

CITY OF LEWISTON
PLANNING BOARD MEETING
Monday, August 28, 2017 – 5:30 P.M.
City Council Chambers – First Floor
Lewiston City Building
27 Pine Street, Lewiston, ME

AGENDA

I. ROLL CALL

II. ADJUSTMENTS TO THE AGENDA:

III. CORRESPONDENCE:

IV. PUBLIC HEARINGS:

- a) A request by St. Martin de Porres Residence, Inc. to contract zone the property at 2 Central Avenue from the Office Residential (OR) district to Neighborhood Conservation “B” (NCB) to operate a women’s shelter limited to ten beds.
- b) An amendment initiated by Bates College to Appendix A – Zoning & Land Code, Article XI. District Regulations, Section 23. Space and Bulk Requirements to add academic institutions to the allowed uses for which the minimum front setback and front yard requirements are zero provided the lot directly across the street is in the Institutional-office (IO) district.
- c) An amendment initiated by the City Council to Appendix A – Zoning & Land Use Code, Article XV. Significant Buildings & Districts, Section 6. Designated Historic Structures and Historic Districts to create the Lewiston Canal Water Power Historic District.

V. OTHER BUSINESS:

Any other business Planning Board Members may have relating to the duties of the Lewiston Planning Board.

VI. READING OF THE MINUTES: Motion to adopt the August 14, 2017 draft minutes

VII. ADJOURNMENT



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Planning Board
FROM: David Hediger, City Planner
DATE: August 25, 2017
RE: August 28, 2017 Planning Board Agenda Item IV (a)

A request by St. Martin de Porres Residence, Inc. to contract zone the property at 2 Central Avenue from the Office Residential (OR) district to Neighborhood Conservation "B" (NCB) to operate a women's shelter limited to ten beds.

St. Martin de Porres Residence, Inc. has submitted a petition to contract rezone the property at 2 Central Ave to Neighborhood Conservation "B" (NCB) to operate a women's shelter limited to ten beds pursuant to Article XVII, Section 5(b) of the Zoning and Land Use Code. This property of .27 acres consists of a single-family dwelling located on the corner of Central Avenue and Sabattus Street and is currently zoned Office Residential (OR). At one time, it operated as a group care facility for unwed mothers before returning to its current use a single-family dwelling.

The petitioner is requesting the property be contract zoned to NCB to operate a shelter. Article II, Section 2 defines a shelter as a charitable facility operated by a not-for-profit corporation or a religious organization providing free temporary overnight housing in a dormitory-style, barrack-style, or per-bed arrangement to homeless individuals. The contract rezoning is specific in that a shelter at this property shall not exceed 10 beds. The contract is not specific other aspects of its operation as a shelter. However, the applicant's intent is to limit the facility to women only, open from 5:00 PM to 7:00AM every day, providing breakfast and dinner to guests only. All guests will be admitted through referrals, screened by area social service agencies and other facilities and organizations. The petitioner currently operates an all-male shelter at 23 Bartlett Street, St. Martin de Porres Residence with the same rules and policies as proposed for 2 Central Avenue.

The contract rezoning is specific as to which uses shall be allowed, some of which are currently allowed in the OR district and others specific to the NCB district. New uses to be allowed as part of the rezoning include arts and craft studios, neighborhood retail stores, and shelters (in this case, not to exceed 10 beds). With respect to space and bulk standards, all NCB requirements are proposed for the property with the following exceptions which shall remain unchanged from the current underlying OR requirements: minimum frontage shall remain 100'; maximum height shall remain 35'.

The applicant has referenced conformance with the comprehensive plan, noting the property is located in and abutting Infill Growth Sectors that encourage growth and development and redevelopment of properties, that the use provides and expands housing choices, and the facility provides a safe haven for women to sleep in effort to be better prepared to enter the workforce

and grow the economy.

A neighborhood meeting was held on August 21, 2017 to provide an opportunity of the petitioner and city staff to explain and answer questions about the proposed contract rezoning. None of the abutters notified attended the meeting.

Staff is supportive of the petitioner's request. The abutting neighborhood to the north and west of this property is currently zoned NCB where a shelters are already an allowed use with no occupancy limits other than those imposed by building or fire codes. In this case, the petitioner is specifically limiting the number of occupants as part of the contract rezoning. The property is located within walking distance of various services, amenities, and is located along the citylink bus route. There are a limited number of homeless shelters in Lewiston/Auburn and there is an apparent need for more assistance. While this contract rezoning is not specifically limited to St. Martin de Porres operation of a shelter facility at 2 Central Ave, they currently have a very well run and respected facility on Bartlett Street of which the same should be expected for this site.

ACTION NECESSARY

Make a motion pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council to contract rezone the property at 2 Central Avenue from Office Residential (OR) to Neighborhood Conservation "B" (NCB).

LAW OFFICES OF JOHN M. WHALEN, P.A.

John M. Whalen, Esq.

August 10, 2017

David R. Hediger
Deputy Director/City Planner
City Hall
27 Pine Street
Lewiston, ME 04240

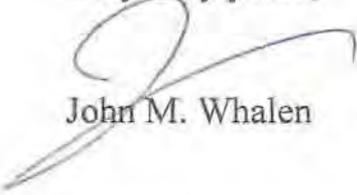
Re: St. Martin de Porres Residence, Inc.

Dear Mr. Hediger;

Enclosed you will please find my client's letter requesting the zoning change along with a petition, chart of the zoning ordinance and changes, a copy of the deed.

Thank you for all the help you have provided.

Very truly yours,


John M. Whalen

JMW/djm

150 East Avenue, P. O. Box 1230, Lewiston, ME 04243-1230
Tel: (207) 786-0346 Fax (207) 786-6589
john@whalenlawoffice.net

1991

St. Martin de Porres Residence, Inc.

2017

P.O. Box 7227

Lewiston, Maine 04243-7227

August 10, 2017

City of Lewiston Planning Board
Lewiston City Council
27 Pine Street
Lewiston, Maine 04240

Dear Lewiston Planning Board & City Council Members,

My name is Brother Irénée' Richard, I am the Executive Director of the Saint Martin de Porres Residence, Inc. where I have been employed since June 21, 1990. Our nonprofit corporation has served the area population of homeless, both men and women, since September 9, 1991. We have 10 beds available for guests of St. Martin's residence. We are attempting to expand our population base and separate our men and women by placing into service a property situated at 2 Central Avenue in Lewiston.

The property on Central Avenue was formerly owned by St. Andre's Group Home. It served the needs of unwed mothers for years, many of whom were homeless. It is basically the perfect fit for us. Over the years, we have found issues arise when men and women are housed in the same facility. The Central Street property, to be known as the Catherine of Siena Residence will be open solely to women. This will allow us to restrict the St. Martin de Porres residence to males. Like St. Martin's residence, it will only be open from 5:00 pm until 7:50 am every day. Lodging is provided to our guests along with the breakfast and dinner meals. Guests will be expected to vacate the premises by 7:50 AM and not to return before 5:00 PM which is how St Martin's residence operates. St. Catherine's residence will be able to accommodate ten guests which will allow us to double our total available beds to 20. St. Catherine's residence will be open to all women referred to us who are over the age of eighteen years. Our guests do not come directly to us. They are screened and referred to us for admission by appropriate social service agencies, clergy, mental health agencies, hospitals, law enforcement, probation and rehabilitation/detoxification facilities. Before being allowed admission, each guest must agree in writing to be sober and free of drugs. We work hard to insure our facility is safe for our guests and our neighbors, and we have a long history of success. We also hope this property will allow for administration and small meeting space which currently is an allowed use. Finally, while we do not intend to remain a home for unwed mothers, we will have accommodations to address such women in need.

Although the proposed use is very similar to its past use, St. Catherine's residence will be serving an expanded population. Any woman over the age of eighteen years who is in need of temporary shelter, not just unwed mothers, will be served. Such women often are identified as "homeless."

Article II, Section 2 of the Zoning and Land Use Code and Chapter 22, Section 22-2 of the Code of Ordinances defines a shelter as "charitable facility operated by a not-for-profit corporation or a religious organization providing free temporary overnight housing in a dormitory-style, barrack-style, or per-bed arrangement to homeless individuals".

Because of this definition, we see a need to amend the zoning and land use code for the premises located at 2 Central Avenue to allow the homeless use zoning definition to apply to our property. The area right next door is zoned in that manner which would allow for homeless shelter, but our property, 2 Central Avenue, is located in a zone which does currently not allow this use. We do not anticipate off street parking will be an issue for several reasons. First, guests will be encouraged not to have vehicles, if possible. Second, we intend to alter the driveway and back yard to provide space for the two attendants and up to five vehicles. Third, we have made arrangements with the parish to allow cars to be parked in the St. Peter and Paul Church parking lot. Finally, our guests are not encouraged to have visitors. This is a temporary evening facility; so we do not expect visitor parking will be an issue.

We are petitioning you, the City of Lewiston Planning Board to amend the zoning of our property from the current office/residential (OR zone) to neighborhood conservation B (NCB zone) zone

Thank you for your consideration of our zoning amendment request.

Sincerely,

A handwritten signature in cursive script that reads "Br. Irénée Richard" followed by a small flourish.

Brother Irénée Richard

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

Pursuant to Appendix A, Article XVII, Section 5 "Amendments" of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) years of age or older, do hereby petition the City of Lewiston to establish a contract rezoning of the property at 2 Central Avenue to allow for the establishment of a shelter as a conditional use as described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		Donna McDell	203 PSH Street	8/10/17
2		James Cutting	169 Horton St #14	8/10/17
3		Melissa Leclair	103 Ash st 3rd fl	8/10/17
4		Daniel Leclair	203 Ash St. 3rd Fl.	8/10/17
5		RAOUL RICHARD	418 Sabattus St.	8/11/2017
6		Pauline Delorme	78 Bartlett St	8/11/17
7		Rodney Harris JR	31 Central ST	8/11/17
8		Patience Baker	33 Central St	8/11/17
9		JAMES J. HARKINS	39. CENTRAL ST	8-11-17
10		CARMEN CLIFFORD	37 Central Ave.	8-11-17
11		DAVID CLIFFORD	37 CENTRAL AVE	8-11-17
12		Clayton Saucier	43 Central AVE	8-11-17
13		Paula Drain	47 Central Ave	8-11-17
14		Betty Ames	44 Central Ave	8-11-17
15		Vincent Angier	30 Gagin St.	8-11-17
16		Kendra Bean	75 prospect	8-12-17
17		William Engle	10 Central AVE	8-12-17
18		CURTIS ARNOLD	7 Franklin St	8-12-17
19		Cathryn Egan Arnold	7 Franklin St	8-12-17
20		Larissa Dycio	3 Bayberry Ln	8/12/17

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

Scott McClelland
Printed Name of Circulator

8/12/17
Date

REGISTRAR'S CERTIFICATION

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

Total Valid: 16

Total Invalid 4

[Handwritten Signature]
Signature of Registrar/Deputy Registrar

Date: 8/15/17

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

Pursuant to Appendix A, Article XVII, Section 5 "Amendments" of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to establish a contract rezoning of the property at 2 Central Ave to allow for the establishment of a shelter as a conditional use as described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1	<i>Alice Petersen</i>	Alice Petersen	15 Franklin St	8/12/17
2	<i>Reynold S. Gonzalez</i>	Reynold Gonzalez	157 Sabatini St	8-12-17
3	<i>Trevor Boyce</i>	Trevor Boyce	17 Webster St.	8-12-17
4	<i>Rosanna Boyce</i>	Rosanna Boyce	17 Webster St. #3	8/12
5	<i>Eugene R. Holm</i>	Eugene Holm	50 Winding Way	8/13/17
6	<i>Deborah F. Allen</i>	Deborah F. Allen	50 Winding Way	8/13/17
7	<i>Louise F. Allen</i>	Louise F. Allen	292 Webster St.	8/13/17
8	<i>Margaret Marcolle</i>	11 Champlain Ave	Margaret Marcolle	8/13/17
9	<i>Ray Cloutier</i>	895 Collesse Rd	RAY Cloutier	8/13/17
10	<i>Claire J. Garcia</i>	378 College St	Claire J. Garcia	8/13/17
11	<i>Ramona Lachance</i>	Ramona Lachance	27 Autumn Lane	8/13/17
12	<i>Gail Baillargeon</i>	Gail Baillargeon	24 Allen Ave	8/13/17
13	<i>Robert M. Gilbert</i>	Robert M. Gilbert	23 Fortin Way	8/13/17
14	<i>Pauline J. Gilbert</i>	PAULINE J. GILBERT	23 Fortin Way	8/13/17
15	<i>PO Box 853</i>	PO Box 853		17
16	<i>Ann C. Celeste</i>	ANN C. CELESTE	190 College St #3	8/13/17
17	<i>Diane S. Doyon</i>	DIANE S. DOYON	31 ARKWRIGHT AVE	8-13-17
18	<i>Charles Doyon</i>	Charles Doyon	31 Arkwright Ave	8-13-17
19	<i>Jerome Castaldi</i>	Jerome Castaldi	190 College St #3	8/13/17
20	<i>Sheila Patrick</i>	SHEILA PATRICK	11 Champlain Ave	8/13/17

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.

Scott McClelland
 Signature of Circulator

SCOTT McClelland
 Printed Name of Circulator

8/13/17
 Date

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Total Valid: _____

Total Invalid _____

Signature of Registrar/Deputy Registrar

Date: _____

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

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	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1	<i>Leo Baillargeon</i>	LEO BAILLARGEON	24 ALLEN AVE.	8-13-17
2	<i>Richard B. Jensen</i>	Richard B. Jensen	85 St. Croix St. Apt. 3	8-13-17
3	<i>Barbara Moran</i>	Barbara Moran	23 Orchard Cir	8.13.17
4	<i>Joseph Mailhot</i>	Joseph Mailhot	27 Marten Dr.	8-13-17
5	<i>Schava Mailhot</i>	Schava Mailhot	27 Marten Dr	8/13/17
6	<i>Oscar Perkins</i>	Oscar Perkins	17 Ash St	8-13-17
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Scott McClelland
Signature of Circulator

SCOTT MCCLELLAND
Printed Name of Circulator

8/13/17
Date

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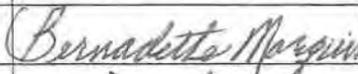
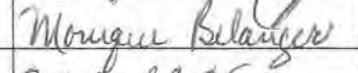
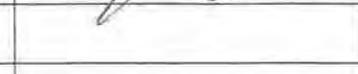
Total Invalid _____

Signature of Registrar/Deputy Registrar

Date: _____

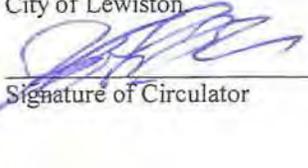
PETITION TO AMEND THE CITY OF LEWISTON
ZONING AND LAND USE CODE

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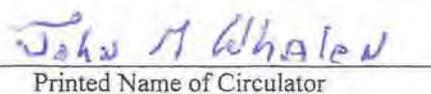
	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		Bernadette Marquis	49 Jones Ave ^{Lew.}	8/10/17
2		MONIQUE BELANGER	123 Summit Ave.	8-10-17
3		MURIEL C HAMANN	36 Ackmount St	8-10-17
4		Kevin Wheeler	7 Franklin St	8-12-17
5		Nathan Faucher	33 Garfield St	8/13/17
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CIRCULATOR'S VERIFICATION

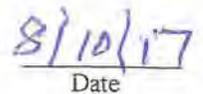
I hereby verify that I am the Circulator of this petition that all the signatures to this petition were made in my presence, and to the best of my knowledge and belief, each signature is that of the person it purports to be, and each person is a resident of the City of Lewiston.



