

CITY OF LEWISTON HISTORIC PRESERVATION REVIEW BOARD

**Thursday, July 20, 2017 – 3:00 P.M.
Administrative Conference Room – First Floor
Lewiston City Building**

AGENDA

3:00 P.M.

- I. Roll Call**
- II. New Business:**

Discussion regarding Lewiston Canal Water Power Historic District
- III. Old Business: None**
- IV. Minutes: Approval of Draft Meeting Minutes dated May 4, 2017**
- V. Adjourn**

MEMORANDUM

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

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

RE: Lewiston Canal Water Power Historic District

DT: July 14, 2017

Attached please find the following selected documents relative to the establishment of a locally regulated Lewiston Canal Water Power Historic District:

- Suggested draft text for Lewiston Canal Water Power Historic District dated 01/12/17
- Suggested draft text for Lewiston Canal Water Power Historic District dated 02/14/17
- Cross Canal No. 2 Diagram
- Cross Canal No. 1 Diagram
- Lower Canal and Cross Canal No. 3 Diagram
- Main Canal Diagram
- Gully Brook Diagram
- Correspondence from SHPO to Brookfield dated November 3, 2016
- Appendix A, Article XV, Section 3

As you may be aware, the City has been working to acquire the Lewiston Canal System from Brookfield White Pine Hydro, LLC (Brookfield). Brookfield owns the Lewiston Canal System and is subject to the regulatory authority of the Federal Energy Regulatory Commission (FERC) as a component of the acquisition process. Brookfield has submitted an application to FERC for a non-capacity amendment to its license to remove the Lewiston Canal System and all the associated generating and water conveyances (i.e., the Project). The FERC license subject to amendment includes the Monty Hydro Station along with the Lewiston Canal System but does not include the Upper A which is owned by the City of Lewiston. On behalf of the City, Brookfield also submitted an application to FERC to remove the Upper A from the regulatory authority of FERC.

Pursuant to Section 106 of the National Historic Preservation Act of 1996 the Maine State Historic Preservation Commission (SHPO) determined that the proposed amendment of Brookfield's license to remove the Lewiston Canal System and all the associated generating and water conveyance (including the Upper A) will adversely affect the Lewiston Mills and Water Power System National Register District. (The Board may recall that this district was listed in the National Register of Historic Places on

July 14, 2015.) The reason for this finding is that granting the amendment will transfer out of federal control the Lewiston Canal System without adequate and legally enforceable restrictions or conditions to ensure its long-term preservation. Therefore, SHPO has requested that FERC enter into a memorandum of agreement with SHPO which includes stipulations to mitigate the adverse effect that this “undertaking” will have on this historic resource. The SHPO recommends that the City formally designate the Lewiston Canal System and all associated generating and water conveyances from the Project (aka all contributing historic elements that are passing out of federal control) as a historic district pursuant to Appendix A, Article XV, Section 6 of the Code of Ordinances of the City of Lewiston, hereinafter referred to as the Code. This will provide for a comprehensive review by the Historic Preservation Review Board and will require the Board’s issuance of a certificate of appropriateness for any proposed changes in exterior appearance, new construction, demolition, and/or changes in material. If for any reason the City should decide to remove the Lewiston Canal System from Section 6 in the future, the review undertakings would revert to SHPO.

On June 13, 2017 the Lewiston City Council conducted a workshop to discuss a possible amendment to Appendix A, Article XV, Section 6 of the Code to create a Lewiston Canal System Historic District. No vote was taken at the workshop; however, I informed the Council that the HPRB via Appendix A, Article XV, Section 3(a) (6) of the Code has the authority to initiate the designation of a new historic district. I suggested that it would be preferable to have the Board initiate the amendment versus the Council. Should the Board decide to initiate an amendment to create a Lewiston Canal System Historic District it will need to comply with the provisions of Appendix A, Article XV, Section 3 (b) of the Code.

Suggested Text for Lewiston Canal Water Power Historical District

(3) *Description of Lewiston Canal Water Power Historical District.*

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

[[Note: The above description includes the Upper Androscoggin Power Station in the district designation.]]

