

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
APRIL 4, 2017**

5:30 p.m. Budget Workshop

General Government including City Buildings (except Economic Development) pgs. 42, 45-54
Planning & Code Enforcement pgs. 62

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag
Moment of Silence

Presentation of the 2017 Spirit of America Award

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

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 1.

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

- * 1. Order authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 170 Ferry Road.
- * 2. Order authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 17 Holly Street.
- * 3. Order authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 15 Tampa Street.
- * 4. Authorization to accept transfer of forfeiture funds.
- * 5. Amendment to the Traffic Schedule to add a yield sign at Pearl Street.
- * 6. Amendment to the Traffic Schedule regarding fire lanes on Bates Street.

REGULAR BUSINESS:

- 7. Budget Public Hearing for the Fiscal Year 2018 Budget.
- 8. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Bear Bones, Inc., 43 Lisbon Street.
- 9. Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Little Joe's Bar & Grill, 740 Sabattus Street.
- 10. Public Hearing and Final Passage on amendments to the Traffic and Vehicles Ordinance regarding habitual parking violators.
- 11. Public Hearing and First Passage on an amendment to the Conditional Rezoning agreement for the property at 170 Summer Street.
- 12. Order authorizing execution of a municipal quitclaim deed transferring a portion of the City's Franklin Pasture Property to the Maine Department of Transportation to allow for the widening of Bartlett Street to allow for the construction of an access to the proposed new elementary school.
- 13. Order authorizing execution of a Declaration of Restrictions required by the Maine Department of Environmental Protection to protect various streams located on Franklin Pasture and in

connection with the permits necessary for constructing a new elementary school under the Maine Site Location of Development and Natural Resources Protection Acts.

14. Appointment of Denis D'Auteuil to the Lewiston Auburn Transit Committee.
15. Update from the Lewiston School Committee Representative.
16. Reports and Updates.
17. Any other City Business Councilors or others may have relating to Lewiston City Government.
18. Executive Session to discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.
19. Executive Session to discuss labor negotiations regarding the International Association of Firefighters, Local 785.

LEWISTON CITY COUNCIL

MEETING OF APRIL 4, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 170 Ferry Road.

INFORMATION:

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

At this time, the Finance Director is asking the Council to approve a municipal quitclaim deed for the property located at 170 Ferry Road. The quitclaim deed will release any interest the City may have by virtue of undischarged real estate tax liens or utility liens on this property. Payments due for this property have all been received in full. Should the Council approve this Order, the quitclaim will be issued to the owners.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 170 Ferry Road.



COUNCIL ORDER

Order, Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 170 Ferry Road.

WHEREAS, the owners, William H. Hall and Michael C. Lemieux, failed to pay their storm water bill on a timely basis for 170 Ferry Road (Tax Map 100, Lot 009, Parcel 00-020124); and

WHEREAS, a storm water lien was filed on December 6, 2013 (Book 8830 Page 175) and matured on June 7, 2015 in the amount of \$103.76; and

WHEREAS, payment was received in full;

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

That a quitclaim deed is hereby authorized to release the City's interest in the property located at 170 Ferry Road to the owner.

LEWISTON CITY COUNCIL

MEETING OF APRIL 4, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 17 Holly Street.

INFORMATION:

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

At this time, the Finance Director is asking the Council to approve a municipal quitclaim deed for the property located at 17 Holly Street. The quitclaim deed will release any interest the City may have by virtue of undischarged real estate tax liens or utility liens on this property. Payments due for this property have all been received in full. Should the Council approve this Order, the quitclaim will be issued to the owners.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EMBKAM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 17 Holly Street.



COUNCIL ORDER

Order, Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 17 Holly Street.

WHEREAS, the owners, Daniel R. and Melissa M. Bisson, failed to pay their tax bills on a timely basis for 17 Holly Street (Tax Map 150, Lot 074, Parcel 00-008601); and

WHEREAS, a tax lien was filed on June 19, 2013 (Book 8699 Page 76) and matured on December 19, 2014 in the amount of \$121.73; and

WHEREAS, a tax lien was filed on June 18, 2014 (Book 8933 Page 311) and matured on December 18, 2015 in the amount of \$136.22; and

WHEREAS, a tax lien was filed on June 23, 2015 (Book 9164 Page 137) and matured on December 23, 2016 in the amount of \$139.98; and

WHEREAS, payment was received in full;

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

That a quitclaim deed is hereby authorized to release the City's interest in the property located at 17 Holly Street to the owner.

LEWISTON CITY COUNCIL

MEETING OF APRIL 4, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Order Authorizing execution of a Municipal Quitclaim Deed for Real Estate located at 15 Tampa Street.

INFORMATION:

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

At this time, the Finance Director is asking the Council to approve a municipal quitclaim deed for the property located at 15 Tampa Street. The quitclaim deed will release any interest the City may have by virtue of undischarged real estate tax liens or utility liens on this property. Payments due for this property have all been received in full. Should the Council approve this Order, the quitclaim will be issued to the owners.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EABlkmm

REQUESTED ACTION:

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To approve the Order authorizing execution of a municipal quitclaim deed for real estate located at 15 Tampa Street.



COUNCIL ORDER

Order, Authorizing Execution of a Municipal Quitclaim Deed – Real Estate Located at 15 Tampa Street.

WHEREAS, the owner, Ashley Collins, failed to pay her utility bills on a timely basis for 15 Tampa Street (Tax Map 174, Lot 423, Parcel 00-008808); and

WHEREAS, a water lien was filed on August 29, 2013 (Book 8760 Page 106) and matured on February 28, 2015 in the amount of \$176.60; and

WHEREAS, a water lien was filed on June 19, 2014 (Book 8936 Page 158) and matured on December 19, 2015 in the amount of \$192.69; and

WHEREAS, a sewer lien was filed on August 29, 2013 (Book 8760 Page 210) and matured on February 28, 2015 in the amount of \$149.49; and

WHEREAS, a sewer lien was filed on June 19, 2014 (Book 8936 Page 64) and matured on December 19, 2015 in the amount of \$159.65; and

WHEREAS, a storm water lien was filed on December 6, 2013 (Book 8830 Page 97) and matured on June 7, 2015 in the amount of \$124.22; and

WHEREAS, a storm water lien was filed on June 19, 2014 (Book 8936 Page 247) and matured on December 19, 2015 in the amount of \$104.46; and

WHEREAS, payment was received in full;

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

That a quitclaim deed is hereby authorized to release the City's interest in the property located at 15 Tampa Street to the new owner.

**LEWISTON CITY COUNCIL
MEETING OF APRIL 4, 2017**

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT:

Authorization to accept transfer of forfeiture funds.

INFORMATION:

The Lewiston Police Department is requesting that the City Council authorize the acceptance of funds, in the amounts outlined below, as reimbursement for costs associated with assisting in a criminal investigation. The funds are available to the Lewiston Police Department due to its substantial contribution to the investigation of this or a related criminal case.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EA3/1/17

REQUESTED ACTION:

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That pursuant to Title 15, Maine Revised Statutes Annotated, Section 5824(3) and Section 5822(4)(A), the City Council hereby acknowledges and approves of the transfer of \$640.00, or any portion thereof, in the case of the State of Maine vs. Elizabeth Lothrop, CR-16-4190 Court Records, being funds forfeited pursuant to the court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program' account.

STATE OF MAINE
Androscoggin, ss

UNIFIED CRIMINAL COURT
Docket No. CR-16-4190

State of Maine	}	
	}	Municipality of Lewiston
v.	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Elizabeth Lothrop	}	
Defendant;	}	
	}	
And	}	
	}	
\$640.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES the municipality of Lewiston, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) to the transfer of the above captioned Defendant(s) in Rem, or any portion thereof, on the grounds that the Lewiston Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Lewiston, Maine does hereby approve of the transfer of the Defendant(s) In Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Lewiston municipal legislative body on or about

Dated: April 4, 2017

Municipal Officer
Lewiston, Maine
(Impress municipal legislative body seal here)

LEWISTON CITY COUNCIL
MEETING OF APRIL 4, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT:

Amendment to the Traffic Schedule to add a yield sign at Pearl Street.

INFORMATION:

The Police Department is recommending that the Traffic Schedule be amended to add a yield sign at Pearl Street at the intersection with Malo Street. This recommendation is at the request of residents in the area and the Police Department confirm that this intersection meets the standard to have a Yield Sign installed. Passage is recommended.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EABIKMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve amendments to the Traffic Schedule to add a yield sign at Pearl Street at the intersection with Malo Street.



