development (14)		
Multifamily dwellings		
Religious facilities		
Mixed use structures		
Veterinary facilities		
Farm structures for keeping of animals		
Other uses		
All permitted uses	5 ft	20 ft
Minimum side and rear yard		
Single family detached, mobile homes on individual lots		
Single family attached		
Two-family dwellings		
Single family cluster development		
Mixed single family residential development (14)		
Mixed residential development (14)		
Multifamily dwellings		
Mixed use structures		
Religious facilities		
Veterinary facilities		
Farm structures for keeping of animals		
Other uses		
All permitted uses	5 ft (16,21)	10 ft (16,17)
Maximum height		
Agriculture		
Other permitted uses	65 ft	75 ft
Hospital, nursing homes and medical offices		120 ft
Ratios		
Maximum lot coverage	0.65	0.75(28)
Maximum impervious coverage	0.85	0.75(28)



City of Lewiston
Planning & Code Enforcement
Gil Arsenault, Director
MEMORANDUM



To: City Clerk's Office
City Council Members
Mayor Robert E. Macdonald

From: David Hediger

Date: March 25, 2016

Subject: Planning Board Action

The Planning Board took the following action at their meeting held on March 14, 2016 regarding the rezoning of 200 College 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 based upon the proposal submitted by Rubellite, LLC to rezone the property at 200 College Street from the Institutional Office (IO) district to the Neighborhood Conservation "B" (NCB) district Second by **Sandra Marquis**.

VOTED: **5-2 (Passed)**
Michael Marcotte & Pauline Gudas Opposed
Michael and Pauline noted they did not like the request being limited to a single property and that it should have included the other three properties zoned IO on that block.

Discussion continued whether the Board should initiate an amendment at this time to include the additional properties. Staff suggested reaching out to those property owners to see if they are interested.

c: Ed Barrett, City Administrator
Planning Board Members

The City of Lewiston is an EOE. For more information, please visit our website at www.lewistonmaine.gov and click on the Non-Discrimination Policy.

LEWISTON CITY COUNCIL

MEETING OF APRIL 5, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Amendments to the City Policy Manual regarding the False Fire Alarms Policy.

INFORMATION:

The City Council discussed this issue during the Fire Department budget workshop on March 29. The Fire Chief is recommending the addition of three new sections and related fees to the current False Alarm Policy:

- 1) Alarm Reset Policy and fee - \$150
- 2) Fire Inspection 2nd Re-Inspection - \$50.00
- 3) Fire Inspection Cancellation without 24 hour notice - \$100.00

The Fire Chief supports the requested changes and passage is recommended.

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 amendments to the City Policy Manual - Policy Number 30, False Fire Alarms Policy, as recommended by the City Administrator and the Fire Chief .

(Note - Full copy of the amendments are attached. Additions are underlined and ~~deletions~~ have strike-out lines.)

FIRE ALARMS

FALSE FIRE ALARM POLICY

1. The purpose of this policy is to encourage a reduction in the frequency of false alarms and to establish a service fee to compensate for the inappropriate use of municipal resources in response to false alarms.
2. For the purpose of this policy, the following words and terms shall have the following meanings:

Alarm System: A system consisting of "initiating" devices including, but not limited to smoke detectors, heat detectors, pull stations, sprinkler switches which activate audible or visual devices on premises for evacuation. These systems may include any mechanism, equipment or device designed to automatically transmit a signal, message, or warning from private or public premises, including telephonic alarm systems designed to operate automatically through the use of public telephone facilities to the Lewiston Fire Department or monitored by other private or public entity, which in turn calls the Lewiston Fire Department.

False Alarm The notification of the Fire Department that an alarm system is activated and indicates an emergency situation, and upon arrival of the Fire Department, no such emergency exists. Causes could be, but are not limited to, malfunctioning of alarm system, maintenance negligence, inappropriate use of alarm system.

3. Alarm owners must sign a written agreement with the Fire Department when any type of Fire Department notification is used. Failure to do so will also result in automatic fines.
4. Alarm owners must certify that they and/or their employees and/or other residences operating the alarm have received complete instructions in the operation and use of the alarm system, and in addition, any and all persons which maintain/test or perform functions on said system be qualified by established standards.
5. For the first thirty (30) days following installation, no charge to the owner will be made for false alarms.
6. Any owner of an alarm system whose system causes the transmittal of false alarms in any calendar year shall pay the following fees: (Effective: July 1, 2014)

First	No Charge
Second	\$ 55.00
Third	\$ 90.00
Fourth	\$115.00
Fifth	\$145.00
Sixth & Thereafter	\$380.00 each occurrence

Alarms generated as a result of circumstances beyond the alarm owner's control (e.g. power outage, weather conditions, motor vehicle accidents, telephone transmission problems, etc.) shall not result in a service fee, nor shall they be counted towards the first response allowed per calendar year.

FIRE ALARMS

7. The responding fire unit shall make a determination of the cause of the alarm. The Chief and/or his designee will review such determinations and incorporate other pertinent data to establish whether it shall be considered a chargeable false alarm.
8. All charges will be billed quarterly, and if not paid, appropriate action will be taken.
9. Businesses/establishments having more than one building covered by the same monitoring device will need to have a separate agreement for each covered building location.
10. Those establishments having alarm systems with private companies will be treated the same as those installed with the department.
11. The unauthorized entry by any individual into a "Fire Department Call Box", that is any device containing a transmitter used by the Fire Department to monitor an establishment/ location, will result in an automatic fine of \$200.00. If this entry is done by any individual hired by said establishment, the fine will be levied against the establishment.
12. Apartment Building and Punch Pass Program Related False Alarm Fees: Three (3) false or nuisance fire alarm calls for free in a one (1) year period (January 1-December 31). Section 6 of this Policy shall apply after the initial three (3) false or nuisance alarms have occurred beginning with the fourth false fire alarm fee.

13. Alarm Reset Policy: The Fire Department will conduct a thorough check of the building to determine the cause of the alarm. If the alarm is determined to be a malfunction the Fire Department will silence the fire alarm system and the responsible party will be contacted to reset the alarm or make the necessary repair.

If the responsible party cannot be contacted, will not respond or chooses to have the Fire Department reset the alarm the fee for such service shall be \$150.00.

14. Fire Inspection 2nd Re-Inspection: Once the initial Fire Department Inspection is complete, the property owner/responsible party shall be provided with a compliance order noting the deficiency(s) and a 1st re-inspection date will be scheduled.

If a 2nd Re-inspection is required the Fire Department is proposing a 2nd re-inspection fee of \$50.00.

15. Fire Inspection Cancellation without 24 hour notice: Once a Fire Inspection appointment has been scheduled with through a responsible party, the Fire Department is proposing a minimum 24 hour cancellation notice.

If the property owner/responsible party fail to provide a minimum 24 hour notice of cancellation, a fee of \$100.00 shall be charged.

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

LEWISTON CITY COUNCIL

MEETING OF APRIL 5, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

SUBJECT:

Resolve Accepting Easements Over and Fee Ownership of Various Parcels of Land and Street Rights of Way Associated with the Division of Certain Properties Owned by the Franklin Property Trust.

