

**LEWISTON CITY COUNCIL AGENDA  
CITY COUNCIL CHAMBERS  
AUGUST 15, 2017**

**6:00 p.m. Executive Session** - To discuss Disposition of Property of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

**6:30 p.m. Executive Session** – To discuss labor negotiations regarding the International Association of Firefighters, Local 785.

**7:00 p.m. Regular Meeting**

Pledge of Allegiance to the Flag  
Moment of Silence

Introduction of new Fire Chief

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 the City Administrator to execute Owner's Offer – Assent to Accept MaineDOT's Offer for various construction easements and a land purchase for the Bartlett Street Improvement Project.
- \* 2. Authorization to accept transfer of forfeiture funds.
- \* 3. Resolve taking possession of the tax acquired property at 148 Bartlett Street.
- \* 4. Order authorizing the City Administrator to transfer the city-owned property at 502 Lisbon Street to the Public Theatre.
- \* 5. Appointments to the Lewiston Area Public Health Committee.
- \* 6. Authorization for the City Clerk to cast the City's ballot for the Maine Municipal Association's Executive Committee and Vice President.

**REGULAR BUSINESS:**

- 7. Public Hearing on a new application for a new liquor license for Hibachi Super Buffet, 40 East Avenue.
- 8. Public Hearing on the renewal application for a Special Amusement for Live Entertainment for Sparetime Recreation, 24 Mollison Way.
- 9. Public Hearing on the renewal application for a Special Amusement for Live Entertainment for The Androscoggin Bank Colisee, 190 Birch Street.
- 10. Public Hearing for approval of an Outdoor Entertainment Permit for live music in Kennedy Park in conjunction with Lewy's Tiny Tri event.
- 11. Public Hearing for approval of an Outdoor Entertainment Permit for an outdoor music event to be held at the Simard-Payne Memorial Park.
- 12. Public Hearing for approval of live music at Dufresne Plaza in conjunction with a theater performance sponsored by the Lewiston Public library.
- 13. Public Hearing and First & Final Passage on amendments to the Traffic and Vehicles Ordinance regarding the establishment of a Resident Parking by Permit Only section of the ordinance.

14. Public Hearing and Final Passage for Land Use Code Amendments concerning variances for mobile homes on individual lots.
15. Public Hearing & First Passage for Land Use Code Amendments regarding the creation of the Lewiston Canal Water Power Historic District.
16. Public Hearing and Final Passage to contractually rezone the property at 299 River Road from the Rural Agricultural (RA) District to the Neighborhood Conservation "B" (NCB) District.
17. Adoption of a new City Policy regarding a Resident Parking by Permit Only Policy.
18. Adoption of a new City Policy establishing a Treebate Program.
19. Resolve appropriating \$50,000 from the General Fund's Undesignated Fund Balance for the Treebate Program.
20. Resolve, Rescinding certain school project bond authorizations.
21. Order, Authorizing the City Administrator to apply and accept a Choice Neighborhood Planning and Action Grant; to enter into a Memorandum of Understanding with Community Concepts, Inc. in matters related to that grant; and to provide a firm cash commitment of \$237,500 in CDBG or other municipal funds to leverage implementation of action activities identified in the to be created Choice Plan.
22. Resolve Setting the Public Hearing on the Proposed Lewiston Auburn Consolidation Agreement, Authorizing the City Clerk to place this matter on the November 7, 2017 municipal ballot and Approval of the Ballot Question.
23. Update from the Lewiston School Committee Representative.
24. Reports and Updates.
25. Any other City Business Councilors or others may have relating to Lewiston City Government.
26. Executive Session regarding a Legal Matter.

# LEWISTON CITY COUNCIL

## MEETING OF AUGUST 15, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. ES-1**

**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 AUGUST 15, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. ES-2**

**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.

*EAB/kmm*

**REQUESTED ACTION:**

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

# LEWISTON CITY COUNCIL

## MEETING OF AUGUST 15, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 1**

**SUBJECT:**

Order authorizing the City Administrator to execute Owner's Offer - Assent to Accept MaineDOT's Offer for various construction easements and a land purchase for the Bartlett Street Improvement Project.

**INFORMATION:** As you are aware, we have been working with the MaineDOT for some time on the Bartlett Street and sidewalk repaving project. That project, originally scheduled for construction last year, has been delayed due to the necessity for MDOT to deal with right of way issues including temporary construction easements on a large number of properties and several fee purchases where needed.

The City of Lewiston owns 6 parcels affected by this project. MDOT is seeking temporary construction easements on five of these parcels and the purchase of fee interest in the sixth. The temporary construction easements affect four small parcels acquired by the City through tax title and the City's Public Works Complex' frontage on Bartlett Street. The sixth parcel is at the corner of Bartlett and East where the state will be acquiring fee title to allow for improving the turning radius of that intersection.

The parcels, type of acquisition, affected square footage, and offering price can be found on the attached spreadsheet. In total, MDOT is offering \$1,750 in compensation.

**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 the Order authorizing the City Administrator to execute Owner's Offer - Assent to Accept MaineDOT's Offer for various construction easements and a land purchase for the Bartlett Street Improvement Project.



**COUNCIL ORDER**

**Order,** Authorizing the City Administrator to Execute Owner's Offer – Assent to Accept MaineDOT's Offer for Various Construction Easements and a Land Purchase to for the Bartlett Street Improvement Project.

**BE IT ORDERED by the CITY COUNCIL of the CITY of LEWISTON that**

The City Administrator is hereby authorized to execute Owner's Offer – Assents with the Maine Department of Transportation for the purpose of transferring fee interest to the Maine Department of Transportation of a small parcel of land at the intersection of East Avenue and Bartlett Street and providing Maine DOT with temporary construction easements for seven city-owned parcels on Bartlett Street in accordance with the attached list of properties and amounts to be received by the City

MDOT BARTLETT STREET PROJECT -- TEMPORARY CONSTRUCTION EASEMENTS AND FEE PURCHASE

LOCATION		TYPE	SQUARE FOOTAGE	PRICE
107 Bartlett Street	Vacant Land	Temporary Easement	304	\$ 250
114 Bartlett Street	Vacant Land	Temporary Easement	250	\$ 250
118 Bartlett Street	Vacant Land	Temporary Easement	250	\$ 250
148 Bartlett Street	Vacant Land	Temporary Easement	Unk	\$ 250
198 Bartlett Street	Vacant Land	Temporary Easement	123	\$ 250
Public Works Complex		Temporary Easement	2,017	\$ 250
Corner of Bartlett and East	Franklin Pasture	Fee	871	\$ 500
				\$ 2,000

# LEWISTON CITY COUNCIL

## MEETING OF AUGUST 15, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 2**

**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.

*EAB/KMM*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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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 \$7,995.00, less administrative fees, or any portion thereof, in the case of State of Maine vs. Debra Ann Lake, CR-16-3623; the transfer of \$2,286.00, less administrative fees, or any portion thereof, in the case of State of Maine vs. Steeve Joseph, CR-17-2124; the transfer of the value of a 2010 BMW 535xi Sedan, less administrative fees, or any portion thereof, in the case of the US Department of Justice Drug Enforcement Administration vs. CE-17-0014, 17-DEA-632089; the transfer of \$4,390, less administrative fees, or any portion thereof, in the case of the US Department of Justice Drug Enforcement Administration vs. CE-16-0020, 17-DEA-632244; and the transfer of \$77,900, less administrative fees, or any portion thereof, in the case of the US Department of Justice Drug Enforcement Administration vs. CE-16-0020, 17-DEA-632243. Being funds forfeited pursuant to court process. It is further acknowledged that these funds shall be credited to the 'City of Lewiston Drug Enforcement Program'.

STATE OF MAINE  
Androscoggin, ss

UNIFIED CRIMINAL COURT  
Docket No. CR-16-3623

State of Maine	}	
	}	Municipality of Lewiston
v.	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Debra Ann Lake	}	
Defendant;	}	
	}	
And	}	
	}	
\$7,995.00 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 (\$3,997.50 U.S. Currency), 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: \_\_\_\_\_

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

STATE OF MAINE  
Androscoggin, ss

UNIFIED CRIMINAL COURT  
Docket No. CR-17-2124

State of Maine	}	
	}	Municipality of Lewiston
v.	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Steeve Joseph	}	
Defendant;	}	
	}	
And	}	
	}	
\$2,286.00 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: \_\_\_\_\_

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



**LEWISTON CITY COUNCIL**  
**MEETING OF AUGUST 15, 2017**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 3**

**SUBJECT:**  
  
Resolve taking possession of the tax acquired property at 148 Bartlett Street.

**INFORMATION:**  
  
Following staff's recent review of properties on which tax liens have matured, an additional property has been identified at 148 Bartlett Street, a vacant parcel on which a previous structure was condemned and demolished. After numerous attempts to contact the owners through the normal collection and tax lien process and in accordance with City Policy #92, Properties with Matured Tax or Sewer Liens, taxes and interest in the amount of \$5,785.57 remain unpaid, and it appears the prior owners have no further interest in this property. In addition, the Maine Department of Transportation is seeking a temporary construction easement on this property as a part of the Bartlett Street project and has been unable to contact the prior owners. As a result, it is now time for the City Council to act to take possession of these properties and consider their future use or disposition. This Resolve would do so and would authorize the sale of these properties through the formal bid process subject to a positive recommendation from the Planning Board.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**  
  
The City Administrator recommends approval of the requested action.  
  
*EAB/ICMM*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To adopt the Resolve, Taking Possession of the Tax Acquired Property at 148 Bartlett Street.



**City of Lewiston Maine  
City Council Resolve  
July 18, 2017**



**Order,** Taking Possession of Tax Acquired Property at 148 Bartlett Street

Whereas, staff has recently undertaken a review of properties on which tax liens have matured; and

Whereas, among such properties is the vacant parcels of land located at 148 Bartlett Street; and

Whereas, numerous attempts have been made to contact the owner through the normal collection and tax lien process in accordance with City Policy #92, Properties with Matured Tax or Utility Liens; and

Whereas, in spite of these additional efforts, the amounts due to the City have not been paid; and

Whereas, as a result, it is appropriate for the City Council to act to take possession of this property and consider its future use and/or disposition;

**Now, therefore, be it Ordered by the City Council of the City of Lewiston** that, based on matured liens, the City take formal possession of the property located at 148 Bartlett Street; and

**Be it Further Ordered, that**

Subject to a positive recommendation from the Planning Board, this property be offered for sale through a formal sealed bid process.

# LEWISTON CITY COUNCIL

## MEETING OF AUGUST 15, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 4**

**SUBJECT:**

Order authorizing the City Administrator to transfer the city-owned property at 502 Lisbon Street to the Public Theatre.

**INFORMATION:**

The City owns a small parcel of land at the corner of Maple and Lisbon Streets adjacent to the Public Theatre. The Theatre has requested that the City transfer this parcel to it at no cost (see attached letter). The Theatre intends to use a portion of this parcel to construct an atrium bump-out on the Lisbon Street side of its building and to add green space. Note that at some point in the past, the turning radius at the intersection of Maple and Lisbon was widened without modifying the property line. A new property description would be required to account for this change. The Planning Board has recommended approval for disposing of this property. The attached order would authorize the City Administrator to do so subject to the Theatre paying all City costs and City review and approval of plans for the property.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve the Order authorizing the City Administrator to transfer the city-owned property at 502 Lisbon Street to the Public Theatre.



COUNCIL ORDER

**Order,** Authorizing the City Administrator to Transfer the City-Owned Property at 502 Lisbon Street to the Public Theatre.

Whereas, the Board of Directors of the Public Theatre has requested that the City convey the property at 502 Lisbon Street to the Theatre for no consideration and for the purposes of constructing an addition to their building and converting a portion of this parcel to green space; and

Whereas, this is a 5,000 square foot property that contained a mixed use structure demolished in 1992 due to a fire and that is currently paved with 14 parking spaces; and

Whereas, since the City acquired the parcel, there has been no interest expressed in developing it because of its limited size; and

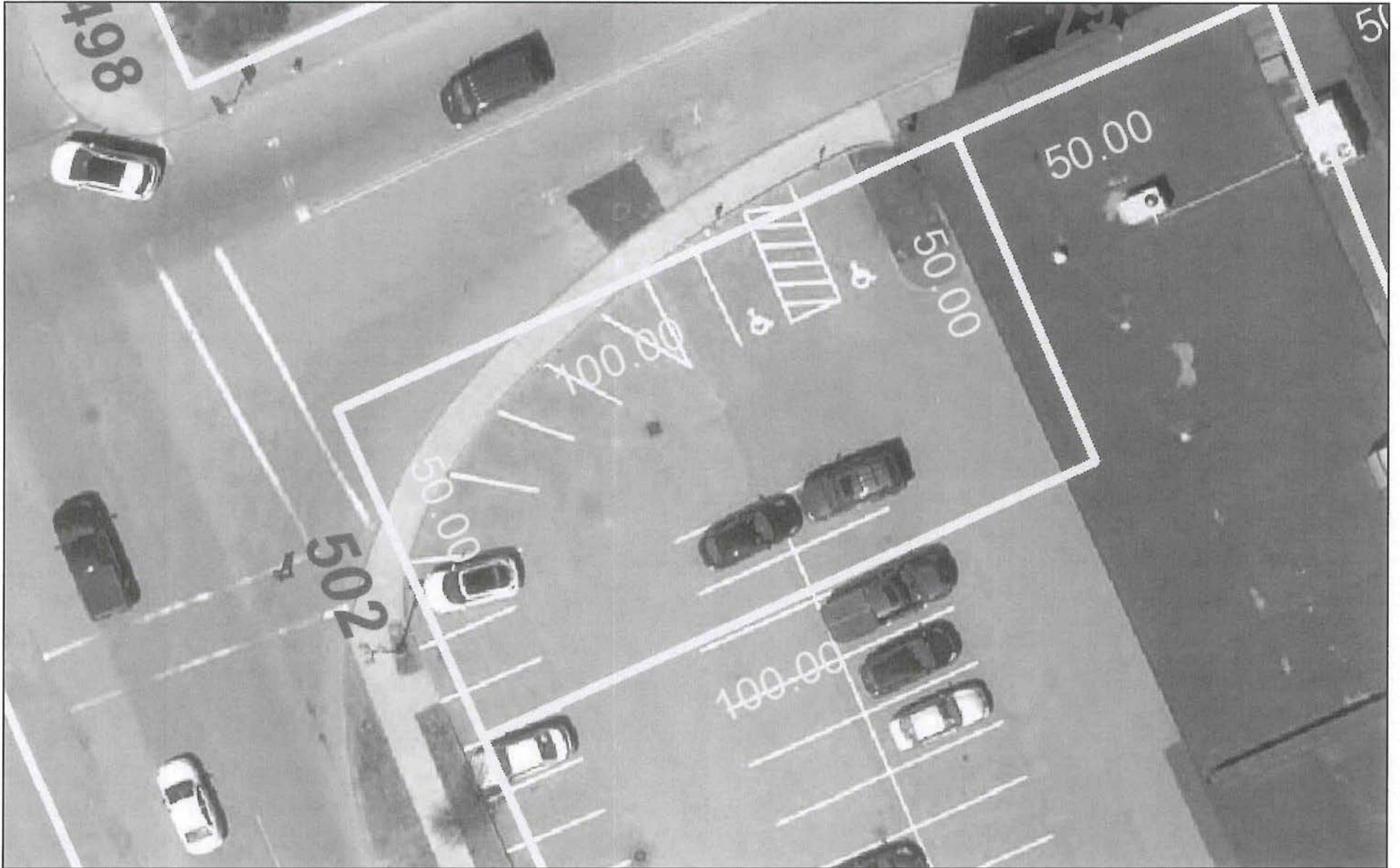
Whereas, the Planning Board has reviewed this request and recommends its approval to transfer the property;

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

The City Administrator is hereby authorized to take the necessary steps to transfer the property located at 502 Lisbon Street to the Public Theatre at no charge subject to:

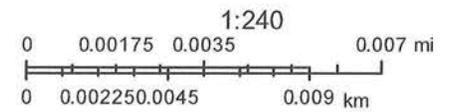
- Agreement by the Public Theatre to Pay all costs associated with transfer of the property including any city legal fees, transfer tax payments, or others expenses, including the cost of establishing the boundaries of the property recognizing that the intersection of Lisbon and Maple has been redesigned and that a portion of the property impinging on the required right of way must be excluded from the transfer;
- The retention by the City of necessary right of way for Lisbon and Maple Streets and associated sidewalks;
- Agreement by the Theatre must obtain all required City permits for any construction or modifications to the transferred property and that plans for all changes, improvements, and enhancements to the property, including any signage to be installed, must be submitted to the City's Staff Review Committee for review and approval, subject to an appeal to the City Council in case of disagreements between the parties.

# 502 Lisbon Street



May 31, 2017

- parcels **sde.DBO.LEW\_parcel\_lines** — Proposed
- City Limits
- Mobile Home Lot
- Parcel Line



Lewiston Maine, Maine GeoLibrary, Woolpert, Inc  
Lewiston, Maine

# Visbaras Law, LLC

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376-3126  
Fax: (207) 783-4994  
376-3198

January 23, 2017

Ed Barrett  
City Administrator  
City of Lewiston  
27 Pine Street  
Lewiston, ME 04240-7201

Dear Ed:

As a member of the Board of Directors for The Public Theatre, I have been requested by the Board to submit to you, in conjunction and accord with the City of Lewiston's Property Disposition policy, the following proposal for the conveyance to the Theatre of a small City-owned parcel located adjacent to its existing property on Maple Street. Specifically, the parcel I'm referring to is Lot 331 on Lewiston tax map 196, with an address of 502 Lisbon Street, situated at the corner of Lisbon and Maple Streets. According to City records, this parcel is only 0.11 acres in size, and was conveyed to the City in 1992 by Resolution Trust Corporation after the demise of First Federal Savings & Loan. That deed is recorded in the Androscoggin County Registry of Deeds in Book 2913, Page 293, a copy of which is enclosed for your convenience.

Based on all available information, the City has essentially allowed this parcel to remain unproductive for almost 25 years at what essentially is the Gateway to downtown Lewiston. The practical development potential of this parcel is virtually non-existent, given its limited size, access limitations and the like, for we presume that if this lot is an attractive development site, it would have been built upon long before today. The general details of the Theatre's proposal are set forth below, with the knowledge and understanding that cooperation between the Theatre and City Staff to meet our mutual goals and to work out necessary details will be a necessary step in this process. This proposal will benefit both the City and the Theatre, while preserving essential municipal options regarding this parcel for the future.

Ed Barrett  
April 11, 2017  
Page 2

The Theatre requests that this parcel be conveyed to it without consideration, just as a previous lot was conveyed by the City to the Theatre back in 2004. This prior lot also had been owned by Resolution Trust Company and was City owned between 1992 and 2004. A copy of that deed, found in said Registry in Book 6082, Page 134, is enclosed.

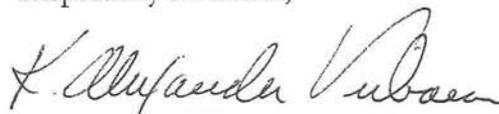
The Theatre is amenable to the inclusion of those types of rights reservations found in this 2004 deed, and is further willing to include an affirmative covenant that a portion of this parcel is to be converted to green space and maintained by the Theatre. This would allow the Gateway to Lewiston's downtown to be further beautified, in an area where green space is at a premium. It would also allow the Theatre to proceed to construct an atrium bump-out on the Lisbon Street side of its building. That atrium is designed to provide a location within the Theatre building for small meetings and events, while improving the look of the building. As you know, the present face of the building on Lisbon Street is a complete brick face, but after the atrium is built it will have a modern and attractive glass enclosure with associated lighting.