POLICE DEPARTMENT

Sgt. Derrick St. Laurent
Administration / Accreditation



DATE: March 15, 2017
TO: Traffic Schedule Review
FROM: Derrick St. Laurent
SUBJECT: Traffic Schedule Amendment Request

Traffic Schedule Changes:

A resident of Pearl St contacted the Lewiston Police Department requesting a traffic control device (Stop or Yield sign) be placed at the 3-Way intersection of Pearl St. and Malo St. I drove through the area and found the (3 Way) intersection unmarked. This intersection meets the standard to have a Yield sign installed. I recommend a Yield sign be installed at the intersection, advising vehicles on Pearl St. to Yield before continuing onto Malo St.

Traffic Section 42

Yield Signs

Pearl St.

1 sign at Malo St.

PEARL ST. Approaching MALO ST.



If this amendment is approved, this would require Public Works Department to erect sign(s) and/or marking(s) designating the above change.

Respectfully Submitted,

Sgt. Derrick St. Laurent
Lewiston Police Department



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LEWISTON CITY COUNCIL
MEETING OF APRIL 4, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Amendment to the Traffic Schedule regarding fire lanes on Bates Street.

INFORMATION:

The proposed traffic schedule amendment will change a section of Bates Street from parking prohibited Monday through Saturday to parking prohibited at all times due to a fire lane designation. The original designation was to accommodate parishioners at the former St. Patrick's Church for Sunday service and now Sunday parking is no longer needed.

Please see the attached memorandum from Sgt St. Laurent for additional information. Passage is recommended.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

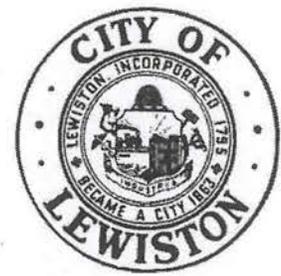
1	2	3	4	5	6	7	M
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To approve an amendment to the Traffic Schedule to designate fire lanes on a portion of Bates Street, as outlined in the attached memorandum.



POLICE DEPARTMENT

Sgt. Derrick St. Laurent
Administration / Accreditation



DATE: March 15, 2017
TO: Traffic Schedule Review
FROM: Sgt. Derrick St. Laurent
Subject: Traffic Schedule Amendment – Bates St. between Walnut St. & Birch St.

Public Works was recently requested to repost Bates St. (Eastside/ even numbered side between Walnut St. / Birch St.) due to the street lacking “No Parking” signs. While researching the Traffic Schedule, it was found that the section of the street is still posted under Section 10, Prohibited Parking Monday-Saturday. That Section was developed to accommodate the former St. Patrick’s Church during Sunday service.

With the addition of Community Concepts (240 Bates St.) along with the Senior Housing Complex (250 Bates), Bates St. is seeing a lot of traffic from the above mentioned parking lots. The street is narrow and was only designed to have parking on the odd side of the street.

The new Section will only allow vehicles to park along the odd numbered side of the street (Kennedy Park side).

ADD

Traffic Section 9

Parking Prohibited All Times – Fire Lanes

Bates St.

Even numbered side, east side, from Walnut St. to Birch St.

REMOVE

Traffic Section 10

Parking Prohibited Monday to Saturday

~~Bates St.~~

~~East side from Walnut St to Birch St~~

If this amendment is approved, this would require Public Works Department to erect sign(s) and/or marking(s) designating the above change.

Respectfully Submitted,

Sgt. Derrick St. Laurent
Lewiston Police Department



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POLICE DEPARTMENT

Sgt. Derrick St. Laurent
Administration / Accreditation



No Parking Bates St. (Eastside/ even numbered side between Walnut St. / Birch St.)



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LEWISTON CITY COUNCIL
MEETING OF APRIL 4, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 7

SUBJECT:

Budget Public Hearing for the Fiscal Year 2018 Budget.

INFORMATION:

The City Council schedules and conducts two public hearings regarding the budget to receive citizen input and comment. The first budget public hearing will be held during this meeting and the final budget public hearing is scheduled for May 2 to be held before the final vote regarding budget adoption.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

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

EAB/kmm

REQUESTED ACTION:

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To conduct the first budget public hearing to receive citizen input and communication regarding the proposed Fiscal Year 2018 Municipal Budget.

DISPLAY AD

**CITY OF LEWISTON
BUDGET PUBLIC HEARING NOTICE**

Notice is hereby given in accordance with Article VI, Section 6.07(a) of the City Charter of a Public Hearing on the City Budget for Fiscal Year 2018. All citizens are invited to attend and provide the City Council with written and/or oral comments and ask questions concerning the City's proposed budget, excluding the School Department.

HEARING DATE: Tuesday, April 04, 2017

TIME: 7:00 P.M.

**PLACE: City Council Chambers, City Building
PROPOSED BUDGET - FISCAL YEAR 2018**

REVENUE SOURCE

General Property Taxes	\$ 33,697,998
Anticipated Revenues Municipal	11,583,887
TOTAL	\$ 45,281,885

EXPENDITURES

Municipal	\$ 42,692,492
County Tax	2,589,393
TOTAL	\$ 45,281,885

WATER DIVISION

Projected Revenues	\$ 5,290,706
Projected Expenditures	5,317,328

SEWER DIVISION

Projected Revenue	\$ 6,536,735
Projected Expenditures	6,497,424

STORM WATER DIVISION

Projected Revenues	\$ 2,895,000
Projected Expenditures	2,883,131

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

Kathleen M. Montejo, MMC
City Clerk

PUBLISH ON Thursday, March 23 2017 Display ad - 2 columns wide by 5.25 inches high.

Proof requested (777-4621 fax)

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

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

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

LEWISTON CITY COUNCIL

MEETING OF APRIL 4, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT:

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Bear Bones, Inc., 43 Lisbon Street.

INFORMATION:

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Bear Bones, Inc., 43 Lisbon Street.

The Police Department has reviewed and approved the application.

There was no reference to this business or property address in the Council Constituent Concern log, as maintained by the Administrator's Office.

The business owner has been notified of the public hearing and requested to attend.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 3/28/2018

Expiration Date: 4-5-2018

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

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

****PLEASE PRINT****

Business Name: Bear Bones Beer Business Phone: 914-310-4992

Location Address: 43 Lisbon St.

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

Mailing Address: 43 Lisbon St. Lewiston ME 04240

Email address: bearbonesbeer@gmail.com

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

Owner of Business: Adam Tuuri Date of Birth: 11/9/1983

Address of Owner: 48 Holland St. Apt 1 Lewiston ME 04240

Manager of Establishment: Adam Tuuri Date of Birth: 11/9/1983

Owner of Premises (landlord): Eric Agren

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

Does the issuance of this license directly or indirectly benefit any City employee(s)? Yes No

If yes, list the name(s) of employee(s) and department(s): _____

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Lewiston? Yes No If yes, please list business name(s) and location(s): Bear Bones Beer

43 Lisbon St. Lewiston ME 04240

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of the law? ___ Yes X No If yes, please explain: _____

CORPORATION APPLICANTS: Please attach a list of all principal officers, date of birth & town of residence

Corporation Name: Bear Bones Inc, Adam Touri 48 Holland St Apt 1 Lewiston ME 11/4/8
Eben Dingman 108 River Rd Leeds ME 4/12/8

Corporation Mailing Address: 43 Lisbon St. Lewiston ME

Contact Person: Adam Touri Phone: 914-310-4992

Do you permit dancing on premises? ___ Yes X No (If yes, you must first obtain a dance hall permit from the State Fire Marshall's Office) If yes, do you permit dancing or entertainment after 1:00 AM? ___ Yes ___ No

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? Tenents above our space

Please describe the type of proposed entertainment:

- dancing
- stand up comedian
- piano player
- music by DJ
- karaoke
- other, please list _____
- live band/singers
- magician
- other, please list _____

If new applicant, what is your opening date?: _____

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

I/We hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We hereby waive any rights to privacy with respect thereto.

Signature: Adam B Touri Title: President/CEO Date: 3/28/2017

Printed Name: Adam B Touri

Hearing Date: 4-4-17



POLICE DEPARTMENT

Brian O'Malley
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: February 7, 2017

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

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

Bear Bones
43 Lisbon St.



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www.lewistonpd.org



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LEWISTON CITY COUNCIL
MEETING OF APRIL 4, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 9

SUBJECT:

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

INFORMATION:

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

The Police Department has reviewed and approved the application.

There was no reference to this business or property address in the Council Constituent Concern log, as maintained by the Administrator's Office.