INFORMATION:

Numerous building owners lease property from Franklin Property Trust in various neighborhoods throughout the City. Since these leases are short term, the value of these buildings is negatively impacted and owners have difficulty financing necessary repairs and improvements. As a result, a number of structures have been condemned and demolished. The City and Franklin have been in discussions for a while regarding an effort to develop a plan to stabilize these neighborhoods. The City and Franklin have entered into an agreement in which Franklin will subdivide the properties and offer the building owners the opportunity to purchase the land beneath their homes. As an element of the agreement, the City will be accepting certain easements and property from Franklin for several purposes including open space, public access to properties and clarifying property lines. The Planning board has reviewed these plans and properties and recommends the City Council accept them.

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 Resolve Accepting Easements Over and Fee Ownership of Various Parcels of Land and Street Rights of Way Associated with the Division of Certain Properties Owned by the Franklin Property Trust.



COUNCIL RESOLVE

Resolve, Accepting Easements Over and Fee Ownership of Various Parcels of Land and Street Rights of Way Associated with the Division of Certain Properties Owned by the Franklin Property Trust.

Whereas, numerous building owners lease property from Franklin Property Trust in various locations throughout Lewiston; and

Whereas, since these leases are short term, the value of these buildings is negatively impacted and owners have difficulty financing necessary repairs and improvements; and

Whereas, as a result, a number of such structures have been condemned and demolished; and

Whereas, the City and Franklin have entered into an agreement under which Franklin will divide its properties and offer building owners the opportunity to purchase the land under their structures; and

Whereas, in accordance with that agreement, the City has been working with Franklin to develop land division plans for these properties; and

Whereas, as an element of these plans, the City will be accepting certain easements and property from Franklin for several purposes including the provision of open space, providing public access to properties, and clarifying property lines; and

Whereas, the Planning Board has reviewed these various properties and plans and recommends that the Council accept them;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the City hereby accepts the following:

1. Fee ownership of two parcels as shown on the attached plat titled Lincoln Circle consisting of 5,751 SF and 2,399 SF.
2. Fee ownership of two parcels off Willow Circle as shown on the plat titled Willow Circle consisting of 12,646 SF and of 3,416 SF.
3. A 20' easement over FPT land for a future potential bike/pedestrian path near the river as shown on the plats titled Lincoln Place and Lincoln Terrace.
4. Fee ownership of the land under existing public way easements that more accurately reflect what is on the ground for roads currently existing over FPT land. This includes:
 - Lincoln Terrace as shown on the plat titled Lincoln Drive and Lincoln Circle.
 - Lincoln Drive as shown on the plat titled Lincoln Drive and Lincoln Circle.
 - Lincoln Circle as shown on the plat titled Lincoln Circle.
 - Merton Boulevard as shown on the plat title Merton Boulevard.
 - Sand Hill Road and Strawberry Patch Road as shown on the plat titled Sand Hill.
 - Willow Circle as shown on the plat titled Willow Circle.



City of Lewiston
Planning & Code Enforcement
Gil Arsenault, Director
MEMORANDUM



To: City Clerk's Office
City Council Members
Mayor Robert E. Macdonald

From: David Hediger

Date: March 29, 2016

Subject: Planning Board Action

The Planning Board took the following action at their meeting held on March 28, 2016 regarding a recommendation for acquisition of land and public easements from Franklin Property Trust:

The following motion was made:

- MOTION:** by **Normand Anctil** 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 of the following land from Franklin Property Trust:
1. Accepting fee ownership of two parcels as shown on the plat titled Lincoln Circle consisting of 5,751 SF and 2,399SF.
 2. Accepting fee ownership of two parcels off Willow Circle as shown on the plat titled Willow Circle consisting of 12,646 SF and of 3,416 SF.
 3. Accepting a 20' easement over FPT land for a future potential bike/pedestrian path near the river as shown on the plats titled Lincoln Place and Lincoln Terrace.
 4. Accepting fee ownership of the land under existing public way easements that more accurately reflect what is on the ground for roads currently existing over FPT land. This includes:
 - Lincoln Terrace as shown on the plat titled Lincoln Drive and Lincoln Circle.
 - Lincoln Drive as shown on the plat titled Lincoln Drive and Lincoln Circle.
 - Lincoln Circle as shown on the plat titled Lincoln Circle.

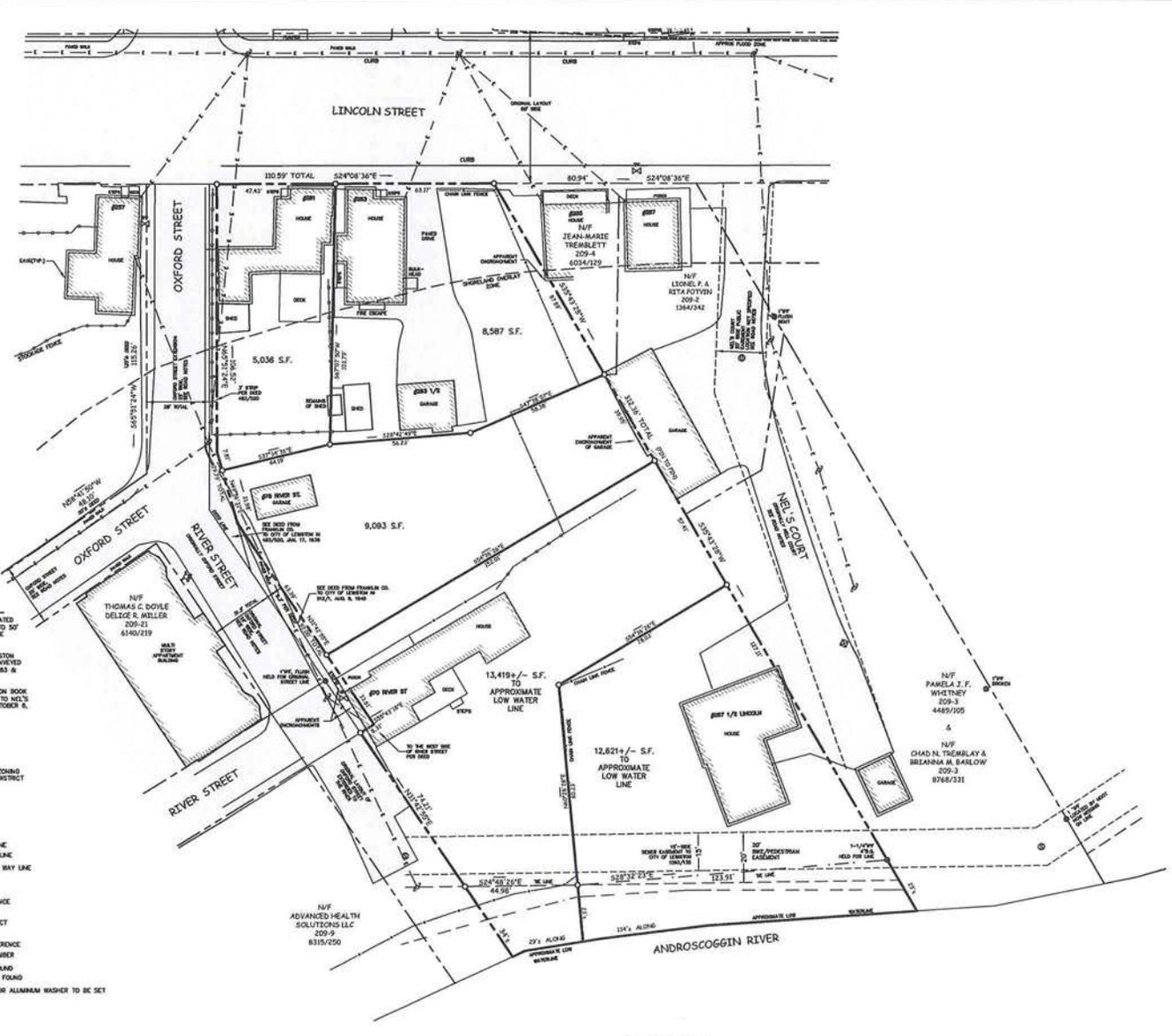
- Merton Boulevard as shown on the plat title Merton Boulevard.
- Sand Hill Road and Strawberry Patch Road as shown on the plat titled Sand Hill.
- Willow Circle as shown on the plat titled Willow Circle.