 Signature of Circulator



 Printed Name of Circulator



 Date

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Total Invalid _____

Signature of Registrar/Deputy Registrar

Date: _____

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 hereby amended as follows:

APPENDIX A

ZONING AND LAND USE CODE

ARTICLE IV. ESTABLISHMENT OF DISTRICTS

Sec. 1. Zoning Map

The City of Lewiston hereby ordains that the Official Zoning Map of the City of Lewiston be amended by establishing a contract zone for the property at 2 Central Avenue as recorded in the Androscoggin Registry of Deeds Book 9390 Page 285 as described in Exhibit "A" and depicted on Exhibit "B", both of which are attached hereto as follows, said property to remain conditionally rezoned from the current office/residential (OR Zone) zone to neighborhood conservation B (NCB Zone) zone.

REASONS FOR THE PROPOSED AMENDMENT

The reasons for the proposed amendment include allowing the premises situated in the Municipality of Lewiston County of Androscoggin County, State of Maine, located at 2 Central Avenue (see Exhibit A, Registry of Deeds Book 9390. Page 285) be allowed to operate residential homeless shelter. The property was operated for years as a home for unwed mothers. Although the proposed use may include unwed mothers, its use will be expanded to include women in need of a temporary shelter who would otherwise be homeless. The property (see Exhibit B) will be known as "St. Catherine of Siena Residence." It will need no internal modification to allow this use. Presently, it can house up to ten (10) individuals with accommodations for the newborn. We intend to create additional on-site parking spaces in the rear of the building which will be accessed by the existing driveway on the right side of the building. The facility may also be used for administrative and professional office space and meeting space which currently are permitted use.

CONFORMANCE WITH COMPREHENSIVE PLAN

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

- (1.) The property is located in a G-4 Infill Growth Sector and abuts a G-5 Infill Growth Sector. "Additional growth and development in these areas is desirable due to the presence of existing infrastructure. The plan envisions that most residential and non-residential development over the next ten years will occur in this growth sector. This sector includes the City's current Urban Enterprise and Neighborhood Conservation "B" zones. (Conservation & Growth Map, Growth Sectors, page 125).
- (2.) Strengthen Neighborhoods & Expand Housing Choice: Encourage creative investment strategies that help to reinforce positive neighborhood identities and provide employment, recreational, and civic opportunities within walking distances of homes. The use of the premises will allow women to have a safe place to rest as they transition to a long term residence that is close to medical and social services. (Vision Statement & Guiding Principles, Guiding Principles, page 116.)
- (3.) Grow The Economy: Promote a healthful and sustainable business environment by investing actively in efficient infrastructure, providing favorable incentives, and building a community that is attractive to employers and their workers. Allowing women a safe place to sleep will enable them to be better prepared to enter the work force. (Vision Statement & Guiding Principles, Guiding Principles, page 116.)
- (4.) Encourage infill and redevelopment within the downtown, existing service area and designated growth areas. The prior use was as a home for unwed mothers. The proposed use will allow the property to continue a similar mission while assisting women in need as they transition into the work force. (Prioritize Economic Vitality, Market Shifts, page 164.)

CONDITIONAL REZONING AGREEMENT

The proponent requests that the official zoning map for the City be amended by modifying the existing Office/Residential (OR) zoning of the subject property by contractually rezoning the subject property to Neighborhood Conservation B, subject to the limitations more fully described below.

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

- (a) Land Use Table: Allowed uses of the property shall include those uses as are necessary to allow the use of the property, in addition to those uses allowed under existing zoning, Office/Residential (OR) to allow for a homeless shelter under Neighborhood Conservation B (NCB) zoning

Land Use Table	Proposed Contract Rezoning to NCB 2 Central Avenue
USES (15)(33)	
Accessory use or structure	P
Commercial-Service	
Veterinary facilities excluding kennels and humane societies	
Veterinary facilities including kennels and humane societies	
Small day care facilities	P
Day care centers	
Day care centers accessory to public schools, religious facilities, multifamily or mixed res. Developments, and mobile home parks	
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services	C(31)
Restaurants	
Drinking places	
Adult business establishments	
Hotels, motels, inns	
Movie theaters except drive-in theaters	
Places of indoor assembly, amusement or culture	
Art and crafts studios	C
Personal Services	P
Retail stores	
Neighborhood retail stores	P
Lumber and building materials dealer	
Gasoline service stations	
Gasoline service stations which are a part of and subordinate to a retail use	
New and used car dealers	
Recreational vehicle, mobile home dealers	
Equipment dealers and equipment repair	
Automotive services including repair	
Registered dispensary (27)	
Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients	
Tattoo establishments	
Industrial	
Light industrial uses	
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	
Transit and ground transportation facilities	
Transportation facilities	
Public and Utility	
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	
Power transmissions lines, substations, telephone exchanges, microwave towers or other public utility or communications use	
Municipal buildings and facilities	
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways	
Dams	
Institutional	
Religious facilities	
Cemeteries	
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities	
Hospitals, medical clinics	
Museums, libraries, and non-profit art galleries and theaters	
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and accessory to the foregoing permitted principal buildings or structures	
Civic and social organizations	
Public community meeting and civic function buildings including auditoriums	
Residential	
Single-family detached dwellings on individual residential lots	P
Mobile homes on individual residential lots	
Two-family dwellings	
Multi-family dwellings in accordance with the standards of Article XIII	
Single-family attached dwelling in accordance with the standards of Article XIII	

Mixed single-family residential developments in accordance with the standards of Article XIII	
Mixed use structures	
Lodging houses	
Home occupations	
Bed and breakfast establishments as a home occupation	P
In-law apartments in accordance with the standards of Article XII	
Single family cluster development	
Family day care home	
Shelters	P (Limited to 10 Beds)
Natural Resource	
Agriculture	
Farm Stands	
Forest management and timber harvesting activities in accordance with the standards of Article XIII	
Earth material removal	
Community gardens (20)	P
Water dependent uses, e.g. docks and marinas	
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet	
Recreation	
Campgrounds	
Public or private facilities for non-intensive outdoor recreation	
Commercial outdoor recreation and drive-in theaters	
Fitness and recreational sports centers as listed under NAICS Code 713940	

Applicable footnotes:

- (15) Buildings, structures and uses accessory to permitted or conditional uses are allowed in all districts.
- (33) The performance standards of Article XII shall apply, unless otherwise specified.

(b) Space and Bulk Table: Allowed space and bulk standards on the property shall include those standards which are presently permitted in the UE district as listed below, subject to the conditions contained herein:

Space and Bulk Table	
Dimensional Requirements (13)	Proposed Contract Rezoning to NCB - 2 Central Avenue

Minimum lot size with public sewer	
Single family detached (24)	
Single family attached	
Two-family dwelling	
Single family cluster development	
Mixed single family residential development (14)	
Mixed residential development (14)	
Multi-family dwellings	
Mixed use structures	
Agriculture	
Religious facilities	
Veterinary facilities	
Other uses	
All permitted uses	None
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 residential development (14)	
Multi-family dwellings	
Mixed use structures	
Agriculture	
Religious facilities	
Veterinary facilities	
Other uses	N/A
Minimum net lot area per d.u. with public sewer	
Single family detached	
Single family attached	
Two-family dwellings	
Mixed residential developments (14)	
Multi-family dwellings	
Mixed use structures	
All permitted residential uses	(26)
Minimum net lot area per d.u. without public sewer	
Single family detached, mobile homes on individual lots	
Single family attached	
Two-family dwellings	
Mixed single family residential development (14)	(N/A)
Mixed residential development (14)	
Multi-family 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)	
Mixed use structures	
Agriculture	
Religious facilities	
Veterinary facilities	
Other uses	
All permitted uses	100'
Minimum front 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)	
Multi-family dwellings	
Mixed use structures	
Religious facilities	
Veterinary facilities	
Other uses	
All permitted uses	10'
Minimum front yard	(21, 22)
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)	
Multi-family dwellings	
Mixed use structures	
Religious facilities	
Veterinary facilities	
Other uses	
All permitted uses	10' (21, 22)
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)	
Multi-family dwellings	
Religious facilities	
Mixed use structures	
Veterinary facilities	
Farm structures for keeping of animals	
Other uses	
All permitted uses	5'
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)	
Multi-family dwellings	
Mixed use structures	
Religious facilities	
Veterinary facilities	
Farm structures for keeping of animals	
Other uses	
All permitted uses	5' (16, 21)
Maximum height	
Agriculture	
Other permitted uses	35'
Hospital, nursing homes and medical offices	
Ratios	
Maximum lot coverage	0.65
Maximum impervious coverage	0.85

Applicable footnotes:

(10) Any required side or rear yard area located within fifty (50) feet of a lot containing a dwelling not in a residential zoning district shall be maintained as a buffer area meeting the standards of Article XIII. In the Industrial district, buffer areas may not be reduced by modification or variance.

(13) Modifications (i.e. relaxation of standards) of setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios, and maximum building height as contained in district space and bulk standard may be granted by the board of appeals,

planning board, staff review committee and the code enforcement official pursuant to Articles V, VII, VIII, IX, and XIII of this Code.

(16) Any required side or rear yard area for uses other than residential located within fifty (50) feet of a residential zoning district or dwelling shall be maintained as a buffer area meeting the standards of Article XIII.

(21) Notwithstanding, applicable setback and yard requirements and the provisions of Article XII, section 17(f)(3), the area between the required front yard and the front wall of the portion of the building or structure closest to the street and running the full width of that portion of the building shall be maintained as a yard area, except that only one (1) of the two (2) following options may be instituted: a. Access roads or drives in this area are permitted only when a minimum of twenty (20) feet of front yard area can be maintained (forty (40) feet in the NCA District); or b. No more than one (1) parking space shall be created in this area.

(22) In areas where the existing buildings have an established uniform setback relationship to the street, any new building or modification to an existing building shall maintain this established relationship notwithstanding the setback provisions of that district. An established uniform setback relationship is deemed to exist when the distances between the front face of the building and the edge of the travel way in the adjoining street for the two adjacent parcels fronting on the same street on each side of the subject parcel are within +/- five (5) feet of mean of this distance for the four (4) parcels. For the purposes of this provision, lots shall be deemed to be adjacent even if separated by a street or public easement.

(23) Fifty (50) percent of the area between the required front yard and the front wall of the portion of the building or structure closest to the street and running the full width of that portion of the building shall not be used for parking and shall be maintained as additional yard area, except that access roads or drives and sidewalks are permitted in this area.

(26) The required minimum lot area per dwelling unit for any residential use in the neighborhood conservation "B" district shall be the average lot area per dwelling unit of impacted properties. The maximum number of dwelling units that can be placed on a parcel in the district shall be figured by the following procedures: The total lot area of all developed impacted properties shall be calculated. In determining the total area of the impacted properties, the tax records of the City of Lewiston shall be used unless the applicant or the owner of an impacted property presents definitive evidence to the contrary. The total number of legally existing dwelling units shall be calculated. The total lot area shall be divided by the total number of dwelling units existing on the impacted properties. This figure divided into the lot area of the subject parcel yields the total dwelling units

which can be placed on the lot. If less than 50 percent of the impacted properties are in residential use, the minimum lot area per dwelling unit shall be the greater of: (1) One thousand five hundred square feet per dwelling unit; or (2) The minimum area derived by the procedure outlined above.

- (c) Violations of any of the conditions herein will constitute a violation of the Code.
- (d) The conditions described herein shall bind the proponent, its successors and assigns, and any person in possession or occupant of the subject premises, or any portion thereof, and shall inure to the benefit of and be enforceable by the City.
- (e) The proponent shall, at their own expense, record in the Androscoggin County Registry of Deeds a copy of the conditions within thirty (30) days following final approval of this proposal by the City. Such form of recording is to be in a form satisfactory to the City.
- (f) The conditions described herein shall run with the subject premises.
- (g) In addition to other remedies to which the City may be entitled under applicable provisions of statute or ordinance, if any party in possession or use of the subject premises fails or refuses to comply with any of the conditions imposed, any rezoning approved by the City in accordance with the conditions shall be of no force or effect. In that event, any use of the subject premises and any building or structures developed pursuant to the rezoning shall be immediately abated and brought into compliance with all applicable provisions of the Code with the same effect as if the rezoning had never occurred.
- (h) If any of the conditions are found by a court of competent jurisdiction to be invalid, such determination shall not invalidate any of the other conditions.
- (i) Any rezoning approved by the City conditionally shall be of no force or effect if the proponent fails or refuses to comply with conditions imposed.
- (j) Any allowed proposed use, addition, or expansion of the property deemed applicable to Article XIII, Section 2 of the Zoning and Land Use Code shall be subject to the applicable sections of Article XIII of the Zoning and Land Use Code, Development Review and Standards.
- (k) By submitting this proposal, the proponent agrees in writing to the conditions described herein.

The Proponent hereby respectively submits this Proposal as of the _____ day of _____ 2017.

Brother Ireneé' Richard, Executive Director
Saint Martin de Porres Residence, Inc.

Androscoggin, SS
Lewiston, Maine

_____, 2017

Personally appeared the above named Brother Ireneé Richard, individually and in his capacity as Executive Director, Saint Martin de Porres Residence, Inc. and acknowledged the foregoing to be his free act and deed.

Notary Public _____
Commission Expires:

EXHIBIT A
COPY

This document was e-recorded by M. Clamison
Book 9390, Page 285
Recorded on: 6/20/16 at: 9:25
Androscoggin County Registry of Deeds
State of Maine

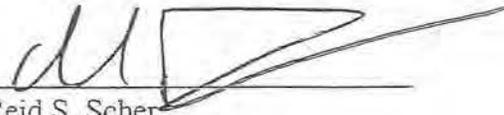
WARRANTY DEED
(Maine Statutory Short Form)

ST. ANDRE HOME, INC., a Maine non-profit corporation with a mailing address of 283 Elm Street, Biddeford, Maine 04005 (the "Grantor"), for consideration paid, grants to **ST. MARTIN DE PORRES RESIDENCE, INC.**, a Maine non-profit corporation having a mailing address of P.O. Box 7227, Lewiston, ME 04243 (the "Grantee"), with Warranty Covenants, certain real estate and the improvements thereon situated in the City of Lewiston, County of Androscoggin and State of Maine, being more particularly described in Exhibit A attached hereto and made a part hereof.

IN WITNESS WHEREOF, St. Andre Home, Inc. has caused this instrument to be executed by Reid S. Scher, its duly authorized Executive Director, this 20th day of June, 2016.

WITNESS:

ST. ANDRE HOME, INC.



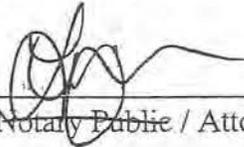
Reid S. Scher
Its Executive Director

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

June 20, 2016

Personally appeared before me the above named Reid S. Scher, Executive Director of St. Andre Home, Inc. and acknowledged the foregoing instrument to be his free act and deed in said capacity and the free act and deed of St. Andre Home, Inc.

Before me,



Notary Public / Attorney At Law
Lisa R. Magnacca, Esq.