The business owners have been notified of the public hearing and requested to attend.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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

CITY OF LEWISTON
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: 3-28-17

Expiration Date: 4-10-2018

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

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

****PLEASE PRINT****

Business Name: Little Joe's Bar & Grill Business Phone: (207) ~~783-6361~~ 783-6361

Location Address: 740 Sabbathus Street

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

Mailing Address: 740 Sabbathus Street

Email address: peepingken@gmail.com

Contact Person: Kenneth Daise Jr. Phone: (207) 344-5030

Owner of Business: Kenneth Daise Jr. Date of Birth: 3/8/77

Address of Owner: 15 Bartholomew Street Lisbon, Maine 04250

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

Owner of Premises (landlord): Kenneth Daise Sr.

Address of Premises Owner: 84 New Gloucester Road Durham, Maine 04222

Does the issuance of this license directly or indirectly benefit any City employee(s)? Yes No
If yes, list the name(s) of employee(s) and department(s): _____

Have any of the applicants, including the corporation if applicable, ever held a business license with the City of Lewiston? Yes No If yes, please list business name(s) and location(s): _____

Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of the law? ___ Yes X No If yes, please explain: _____

CORPORATION APPLICANTS: Please attach a list of all principal officers, date of birth & town of residence

Corporation Name: Little Joes Bar & Grill

Corporation Mailing Address: 740 Sabattus Street

Contact Person: Melissa Leighton Phone: (607) 290-5950

Do you permit dancing on premises? ___ Yes X No (If yes, you must first obtain a dance hall permit from the State Fire Marshall's Office) If yes, do you permit dancing or entertainment after 1:00 AM? ___ Yes ___ No

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 200 feet

Please describe the type of proposed entertainment:

- dancing
- music by DJ
- live band/singers
- stand up comedian
- karaoke
- magician
- piano player
- other, please list _____
- other, please list _____

If new applicant, what is your opening date?: _____

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto.

I/We hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We hereby waive any rights to privacy with respect thereto.

Signature: [Signature] Title: President Date: 3/28/17

Printed Name: Kenneth Deisle Jr.

Hearing Date: 4-4-17



POLICE DEPARTMENT

Brian O'Malley
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. Adam D. Higgins, Support Services

DT: February 7, 2017

RE: Liquor License/Special Amusement Permit – **Little Joe's**

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

Little Joe's
740 Sabattus St.



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



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

LEWISTON CITY COUNCIL

MEETING OF APRIL 4, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 10

SUBJECT:

Public Hearing and Final Passage on amendments to the Traffic and Vehicles Ordinance regarding habitual parking violators.

INFORMATION:

The current City Ordinance states that a habitual parking violator who has more than \$100 in unpaid parking tickets is subject to removal of their vehicles from public way or property. Due to the fact that the fines for parking have increased over the years, it is now very easy for someone to have received two parking tickets that they have not paid to be in violation of this city ordinance, resulting in their car being towed. The Police Chief is requesting that the amount be changed to \$200 in order to account for the increased parking ticket fines.

This proposed ordinance amendment would change the definition of a habitual parking violator from someone with unpaid parking penalties from \$100 to \$200.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EARBKMM

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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That the proposed amendment to the City Code of Ordinances, Chapter 70 "Traffic and Vehicles", Section 70-20 "Same - Definitions" receive final passage by a roll call vote.

AN ORDINANCE PERTAINING TO HABITUAL PARKING VIOLATORS

THE CITY OF LEWISTON HEREBY ORDAINS:

Chapter 70 of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

CHAPTER 70

TRAFFIC AND VEHICLES

ARTICLE I. IN GENERAL

Sec. 70-20. Same--Definitions.

Habitual violator shall mean the owner of a vehicle which has accumulated:

- (1) More than ~~\$100.00~~ \$200.00 in unpaid penalties arising out of outstanding parking tickets arising in the city.

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

LEWISTON CITY COUNCIL

MEETING OF APRIL 4, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

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

INFORMATION:

Kelly LaCroix, on behalf of The Movement & Wellness Center, LLC, has submitted a petition to amend the existing conditional rezoning agreement for this property. They are requesting the ability to amend the rezoning agreement to allow fitness and recreational sports centers as listed under NAICS Code 713940 as a permitted use.

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

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.



REQUESTED ACTION:

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



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Mayor and City Council
FROM: David Hediger, City Planner
DATE: March 27, 2017
RE: Amendment to the existing conditional rezoning agreement for the property at 170 Summer Street.

The Planning Board took the following action at their meeting held on March 27, 2017 regarding a request by Kelly LaCroix, on behalf of The Movement & Wellness Center, LLC to amend the existing conditional rezoning agreement for the property at 170 Summer Street:

MOTION: by **Paul Madore** to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code, to send a favorable recommendation for the City Council's consideration, to amend the existing conditional rezoning agreement for the property at 170 Summer Street to allow fitness and recreational sports centers as listed under NAICS Code 713940 as a permitted use, in addition to those uses already allowed, including wholesale sales, warehousing and distribution facility, a neighborhood retail store, and business and professional offices. Second by **John Butler**.

VOTED: 7-0 (Passed)

Note: Two neighbors did attend the Planning Board meeting and expressed concerns with the potential of increased traffic and hours of operations. They noted that it is a residential neighborhood with many pedestrians, especially given the site's proximity to Sunnyside Park and increased usage due to the Greenway Pedestrian Trail. The neighborhood lacks sidewalks and those that do exist are in very poor condition with the exception of Winter Street. The Board recognized that the existing conditional zoning already allows for uses that may generate high volumes of traffic or operate various hours and that the proposed conditional rezoning would likely not worsen conditions. However, with respect to sidewalks, the Board referenced their recommendation to the City Council for adoption of the FY2018 LCIP; specifically, that \$99,000 be added to the total project cost for Sidewalk Maintenance & Rehabilitation FY2018 and made the following motion:

MOTION: by **Norm Anctil** that the City Council considers any additional funding added to the FY2018 LCIP for Sidewalk Maintenance & Rehabilitation is used improve existing or construct new sidewalks to access to Sunnyside Park from Main Street. Second by **Sandy Marquis**.

VOTED: 7-0 (Passed)



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Planning Board
FROM: David Hediger, City Planner
DATE: March 23, 2017
RE: March 27, 2017 Planning Board Agenda Item IV(a)

To consider a request by Kelly LaCroix, on behalf of The Movement & Wellness Center, LLC to amend the existing conditional rezoning agreement for the property at 170 Summer Street.

Kelly LaCroix, on behalf of The Movement & Wellness Center, LLC has submitted a petition pursuant to Article XVII, Section 5 of the Zoning and Land Use Code to amend the existing conditional rezoning agreement for the property at 170 Summer Street. Said property shall remain conditionally rezoned from the Neighborhood Conservation "B" (NCB) District to the Urban Enterprise (UE) District and be amended to allow "fitness and recreational sports centers as listed under NAICS Code 713940" as a permitted use, in addition to those uses already allowed, including wholesale sales, warehousing and distribution facility, a neighborhood retail store, and business and professional offices.

This property of approximately 1.7 acres consists of a 17,500+ SF office/warehouse structure built in 1986 by Tufts Printing, later renamed One-Right Systems, Inc., and One Source Printing. At that time, printing facilities were allowed as a permitted use with the property located in the Commercial zoning district. In 1988 the zoning of the property changed to NCB and use of the property became legally nonconforming. In 2002, One Source Printing successfully petitioned to conditionally rezone the property to the UE district to allow their use to become legally conforming and provide the ability to make future planned expansions and other improvements. That conditional rezoning was limited to "light industrial uses and accessory buildings and uses". In 2014, Rockingham Electrical Supply Co. Inc. successfully petitioned to amend the existing conditional rezoning to remain UE and to include "wholesale sales, warehousing and distribution facility, a neighborhood retail sales business, and business and professional offices" as permitted uses.

At this time, the petitioner, Kelly LaCroix is requesting an amendment to the existing 2014 conditional rezoning agreement to allow the additional use of fitness and recreational sports centers as listed under NAICS Code 713940. NAICS is the North American Industry Classification System used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. Lewiston's Zoning and Land Use Code makes reference to this system under a number of different use categories in effort to provide additional clarification. NAICS Code 713940 Fitness and Recreational Sports Centers comprises of establishments primarily engaged in operating fitness and recreational sports facilities featuring exercise and other active physical

MEMO

fitness conditioning or recreational sports activities, such as swimming, skating, or racquet sports.

The property owner, Rockingham Electrical Supply Co, utilizes most of the building. However, they have additional space available as the previous owner, One Source Printing, is no longer in business. The petitioner is interested in operating a therapeutic exercise, fitness, therapeutic massage, and accessory retail sales business in that space. Many aspects of her proposal are currently allowed under the existing conditional rezoning agreement as business and professional office use (i.e. health care and social assistance). This includes therapeutic massage and a non-contact, therapeutic boxing program for those diagnosed with Parkinson's disease. This program uses high intensity interval training to address many of the symptoms associated with Parkinson's disease. However, the petitioner is also requesting the ability to offer fitness and recreational opportunities to further support and expand upon the services offered by The Movement & Wellness Center, LLC. utilizing the existing space and equipment to provide fitness classes such as fitness boxing, Tai Chi, Pilates, and others.