Cross Canal No. 1 Parcel: Beginning at the intersection of the westerly bound of the Main Canal Parcel (as described above) with the face of the southerly wall of Bates Mill No. 5; thence southwesterly along the southeasterly face of the wall of Bates Mill No. 5 and continuing on the same course to the northeasterly side of Mill Street; thence southeasterly along the northeasterly side of Mill Street to the southeasterly side of Railroad Alley; thence southwesterly along the southeasterly side of Railroad Alley and continuing on the same course to the southwesterly side of Lincoln Street; thence southeasterly along the southwesterly side of Lincoln Street to a point 10 feet northwesterly of the northwesterly edge of the Cross Canal No. 1 structure; thence

southwesterly along a line 10 feet from and parallel to the northwesterly edge of the Cross Canal No. 1 structure, continuing along the face of the northwesterly wall of the Red Shop Weir structure and continuing on the same course to the northeasterly edge of the foot bridge over Cross Canal No. 1 that leads to Simard-Payne Park; thence southeasterly along the northeasterly edge of the foot bridge to a point that is 10 feet southeasterly of the southeasterly edge of the Cross Canal No. 1 structure; thence northeasterly along a line 10 feet from and parallel to the southeasterly edge of the Cross Canal No. 1 structure to the face of the southwesterly wall of the Red Shop Weir structure; thence southeasterly along the southwesterly wall of the Red Shop Weir structure to the southwesterly corner of the Red Shop Weir structure; thence northeasterly along the southeasterly wall of the Red Shop Weir structure to the southeasterly corner of the Red Shop Weir structure; thence northwesterly along the northeasterly wall of the Red Shop Weir structure to a point that is 10 feet southeasterly of the southeasterly edge of the Cross Canal No. 1 structure; thence northeasterly along a line 10 feet from and parallel to the southeasterly edge of the Cross Canal No. 1 structure to the intersection of the southwesterly side of Oxford Street and the northwesterly side of Cross Street; thence northeasterly along the northwesterly side of Cross Street and continuing on the same course across Lincoln Street to the northeasterly side of Lincoln Street; thence southeasterly along the northeasterly side of Lincoln Street to a point that is 10 feet southeasterly of the southeasterly side of the Cross Canal No. 1 structure; thence northeasterly along a line 10 feet from and parallel to the southeasterly edge of the Cross Canal No. 1 structure to the face of the southwesterly wall of Mill No. 6; thence northwesterly along the face of the southwesterly wall of Mill No. 6 to the northwest corner of Mill No. 6; thence northeasterly along the face of the northwesterly wall of Mill No. 6 to the northeasterly corner of Mill No. 6; thence southeasterly along the face of the northeasterly wall of Mill No. 6 to a point 10 feet southeasterly of the southeasterly edge of the Cross Canal No. 1 structure; thence northeasterly along a line 10 feet from and parallel to the southeasterly edge of the Cross Canal No. 1 structure and continuing on the same course across Mill Street to the face of the southwesterly wall of Mill No. 1; thence northwesterly along the face of the southwesterly wall of Mill No. 1 to the northwest corner of Mill No. 1; thence northeasterly along the face of the northwesterly wall of Mill No. 1 to the northeasterly corner of Mill No. 1; thence southeasterly along the face of the northeasterly wall of Mill No. 1 to a point 10 feet southeasterly of the southeasterly edge of the Cross Canal No. 1 structure; thence northeasterly along a line 10 feet from and parallel to the southeasterly edge of the Cross Canal No. 1 structure to the southwesterly bound of the Main Canal Parcel; thence northwesterly along the southwesterly bound of the Main Canal Parcel to the point of beginning.

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

southeasterly bound of the Cross Canal No. 1 Parcel; thence northeasterly along the southeasterly bound of the Cross Canal No. 1 Parcel to the point of beginning.

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

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

Southeasterly, 30 feet more or less to a corner,
Southwesterly, 245 feet more or less to a corner,
Southeasterly partially along the centerline of the northeasterly wall of the Continental Power Station 63 feet more or less to the centerline of the southeasterly wall of the Continental Power Station,
Southwesterly partially along the centerline of the southeasterly wall of the Continental Power Station 173 feet more or less to the shore of the Androscoggin River;

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

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

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

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

[[Note: Consider whether to include or exclude roads and bridges that are included in the above descriptions.]]