Print name

My commission expires: _____

EXHIBIT A

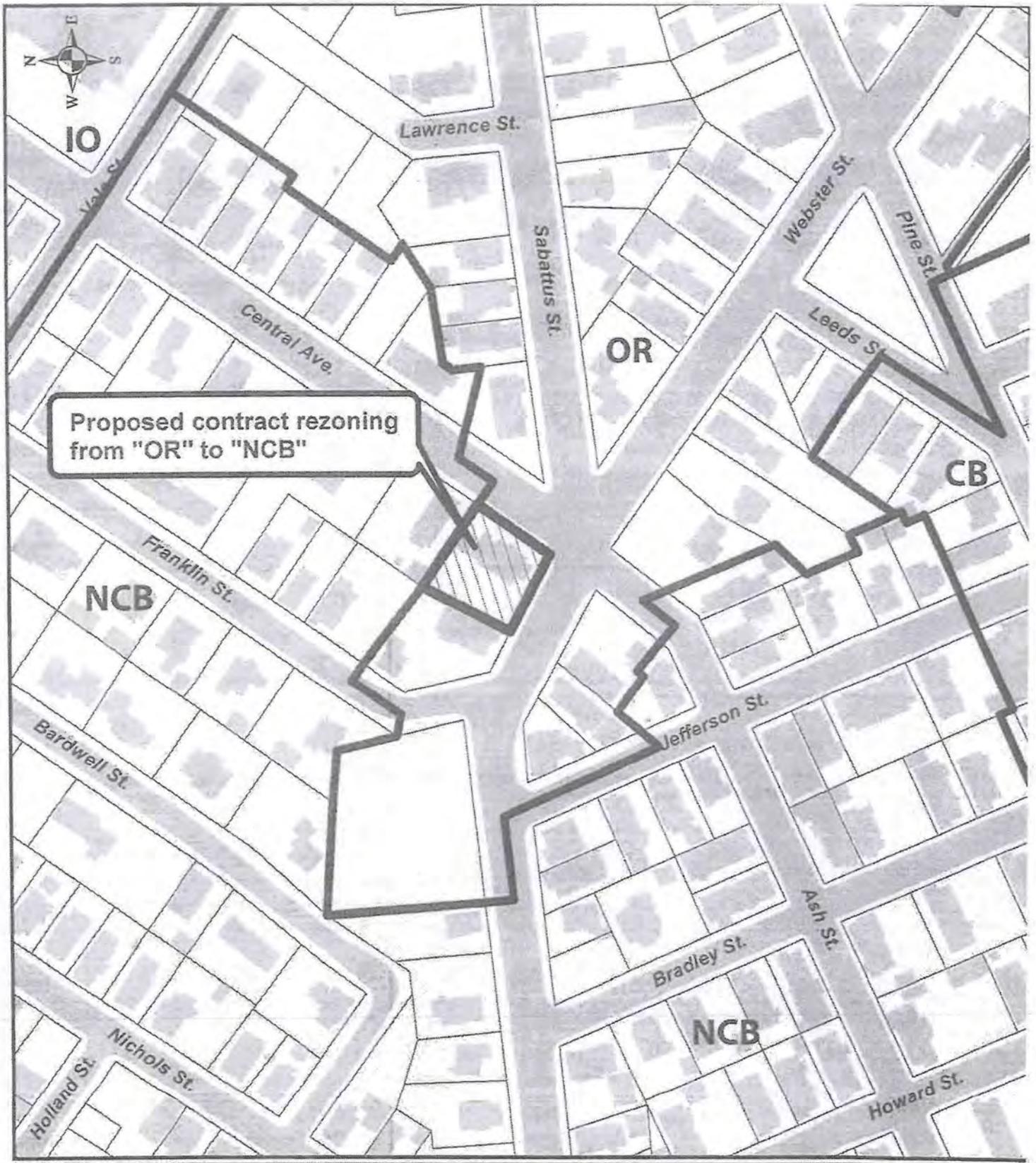
A certain lot or parcel of land with the buildings thereon situated at the intersection of Sabattus Street and Central Avenue in the City of Lewiston, County of Androscoggin and State of Maine, bounded and described as follows:

Commencing at the intersection of the Northeasterly line of Sabattus Street, with the Northwesterly line of Central Avenue; thence running Northeasterly by the Northwesterly line of said Central Avenue one hundred (100) feet; thence Northwesterly and parallel to Sabattus Street one hundred five (105) feet to land now or formerly of Perlstein; thence Southwesterly by the Southeasterly line of Perlstein's land one hundred fifteen (115) feet to Sabattus Street; thence Southeasterly by the Northwesterly line of Sabattus Street one hundred ten (110) feet to the point of beginning.

Excepting and reserving all interests in said premises taken by the State of Maine through its Department of Transportation by virtue of a Notice of Layout and Taking dated September 4, 1979 and recorded in said Registry of Deeds in Book 1426, Page 279.

Reference is made to deeds exchanged by and between the Servants of the Immaculate Heart of Mary and Jeanne Bilodeau, dated April 13, 1992 and recorded in said Registry in Book 2843, Page 61; and dated April 14, 1992 and recorded in Book 2843, Page 63, to establish and confirm their common boundary line.

Being a portion of the premises conveyed to the Grantor by deed of the Servants of the Immaculate Heart of Mary dated March 29, 2011 recorded in said Registry in Book 8142, Page 85, which parcel was referred to as Parcel 2 in said deed.



Proposed
2 Central Avenue
Contract Rezoning

April 2017

Land Use Table: All Zoning Districts	Office Residential (OR)	Neighborhood Conservation "B" (NCB)	Proposed NCB Contract Rezoning for 2 Central Ave
USES(15)(33)			
Accessory use or structure	P	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	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	P(9)	C(31)	C(31)
Restaurants			
Drinking places			
Adult business establishments			
Hotels, motels, inns			
Movie theaters except drive-in theaters			
Places of indoor assembly, amusement or culture			
Art and crafts studios		C	C
Personal Services	P	P	P
Retail stores			
Neighborhood retail stores		P	P
Lumber and building materials dealer			
Gasoline service stations			
Gasoline service stations which are a part of and subordinate to a retail use			
New and used car dealers			
Recreational vehicle, mobile home dealers			
Equipment dealers and equipment repair			
Automotive services including repair			

Registered dispensary(27)			
Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients.			
Tattoo Establishments			
Industrial			
Light industrial uses			
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	
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			

Institutional			
Religious facilities	P	P	
Cemeteries		P	
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities	P	C	
Hospitals, medical clinics,	P	C	
Museums, libraries, and non-profit art galleries and theaters			
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures,	C	C(13)	
Civic and social organizations	P	C	
Public community meeting and civic function buildings including auditoriums			
Residential			
Single-family detached dwellings on individual residential lots	P	P(2)	
Mobile homes on individual residential lots			
Two-family dwellings	P	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	P	
Mixed use structures	P	P	
Lodging houses		P	
Home occupations	P	P	

Bed and breakfast establishments as a home occupation	P	P	
In-law apartments in accordance with the standards of Article XII	P	P	
Single family cluster development			
Family day care home	P	P	
Shelters		C	P (Limited to 10 Beds)
Dormitories			
Natural Resource			
Agriculture			
Farm Stands			
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P	P	
Earth material removal			
Community gardens(20)	P	P	
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 non-intensive outdoor recreation	C	C	
Commercial outdoor recreation and drive-in theaters			
Fitness and recreational sports centers as listed under NAICS Code 713940	P		

Space and Bulk Table: All Zoning District Dimensional Requirements (13)	Office Residential (OR)(12)	Neighborhood Conservation B (NCB)	Proposed Contract NBC Rezoning for 2 Central Ave
Minimum lot size with public sewer			
Single family detached (24)	7,500 sf		
Single family attached	12,000 sf		
Two-family dwellings	10,000 sf		
Single family cluster development			
Mixed single family residential development (14)			
Mixed residential development (14)	5 ac		
Multifamily dwellings	20,000 sf		
Mixed use structures	7,500 sf		
Agriculture			
Religious facilities			
Veterinary facilities			
Other uses	7,500 sf		
All permitted uses			None
Minimum lot size without public sewer (3)			
Single family detached, mobile homes on individual lots (24)	20,000 sf		
Single family attached	60,000 sf		
Two-family dwellings	40,000 sf		
Single family cluster development (1)			
Mixed single family residential development (14)			
Mixed residential development (14)	5 ac		
Multifamily dwellings	60,000 sf		
Mixed use structures	60,000 sf		
Agriculture			
Religious facilities			
Veterinary facilities			
Other uses	20,000 sf	N/A	N/A
Minimum net lot area per d.u. 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	3,000 sf	(26)	(26)
Minimum net lot area per d.u. 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	20,000 sf	N/A	N/A
Minimum frontage			
Single family detached, mobile homes -			
Single family attached	100ft (50ft)		
Two-family dwellings			
Single family cluster development (with multiple vehicular accesses)			
Mixed single family residential development (with multiple vehicular accesses)			
Mixed residential development (with multiple vehicular accesses) (14)	100ft (50ft)		
Multifamily dwellings (with multiple vehicular accesses)	100ft (50ft)		
Mixed use structures			
Agriculture			
Religious facilities			
Veterinary facilities			
Other uses			
All permitted uses	100 ft	50 ft	100 ft
Minimum front 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			
Mixed use structures			
Agriculture			

Religious facilities			
Veterinary facilities			
Other uses			
All permitted uses	20 ft (22,23)	10ft(21,22)	10 ft (21,22)
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 (23)	10 ft (21,22)	10ft (21,22)
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	15 ft (23)	5ft	5 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	10 ft (16,23)	5 ft (16,21)	5 ft (16,21)
Maximum height			
Agriculture			
Other permitted uses	35 ft	65 ft	35 ft
Hospital, nursing homes and medical offices			
Ratios			
Maximum lot coverage	0.30	0.65	0.65
Maximum impervious coverage	0.60	0.85	0.85

Applicable Space and Bulk Table footnotes:

(10) Any required side or rear yard area located within fifty (50) feet of a lot containing a dwelling not in a residential zoning district shall be maintained as a buffer area meeting the standards of Article XIII. In the Industrial district, buffer areas may not be reduced by modification or variance.

(13) Modifications (i.e. relaxation of standards) of setbacks, yards, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios, and maximum building height as contained in district space and bulk standard may be granted by the board of appeals, planning board, staff review committee and the code enforcement official pursuant to Articles V, VII, VIII, IX, and XIII of this Code.

(16) Any required side or rear yard area for uses other than residential located within fifty (50) feet of a residential zoning district or dwelling shall be maintained as a buffer area meeting the standards of Article XIII.

(21) Notwithstanding, applicable setback and yard requirements and the provisions of Article XII, section 17(f)(3), the area between the required front yard and the front wall of the portion of the building or structure closest to the street and running the full width of that portion of the building shall be maintained as a yard area, except that only one (1) of the two (2) following options may be instituted: a. Access roads or drives in this area are permitted only when a minimum of twenty (20) feet of front yard area can be maintained (forty (40) feet

in the NCA District); or b. No more than one (1) parking space shall be created in this area.

(22) In areas where the existing buildings have an established uniform setback relationship to the street, any new building or modification to an existing building shall maintain this established relationship notwithstanding the setback provisions of that district. An established uniform setback relationship is deemed to exist when the distances between the front face of the building and the edge of the travel way in the adjoining street for the two adjacent parcels fronting on the same street on each side of the subject parcel are within +/- five (5) feet of mean of this distance for the four (4) parcels. For the purposes of this provision, lots shall be deemed to be adjacent even if separated by a street or public easement.

(23) Fifty (50) percent of the area between the required front yard and the front wall of the portion of the building or structure closest to the street and running the full width of that portion of the building shall not be used for parking and shall be maintained as additional yard area, except that access roads or drives and sidewalks are permitted in this area.

(26) The required minimum lot area per dwelling unit for any residential use in the neighborhood conservation "B" district shall be the average lot area per dwelling unit of impacted properties. The maximum number of dwelling units that can be placed on a parcel in the district shall be figured by the following procedures: The total lot area of all developed impacted properties shall be calculated. In determining the total area of the impacted properties, the tax records of the City of Lewiston shall be used unless the applicant or the owner of an impacted property presents definitive evidence to the contrary. The total number of legally existing dwelling units shall be calculated. The total lot area shall be divided by the total number of dwelling units existing on the impacted properties. This figure divided into the lot area of the subject parcel yields the total dwelling units which can be placed on the lot. If less than 50 percent of the impacted properties are in residential use, the minimum lot area per dwelling unit shall be the greater of: (1) One thousand five hundred square feet per dwelling unit; or (2) The minimum area derived by the procedure outlined above.



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Planning Board
FROM: David Hediger, City Planner
DATE: August 25, 2017
RE: August 28, 2017 Planning Board Agenda Item IV (b)

An amendment initiated by Bates College to Appendix A – Zoning & Land Code, Article XI. District Regulations, Section 23. Space and Bulk Requirements to add academic institutions to the allowed uses for which the minimum front setback and front yard requirements are zero provided the lot directly across the street is in the Institutional-office (IO) district.

Bates College has submitted a petition to amend the space and bulk requirements of the Institutional Office (IO) district to add academic institutions to the allowed uses for which the minimum front setback and front yard requirements are zero provided the lot directly across the street is in the IO district pursuant to Article XVII, Section 5(b) of the Zoning and Land Use Code. The proposed amendment is being made in effort to support future expansions on the campus.

The front setback in the IO district is 30'. The front yard requirement is 10'. At the request of St. Mary's Hospital, these requirements were amended in 2009 to allow a zero front yard and setback applying only to hospital and medical uses within the IO district in effort accommodate a proposed expansion at the hospital. The specific language adopted as part of Article XI, Section 23, Space and Bulk Table Note 27 states "the minimum front setback and front yard requirements for hospitals, nursing homes and medical offices are zero provided the lot directly cross the street is in the institutional-office (IO) district".

Bates is proposing to extend this same provision to include academic institutions. As with the other uses currently allowed to have a zero yard and setback, the reduction would apply to areas that are primarily internal to the campus and not along the perimeter of the campus. The impacts to neighboring properties will be limited by the restriction that both sides of the street need to be in the IO district in order for the setback/yard reduction to apply

Applying the zero setbacks and yards to academic institutions in the IO district is consistent with the amendment approved in 2009 for hospitals, nursing homes, and medical offices. The size and scale of academic institutions can be very similar and likely not any more intense as a use than hospitals, nursing homes, and medical office buildings. As with the original amendment, this proposed amendment provides flexibility to develop a consistent relationship between academic buildings and the street within the district, while fitting into the academic campus.

The petitioner has referenced the comprehensive plan. Specifically, the plan identifies this area of the IO district, outside of the medical uses, to be rezoned to a form-based Special District called the SD-CM Bates Campus Special District. As the petitioner has noted, form-based regulations have not yet been developed, so the college is left with the existing IO requirements. Notwithstanding hospitals, nursing homes, and medical offices which already have flexibility with respect to setbacks and yards, the proposed amendment is very much in-line with form based codes. The amendment assists in placing greater emphasis on the relationship between building facades and the street, the size and scale of buildings in relation to one another, and the scale and types of streets and blocks. As the college continues to expand and improve existing infrastructure, there is a desire to have buildings along Campus Avenue and others streets designed to relate to the rest of the campus and to encourage connectivity to other uses and buildings across city streets. Given the difference in scale of the area's original development on the north side of Campus Avenue and the proposed redevelopment of other properties in the IO district as academic institutional uses, the proposed amendment will provide the ability to greater flexibility for these development patterns and relationships to occur until a form-based code is adopted.

Staff is supportive of the petitioner's request. As previously noted, the ability to have setbacks and yards reduced to zero already exists for a number of specific uses in the IO district. Furthermore, the reductions are limited within the IO district provided the lot directly cross the street is also in IO district, thereby limiting the potential for adverse impact to abutting properties.

ACTION NECESSARY

Make a motion pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council to amend Article XI. District Regulations, Section 23. Space and Bulk Requirements to add academic institutions to the allowed uses for which the minimum front setback and front yard requirements are zero provided the lot directly across the street is in the Institutional-office (IO) district.