Allowing fitness and recreational sports centers as a permitted use provides the petitioner and the owner of 170 Summer Street more options of utilizing a property that became legally nonconforming in 1988, while continuing to limit the number of allowed uses in area that is zoned residential. Staff has provided a table listing all of the allowed uses in the NCB and UE for comparison with the existing and proposed conditional rezonings.

Upon a successful rezoning of the property, staff is of the opinion the petitioner will not likely need to receive development review approval for a change of use of the property, as staff does not anticipate The Movement & Wellness Center, LLC to be an intensification of the currently permitted use of the property by Rockingham Electric for wholesale sales, warehousing and distribution.

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 for the City Council's consideration, to amend the existing conditional rezoning agreement for the property at 170 Summer Street to allow fitness and recreational sports centers as listed under NAICS Code 713940 as a permitted use, in addition to those uses already allowed, including wholesale sales, warehousing and distribution facility, a neighborhood retail store, and business and professional offices (subject to any concerns, if any, raised by the Planning Board or staff).



THE MOVEMENT & WELLNESS CENTER, LLC

PO Box 375, Greene, Maine 04236/207-576-1529/L-A@rsbaffiliate.com

March 20, 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 Kelly LaCroix, I have a BS in exercise science and I have been a Licensed Massage Therapist in Maine for over 10 years.

I am attempting to amend the zoning and land use code for the premises located at 170 Summer Street in Lewiston, Maine, which is currently owned by Rockingham Electrical Supply Company, Inc. They have space available where I would like to start my new business, The Movement & Wellness Center, LLC.

I propose operating a therapeutic exercise, fitness, therapeutic massage and accessory retail sales business. My business will mostly overlap with the services currently allowed under the existing conditional rezoning as business and professional offices (i.e. Health Care and Social Assistance) and the need for fitness and recreational to further support and expand upon the services I plan to provide.

The two major parts of my business will be therapeutic massage and a non-contact, therapeutic boxing program for those diagnosed with Parkinson's Disease (PD), called Rock Steady Boxing. This program uses high intensity interval training to address many of the symptoms associated with Parkinson's Disease (PD), such as stuttered gait, impaired balance, reduced hand-eye coordination, tremors, and many more.

To remain a viable business, I would like to utilize the existing space and equipment purchased to provide fitness classes such as fitness boxing, Tai Chi, Pilates, and others. With the amended zoning, this important part of the business would be possible.

Thank you for your consideration of my zoning amendment request.

Sincerely,



Kelly LaCroix



ROCKINGHAM ELECTRICAL SUPPLY COMPANY

Corporate Offices

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

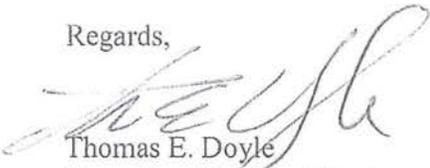
March 9, 2017

City of Lewiston
Zoning Board
Lewiston, ME 04240

To Whom It May Concern,

I know Kelly Lacroix, dba "The Movement and Wellness Center" and support her request for zoning changes at our property located at 170 Summer Street, Lewiston, ME.

Regards,



Thomas E. Doyle
Executive Vice-President

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

Pursuant to Appendix A, Article XVII, Section 5 A Amendments of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) year of age or older, do hereby petition the City of Lewiston to amend the conditional rezoning agreement at 170 Summer Street described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1		Spencer Berube	75 King Ave.	3/11/17
2		Gabrielle Garcia	172 Crawley Rd.	3/11/17
3		Emmele Williams	45 SUMMIT ST	3/11/17
4		Nancy Carroll	128 SUMMIT ST	3/12/17
5		Paul Parent	178 Spring St.	3/12/17
6		GAE TAN BRETON	61 RIVERSIDE	3/12/17
7		Anne D'Amour	107 JEFFERSON ST	3/12/17
8		MARC ROBERT D'AMOUR	67 JEFFERSON ST.	3-12-17
9		Michael P. Meyer	42 GARCELON SE	3-12-17
10		GUY LANGELLIER	182 GREGG ST.	3-13-17
11		Stephen J. Bowden	114 Sleeper Rd	3-13-17
12		Randall K Orr	33. Bushy Cir	3-13-17
13				
14				
15				
16				
17				
18				
19				
20				

CIRCULATOR=S VERIFICATION

I hereby verify that I am the Circulator of this petition that all the signatures to this petition were made in my 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

Asst City Clerk 3/13/17

AN ORDINANCE PERTAINING TO ZONING BOUNDARIES

THE CITY OF LEWISTON HEREBY ORDAINS:

Appendix A of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

APPENDIX A

ZONING AND LAND USE CODE

ARTICLE IV. ESTABLISHMENT OF DISTRICTS

Sec. 1. Zoning Map

The City of Lewiston hereby ordains that the Official Zoning Map of the City of Lewiston be amended by modifying the existing conditional rezoning agreements as recorded in the Androscoggin Registry of Deeds Book 5206 Page 167 and Book 8966 Page 175 for the property at 170 Summer Street 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 Neighborhood Conservation "B" (NCB) District and to the Urban Enterprise (UE) District.

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 170 Summer Street (see Exhibit A, Registry of Deeds Book 9245, Page 232) be allowed to operate a wholesale sales, warehousing and distribution facility, a neighborhood retail sales business, business and professional offices, and fitness and recreational sports center business. The property (see Exhibit B) contains a structure built in 1986 by Tufts Printing, and currently owned by Rockingham Electrical Supply Company, Inc. The current use is an electrical supply wholesale business. Space is available within the existing structure whereby the petitioner, The Movement & Wellness Center, L.L.C., proposes to operate a therapeutic exercise, fitness, therapeutic massage, and accessory retail sales business. My business will mostly overlap with the services currently allowed under the existing conditional rezoning as business and professional offices (i.e. Health Care and Social Assistance) and the need for fitness and recreational to further support and expand upon the services I plan to provide.

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-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. (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. (Vision Statement & Guiding Principles, Guiding Principles, page 116.)
- (4.) Encourage infill and redevelopment within the downtown, existing service area and designated growth areas. (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 conditional rezoning agreement with the subject property remaining conditionally rezoned Urban Enterprise (UE), subject to the limitations more fully described below.

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

- (a) Land Use Table: Allowed uses of the property shall include those uses which are presently permitted under the existing conditional rezoning agreement as recorded in the Androscoggin Registry of Deeds Book 8966 Page 175 for the property at 170 Summer Street and the following uses: wholesale sales, warehousing and distribution facilities and self-storage facilities, neighborhood retail sales, business and professional offices, and fitness and recreational sports centers, as listed below and subject to the conditions contained herein.

Land Use Table	Proposed Amended Conditional Rezoning to UE-170 Summer Street
USES(15)(33)	
Accessory use or structure	P
Commercial-Service	
Veterinary facilities excluding kennels and humane societies	
Veterinary facilities including kennels and humane societies	
Small day care facilities	
Day care centers	
Day care centers accessory to public schools, religious facilities, multifamily or mixed res. developments, and mobile home parks	
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services	P
Restaurants	
Drinking places	
Adult business establishments	
Hotels, motels, inns	
Movie theaters except drive-in theaters	
Places of indoor assembly, amusement or culture	
Art and crafts studios	
Personal Services	
Retail stores	
Neighborhood retail stores	P
Lumber and building materials dealer	
Gasoline service stations	
Gasoline service stations which are a part of and subordinate to a retail use	
New and used car dealers	
Recreational vehicle, mobile home dealers	

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

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

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

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)	Urban Enterprise (UE)
Minimum lot size with public sewer	
Single family detached (24)	
Single family attached	
Two-family dwellings	
Single family cluster development	

Mixed single family residential development (14)	
Mixed residential development (14)	
Multifamily dwellings	5,000 sf
Mixed use structures	
Agriculture	
Religious facilities	
Veterinary facilities	
Other uses	
All permitted uses	5,000 sf
Minimum lot size without public sewer (3)	
Single family detached, mobile homes on individual lots (24)	
Single family attached	
Two-family dwellings	
Single family cluster development (1)	
Mixed single family residential development (14)	
Mixed residential development (14)	
Multifamily dwellings	20,000 sf
Mixed use structures	
Agriculture	
Religious facilities	
Veterinary facilities	
Other uses	20,000 sf
Minimum <u>net</u> 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	1,500
Mixed use structures	1,500
All permitted residential uses	
Minimum <u>net</u> 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	1,500 sf
Mixed use structures	1,500 sf
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 residential development (with multiple vehicular accesses) (14)	
Multifamily dwellings (with multiple vehicular accesses)	
Mixed use structures	
Agriculture	
Religious facilities	
Veterinary facilities	
Other uses	
All permitted uses	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	25ft (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
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	20 ft
Minimum side and rear yard	
Single family detached, mobile homes on individual lots	
Single family attached	
Two-family dwellings	
Single family cluster development	
Mixed single family residential development (14)	
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
Religious facilities	
Veterinary facilities	
Farm structures for keeping of animals	
Other uses	
All permitted uses	10 ft (10,16)
Maximum height	
Agriculture	

Other permitted uses	80 ft
Hospital, nursing homes and medical offices	
Ratios	
Maximum lot coverage	0.60
Maximum impervious coverage	0.80

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 the 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.