Second by **Sonia Taylor.**

VOTED: 7-0 (Passed)

c: Ed Barrett, City Administrator
Planning Board Members

The City of Lewiston is an EOE. For more information, please visit our website at www.lewistonmaine.gov and click on the Non-Discrimination Policy.



- NOTES:**
1. RECORD OWNER: FRANKLIN COMPANY TRUST
 2. PARCEL DEED REFERENCE: SEE DEED FROM FRANKLIN COMPANY TO FRANKLIN COMPANY TRUST DATED SEPTEMBER 10, 1978, RECORDED AT THE ANDROSCOGGIN COUNTY REGISTRY OF DEEDS IN BOOK 1227, PAGE 46.
 3. ALL BOOK AND PAGE REFERENCES REFER TO THE ANDROSCOGGIN COUNTY REGISTRY OF DEEDS.
 4. PARCEL TAX MAP REFERENCE: CITY OF LEWISTON, MAP 209, LOT 3.
 5. TOTAL AREA OF PARCEL 1.1 ACRES ± TO APPROXIMATE LOW WATER OF THE ANDROSCOGGIN RIVER.
 6. ALL BEARINGS ARE REFERENCED TO MEAN STATE PLANE WEST ZONE NAD83 GRID NORTH BY NETWORK RTK GPS.
 7. THE LOCATION, SIZE, AND DEPTH OF UNDERGROUND UTILITY LINES, TANKS, AND/OR STRUCTURES NOT DETERMINED BY THIS SURVEY.
 8. PORTIONS OF PAVEMENT LOCATED BY AERIAL PHOTOGRAPHY.
 9. APPROXIMATE FLOOD ZONE FROM FEDERAL EMERGENCY MANAGEMENT AGENCY NATIONAL FLOOD HAZARD LAYER (FEMA-NFL), 2300C-WP-04, ANDROSCOGGIN COUNTY, (FEMA FIRM PANEL 330003000E EFFECTIVE JULY 8, 2013).

- PLAN REFERENCES:**
- A. BOUNDARY SURVEY AND LEASE LOTS ON LINCOLN STREET, LEWISTON, MAINE MADE FOR NORTHERN UTILITIES, INC. PREPARED BY OWEN MARSHALL, INC. DATED MAY 3, 2007, NOT RECORDED.
 - B. STATE OF MAINE DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAINE LINCOLN STREET, LEWISTON, ANDROSCOGGIN COUNTY, FEDERAL AID PROJECT NO. STP-0009-08R(00)0, S.O.T. FILE NO. 1-234 DATED JUNE 1992, SHEETS 1 THROUGH 13, RECORDED IN ANDROSCOGGIN COUNTY REGISTRY OF DEEDS PLAN BOOK 42, PAGES 69, 70, 71, 72, 73, 74 AND 75.
 - C. STANDARD BOUNDARY SURVEY, LAND OF MAINE CENTRAL RAILROAD COMPANY TO P.P.A. CORP. PREPARED BY VINCENT J.P. LEBLANC, LAND SURVEYOR DATED OCTOBER 24, 1982 RECORDED AT ANDROSCOGGIN COUNTY REGISTRY OF DEEDS PLAN BOOK 37, PAGE 25.
 - D. MAIN INTERCEPTOR SEWAGE EASEMENTS PREPARED BY CITY OF LEWISTON, ENGINEERING DEPARTMENT DATED 3/7/92, SHEET 1 OF 8 AND SHEET 3 OF 8 RECORDED AT ANDROSCOGGIN COUNTY REGISTRY OF DEEDS PLAN BOOK 26, PAGE 11 AND PLAN BOOK 26, PAGE 13.
 - E. PLAN OF FRANKLIN COMPANY LAND, LEWISTON, MAINE, PREPARED BY DEE H. BARBER, ENGINEER, DATED JANUARY 13, 1963 ON FILE AT FRANKLIN COMPANY.
 - F. RIGHT OF WAY AND TRACK MAP MAINE CENTRAL R.R. OPERATED BY THE MAINE CENTRAL RAILROAD COMPANY, STATION 984-50 TO STATION 989-30 DATED JUNE 30, 1916, PLAN 1547A.
 - G. RIGHT OF WAY AND TRACK MAP MAINE CENTRAL R.R. OPERATED BY THE MAINE CENTRAL RAILROAD COMPANY, STATION 989-30 TO STATION 1030+77 DATED JUNE 30, 1916, PLAN 1547B.

DIVISION PLAN NOTE:
 LINCOLN PLACE IS EXEMPT FROM STATE AND LOCAL SUBDIVISION LAWS. PURSUANT TO 30-A M.R.S.A. SECTION 440(1)(C) THE DIVISION OF A TRACT OF LAND INTO THREE OR MORE LOTS AND UPON EACH OF WHICH PERMANENT BUILDING STRUCTURES LEGALLY EXISTED BEFORE SEPTEMBER 23, 1975 IS NOT A SUBDIVISION. THE HOUSING UNITS SHOWN ON THIS PLAN CREATED PRIOR TO SEPTEMBER 23, 1975, AS A RESULT, NO SUBDIVISION REVIEW IS REQUIRED. CITY OF LEWISTON ORDINANCE PROVISIONS THAT APPLY CAN BE FOUND UNDER ARTICLE 5, SECTION 3 AND ARTICLE 6, SECTION 4. LOTS SHOWN ON THIS PLAN MEET THESE ORDINANCE PROVISIONS AS DETERMINED BY THE CITY CODE ENFORCEMENT DIRECTOR.

CDDC ENFORCEMENT DIRECTOR DATE:

ROAD NOTES:

LINCOLN STREET - SEE CITY OF LEWISTON BOOK 2, PAGE 140, DATED 1935. WIDTH VARIES FROM 80' AT CEDAR STREET AND TAPERES TO 50' PAST LOCUST STREET. ADDITIONAL TACKING BY MOOT IN 1998, SEE 4049/250, DATED 1998, AND PLAN REFERENCE B.
 OXFORD STREET - ORIGINAL LAYOUT 55' WIDE. SEE CITY OF LEWISTON BOOK 1, PAGE 327 & BOOK 1, PAGE 328. ADDITIONAL LAND CONVERTED FROM FRANKLIN COMPANY TO CITY OF LEWISTON IN DEEDS 550/483 & 591/71.
 NELS COURT - 20' WIDE PUBLIC EASEMENT, SEE CITY OF LEWISTON BOOK 4, PAGE 73. ORIGINALLY CALLED NELL COURT. NAME CHANGED TO NELS COURT AS NOTED ON ABOVE BOOK AND PAGE REFERENCE ON OCTOBER 8, 1988.