The Public Theatre has been and remains one of Lewiston's major attractions, and the Board firmly believes that its atrium project will continue the enhancement of the City's image in this area of the City for many years to come. The Theatre has been historically committed to and successful in improving this area of the City, without any governmental funding, evidenced by renovating and expanding the former Ritz Theater into the region's premier live professional theatre venue. Making this undeveloped parcel productive again furthers the Theatre's continued dedication to the City, the region and its patrons to provide the best live professional theater in a modern venue at family-friendly pricing, while continuing to fulfill the City's desire to beautify its downtown and attract additional businesses who can make Lewiston home. This will be accomplished without jeopardizing the future needs of the City by assuring that the reserved rights previously mentioned are included in any conveyancing document.

We look forward to working with you and City staff toward this mutually beneficial goal. If there is any further information that would be helpful to you, including our artist's rendering of the proposed atrium, we will work to provide that to you as quickly as possible. If you feel that a meeting with you and City staff for discussion and input would be beneficial prior to submission of this proposal to the City Council, I'm sure we can find a mutual date and time for that to occur.

Thank you in advance for your consideration of this proposal.

Respectfully submitted,

  
K. Alexander Visbaras



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

**TO:** Planning Board  
**FROM:** David Hediger, City Planner  
**DATE:** May 31, 2017  
**RE:** Disposition of 502 Lisbon Street

On May 22, 2017 the Planning Board voted 7-0 to send a favorable recommendation to the City Council for the disposition of 502 Lisbon Street pursuant to Article VII, Section 4(h) of the Zoning and Land Use Code.

The city has received a request from the Board of Directors for the Public Theatre to acquire the property at 502 Lisbon Street. The Theatre is requesting the land to construct an atrium bump-out on the Lisbon Street side of its building. That atrium is designed to provide a location within the Theatre building for small meetings and events, while improving the look of the building. They are also willing to include an affirmative covenant that a portion of this parcel be converted to green space and maintained by the Theatre. They have requested the land be conveyed without consideration (for free). Reference should be made to K. Alexander Visbaras' letter dated January 23, 2017.

This vacant lot of approximately 5,000 square feet is located in the Centreville (CV) district and is paved with 14 parking spaces. The property contained a mixed use structured demolished in 1992 due to a fire. The property is currently assessed at \$29,850.

Recognizing the Theatres interest in the property and apparent willingness to include covenants, including converting portions of the property into green space, the Council may want to include in their recommendation that disposition of the property is subject to review and approval of a plan as to how the site will be utilized. This may include signage as the Theatre has expressed past interest in erecting a sign on this property, to which some staff have expressed concerns with its possible design and appearance upon entering the city's gateway. Should the city dispose of this property, a portion of the lot will need to be retained by the city occupied by an existing the sidewalk and paved radius for turning on to Maple Street from Lisbon Street. The Council may also want to consider recouping any legal fee's incurred in transferring the property.

# LEWISTON CITY COUNCIL

## MEETING OF AUGUST 15, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 5**

**SUBJECT:**

Appointments to the Lewiston Area Public Health Committee.

**INFORMATION:**

Under the procedures for appointments of members to the Lewiston Area Public Health Committee, the Mayor nominates members to serve and the City Council makes the formal appointments of the members. Deputy City Administrator Denis D'Auteuil and Mayor Macdonald have reviewed the applications submitted and the Mayor has nominated two people to serve on the Committee. The Council is asked to approve the below nominations which will make the formal appointments of these two new members.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

Appointments to Boards and Committees are a policy decision of the Council.



**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To appoint the following nominees to the Lewiston Area Public Health Committee:

- 1) Public Health Expert/Practitioner - Kahin Adam, 11 ½ Jefferson Street, Lewiston
- 2) Area Resident - Abdulkerim Said, 325 Court Street, Auburn

**City of Lewiston**  
Application for Appointment to City Board/Commission/Committee

Full Name: Abdul Kenim Said

Street Address: 325 Court St Auburn ME 04240

Mailing Address (if different): Same

Telephone Number: 891-9888 (daytime) Same (evening)

Email Address: ASaid@nmphi.org

Length of time as a Lewiston Resident: \_\_\_\_\_ Council Ward: \_\_\_\_\_

I wish to be considered for appointment to the:

\_\_\_\_\_  
(Name of Board/Commission/Committee)

Check one or both: \_\_\_\_\_ Full Membership Status \_\_\_\_\_ Associate Membership Status

Educational Background: UMA,  
BAS

Employment History: Executive Director of New Mainer's  
Public Health Initiative

Community Service: \_\_\_\_\_  
\_\_\_\_\_

Please note any prior experience, knowledge or abilities that you have which would contribute to the activities of the Board/Commission/Committee:

Board members for Community Concept, Case management  
Committee for Community Health Action, Community Advisory  
Committee for Maine Health Access network.

Date: 8/8/2017 Signature: Abdul Kenim Said

Thank you for your interest in serving the City of Lewiston.  
Please return form to: City Clerk's Office, 27 Pine Street, Lewiston, ME 04240-7297

City of Lewiston

Application for Appointment to City Board/Commission/Committee

Full Name: Kahin Adam

Street Address: 11 ½ Jefferson St, Lewiston, Maine 04240

Telephone Number: 646-3098111

Email Address: adamkahin109@gmail.com

Length of time as a Lewiston Resident: 2 months\_\_ Council Ward: \_\_\_\_

I wish to be considered for appointment to the: Public Health Committee

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(Name of Board/Commission/Committee)

Check one or both:  Full Membership Status  Associate Membership Status

**Educational Background:**

Double major in Bachelors of in international studies / concentration in global health, religious studies / concentration in monotheistic religions with a minor in International Social Justice.

Dual master's degree in MSW/MPH at the Columbia University School of Work and School of Public Health/concentration in Population and Family Reproductive Health and Advanced Clinical Practice with a focus on immigrant and refugee mental health intervention.

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**Employment History:**

JUN 2017- JUL 2107

CLINICAL SOCIAL WORKER  
Maine Immigrant and Refugee Services

- Formulated treatment plans with involvement of refugee parents, DHS, court, and youth, when appropriate.
- Maintained home and face-to-face visits scheduled as determined by DHS and MEIRS clinical team.
- Provided psychoeducation and parenting training to refugee families and youth.
- Provided culturally informed casework intervention including use of my language skills, as case requires.
- Interacted with other service providers as determined by Standards/Case plan.
- Attended all court required appointments with clients.
- Participated in ongoing staff training and program development.
- Meet regularly with supervisor to evaluate and implement professional growth in practice and performance.
- Maintained client case records.

SEP 2016 – MAY 2017

COUPLE AND FAMILY THERAPIST (INTERNSHIP)  
Ackerman Institute for Families, New York, NY

- Designed and implemented a creative group program benefiting 1st Generation African Youth ages 16 – 21, focused to enhance their social skills and self-esteem.
- Created and developed various activities in which the families/couples interacted with possible problems, and guided them from crises such as divorce, death, and relationship problems.

- Established a cohesive formulation of the presenting problem based on ideas gathered in the initial clinical interviews.
- Channeled families in resolving their relationship problems by highlighting problematic patterns that needed to be changed.
- Evaluated dysfunctional behavior and assisted families to replace them with health alternatives.
- Utilized networking channels by connecting families/couples with much needed support, resources, and services in New York City.
- Initiated and maintained relationships with a diverse group of arts organizations, community partners, neighborhood associations, and social service agencies.
- Developed and administered evaluation tools to ensure quality and successful programming.

MAY 2016 – AUG 2016                      OUTREACH MARKETING (PUBLIC HEALTH PRACTICUM)  
International Rescue Committee, Charlotte, VA

- Identified potential community and business partners and connected them with refugee farmers.
- Established and maintained effective and cooperative relationships with representatives of designated community.
- Engaged refugee and Charlottesville community through social media such as Facebook and distributing flyers and brochure in the community.
- Created effective tracking tools and maintain databases to monitor and analyze program effectiveness.
- Provided direct support to refugee farmers in setting up farmer's market and community outreach program.
- Assisted financial and nutrition literacy workshops, and health promotion focus groups for refugees to provide education on designated agenda.
- Managed correspondence with vendors and local providers for community development projects.

SEP 2014 – MAY 2015                      HOUSING OUTREACH SPECIALIST (INTERNSHIP)  
Manhattan Outreach Consortium, Goddard, Riverside, New York, NY

- Served as Case Manager for chronically and severely mentally ill street homeless adults with the objective of placing them in transitional and permanent housing.
- Performed intake, assessment, service planning, advocacy, street outreach, referrals, and escort services.
- Determined overall needs of those in the respective community in order to strategically manage time and resources.
- Maintained client records and provided follow-ups case management for clients in transitional and permanent housing. Collaboratively worked with team members on the development of appropriate case plans meeting individual client needs.
- Provided referrals to internal and external agencies in the areas of medical care, mental health, substance abuse treatment, legal, public benefits, child welfare and any other appropriate community resources.
- Documented outreach activities by tracking all follow-up services provided for all clients into the database.

JUL 2013 – JUL 2014                      FAMILY DEVELOPMENT SPECIALIST  
Multi-Service Center, Kent, WA

- Analyzed and assessed urgent needs of homeless clients in Rapid Re-Housing Program by setting short-term and long-term goals with the homeless single adult clients.
- Assisted in providing client services in a wide variety of fields, such as psychology, rehabilitation, or social work, including support for families.
- Provided appropriate outreach activities, referral and advocacy, as needed, and short-term intervention to individuals and families.
- Conducted programs to prevent and resolve concerns relevant to substance abuse, human relationships, rehabilitation, or dependent care.

DEC 2012 – JAN 2013                      IMMIGRANT AND REFUGEE COORDINATOR  
Catholic Community Services, Seattle, WA

- Assisted in creating a direct access to shelter and housing resources in King County for homeless families.
- Provided Bi-lingual Outreach Program for refugee and undocumented immigrants/homeless families through outreach, email and over-the-phone services.



I was an active member of City of Kent Mayor's Advisory Committee where I helped refugees, immigrants and also advocated for disadvantaged people in health care, housing, employment, disaster and tenant rights education.

7-28-2017  
Date: K. Paradis Signature: K. Paradis

**Thank you for your interest in serving the City of Lewiston. Please return form to: City Clerk's Office, 27 Pine Street, Lewiston, ME 04240-7297**

**FOR USE BY CITY CLERK'S DEPARTMENT:**

Date application received: \_\_\_\_\_

Received by: \_\_\_\_\_

Application submitted to: Mayor's Office Council President other

Date application submitted to above office: \_\_\_\_\_

Date appointed by Mayor/Council: \_\_\_\_\_

Date applicant notified by City Clerk's Office: \_\_\_\_\_

Date applicant sworn in: \_\_\_\_\_

Term to begin: \_\_\_\_\_

Term to expire: \_\_\_\_\_

Length of term: \_\_\_\_\_

If filling a vacancy, please note:

If no openings available at time of application, please note:

The City of Lewiston does not discriminate against or exclude individuals from it's municipal facilities and/or in the delivery of it's programs, activities and services based on the individual person's ethnic origin, color, religion, gender, sexual orientation, age, physical or mental disability, veteran status, or limited English speaking ability. For more information about this Policy, contact or call Compliance Officer Mike Paradis at (V) 207- 513-3003, ext.3412 (TTY) 513-3007, or email mparadis@ci.lewiston.me.us.

# LEWISTON CITY COUNCIL

## MEETING OF AUGUST 15, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 6**

**SUBJECT:**

Authorization for the City Clerk to cast the City's ballot for the Maine Municipal Association's Executive Committee and Vice-President.

**INFORMATION:**

This item is an annual item the Council is asked to vote on regarding the leadership of the Maine Municipal Association (MMA). Since MMA is a membership-based organization, the member municipalities are asked to select the candidates nominated to serve on the Executive Committee and in the Vice President position. This year, none of the seats are contested.

The Council is asked to review the list of candidates nominated to serve on the MMA Executive Committee and to serve as the Association's Vice-President and then asked to authorize the City Clerk to submit the ballot to MMA.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

This is an annual action of the Council and passage is recommended.

*EAB/kmm*

**REQUESTED ACTION:**

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To approve the slate of candidates as presented on the Maine Municipal Association's ballot and to authorize the City Clerk to cast the City's ballot for the Maine Municipal Association's Executive Committee and Vice-President.



Maine Municipal  
Association

60 COMMUNITY DRIVE  
AUGUSTA, MAINE 04330-9486  
(207) 623-8428  
www.memun.org

MMA BALLOT ATTACHED

TO: Key Municipal Officials of MMA Member Cities, Towns and Plantations  
FROM: Stephen W. Gove, MMA Executive Director  
DATE: July 11, 2017  
SUBJECT: MMA Annual Election - Vice President and Executive Committee Members

**Deadline: Friday, August 18, 2017 by 12:00 noon**

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**Nomination Process** – Each year member municipalities have an opportunity to vote on the election of the proposed MMA Vice President and municipal officials to serve on the MMA Executive Committee. A five-member Nominating Committee was appointed in March to review nominations submitted by municipal officials and conduct interviews with those municipal officials qualifying and interested in serving as the MMA Vice President and Executive Committee. The MMA Nominating Committee completed its task in May and put forth a Proposed Slate of Nominees for 2018 to member municipalities.

**Petition Process** – As part of the May mailing, information was also provided on the MMA Petition Process. Pursuant to the MMA Bylaws, nominations may also be made by Petition signed by a majority of the municipal officers in each of at least 5 member municipalities. The deadline for receipt of nominations by petition was Monday, July 10, by 4:30 pm. There were no municipal officials nominated by petition.

*It is now time for each member municipality to cast its official vote.*

**Election Process** – Enclosed you will find the MMA Voting Ballot which includes the proposed Slate of Nominees to serve on the MMA Executive Committee as selected by the MMA Nominating Committee. A brief biographical sketch on each nominee listed on the MMA Voting Ballot is enclosed for your reference. You will note that unlike municipal elections, MMA does not provide for “Write-in Candidates” since our process includes an opportunity to nominate a candidate by petition, as noted above.

The MMA Voting Ballot must be signed by a majority of the municipal officers or a municipal official designated by a majority of the municipal officers, and received by the Maine Municipal Association by 12:00 noon on Friday, August 18. We have enclosed a self-addressed self-stamped envelope for your convenience. The MMA Voting Ballots will be counted that afternoon and the election results confirmed under the direction of MMA President Laurie Smith (Town Manager of Kennebunkport).

Election results will be available by contacting the MMA Executive Office or by visiting the MMA website at [www.memun.org](http://www.memun.org) on Friday, August 18, after 4:00 p.m. A formal announcement of the election results will be made at the MMA Annual Business Meeting being held **Wednesday, October 4, at 1:30 p.m. at the Augusta Civic Center**. Newly elected Executive Committee members will be introduced at the MMA Awards Luncheon and Annual Business Meeting and officially take office on January 1, 2018.

If you have any questions on the Election Process, please contact me or Theresa Chavarie at 1-800-452-8786 or in the Augusta area at 623-8428, or by e-mail at [tchavarie@memun.org](mailto:tchavarie@memun.org). Thank you.

**MAINE MUNICIPAL ASSOCIATION**  
**VOTING BALLOT**

**Election of Vice President and Executive Committee Members**  
*Deadline for Receipt of Voting Ballots – 12:00 noon on Friday, August 18, 2017*

**VICE-PRESIDENT - 1 YEAR TERM**

**Vote for One**

**Proposed by MMA Nominating Committee:**

Mary Sabins, Town Manager, Town of Vassalboro

**DIRECTORS - 3 YEAR TERM**

**Vote for Three**

**Proposed by MMA Nominating Committee:**

James Bennett, City Manager, City of Biddeford

Jill Duson, At-Large Councilor, City of Portland

Gary Fortier, Councilor, City of Ellsworth

*Please note that unlike municipal elections, MMA does not provide for "Write-in Candidates" since our process includes an opportunity to nominate a candidate by petition.*

*The Voting Ballot may be cast by a majority of the municipal officers, or a municipal official designated by a majority of the municipal officers of each Municipal member.*

Date: \_\_\_\_\_

Municipality: \_\_\_\_\_

**Signed by a Municipal Official designated by a majority of Municipal Officers:**

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Position: \_\_\_\_\_

**OR Signed by a Majority of Municipal Officers**

**Current # of Municipal Officers: \_\_\_\_\_**

Print Names:

Signatures:

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**Return To:**

*MMA Annual Election  
Maine Municipal Association  
60 Community Drive  
Augusta, Maine 04330  
FAX: (207) 626-3358 or 626-5947  
Email: [tchavarie@memun.org](mailto:tchavarie@memun.org)*

**MAINE MUNICIPAL ASSOCIATION  
EXECUTIVE COMMITTEE**

**BIOGRAPHICAL SKETCH OF  
PROPOSED SLATE OF NOMINEES FOR 2018**

**MMA VICE PRESIDENT  
(1-Year Term)**

**MARY SABINS, TOWN MANAGER, TOWN OF VASSALBORO**

**Professional & Municipal Experience:**

- Town of Vassalboro, Maine – Town Manager/Treasurer/Tax Collector (June 2008 – present)
- Town of Chelsea, Maine – Town Manager/ Treasurer/Tax Collector/General Assistance Administrator/Road Commissioner (July 2006 – June 2007)
- MSAD #40, Warren, Maine – Facilities Director/Food Service Director (2005 – 2006)
- Town of Windsor, Maine – Town Manager/Treasurer/Tax Collector/General Assistance Administrator (2001 – March 2005)
- Town of Hope, Maine – Town Administrator/Treasurer/General Assistance Administrator (1997 – 2001)
- City of Augusta, Maine – Internship with the City Manager (September – December 2000)
- Town of Union, Maine – Town Clerk/Tax Collector/Occasional Acting Town Manager ( 1988 – 1997)

**Other Experience, Committees and Affiliations:**

- Member, Maine Municipal Association Executive Committee (2014 – present)
- Member, Maine Municipal Association Strategic & Finance Committee (2014 – present)
- Chairperson, Maine Municipal Association Strategic & Finance Committee (2016)
- Member, Maine Municipal Association Property & Casualty Pool Board of Directors (2014 – present)
- Member, Maine Municipal Association Workers Compensation Fund Board of Trustees (2014 – present)
- Member, MMEHT Selection Committee (2015-2016); appointed by MMA Executive Committee
- Member, Maine Town, City & County Municipal Management Association
- Member, Communications Committee, Maine Town, City & County Municipal Management Association (2015)
- Director, Board of Kennebec Valley Council of Government (2008-2009)
- As the wife of a volunteer firefighter and EMS worker, I have volunteered often in support of our hometown fire and ambulance services (1980-present)

**Education:**

- BS in Business Administration with Management Major from University of Maine at Augusta.
- Graduate of Medomak Valley High School, Waldoboro, Maine

**Awards and Certifications:**

- Qualified as a Certified Public Manager, Maine Town, City & County Management Association (2016)

## MMA EXECUTIVE COMMITTEE MEMBERS

(Three 3-Year Terms)