(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.

(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.

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

(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 22 day of March 2017.

The Movement & Wellness Center, L.L.C./Kelly LaCroix

Kelly LaCroix

Kelly LaCroix

Androscoggin, SS
Lewiston, Maine

MARCH 22, 2017

Personally appeared the above named Kelly LaCroix and acknowledged the foregoing to be her free act and deed.

Notary Public
Commission Expires:

Catherine L. Leberg

CATHERINE L. LEKBERG
Notary Public, Maine
My Commission Expires February 5, 2018

The owner of 170 Summer Street, Rockingham Electrical Supply Company, Inc. acknowledges and is supportive of this request.

Owner

James E. Pender Jr.

Androscoggin, SS
Lewiston, Maine

MARCH 21, 2017

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

Notary Public
Commission Expires:

R. G. Allen

RENE G ALLEN
NOTARY PUBLIC - NEW HAMPSHIRE
MY COMMISSION EXPIRES
MARCH 12, 2019

QUITCLAIM DEED WITHOUT COVENANT

FINANCE AUTHORITY OF MAINE, ("FAME") with a principal place of operation in the City of Augusta, County of Kennebec and State of Maine, by virtue of and in execution of the Power of Sale contained in the Mortgage, Security Agreement and Financing Statement ("Mortgage") given by ONESOURCE PRINTING, to FAME dated September 25, 2013 and recorded in the Androscoggin County Registry of Deeds in Book 8784, Page 172, for valuable consideration paid by ROCKINGHAM ELECTRICAL SUPPLY COMPANY, INC. being the high bidder at an auction held September 22, 2015, RELEASES AND QUITCLAIMS unto said ROCKINGHAM ELECTRICAL SUPPLY COMPANY, INC., the Premises located at or about 170 Summer Street, Lewiston, Maine, all as further described in said Mortgage and more particularly described as follows:

MAINE REAL ESTATE
TRANSFER TAX PAID

A certain lot or parcel of land, with the buildings and improvements thereon, situated in Lewiston, County of Androscoggin, State of Maine and described as follows:

Commencing at a point on the northerly line of Summer Street, which point is the southeasterly corner of land described as Parcel 1 in a mortgage to Casco Northern Bank, N.A. dated October 1, 1985, recorded in Book 1659, Page 1; thence North 35° 13' 41" West two hundred fifty feet (250') to a point, which point marks the northeasterly corner of land described in said Parcel 1 above; thence North 55° 26' 19" East two hundred eighty-six feet (286') to an iron rod set in the ground, which iron rod marks the northeasterly corner of land conveyed by Guy A. Hartnett to Tufts Brothers by deed dated September 14, 1974, recorded in the Androscoggin County Registry of Deeds in Book 1126, Page 131; thence South 35° 13' 41" East to an iron rod set in the ground, which iron rod marks the southeasterly corner of land as described in a deed from Guy A. Hartnett to Tufts Brothers recorded in Book 1126, Page 131; thence South 55° 26' 19" West two hundred eighty-six feet (286') to the point of beginning.

Being a portion of the premises described in the original conveyance from Guy A. Hartnett to Tufts Brothers by instrument dated September 14, 1974 and recorded in the Androscoggin County Registry of Deeds in Book 1126, Page 131. Tufts Brothers merged into One Right Systems, Inc. by Articles of Merger dated May 25, 2000 and recorded in Book 4443, Page 199. One Right Systems, Inc. changed its name to One Right Business Printing by instrument dated April 16, 2002. One Right Business Printing changed its name to Onesource Printing by instrument dated December 31, 2007.

DATED: October 16, 2015

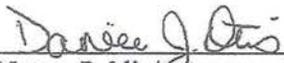
FINANCE AUTHORITY OF MAINE


By: Jennifer Cummings
Its: Senior Workout officer

STATE OF MAINE
KENNEBEC, ss.

October 16, 2015

Personally appeared the above-named, Jennifer Cummings, Senior Workout Officer of Finance Authority of Maine, who acknowledges the foregoing as her free act and deed, and the free act and deed of the Finance Authority of Maine.