ZONING

PARCELS SHOWN ON THIS PLAN ARE SUBJECT TO OVERLAP ZONING DISTRICT, SORELAND OVERLAY DISTRICT AND FLOOD OVERLAY DISTRICT REQUIREMENTS.

LEGEND

- SUBJECT BOUNDARY LINE
- - - - - PROPOSED BOUNDARY LINE
- - - - - ADJUTER OR RIGHT OF WAY LINE
- - - - - OVERHEAD ELECTRIC
- - - - - DRAIN LINE TEGGE
- - - - - STOCKADE / WOOD FENCE
- - - - - WIRE FENCE
- FLOOD OVERLAY DISTRICT
- NOW OR FORMERLY
- 000/000 DEED BOOK PAGE REFERENCE
- 000-000 TAX MAP AND LOT NUMBER
- MF GRANITE MONUMENT FOUND
- P.P.A./P.P.F. IRON PIPE/PROJ. IRON FOUND
- CHES 5/8" BEAR W/ CAP OR ALLUMINUM WASHER TO BE SET
- UTILITY POLE
- SEWER MANHOLE
- DRAIN MANHOLE
- CATCH BASIN
- HYDRANT
- WATER VALVE



REVISIONS		
NO.	DATE	DESCRIPTION

DIVISION PLAN LINCOLN PLACE LEWISTON, MAINE	
PREPARED FOR:	FRANKLIN PROPERTY TRUST LLC P.O. BOX 7 LEWISTON, ME 04243
PREPARED BY:	JONES ASSOCIATES INC. Lewiston, Vermont, U.S.A. Environmental Consultants
RECORD OWNERS:	FRANKLIN PROPERTY TRUST P.O. BOX 7 LEWISTON, ME 04243
PLAN DATE:	MARCH 7, 2016
SCALE:	1"=20'
PROJECT #:	15-0516

NOTES:

- RECORD OWNER: FRANKLIN PROPERTY TRUST
- PARCEL DEED REFERENCE: SEE DEED FROM FRANKLIN COMPANY TO FRANKLIN PROPERTY TRUST DATED SEPTEMBER 10, 1971, RECORDED AT THE ANDROSCOGG COUNTY REGISTERY OF DEEDS IN BOOK 1271, PAGE 25 AND DEED FROM MAINE CENTRAL RAILROAD TO FRANKLIN PROPERTY TRUST DATED AUGUST 7, 1961, RECORDED AT THE ANDROSCOGG COUNTY REGISTERY OF DEEDS IN BOOK 1540, PAGE 73
- ALL BOOK AND PAGE REFERENCES REFER TO THE ANDROSCOGG COUNTY REGISTERY OF DEEDS.
- PARCEL TAX MAP REFERENCE: CITY OF LEWISTON, MAP 106, LOT 1, PORTION OF MAP 197, LOT 19 AND PORTION OF MAP 97-896.
- ALL MEASUREMENTS ARE REFERENCED TO MAINE STATE PLANE BEST ZONE NAD83 GRID NORTH BY NETWORK 876 OPS.
- THE LOCATION, SIZE, AND DEPTH OF UNDERGROUND UTILITY LINES, TANKS, AND OR STRUCTURES NOT DETERMINED BY THIS SURVEY.
- PORTIONS OF PAVEMENT LOCATED BY AERIAL PHOTOGRAPHY.
- APPROXIMATE FLOOD ZONE FROM FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD HAZARD LAYER (FEMA-NFHL), 25061C-NFHL, ANDROSCOGG COUNTY, (FEMA FORM PANEL 25061C022C EFFECTIVE JULY 8, 2013).

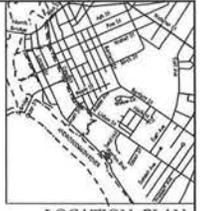
PLAN REFERENCES:

- STATE OF MAINE DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, STATE HIGHWAY "A" (LINCOLN STREET), LEWISTON, ANDROSCOGG COUNTY, FEDERAL AID PROJECT NO. HPP-5661(400)X PART 8, DATED APRIL 2010, D.O.T. FILE NO. 1-297.
- STANDARD BOUNDARY SURVEY AND TOPOGRAPHIC PLAN FOR WEBBER OIL COMPANY, DATED 7/20/1984, PREPARED BY A.B.C.C. LAND SURVEYORS INC.
- PLAN OF FRANKLIN COMPANY LAND, LEWISTON, MAINE, PREPARED BY GEO. H. BARRON, ENGINEER, DATED JANUARY 13, 1953 ON FILE AT FRANKLIN COMPANY.
- RIGHT OF WAY AND TRACK MAP MAINE CENTRAL R.R. OPERATED BY THE MAINE CENTRAL RAILROAD COMPANY, STATION 945+50 TO STATION 966+30 DATED JUNE 30, 1916, PLAN 105/A.

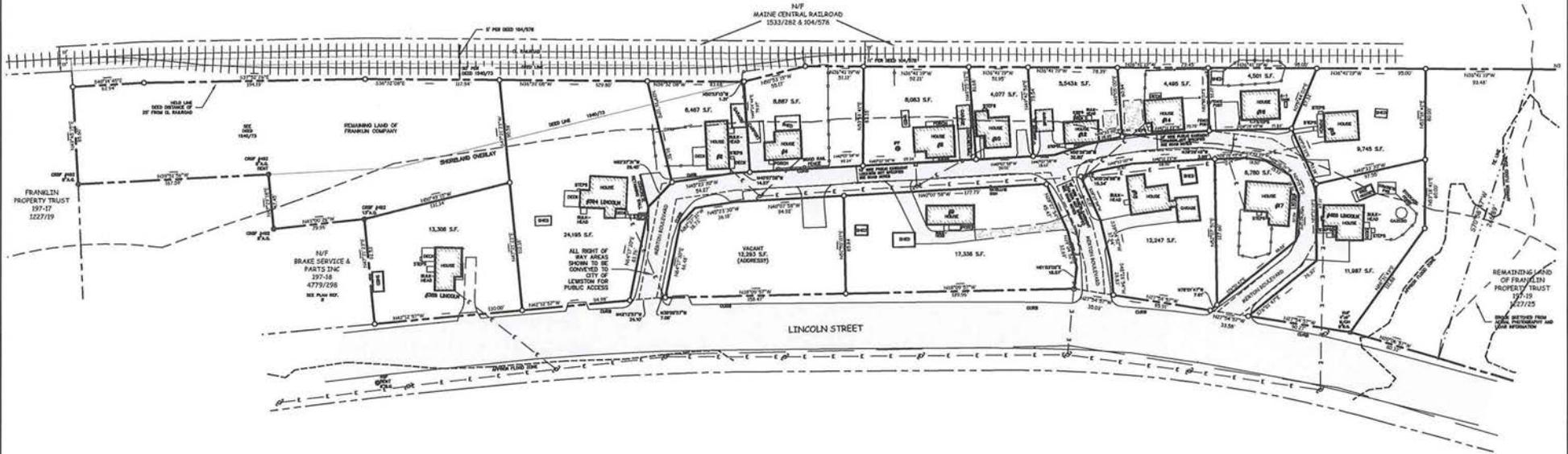
ROAD NOTES:

LINCOLN STREET - SEE CITY OF LEWISTON BOOK 2, PAGE 146, DATED 1930. WIDTH IS 50 FEET OVER THIS SECTION. ADDITIONAL TAKING BY MOOT IN 2010 ON SOUTH SIDE OF LINCOLN STREET NORTH SIDE OF LINCOLN STREET RIGHT-OF-WAY BASED ON PLAN REFERENCE A AND FOUND MONUMENTS.