August 8, 2017
W-P Project No. 13829A

Mr. David Hediger
Deputy Director/City Planner
City Building
27 Pine Street, 3rd Floor
Lewiston, ME 04240

Subject: Proposed Zoning Amendment IO District Petition
For Bates College

Dear David:

Wright-Pierce is working with Bates College to request a zoning amendment to provide flexibility in the ordinance's front yard setback requirements for the IO district. As Bates College seeks to make investments in new buildings and campus amenities, we anticipate the focus of new development will be in the area south of Campus Avenue. Over time, Bates College has acquired many of the residential properties in the neighborhood adjacent to the existing campus for reuse as housing and other administrative and operational functions and as areas for future growth of the campus. The ordinance has recognized this transformation by including the area within the IO district and by designating the area as SD-CM Bates Campus District in the recently revised Comprehensive Plan.

Included in this rezoning petition is the petition form signed by citizens of Lewiston who support consideration of the proposed amendment. We have prepared an Exhibit A that outlines the proposed change to the ordinance, along with a plan showing the applicability to street frontages that would be affected by the change. Exhibit B sets out the justification for the proposed change, and Exhibit C explains how the proposed change aligns with the Comprehensive Plan.

The IO district front yard setback was amended in 2009 to allow a zero front yard setback that would apply only to hospital and medical uses within the district, to accommodate the expansion of St Mary's Hospital. We are proposing to extend this same provision to include academic institutions as well.

The IO district requires a 30-foot front yard setback from all street frontages of a lot. In order to redevelop the area into academic scale development, some existing residential lots will be combined to create larger parcels to accommodate the academic scale buildings. One limiting factor for academic scale redevelopment is that the existing street layout limits the width of lots to the distance between the residential street grid of approximately 200' between streets. Because the 30-foot setback applies to all frontages, the building development window is too narrow to accommodate the larger academic building layouts without relief of the front yard setbacks, or by creating inefficient building layouts or taller buildings that are out of character with the area.

(W6266921.1)

The principal reason for the change is to allow Bates more flexibility and effectiveness in their future expansion of the campus into what had been a residentially scaled area, to accommodate the academic buildings. The buildings along Campus avenue will need to be designed to relate to the rest of the campus and to encourage a connection with the campus across a public street, Campus Avenue.

The comprehensive plan identifies that the IO district, outside of the medical uses, should be rezoned to a form-based Special District called the SD-CM Bates Campus Special District. The form-based special district regulations have not yet been developed, so the College is left with the existing IO requirements. Given the uniqueness of the academic needs of the campus, the difference in scale of the area's original development, and the proposed redevelopment as academic institutional uses, the amendment is necessary as an interim step until the form-based code is developed.

We look forward to your review of this petition and presentation to the Planning Board for review.

Sincerely,
WRIGHT-PIERCE



Jan B. Wiegman, PE
Project Manager
Jan.wiegman@wright-pierce.com

Enclosures

*cc: Pam Wichroski
Chris Streifel*

**AN ORDINANCE PERTAINING TO SETBACKS IN THE INSTITUTIONAL OFFICE
(IO) DISTRICT**

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. 23. Space and Bulk Requirements

Space and Bulk Table Notes

(27) The minimum front setback and front yard requirements for hospitals, nursing homes, ~~and~~ medical offices and academic institutions are zero provided the lot directly across the street is in the institutional-office (IO) district.

REASONS FOR PROPOSED AMENDMENT

- I. Implications: The proposed change will allow a reduction in the front yard setback from 30 feet to zero for academic buildings in the IO district where the IO district is also on the other side of the street from the proposed building. The front yard setback in the case of corner lots applies to any street frontage on a lot with multiple frontages as stated in Article V Section 3(f). Figure 1 highlights the lots within the IO district where the proposed amendment would change the required front yard setback for academic institutions.
- II. The Zoning and Land Use Code, Article V(3)(f), as quoted below, applies the front yard setback to all street frontage on a lot even if there are multiple frontages, as for a corner lot. In the IO district the front yard setback is 30 feet.

“On a corner lot in any district, a building or structure may face either street, and the front setback and yard shall be between the principal building or structure and the street on which the building or structure is to be numbered. The side setback and yard, between the building and side street, shall meet front setback and yard requirements of the applicable district. Additionally, the rear setback and yard, between the principal building and the abutting property on the side street, shall meet side setback and yard requirements of the applicable district.”

- III. The Bates College campus is constrained in area by previously developed land uses surrounding the original campus. Over time, Bates College has acquired additional properties adjoining the campus to allow reuse of the properties and for future expansion. The focus of

much of the property acquisition has been in the residential neighborhood south of Campus Avenue.

- IV. The surrounding neighborhoods were developed in a residential scale street and lot pattern from the early and mid-1900s, with many of the lots being 50 to 100 feet wide and 100 feet deep. The resulting street layout is in a grid pattern with approximately 200 feet of developable land between the streets.
- V. Under common ownership, the residential parcels can be combined to create larger overall lots for redevelopment as academic uses. Applying the 30-foot front yard setback to the combined lots with frontage on three streets, as is the case with several of the ends of blocks along Campus Avenue, creates a narrow, 140' wide building window.
- VI. The narrow building window is very restrictive for academic scale development, especially when trying to create a building that relates to and integrates into the existing campus north of Campus Avenue.
- VII. Restrictions caused by the narrow building window can drive the academic buildings into "L" or "T" shaped buildings, which are less efficient than rectangular shaped buildings. The narrow building window could also lead to the need for taller buildings to accommodate the required programming space within the narrow building window. The additional height would not be compatible with the scale of the existing campus buildings.
- VIII. Turning the short end of a building toward Campus Avenue could lead to parking and other ancillary building functions being accessed and visible from Campus Avenue, which could detract from the presentation of the College to the general traveling public.
- IX. Recent development of the residence halls in this area required relief from the front yard setback along the side streets, which was previously granted by the Planning Board as part of the site plan review process. The College has been advised by Lewiston's Planning and Code Enforcement Department that the City's mechanism to grant modifications of space and bulk standards that do not meet the dimensional standards otherwise required through the development review process may not be available in the future.
- X. The existing residential structures in the area south of Campus Avenue in the IO district have existing setbacks on the order of 10 feet, which is significantly less than the required 30-foot front yard setback for new structures in the IO district.
- XI. Having as little as a zero setback will allow for building projections and vestibules that extend to the sidewalks, and will add greater functionality and design interest to the structures.
- XII. As mentioned, the College currently owns many, but not all, of the properties within the IO district that are outside the hospital and Lewiston Middle School and Armory properties. The change in the required front yard setback will not harm neighboring properties because the side and rear yard setbacks will remain as they currently exist. Also, development proposals will

need to obtain site plan approval from the Lewiston Planning Board, and the process will provide the opportunity to mitigate any potential impacts from a reduced setback.

- XIII. The reduction in front yard setback would apply to areas that are primarily internal to the campus and not along the perimeter of the campus. The impacts to neighboring properties is limited by the restriction that both sides of the street need to be in the IO district in order for the setback reduction to apply.
- XIV. The origin of Note 27, which includes the zero front yard setback for certain uses in the IO district, was a desire in 2009 to accommodate the expansion of St Mary's Hospital on Campus Ave. St. Mary's Health System petitioned to amend the zoning and Land Use Code on October 15, 2009 and the amendment was approved by the City Council by a 5-0 roll call vote on December 1, 2009. Note 27 was structured to apply only to hospitals, nursing homes, and medical office buildings, which are existing uses along Campus Avenue within the IO district. Note 27 has provided St Mary's with flexibility over the years as it pursued the building expansion for updating surgical and surgical support facilities. Applying the zero setback to academic institutions in the district is consistent and fair, given this history, because academic institutions do not have any more intensive impact than hospitals, nursing homes, and medical office buildings. It also would allow for the flexibility to develop a consistent relationship between academic buildings and the street within the district, while fitting into the academic campus as well.

CONFORMANCE WITH COMPREHENSIVE PLAN

- I. The recently adopted Comprehensive Plan, Legacy Lewiston, addresses a range of development issues and future growth opportunities and directions for the City and includes discussions related specifically to Bates College.

The plan suggests that a form-based code should be developed to accommodate the unique requirements of a campus design and setting to address future development within the Bates portion of what is now the IO zoning district and what is designated as the SD-CM Bates Campus Special District. The language from the plan is listed below:

SD-CM Bates Campus Special District

Bates College, 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 aspects 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.

- II. The recommendation to develop a form-based ordinance for this targeted area, to address the specific needs of Bates College, has not yet been implemented. For projects to move forward prior to the adoption of a form-based code the College is left with working within the existing

ordinances. As an interim step between the existing code and the form-based code we are proposing an amendment to the existing code to better address Bates College's specific needs.

- III. The proposed amendment is in conformance with the recommendations in the comprehensive plan, in that the uses within the proposed SD-CM Bates Campus Special District require consideration unique to a college campus and the scale of academic buildings and a campus development. The amendment seeks flexibility of the zoning ordinance to better accommodate the academic scale buildings within the existing street layout.
- IV. The Comprehensive Plan recognizes the value of colleges in the City as a source for "fresh ideas, youthful energy, and potential new residents and entrepreneurs." (2017 Comprehensive Plan, Page 7). In addition, Bates College brings significant cultural resources and economic benefits to the community. Supporting the flexibility for expansion of the academic programs and college campus enhances the viability of the institution and has beneficial impacts on the community.



BATES COLLEGE LEWISTON, MAINE 04240		NO.	REVISIONS	APP'D
		A		
PROJ NO: 13829A	DATE: AUGUST 2017	B		
WRIGHT-PIERCE  Engineering a Better Environment			PROPOSED IO ZONING AMMENDMENT APPLICABILITY	FIGURE: 1

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

Pursuant to Appendix A, Article XVII, Section 5(b)(1)(b) Amendments of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) years of age or older, do hereby petition in the City of Lewiston to amend its Zoning and Land Use Code, Article XI, Section 23, Space and Bulk Requirements, to add academic institutions to Space and Bulk Table Note 27, as presented in Exhibit A and as described in Exhibit B, attached hereto:

	Signature	Printed Name	Physical Street Address (No PO Boxes)	Date
1		Edward Jawor	45 Googin	7-26-17
2		Laurie Grimmel	30 Cassell St.	7-26-17
3		JANE JAWOR	45 Googin St	7-26-17
4		Zane Omohundro	308 Montello St.	7/26/17
5		Ryan Odia	5 Schriek St.	7/27/17
6		Kevin E. Poland	117 Googin st	7/27/17
7		Sawyer Sylvester	82 Franklin St	7/27/17
8		SHEILA SYLVESTER	82 Franklin St	7/27/17
9		Darby Ray	15 Beauce Ave	7/27/17
10		LAURIEN HENDERSON	31 BEAUCI STREET	7/27/17
11		Georgette Dumais	5 McKinley Dr	7/27/17
12		TINA MANGIERI	64 MONTELLO STREET	27 JULY 17
13		EDOUARD PLOURAS	25 COBURN ST	7-27-17
14		Stephen J. Bowdoin	114 Sleeper Rd	7-27-17
15		John Jasper	895 College Rd Apt #2	7-27-17
16		Randall K Ort	33 Bushey Cir	7-27-17
17				
18				
19				
20				

CIRCULATOR'S VERIFICATION

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

Signature of Circulator

CHRISTOPHER STREIFEL
Printed Name of Circulator

8/10/17
Date

REGISTRAR'S CERTIFICATION

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

Total Valid: 15

Total Invalid: 1

Date: 8/15/17

Signature of Registrar/Deputy Registrar:

Exhibit A

Proposed Zoning Amendment

- I. The section of the Zoning and Land Use Code (Appendix A) that we propose to be amended is under Article XI District Regulations, Section 23 Space and Bulk Requirements, Space and Bulk Table, Note 27 which is a note to the front yard setback distance in the table that states the front yard setback for all permitted uses in the IO district is 30 feet with the following exception in note 27:

(27) The minimum front setback and front yard requirements for hospitals, nursing homes and medical offices are zero provided the lot directly across the street is in the institutional-office (IO) district.

- II. We propose to modify Article XI District Regulations, Section 23 Space and Bulk Requirements, Space and Bulk Table Note 27 to read as follows with the changes noted in bold and underlined:

The City of Lewiston hereby ordains:

Appendix A, Article XI, Sec. 23, Space and Bulk Requirements, Space and Bulk Table Notes, Note 27 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:(27) The minimum front setback and front yard requirements for hospitals, nursing homes, ~~and~~ **and medical offices and academic institutions** are zero provided the lot directly across the street is in the institutional-office (IO) district.

- III. Implications: The proposed change will allow a reduction in the front yard setback from 30 feet to zero for academic buildings in the IO district where the IO district is also on the other side of the street from the proposed building. The front yard setback in the case of corner lots applies to any street frontage on a lot with multiple frontages as stated in Article V Section 3(f). Figure 1 highlights the lots within the IO district where the proposed amendment would change the required front yard setback for academic institutions.

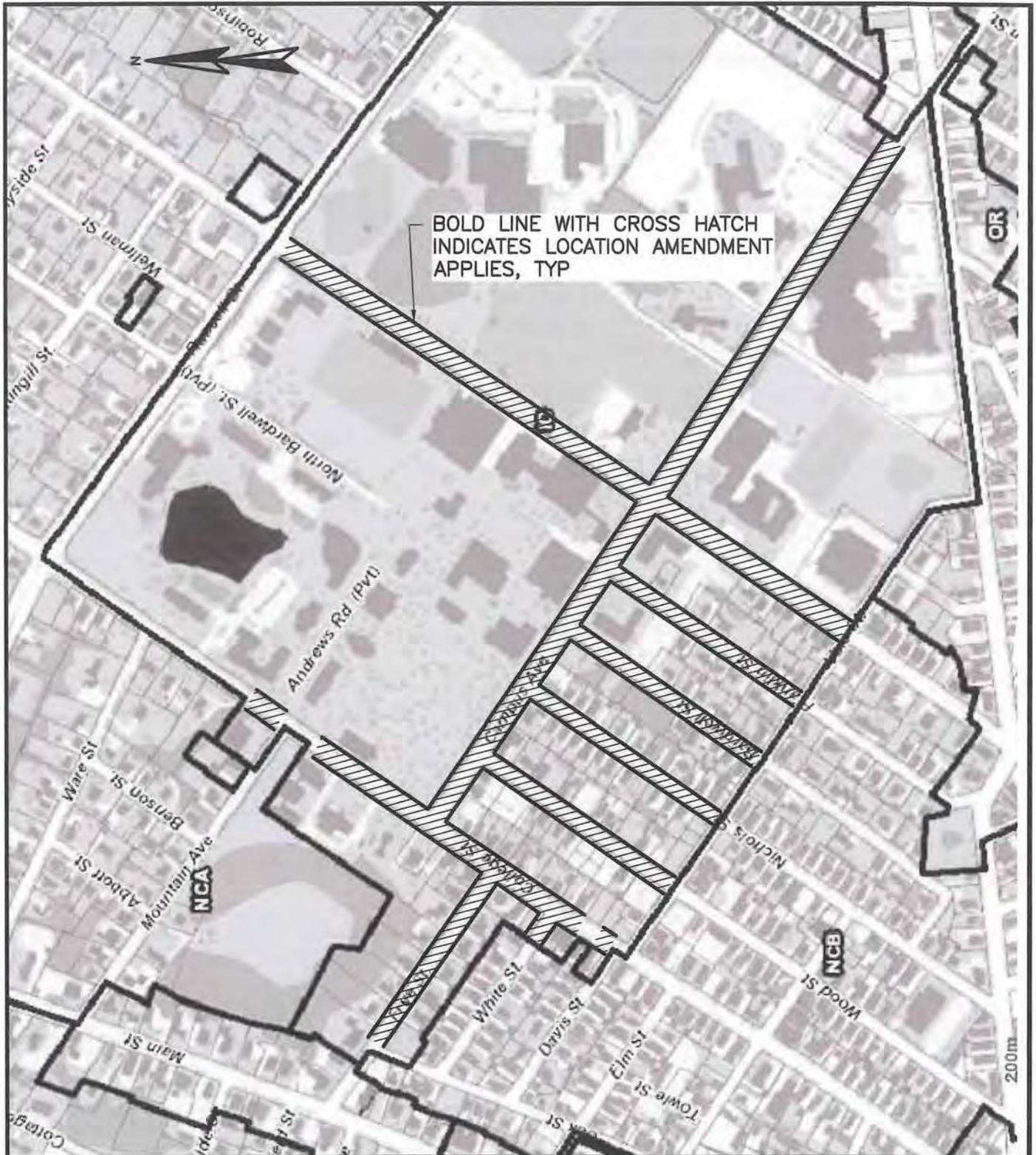
Exhibit B

Justification for Proposed Ordinance Amendment

- I. The Zoning and Land Use Code, Article V(3)(f), as quoted below, applies the front yard setback to all street frontage on a lot even if there are multiple frontages, as for a corner lot. In the IO district the front yard setback is 30 feet.