[[Note: Should more of Gully Brook be included?]]

Related Hydro Power Facility Parcels. The following portions of certain buildings adjacent to the above-described historic preservation district in which the City of Lewiston has the right to maintain power generating and water conveyance equipment and structures, but only for so long and to the extent the City possesses such rights:

[[Note: consider whether it is necessary to exclude the related buildings (Bates No. 5 and Hill Mill) from the historic preservation district and, if so, whether that exclusion should be set forth explicitly. Although the Hill Mill is listed in Section 8(a) of Appendix A, it does not appear to be subject to all of the provisions of the historic preservation ordinance that would apply if it were designated under Section 6.]]

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

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

[[Note: If Bates Mill No. 5 and the Hill Mill are not designated as structures in their own right, the City's rights in those buildings may be subject to termination if those rights are not used for generation. Does the above text deal appropriately with that contingency?]]

The following are contributing structures within the Lewiston Canal Water Power Historical District:

Upper Androscoggin Power Station building and related power generation and water conveyance equipment and structures.

Lower Androscoggin Power Station building and related power generation and water conveyance equipment and structures.

Continental Mill Power House building and related power generation and water conveyance equipment and structures.

Lower Bates Power Station building and related power generation and water conveyance equipment and structures.

Upper Bates Weir and related power generation and water conveyance equipment and structures.

Red Shop Weir building and related power generation and water conveyance equipment and structures.

Suggested Text for Lewiston Canal Water Power Historical District

(3) *Description of Lewiston Canal Water Power Historical District.*

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

Cross Canal No. 1 Parcel: Beginning at the intersection of the westerly bound of the Main Canal Parcel (as described above) with the face of the southerly wall of Bates Mill No. 5; thence southwesterly along the southeasterly face of the wall of Bates Mill No. 5 and continuing on the same course to the northeasterly side of Mill Street; thence southeasterly along the northeasterly side of Mill Street to the southeasterly side of Railroad Alley; thence southwesterly along the southeasterly side of Railroad Alley and continuing on the same course to the southwesterly side of Lincoln Street; thence southeasterly along the southwesterly side of Lincoln Street to a point 10 feet northwesterly of the northwesterly edge of the Cross Canal No. 1 structure; thence southwesterly along a line 10 feet from and parallel to the northwesterly edge of the Cross Canal No. 1 structure, continuing along the face of the northwesterly wall of the Red Shop Weir structure and continuing on the same course to the northeasterly edge of

the foot bridge over Cross Canal No. 1 that leads to Simard-Payne Park; thence southeasterly along the northeasterly edge of the foot bridge to a point that is 10 feet southeasterly of the southeasterly edge of the Cross Canal No. 1 structure; thence northeasterly along a line 10 feet from and parallel to the southeasterly edge of the Cross Canal No. 1 structure to the face of the southwesterly wall of the Red Shop Weir structure; thence southeasterly along the southwesterly wall of the Red Shop Weir structure to the southwesterly corner of the Red Shop Weir structure; thence northeasterly along the southeasterly wall of the Red Shop Weir structure to the southeasterly corner of the Red Shop Weir structure; thence northwesterly along the northeasterly wall of the Red Shop Weir structure to a point that is 10 feet southeasterly of the southeasterly edge of the Cross Canal No. 1 structure; thence northeasterly along a line 10 feet from and parallel to the southeasterly edge of the Cross Canal No. 1 structure to the intersection of the southwesterly side of Oxford Street and the northwesterly side of Cross Street; thence northeasterly along the northwesterly side of Cross Street and continuing on the same course across Lincoln Street to the northeasterly side of Lincoln Street; thence southeasterly along the northeasterly side of Lincoln Street to a point that is 10 feet southeasterly of the southeasterly side of the Cross Canal No. 1 structure; thence northeasterly along a line 10 feet from and parallel to the southeasterly edge of the Cross Canal No. 1 structure to the face of the southwesterly wall of Mill No. 6; thence northwesterly along the face of the southwesterly wall of Mill No. 6 to the northwest corner of Mill No. 6; thence northeasterly along the face of the northwesterly wall of Mill No. 6 to the northeasterly corner of Mill No. 6; thence southeasterly along the face of the northeasterly wall of Mill No. 6 to a point 10 feet southeasterly of the southeasterly edge of the Cross Canal No. 1 structure; thence northeasterly along a line 10 feet from and parallel to the southeasterly edge of the Cross Canal No. 1 structure and continuing on the same course across Mill Street to the face of the southwesterly wall of Mill No. 1; thence northwesterly along the face of the southwesterly wall of Mill No. 1 to the northwest corner of Mill No. 1; thence northeasterly along the face of the northwesterly wall of Mill No. 1 to the northeasterly corner of Mill No. 1; thence southeasterly along the face of the northeasterly wall of Mill No. 1 to a point 10 feet southeasterly of the southeasterly edge of the Cross Canal No. 1 structure; thence northeasterly along a line 10 feet from and parallel to the southeasterly edge of the Cross Canal No. 1 structure to the southwesterly bound of the Main Canal Parcel; thence northwesterly along the southwesterly bound of the Main Canal Parcel to the point of beginning.