Notary Public/Attorney-at-Law

DANIELLE J. OTIS
Notary Public, State of Maine
My Commission Expires 1/28/2021

SEAL

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

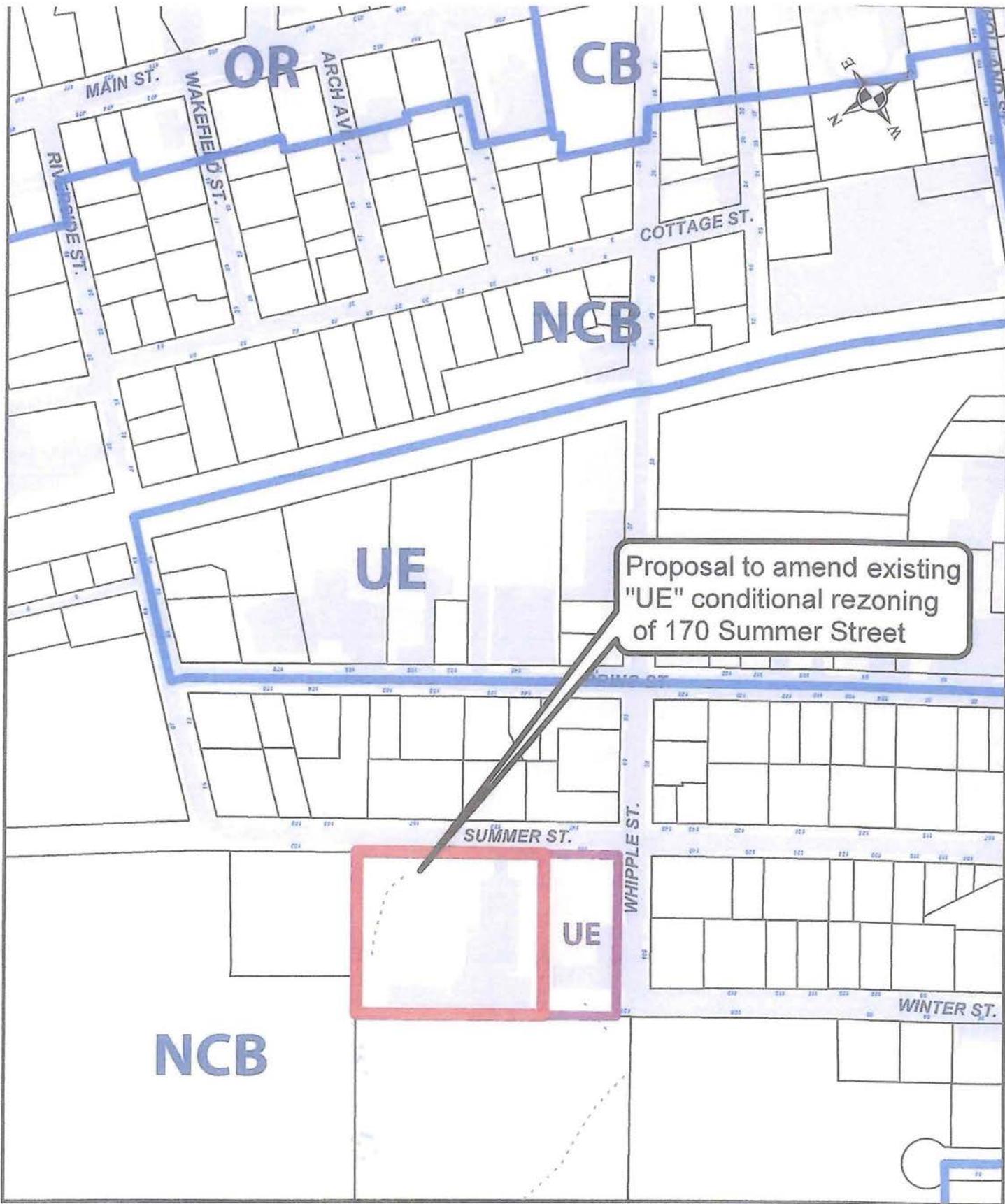


Exhibit B

Land Use Table: pursuant to Article XI, Section 22 et seq. of the Zoning and Land Use Code	Neighborhood Conservation "B" (NCB)	Urban Enterprise (UE)	Existing Conditional Rezoning to UE-170 Summer Street	Proposed Amended Conditional Rezoning to UE-170 Summer Street
USES(15)(33)				
Accessory use or structure	P	P	P	P
Commercial-Service				
Veterinary facilities excluding kennels and humane societies				
Veterinary facilities including kennels and humane societies		P		
Small day care facilities	P	P		
Day care centers		P		
Day care centers accessory to public schools, religious facilities, multifamily or mixed res. developments, and mobile home parks	C(22)			
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services	C(31)	P	P	P
Restaurants		P		
Drinking places				
Adult business establishments				
Hotels, motels, inns		P		
Movie theaters except drive-in theaters		P		
Places of indoor assembly, amusement or culture		P		
Art and crafts studios	C	P		
Personal Services	P	P		
Retail stores		P		
Neighborhood retail stores	P		P	P
Lumber and building materials dealer		P		
Gasoline service stations		P		
Gasoline service stations which are a part of and subordinate to a retail use				
New and used car dealers		P (8,17)		
Recreational vehicle, mobile home dealers		P		
Equipment dealers and equipment repair		P		
Automotive services including repair		P		
Registered dispensary(27)		C		
Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients.		P		
Tattoo Establishments				
Industrial				
Light industrial uses		P	P	P
Industrial uses		C		
Building and construction contractors		P(6,7)		
Fuel oil dealers and related facilities		P(6,7)		
Wholesale sales, warehousing and distribution facilities and self-storage facilities		P	P	P
Self storage facilities		P		
Commercial solid waste disposal facilities				
Junkyards and auto graveyards				
Recycling and reprocessing facilities		C		

Land Use Table: pursuant to Article XI, Section 22 et seq. of the Zoning and Land Use Code	Neighborhood Conservation "B" (NCB)	Urban Enterprise (UE)	Existing Conditional Rezoning to UE-170 Summer Street	Proposed Amended Conditional Rezoning to UE-170 Summer Street
Private industrial/commercial developments(23)		P		
Transportation				
Airports or heliports				
Commercial parking facilities	C	P		
Transit and ground transportation facilities				
Transportation facilities		P		
Public and Utility				
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P	P		
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C	C		
Municipal buildings and facilities	C	P		
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways				
Dams				
Institutional				
Religious facilities	P	P		
Cemeteries	P			
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities	C	P		
Hospitals, medical clinics,	C	P		
Museums, libraries, and non-profit art galleries and theaters				
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures,	C(13)	P		
Civic and social organizations	C			
Public community meeting and civic function buildings including auditoriums				
Residential(8)				
Single-family detached dwellings on individual residential lots	P(2)			
Mobile homes on individual residential lots				
Two-family dwellings	P			
Multifamily dwellings in accordance with the standards of Article XIII	P	P		
Single-Family attached dwelling in accordance with the standards of Article XIII	P			

Land Use Table: pursuant to Article XI, Section 22 et seq. of the Zoning and Land Use Code	Neighborhood Conservation "B" (NCB)	Urban Enterprise (UE)	Existing Conditional Rezoning to UE-170 Summer Street	Proposed Amended Conditional Rezoning to UE-170 Summer Street
Mixed single-family residential developments in accordance with the standards of Article XIII	P			
Mixed residential developments in accordance with the standards of Article XIII	P			
Mixed use structures	P	P		
Lodging houses	P			
Home occupations	P	C		
Bed and breakfast establishments as a home occupation	P	P		
In-law apartments in accordance with the standards of Article XII	P			
Single family cluster development				
Family day care home	P	P		
Shelters	C			
Natural Resource				
Agriculture				
Farm Stands				
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P	P		
Earth material removal				
Community gardens(20)	P	P		
Water dependent uses, e.g. docks and marinas				
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet				
Recreation				
Campgrounds				
Public or private facilities for nonintensive outdoor recreation	C			
Commercial outdoor recreation and drive-in theaters				
Fitness and recreational sports centers as listed under NAICS Code 713940				P

LEWISTON CITY COUNCIL
MEETING OF APRIL 4, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 12

SUBJECT:

Order authorizing execution of a municipal quitclaim deed transferring a portion of the City's Franklin Pasture Property to the Maine Department of Transportation to allow for the widening of Bartlett Street to allow for the construction of an access to the proposed new elementary school.

INFORMATION:

The School Department is planning to construct a new elementary school on the City's Franklin Pasture property. As a part of this project, there will be a driveway from Bartlett Street added to serve the school. Given that Bartlett Street is a state aid road, plans affecting the road must be reviewed and approved by the Maine Department of Transportation. MDOT is requiring that we transfer a strip of property adjacent to Bartlett Street and the new driveway to MDOT. This change is also included in the site plan approved by the Planning Board. The property involved is shown on the attached site plan.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing execution of a municipal quitclaim deed transferring a portion of the City's Franklin Pasture Property to the Maine Department of Transportation to allow for the widening of Bartlett Street to allow for the construction of an access to the proposed new elementary school.



COUNCIL ORDER

Order, Authorizing Execution of a Municipal Quitclaim Deed Transferring a Portion of the City's Franklin Pasture Property to the Maine Department of Transportation to Allow for the Widening of Bartlett Street to Allow for the Construction of an Access to the Proposed New Elementary School.

WHEREAS, the Lewiston School Department is planning to construct a new elementary school on the City's property known as Franklin Pasture and located at 45 Birch Street, 156 East Avenue and 400 Bartlett Street ("Franklin Pasture"); and

WHEREAS, as part of the permit requirements for the construction of the entrance to the new elementary school from Bartlett Street and because Bartlett Street is a state aid highway, the City is required to transfer a strip of land adjacent to the proposed entrance to the State of Maine; and

WHEREAS, the Planning Board has recommended that the City permanently transfer this property to the State of Maine for the purpose of widening Bartlett Street, as shown on the "Bartlett Street Off-Site Layout Plan," Sheet C100.1, dated 02-03-17, presented to the Planning Board, pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code, and has required that the City transfer the property prior to obtaining any building permits or initiating construction activity;

NOW, THEREFORE, BE IT ORDERED by the CITY COUNCIL of the CITY of LEWISTON that the City Administrator is hereby authorized to execute and deliver a quitclaim deed, in the form required by the Maine Department of Transportation, to release the City's interest in a portion of the Franklin Pasture property, such transfer required to allow for the construction of an access drive to the site of the proposed new school.

MUNICIPAL QUITCLAIM DEED
STATUTORY SHORT FORM
TITLE 33, §775

CITY OF LEWISTON, a body corporate and politic located in the City of Lewiston, Androscoggin County, Maine, with a mailing address of 27 Pine Street, Lewiston, Maine 04240, for consideration paid, releases unto the **STATE OF MAINE, acting by and through its Department of Transportation**, its successors and assigns, whose mailing address is 16 State House Station, Augusta, Maine 04333-0016, the land in the City of Lewiston, County of Androscoggin, and State of Maine, more particularly described in Exhibit A attached hereto and made a part hereof.

The City of Lewiston has caused this instrument to be signed in its corporate name by Edward A. Barrett, its City Administrator, duly authorized, this _____ day of April, 2017.

CITY OF LEWISTON

By: Edward A. Barrett
Its: City Administrator

STATE OF MAINE
COUNTY OF ANDROSCOGGIN

April _____, 2017

Personally appeared the above-named Edward A. Barrett, City Administrator for the City of Lewiston and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of the City of Lewiston.

Before me,

Notary Public/Attorney-at-Law

(Print Name)

EXHIBIT A

A certain lot or parcel of land located in the City of Lewiston, County of Androscoggin, and State of Maine, as more particularly described as follows:

Beginning at the south-southeastern corner of a parcel of land now known as **360 Bartlett Street**, Lewiston, Maine, which is described in a deed recorded in the Androscoggin County Registry of Deeds in **Book 8317, Page 233** ("360 Bartlett Street");

thence along the northerly right-of-way line of Bartlett Street approximately **S 55°-41'-05" E**, a distance of approximately **665.6 feet** to a point;

thence along the right-of-way line of Bartlett Street approximately **S 55°-32'-07" E** a distance of approximately **9.0 feet**;

thence **N 34°-27'-53" E** a distance of approximately **20.0 feet**;

thence **N 55°-40'-58" W** a distance of approximately **674.65 feet** to the southeasterly boundary of 360 Bartlett Street;

thence **S 34°-18'-58" W** a distance of approximately **20.0 feet** to the point of beginning.