"On a corner lot in any district, a building or structure may face either street, and the front setback and yard shall be between the principal building or structure and the street on which the building or structure is to be numbered. The side setback and yard, between the building and side street, shall meet front setback and yard requirements of the applicable district. Additionally, the rear setback and yard, between the principal building and the abutting property on the side street, shall meet side setback and yard requirements of the applicable district."
- II. The Bates College campus is constrained in area by previously developed land uses surrounding the original campus. Over time, Bates College has acquired additional properties adjoining the campus to allow reuse of the properties and for future expansion. The focus of much of the property acquisition has been in the residential neighborhood south of Campus Avenue.
- III. The surrounding neighborhoods were developed in a residential scale street and lot pattern from the early and mid-1900s, with many of the lots being 50 to 100 feet wide and 100 feet deep. The resulting street layout is in a grid pattern with approximately 200 feet of developable land between the streets.
- IV. Under common ownership, the residential parcels can be combined to create larger overall lots for redevelopment as academic uses. Applying the 30-foot front yard setback to the combined lots with frontage on three streets, as is the case with several of the ends of blocks along Campus Avenue, creates a narrow, 140' wide building window.
- V. The narrow building window is very restrictive for academic scale development, especially when trying to create a building that relates to and integrates into the existing campus north of Campus Avenue.
- VI. Restrictions caused by the narrow building window can drive the academic buildings into "L" or "T" shaped buildings, which are less efficient than rectangular shaped buildings. The narrow building window could also lead to the need for taller buildings to accommodate the required programming space within the narrow building window. The additional height would not be compatible with the scale of the existing campus buildings.
- VII. Turning the short end of a building toward Campus Avenue could lead to parking and other ancillary building functions being accessed and visible from Campus Avenue, which could detract from the presentation of the College to the general traveling public.

- VIII. Recent development of the residence halls in this area required relief from the front yard setback along the side streets, which was previously granted by the Planning Board as part of the site plan review process. The College has been advised by Lewiston's Planning and Code Enforcement Department that the City's mechanism to grant modifications of space and bulk standards that do not meet the dimensional standards otherwise required through the development review process may not be available in the future.
- IX. The existing residential structures in the area south of Campus Avenue in the IO district have existing setbacks on the order of 10 feet, which is significantly less than the required 30-foot front yard setback for new structures in the IO district.
- X. Having as little as a zero setback will allow for building projections and vestibules that extend to the sidewalks, and will add greater functionality and design interest to the structures.
- XI. As mentioned, the College currently owns many, but not all, of the properties within the IO district that are outside the hospital and Lewiston Middle School and Armory properties. The change in the required front yard setback will not harm neighboring properties because the side and rear yard setbacks will remain as they currently exist. Also, development proposals will need to obtain site plan approval from the Lewiston Planning Board, and the process will provide the opportunity to mitigate any potential impacts from a reduced setback.
- XII. The reduction in front yard setback would apply to areas that are primarily internal to the campus and not along the perimeter of the campus. The impacts to neighboring properties is limited by the restriction that both sides of the street need to be in the IO district in order for the setback reduction to apply.
- XIII. The origin of Note 27, which includes the zero front yard setback for certain uses in the IO district, was a desire in 2009 to accommodate the expansion of St Mary's Hospital on Campus Ave. St. Mary's Health System petitioned to amend the zoning and Land Use Code on October 15, 2009 and the amendment was approved by the City Council by a 5-0 roll call vote on December 1, 2009. Note 27 was structured to apply only to hospitals, nursing homes, and medical office buildings, which are existing uses along Campus Avenue within the IO district. Note 27 has provided St Mary's with flexibility over the years as it pursued the building expansion for updating surgical and surgical support facilities. Applying the zero setback to academic institutions in the district is consistent and fair, given this history, because academic institutions do not have any more intensive impact than hospitals, nursing homes, and medical office buildings. It also would allow for the flexibility to develop a consistent relationship between academic buildings and the street within the district, while fitting into the academic campus as well.



BOLD LINE WITH CROSS HATCH
INDICATES LOCATION AMENDMENT
APPLIES, TYP

BATES COLLEGE LEWISTON, MAINE 04240		NO.	REVISIONS	APP'D
		A		
PROJ NO: 13829A DATE: AUGUST 2017		B		
WRIGHT-PIERCE Engineering a Better Environment			PROPOSED IO ZONING AMMENDMENT APPLICABILITY	
			FIGURE:	1



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Planning Board
FROM: David Hediger, City Planner
DATE: August 25, 2017
RE: August 28, 2017 Planning Board Agenda Item IV (c)

An amendment initiated by the City Council to Appendix A – Zoning & Land Use Code, Article XV. Significant Buildings & Districts, Section 6. Designated Historic Structures and Historic Districts to create the Lewiston Canal Water Power Historic District.

For a number of years, the City has been working to acquire the property contained in the proposed Lewiston Canal and Water Power Historic District as described in the proposed amendment to Article XV of the Zoning and Land Use Code. As part of the proposed acquisition, the Maine Historic Preservation Commission (SHPO) wants to assure that the canal system and all associated generating and water conveyance facilities are “protected”, and therefore must be closely regulated. The SHPO is requiring that the City formally designates the “Lewiston Canal System” and all associated generating and water conveyance facilities (aka all contributing historic elements that are passing out of Federal Energy Regulatory Commission’s (FERC) control) in Article XV, Section 6 of the Zoning and Land Use Code. This will allow for a comprehensive review by Lewiston’s Historic Preservation Review Committee (HPRB) and will require their issuance of a certificate of appropriateness for any proposed changes in the exterior appearance, new construction, demolition, and/or change in materials within the new district. If the City should decide to remove this property from Section 6 in the future, the review of undertakings would revert to SHPO via a memorandum of agreement between Federal Energy FERC and SHPO.

Reference should be made Gil Arsenault’s August 9, 2017 memorandum to the Mayor and HPRB and August 2, 2017 memorandum to the HPRB.

It’s worth noting the Planning Board voted 4-3 to acquire the canal system at their May 9, 2011 meeting. The ordinance does not provide limitation on how long a Board recommendation remains current. There is a time limit on recommended property dispositions from the Planning Board per city policy.

This amendment was initiated and supported unanimously by the City Council pursuant to Article XVII, Section 5(b) at their August 15, 2017 meeting. The HPRB voted unanimously in support to create the Lewiston Canal Water Power Historic District at their August 17, 2017 meeting pursuant to Article XV, Section 3. The HPRB also voted to advise the Lewiston City Council that City ownership of the canals and related control structures and bridges is an asset to the community, and is an important obligation as this and future councils must ensure funding for the long-term preservation of this historic resource.

ACTION NECESSARY

Make a motion pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council to amend Appendix A – Zoning & Land Use Code, Article XV. Significant Buildings & Districts, Section 6. Designated Historic Structures and Historic Districts to create the Lewiston Canal Water Power Historic District.

MEMORANDUM

TO: William F. Clifford, Chair
Members of the Historic Preservation Review Board

FR: Gildace J. Arsenault, Director of Planning and Code Enforcement

RE: Lewiston Canal and Water Power Historic District

DT: August 2, 2017

Attached to this memo please find the following documents:

A copy of the National Register of Historic Places Registration Form and associated documents for the Lewiston Mills and Water Power System Historic District

A copy of the proposed amendment to Appendix A, Article XV, Section 6(b)(3) of the Code of Ordinances of the City of Lewiston, hereinafter referred to as the Code, to establish the Lewiston Canal and Water Power Historic District

Mapping of said district to establish a Lewiston Canal and Water Power Historic District

Maine State Historic Preservation Commission (SHPO) letters dated November 3, 2016 and January 24, 2017

Appendix A, Article XV, Sections 3(b)(1) and (2) of the Code requires information regarding the proposed Lewiston Canal and Water Power Historic District, all of which is contained in the above mentioned Registration Form and associated documents for the Lewiston Mills and Water Power System Historic District. The following are the applicable sections of the Code for the requested information along with references to the applicable sections of the Registration Form and associated documents for the Lewiston Mills and Water Power System Historic District:

Appendix A, Article XV, Sections 3(b) (1). Designation of structures for preservation and conservation.

a. A concise description of the physical elements, qualities, architectural style and period represented by the structure, including a consideration of scale, materials, workmanship and special qualities;

See Narrative Description beginning on page 3 thru 13 of the Registration Form and associated documents for the Lewiston Mills and Water Power System Historic District.

b. A concise statement of how the structure meets the review criteria;

See Statement of Significance beginning on page 56 thru 69 of the Registration Form and associated documents for the Lewiston Mills and Water Power System Historic District.

c. Exterior photographs of the structure, illustrating significant details.

Photographs are contained toward the end of the attached Registration Form and associated documents for the Lewiston Mills and Water Power System Historic District.

Appendix A, Article XV, Sections 3(b) (2). Designation of districts for preservation and conservation.

a. A concise statement of the physical elements that make this area a historic district and a description of building types and architectural styles and periods represented;

See Narrative Description beginning on page 3 thru 13 of the Registration Form and associated documents for the Lewiston and Mills and Water Power System Historic District.

See Statement of Significance beginning on page 56 thru 69 Registration Form and associated documents for the Lewiston Mills and Water Power System Historic District.

b. A concise statement of how the district meets the review criteria;

See Summary Paragraph on page 3 Registration Form and associated documents for the Lewiston Mills and Water Power System Historic District.

c. A justification of the boundaries of the district;

The boundaries were drawn to include all extant features of the Water Power System (i.e., a significant component of the Lewiston Mills and Water Power System Historic District) that are proposed to be deeded to the City of Lewiston. The boundaries were chosen to exclude water power system resources that will remain under the ownership of Brookfield White Pine Hydro, LLC, as such resources will remain subject to review via Section 106 of the National Historic Preservation Act, as amended.

It should be noted that SHPO has been involved in the Draft Surrender Application, of the Upper Androscoggin Station, Federal Energy Regulatory Commission (FERC) Project No. 11006 (i.e., a City of Lewiston asset), and the Lewiston Falls Project No. 2302, Application to remove the Lewiston Canal System and all associated generating and water conveyance facilities from the project (a Brookfield White Pine Hydro, LLC asset).

The SHPO has gone on record (see its November 3, 2016 letter to Brookfield White Pine Hydro, LLC and its letter to the City dated January 24, 2017) that the Lewiston HPRB is the most appropriate entity to effectively regulate and protect said “Lewiston Canal System” that is proposed to become City property. The SHPO recommends that the City formally designates the “Lewiston Canal System” and all associated generating and water conveyance facilities from the project (aka all contributing historic elements that are passing out of federal control) in Section 6 of its Zoning and Land Use Code. This will allow for a comprehensive review of the HPRB and will require the Board’s issuance of a certificate of appropriateness for any proposed changes in the exterior appearance, new construction, demolition, and/or change in materials. If for any reason the City should decide to remove this property from Section 6 in the future, the review of undertakings would revert to SHPO via a memorandum of agreement between FERC and SHPO as a condition for the decommissioning work.

d. A definition of the types of structures that do not contribute to the significance of the district and an estimate of the percentage of noncontributing structures;

See Narrative Description beginning on page 3 thru 13 Registration Form and associated documents for the Lewiston and Mills and Water Power System Historic District.

e. A map showing all district structures with the identification of contributing structures.

Mapping has been attached to this memorandum.

**AN ORDINANCE PERTAINING TO THE CREATION OF THE LEWISTON CANAL
WATER POWER HISTORIC DISTRICT**

THE CITY OF LEWISTON HEREBY ORDAINS:

Appendix A of the code of ordinances of the City of Lewiston, Maine is hereby amended as follows to be effective at the later of 30 days after approval or the date on which the City takes ownership of the property encompassed by the Lewiston Canal Water Power Historic District:

**APPENDIX A
ZONING AND LAND USE CODE
ARTICLE XV. SIGNIFICANT BUILDINGS AND DISTRICTS**

Sec. 6. Designated historic structures and historic districts

(b) (3) Lewiston Canal Water Power Historic District.

Main Canal Parcel (including Upper Androscoggin Power Station): Start at the intersection of the northeasterly edge of the Main Canal structure with the northwesterly side of Main Street; thence northeasterly along the northwesterly side of Main Street to the prolongation northwesterly of the southwesterly side of Canal Street; thence southeasterly along southwesterly side of Canal Street to the northwesterly side of 677 Lisbon Street; thence southwesterly along the northwesterly side of 677 Lisbon Street and continuing on the same course to the southeasterly edge of the spillway structure leading from the Main Canal structure to Gully Brook; thence southwesterly along the southeasterly edge of the spillway structure to the shore of Gully Brook; thence westerly and northwesterly along the shore of Gully Brook to the face of the southeast wall of the Upper Androscoggin Power Station; thence southwesterly along the face of the southeast wall of the Upper Androscoggin Power Station to the southerly corner of the Upper Androscoggin Power Station; thence northwesterly along the face of the southwest wall of the Upper Androscoggin Power Station to the westerly corner of the Upper Androscoggin Power Station; thence northeasterly along the face of the northwest wall of the Upper Androscoggin Power Station and continuing on the same course to a point that is 10 feet southwesterly of the southwesterly edge of the Main Canal structure; thence northwesterly along a line 10 feet from and parallel to the southwesterly edge of the Main Canal structure to a point that is 10 feet southeasterly from the southeasterly edge of the Cross Canal No. 1 structure; thence in a southwesterly direction along a line 10 feet from and parallel to the southeasterly edge of the Cross Canal No. 1 structure to the easterly edge of the footbridge over Cross Canal No. 1, thence northwesterly along the northeasterly edge of the footbridge over Cross Canal No. 1 to the southeasterly wall of Bates Mill No. 5; thence northeasterly along the face of the southeasterly wall of Bates Mill No. 5 to a point that is 10 feet southwesterly of the southwesterly edge of the Main Canal structure; thence northwesterly along a line 10 feet from and parallel to the southwesterly edge of the Main Canal structure to the northwesterly side of Main Street;

thence northeasterly along the northwesterly side of Main Street to the point of beginning.