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

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

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

Southeasterly, 30 feet more or less to a corner,
Southwesterly, 245 feet more or less to a corner,
Southeasterly partially along the centerline of the northeasterly wall of the Continental Power Station 63 feet more or less to the centerline of the southeasterly wall of the Continental Power Station,
Southwesterly partially along the centerline of the southeasterly wall of the Continental Power Station 173 feet more or less to the shore of the Androscoggin River;

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

Northeasterly, 487 feet more or less to a corner,
Easterly, 77 feet more or less to a corner,

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

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

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

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

Public Streets and Ways. All land and improvements located within the bounds of the right of way of public streets and ways.

Bridges. All bridge structures.

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

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

The following are contributing structures within the Lewiston Canal Water Power Historical District:

Upper Androscoggin Power Station building and related power generation and water conveyance equipment and structures.

Lower Androscoggin Power Station building and related power generation and water conveyance equipment and structures.

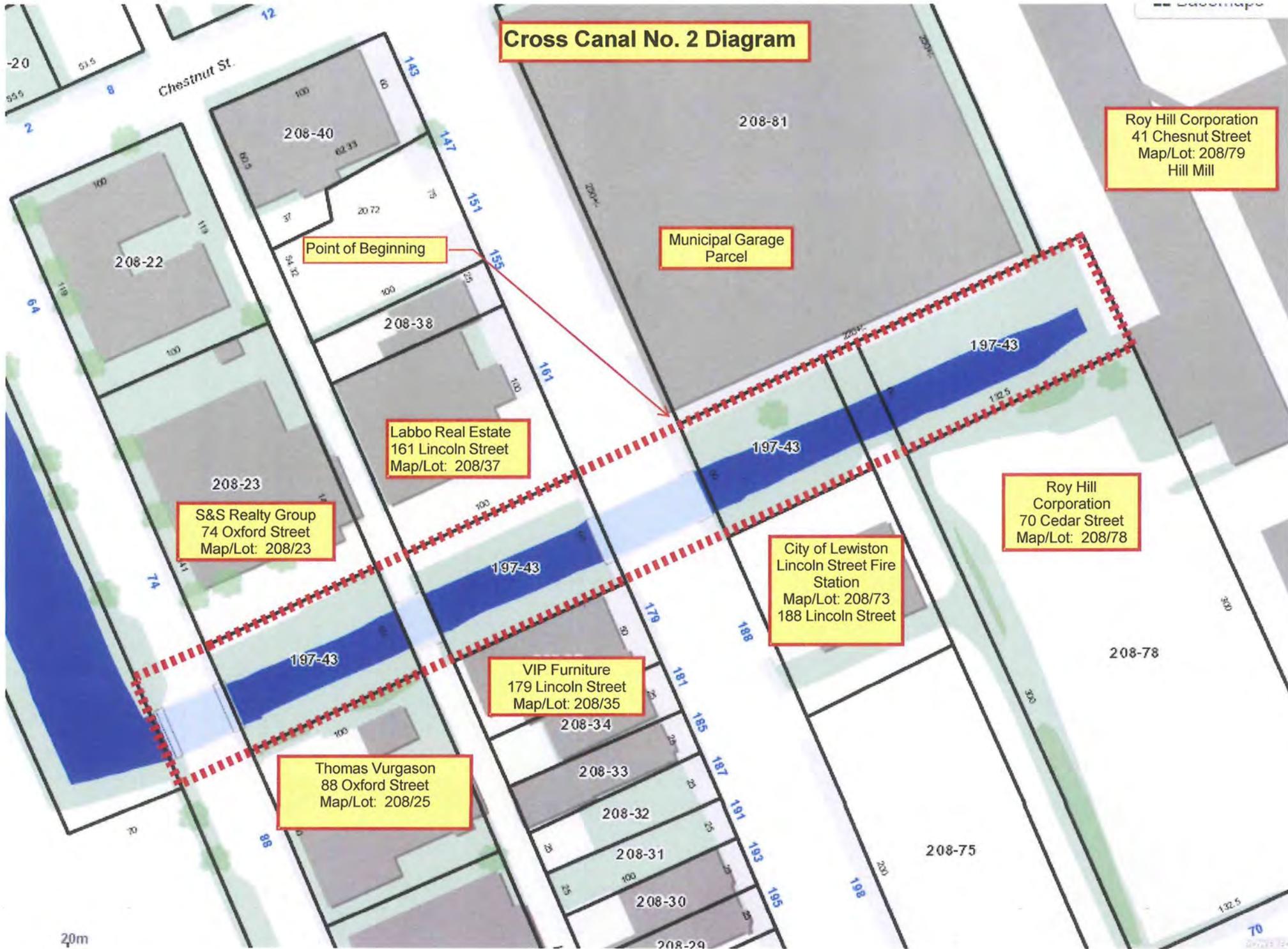
Continental Mill Power House building and related power generation and water conveyance equipment and structures.

Lower Bates Power Station building and related power generation and water conveyance equipment and structures.

Upper Bates Weir and water conveyance equipment and structures but only to the extent not expressly excluded from the Historic District description.

Red Shop Weir building and related power generation and water conveyance equipment and structures.