### JAMES BENNETT, CITY MANAGER, CITY OF BIDDEFORD

#### **Professional & Municipal Experience:**

- City of Biddeford, Maine – City Manager (August 2015 – present)
- City of Presque Isle, Maine – City Manager (March 2010 - July 2015)
- Town of Sabattus, Maine – Interim Town Manager (September 2009 – March 2010)
- City of Lewiston, Maine – City Administrator (March 2002 – July 2009)
- Town of Westbrook, Maine – Administrative Assistant to the Mayor (October 1996 – March 2002)
- Town Old Orchard Beach, Maine – Town Manager (May 1990 – October 1996)
- Town of New Gloucester, Maine – Town Manager (February 1988 – May 1990)
- Town of Dixfield, Maine – Town Manager (February 1986 – February 1988)
- Town of Lisbon, Maine – Selectman (May 1982 – February 1986) Vice Chairman (1985 – 1986)

#### **Other Experience, Committees and Affiliations:**

- President, International City/County Management Association ( 2014 – 2015); Regional Vice President, (2008 – 2011) Chairperson, Conference Planning Committee, (2007 – 2008); Committee Member (various years 1997 – 2011); Small Community Task Force (1999 – 2001)
- ICMA Emerging Leaders Development Program Facilitator (2007 – present)
- President, Maine Town & City Management Association (1998 –1999); Board of Directors (1991 – 2000)
- Member, Executive Committee, Maine Municipal Association (1992 – 1996)
- Member, Maine Municipal Association Property & Casualty Pool Board of Directors (1992 – 1996)
- Member, Maine Municipal Association Workers Compensation Fund Board of Trustees (1992 – 1996)
- First Chairperson, Maine Municipal Association Strategic & Finance Committee (1995 – 1996)
- Member, Governor's Municipal Advisory Committee (1992 – 1996)
- President, Aroostook Municipal Association (2012 – 2014)
- Executive Board, Northern Maine Development Commission (2010 – present)
- Chairperson, Aroostook Tourism Committee (2011 – 2013)
- Member, Revolving Loan Committee, Northern Maine Development Commission (2010 – present)
- Executive Board, Maine Service Center Coalition (2011 – present)
- Treasurer, Martindale Country Club (2005 – 2008)
- Treasurer, Kora Klown Shrine Unit (2004 – 2008)
- Kora Divan, Kora Shriners (2004-2006)
- Worshipful Master, Ancient York Lodge of Free and Accepted Masons (2007)
- Chairman and Founder, Ginger Bennett Memorial Scholarship Fund (2003 – present)
- Chairman, Joseph Graziano Memorial Scholarship Fund (2004 – 2012)

#### **Education:**

- Master of Business Administration, University of Southern Maine
- Bachelor of Science, Business Administration, University of Southern Maine
- Associate of Science, Accounting, Bentley College

#### **Awards and Certifications:**

- ICMA Legacy Leader since 2008
- All –America City, National Civic League (LEW) 2007
- Public Service Leadership Award, Androscoggin Chamber of Commerce 2006

- Maine Town and City Management Association's "Linc Stackpole Manager of the Year" August 2003
- ICMA Credentialed Manager since 2002
- MTCMA Certified Municipal Manager since 1993

## **JILL DUSON, AT-LARGE COUNCILOR, CITY OF PORTLAND**

### **Professional & Municipal Experience:**

- City of Portland, At Large Councilor; Chair, Housing Committee; Vice Chair, Legislative Committee (November 2001 – present)
- City of Portland, Mayor (2004 – 2005 and 2008 – 2009)
- Maine Human Rights Commission, Manager, Compliance Division (March 2012 – January 2016)
- Maine Department of Labor, Director, Bureau of Rehabilitation Services (June 2004 – February 2011)
- Perkins Thompson Consulting, LLC, President/Principal (January 2001 – July 2003)
- Northern Utilities Natural Gas, Inc., Manager, Government & Community Relations (January 1997 – December 2001)
- Central Maine Power Company, Management/Leadership (June 1987 – January 1997)
- Maine Committee on Aging, Director, Long Term Care Ombudsman Program (May 1984 – May 1987)
- Bureau of Maine's Elderly, Director, Home Equity Conversion Project (January 1983 – April 1984)
- American Bar Association, Assistant Staff Director, Commission on Legal Problems of the Elderly (November 1981 – December)
- Delaware County Legal Assistance Association, Director of Nursing Home Advocacy Project; Staff Attorney - Senior Citizens Law Unit (August 1979 – October 1981)

### **Other Experience, Committees and Affiliations:**

- President, Maine Electoral College (December 2008); Maine Presidential Elector (2004 and 2008)
- Chair, Portland School Committee (2000 - 2001); District 5 School Committee Representative (1998 – 2001)
- Vice Chair, Local Government Advisory Committee (LGAC), US Environmental Protection Agency, Member, LGAC Executive Committee; Chair, LGAC Cleaning Up Our Communities Workgroup
- Member, Democratic Municipal Officials Organization, Council of Policy Advisors; Council of State Chairs
- Board of Directors, Mercy Hospital
- Board of Directors, Institute for Civic Leadership
- Gubernatorial Appointee, Maine Company for Higher Education
- Member, National League of Cities, Energy, Environment & Natural Resources Policy and Advocacy Committee
- Member, National League of Cities, Policy Committee on Community and Economic Development
- Member, National League of Cities, Human Development Steering Committee
- Board of Directors, Portland Community Chamber of Commerce
- Board Chair, Legal Services for the Elderly
- Board of Directors, Portland Symphony
- Board of Directors, Maine Philanthropy Center
- Board of Directors, Maine State Chamber of Commerce

### **Education:**

- Senior Executives in State & Local Government, Kennedy School of Government, Harvard University
- Leadership Maine Zeta Class, Maine Development Foundation, Augusta, ME
- Juris Doctor, University of Pennsylvania School of Law, Philadelphia, PA
- Bachelor of Arts, Antioch College, Ohio
- Chester High School, Chester, PA

## **GARY FORTIER, CITY COUNCILOR, CITY OF ELLSWORTH**

### **Professional & Municipal Experience:**

- Self-employed electrical contractor (1991 – current)
- City of Ellsworth, Maine - City Councilor (1992 – 2001) and (2004 – present); Mayor/Chair (five years)
- City of Ellsworth Recreation Commission, Finance Committee, Penobscot Downeast Cable Television Committee and Library Expansion Committee
- City of Ellsworth Council Representative on the Building Committees for Ellsworth High School, Ellsworth Elementary-Middle School and the renovation of Ellsworth City Hall
- Broadcast Council and School Board monthly meetings on Public Access TV (2002 – 2004)
- Director, Ellsworth Area Chamber of Commerce (1995 – 1998)
- Director, Northeast Emergency Medical Services Council (1984 – 1987)
- Ellsworth area EMT-I with County Ambulance (1972 – 1989)
- City of Ellsworth, Volunteer Firefighter; retiring as Captain (1970 – 2005)

### **Other Experience, Committees and Affiliations:**

- Member, Maine Municipal Association Executive Committee (2015 – present)
- Member, Maine Municipal Association Strategic & Finance Committee (2017)
- Member, Maine Municipal Association Property & Casualty Pool Board of Directors (2015 – present)
- Member, Maine Municipal Association Workers Compensation Fund Board of Trustees (2015 – present)
- Member, Maine Municipal Association Nominating Committee (2012) and (2015)
- City of Ellsworth Voting Delegate, Maine Municipal Association Business Meeting (1992 – current)
- Member, Maine Municipal Association Legislative Policy Committee, Senate District 7 (2014 – 2019)
- Secretary and Scholarship Coordinator, Down East Electrical Associates (a trade group of electricians from Hancock and Washington Counties) (Current)
- State Emergency Response Commission (SERC), Appointed Member by Governor King (1993 – 2002); served as Vice Chairman for last four years
- Assisted in local projects annually, such as Rotary Pancake breakfast, Ellsworth Antique Show at Woodlawn, Red Cross Disaster Shelter operations; Demeyer Field Electrical Repairs, Ellsworth Garden Club projects (greenhouse at Ellsworth High School, Donald Little Park Power, and Blue Star Memorial on Route 1A).

### **Awards and Certifications:**

Ellsworth Area Chamber of Commerce Citizen of the Year – 2008  
Ellsworth Rotary Club Paul Harris Fellow Honor – 2006 as a non-Rotarian

**LEWISTON CITY COUNCIL**  
**MEETING OF AUGUST 15, 2017**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 7**

**SUBJECT:**

Public Hearing on a new application for a new liquor license for Hibachi Super Buffet, 40 East Avenue.

**INFORMATION:**

We have received an application for a new liquor license from Hibachi Super Buffet, 40 East Avenue.

The Police Department has reviewed and approved the application.

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/klmm*

**REQUESTED ACTION:**

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To authorize the City Clerk's Office to approve a new liquor license application for Hibachi Super Buffet, 40 East Avenue.

**BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS  
 DIVISION OF LIQUOR LICENSING AND ENFORCEMENT  
 8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008  
 10 WATER STREET, HALLOWELL, ME 04347  
 TEL: (207) 624-7220 FAX: (207) 287-3434  
 EMAIL INQUIRIES: [MAINELIQUOR@MAINE.GOV](mailto:MAINELIQUOR@MAINE.GOV)**

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	

NEW application:  Yes  No

PRESENT LICENSE EXPIRES \_\_\_\_\_

INDICATE TYPE OF PRIVILEGE:  MALT  VINOUS  SPIRITUOUS

**INDICATE TYPE OF LICENSE:**

- RESTAURANT (Class I,II,III,IV)  RESTAURANT/LOUNGE (Class XI)  CLASS A LOUNGE (Class X)  
 HOTEL (Class I,II,III,IV)  HOTEL NO FOOD (Class I-A)  
 CLUB w/o Catering (Class V)  CLUB with CATERING (Class I)  GOLF COURSE (Class I,II,III,IV)  
 TAVERN (Class IV)  QUALIFIED CATERING  OTHER: \_\_\_\_\_

REFER TO PAGE 3 FOR FEE SCHEDULE

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

Corporation Name: <i>Hibachi Sushi Buffet LLC.</i>	Business Name (D/B/A) <i>Hibachi Super Buffet - 1</i>
APPLICANT(S) - (Sole Proprietor) <i>Tim Wang</i>	Physical Location: <i>40 East Ave.</i>
DOB: <i>09/28/83</i>	City/Town State Zip Code <i>Lewiston ME 04240</i>
Address <i>36 Pinedale St.</i>	Mailing Address <i>40 East Ave</i>
City/Town State Zip Code <i>774 804 0461</i>	City/Town State Zip Code <i>Lewiston ME 04240</i>
Telephone Number Fax Number	Business Telephone Number Fax Number <i>207 786 8878 707 786 8887</i>
Federal I.D. # <i>82-228326</i>	Seller Certificate #: or Sales Tax #:
Email Address: Please Print	Website:

If business is NEW or under new ownership, indicate starting date: Aug 1st.

Requested inspection date: \_\_\_\_\_ Business hours: \_\_\_\_\_

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: \_\_\_\_\_
- State amount of gross income from period of last license: ROOMS \$ \_\_\_\_\_ FOOD \$ \_\_\_\_\_ LIQUOR \$ \_\_\_\_\_
- Is applicant a corporation, limited liability company or limited partnership? YES  NO

If Yes, please complete the Corporate Information required for Business Entities who are licensees.

- Do you permit dancing or entertainment on the licensed premises? YES  NO
- If manager is to be employed, give name: \_\_\_\_\_
- Business records are located at: in the restaurant, 40 East Ave. Lewiston ME.
- Is/are applicant(s) citizens of the United States? YES  NO
- Is/are applicant(s) residents of the State of Maine? YES  NO

9. List name, date of birth, and place of birth for all applicants, managers, and bar managers. Give maiden name, if married:  
Use a separate sheet of paper if necessary.

Name in Full (Print Clearly)	DOB	Place of Birth
JUN WANG	09/28/83	Shanghai
Residence address on all of the above for previous 5 years (Limit answer to city & state)		

10. Has/have applicant(s) or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States? YES  NO

Name: JUN WANG Date of Conviction: 12/13  
 Offense: MISDEMEANOR Location: Rhode Island  
 Disposition: \_\_\_\_\_ (use additional sheet(s) if necessary)

11. Will any law enforcement official benefit financially either directly or indirectly in your license, if issued?  
 Yes  No  If Yes, give name: \_\_\_\_\_

12. Has/have applicant(s) formerly held a Maine liquor license? YES  NO

13. Does/do applicant(s) own the premises? Yes  No  If No give name and address of owner: \_\_\_\_\_

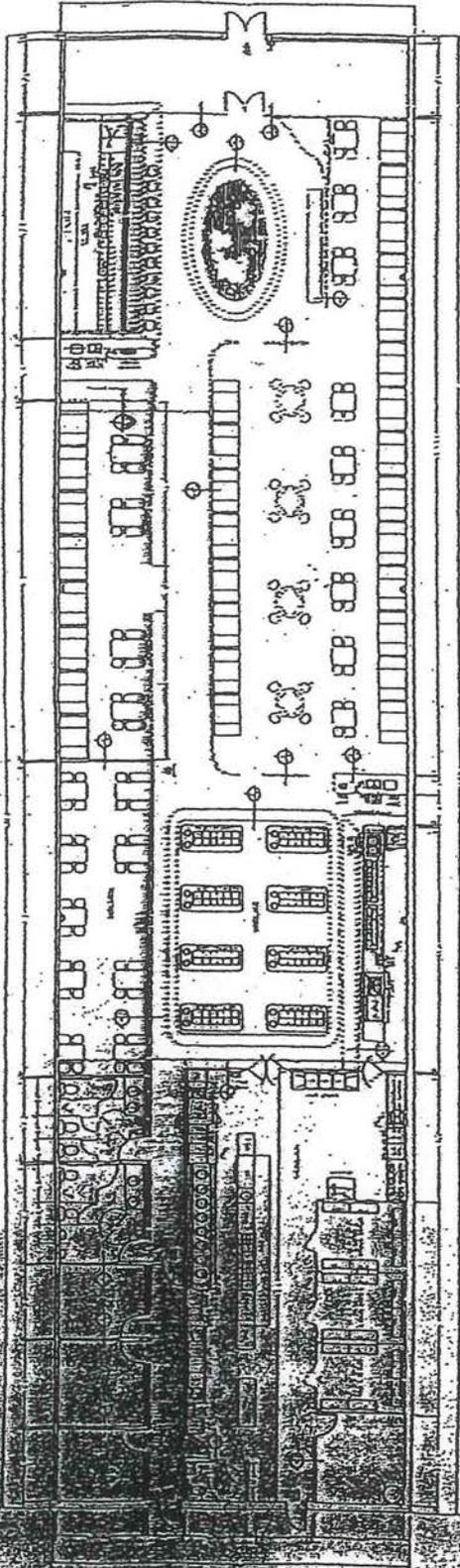
14. Describe in detail the premises to be licensed: (On Premise Diagram Required) \_\_\_\_\_

15. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?  
 YES  NO  Applied for: \_\_\_\_\_

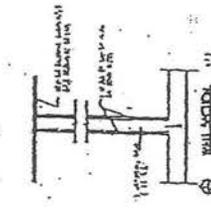
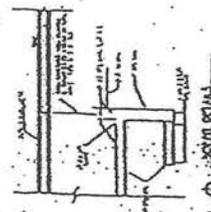
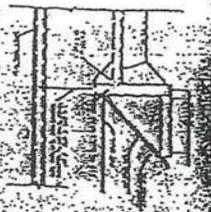
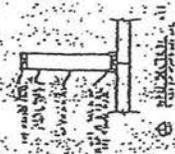
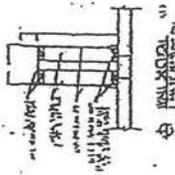
16. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel? 0.3 mi.  
 Which of the above is nearest? School

17. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES  NO   
 If YES, give details: \_\_\_\_\_

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.



FLOOR PLAN 1/8" = 1'-0"



NO.	DESCRIPTION	QUANTITY	UNIT	PRICE	TOTAL
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Division of Alcoholic Beverages and Lottery  
Operations  
Division of Liquor Licensing and Enforcement

**Corporate Information Required for  
Business Entities Who Are Licensees**

<b>For Office Use Only:</b>	
License #:	_____
SOS Checked:	_____
100% Yes	<input type="checkbox"/> No <input type="checkbox"/>

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

- Exact legal name: Hibachi sushi Buffet LLC
- Doing Business As, if any: Hibachi <sup>super</sup> Buffet
- Date of filing with Secretary of State: Maine State in which you are formed: Maine
- If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:  
\_\_\_\_\_
- List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Jin WANG	476 Jefferson St. Yell Ridge, MA	09/08/83	owner	100

(Stock ownership in non-publicly traded companies must add up to 100%.)

- If Co-Op # of members: \_\_\_\_\_ (list primary officers in the above boxes)

7. Is any principal person involved with the entity a law enforcement official?

Yes  No  If Yes, Name: \_\_\_\_\_ Agency: \_\_\_\_\_

8. Has any principal person involved in the entity ever been convicted of any violation of the law, other than minor traffic violations, in the United States?

Yes  No

9. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: Jin WANG

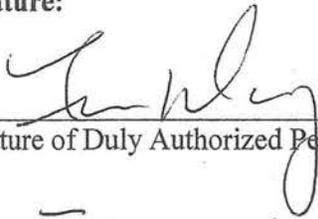
Date of Conviction: 12/01/13

Offense: misdemeanor

Location of Conviction: Rhode Island

Disposition: \_\_\_\_\_

Signature:



Signature of Duly Authorized Person

Date

07/27/17

Jin WANG  
Print Name of Duly Authorized Person

Submit Completed Forms to:

Bureau of Alcoholic Beverages  
Division of Liquor Licensing and Enforcement  
8 State House Station, Augusta, Me 04333-0008 (Regular address)  
10 Water Street, Hallowell, ME 04347 (Overnight address)  
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@Maine.gov](mailto:MaineLiquor@Maine.gov)



## ***POLICE DEPARTMENT***

Brian O'Malley  
Chief of Police



---

TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: July 31, 2017

RE: Liquor License/Special Amusement Permit – **Hibachi Sushi Buffet LLC**

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

**Hibachi Sushi Buffet LLC**

**40 East Ave., Lewiston, Maine**



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# CITY OF LEWISTON

## PUBLIC NOTICE

A hearing on the following liquor license application will be held by the Lewiston City Council in the Council Chambers, City Hall on ***Tuesday, August 15, 2017, at 7:00 p.m.***, or as soon thereafter as they may be heard. Any interested person may appear and will be given the opportunity to be heard before final action on said application.

Hibachi Super Buffet  
40 East Avenue  
Jun Wang, owner

The City of Lewiston is an EOE. For more information, please visit our website @ [www.lewistonmaine.gov](http://www.lewistonmaine.gov) and click on the Non-Discrimination Policy.

***PUBLISH ON: August 9, 10 & 11, 2017***

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

# LEWISTON CITY COUNCIL

## MEETING OF AUGUST 15, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 8**

**SUBJECT:**

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for Sparetime Recreation, 24 Mollison Way.

**INFORMATION:**

We have received a renewal application for a Special Amusement Permit for Live Entertainment from Sparetime Recreation, 24 Mollison Way.

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 Sparetime Recreation, 24 Mollison Way.