Cross Canal No. 1 Parcel: Beginning at the intersection of the westerly bound of the Main Canal Parcel (as described above) with the face of the southerly wall of Bates Mill No. 5; thence southwesterly along the southeasterly face of the wall of Bates Mill No. 5 and continuing on the same course to the northeasterly side of Mill Street; thence southeasterly along the northeasterly side of Mill Street to the southeasterly side of Railroad Alley; thence southwesterly along the southeasterly side of Railroad Alley and continuing on the same course to the southwesterly side of Lincoln Street; thence southeasterly along the southwesterly side of Lincoln Street to a point 10 feet northwesterly of the northwesterly edge of the Cross Canal No. 1 structure; thence southwesterly along a line 10 feet from and parallel to the northwesterly edge of the Cross Canal No. 1 structure, continuing along the face of the northwesterly wall of the Red Shop Weir structure and continuing on the same course to the northeasterly edge of the foot bridge over Cross Canal No. 1 that leads to Simard-Payne Park; thence southeasterly along the northeasterly edge of the foot bridge to a point that is 10 feet southeasterly of the southeasterly edge of the Cross Canal No. 1 structure; thence northeasterly along a line 10 feet from and parallel to the southeasterly edge of the Cross Canal No. 1 structure to the face of the southwesterly wall of the Red Shop Weir structure; thence southeasterly along the southwesterly wall of the Red Shop Weir structure to the southwesterly corner of the Red Shop Weir structure; thence northeasterly along the southeasterly wall of the Red Shop Weir structure to the southeasterly corner of the Red Shop Weir structure; thence northwesterly along the northeasterly wall of the Red Shop Weir structure to a point that is 10 feet southeasterly of the southeasterly edge of the Cross Canal No. 1 structure; thence northeasterly along a line 10 feet from and parallel to the southeasterly edge of the Cross Canal No. 1 structure to the intersection of the southwesterly side of Oxford Street and the northwesterly side of Cross Street; thence northeasterly along the northwesterly side of Cross Street and continuing on the same course across Lincoln Street to the northeasterly side of Lincoln Street; thence southeasterly along the northeasterly side of Lincoln Street to a point that is 10 feet southeasterly of the southeasterly side of the Cross Canal No. 1 structure; thence northeasterly along a line 10 feet from and parallel to the southeasterly edge of the Cross Canal No. 1 structure to the face of the southwesterly wall of Mill No. 6; thence northwesterly along the face of the southwesterly wall of Mill No. 6 to the northwest corner of Mill No. 6; thence northeasterly along the face of the northwesterly wall of Mill No. 6 to the northeasterly corner of Mill No. 6; thence southeasterly along the face of the northeasterly wall of Mill No. 6 to a point 10 feet southeasterly of the southeasterly edge of the Cross Canal No. 1 structure; thence northeasterly along a line 10 feet from and parallel to the southeasterly edge of the Cross Canal No. 1 structure and continuing on the same course across Mill Street to the face of the southwesterly wall of Mill No. 1; thence northwesterly along the face of the southwesterly wall of Mill No. 1 to the northwest corner of Mill No. 1; thence northeasterly along the face of the northwesterly wall of Mill No. 1 to the northeasterly corner of Mill No. 1; thence southeasterly along the face of the northeasterly wall of Mill No. 1 to a point 10 feet southeasterly of the southeasterly edge of the Cross Canal No. 1 structure; thence northeasterly along a line 10 feet from and

parallel to the southeasterly edge of the Cross Canal No. 1 structure to the southwesterly bound of the Main Canal Parcel; thence northwesterly along the southwesterly bound of the Main Canal Parcel to the point of beginning.

Lower Canal Parcel: Beginning at the intersection of the southwesterly side of Oxford Street and the southeasterly bound of the Cross Canal No. 1 Parcel (as described above); thence southeasterly along the southwesterly side of Oxford Street to a point 10 feet southeasterly of the southeasterly edge of the Cross Canal No. 3 structure; thence southwesterly along a line 10 feet from and parallel to the southeasterly edge of the Cross Canal No. 3 structure to a point that is 10 feet southwest of the prolongation southeasterly of the southwesterly edge of the Lower Canal structure; thence northwesterly along a line 10 feet from and parallel to the southwesterly edge of the Lower Canal structure to the southeasterly bound of the Cross Canal No. 1 Parcel; thence northeasterly along the southeasterly bound of the Cross Canal No. 1 Parcel to the point of beginning.

Cross Canal No. 2 Parcel: Beginning at the southwesterly corner of the Lewiston Municipal Parking Garage lot on the northeasterly side of Lincoln Street; thence northeasterly along the southeasterly side of said parking garage lot and continuing on the same course to the southwesterly bound of 41 Chestnut Street (Hill Mill); thence southeasterly along the southwesterly bound of 41 Chestnut Street to the northwesterly side of 70 Cedar Street; thence southwesterly along the northwesterly sides of 70 Cedar Street and the Lewiston Fire Station lot, continuing on the same course across Lincoln Street, along the northwesterly side of 179 Lincoln Street, continuing on the same course across Lincoln Street Alley, along the northwesterly side of 88 Oxford Street and continuing on the same course across Oxford Street to the northwesterly bound of the Lower Canal Parcel (as described above); thence northerly along the northwesterly bound of the Lower Canal Parcel to the prolongation southwesterly of the southeasterly side of 74 Oxford Street; thence northeasterly along the southeasterly side of 74 Oxford Street, continuing on the same course across Lincoln Street Alley, along the southeasterly side of 161 Lincoln Street and continuing on the same course across Lincoln Street to the point of beginning.

Cross Canal No. 3 Parcel (including Continental Mill Power House and Lower Bates Power Facilities): Beginning at the intersection of the westerly bound of the Lower Canal Parcel (as described above) with a line that is 10 feet southeasterly of and parallel with the southeasterly edge of the Cross Canal No. 3 structure; thence southwesterly along said parallel line a distance of 214 feet, more or less, to a point on the northeasterly side of a parcel of land on which the Continental Power Station is located; thence southeasterly and southwesterly along said Continental Power Station land on the following courses:

Southeasterly, 30 feet more or less to a corner,

Southwesterly, 245 feet more or less to a corner,

Southeasterly partially along the centerline of the northeasterly wall of the Continental Power Station 63 feet more or less to a the centerline of the southeasterly wall of the Continental Power Station,

Southwesterly partially along the centerline of the southeasterly wall of the Continental Power Station 173 feet more or less to the shore of the Androscoggin River;

thence northerly along the shore of Androscoggin River to its intersection with a line that is 10 feet southeasterly from and parallel to the southeasterly edge of the Cross Canal No. 3 structure; thence northwesterly across Cross Canal No. 3 on a line that passes through the southerly corner of the Lower Bates Power Station and continuing on the same course to the shore of the Androscoggin River; thence southwesterly, westerly and northwesterly along the shore of the Androscoggin River to the southeasterly bound of 1 Beech Street (Museum L-A); thence along 1 Beach Street on the following courses:

Northeasterly, 487 feet more or less to a corner,
Easterly, 77 feet more or less to a corner,
Northeasterly, 10 feet more or less to the southerly corner of 35 Beech Street (Lewiston Mill);

thence northeasterly along the southeasterly side of 35 Beech Street, along the face of the southeasterly wall of the Lewiston Mill and continuing on the same course to the southwesterly bound of the Lower Canal Parcel; thence southeasterly along the southwesterly bound of the Lower Canal Parcel to the point of beginning.

Gully Brook and Lower Androscoggin Facilities Parcel: Beginning at the intersection of the northeasterly edge of the dam and powerhouse structure with the northerly shore of Gully Brook; thence southwesterly along the face of the northeasterly edge of the dam and powerhouse structure and continuing on the same course to the northwesterly side of 354 Lincoln Street; thence southwesterly along the northwesterly side of 354 Lincoln Street to the northeasterly side of Lincoln Street; thence northwesterly along the northeasterly side of Lincoln Street to the southeasterly side of 348 Lincoln Street; thence northeasterly along the southeasterly side of 348 Lincoln Street to the prolongation northwesterly of a line along the face of the northeasterly edge of the dam and powerhouse structure; thence southwesterly along such prolonged line to the point of beginning.

Excluded Property. Any of the following that are included in the above parcel descriptions are expressly excluded from the Historic District designation:

Public Streets and Ways. All land and improvements located within the bounds of the right of way of public streets and ways with the exception of railroad, vehicular and foot bridges.

Bates Upper or Bates Weave Shed Generating System. The land inside Bates Mill No. 5 and adjacent to the westerly side of the Main Canal Parcel (as described above) and the northerly side of the Cross Canal No. 1 Parcel (described above) on which are located the forebay, generating station, wheel pit and tail race that

were formerly used in connection with the generation of electric energy in Bates Mill No. 5.

Hill Mill Generating System. The land inside, underneath and adjacent to the Hill Mill extending from the westerly side of the Main Canal Parcel (as described above) to the end of Cross Canal No. 2 Parcel (described above) on which are located the intake tunnels, forebay, generating station, wheel pit and tail race tunnels that were formerly used in connection with the generation of electric energy in the Hill Mill.

The following are contributing site, structures and buildings within the Lewiston Canal Water Power Historic District:

Power Canals

Upper Canal - 1 contributing structure: begins at Main Street, flows south to the Androscoggin Mill Complex, Tax Map 197, Lot 43, Inventory Map No. 7 of the National Register of Historic Places Registration Form and associated documents of the Lewiston Mills and Water Power System Historic District, hereinafter Inventory Map)

Lower Canal - 1 contributing structure: begins at Cross Street, flows south to Continental Mill Complex, Tax Map 197 Lot 43, Inventory Map No.8

Cross Canal No. 1 - 1 contributing structure: begins at intersection of Upper Canal and Ash Street, flows west into Androscoggin River, Tax Map 197 Lot 43, Inventory Map No. 9

Cross Canal No. 2 - 1 contributing structure: flows west from the Upper Canal under the Hill Mill complex into Lower Canal, Tax Map 208 lots 24, 36, 72, 77 and Tax Map 197, lot 43, Inventory Map No. 10

Cross Canal No. 3 - 1 contributing structure: begins at Chestnut Street, flows west into Androscoggin River, Tax Map 197 lot 43, Inventory Map No. 11

Gully Brook - contributing site: flows south into the Androscoggin River from the Androscoggin Mill complex weir, Tax Map 197 lot 43, Inventory Map No. 12

Control Structures

Bates Cross-Canal No.1 Dam - contributing structure: located between Bates No. 5 Mill and Bates No. 1 Mill, Tax Map 207, Inventory Map No. 15

Red Shop Weir - Contributing structure: western terminus of Cross Canal No. 1, Tax Map 208 lot 6, Inventory Map No. 17

Bates Manufacturing Company Lower Station - contributing building: 49 Beech Street, Tax Map 208 lot 6, Inventory Map No. 18

Continental Control House - contributing building: Beech Street, Tax Map 208 Lot 6, Inventory Map No. 19

Continental Weir - contributing structure: Tax Map 208 Lot 6, Inventory Map No. 20

Androscoggin Weir - contributing structure: at the southern end of the upper canal, Tax Map 197, Inventory Map No. 21

No. 2 Mill Wheel House/Bates Centennial Station - contributing building: 352 Lincoln Street, Tax Map 197 lots 14 & 15, Inventory Map No. 22

Railroad Bridges

Grand Trunk Railroad Bridge Lower canal - contributing structure: Lewiston & Auburn Railroad Company Bridge #5.30, Tax Map 208, Inventory Map No. 24

Maine Central Railroad Bridge No. 48.70 - contributing structure: between Bates Mill No. 3 and Bates Mill No. 6, carrying Mill Street, Tax Map 197, Inventory Map No. 25

Maine Central Railroad, Lower Line Railroad Bridge No. 48.48 - contributing structure: over cross Canal #2, in the former MCRR-Lower Line right-of-way behind the Hill Mill, Map 197, Inventory Map No. 27

Vehicular and Foot Bridges

Bates Mill Office Iron Girder Bridge - contributing structure: spanning Upper Canal at western end of Pine Street, Tax Map 208, Inventory Map No. 32

Bates Concrete Bridge - contributing structure, spanning upper canal at western end of Ash Street, Tax Map 297, Inventory Map No.33

Wiseman Bridge/Chestnut Street Bridge, MDOT Bridge 5003 - contributing structure: spans upper canal on Chestnut Street, Tax Map 208, Inventory Map No. 35

Lewiston Mill Pedestrian Bridge and Continental Mill Pedestrian Bridge - 2 contributing structures: spans Lower Canal north and south of Chestnut Street, Tax Map 208, Inventory Map No.s 38 & 39

Lincoln Street Alley Bridge, MDOT Bridge #0051- contributing structure: over Cross Canal #2 at Lincoln Street Alley, Tax Map 208, Inventory Map No. 41

Androscoggin Footbridge - contributing structure: spans Upper Canal at intersection of Canal and Lisbon Streets, Map 197, Inventory Map No. 46

**REASONS FOR PROPOSED AMENDMENT
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 plans for the following reasons:

- Provide Stronger Protection for Mills: The City should explore designating the entire Lewiston Mill System as a National Register Historic District (of which the proposed Lewiston Canal Water Power Historic District is part of), expanding the National Bates Mill District and the area's current status as a local historic district, providing these buildings the tax incentives that may be available from federal and state governments and the additional review provided by the Historic Preservation Review Board. Complete district nomination form for the Mill System District, p. 183.
- Restore the Canal System: The City should continue to explore mechanisms for taking ownership of the canals. Make restoration of the canals a top priority. See Celebrate History, Arts & Culture, p. 184.
- The City should work with the Androscoggin Historical Society, the Lewiston Historic Preservation Review Board, and the Maine Historic Preservation Commission to assess the need for doing additional comprehensive community surveys of the City's historic and archaeological resources, p. 184.
- Support and fund the recommendations in the Riverfront Island Master Plan to make Riverfront Island Lewiston-Auburn's Cultural District (i.e. create a canal walk network, improve Oxford Street as a walkable place, use design guidelines to shape new development and rehabilitation), p. 190.



CITY OF LEWISTON

Historic Preservation Review Board

TO: Mayor and City Council
FROM: Gil Arsenault, Director of Planning & Code
DATE: August 18, 2017
RE: Historic Preservation Review Board Recommendation

The Historic Preservation Review Board took the following actions at their meeting held on August 17, 2017 regarding an amendment to Appendix A – Zoning & Land Use Code, Article XV. Significant Buildings & Districts, Section 6. Designed Historic Structures and Historic District to create the Lewiston Canal Water Power Historic District:

MOTION: by **Douglas Hodgkin** finds that the proposed amendment to Appendix A, Article XV, Section 6(b)(3) of Code of Ordinances of the City of Lewiston to create the Lewiston Canal Water Power District satisfies the requirements of Appendix A, Article XV, Section 3(b)(1) and (2) of said Code and to send a favorable recommendation to the Lewiston City Council to enact the proposed District. Second by **Gerard Raymond**.

VOTED: 6-0 (Passed).

MOTION: by **Douglas Hodgkin** to advise the Lewiston City Council that City ownership of the canals and related control structures and bridges is an asset to the community, and is an important obligation as this and future councils must ensure funding for the long-term preservation of this historic resource. Second by **Jan Barrett**.

VOTED: 7-0 (Passed).