Cross Canal No. 2 Diagram



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

Municipal Garage
Parcel

Point of Beginning

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

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

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

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

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

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

20m

Background

70

Cross Canal No. 1 Diagram

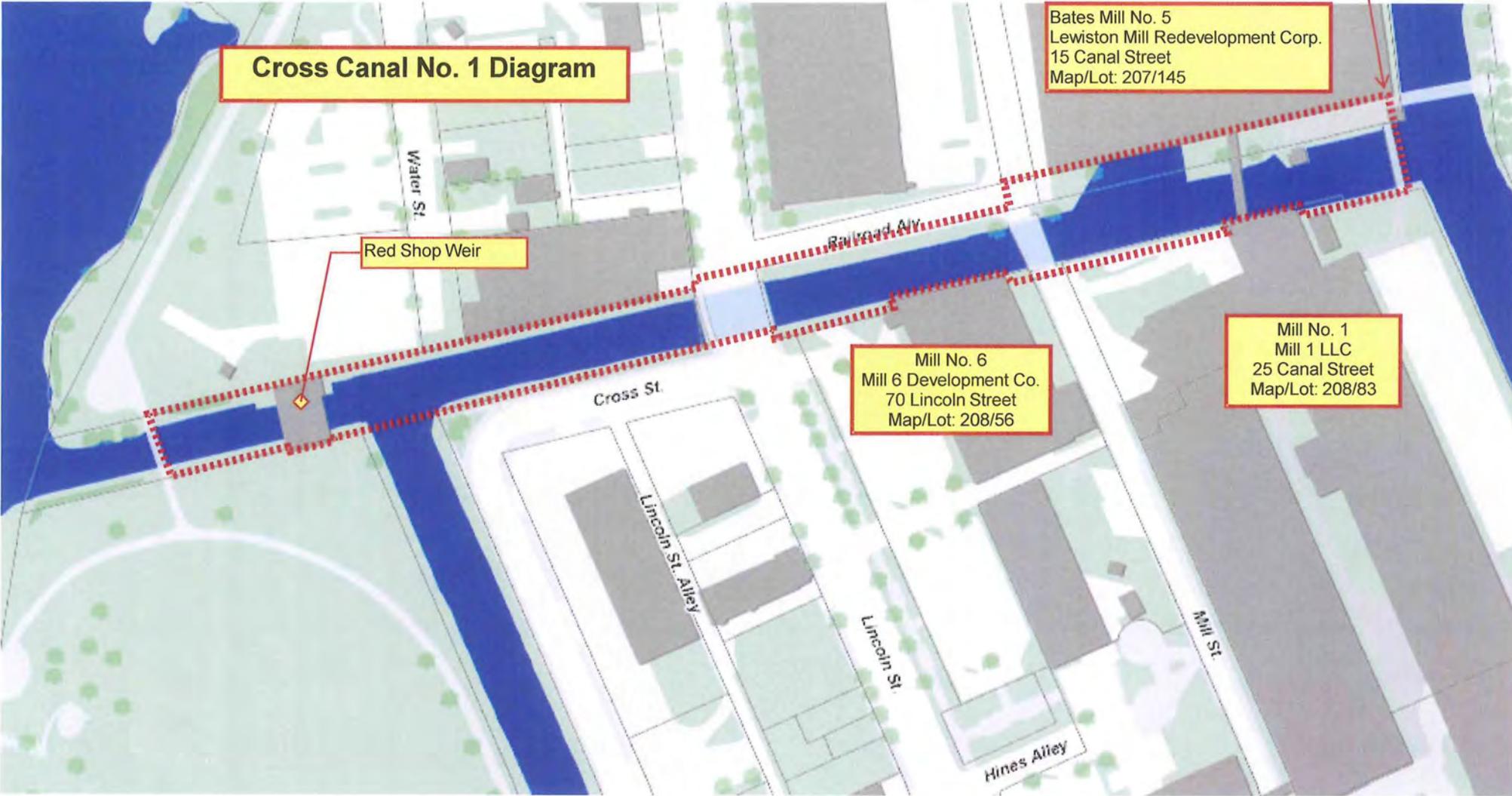
Point of Beginning

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

Red Shop Weir

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

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



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

Lower Canal Parcel
Point of Beginning

Lower Canal

Continental Mill
Power House

Lower Bates Power
House

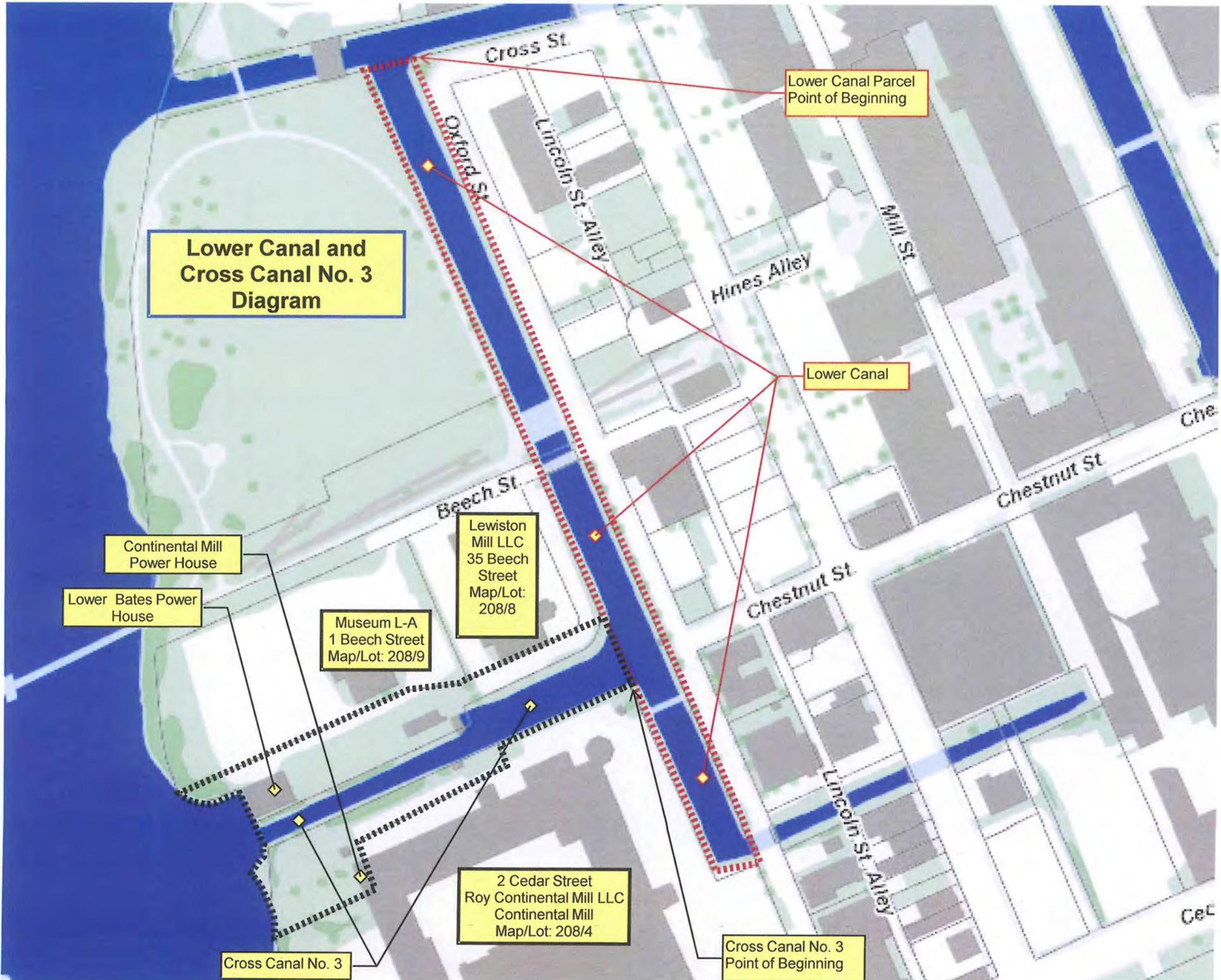
Museum L-A
1 Beech Street
Map/Lot: 208/9

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

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

Cross Canal No. 3

Cross Canal No. 3
Point of Beginning





Point of Beginning

**Main Canal
Diagram**

Upper Andro
Power Station

**Gully Brook and Lower
Androscoggin Power
House**

197-13

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

Point of Beginning

197-14

197-15

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

197-1

20m





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

PAUL R. LEPAGE
GOVERNOR

KIRK F. MOHNEY
DIRECTOR

November 3, 2016

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

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

Town: Lewiston, ME

Dear Ms. Maloney:

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

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

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

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

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

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

BATES UPPER STATION

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

BATES WEIR

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

HILL MILL

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

RED SHOP WEIR

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

CONTINENTAL MILL

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

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

CONTINENTAL WEIR

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

LOWER ANDROSCOGGIN STATION

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

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

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

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

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

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

MHPC# 1452-16
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for any proposed changes in exterior appearance, new construction, demolition, and/or changes in materials. If for any reason the City of Lewiston should decide to remove this property from Section 6 in the future, the review of undertakings would revert to our office, the Maine SHPO.

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

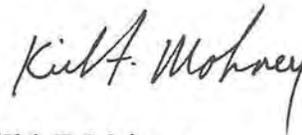
A historic preservation easement allows a property owner to retain ownership of the property while insuring that the historic character of the property will be preserved. Historic preservation easements typically prohibit an owner from demolishing historic properties and from making changes that are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