The parcel has an area of approximately **13,484.7** square feet.

Meaning and intending to convey a portion of the premises described in a deed from Franklin Company to the City of Lewiston dated February 17, 1971 and recorded in Book 1029, Page 608.



CITY OF LEWISTON

Department of Planning & Code Enforcement

February 17, 2017

Frank L. Crabtree P.E., LEED AP BD+C
Harriman
46 Harriman Drive
Auburn, Maine 04210

Sent by email to: fcrabtree@harriman.com
jarimer@harriman.com
bwebster@lewistonpublicschools.org

Re: Lewiston Elementary School

Dear Mr. Crabtree:

At the Planning Board meeting of February 15, 2017 the Board found that the application submitted by Harriman for the construction of a new elementary school and new high school athletic fields at 145 Birch Street/156 East Ave/400 Bartlett Street meets all of the necessary criteria contained in the Zoning and Land Use Code, including but not limited to, Article XIII, Section 4 of the Zoning and Land Use Code and grants approval subject to the following conditions:

1. Evidence of the DEP site law and wetland alterations approval is provided prior to issuance of any building permits or construction activity.
2. The Planning Board provides a favorable recommendation for the City Council's consideration to permanently transfer city property to the State of Maine for the purpose of widening Bartlett Street as shown on the "Bartlett Street Off-Site Layout Plan", Sheet C100.1, dated 02-03-17 pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code and that the Council transfer the property prior to any building permits or construction activity.
3. The applicant work with staff to ensure exterior lighting is meeting the requirements of the 2009 International Building Code prior the issuance of any building permits or construction activity.

4. The applicant monitors on-street parking along Caron, Jefferson, and Birch Streets to avoid neighborhood complaints.
5. Athletic field lighting is limited to the football field unless an amended site plan and lighting photometric plan is submitted for the Planning Boards approval.
6. Prior to any certificate of occupancy being issued:
 - a. Evidence of the post-construction storm water management guarantee having been recorded at the Registry of Deeds must be provided.
 - b. Evidence of a final inspection of the storm water system shall be provided to the city by the designing engineer along with a written statement indicating that the storm water system and all site improvements have been completed in accordance with the approved plans.

Please provide a minimum of one (1) mylar's and one (1) paper copy for the Planning Board Chairman's signature. In addition, to facilitate updates of City GIS, any plans submitted for development review are requested to be accompanied by a digital CAD plan data file on compact disc (AutoCAD 2011 or earlier).

Please be advised that you will need to obtain the proper building and related permits from the Lewiston Planning and Code Enforcement Office before starting any construction or site work.

Please note that if development has not occurred as defined within the scope of this Code within two years, development review approval shall expire. The applicant may not begin construction or operation of the development until a new approval is granted. If necessary, an extension of development review approval must be made within two years of the initial granting of approval. The applicant must state the reasons why the development was not begun within two years from the granting of the initial approval and the reasons why the applicant will be able to begin the activity within two years from the granting of an extension, if granted. Extensions of approval may include information submitted in the initial application by reference. Only one extension of the initial approval shall be allowed under these provisions.

Congratulations on the approval of your project. If you have any questions, please do not hesitate to give me a call at (207) 513-3125, Extension 3223.

Sincerely,



David R. Hediger, City Planner

cc: Lincoln Jeffers – Asst. to the City Adm.
Gildace Arsenault – Director of Planning & Code Enf.
Derrick St.Laurent – Police Dept.
Paul Ouellette/Bruce McKay -Fire Dept.
Rick Burnham/Ryan Barnes – Engineering, Public Services

LEWISTON CITY COUNCIL

MEETING OF APRIL 4, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 13

SUBJECT:

Order authorizing execution of a Declaration of Restrictions required by the Maine Department of Environmental Protection to protect various streams located on Franklin Pasture and in connection with the permits necessary for constructing a new elementary school under the Maine Site Location of Development and Natural Resources Protection Acts.

INFORMATION:

The School Department is planning to construct a new elementary school on the City's Franklin Pasture property. As a part of this project, a new field will be constructed that will impact a stream on the property. As part of the City's Site Location of Development Act and Natural Resource Protection Act permit required for the construction of the new elementary school, the Maine Department of Environmental Protection has required that the City record a declaration of restrictions to protect in perpetuity certain streams located on the Franklin Pasture property. This entails the creation of a buffer area to both sides of these streams that prohibits any significant construction or disturbance. Please see the attached site plan for details.

Since restrictions will be placed limiting the use/development of these areas, the City Attorney has advised that this meets the ordinance definition of a disposition of property on which the Planning Board must make a recommendation. The Board's recommendation to approve is attached.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/Kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To approve the Order authorizing execution of a Declaration of Restrictions required by the Maine Department of Environmental Protection to protect various streams located on Franklin Pasture and in connection with the permits necessary for constructing a new elementary school under the Maine Site Location of Development and Natural Resource Protection Acts.



COUNCIL ORDER

Order, Authorizing Execution of a Declaration of Restrictions Required by the Maine Department of Environmental Protection to Protect Various Streams Located on Franklin Pasture and in Connection with Permits Necessary for Constructing a New Elementary School under the Maine Site Location of Development and Natural Resource Protection Acts.

WHEREAS, the Lewiston School Department is planning to construct a new elementary school on the City's property known as Franklin Pasture and located at 45 Birch Street, 156 East Avenue and 400 Bartlett Street ("Franklin Pasture"); and

WHEREAS, as part of the City's February 27, 2017 Site Location of Development Act and Natural Resource Protection Act permit required for the construction of the new elementary school, the Maine Department of Environmental Protection has required that the City record a declaration of restrictions to protect in perpetuity certain streams located on the Franklin Pasture property; and

WHEREAS, the Planning Board has recommended that the City permanently restrict the Franklin Pasture property, as provided in the declaration of restrictions required by the Maine Department of Environmental Protection, pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code;

Now, therefore, be it ordered by the City Council of the City of Lewiston that The City Administrator is hereby authorized to execute and deliver the required declaration of restrictions to restrict the use of a portion of the Franklin Pasture property in order to protect certain streams, such declaration to be in the form required by the Maine Department of Environmental Protection

DECLARATION OF RESTRICTIONS
(Forested Stream Buffer, Limited Disturbance)

THIS DECLARATION OF RESTRICTIONS is made April __ 2017, by the **CITY OF LEWISTON**, Androscoggin County, Maine 04240 (“Declarant” or “City”).

BACKGROUND

Declarant holds title to certain real property known as 156 East Avenue, Lewiston, Maine (“Property”) described in deeds recorded in Book 342, Page 198, Book 972, Page 399, Book 1029, Page 608, Book 1176, Page 183 and Book 2643, Page 211 of the Androscoggin County Registry of Deeds, as modified by subsequent conveyances recorded in Book 1046, Page 774, Book 1046, Page 775, Book 1176, Page 182 and Book 1222, Page 301. Under a permit received from the Maine Department of Environmental Protection (“MDEP”) under the Natural Resource Protection Act, Declarant has agreed to place certain restrictions on a portion of the Property (the “Restricted Buffer”) described as follows:

The Restricted Buffer shall be an area **200** feet wide, centered on the following stream channels within the Property, being a **100** foot buffer strip on either side, following the course of the stream channel centerline, except as shown otherwise on the New Elementary School, Lewiston Maine, Deed Restriction Plan, DR-1, by Harriman, dated January 27, 2017:

- a. Stream Channel #1: beginning at the headwater of the stream, at the outlet of the existing City storm drain culverts, approximately **120** feet northerly from the center of Bartlett Street at a point approximately **570** feet from the center of East Avenue; thence proceeding along the stream channel in a generally northwest meandering direction approximately **1,700** feet to the City storm drain culverts at Bartlett Street, at the easterly line of property now or formerly owned by Kenneth L. Hudson.
- b. Stream Channel #2: beginning at the headwater of the stream, at the outlet of the existing City storm drain culvert, approximately **140** feet northwesterly from the center of East Avenue at a point approximately **310** feet from the center of Webster Street; thence proceeding along the stream channel in a generally west meandering direction approximately **1,300** feet to the storm drain culvert beneath the Lewiston High School athletic fields.
- c. Stream Channel #3: beginning at the headwater of the stream, at the outlet of the existing storm drain culvert beneath the Lewiston High School athletic fields, being the downstream continuation of Stream Channel #2; thence proceeding along the stream channel in a generally south meandering direction approximately **500** feet to its confluence with Stream Channel #1.