Cross Canal No. 1 Diagram

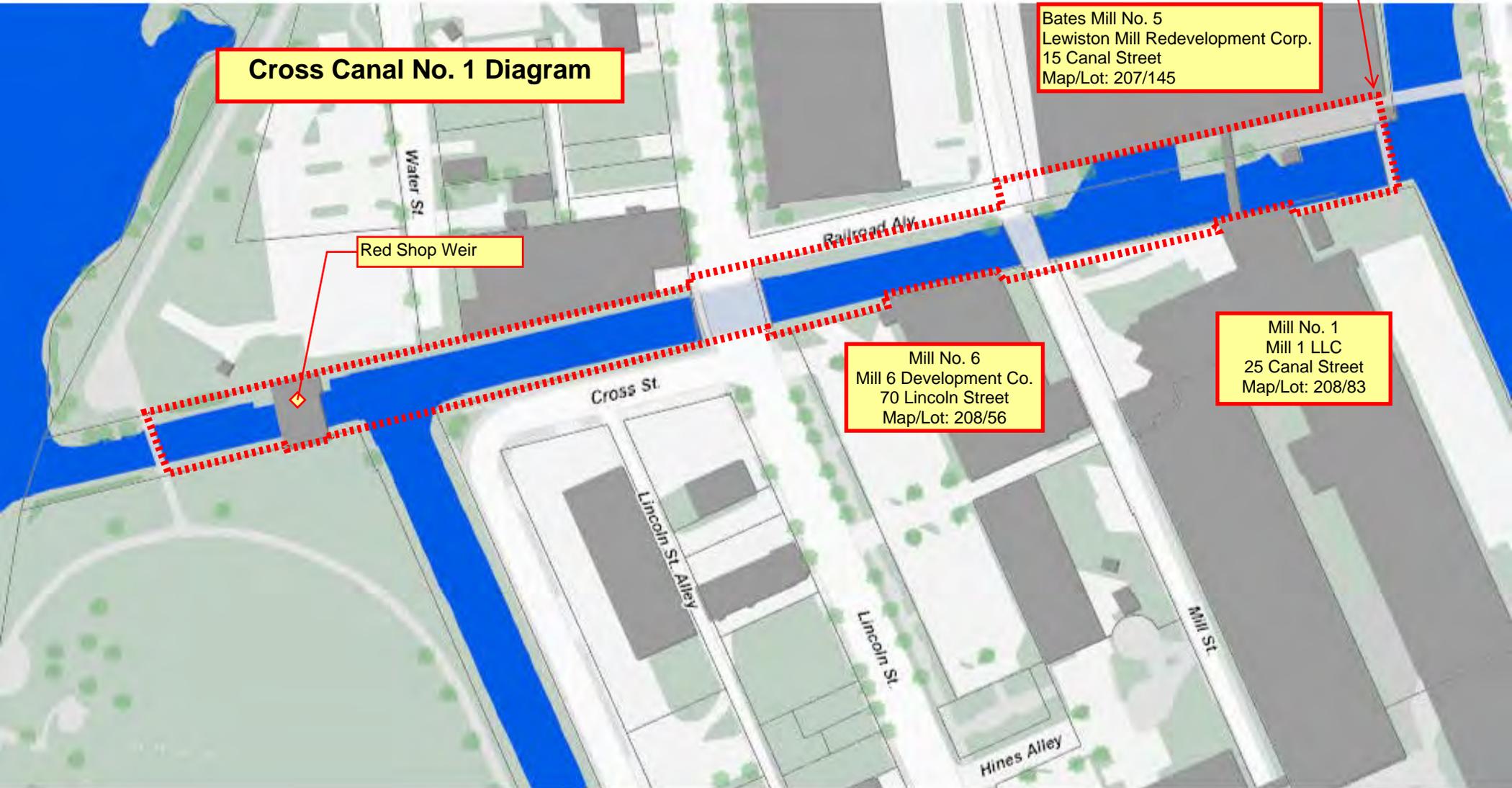
Point of Beginning

Bates Mill No. 5
Lewiston Mill Redevelopment Corp.
15 Canal Street
Map/Lot: 207/145

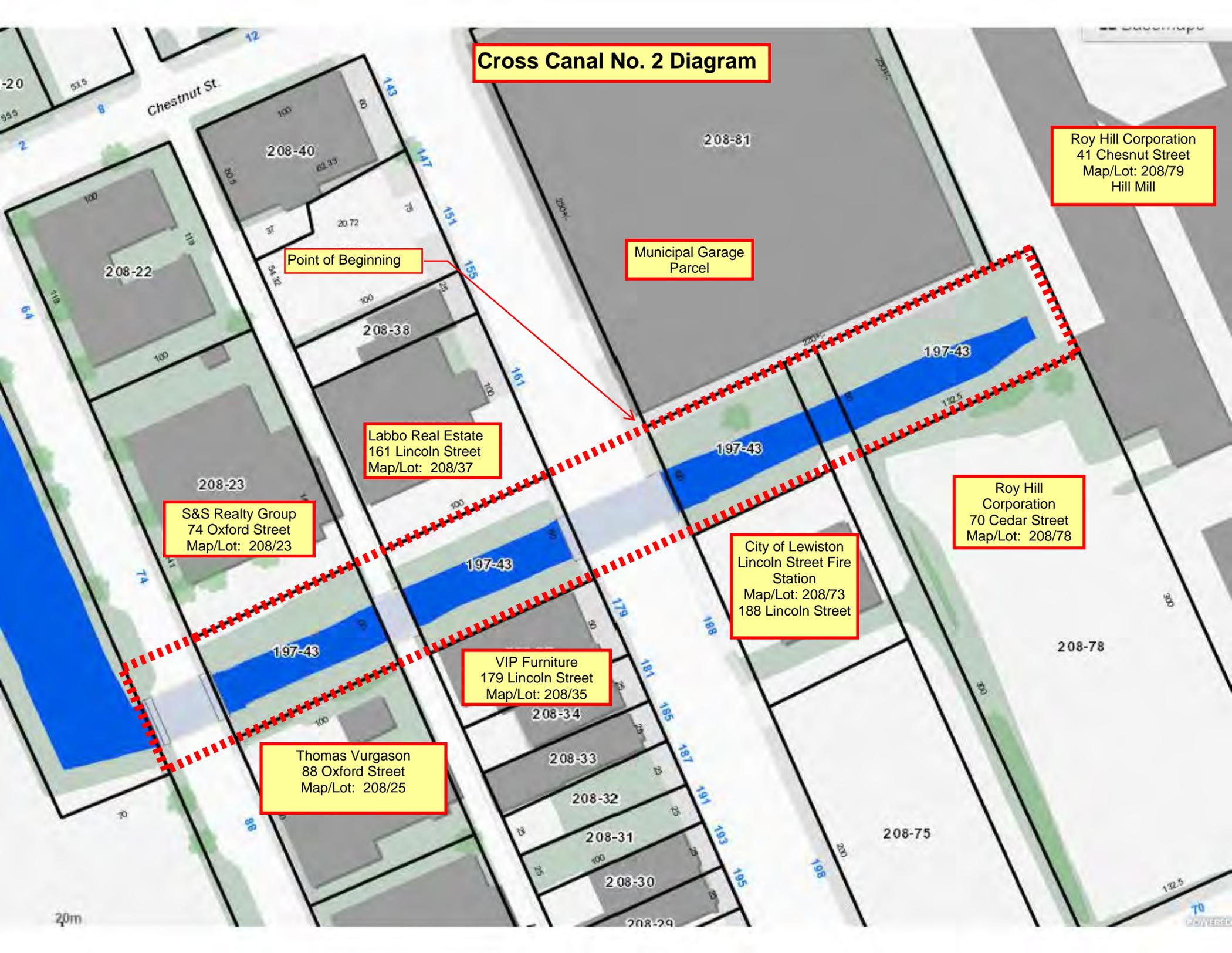
Red Shop Weir

Mill No. 6
Mill 6 Development Co.
70 Lincoln Street
Map/Lot: 208/56

Mill No. 1
Mill 1 LLC
25 Canal Street
Map/Lot: 208/83



Cross Canal No. 2 Diagram



Roy Hill Corporation
41 Chestnut Street
Map/Lot: 208/79
Hill Mill

Municipal Garage
Parcel

Point of Beginning

Labbo Real Estate
161 Lincoln Street
Map/Lot: 208/37

S&S Realty Group
74 Oxford Street
Map/Lot: 208/23

Roy Hill
Corporation
70 Cedar Street
Map/Lot: 208/78

City of Lewiston
Lincoln Street Fire
Station
Map/Lot: 208/73
188 Lincoln Street

VIP Furniture
179 Lincoln Street
Map/Lot: 208/35

Thomas Vurgason
88 Oxford Street
Map/Lot: 208/25

**Gully Brook and Lower
Androskoggin Power
House**

Point of Beginning

**Paul Libby Irrevocable Trust
354 Lincoln Street
Map/Lot: 197/16**

**Miller Industries
348 Lincoln Street
Map/Lot: 197/13**

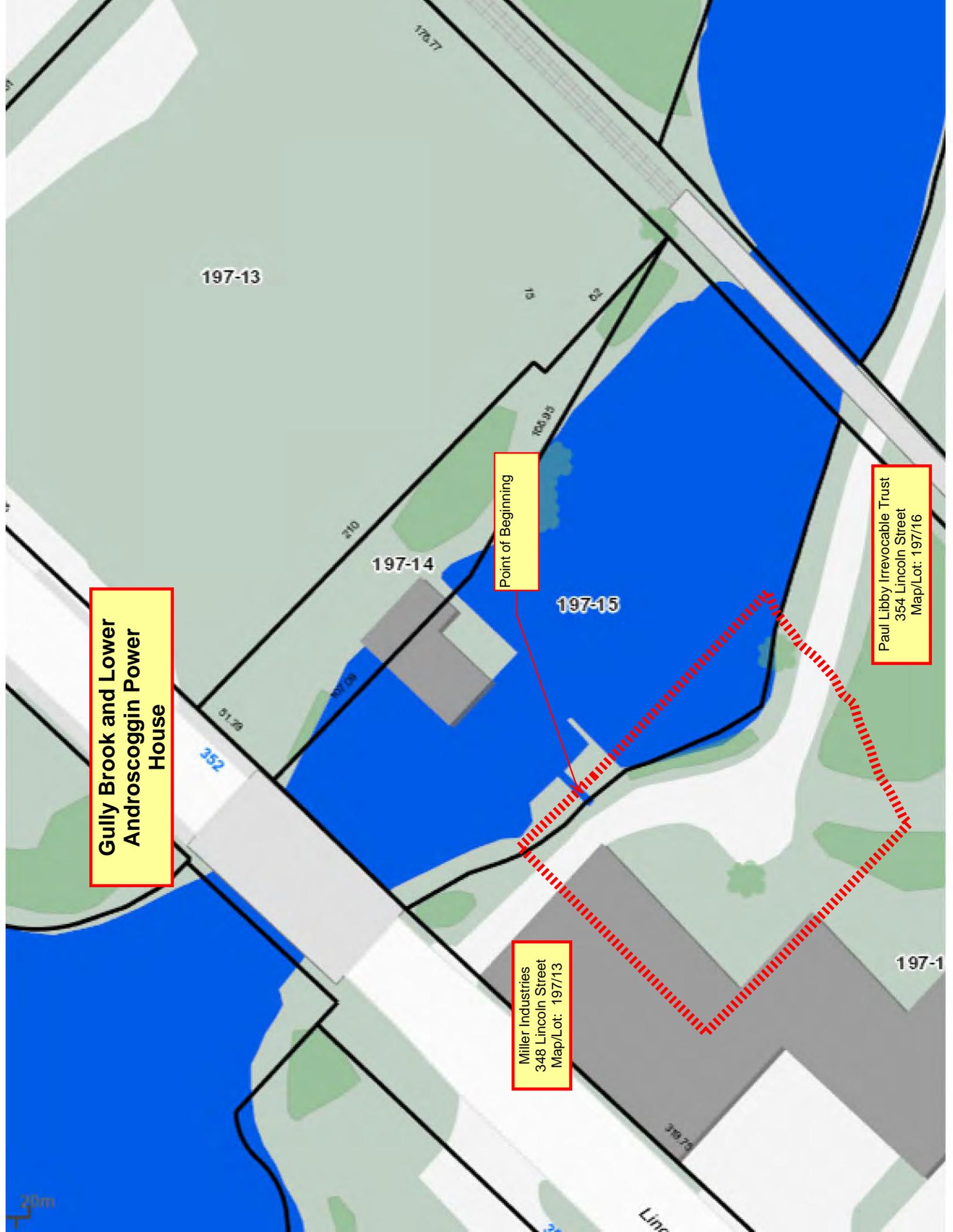
197-13

197-14

197-15

197-1

20m



**Lower Canal and
Cross Canal No. 3
Diagram**

Lower Canal Parcel
Point of Beginning

Lower Canal

Continental Mill
Power House

Lower Bates Power
House

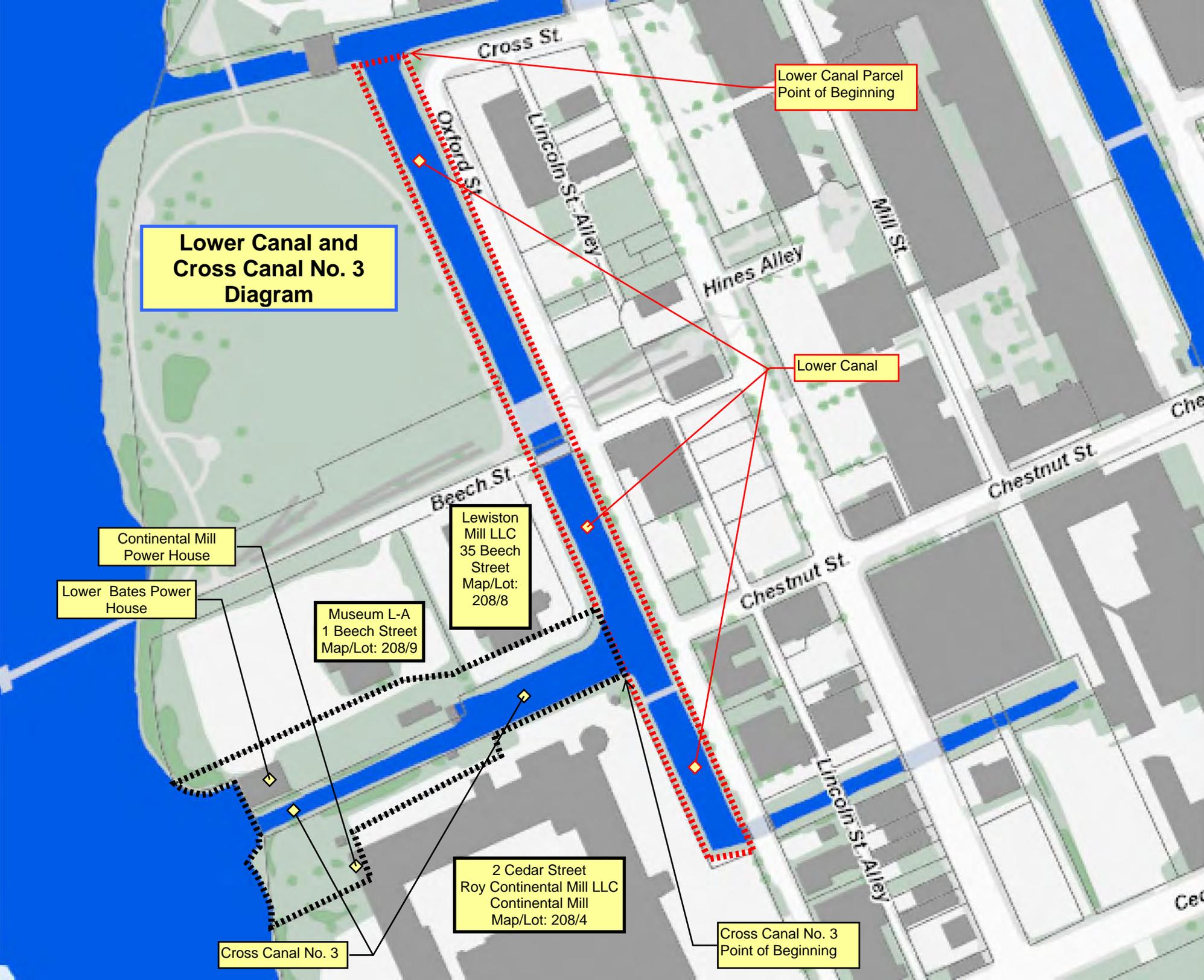
Museum L-A
1 Beech Street
Map/Lot: 208/9