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

Date of Application: 8-2-17Expiration Date: 8-10-2018

- 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:** ENCORE BOWLING, INC. - SPARETIME RECREATION **Business Phone:** 786-2695

**Location Address:** 24 MOLLISON WAY, LEWISTON, ME 04240

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

**Mailing Address:** P.O. BOX 426, HALLOWELL, ME 04347

**Email address:** ANDREW2@SPARETIMEREC.COM

**Contact Person:** ANDREW W. COULTURE **Phone:** 242-8161

**Owner of Business:** ANDREW W. COULTURE **Date of Birth:** 3/26/48

**Address of Owner:** P.O. BOX 426, HALLOWELL, ME 04347

**Manager of Establishment:** TOM GIBERTI **Date of Birth:** 4/26/54

**Owner of Premises (landlord):** LEWISTON PROPERTIES, LLC

**Address of Premises Owner:** 116 MERRIMACK STREET, SUITE 19, HAVERHILL, MA 01830

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

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

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

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

Corporation Name: ENCORE BOWLING, INC.

Corporation Mailing Address: P.O. BOX 426, HALLOWELL, ME 04347

Contact Person: ANDREW W. COULTURE Phone: 249-8161

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

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 1/2 MILE

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 \_\_\_\_\_

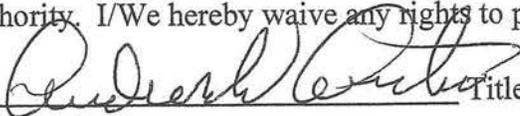
If new applicant, what is your opening date?: \_\_\_\_\_

\*\*\*\*\*

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:  Title: OWNER/PRESIDENT Date 08-02-17

Printed Name: ANDREW W. COULTURE

\*\*\*\*\*

Hearing Date: 8-15-17



## ***POLICE DEPARTMENT***

Brian O'Malley  
Chief of Police



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TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: May 31, 2017

RE: Liquor License/\*Special Amusement Permit – **Sparetime Recreation**

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

**Sparetime Recreation**  
**24 Mollison Way, Lewiston, Maine**



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# LEWISTON CITY COUNCIL

## MEETING OF AUGUST 15, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 9**

**SUBJECT:**

Public Hearing on the renewal application for a Special Amusement Permit for Live Entertainment for The Androscoggin Bank Colisee, 190 Birch Street.

**INFORMATION:**

We have received a renewal application for a Special Amusement Permit for Live Entertainment from The Androscoggin Bank Colisee, 190 Birch 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 The Androscoggin Bank Colisee, 190 Birch Street.

CITY OF LEWISTON  
APPLICATION FOR SPECIAL AMUSEMENT PERMIT

Date of Application: July 24, 17

Expiration Date: 07/31/17

- 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: LUCIE - DBA - Androsuggin Bank Colisee Business Phone: 207-783-2009

Location Address: 190 Birch St. Lewiston

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

Mailing Address: 190 Birch St. Lewiston ME 04290

Email address: mcain@icerinks.com

Contact Person: Michael Cain Phone: 207/783/2009

Owner of Business: Michael Cain Date of Birth: 05/07/1975

Address of Owner: 17 Richmond Ave Lewiston, ME

Manager of Establishment: Same Date of Birth: \_\_\_\_\_

Owner of Premises (landlord): \_\_\_\_\_

Address of Premises Owner: \_\_\_\_\_

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: LUCIF

Corporation Mailing Address: 190 Birch St - Lewiston ME

Contact Person: Michael Cain Phone: \_\_\_\_\_

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

What is the distance to the nearest residential dwelling unit both inside and outside the building from where the entertainment will take place? 567.

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: GM Date: July 24/17

Printed Name: Michael Cain

\*\*\*\*\*

Hearing Date: 8-15-17



## ***POLICE DEPARTMENT***

Brian O'Malley  
Chief of Police



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TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: May 31, 2017

RE: Liquor License/\*Special Amusement Permit – **Androscoggin Bank Colisee**

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

**Androscoggin Bank Colisee**  
**190 Birch St., Lewiston, Maine**



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# LEWISTON CITY COUNCIL

## MEETING OF AUGUST 15, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 10**

**SUBJECT:**

Public Hearing for approval of an Outdoor Entertainment Permit for live music in Kennedy Park in conjunction with Lewy's Tiny Tri event.

**INFORMATION:**

The Lewiston Recreation Department is sponsoring a Triathlon for 3-6 year olds called Lewy's Tiny Tri on Saturday, August 26 in Kennedy Park. Live music will be offered as part of this event. Since they will be having live music, they are required by the Code of Ordinances to obtain an Outdoor Entertainment permit from the City Council. Staff has reviewed their application and has no concerns with this event. Approval is recommended.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*GAB/Kmm*

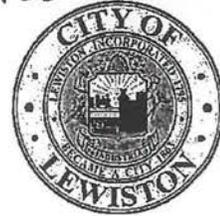
**REQUESTED ACTION:**

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To conduct a public hearing on an application for an outdoor entertainment event in Kennedy Park, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, for live music to be offered in Kennedy Park on Saturday, August 26, contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances.

**CITY OF LEWISTON - APPLICATION for EVENTS from 7/1/17- 6/30/18**

City-sponsored event - REC



- EVENT** (25+ participants)
- SPECIAL EVENT** (over 1,000 expected)
- EVENT SPECIFICATIONS** -check one
  - First-Time Event
  - Repeat Event
- PARK USE ONLY** (see page 3)
- GAZEBO/AMPHITHEATER ONLY** (special application required contact Admin)

Application Date: 5/22/17

Event Application must be submitted no later than **90 days prior** to the event.

Event Name: Lewy's Tiny Tri

Requested Date: 8/26/17 (Sat.) Rain Date (if applicable): \_\_\_\_\_

Event Location: Kennedy Park and Park Street

Type of Event: (Walk/Run, Festival, Concert, Etc.) Triathlon for 3-6 year olds

Contact Name: Jason Hanken Telephone: 207-513-3005

Email: jhanken@lewistonmaine.gov

Host Organization: Lewiston Recreation

Mailing Address: 65 Central Ave City: Lewiston

**NON-PROFIT (NP)** Documentation Required; check one below and include with application  
 501(c)(3)       IRS Form 990       IRS Letter

**FOR-PROFIT ORGAGNIZATION**

**Processing Fee: \$50** -non-refundable and due at the time application is submitted.  
 Check       Credit Card       Cash

*City Program Event*

Processing Fee:	COI:	Staff Use Only
Park Fees: <u>N/A</u>	NP Documentation: <u>N/A</u>	Event Number:
Other Fees:	Fundraising Documentation:	<u>FY180026</u>

*SOUND*

**CITY OF LEWISTON - APPLICATION for EVENTS from 7/1/17- 6/30/18**

**GENERAL INFORMATION Event and/or Park Use (Section 1)**

Person Responsible for Event: Jason Hanken Title: Rec. Superintendent

Daytime Phone: 207-513-3005 Cell: 207-332-2048 Cell During Event: 207-332-2048

Type of Event (Walk/Run, Festival, Concert, Etc.): Triathlon for 3-6 year olds

Event Start Time: 9am Event End Time: 11am Estimated Attendance: 100

Set-up Start Time: 6am Clean-up End Time: 1pm

- Open to the Public
- Invitation Only
- Age Restriction

Event Location: Kennedy Park & Park Street

(If you will utilize a park, please check ALL that apply below)

**FEES APPLY**

- Simard-Payne Park \$ \_\_\_\_\_ x \_\_\_\_\_ days
- Dufresne Plaza \$ \_\_\_\_\_ x \_\_\_\_\_ days

**NO FEE ASSESSED**

- Kennedy Park
- Marcotte Park
- Mark Paradis Park
- Pettingill School Park
- Potvin Park
- Raymond Park
- Sunnyside Park
- Veterans Park

**Location Other Than Parks:**

Street(s) Park Street

Sidewalk(s) Around Kennedy Park

Other \_\_\_\_\_

**PARK USE ONLY – Provide Overview**  
**See Attached Maps**

**PARK FEES & APPLICABLE DISCOUNTS**

**SIMARD-PAYNE PARK (check one)**

- Full Price: **\$135 day**
- Lewiston-based NP  
(80% discount): **\$27 day**
- Out-of-Town, NP Fundraisers  
(50% discount): **\$67.50 day**
- Out-of-Town, NP Event  
(34% discount): **\$89.10 day**

**DUFRESNE PLAZA (check one)**

- Full Price: **\$265 day**
- Lewiston-based NP  
(80 discount): **\$53 day**
- Out-of-Town, NP Fundraisers  
(50% discount): **\$132.50 day**
- Out-of-Town, NP Event  
(34% discount): **\$174.90 day**

# LEWISTON CITY COUNCIL

## MEETING OF AUGUST 15, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 11**

**SUBJECT:**

Public Hearing for approval of an Outdoor Entertainment Permit for an outdoor music event to be held at the Simard-Payne Memorial Park.

**INFORMATION:**

The Maine Chapter of the Alzheimer's Association is seeking an Outdoor Entertainment permit for their fundraising event to be held on Saturday, September 16. They will be holding a Walk-A-Thon that will be held at Simard-Payne Park and will feature live entertainment from a band to entertain the attendees.

Please see their attached request for more information.

**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 conduct a public hearing on an application for an outdoor entertainment event for the Alzheimer's Association walk event, and to grant a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Alzheimer's Association for the event to be held at the Simard-Payne Park on Saturday, September 16, contingent upon positive recommendations from the Police Department, Fire Department, Code/Health Officer and Land Use Inspector regarding compliance with all regulations and compliance with all City ordinances.

**CITY OF LEWISTON - APPLICATION for EVENTS from 7/1/17- 6/30/18**

- OUTDOOR ENTERTAINMENT
- EVENT** (25+ participants) CC on August 15, 2017
- SPECIAL EVENT** (over 1,000 expected)
- EVENT SPECIFICATIONS** -check one
- First-Time Event
- Repeat Event
- PARK USE ONLY** (see page 3)
- GAZEBO/AMPHITHEATER ONLY** (special application required contact Admin)



Application Date: 4.5.17

Event Application must be submitted no later than **90 days prior** to the event.

Event Name: Walk to End Alzheimers

Requested Date: 9.16.17 Rain Date (if applicable): N/A

Event Location: Sinard-Layne Park

Type of Event: (Walk/Run, Festival, Concert, Etc.) Walk

Contact Name: Elizabeth Elliott Telephone: 772.0115

Email: eelliott@alz.org

Host Organization: Alzheimers Association

Mailing Address: 383 US Rt 1 City: Scarborough

- NON-PROFIT (NP)** Documentation Required; check one below and include with application
- 501(c)(3)       IRS Form 990       IRS Letter
- FOR-PROFIT ORGAGNIZATION**
- Processing Fee: \$50** -non-refundable and due at the time application is submitted.
- Check       Credit Card       Cash
- \$128.72 pd 4-7-17

Processing Fee: \$50 pd	COI: yes/included	<b>Staff Use Only</b>
Park Fees: \$67.50 pd	NP Documentation: YES	<b>Event Number:</b>
Other Fees: S.A. \$11.22 pd	Fundraising Documentation: Application	<u>FY180025</u>

OE - added 7/26/17, charge will be \$33

**CITY OF LEWISTON - APPLICATION for EVENTS from 7/1/17- 6/30/18**

**GENERAL INFORMATION Event and/or Park Use (Section 1)**

Person Responsible for Event: Elizabeth Elliott Title: Director

Daytime Phone: 207-772-0115 Cell: 207-408-3311 Cell During Event: 207-408-3311

Type of Event (Walk/Run, Festival, Concert, Etc.): Walk

Event Start Time: 6am Event End Time: 8am Estimated Attendance: 400

Set-up Start Time: 6am Clean-up End Time: 11am

- Open to the Public
- Invitation Only
- Age Restriction

**PARK USE ONLY – Provide Overview**  
\_\_\_\_\_  
\_\_\_\_\_

Event Location: Simard-Payne Park  
(If you will utilize a park, please check ALL that apply below)

**FEES APPLY**

- Simard-Payne Park \$ 67.50 x 1 days
- Dufresne Plaza \$ \_\_\_\_\_ x \_\_\_\_\_ days

**NO FEE ASSESSED**

- Kennedy Park
- Marcotte Park
- Mark Paradis Park
- Pettingill School Park
- Potvin Park
- Raymond Park
- Sunnyside Park
- Veterans Park

**Location Other Than Parks:**  
Street(s) \_\_\_\_\_  
Sidewalk(s) \_\_\_\_\_  
Other \_\_\_\_\_

**PARK FEES & APPLICABLE DISCOUNTS**

- SIMARD-PAYNE PARK (check one)**
- Full Price: \$135 day
  - Lewiston-based NP (80% discount): \$27 day
  - Out-of-Town, NP Fundraisers (50% discount): \$67.50 day
  - Out-of-Town, NP Event (34% discount): \$89.10 day
- DUFRESNE PLAZA (check one)**
- Full Price: \$265 day
  - Lewiston-based NP (80% discount): \$53 day
  - Out-of-Town, NP Fundraisers (50% discount): \$132.50 day
  - Out-of-Town, NP Event (34% discount): \$174.90 day

# LEWISTON CITY COUNCIL

## MEETING OF AUGUST 15, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 12**

**SUBJECT:**

Public Hearing for approval of live music at Dufresne Plaza in conjunction with a theater performance sponsored by the Lewiston Public Library.

**INFORMATION:**

The Lewiston Public Library has submitted an application requesting permission to offer live music on City property in conjunction with a theater performance. The event will be held at Dufresne (Courthouse) Plaza on September 7, 8 and 9. Per the City Code, an outdoor entertainment event cannot be held on city property without approval by a majority of the Council after a public hearing. Staff recommendations are being sought from the Police Department, Fire Department, Code Enforcement/Health Officer and the Land Use Code Officer for compliance.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*SAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To conduct a public hearing on an application from the Lewiston Public Library for live music to be held at Dufresne Plaza on September 7, 8 and 9, and to authorize a permit for an Outdoor Entertainment Event, as required by the City Code of Ordinances, Chapter 10, Article 1, Section 10-3, to the Library for the outdoor event, contingent upon positive recommendations from the Police Department, Fire Department, Code/Land Use Officer and Code/Health Officer regarding compliance with all regulations, and compliance with all City ordinances.

**CITY OF LEWISTON - APPLICATION for EVENTS from 7/1/17- 6/30/18**

- EVENT** (25+ participants)
- SPECIAL EVENT** (over 1,000 expected)
- EVENT SPECIFICATIONS** -check one
  - First-Time Event
  - Repeat Event
- PARK USE ONLY** (see page 3)
- GAZEBO/AMPHITHEATER ONLY** (special application required contact Admin)

City-Sponsored  
(outdoor entertainment)



Application Date: 8/3/17

Event Application must be submitted no later than **90 days prior** to the event.

Event Name: Shakespeare in the Park "12<sup>th</sup> Night"

Requested Date: 8/7-9/9 Rain Date (if applicable): \_\_\_\_\_

Event Location: Dufresne Plaza

Type of Event: (Walk/Run, Festival, Concert, Etc.) Theater performance

Contact Name: Glynnis Nadel Telephone: (859) 351-2806

Email: g.nadel@gmail.com

Host Organization: Lewiston Public Library GYPSY LEW THEATER COMPANY

Mailing Address: 200 Lisbon St. City: Lewiston

**NON-PROFIT (NP)** Documentation Required; check one below and include with application

501(c)(3)

IRS Form 990

IRS Letter

**FOR-PROFIT ORGAGNIZATION**

**Processing Fee: \$50** -non-refundable and due at the time application is submitted.

Check

Credit Card

Cash

N/A

Processing Fee:	COI:	Staff Use Only
Park Fees:	NP Documentation:	Event Number:
Other Fees:	Fundraising Documentation:	<u>FY180035</u>

N/A

**CITY OF LEWISTON - APPLICATION for EVENTS from 7/1/17- 6/30/18**

**GENERAL INFORMATION Event and/or Park Use (Section 1)**

Person Responsible for Event: Marcela Peres Title: Library Director

Daytime Phone: (207) 513-3119 Cell: \_\_\_\_\_ Cell During Event: \_\_\_\_\_

Type of Event (Walk/Run, Festival, Concert, Etc.): Theater Performance

Event Start Time: 5:00pm Event End Time: 8:00pm Estimated Attendance: 30-40

Set-up Start Time: 4:00pm Clean-up End Time: 8:30pm

- Open to the Public
- Invitation Only
- Age Restriction

**PARK USE ONLY – Provide Overview**  
\_\_\_\_\_  
\_\_\_\_\_

Event Location: Dufresne Plaza  
(If you will utilize a park, please check ALL that apply below)

**FEES APPLY**

- Simard-Payne Park \$ \_\_\_\_\_ x \_\_\_\_\_ days
- Dufresne Plaza \$ \_\_\_\_\_ x \_\_\_\_\_ days

**NO FEE ASSESSED**

- Kennedy Park
- Marcotte Park
- Mark Paradis Park
- Pettingill School Park
- Potvin Park
- Raymond Park
- Sunnyside Park
- Veterans Park

**Location Other Than Parks:**

Street(s) \_\_\_\_\_

Sidewalk(s) \_\_\_\_\_

Other \_\_\_\_\_

**PARK FEES & APPLICABLE DISCOUNTS**

**SIMARD-PAYNE PARK (check one)**

- Full Price: \$135 day
- Lewiston-based NP (80% discount): \$27 day
- Out-of-Town, NP Fundraisers (50% discount): \$67.50 day
- Out-of-Town, NP Event (34% discount): \$89.10 day

**DUFRESNE PLAZA (check one)**

- Full Price: \$265 day
- Lewiston-based NP (80% discount): \$53 day
- Out-of-Town, NP Fundraisers (50% discount): \$132.50 day
- Out-of-Town, NP Event (34% discount): \$174.90 day

# LEWISTON CITY COUNCIL

## MEETING OF AUGUST 15, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 13**

**SUBJECT:**

Public Hearing and First & Final Passage on amendments to the Traffic and Vehicles Ordinance regarding the establishment of a Resident Parking by Permit Only section of the ordinance.

**INFORMATION:**

In recent years, the neighborhoods surrounding the Bates College campus have become congested with student vehicles. The congestion has caused residents in the area issues with parking near/around their homes and being unable to receive deliveries (ie. Heating fuel and packages). There have also been several safety concerns due to students parking too close to driveways and intersections, causing residents trouble exiting driveways and side streets. At a number of recent meetings, options for addressing these issues were discussed with area residents. Two options for change have been considered: prohibiting overnight parking on impacted streets or adopting a resident parking by permit system for the overnight hours in those same areas. Please see the attached memorandum from the Police Department.

At this time, the Department tends to favor the resident parking by permit system. Should the Council be interested in taking action on this suggestion, a proposed ordinance has been attached. If the desire is to implement, the Council could also consider waiving second reading and acting tonight so that the change would be effective in mid-September, early in the school year.

**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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- 1) That the proposed amendment to the City Code of Ordinances, Chapter 70 "Traffic and Vehicles", Section 70-159 "Resident Parking by Permit Only" receive first passage by a roll call vote.
- 2) To waive Section 7c of the Rules Governing the City Council and to allow for final passage at this time
- 3) That the proposed amendment to the City Code of Ordinances, Chapter 70 "Traffic and Vehicles", Section 70-159 "Resident Parking by Permit Only" receive final passage by a roll call vote.

Ordinance, Adding a New Sec. 70-159 to the Code of Ordinances – Resident Parking by Permit Only.

Sec. 70-159 Resident parking by permit only.

To stop, stand or park any vehicle, other than a vehicle displaying a valid neighborhood resident parking permit issued by the Police Chief or designee in accordance with policies and procedures established by the Chief, is prohibited on those streets or portions of streets duly posted and which are described or specified in this Section.