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

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

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

Sincerely,



Kirk F. Mohny
State Historic Preservation Officer

cc. Ed Barrett, Administrator, City of Lewiston

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

- (5) The concurring vote of at least four (4) members is required to constitute an action on any matter.
 - (6) Any member of the Historic Preservation Review Board of the city who is deemed to have a direct or indirect interest or conflict, whether pecuniary or by bias, on any matter that has come before the Board shall make full disclosure of his interest prior to any action being taken on said matter. Any member who has made such a disclosure shall then refrain from any negotiations and voting, and from otherwise attempting to influence a decision in which he has an interest.
 - (7) The Board may adopt statements of policy, along with its rules of procedure, consistent with the Charter and any applicable ordinance, to enable it to perform its function.
 - (8) The Board may elect non-voting, advisory or student members to assist the board in its duties and functions.
 - (9) In addition to other provisions for amending the Board's rules of procedure, any rule adopted by the Board relating to the conduct of any hearing may be waived by the chairman, upon good cause shown.
 - (10) When reviewing applications for certificates of appropriateness, or when making any recommendation concerning historic preservation, the Board shall utilize, along with other resources, the Lewiston Historic Preservation Design Manual (1999), and the Lewiston Downtown Development District Preservation Plan (1997).
- (e) *Administration.* The planning and code enforcement department shall be responsible to provide for the administration of the affairs of the Board.
(Ord. No. 90-16, 1-11-91; Ord. No. 94-3, 5-5-94; Ord. No. 00-21, 10-19-00; Ord. No. 05-05, 3-17-05; Ord. No. 06-13, 10-19-06)

Sec. 3. Designation of structures and districts for preservation and conservation.

- (a) Significant structures and districts, except for districts established at the time of passage of this article, shall be designated in accordance with this section. All such designations may be initiated by written notification of the Historic Preservation Review Board by:
 - (1) Reference from the City Council;
 - (2) A petition signed by ten (10) or more residents of the City of Lewiston, eighteen (18) years of age or older;
 - (3) The Planning Board;
 - (4) The Lewiston Historic Commission;
 - (5) Maine Historic Preservation Commission; or
 - (6) The Historic Preservation Review Board, at its own initiation.
- (b) Any application for the designation of structures and districts for historic preservation shall be in writing and shall include the following:
 - (1) *Designation of structures for preservation and conservation.*
 - a. A concise description of the physical elements, qualities, architectural style and period represented by the structure, including a consideration of scale, materials, workmanship and spacial qualities;

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

- b. A concise statement of how the structure meets the review criteria;
- c. Exterior photographs of the structure, illustrating significant details.

(2) Designation of districts for preservation and conservation.

- a. A concise statement of the physical elements that make this area a historic district and a description of building types and architectural styles and periods represented;
- b. A concise statement of how the district meets the review criteria;
- c. A justification of the boundaries of the district;
- d. A definition of the types of structures that do not contribute to the significance of the district and an estimate of the percentage of noncontributing structures;
- e. A map showing all district structures with the identification of contributing structures.

(c) The Historic Preservation Review Board shall hold a public hearing on any written application.

(1) The public hearing shall be held within thirty (30) days of receipt of the application.

(2) The Board shall make its report and recommendation, including the identification of contributing structures, when applicable, to the City Council within thirty (30) days after the public hearing has been closed. Failure of the Board to issue its report constitutes a denial of the designation of the proposed historic structure or district.

(3) The Board shall require to be given proper notice of the public hearing to all applicants and to all owners of property within a proposed district.

- a. Failure of any petitioner to receive such notice of such public hearing shall not necessitate another hearing, shall not constitute grounds for objections by such petitioner and shall not invalidate any recommendation by the Board on such matter.
- b. Notice must be served a reasonable time in advance of the meeting, which will be construed to mean at least seven (7) days before the date of such meeting. Notice shall be by any method of personal service or substituted personal service authorized by the ordinances of the City of Lewiston and the laws of the State of Maine.

(d) The City Council, upon receipt of the Historic Preservation Review Board's recommendation, may designate structures or districts for historic preservation. Contributing structures within such districts shall be identified. Due consideration shall be given to the written views of owners of affected property and the City Council shall hold public hearings on any proposed structure or district for historic preservation designation.

(Ord. No. 90-16, 1-11-91; Ord. No. 00-21, 10-19-00; Ord. No. 05-05, 3-17-05)

Sec. 4. Standards for designation of structures and districts as significant.

In considering applications for designating structures or districts as significant, the Board shall be guided by the following criteria. In making a recommendation to the City Council for the