MERTON BOULEVARD - 15' WIDE PUBLIC CASEMENT, SEE CITY OF LEWISTON BOOK 4, PAGE 73. LOCATION NOT SPECIFIED.



LOCATION PLAN



DIVISION PLAN NOTE:

MERTON BOULEVARD IS EXEMPT FROM STATE AND LOCAL SUBDIVISION LAWS PURSUANT TO 20-A M.R.S.A. SECTION 440(1)(A). THE PORTION OF A TRACT OR PARCEL OF LAND INTO THREE OR MORE LOTS AND UPON EACH OF WHICH LOTS PERMANENT DWELLING STRUCTURES LEGALLY EXISTED BEFORE SEPTEMBER 23, 1971 IS NOT A SUBDIVISION. STREETS WITHIN MERTON BOULEVARD AND THE HOUSES UNITS SHOWN ON THIS PLAN EXISTED PRIOR TO SEPTEMBER 23, 1971. AS A RESULT, NO SUBDIVISION REVIEW IS REQUIRED. CITY OF LEWISTON ORDINANCE PROVISIONS THAT APPLY CAN BE FOUND UNDER ARTICLE 9, SECTION 3 AND ARTICLE 9, SECTIONS 3 AND 4. LOTS SHOWN ON THIS PLAN MEET THESE ORDINANCE PROVISIONS AS DETERMINED BY THE CITY CODE ENFORCEMENT DIRECTOR.

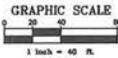
CODE ENFORCEMENT DIRECTOR: _____ DATE: _____

ZONING

PARCELS SHOWN ON THIS PLAN ARE SUBJECT TO MLL ZONING DISTRICT AND SOME LOTS ARE SUBJECT TO THE SHORELAND OVERLAY DISTRICT REQUIREMENTS.

LEGEND

- SUBJECT BOUNDARY LINE
- ADJUTER OR RIGHT OF WAY LINE
- OVERHEAD ELECTRIC
- CHAIN LINK FENCE
- STOCKADE / WOOD FENCE
- RAILROAD
- N/P NOW OR FORMERLY
- 000/000 DEED BOOK PAGE REFERENCE
- 000-000 TAX MAP AND LOT NUMBER
- B M GRANITE MONUMENT FOUND
- I/P, W/P, R/W POH PIPE, SOD, REBAR FOUND
- CBS 5/8" REBAR W/ CAP TO BE SET
- U UTILITY POLE



REVISIONS		
NO.	DATE	DESCRIPTION

DIVISION PLAN
MERTON BOULEVARD
LEWISTON, MAINE

PREPARED FOR: FRANKLIN PROPERTY TRUST LLC
P.O. BOX 7
LEWISTON, ME 04243

PREPARED BY:
JONES ASSOCIATES INC.
2-month, Vermont-based Environmental Consultant

RECORD OWNERS:
FRANKLIN PROPERTY TRUST
P.O. BOX 7
LEWISTON, ME 04243

PLAN DATE:
MARCH 7, 2016
SCALE: 1"=40'

PROJ. #: 15-051E



LOCATION PLAN

- NOTES:**
- RECORD OWNER: FRANKLIN PROPERTY TRUST
 - PLACED, REZONED, SEE DEED FROM FRANKLIN PROPERTY TRUST, RECORDED AT THE MECHANIC COUNTY REGISTERED OFFICE, PLAIN BOOK 40, PAGE 1078.
 - ALL ROAD LOTS ARE SUBJECT TO THE MASSACHUSETTS COUNTY RESOLUTION OF DEEDS.
 - PLANNED: 1/14/10 MAP REVISIONS: CITY OF LEWISTON, MAP 197.
 - ALL REARINGS ARE REFERENCED TO MAINE STATE PLATHE WEST ZONE, NORTH 80° NORTH BY NETWORK PER OPS.
 - SEE PLAN, LOTS AND STRUCTURES NOT OUTLINED BY THIS DIVISION.
 - PHOTOGRAPHY: PAYMENT AND DRAWS LOCATED BY AERIAL.

DEED REFERENCES:

A. STANDARD BOUNDARY SURVEY OF PROMISED MAIL FOR SERVICES OF LEWISTON, ME, RECORDED AT SAID REGISTRY OF DEEDS IN PLAIN BOOK 40, PAGE 1078.

B. STANDARD BOUNDARY SURVEY PROPERTY OF LEWISTON CREDIT, INC., MC, RECORDED AT SAID REGISTRY OF DEEDS IN PLAIN BOOK 38, PAGE 1584.

C. PLAN OF TOWNED IMPROVED LOTS, PREPARED FOR WOODS & BETHA, OWNER OF SAID LOTS, RECORDED AT SAID REGISTRY OF DEEDS IN PLAIN BOOK 27, PAGE 171.

D. STANDARD BOUNDARY SURVEY OF SAID LOTS, RECORDED AT SAID REGISTRY OF DEEDS IN PLAIN BOOK 27, PAGE 171.

E. STANDARD BOUNDARY SURVEY OF SAID LOTS, RECORDED AT SAID REGISTRY OF DEEDS IN PLAIN BOOK 27, PAGE 171.

F. STANDARD BOUNDARY SURVEY OF SAID LOTS, RECORDED AT SAID REGISTRY OF DEEDS IN PLAIN BOOK 27, PAGE 171.

ROAD NOTES:

LEWIS STREET - 40 FEET WIDE, SEE ADJACENT COUNTY COMMISSIONER VOLUME 3, PAGE 346.

SAND HILL ROAD - 14' WIDE PUBLIC PLACEMENT, SEE CITY OF LEWISTON BOOK 4, PAGE 73. LOCATION NOT SHOWN.

ZONING:

TABLE 100.01 OF THIS PLAN ARE SUBJECT TO NEIGHBORHOOD CONSERVATION "A", COMMUNITY IMPROVEMENT, OR URBAN ENTERPRISE DISTRICT REQUIREMENTS.

DIVISION PLAN NOTE:

SAND HILL IS EXEMPT FROM STATE AND LOCAL SUBDIVISION LAWS. PURSUANT TO 30-A M.R.S. 251(1), THE DIVISION OF CONSERVATION AND RECREATION HAS REVIEWED THIS PLAN AND HAS DETERMINED THAT THIS PLAN DOES NOT REQUIRE A SUBDIVISION PLAN. THE DIVISION HAS REVIEWED THIS PLAN AND HAS DETERMINED THAT THIS PLAN DOES NOT REQUIRE A SUBDIVISION PLAN. THE DIVISION HAS REVIEWED THIS PLAN AND HAS DETERMINED THAT THIS PLAN DOES NOT REQUIRE A SUBDIVISION PLAN.