- (a) Service and delivery vehicles excepted. Nonresident vehicles stopped, standing or parked for the purpose of making deliveries or providing services to a residence located on a street or portion of a street described or specified in this Section shall not be required to display the permit otherwise required by this Section. Such vehicles must be stopped, standing or parked within 200 feet of the residence concerned, as measured along the road frontage, for this exception to apply.
  
- (b) The following streets or portions of streets shall be residential parking by permit only between the hours of 11:00 p.m. and 7:00 a.m. from September 1 through May 15:

Ware Street	Wood Street (Campus to Vale)
Mountain Avenue	Nichols Street (Campus to Vale)
Benson Street	Bardwell Street (Campus to Vale)
Davis Street	Franklin Street (Campus to Vale)
Elm Street (College to Oak)	Oak Street (Elm to Frye)
Abbot Street	Campus Street (College to Central)
Vale Street	Frye Street
White Street	Central Avenue (Campus to Vale)

# Bates Neighborhood Parking Proposal

## Concern

In recent years, the neighborhoods surrounding the Bates College campus has become congested with student vehicles. The congestion has caused residents in the area issues with parking near/around their homes and being unable to receive deliveries (ie. Heating fuel and packages). There have also been several safety concerns due to students parking too close to driveways and intersections, causing residents trouble exiting driveways and side streets.

Bates College Response- A recent Bates College Transportation Report indicates that there are ample parking spaces available on the Bates College campus that are not utilized by students/staff and remain empty throughout the year. In previous years students were picked from a lottery for “on campus” parking vouchers, but due to the availability this year (2017-2018) all students will receive an “on campus” parking pass.

*Note: It should be noted that many students parking on public streets have Bates Parking Vouchers, but choose to park on the street for convenience.*

Bates deters freshmen to bringing vehicles on campus, but realizes they cannot enforce students from parking on public streets.

Facility/Staff/Visitor’s- Due to the heavy student parking presence, Faculty/Staff/Visitors must park even further away from Campus into the heart of some neighborhoods. Eliminating student parking from city streets would allow Facility/Staff/Visitors to park closer to campus during school hours.

## Possible Approaches

1. No overnight (11p-7a) parking (from September 1-May 15) in the area determined to be the “Bates College Neighborhood.”
2. Create a “Resident Parking Only” program in the “Bates College Neighborhood.” Resident Parking Only from (11p-7a from September 1 - May 15).
  - a. Parking permits would be issued to residents of the Bates College Neighborhood after filling out the application. (See Attached)
  - b. Residents would need to show proof that their car is registered in the City of Lewiston prior to obtaining a sticker.
  - c. Residents would display a parking sticker in the rear left corner of their vehicle.
  - d. Enforcement would only be conducted between 11p-7a.
  - e. A violation would result in a parking ticket. Violation #51: Parking in a Prohibited Zone or Place \$26.00.
  - f. All residents still must obey city wide Parking Bans.
3. Keep parking as is, allow residents/non-residents to park on city streets.

## Associated Cost (Proposal 1 or 2)

1. Signs- Est. Cost for sign and instillation.
  - a. Est. 4 signs per street x 16 streets \$4,800
2. Parking Stickers
  - a. Est. 500 stickers for \$400.00

## Recommendation

At this time and subject to additional comments from the public, the Department would recommend that the Council consider adopting option two above, a “Resident Parking Only” program.

**LEWISTON CITY COUNCIL**  
**MEETING OF AUGUST 15, 2017**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 14**

**SUBJECT:**

Public Hearing & Final Passage for Land Use Code Amendments concerning variances for mobile homes on individual lots.

**INFORMATION:**

The Planning Board, at their June 26, 2017 meeting, voted unanimously (7-0) to send a favorable recommendation to the City Council regarding the proposed amendment, Article IX, Section 12 of the Zoning and Land Use Code. The proposed amendment will allow a mobile home on an individual residential lot which as received a frontage, setback or lot size variance to further develop their parcel, subject to all other space and bulk standards of the district in which the lot is located, without having to obtain an additional variance. This language is currently in the Land Use Code for single family detached dwellings, so this new language would make this permission allowable for mobile homes as well.

**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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That the proposed amendment to Appendix A, Article IX "Appeals", Section 12, "Effect of granting a variance for single family detached dwelling and mobile homes on individual residential lot", of the City Zoning and Land Use Code, receive final passage by a roll call vote.

## AN ORDINANCE PERTAINING TO VARIANCES FOR MOBILE HOMES

### 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 IX. APPEALS

##### **Sec. 12. Effect of granting of a variance for single-family detached dwelling and mobile homes on individual residential lot.**

Unless specifically limited by conditions imposed in accordance with Article IX, Section 6 by the board of appeals upon the granting of a space or bulk variance for a single family detached dwelling or mobile home on an individual residential lot, subsequent additions or improvements to the lot shall not require ~~an~~ other additional variances ~~with respect to the space or bulk standard which was the subject of the prior variance~~, but shall be subject to all other use and space and bulk standards, existing as of the time of subsequent additions or improvements, for the district in which the lot is located.

#### REASONS FOR PROPOSED AMENDMENT

The existing ordinance allows single-family dwellings on properties that have obtained a space and bulk (frontage or lot size) variance the ability to construct additions or accessory structures without returning to the board of appeals for a variance.

Recently, a permit application was submitted for an addition to a mobile home on an individual lot that was developed as the result of a frontage variance. This request was denied because mobile homes are specifically excluded from the definition of single-family dwellings in the zoning ordinance. The intent of this distinction in definitions is to regulate the placement of mobile homes in zoning districts where they may alter the characteristics of a predominantly single-family neighborhood, such as the Neighborhood Conservation "A" (NCA) district.

With the proposed amendment, the distinction in definitions will remain. However, the amendment will allow affected properties that have been granted a space and bulk variance, developed with either a single-family dwelling or a mobile home on an individual lot, to construct additions and accessory structures as a matter of right. This ability is currently limited to single-family dwellings.



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

**TO: Planning Board**  
**FROM: David Hediger, City Planner**  
**DATE: June 22, 2017**  
**RE: An amendment to Article IX, Section 12 of the Zoning and Land Use Code.**

On May 22, 2017, the Planning Board, per staff's request, initiated an amendment to Article XVII, Section 5(b)(1) of the Zoning and Land Use Code to exempt mobile homes from additional variances similar to that of single-family dwellings on individual lots as per Article IX, Section 12 of the code.

The existing ordinance allows single-family dwellings on properties that have obtained a space and bulk (frontage or lot size) variance to be developed the ability to construct additions or accessory structures without returning to the board of appeals for a variance.

Recently, a permit application was submitted for an addition to a mobile home on an individual lot that was developed as the result of a frontage variance. This request was denied because mobile homes are specifically excluded from the definition of single-family dwellings in the zoning ordinance. The intent of this distinction in definitions is to regulate the placement of mobile homes in zoning districts where they may alter the characteristics of a predominantly single-family neighborhood, such as the Neighborhood Conservation "A" (NCA) district.

With the proposed amendment, the distinction in definitions will remain. However, the amendment will allow affected properties that have been granted a space and bulk variance, developed with either a single-family dwelling or a mobile home on an individual lot, to construct additions and accessory structures as a matter of right. This ability is currently limited to single-family dwellings.

#### **ACTION NECESSARY:**

Make a motion pursuant to Article XVII, Section 5 of the Zoning and Land Use to send a favorable recommendation for the City Council's consideration an amendment to Article IX, Section 12 of the Zoning and Land Use Code pertaining to variances for single-family dwelling and mobile homes on individual lots.



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

**TO:** Mayor and City Council  
**FROM:** David Hediger, City Planner  
**DATE:** July 11, 2017  
**RE:** Planning Board Action

The Planning Board took the following action at their meeting held on June 26, 2017 regarding a request to initiate an amendment to Article IX, Section 12 of the Zoning and Land Use Code.

**MOTION:** by **John Butler** pursuant to Article XVII, Section 5 of the Zoning and Land Use to send a favorable recommendation for the City Council's consideration an amendment to Article IX, Section 12 of the Zoning and Land Use Code pertaining to variances for single-family dwelling and mobile homes on individual lots.  
Second by **Norm Anctil**.

**VOTED:** 7-0 (Passed)

# LEWISTON CITY COUNCIL

## MEETING OF AUGUST 15, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 15**

**SUBJECT:**

Public Hearing & First Passage for Land Use Code Amendments regarding the creation of the Lewiston Canal Water Power Historic District.

**INFORMATION:**

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

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EAB/ikmm*

**REQUESTED ACTION:**

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That the proposed amendments to Appendix A, Article XV “Significant Buildings and Districts”, Section 6. “Designated Historic Structures and Historic Districts”, Subsection b 3 “Lewiston Canal Water Power Historic District”, of the City Zoning and Land Use Code, receive first passage by a roll call vote, and to refer the ordinance amendment to the Historic Preservation Commission and the Planning Board for recommendations.

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

**THE CITY OF LEWISTON HEREBY ORDAINS:**

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

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

**Sec. 6. Designated historic structures and historic districts**

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

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

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

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

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

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

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

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

Southeasterly, 30 feet more or less to a corner,

Southwesterly, 245 feet more or less to a corner,

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

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

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

Northeasterly, 487 feet more or less to a corner,

Easterly, 77 feet more or less to a corner,

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

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

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

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

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

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

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

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

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

### **Power Canals**

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

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

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

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

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

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

### **Control Structures**

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

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

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

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

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

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

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

### **Railroad Bridges**

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

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

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

### **Vehicular and Foot Bridges**

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

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

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

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

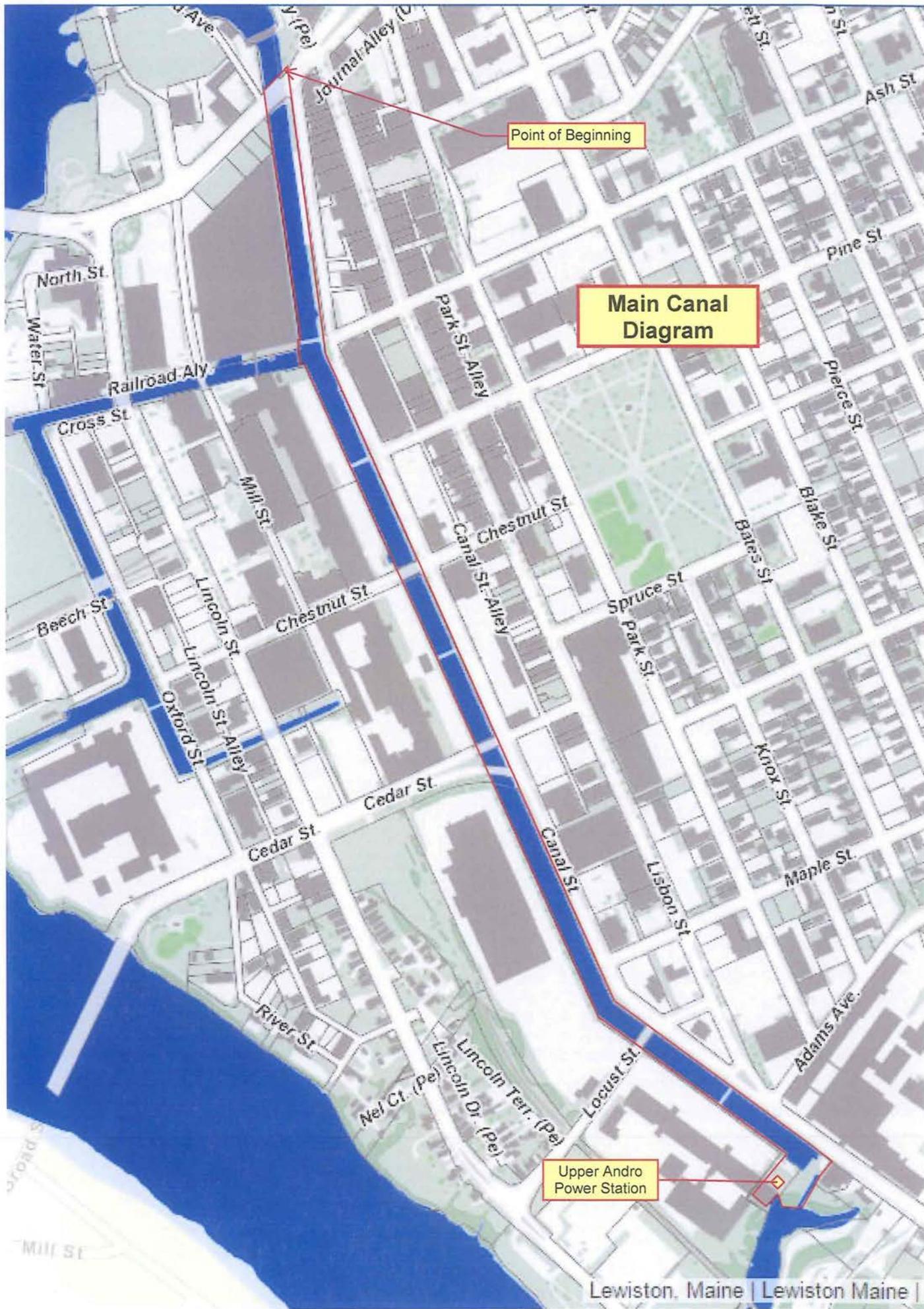
Lincoln Street Alley Bridge, MDOT Bridge #0051- contributing structure: over Cross Canal #2 at Lincoln Street Alley, Tax Map 208, Inventory Map No. 41

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

## **REASONS FOR PROPOSED AMENDMENT CONFORMANCE WITH COMPREHENSIVE PLAN**

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

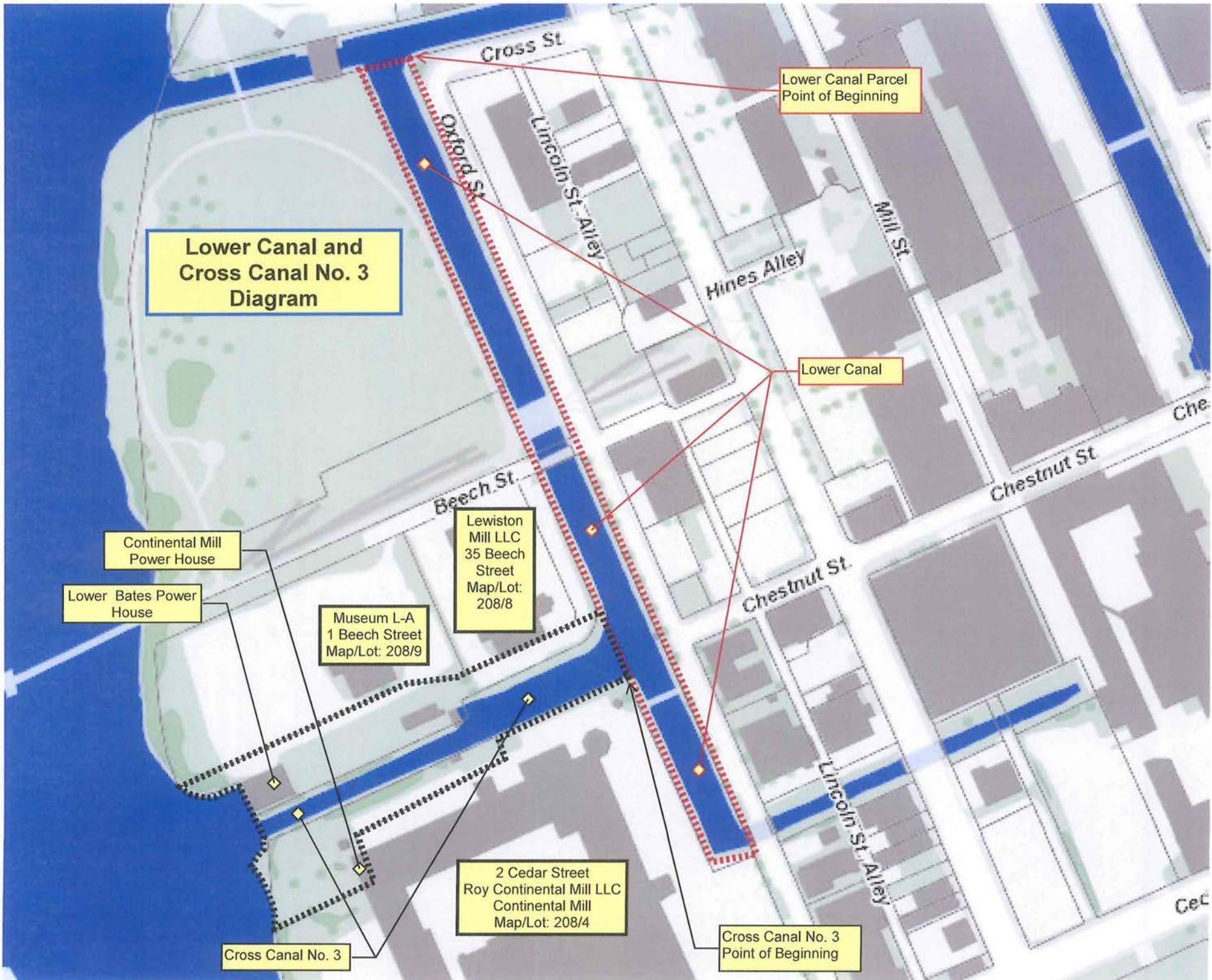
- Provide Stronger Protection for Mills: The City should explore designating the entire Lewiston Mill System as a National Register Historic District (of which the proposed Lewiston Canal Water Power Historic District is part of), expanding the National Bates Mill District and the area's current status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