As provided in the Natural Resource Protection Act, 38 M.R.S. §§ 480A-480Z, Declarant has agreed to impose the following restrictions (“Restrictions”) on the Restricted Buffer, and has agreed that these restrictions may be enforced by the MDEP or its successor.

Declarant declares that the Restricted Buffer is and shall forever be held, transferred, sold, conveyed, occupied and maintained subject to the conditions and restrictions set forth in this Declaration. The Restrictions shall run with the Restricted Buffer and shall be binding on all parties having any right, title or interest in and to all or any portion of the Restricted Buffer, and their heirs, personal representatives, successors, and assigns. Any present or future owner or occupant of all or any portion of the Restricted Buffer, by the acceptance of a deed, shall be deemed to have accepted the Restricted Buffer subject to the Restrictions and shall agree to be bound by, to comply with and to be subject to each and every one of the Restrictions.

1. Restrictions on Restricted Buffer. Unless the owner of the Restricted Buffer obtains the prior written approval of the MDEP, the Restricted Buffer must remain undeveloped in perpetuity, except for maintenance activities and in connection with construction described below. To maintain the ability of the Restricted Buffer to maintain compliance with the Natural Resource Protection Act and the permit issued thereunder to the Declarant, the use of the Restricted Buffer is hereinafter limited as follows.

- a. No soil, loam, peat, sand, gravel, concrete, rock or other mineral substance, refuse, trash, vehicle bodies or parts, rubbish, debris, junk waste, pollutants or other fill material will be placed, stored or dumped on the Restricted Buffer, nor shall the topography of the area be altered or manipulated in any way;
- b. No trees may be cut or sprayed with biocides except for the normal maintenance of dead, windblown or damaged trees and for pruning of tree branches below a height of 12 feet, provided two thirds of the tree's canopy is maintained;
- c. No undergrowth, ground cover vegetation, leaf litter, organic duff layer or mineral soil may be disturbed;
- d. No building or other temporary or permanent structure may be constructed, placed or permitted to remain on the Restricted Buffer;
- e. No trucks, cars, dirt bikes, ATVs, bulldozers, backhoes, or other motorized vehicles or mechanical equipment may be permitted on the Restricted Buffer;
- f. Notwithstanding any other provision of this Declaration, Declarant retains the right to perform maintenance and construction activities within the Restricted Buffer, including cleaning, repair or replacement of the existing buried utility pipelines and structures, installing additions to the buried utility pipelines and structures including a planned in-line storage facility to address combined sewer overflow needs, clearing soil and vegetation as needed for the utility maintenance, resurfacing and reconstructing the gravel and paved walking trail and school walks, and use of motorized vehicles and mechanical equipment within the gravel and paved walking trail and other areas needed for permitted maintenance activities.

Any activity on or use of the Restricted Buffer inconsistent with the purpose of these Restrictions is prohibited. Any future alterations or changes in use of the Restricted Buffer must receive prior approval in writing from the MDEP.

2. Enforcement. The MDEP may enforce any of the Restrictions set forth in Section 1 above.
3. Binding Effect. The Restrictions shall be binding on any present or future owner of the Restricted Buffer. If the Restricted Buffer is at any time owned by more than one owner, each owner shall be bound by the foregoing restrictions to the extent that any of the Restricted Buffer is included within such owner's property.
4. Amendment. Any provision contained in this Declaration may be amended or revoked only by the recording of a written instrument or instruments specifying the amendment or the revocation signed by the owner or owners of the Restricted Buffer and by the MDEP.
5. Effective Provisions of Declaration. Each provision of this Declaration, and any agreement, promise, covenant and undertaking to comply with each provision of this Declaration, shall be deemed a land use restriction running with the land as a burden and upon the title to the Restricted Buffer.
6. Severability. Invalidity or unenforceability of any provision of this Declaration in whole or in part shall not affect the validity or enforceability of any other provision or any valid and enforceable part of a provision of this Declaration.
7. Governing Law. This Declaration shall be governed by and interpreted in accordance with the laws of the State of Maine.

DATED: April __, 2017

 Edward A. Barrett,
 City Administrator, City of Lewiston

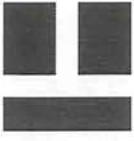
STATE OF MAINE
 ANDROSCOGGIN COUNTY

_____, 2017

Personally appeared before me the above-named Edward A. Barrett, City Administrator of the City of Lewiston, and acknowledged the foregoing instrument to be his free act and deed in his capacity.

 Attorney At Law/Notary Public

 Typed/Printed Name



HARRIMAN

ARCHITECT ENGINEERS ARCHITECTS

NEW ELEMENTARY SCHOOL

LOCATION: 14453

PROJECT NO. 14453



DATE	01-25-17
DESCRIPTION	DEED RESTRICTION

PRELIMINARY NOT FOR CONSTRUCTION

DATE	01-25-17
DESCRIPTION	DEED RESTRICTION

DEED RESTRICTION PLAN

DR-1





CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Planning Board
FROM: David Hediger, City Planner
DATE: March 27, 2017
RE: March 27, 2017 Planning Board Agenda Item V(c*)

Recommendation regarding the disposition of city property for stream preservation per the Maine Department of Environmental Protection's approval for construction of a new elementary school and new high school athletic fields at 145 Birch Street/156 East Ave/400 Bartlett Street. (*This item was added to the March 27, 2017 agenda.)

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

The Maine Department of Environmental Protection's (DEP) approval for construction of a new elementary school and new high school athletic fields at 145 Birch Street/156 East Ave/400 Bartlett Street required a number of mitigation measures due to impacts to streams and wetlands. As part of DEP's review, the Maine Department of Inland Fisheries and Wildlife (MDIFW) expressed concern that the proposed project would degrade the existing functions of a stream on the site. As a result, MDIFW recommended that the School maintain a 50-foot setback from the stream for the proposed walking trail that extends from Birch Street to the proposed elementary school and that the applicant seek further mitigation to off-set the loss of functions and value of the stream. The Department's Division of Environmental Assessment (DEA) reviewed the proposed project and recommended that the applicant preserve the remaining segments of streams and associated riparian buffer in perpetuity.

Therefore, to compensate for the loss of stream function and value associated with impacts from the proposed project, DEP's approval is requiring as part of a mitigation plan that the applicant/school preserve all remaining, un-impacted segments of the on-site stream and its riparian buffer. The preservation area will consist of three stream segments totaling 3,500 linear feet and 100 feet of riparian buffer on each side of the stream. DEP's approval included review of the attached draft Declaration of Restrictions to protect the stream and riparian buffer in perpetuity with the condition that within 60 days of issuance the permit (permit dated February 27, 2017) the deed restriction must be recorded with a copy submitted to DEP.

The City has been advised that due to the perpetuity of buffer tied to a DEP permit, the Planning Board and City Council must take action to dispose of the restricted portion of this property. Therefore, the Board is being asked to make a favorable recommendation for the disposition of city property for stream preservation per the DEP's permit approval for construction of a new elementary school and new high school athletic fields

ACTIONS NECESSARY:

Make a motion pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code to send a favorable recommendation to the City Council for the disposition of city property for stream preservation per the Maine Department of Environmental Protection's February 27, 2017 permit approval for construction of a new elementary school and new high school athletic fields at 145 Birch Street/156 East Ave/400 Bartlett Street.

LEWISTON CITY COUNCIL
MEETING OF APRIL 4, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 14

SUBJECT:

Appointment of Denis D'Auteuil to the Lewiston Auburn Transit Committee.

INFORMATION:

The Lewiston Auburn Transit Committee (LATC) is composed of three members appointed by the Lewiston City Council, three members appointed by the Auburn Council, and one member appointed alternately by each City. Phil Nadeau has been one of the City of Lewiston appointees. In planning for his retirement, we will gradually shift various duties to his replacement, Denis D'Auteuil. The recommendation is to appoint Denis to replace Phil.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To appoint Denis D'Auteuil to the Lewiston Auburn Transit Committee to fill the position currently held by Phil Nadeau, effective upon Phil Nadeau's resignation from the Committee.

LEWISTON CITY COUNCIL
MEETING OF APRIL 4, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 18

SUBJECT:

Executive Session to discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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

LEWISTON CITY COUNCIL
MEETING OF APRIL 4, 2017

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 19

SUBJECT:

Executive Session to discuss labor negotiations regarding the International Association of Firefighters, Local 785.

INFORMATION:

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EATBkmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To enter into an Executive Session pursuant to MRSA Title 1, section 405 (6) (D) to discuss Labor Negotiations regarding the International Association of Firefighters, Local 785.