DATE: _____

CODE DEPARTMENT DIRECTOR: _____



REVISIONS	DATE	DESCRIPTION

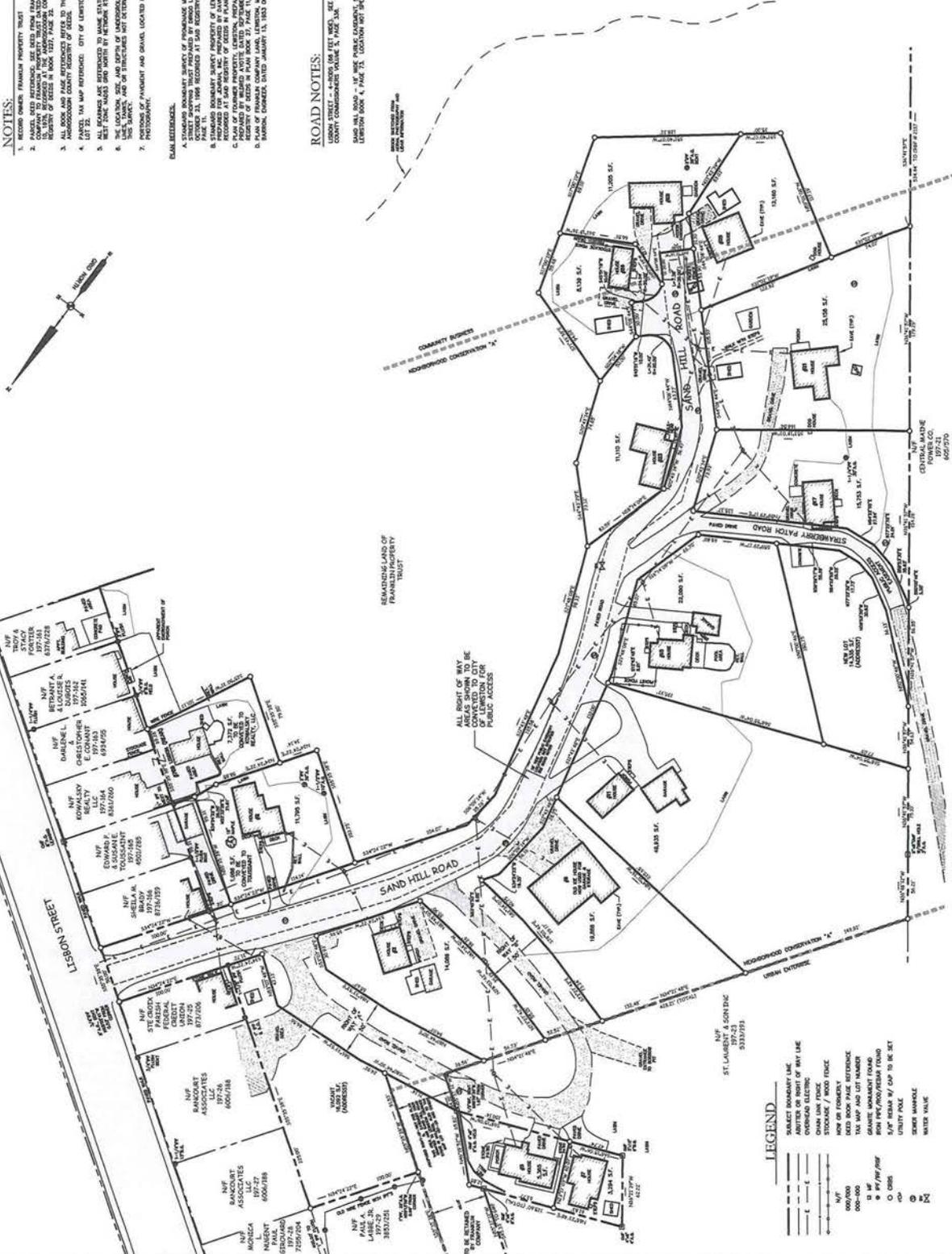
DIVISION PLAN
SAND HILL
 LEWISTON, MAINE

PREPARED FOR: FRANKLIN PROPERTY TRUST LLC
 P.O. BOX 7
 LEWISTON, ME 04243

PREPARED BY: JONES ASSOCIATES INC.
 FRANKLIN PROPERTY TRUST
 LEWISTON, MAINE 04243

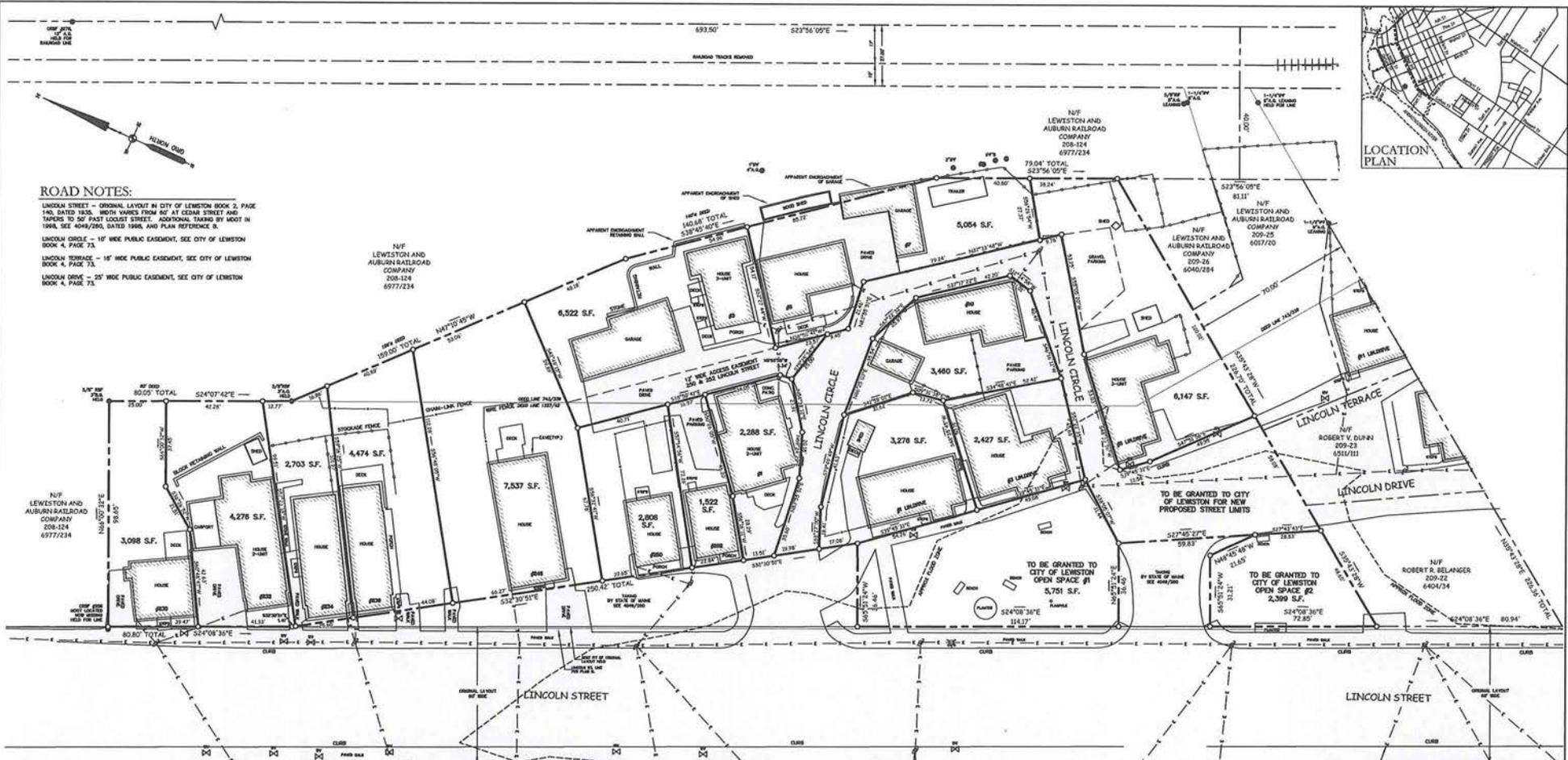
PLAN DATE: MARCH 9, 2016
 SCALE: 1"=40'