Point of Beginning

**Main Canal  
Diagram**

Upper Andro  
Power Station



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

Lower Canal Parcel  
Point of Beginning

Lower Canal

Continental Mill  
Power House

Lower Bates Power  
House

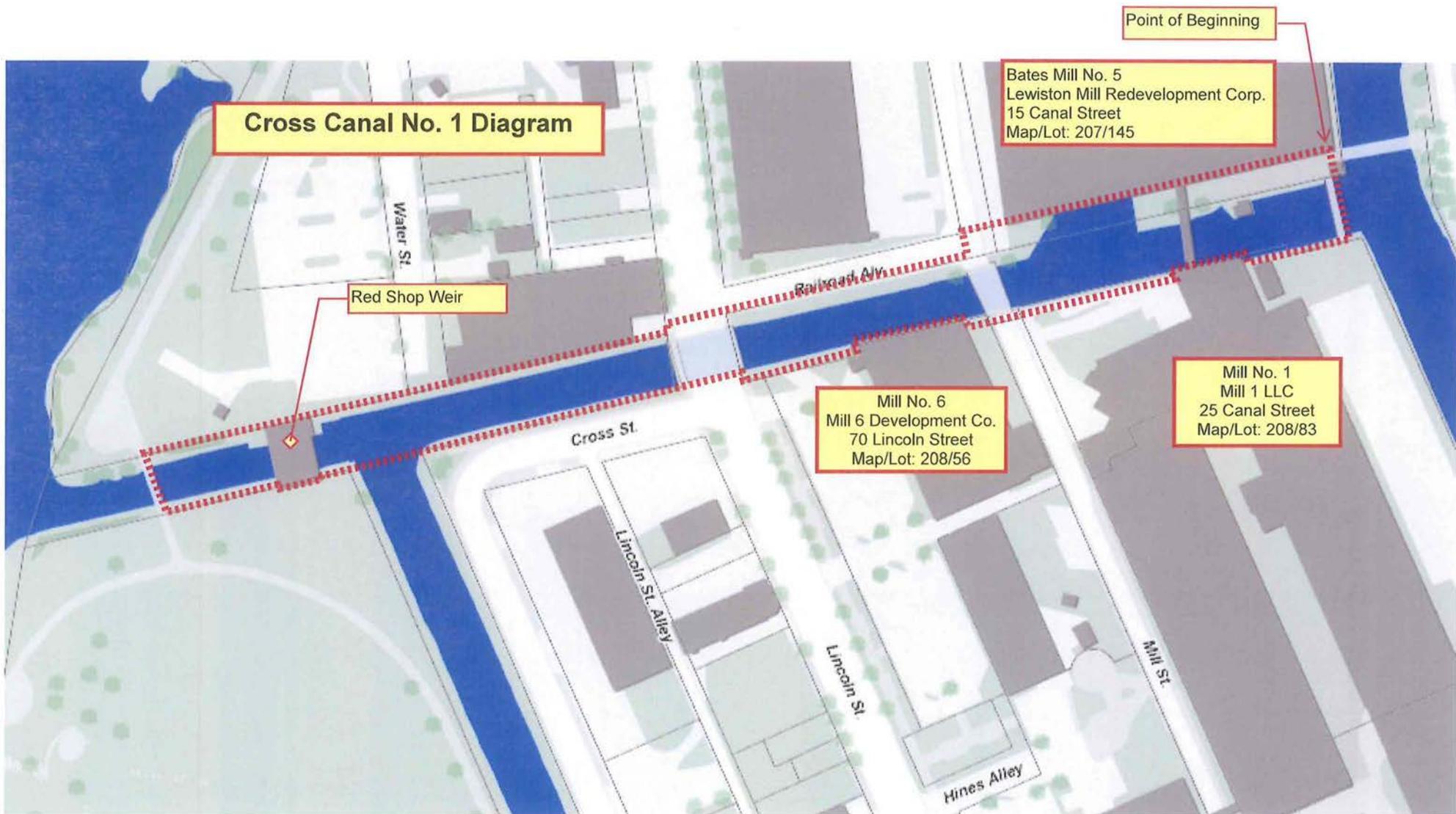
Museum L-A  
1 Beech Street  
Map/Lot: 208/9

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

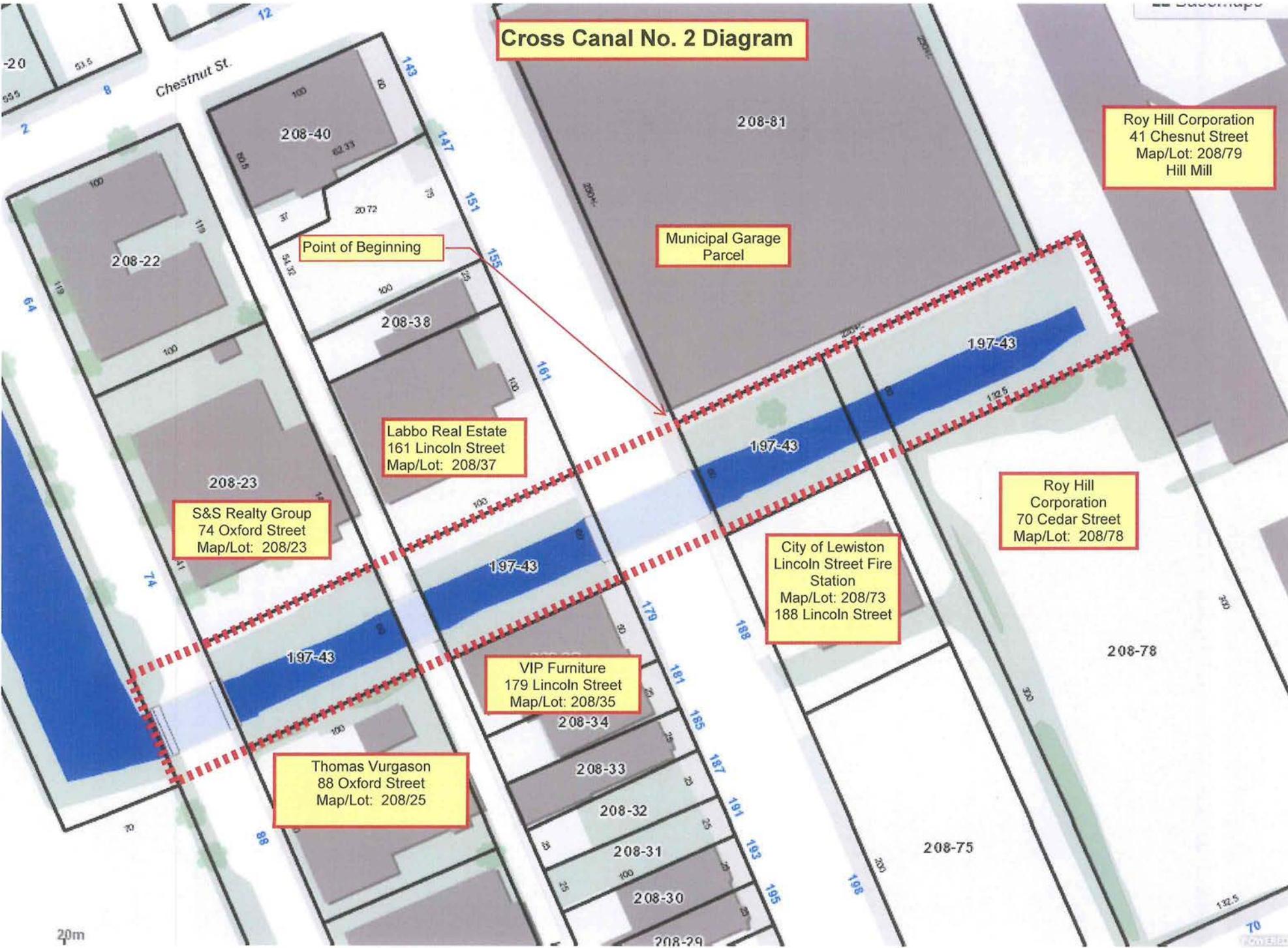
2 Cedar Street  
Roy Continental Mill LLC  
Continental Mill  
Map/Lot: 208/4

Cross Canal No. 3

Cross Canal No. 3  
Point of Beginning



# Cross Canal No. 2 Diagram



Point of Beginning

Municipal Garage Parcel

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

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

70 POWER

**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

Lincoln



# MEMORANDUM

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

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

RE: Lewiston Canal and Water Power Historic District

DT: August 2, 2017

Attached to this memo please find the following documents:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*c. A justification of the boundaries of the district;*

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

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

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

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

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

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

Mapping has been attached to this memorandum.



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 significance. 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

1

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

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

#### BATES UPPER STATION

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

#### BATES WEIR

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

#### HILL MILL

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

#### RED SHOP WEIR

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

#### CONTINENTAL MILL

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

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

#### CONTINENTAL WEIR

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

#### LOWER ANDROSCOGGIN STATION

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

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

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

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

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

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

MHPC# 1452-16  
November 3, 2016

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

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

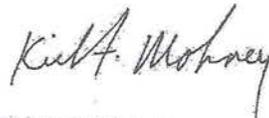
A historic preservation easement allows a property owner to retain ownership of the property while insuring that the historic character of the property will be preserved. Historic preservation easements typically prohibit an owner from demolishing historic properties and from making changes that are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

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

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

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

Sincerely,



Kirk F. Mohney  
State Historic Preservation Officer

cc. Ed Barrett, Administrator, City of Lewiston



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

PAUL R. LEPAGE  
GOVERNOR

KIRK F. MOHNEY  
DIRECTOR

January 24, 2017

Mr. Edward A. Barrett  
City Administrator  
City of Lewiston  
27 Pine Street  
Lewiston, ME 04240

Project: MHPC # 0045-17 - Draft Surrender Application, Upper Androscoggin Station;  
FERC Project No. 11006

Town: Lewiston, ME

Dear Mr. Barrett:

In response to your recent request, we have reviewed the information received January 10, 2017 to initiate consultation on the above referenced project in accordance with Section 106 of the National Historic Preservation Act, as amended.

As noted in the draft surrender application, the Upper Androscoggin Station is a contributing resource in the Lewiston Mills and Water Power System Historic District, which is listed in the National Register of Historic Places.

The City of Lewiston concludes that the proposed action will have no effect on historic resources in the Project because of the fact that "the City of Lewiston has adopted a comprehensive set of regulations to manage and oversee its numerous historic resources. Under the proposed action, the Project will continue to be closely regulated by the City's historic preservation policies and regulations." It is our understanding that such regulations only apply to properties that have been formally designated by the City. Has the Upper Androscoggin Station been formally designated as a historic property and made subject to Appendix A – Zoning and Land Use Code, Article XV. Significant Buildings and Districts? If so, please provide our office with a copy of the designation documentation.

We look forward to continuing consultation with you. Please contact me if you have any questions regarding this matter.

Sincerely,

Kirk F. Mohney  
State Historic Preservation Officer

cc. Rebecca Martin, FERC

# LEWISTON CITY COUNCIL

## MEETING OF AUGUST 15, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 16**

**SUBJECT:**

Public Hearing and Final Passage to contractually rezone the property at 299 River Road from the Rural Agricultural (RA) District to the Neighborhood Conservation "B" (NCB) District.

**INFORMATION:**

The Planning Board voted 7-0 to send a favorable recommendation to the City Council to contractually rezone the property at 299 River Road from the Rural Agricultural (RA) District to the Neighborhood Conservation "B" (NCB) District, subject to the contract rezoning agreement.

The property owner has submitted a petition to request the rezoning of this property to allow the existing single family home to remain in use and to provide an opportunity to operate a neighborhood retail store, art and craft studio, personal services and mixed-use structure consistent with the size and intensity of the current use of site.

Please see the enclosed memorandum from City Planner David Hediger for additional information as well as a site map and other background information.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*ERB/KMM*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve Final Passage of the amendment to the Zoning and Land Use Code and Map to contractually rezone the property at 299 River Road from the Rural Agriculture (RA) District to the Neighborhood Conservation "B" District, subject to a contractual agreement.



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

**TO: Planning Board**  
**FROM: David Hediger, City Planner**  
**DATE: June 22, 2017**  
**RE: Proposed Contract Rezoning of 299 River Road**

Pursuant to Article XVII, Section 5 of the Zoning and Land Use Code, Normand Lamie on behalf of Oram Lawry has submitted request to contract zone the property at 299 River Road from the Rural-agricultural (RA) district to the Neighborhood Conservation "B" (NCB) district. This will allow for the property to remain used as a single-family residence and provide the opportunity to operate a neighborhood retail store, art and crafts studio, personal services, and mixed-use structure consistent with the size and intensity of the current use of site. This lot of approximately 12.89 acres is currently split zoned with approximately 6.3 acres located in the RA district and the remaining land in the Resource Conservation (RC) district. The land located within the RC is also located within the 100-year floodplain. The proposed rezoning is limited to that portion currently zoned RA.

The current use of the property includes a single-family residence, landscape nursery, greenhouses, and accessory retail sales business, Provencher Landscape & Nursery, which has operated at this location since 1989. Retail sales are currently limited to being accessory to the agricultural use of the property (i.e. landscape nursery and greenhouses). The proposed contract rezoning would allow for the property to remain used as a single-family residence and provide the opportunity to operate a small retail sales business for purposes of retail sales of antiques, art & crafts, and studio. The property has been owned by Lorraine and Roger Roberge since 1989. They are seeking to retire and have executed a Purchase & Sale Agreement with Oram Lawry. Their agreement is subject to approval of the requested contract rezoning request.

As noted in the Reasons For The Proposed Amendment, the contract rezoning provides more opportunities for the site, while limiting any retail activity to a store that occupies no more than five thousand (5,000) square feet of total floor space and within which no alcoholic beverages are consumed. The property has been used as a small retail business accessory to the nursery and greenhouse operation since 1989. Rather than a straight rezoning, the contract rezoning will allow for the continued use of the property in a similar and limited manner in effort to be sensitive to the few remaining residential properties in this area. Much of this area is zoned Industrial (I) with the exception of properties on the west side of River Road remaining RA. Of those 19 properties zoned RA, approximately 125 acres/78% of the land area is currently owned by two land owners with approximately 79 acres used for storage of earth material and gravel mining operations.

While it could be argued that the property may be more suitable for more intense nonresidential development, the petitioner remains interested in promoting neighborhood stability by limiting the intensity of possible uses while continuing to allow those uses allowed in the RA. Therefore, the contract rezoning will allow all of the currently permitted and conditional uses of the RA district and will add the following NCB uses: arts and crafts studio, personal services,

neighborhood retail (i.e. store cannot exceed 5,000 square feet), and mixed use structures. The applicant believes allowing uses currently permitted in the RA district while limiting the uses allowed in the NCB district will provide the ability to move forward with additional usage of the site without adversely impacting abutters. With that in mind, the proposal does remove the current ability to establish daycare centers, airports/heliports, and mobile homes. The applicant has done the same with the space and bulk standards, allowing all of the current RA standards to remain with the exception of frontage, with a proposed reduction from 200' to 125' for nonresidential/other uses. This change was made to provide the applicant the ability to split the lot into two parcels if desired. Reference should be made to the table provide by the applicant comparing the uses and space bulk standard for the RA, NCB, and proposed contract rezoning.

As the applicant has noted, with the industrial zoning of land and uses that exist in the area, there may be an argument for rezoning this lot and the remaining land on the west side of River Road to a nonresidential district. However, the applicant remains sensitive the existing residential properties and at this time feels a contract rezoning will provide more opportunities for the use of 299 River Road without impacting abutters. Staff believes the proposal is a reasonable request that will provide more commercial opportunity in an area of the community where additional development activity is appropriate while being mindful of the few remain residential uses in the area.

**ACTION NECESSARY ACTION NECESSARY**

Make a motion pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council to conditionally rezone the property at 299 River Road from Rural Agricultural (RA) to Neighborhood Conservation "B" (NCB).



## CITY OF LEWISTON

### Department of Planning & Code Enforcement

**TO:** Mayor and City Council  
**FROM:** David Hediger, City Planner  
**DATE:** July 11, 2017  
**RE:** Planning Board action: 299 River Road contract rezoning

The Planning Board took the following action at their meeting held on June 26, 2017 regarding an application submitted by Normand Lamie on behalf of the owners of 299 River Road, Lorraine and Roger Roberge and Oram Lawry, the purchaser, for a proposed contract rezoning which would allow for the property to remain used as a single-family residence and provide the opportunity to operate a neighborhood retail store, art and crafts studio, personal services, and mixed-use structure consistent with the size and intensity of the current use of site.

**MOTION:** by **Michael Marcotte** pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send a favorable recommendation to the City Council to contract rezone the property at 299 from Rural Agriculture (RA) to Neighborhood Conservation "B" (NCB).  
Second by **Sandra Marquis**.

**VOTED:** 7-0 (Passed)

June 10, 2017

David Hediger  
City Planner/Deputy Director Planning and Code Enforcement  
City of Lewiston  
27 Pine Street  
Lewiston, ME 04240-7201

RE: **Contract Rezoning of 299 River Road**

Dear Mr. Hediger.

On behalf of Oram Lawry I am submitting the enclosed Contract Rezoning request to contractually rezone the property at 299 River Road from the Rural Agricultural (RA) District to the Neighborhood Conservation "B" (NCB) District.

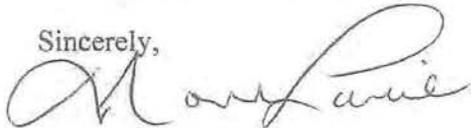
The property has been owned by Lorraine and Roger Roberge since 1989. They are seeking to retire and have executed a Purchase & Sale Agreement with Oram Lawry. This agreement is subject to approval of the requested Contract Rezoning request.

The current use includes a single-family residence, landscape nursery, greenhouses, as an accessory retail sales business, Provencher Landscape & Nursery, which has operated at this location since 1989. Retail sales are currently limited to being accessory to the agricultural use of the property (i.e. landscape nursery and greenhouses). The proposed contract rezoning would allow for the property to remain used as a single-family residence and provide the opportunity to operate a small retail sales business for purposes of retail sales of antiques, art & crafts, and studio, consistent with the size and intensity of the current use of site.

We respectfully request consideration by the City of Lewiston Planning Board and subsequently by the Mayor & City Council.

I will be present at the upcoming meetings along with potential future property owner Oram Lawry, as well as Lorraine & Roger Roberge (my sister and brother-in-law) to present the information and answer questions.

Sincerely,



Normand Lamie  
234 Montello Street  
Lewiston, ME 04240

EC: Oram Lawry  
Lorraine Roberge  
Roger Roberge

**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 establish a contract rezoning of the property at 299 River Road to allow for the establishment of a small retail business as a conditional use as described and shown in the exhibits attached hereto:

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1	<i>George E. Gilbert</i>	GEORGE E. GILBERT	326 RIVER RD.	06/07/2017
2	<i>Constance A. Gilbert</i>	CONSTANCE A. GILBERT	326 RIVER RD	06/02/2017
3	<i>Karen Pelletier</i>	KAREN PELLETIER	51 BOSTON AVE	6/7/2017
4	<i>Rhonda Martel</i>	Rhonda Martel	317 River Rd	6/8/2017
5	<i>Donald Dionne</i>	DONALD DIONNE	16 SCHOOL ST	6/8/17
6	<i>Crystal Dionne</i>	Crystal Dionne	16 School Pt.	6-8-17
7	<i>Raymond Martel</i>	RAYMOND MARTEL	317 RIVER RD	6-8-17
8	<i>Frank Babb</i>	FRANK BABB	275 RIVER RD.	6-8-17
9	<i>Bonnie Babb</i>	BONNIE BABB	275 RIVER RD	6-8-17
10	<i>Nicholas Rodrige</i>	Nicholas Rodrige	20 Shank St.	6-8-17
11	<i>Donna Racine</i>	Donna Racine	289 RIVER RD	6-11-17
12	<i>John Racine</i>	John Racine	289 RIVER RD	6-11-17
13	<i>Cory Gagnier</i>	Cory Gagnier	685 Old Green Rd	6-11-17
14	<i>Jeffrey Gagnier</i>	Jeffrey Gagnier	84 Cumberland AVE	6-11-17
15	<i>Louis P. Roberge</i>	Louis P. Roberge	25 DREW ST	6/11/17
16	<i>Juliette Roberge</i>	Juliette Roberge	25 DREW ST	6/11/17
17	<i>Norma Roberge</i>	NORMA ROBERGE	7 Raymond Ave	6-11-17
18	<i>Allixen Roberge</i>	Allixen Roberge	20 Shank Street	6-11-17
19	<i>Robert Roberge</i>	ROBERT ROBERGE	7 RAYMOND AVE	6-11-17

**CIRCULATOR-S VERIFICATION**

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

*Robert Roberge*  
Signature of Circulator

Robert Roberge  
Printed Name of Circulator

6/11/2017  
6/7/2017  
Date

**REGISTRAR-S CERTIFICATION**

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

Total Valid: 19

Total Invalid: 1

*Penelope Smith*  
Signature of Registrar/Deputy Registrar

Date: 6/13/17

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 establishing a contract zone for the property at 299 River Road as recorded in the Androscoggin Registry of Deeds Book 2428 Page 263 as described in Exhibit "A" and depicted on Exhibit "B", both of which are attached hereto as follows, said property said property to contractually rezoned from the Rural Agricultural (RA) District and to the Neighborhood Conservation "B" (NCB) District.