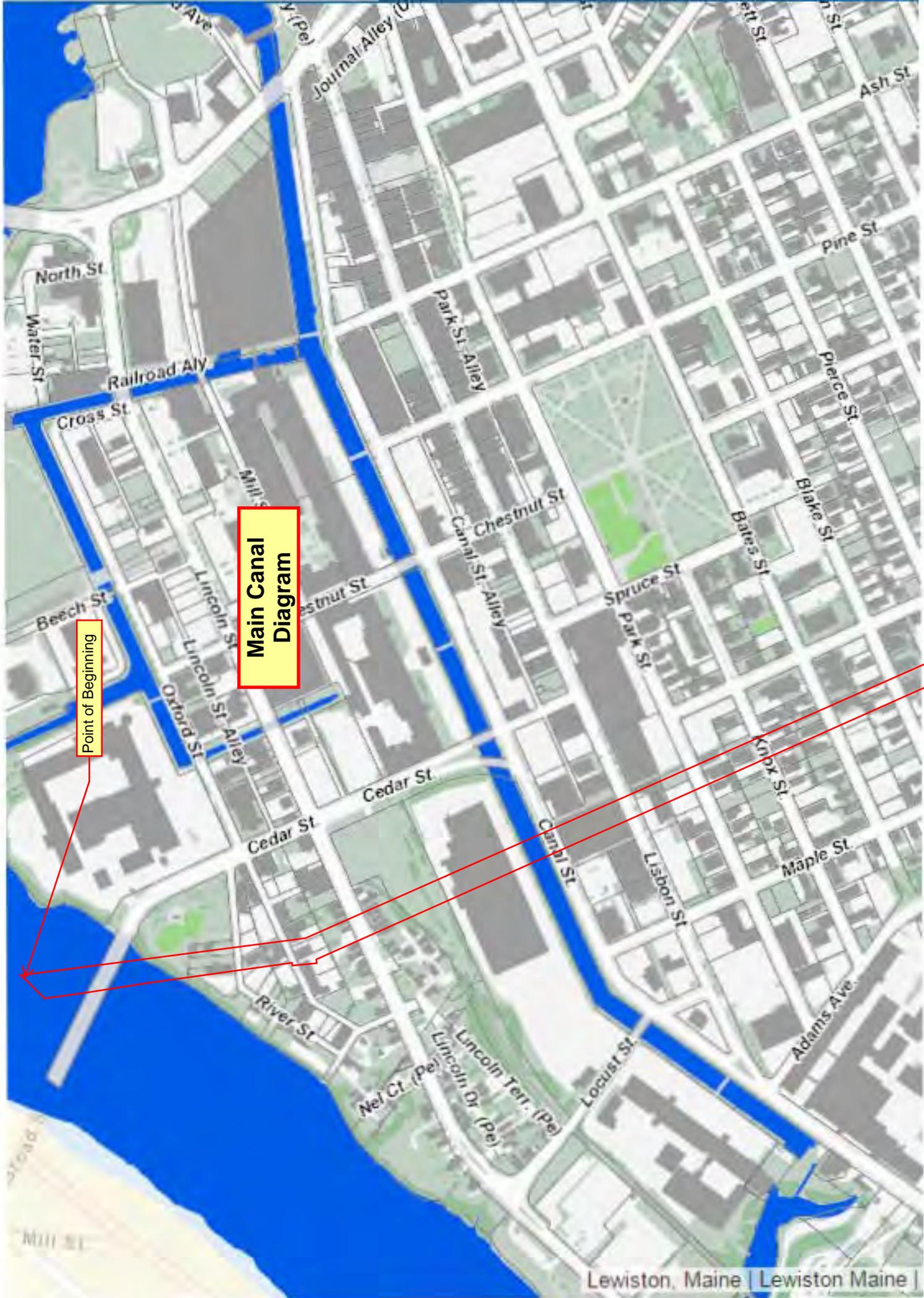
Lewiston
Mill LLC
35 Beech
Street
Map/Lot:
208/8

2 Cedar Street
Roy Continental Mill LLC
Continental Mill
Map/Lot: 208/4

Cross Canal No. 3

Cross Canal No. 3
Point of Beginning





**Main Canal
Diagram**

Point of Beginning



MAINE HISTORIC PRESERVATION COMMISSION
55 CAPITOL STREET
65 STATE HOUSE STATION
AUGUSTA, MAINE
04333

PAUL R. LEPAGE
GOVERNOR

KIRK F. MOHNEY
DIRECTOR

November 3, 2016

Ms. Kelly Maloney
Brookfield White Pine Hydro, LLC
150 Main Street
Lewiston, ME 04240

Project: MHPC# 1452-16 – Lewiston Falls Project FERC No. 2302; **Application** for non-capacity amendment of license to remove the **Lewiston Canal System** and all the associated generating and water conveyance facilities from the Project

Town: Lewiston, ME

Dear Ms. Maloney:

In response to your recent request, I have reviewed the information received September 29, 2016 to initiate consultation on the above referenced undertaking pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended.

As mentioned in the Application, the Lewiston Mills and Water Power System was listed in the National Register of Historic Places on July 14, 2015. Several contributing resources lie within the area of potential effects (APE) for this project and are stated on pages 35-37 of the Application. Please note that the National Register nomination also includes the bridges over the canals as contributing resources. The Application does not mention these bridges. The Commission requests clarification of whether the bridges are part of this Application for non-capacity amendment and which entity has current ownership.

Based on the information submitted, I have determined that this project will **adversely affect** this National Register listed property. Specifically, this undertaking will have an adverse effect pursuant to 36 CFR Part 800.5(a)(2)(vii) as **transfer out of federal control** will occur without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic signification. Please note that this finding does not apply to archaeological resources. Our office has no concerns regarding archaeological resources for this project.

The Application states on page vii that "...the historic aspects of the Canal System and the entire Historic District will be closely regulated by the City's comprehensive set of historic preservation policies and regulations." Based on our office's review of the City of Lewiston's Zoning and Land Use Code Article XV, it appears that at present the National Register listed

Lewiston Mills and Water Power System will only be subject to demolition delay review by the Lewiston Historic Preservation Review Board pursuant to Section 5, parts 5b and 5c as well as some noted buildings in Section 8. In order for this resource to be "closely regulated" by the Lewiston Historic Preservation Review Board and comprehensively protected by Article XV, the "Canal System and all associated generating and water conveyance facilities" would need to be locally designated and listed as such in Section 6 Designated Historic Structures and Historic Districts. Please note that the Application should be corrected (especially pages viii, 38 and 42) to clearly reflect the existing legislation of Article XV.

Please note that there may also be effects regarding the Decommissioning Work (Appendix A-1). At this time, our office requires clarification about certain items in the scope and until we fully understand the implications of this work, we are not able to comment on the Decommissioning Work. In addition, please describe more fully the following work items, how this work may affect contributing historic elements, and submit photographs showing these areas:

BATES UPPER STATION

1. Seal the three unit intake openings with reinforced concrete.
2. Disconnect generator leads from generator to low side of step up transformer.

BATES WEIR

1. Remove existing stoplogs and flashboard and seal openings with concrete.
2. Stabilize the north abutment wall downstream of the weir, as necessary.
3. Stabilize portion of canal wall serving as abutment for pedestrian bridge.

HILL MILL

1. Fill the two rectangular intake (penstock) openings per side with reinforced concrete plugs.
2. Disconnect generator leads from generators to low side of mill bus.
3. Stabilize or remove existing intake decks that are designated as unsafe.
4. Inspect masonry tailrace arches/tunnel for structural condition. What stabilization work will be required?
5. Inspect intake penstocks for structural condition. What stabilization work will be required?

RED SHOP WEIR

1. Insure safety and integrity of pedestrian bridges upstream and downstream of structure.

CONTINENTAL MILL

1. Seal two arched penstock openings with reinforced concrete plugs.
2. Inspect intake penstocks for structural condition, provide City with assessment findings.

3. Disconnect generator leads from generator to low side of step up transformer.
4. Stabilize or remove intake deck area designated as unsafe.

CONTINENTAL WEIR

1. Stabilize walkway for safe operation of weir. Secure walkway against access to abandoned Bates Lower Station intake and forebay area.

LOWER ANDROSCOGGIN STATION

1. Disconnect generator leads from generator to low side of step up transformer.
2. Stabilize unsafe walkways and platforms on dam.

Pursuant to the Section 106 regulations, an adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling or association.

Pursuant to 36 CFR Part 800.6(a), FERC shall consult with our office and other consulting parties to seek ways to avoid, minimize or mitigate adverse effects on historic properties.

If FERC decides to approve this undertaking, we request that FERC enter into a Memorandum of Agreement (MOA) with our office for this undertaking which includes stipulations to mitigate for the adverse effect that this undertaking will have on this historic property. Until we are able to complete our review of the Decommissioning Work, we only have the following suggestion at this time (please note the stipulation would be either item 1 or item 2 below, but not both):

1. As the City of Lewiston is designated a CLG (Certified Local Government), the Lewiston Historic Preservation Review Board is the most appropriate entity to effectively regulate and protect this historic property. CLGs are formally designated by the National Park Service and enter into a formal certification agreement with the Maine SHPO. The agreement lists specific tasks that the CLG is responsible for in order to promote preservation planning and cultural resource protection efforts at the local level that are consistent with State and Federal standards and guidelines.

Therefore, the Maine SHPO recommends that the City of Lewiston formally designates the "Lewiston Canal System and all the associated generating and water conveyance facilities from the Project" (aka all contributing historic elements that are passing out of federal control) in **Section 6** of their Zoning and Land Use Code Article XV. This will allow for a comprehensive review by the Lewiston Historic Preservation Review Board and will require the Board's issuance of a Certificate of Appropriateness (see Section 5)

MHPC# 1452-16
November 3, 2016

for any proposed changes in exterior appearance, new construction, demolition, and/or changes in materials. If for any reason the City of Lewiston should decide to remove this property from Section 6 in the future, the review of undertakings would revert to our office, the Maine SHPO.

2. If the City of Lewiston is not able to designate this historic resource as noted in item 1 above, our office recommends that a historic preservation easement be executed. Either our office (the Maine SHPO) or perhaps Maine Preservation (statewide non-profit) could be designated as the Grantee for this easement.

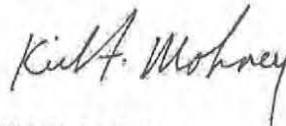
A historic preservation easement allows a property owner to retain ownership of the property while insuring that the historic character of the property will be preserved. Historic preservation easements typically prohibit an owner from demolishing historic properties and from making changes that are inconsistent with the historic character of the property. Proposed alterations to the property may require prior approval from the easement holding organization.

We recommend that FERC notify the Advisory Council on Historic Preservation (ACHP) of this adverse effect finding and invite them to participate in consultation pursuant to 36 CFR Part 800.6(a)(1). FERC must include with its notice to the ACHP all the documentation specified in 36 CFR Part 800.11(e).

For our files, please indicate how FERC has sought input from the public pursuant to 36 CFR Part 800.2(d). We also request that public comments be forwarded to our office, especially any comments regarding historic properties from public meetings.

We look forward to continuing consultation with you on this project. Please contact Robin Reed of our staff if we can be of further assistance in this matter.

Sincerely,



Kirk F. Mohney
State Historic Preservation Officer

cc. Ed Barrett, Administrator, City of Lewiston

LEWISTON CITY COUNCIL

MEETING OF AUGUST 15, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. X

SUBJECT: An Ordinance Pertaining to the Creation of the Lewiston Canal Water Power Historic District.

INFORMATION:

As part of the City's effort to gain ownership of the Lewiston Canal System, Brookfield White Pine Hydro is seeking an amendment to its Federal Energy Regulatory Commission license to exclude the canal system and the City is seeking similar FERC approval to delicense the Upper A generating facility. Since these facilities are now licensed by a federal agency, they enjoy a certain level of historic preservation protection that may be diminished by these efforts. As a result, Maine Historic Preservation is asked to comment on the proposed changes. It has expressed concern to FERC that once the canals/Upper A are no longer within FERC jurisdiction, the federal government will lose its ability to enforce historic standards, potentially negatively impacting the historic protections now in place. At the present time, the Lewiston Canal System is on the federal register of historic places buty is not covered under our local historic preservation ordinance. Maine Historic has recommended that these facilities be added to our Significant Buildings and Districts ordinance. Brookfield and City staff believe that such a designation will assist FERC in reaching a positive decision in regard to the pending licensing matters before it.

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 hold a public hearing and to approve first reading of An Ordinance Pertaining to the Creation of the Lewiston Canal Water Power Historic District and to refer the Ordinance to the Historic Preservation Commission and the Planning Board for recommendations.

MEMORANDUM

TO: Mayor Robert E. Macdonald
Members of the Historic Preservation Review Board

FR: Gildace J. Arsenault, Director of Planning and Code Enforcement

RE: Lewiston Canal and Water Power Historic District

DT: August 9, 2017

Attached please find the following documents:

A proposed amendment to Article XV of the Zoning and Land Use Code to create the Lewiston Canal Water Power Historic District

Five maps depicting the proposed Lewiston Canal and Water Power Historic District

A copy of a memorandum to the Historic Preservation Review Board dated August 3, 2017 regarding the proposed Lewiston Canal and Water Power Historic District

Maine Historic Preservation Commission letter to Brookfield White Pine Hydro, dated November 3, 2016

The National Register of Historic Places Registration Form and associated documents for the Lewiston Mills and Water Power System Historic District is available at <http://www.ci.lewiston.me.us/DocumentCenter/View/7406>

For a number of years, the City has been working to acquire the property contained in the proposed Lewiston Canal and Water Power Historic District as described in the proposed amendment to Article XV of the Zoning and Land Use Code and as shown on the attached maps. In that the canals are contained within the Lewiston Mills and Water Power System Historic District which is a National Register District and are subject to the federal licensing via the Federal Energy Regulatory Commission (FERC), they are also subject to Section 106 of the National Historic Preservation Act of 1966, as amended. This act requires Federal Agencies to take into account the effects of their undertakings on historic properties. As a result of Brookfield White Pine Hydro LLC's application to amend its FERC License to remove the Lewiston Canal System and all associated generating and water conveyance facilities, the Maine Historic Preservation Commission (SHPO) has made a finding that removing the canal system from federal

oversight will adversely affect this National Register listed property. In order to assure that the canal system and all associated generating and water conveyance facilities are “protected”, they need to be closely regulated. The SHPO will require that the City formally designates the “Lewiston Canal System” and all associated generating and water conveyance facilities (aka all contributing historic elements that are passing out of federal control) in Article XV, Section 6 of its Zoning and Land Use Code. This will allow for a comprehensive review of the HPRB and will require the Board’s issuance of a certificate of appropriateness for any proposed changes in the exterior appearance, new construction, demolition, and/or change in materials. If the City should decide to remove this property from Section 6 in the future, the review of undertakings would revert to SHPO via a memorandum of agreement between FERC and SHPO as a condition for the decommissioning work.