PROJECT NO.: 15-0511B
 DATE: 03/21/2016



LEGEND

- SUBDIVISION BOUNDARY LINE
- CENTER OR FRONT OF WAY LINE
- CHAIN LINK FENCE
- STOCKPILE / WOOD PILE
- HOME OR FOREMANS
- 1" = 10' SCALE
- GRANITE MONUMENT FOUND
- IRON PIPE / IRON / IRON FOUND
- 1/2" IRON 1/2" CAP TO BE SET
- UTILITY POLE
- SEWER MANHOLE
- WATER VALVE



ROAD NOTES:

LINCOLN STREET - ORIGINAL LAYOUT IN CITY OF LEWISTON BOOK 2, PAGE 140, DATED 1920. WIDTH VARIES FROM 60' AT CEDAR STREET AND TAPERES TO 50' EAST LOCAL STREET. ADDITIONAL TAKING BY MOOT IN 1985. SEE 604/290, DATED 1985, AND PLAN REFERENCE B.

LINCOLN CIRCLE - 10' WIDE PUBLIC EASEMENT, SEE CITY OF LEWISTON BOOK 4, PAGE 73.

LINCOLN TERRACE - 15' WIDE PUBLIC EASEMENT, SEE CITY OF LEWISTON BOOK 4, PAGE 73.

LINCOLN DRIVE - 25' WIDE PUBLIC EASEMENT, SEE CITY OF LEWISTON BOOK 4, PAGE 73.

N/F
LEWISTON AND
AUBURN RAILROAD
COMPANY
208-124
69777234

N/F
LEWISTON AND
AUBURN RAILROAD
COMPANY
208-124
69777234

N/F
ROBERT V. DUFFY
609-23
6361731

N/F
ROBERT R. BELANGER
609-22
640474

- NOTES:**
- RECORD OWNER: FRANKLIN PROPERTY TRUST
 - PARCEL DEED REFERENCE: SEE DEED FROM FRANKLIN COMPANY TO FRANKLIN PROPERTY TRUST DATED SEPTEMBER 10, 1976, RECORDED AT THE ANDROSCOGG COUNTY REGISTRY OF DEEDS IN BOOK 1227, PAGE 42 AND DEED FROM MAINE CENTRAL RAILROAD COMPANY TO FRANKLIN COMPANY DATED MAY 25, 1958, RECORDED AT THE ANDROSCOGG COUNTY REGISTRY OF DEEDS IN BOOK 743, PAGE 336.
 - ALL BOOK AND PAGE REFERENCES REFER TO THE ANDROSCOGG COUNTY REGISTRY OF DEEDS.
 - PARCEL TAX MAP REFERENCED: CITY OF LEWISTON, MAP 208, LOT 125
 - TOTAL AREA OF PARCEL 1.65 ACRES.
 - ALL BEARINGS ARE REFERENCED TO MAINE STATE PLANE WEST ZONE NAD83 GRID NORTH BY MICROMETER TIE GNS.
 - THE LOCATION, SIZE, AND DEPTH OF UNDERGROUND UTILITY LINES, TANKS, AND OR STRUCTURES NOT DETERMINED BY THIS SURVEY.
 - PORTIONS OF PAVEMENT LOCATED BY AERIAL PHOTOGRAPHY.
 - APPROXIMATE FLOOD ZONE FROM FEDERAL EMERGENCY MANAGEMENT AGENCY, NATIONAL FLOOD HAZARD LAYER (FIRM-HFL), 2000C-HFL, ANDROSCOGG COUNTY, (FIRM PANEL 330010320E EFFECTIVE JULY 6, 2013).

- PLAN REFERENCES:**
- BOUNDARY SURVEY AND LEASE LOTS ON LINCOLN STREET, LEWISTON, MAINE MADE FOR NORTHVIEW UTILITIES, INC. PREPARED BY OWEN HASKELL, INC. DATED MAY 3, 2007, NOT RECORDED.
 - STATE OF MAINE DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAP, LINCOLN STREET, LEWISTON, ANDROSCOGG COUNTY, FEDERAL AID PROJECT NO. 37P-0009-S688000J, D.O.T. FILE NO. 1-234 DATED JUNE 1992, SHEETS 1 THROUGH 5, RECORDED IN ANDROSCOGG COUNTY REGISTRY OF DEEDS PLAN BOOK 42, PAGES 86, 79, 72, 73, 74 AND 75.
 - STANDARD BOUNDARY SURVEY, LAND OF MAINE CENTRAL RAILROAD COMPANY TO F.P.A. CORP. PREPARED BY VINCENT J.P. LEBLANC, LAND SURVEYOR DATED OCTOBER 24, 1992 RECORDED AT ANDROSCOGG COUNTY REGISTRY OF DEEDS PLAN BOOK 37, PAGE 28.
 - MAIN INTERSECTION SEWAGE EASEMENTS PREPARED BY CITY OF LEWISTON, ENGINEERING DEPARTMENT DATED 3/29/78, SHEET 1 OF 9 AND SHEET 3 OF 9 RECORDED AT ANDROSCOGG COUNTY REGISTRY OF DEEDS PLAN BOOK 26, PAGE 11 AND PLAN BOOK 26, PAGE 13.
 - PLAN OF FRANKLIN COMPANY LAND, LEWISTON, MAINE, PREPARED BY GEO. H. BARRON, ENGINEER, DATED JANUARY 13, 1963 ON FILE AT FRANKLIN COMPANY.
 - RIGHT OF WAY AND TRACK MAP MAINE CENTRAL R.R. OPERATED BY THE MAINE CENTRAL RAILROAD COMPANY, STATION 643+50 TO STATION 668+30 DATED JUNE 30, 1916, PLAN V54/A.
 - RIGHT OF WAY AND TRACK MAP MAINE CENTRAL R.R. OPERATED BY THE MAINE CENTRAL RAILROAD COMPANY, STATION 668+30 TO STATION 1036+77 DATED JUNE 30, 1916, PLAN V54/B.

LEGEND

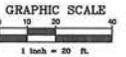
---	SUBJECT BOUNDARY LINE
---	PROPOSED BOUNDARY LINE
---	AUTUITER OR RIGHT OF WAY LINE
---	OVERHEAD ELECTRIC
---	CHAIN LINK FENCE
---	STOCKADE / WOOD FENCE
---	WIRE FENCE
---	FLOOD OVERLAY DISTRICT
---	NOW OR FORMERLY
---	DEED BOOK PAGE REFERENCE
---	TAX MAP AND LOT NUMBER
---	GRANITE MONUMENT FOUND
---	IRON PIPE/ROD/REBAR FOUND
---	5/8" REBAR W/ CAP OR ALUMINUM WASHER TO BE SET
---	UTILITY POLE
---	SEWER MANHOLE
---	DRAIN MANHOLE
---	CATCH BASINS
---	HYDRANT
---	WATER VALVE

ZONING
PARCELS LOCATED IN M-LL ZONING DISTRICT AND FLOOD OVERLAY DISTRICT.