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**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 299 River Road be allowed to operate a neighborhood retail sales business store. The property contains structures consisting of a single-family residence with 2-car garage constructed in 1978, 2 frame utility sheds totaling 612 sf, a 2-story barn of with an 1,800-sf. footprint, and 3 greenhouses totaling 4,020 sf. built in 2000. The current use includes a single-family residence, landscape nursery, greenhouses, and accessory retail sales business, Provencher Landscape & Nursery, which has operated at this location since 1989. Retail sales are currently limited to being accessory to the agricultural use of the property (i.e. landscape nursely and greenhouses) The proposed contract rezoning would allow for the property to remain used as a single-family residence and provide the opportunity operate a small retail sales business for purposes of retail sales of antiques, art & crafts, and studio, consistent with the size and intensity of the current use of site. The contract rezoning provides more opportunity for the site, while limiting any retail activity to a store that occupies less than five thousand (5,000) square feet of total floor space and within which no alcoholic beverages are consumed. The property has been used as a small retail business accessory to the nursely and greenhouse operation since 1989. Rather than a straight rezoning, the contract rezoning will allow for the continued use of the property in a similar, limited manner providing a buffer for the few remaining residential properties from the large businesses located in the adjacent Industrial Zone. It should be noted the Industrial Zone is located immediately on the other side of River Road as well as approximately 1,000 feet westerly of the

property. The land located on southerly side of River Road between 277 River Road (near Alfred A. Plourde Parkway) and 463 River Road (Lewiston Solid Waste Facility) is currently zoned RA involves 19 parcels owned by 6 parties. This area consists of 142 acres, of which 125 acres, or 78% of the total land area is currently owned by two land owners with approximately 79 acres used for storage of earth material and gravel mining operations. The property is located on a busy road, adjacent to the Alfred Plourde Parkway and near the Maine Turnpike Exit 80 Interchange. While the property may be ideal for more intense development, the petitioner remains interested in promoting neighborhood stability by limiting the intensity of possible uses and continue to allow those uses currently allowed in the RA.

### CONFORMANCE WITH COMPREHENSIVE PLAN

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

- (1) The property is located immediately adjacent to the Industrial Zone. A sector described in the City's Comprehensive Plan as the "*Industrial Village Special District is comprised of land adjacent to the I-95 interchange currently zoned for conventional industrial development. This particular industrial land is envisioned as a self-sustaining industrial village with a mix of industrial, office, retail, and other supporting development acting as a sustainable, closed-loop eco-village where businesses interact with each other for productivity. This district requires a unique set of standards that accommodates trucks, large building footprints, and other unique requirements of large industrial enterprises. This sector includes the City's current Industrial zone, which would be rezoned as a form based Special District.*" (Conservation & Growth, Page 124)
- (2) Another section of the Comprehensive Plan states: "*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) Lastly, another section of the Comprehensive Plan states: "*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.)

### CONTRACT REZONING AGREEMENT

The proponent requests that the official zoning map for the City be amended by removing the subject property from the RA district and contract rezoning the subject premises NCB district 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 in the RA district with the exception of mobile homes on individuals lots, earth removal material, daycare centers, and airports or heliports and will allow the following uses: neighborhood retail stores, small daycare facility, and art and crafts studios, as listed below and subject to the conditions contained herein.

<b>Land Use Table</b>	<b>Proposed Contract Rezoning Neighborhood Conservation B (NCB) for 299 River Road</b>
<b>USES (15) (33)</b>	
Accessory use or structure	<b>P</b>
<b>Commercial-Service</b>	
Veterinary facilities excluding kennels and humane societies	
Veterinary facilities including kennels and humane societies	<b>C</b>
Small day care facilities	<b>P</b>
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	
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	<b>C</b>
Personal Services (39)	<b>P</b>

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	
<b>Industrial</b>	
Light industrial uses	
Industrial uses	
Building and construction contractors	
Fuel oil dealers and related facilities	
Wholesale sales, warehousing and distribution facilities and self-storage facilities	
Self storage facilities	
Commercial solid waste disposal facilities	
Junkyards and auto graveyards	
Recycling and reprocessing facilities	
Private industrial/commercial developments (23)	
<b>Transportation</b>	
Airports or heliports	
Commercial parking facilities	
Transit and ground transportation facilities	
Transportation facilities	
<b>Public and Utility</b>	
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P

Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C
Municipal buildings and facilities	C
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways	
Dams	
<b>Institutional</b>	
Religious facilities	P
Cemeteries	P
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	
<b>Residential</b>	
Single-family detached dwellings on individual residential lots	P
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	P
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	P
Lodging houses	

Home occupations	P
Bed and breakfast establishments as a home occupation	P
In-law apartments in accordance with the standards of Article XII	P
Single family cluster development	P
Family day care home	P
Shelters	
<b>Natural Resource</b>	
Agriculture	P
Farm Stands	P
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P
Earth material removal	
Community gardens (20)	P
Water dependent uses, e.g. docks and marinas	
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet	
<b>Recreation</b>	
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	

Applicable footnotes:

(15) Buildings, structures and uses accessory to permitted or conditional uses are allowed in all districts.

(20) Shall comply with Article XII, Section 4

(33) The performance standards of Article XII shall apply, unless otherwise specified.

(39) Personal Services is limited to occupying within existing retail space limitation of 5,000 sf.

(b) Space and Bulk Table: Allowed space and bulk standards on the property shall include those standards which are presently permitted in the RA district as listed below, with the exception of Minimum Frontage for "Other Uses" and subject to the conditions contained herein:

<b>Space and Bulk Table</b>	
<b>Dimensional Requirements (13)</b>	<b>Proposed Contract Rezoning Neighborhood Conservation B (NCB) for 299 River Road</b>
<b>Minimum lot size with public sewer</b>	
Single family detached (24)	60,000 sf
Single family attached	20 acres
Two-family dwellings	
Single family cluster development	20 acres
Mixed single family residential development (14)	20 acres
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
Agriculture	120,000 sf
Religious facilities	120,000 sf
Veterinary facilities	120,000 sf
Other uses	40,000 sf
All permitted uses	
<b>Minimum lot size without public sewer (3)</b>	
Single family detached, mobile homes on individual lots (24)	60,000 sf
Single family attached	60,000 sf
Two-family dwellings	
Single family cluster development (1)	20 acres
Mixed single family residential development (14)	20 acres
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
Agriculture	120,000 sf
Religious facilities	120,000 sf
Veterinary facilities	120,000 sf
Other uses	

<b>Minimum <u>net</u> lot area per d.u. with public sewer</b>	
Single family detached	60,000 sf
Single family attached	60,000 sf
Two-family dwellings	
Mixed single family residential development (14)	60,000 sf
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
All permitted residential uses	
<b>Minimum <u>net</u> lot area per d.u. without public sewer</b>	
Single family detached, mobile homes on individual lots	60,000 sf
Single family attached	60,000 sf
Two-family dwellings	
Mixed single family residential development (14)	60,000 sf
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
All permitted residential uses	
<b>Minimum frontage</b>	
Single family detached, mobile homes -	200 ft.
Single family attached	200 ft.
Two-family dwellings	
Single family cluster development (with multiple vehicular accesses)	200 ft. (50 feet)
Mixed single family residential development (with multiple vehicular accesses)	200 ft. (50 feet)
Mixed residential development (with multiple vehicular accesses) (14)	
Multifamily dwellings (with multiple vehicular accesses)	
Mixed use structures	
Agriculture	250 ft.
Religious facilities	205 ft.
Veterinary facilities	
Other uses	125 ft.
All permitted uses	
<b>Minimum front setback</b>	
Single family detached, mobile homes on individual lots	25 ft.

Single family attached	50 ft.
Two-family dwellings	
Single family cluster development	50 ft.
Mixed single family residential development (14)	50 ft.
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	
Agriculture	50 ft.
Religious facilities	25 ft.
Veterinary facilities	25 ft.
Other uses	25 ft.
All permitted uses	
<b>Minimum front yard</b>	
Single family detached, mobile homes on individual lots	25 ft.
Single family attached	50 ft.
Two-family dwellings	
Single family cluster development	50 ft.
Mixed single family residential development (14)	50 ft.
Mixed residential development (14)	
Multifamily dwellings	
Mixed use structures	25 ft.
Religious facilities	25 ft.
Veterinary facilities	25 ft.
Other uses	25 ft.
All permitted uses	
<b>Minimum side and rear setback</b>	
Single family detached, mobile homes on individual lots	25 ft.
Single family attached	
Two-family dwellings	
Single family cluster development	50 ft.
Mixed single family residential development (14)	50 ft.
Mixed residential development (14)	
Multifamily dwellings	
Religious facilities	50 ft.
Mixed use structures	
Veterinary facilities	50 ft.
Farm structures for keeping of animals	100 ft.
Other uses	50 ft.
All permitted uses	

<b>Minimum side and rear yard</b>	
Single family detached, mobile homes on individual lots	10 ft.
Single family attached	50 ft.
Two-family dwellings	
Single family cluster development	
Mixed single family residential development (14)	
Mixed residential development (14)	50 ft.
Multifamily dwellings	
Mixed use structures	
Religious facilities	
Veterinary facilities	25 ft.
Farm structures for keeping of animals	25 ft.
Other uses	25 ft.
All permitted uses	
<b>Maximum height</b>	
Agriculture	75 ft.
Other permitted uses	35 ft.
Hospital, nursing homes and medical offices	
<b>Ratios</b>	
Maximum lot coverage	0.15
Maximum impervious coverage	

Applicable footnotes:

(1) This development shall meet the requirements set forth in Article XIII, section 8.

(3) Or a larger minimum lot size based on the requirements of the Maine Subsurface Wastewater Disposal Rules.

(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.

(14) This development shall meet the requirements set forth in Article XIII, section 8.

(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.

(24) Minimum lot size may be reduced by the Planning Board for single family cluster developments pursuant to Article XIII, Section 7.

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

(h) If any of the conditions are found by a court of competent jurisdiction to be invalid, such determination shall not invalidate any of the other conditions.

(i) Any rezoning approved by the City contractually shall be of no force or effect if the proponent fails or refuses to comply with conditions imposed.

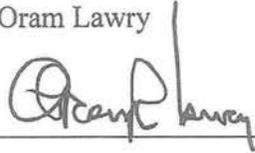
(j) Any allowed proposed use, addition, or expansion of the property deemed applicable to Article XIII, Section 2 of the Zoning and Land Use Code shall be subject to the applicable sections of Article XIII of the Zoning and Land Use Code, Development Review and Standards.

(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 12<sup>th</sup> day of June 2017.

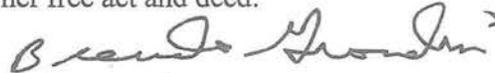
Oram Lawry



Androscoggin, SS  
Lewiston, Maine

JUNE 12<sup>TH</sup>, 2017

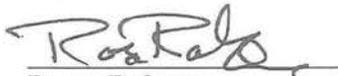
Personally appeared the above named Oram Lawry and acknowledged the foregoing to be her free act and deed.

Notary Public   
Commission Expires: 11/16/17

BRENDA GRONDIN  
Notary Public, State of Maine  
My Commission Expires 11/16/2017

The owner of Provencher Landscape & Nursery, 299 River Road acknowledges and is supportive of this request.

Owners:

  
Roger Roberge

  
Lorraine Roberge

Androscoggin, SS  
Lewiston, Maine

June 12<sup>th</sup>, 2017

Personally appeared the above named Roger Roberge and Lorraine Roberge and acknowledged the foregoing to be his/her free act and deed.

Notary Public   
Commission Expires: 11/16/17

BRENDA GRONDIN  
Notary Public, State of Maine  
My Commission Expires 11/16/17

**PARID: RE00010919 299 RIVER RD**

Parcel ID RE00010919

Map/Lot 155/000/012

Property Location: 299 RIVER RD

Property Class: Multiple Use - Primarily Commercial

Land Area: (acréage) 11.53

**Owners**

Owner: ROBERGE ROGER  
ROBERGE LORRAINE L

Address: 299 RIVER RD

City: LEWISTON

State: ME

Zip: 04240

Book: 2428

Page: 263

**OBJ**

Description Area/Quantity

GH1-GREENHSE WD FRAME GLASS WALLS 1,275

CP7-CANOPY SS-ECONOMY 110

CP7-CANOPY SS-ECONOMY 144

RS1-FRAME UTILITY SHED 480

RS1-FRAME UTILITY SHED 132

RG4-GARAGE WITH FIN ATTIC 624

GH1-GREENHSE WD FRAME GLASS WALLS 480

GH1-GREENHSE WD FRAME GLASS WALLS 2,100

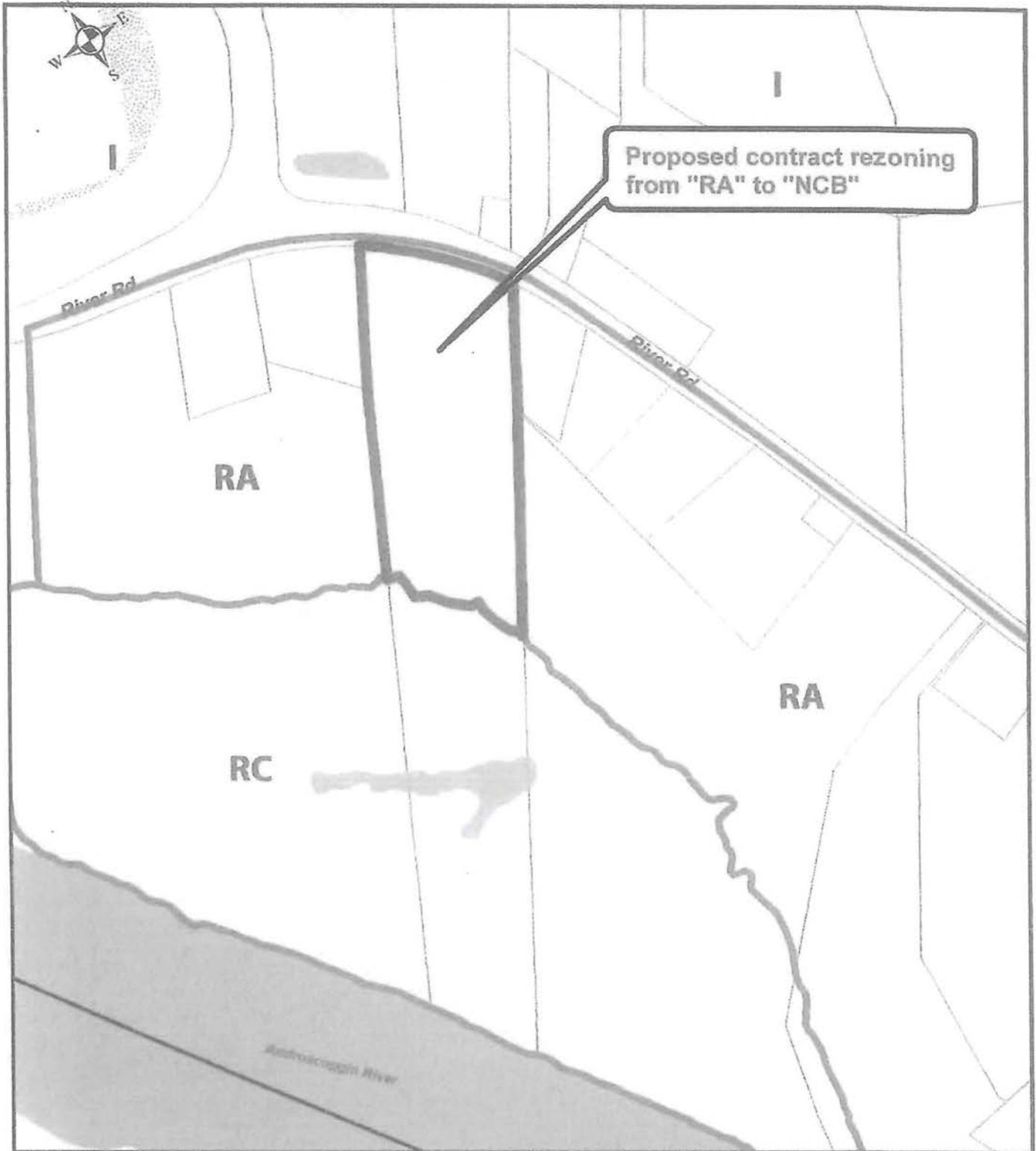
GH1-GREENHSE WD FRAME GLASS WALLS 1,440

**PROPERTY DESCRIPTION**

The property is currently owned by Roger and Lorraine Roberge. The current use includes a single-family residence, landscape nursery, greenhouses, and a retail sales business, Provencher Landscape & Nursery, which had operated at this location since 1989.

The property contains structures consisting of a single-family residence with 2-car garage constructed in 1978, two framed utility sheds totaling 612 sf, a 2-story barn built in 2000 with a 1,800 sf footprint, and 3 greenhouses totaling 4,020 sf.

**EXHIBIT A – PROPERTY DESCRIPTION**



Proposed  
**299 River Road**  
**Contract Rezoning**

June 2017

June 7, 2017

David Hediger  
City Planner/Deputy Director Planning and Code Enforcement  
City of Lewiston  
27 Pine Street  
Lewiston, ME 04240-7201

Dear Mr. Hediger.

We are the owners of property at 299 River Road. We have lived at this location and owned and operated a small retail business, Provencher Landscape & Nursery, for the past 28 years.

As we approach retirement we wish to divest of the property.

We have a Purchase and Sale Agreement with Oram Lawry for purchase of the property conditioned on approval of the enclosed Contract Zoning by the City of Lewiston.

We fully support the request for Contract Zoning amendment at 299 River Road.

Sincerely,



Roger Roberge



Lorraine Roberge

12287

BK2428 PG263

WARRANTY DEED

Kenneth W. Martin, Jr. and Susan B. Martin of Lewiston, County of Androscoggin, State of Maine for consideration paid grant to Roger Roberge and Lorraine L. Roberge, both of Lewiston, County of Androscoggin, State of Maine, as joint tenants, with WARRANTY COVENANTS, the land situated in Lewiston, Androscoggin County, State of Maine, bounded and described as follows:

PARCEL ONE: A certain lot or parcel of land situated on the westerly side of the River Road in said Lewiston, bounded and described as follows:

Beginning at a point in a stone wall on the Westerly side of the River Road, which point is the southeasterly boundary on said road of the Old Carville Farm described in a deed of Luella H. Carville to Rhea M. Horner and Virginia C. Martin dated June 20, 1970, and recorded in the Androscoggin County Registry of Deeds in Book 1020, Page 39; thence Westerly along said stone wall and southerly line of land of Rhea M. Horner and Virginia C. Martin to high water mark of the Androscoggin River; thence Northerly by said high water mark a distance of three hundred (300) feet, more or less, to a point; thence Easterly by a line parallel to the first mentioned bound to a point on the Westerly side of said River Road three hundred (300) feet Northerly from the point of beginning; thence by said River Road Southerly three hundred (300) feet to the point of beginning.

Meaning and intending to convey a parcel of land containing ten (10) acres more or less.

Being the same premises conveyed to these grantors by deed of Rhea M. Horner and Virginia C. Martin dated April, 1977 and recorded in the Androscoggin County Registry of Deeds in book 1266, Page 86.