DIVISION PLAN NOTE:
LINCOLN CIRCLE IS EXEMPT FROM STATE AND LOCAL SUBDIVISION LAWS, PURSUANT TO 30-A M.R.S.A. SECTION 400(4)(E), THE DIVISION OF PARCELS OF LAND INTO THREE OR MORE LOTS AND UPON EACH OF WHICH LOTS PERMANENT DWELLING STRUCTURES LEGALLY EXISTED BEFORE SEPTEMBER 23, 1971 IS NOT A SUBDIVISION. STREETS WITHIN LINCOLN CIRCLE AND THE HOUSING UNITS SHOWN ON THIS PLAN EXISTED PRIOR TO SEPTEMBER 23, 1971. AS A RESULT, NO SUBDIVISION REVIEW IS REQUIRED. CITY OF LEWISTON ORDINANCE PROVISIONS THAT APPLY CAN BE FOUND UNDER ARTICLE V, SECTION 3 AND ARTICLE V, SECTIONS 3 AND 4. LOTS SHOWN ON THIS PLAN MEET THESE ORDINANCE PROVISIONS AS DETERMINED BY THE CITY CODE ENFORCEMENT DIRECTOR.

DATE: _____

COOK ENFORCEMENT DIRECTOR _____



CERTIFICATION:
I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY CONFORMS TO THE STATE OF MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS, STANDARDS OF PRACTICE (CHAPTER 90, SECTIONS 1 & 2).

Michael A. Hartman
MICHAEL A. HARTMAN, P.L.S. #2433
FOR JONES ASSOCIATES, INC.



REVISIONS	NO.	DATE	DESCRIPTION	BY
	01	2/2/2016	CHANGES PER CITY COMMENTS	MH

DIVISION PLAN
LINCOLN CIRCLE
LEWISTON, MAINE

PREPARED FOR: FRANKLIN PROPERTY TRUST LLC
P.O. BOX 7
LEWISTON, ME 04243

PREPARED BY:
JONES ASSOCIATES INC.
Canaan, Vermont U.S.A.
Contracted Land Surveyors

RECORD OWNERS:
FRANKLIN PROPERTY TRUST
P.O. BOX 7
LEWISTON, ME 04243

PLAN DATE:
JANUARY 6, 2016

SCALE: 1"=20'

PROJ. #: 15-0516E

LEWISTON CITY COUNCIL
MEETING OF APRIL 5, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 13

SUBJECT:

Resolve Granting a Private Utility Easement in a Portion of Canal Street for Utility Service to 113 Lisbon Street.

INFORMATION:

The property owner of 113 Lisbon Street is currently renovating and planning to lease out the top two floors of the building, which have been vacate for 20 years. In order to upgrade the electrical power, a conduit needs to be extended from underground and this will run over city property. The City is asked to grant a utility easement to allow this conduit to be installed on city property. This request is not uncommon and similar requests have been approved in the past.

Please reference the memorandum from Lincoln Jeffers for additional information this request.

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 Resolve Granting a Private Utility Easement in a Portion of Canal Street for Utility Service to 113 Lisbon Street.



COUNCIL RESOLVE

Resolve, Granting a Private Utility Easement in a Portion of Canal Street for Utility Service to 113 Lisbon Street.

Whereas, 113 Lisbon Street is a commercial building where the upper two floors have been vacant for 20 years; and

Whereas, negotiations are underway for a lease on this space and architectural design and construction drawings are currently being developed that will allow tenancy of the space; and

Whereas, current electrical service to the building is inadequate to meet the prospective tenants needs; and

Whereas, the electrical service in the area from which new service to meet those needs will be drawn is underground and does not connect to the building; and

Whereas, conduit needs to be extended from an electric utility vault located in the Canal Street sidewalk behind the District Court, located at 71 Lisbon Street, up Canal Street to 56 Canal Street, which abuts and is owned by the same entity as 113 Lisbon Street; and

Whereas, the developer has provided an aerial photo with lines depicting the approximate location through which four 4" conduit pipes will be installed to provide electric and other utilities; and

Whereas; a legal description for the conduit easement area is being prepared by the developers' legal counsel and will be provided and recorded prior to construction of the conduit;

Now, therefore, be it resolved by the City Council of the City of Lewiston that

An easement is hereby granted for installation of utility conduit on Canal Street, substantially in the location shown on the attached aerial/concept plan, with a metes and bound description of same to be provided to and approved by the Lewiston Public Works Director or his assign. The metes and bounds description will be recorded at the Androscoggin Registry of Deeds prior to construction beginning on the installation of the conduit.

Economic and Community Development

Lincoln Jeffers

Director

Lewiston



2007



To: Honorable Mayor and Members of the City Council
From: Lincoln Jeffers
RE: Canal Street Utility Easement
Date: March 30, 2016

A utility easement is needed in Canal Street to support and allow for the redevelopment of 113 Lisbon Street, owned by Jim Wellehan. It is the former Grants department store. The Canal Street level is currently used as a warehouse. The Lisbon Street level and floor above have been vacant for more than 20 years.

Lease negotiations are underway with a tenant that will occupy the upper two floors. Architectural and construction design work is underway. In order to adequately service the building with electric and telecommunication infrastructure for the new tenant, service must be extended from an underground electric line on Canal Street. To do so, a service connection needs to be made at a utility vault located behind the District Court building and extended down Canal Street to 56 Canal Street, which is a vacant lot Jim Wellehan owns adjacent to 113 Lisbon Street. The utility services will cross through the vacant lot to enter the building.

Utility services will be extended through four privately owned 4" conduits to be installed in Canal Street.

Design work is underway, but a legal description is not yet available for the easement area in which the conduit will be installed. Conceptually, however, the easement area is known as is shown on the attached aerial rendering of Canal Street.

The City Council is being asked to approve establishing the utility easement, as shown on the attached and subject to Public Works' approval of a metes and bounds description of the easement area that is substantially in conformance with the aerial rendering.

Existing storm stwar utility

Four 4" Electrical
conduits, connected to
existing vault.

© 2015 Google

Google earth

1997

44°05'48.73" N 70°13'04.90" W elev 175 ft eye alt 501 ft

LEWISTON CITY COUNCIL

MEETING OF APRIL 5, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 14

SUBJECT:

Annual appointment for the Lewiston-Auburn Railroad Company Board of Directors.

INFORMATION:

Each year, the City Council is asked to appoint people to serve as Lewiston's representatives on the Lewiston-Auburn Railroad Board of Directors.

The Nominating Committee of the Railroad Board has nominated the following Lewiston residents to serve on the Board: Mark Cayer, 3 year term expiring 2019 and Jared Golden, 3 year term expiring 2019. The Board will hold its annual meeting in April. Passage is requested.

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 accept the nominations from the Lewiston Auburn Railroad Board of Directors and to elect the following residents to serve on the Lewiston Auburn Railroad Company Board of Directors:

- 1) Mark Cayer, three year term expiring 2019
- 2) Jared Golden, three year term expiring 2019

LEWISTON CITY COUNCIL
MEETING OF APRIL 5, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 18

SUBJECT:

Executive Session to discuss labor union negotiations regarding the city's six employee unions.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

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 enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the city's six employee unions - International Association of Firefighters, Local 785; Maine State Employees Association, Local 1989; Maine Association of Police; Lewiston Police Supervisory Command Unit; Lewiston Professional Technical Unit, Local 3855 and Lewiston Public Works Unit, Local 1458.