PARCEL TWO: A certain lot or parcel of land situated on the westerly side of the River Road in said Lewiston, bounded and described as follows:

Beginning at an iron pin on the westerly side of the River Road at the northeast corner of the parcel of land described as parcel one, above; thence westerly along the northerly boundary of the land of the Grantors herein to an iron pin at the high water mark of the Androscoggin River at the northwest corner of the land of the Grantors herein; thence northerly along the high water mark of the Androscoggin River a distance of seventy-five (75) feet to an iron pin; thence easterly parallel to the

MAINE REAL ESTATE  
TRANSFER TAX PAID

BK2428 PG264

northerly boundary of the land of the Grantors herein to an iron pin on the westerly side of the River Road; thence southerly along the westerly side of the River Road a distance of seventy-five (75) feet to the point of beginning

Being the same premises conveyed to these grantors by deed of Rhea M. Horner and Virginia C. Martin dated May 31, 1989 and recorded in The Androscoggin County Registry of Deeds in Book 2415, Page 57.

IN WITNESS WHEREOF, the parties have hereunto set their respective hands and seals this 30th of June, 1989.

*[Signature]*  
Witness

*Kenneth W. Martin, Jr.*  
Kenneth W. Martin, Jr.

*[Signature]*  
Witness

*Susan B. Martin*  
Susan B. Martin

STATE OF MAINE  
ANDROSCOGGIN, SS.

June 30, 1989

Personally appeared the above-named KENNETH W. MARTIN, JR. and SUSAN B. MARTIN and acknowledged the foregoing instrument to be their free act and deed.

Before me,  
*[Signature]*  
Notary Public  
Jeane Jandrosu, Notary Public  
My commission expires 2/11/1990



ATTEST:  
*Maguette C. Thompson*  
REGISTER OF DEEDS

89 JUL -3 AM 9:12

ANDROSCOGGIN, SS.  
REGISTRY OF DEEDS

*Notary, On this 30th day of June 1989*

Land Use Table: All Zoning Districts 05.05.16	Rural Agricultural (RA)	Neighborhood Conservation "B" (NCB)	Proposed Contract Zoning for 299 River Road
<b>USES(15)(33)</b>			
Accessory use or structure	P	P	P
<b>Commercial-Service</b>			
Veterinary facilities excluding kennels and humane societies			
Veterinary facilities including kennels and humane societies	C		C
Small day care facilities	C	P	P
Day care centers	C		
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)	
Restaurants			
Drinking places			
Adult business establishments			
Hotels, motels, inns			
Movie theaters except drive-in theaters			
Places of indoor assembly, amusement or culture			
Art and crafts studios		C	C
Personal Services		P	P
Retail stores			
Neighborhood retail stores (< 5,000 sf)		P	P
Lumber and building materials dealer			
Gasoline service stations			
Gasoline service stations which are a part of and subordinate to a retail use			
New and used car dealers			
Recreational vehicle, mobile home dealers			
Equipment dealers and equipment repair			
Automotive services including repair			
Registered dispensary(27)			
Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients.			
Tattoo Establishments			
<b>Industrial</b>			
Light industrial uses			
Industrial uses			
Building and construction contractors			
Fuel oil dealers and related facilities			
Wholesale sales, warehousing and distribution facilities and self-storage facilities			
Self storage facilities			
Commercial solid waste disposal facilities			
Junkyards and auto graveyards			
Recycling and reprocessing facilities			
Private industrial/commercial developments(23)			
<b>Transportation</b>			
Airports or heliports	C		
Commercial parking facilities		C	
Transit and ground transportation facilities			
Transportation facilities			
<b>Public and Utility</b>			
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P	P	P
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C	C	C
Municipal buildings and facilities	C	C	C
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways			
Dams			

Land Use Table: All Zoning Districts 05.05.16	Rural Agricultural (RA)	Neighborhood Conservation "B" (NCB)	Proposed Contract Zoning for 299 River Road
<b>Institutional</b>			
Religious facilities	P	P	P
Cemeteries	P	P	P
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities		C	
Hospitals, medical clinics,		C	
Museums, libraries, and non-profit art galleries and theaters			
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or structures,		C(13)	
Civic and social organizations		C	
Public community meeting and civic function buildings including auditoriums			
<b>Residential</b>			
Single-family detached dwellings on individual residential lots	P(8)	P(2)	
Mobile homes on individual residential lots	P(8)		
Two-family dwellings		P	
Multifamily dwellings in accordance with the standards of Article XIII		P	
Single-Family attached dwelling in accordance with the standards of Article XIII	C	P	P
Mixed single-family residential developments in accordance with the standards of Article XIII	C	P	
Mixed residential developments in accordance with the standards of Article XIII		P	
Mixed use structures		P	P
Lodging houses		P	
Home occupations	P	P	P
Bed and breakfast establishments as a home occupation	P	P	P
In-law apartments in accordance with the standards of Article XII	P	P	P
Single family cluster development	P		P
Family day care home	P	P	P
Shelters		C	
Dormitories			
<b>Natural Resource</b>			
Agriculture	P(8)		P
Farm Stands	P		P
Forest management and timber harvesting activities in accordance with the standards of Article XIII	P	P	P
Earth material removal	C		
Community gardens(20)	P	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			
<b>Recreation</b>			
Campgrounds	C		
Public or private facilities for nonintensive outdoor recreation	C	C	C
Commercial outdoor recreation and drive-in theaters			
Fitness and recreational sports centers as listed under NAICS Code 713940			

P = Permitted

C = Conditional Use Requiring Approval

**Space and Bulk Table: All Zoning District 10.06.16**

Dimensional Requirements (13)	Rural Agricultural (RA)	Neighborhood Conservation B (NCB)	PROPOSED Contract Zoning for 299 River Road
<b>Minimum lot size with public sewer</b>			
Single family detached (24)	60,000 sf		60,000 sf
Single family attached	20 acres		20 acres
Two-family dwellings			
Single family cluster development	20 acres		20 acres
Mixed single family residential development (14)	20 acres		20 acres
Mixed residential development (14)			
Multifamily dwellings			
Mixed use structures			
Agriculture	120,000 sf		120,000 sf
Religious facilities	120,000 sf		120,000 sf
Veterinary facilities	120,000 sf		120,000 sf
Other uses	40,000		40,000 sf
All permitted uses		None	
<b>Minimum lot size without public sewer (3)</b>			
Single family detached, mobile homes on individual lots (24)	60,000 sf		60,000 sf
Single family attached	60,000 sf		60,000 sf
Two-family dwellings			
Single family cluster development (1)	20 acres		20 acres
Mixed single family residential development (14)	20 acres		20 acres
Mixed residential development (14)			
Multifamily dwellings			
Mixed use structures			
Agriculture	120,000 sf		120,000 sf
Religious facilities	120,000 sf		120,000 sf
Veterinary facilities	120,000 sf		120,000 sf
Other uses	4000 sf	None	4000 sf
<b>Minimum net lot area per d.u. with public sewer</b>			
Single family detached	60,000 sf		60,000 sf
Single family attached	60,000 sf		60,000 sf
Two-family dwellings			
Mixed single family residential development (14)	60,000 sf		60,000 sf
Mixed residential development (14)			
Multifamily dwellings			
Mixed use structures			
All permitted residential uses			
<b>Minimum net lot area per d.u. without public sewer</b>			
Single family detached, mobile homes on individual lots	60,000 sf		60,000 sf
Single family attached	60,000 sf		60,000 sf
Two-family dwellings			
Mixed single family residential development (14)	60,000 sf		60,000 sf
Mixed residential development (14)			
Multifamily dwellings			
Mixed use structures			
All permitted residential uses			
<b>Minimum frontage</b>			
Single family detached, mobile homes -	200 ft		200 ft
Single family attached	200 ft		200 ft
Two-family dwellings			
Single family cluster development (with multiple vehicular accesses)	200 ft (50 feet)		200 ft (50 feet)
Mixed single family residential development (with multiple vehicular accesses)	200 ft (50 feet)		200 ft (50 feet)
Mixed residential development (with multiple vehicular accesses) (14)			
Multifamily dwellings (with multiple vehicular accesses)			
Mixed use structures			
Agriculture	250 ft		250 ft
Religious facilities	250 ft		250 ft
Veterinary facilities			
Other uses	200		125 ft
All permitted uses		50 ft	
<b>Minimum front setback</b>			
Single family detached, mobile homes on individual lots	25 ft		25 ft
Single family attached	50 ft		50 ft
Two-family dwellings			
Single family cluster development	50 ft		50 ft
Mixed single family residential development (14)	50 ft		50 ft
Mixed residential development (14)			

**Space and Bulk Table: All Zoning District 10.06.16**

Dimensional Requirements (13)	Rural Agricultural (RA)	Neighborhood Conservation B (NCB)	PROPOSED Contract Zoning for 299 River Road
Multifamily dwellings			
Mixed use structures			
Agriculture	50 ft		50 ft
Religious facilities	25 ft		50 ft
Veterinary facilities	25 ft		50 ft
Other uses	25 ft		50 ft
All permitted uses		10 ft (21,22)	
<b>Minimum front yard</b>			
Single family detached, mobile homes on individual lots	25 ft		25 ft
Single family attached	50 ft		50 ft
Two-family dwellings			
Single family cluster development	50 ft		50 ft
Mixed single family residential development (14)	50 ft		50 ft
Mixed residential development (14)			
Multifamily dwellings			
Mixed use structures	25 ft		25 ft
Religious facilities	25 ft		25 ft
Veterinary facilities	25 ft		25 ft
Other uses	25 ft		25 ft
All permitted uses		10 ft (21,22)	
<b>Minimum side and rear setback</b>			
Single family detached, mobile homes on individual lots	25 ft		25 ft
Single family attached			
Two-family dwellings			
Single family cluster development	50 ft		50 ft
Mixed single family residential development (14)	50 ft		50 ft
Mixed residential development (14)			
Multifamily dwellings			
Religious facilities	50 ft		50 ft
Mixed use structures			
Veterinary facilities	50 ft		50 ft
Farm structures for keeping of animals	100 ft		100 ft
Other uses	50 ft		50 ft
All permitted uses		5 ft	
<b>Minimum side and rear yard</b>			
Single family detached, mobile homes on individual lots	10 ft		10 ft
Single family attached	50 ft		50 ft
Two-family dwellings			
Single family cluster development			
Mixed single family residential development (14)	50 ft		50 ft
Mixed residential development (14)	50 ft		50 ft
Multifamily dwellings			
Mixed use structures			
Religious facilities			
Veterinary facilities	25 ft		25 ft
Farm structures for keeping of animals	25 ft		25 ft
Other uses	25 ft		25 ft
All permitted uses	25 ft	5 ft (16,21)	25 ft
<b>Maximum height</b>			
Agriculture	75 ft		
	35 ft	65 ft	35 ft
Other permitted uses			
Hospital, nursing homes and medical offices			
<b>Ratios</b>			
Maximum lot coverage	0.15	0.65	0.15
Maximum impervious coverage		0.85	

**LEWISTON CITY COUNCIL**  
**MEETING OF AUGUST 15, 2017**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 17**

**SUBJECT:**

Adoption of a new City Policy regarding a Resident Parking by Permit Only Policy.

**INFORMATION:**

This agenda item is presented in conjunction with agenda item 13 regarding the establishment of a Resident Parking Permit in the Bates College neighborhood area. This agenda item is to establish the Policy regarding the process for residents to apply for the permit.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*Garth Kimm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To establish and adopt a new City Policy entitled Resident Parking by Permit Only Policy.

(Note - Full copy of the Policy is attached.)

## **Resident Parking By Permit Only Policy**

This Policy is established to work in conjunction with the City of Lewiston's Traffic and Vehicles Ordinance, Section 70-159 "Resident Parking by Permit Only"

Resident parking permits are provided at no charge for qualified residents.

Applicants will need to bring a valid Maine vehicle registration when applying for a Resident Parking Permit. The registration must show the vehicle is registered in the applicant's name at their current Lewiston address (Resident Parking Neighborhood).

### **PROOF OF LEWISTON RESIDENCY**

There are a couple of different options to prove Lewiston residency, but each form of documentation needs to show the applicant's name and Lewiston address.

If the applicant presents a bill, it must be current (postmarked or dated within the last 30 days) and have the same name that appears on the car registration.

Applicants can bring one of the following:

- a gas, electric, or telephone bill
- a cable television bill
- a monthly bank statement (excluding a mortgage)
- a credit card bill
- a water and sewer bill, or
- an apartment lease signed by you and the property owner within the last 30 days.

In order to be eligible to receive a resident parking permit, the applicant must pay all overdue parking tickets before applying for or renewing a permit.

Once the permit is issued, the permit holder must place the permit sticker in the rear window of the vehicle on the passenger side. If the window is tinted, the sticker must be displayed on the side window of the front passenger side

## How to Apply for a Resident Parking Permit

Bring your application and your information to the City of Lewiston Treasurer's Office:

Lewiston City Hall  
27 Park St.  
Lewiston, Maine, 04240

As long as you have all of your information — you'll get your resident permit that day.

Resident parking permits are provided at NO CHARGE for qualified residents.

You need to bring a valid Maine registration. Your registration must show the car is registered in your name at your current Lewiston address (Resident Parking Neighborhood).

### **PROOF OF LEWISTON RESIDENCY**

There are a couple of different options to prove your residency, but whatever you use needs to have your name and Lewiston address.

If you use a bill, it must be current (postmarked or dated within the last 30 days) and have the same name that appears on your car registration.

You can bring one of the following:

- a gas, electric, or telephone bill
  - a cable television bill
  - a monthly bank statement (excluding a mortgage)
  - a credit card bill
  - a water and sewer bill, or
  - an apartment lease signed by you and the property owner within the last 30 days.
- 
- You need to pay all of your overdue parking tickets before applying for or renewing a permit.
  - You need to place the permit sticker in the rear window of your car on the passenger side. If your window is tinted, display your sticker on the side window of the front passenger side.
  - There is no charge for Resident Parking permits.

# Resident Parking Permit Form

First Name

Middle Name

Last Name

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Street Number

Street Name

\_\_\_\_\_

\_\_\_\_\_

Cell Phone Number

Other Phone Number

Email Address

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Plate Number

Vehicle Make

Vehicle Color

Vehicle Year

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*I understand that my vehicle must remain registered at my current address, which is subject to verification by the Lewiston Police Department.*

- I have read this and agree.*
- Disagree*

Signature \_\_\_\_\_

# LEWISTON CITY COUNCIL

## MEETING OF AUGUST 15, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 18**

**SUBJECT:**

Adoption of a new City Policy establishing a Treebate Program.

**INFORMATION:**

In May at the request of Councilor Lachance, the City Council discussed a number of approaches to provide some form of benefit to Lewiston residents in light of anticipated increases in the City's property tax rate and sewer and stormwater utility rates. At that time, the Council expressed an interest in establishing a program that would provide rebates for a portion of the cost incurred by residents for purchasing and planting trees on their properties, recognizing that trees offer a number of public benefits including improved stormwater management. This was further discussed during a July workshop.

Attached is a policy establishing a "TREEBATE" program including a listing of recommended trees and an application form.

Under the proposal, residents would be eligible for a 50% rebate on the cost of a tree purchased and planted on their property up to a maximum of \$100. We would propose an initial allocation of \$50,000 toward this program. At maximum rebate, this would cover 500 trees.

**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 the Resolve establishing a Treebate Program.

(Note - Full copy of the Policy is attached.)



COUNCIL RESOLVE

**Resolve,** Establishing a Treebate Program.

**Whereas,** Trees enhance the urban environment by reducing stormwater runoff and absorbing rainfall, reducing soil erosion, absorbing odors and polluting gases, conserving energy when strategically placed around buildings, and improving the community's overall aesthetic; and

**Whereas,** It is the City's policy to encourage planting trees on private property through providing a "treebate" to residents who plant new trees meeting certain minimum requirements on single family and duplex properties;

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

that the attached Treebate Policy is hereby adopted.



## EXECUTIVE DEPARTMENT

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

August 8, 2017

To: Honorable Mayor and Members of the City Council  
Fr: Edward A. Barrett  
Su: Proposed Tree Rebate Program

In May at the request of Councilor Lachance, the City Council discussed a number of approaches to provide some form of benefit to Lewiston residents in light of anticipated increases in the City's property tax rate and sewer and stormwater utility rates. At that time, the Council expressed an interest in establishing a program that would provide rebates for a portion of the cost incurred by residents for purchasing and planting trees on their properties, recognizing that trees offer a number of public benefits including improved stormwater management.

In July, staff prepared a more detailed outline of such a program for Council review at a workshop session. Attached is a policy establishing a "TREEBATE" program including a listing of recommended trees and a draft application form.

Under the proposal, residents would be eligible for a 50% rebate on the cost of a tree purchased and planted on their property up to a maximum of \$100. We would propose an initial allocation of \$50,000 toward this program. At maximum rebate, this would cover 500 trees.

Some work remains to be done, such as a planting and care guide to provide to program applicants; however, this can be done subsequent to adopting the program.

If the Council wishes to adopt this program, the attached resolve should be adopted. In addition, the program will require funding. Staff recommends that an initial allocation of \$50,000 be provided for funding this program, including costs associated with its marketing. Should the program prove successful, the Council could consider additional funding at a later date.

## TREEBATE POLICY

### 1.0 Purpose

Trees enhance the urban environment by reducing stormwater runoff and absorbing rainfall, reducing soil erosion, absorbing odors and polluting gases, conserving energy when strategically placed around buildings, and improving the community's overall aesthetic. The purpose of this policy is to provide incentives to the residents of single family and duplex properties to plant additional trees on their properties to enhance the benefits they provide.

### 2.0 Policy

It is the City's policy to encourage planting trees on private property through providing a "treebate" to residents who plant new trees meeting certain minimum requirements on single family and duplex properties.

### 3.0 Amount of Treebate

The City will credit the property owner's stormwater fee for 50% of the cost of a qualifying tree up to a maximum of \$100. Applicants are eligible for no more than one tree per year.

### 4.0 Qualifying Trees

To qualify, trees must be deciduous, non-invasive and have a caliper measurement of at least 1.5 inches. (Caliper is a measure of the diameter of the trunk 6 inches above the soil surface.) A list of pre-qualifying tree species can be found in Attachment A. Other trees can potentially qualify with written approval from the City Arborist prior to purchase and planting.

### 5.0 Application

In order to qualify for a guaranteed treebate, residents must complete the application form found in Attachment B. Upon notification of approval, the applicant will be assured that funds are available for the purchase. Residents may purchase and plant a tree without prior approval; however, treebates are available on a first come, first served basis with no guarantee that funding will be available without pre-approval.

### 6.0 Planting Requirements

6.1 In general, Trees must be planted in a location where they are either visible from the public right of way or within 100 feet of the primary residential structure. They must be planted at least ten feet from intersections, utility poles, hydrants, driveways, and traffic signs/signals.

Avoid future tree/utility conflicts, both overhead and underground. Note that private underground utilities (such as water and sewer service lines and electrical feeds), underground irrigation systems, and dog fences are the responsibility of the property owner.

6.2 Fruit Trees. Fruit trees must be planted outside the City right-of-way, such that all falling fruit stays on the privately owned property.

## 7.0 Procedure for Claiming Treebate

Once a tree has been purchased and planted, the resident must provide the City with a copy of the invoice or other acceptable proof of payment specifying the species of tree purchased, trunk caliper, and a picture of the planted tree. Treebate claims should be submitted to: City Arborist, City of Lewiston, Department of Public Works, 103 Adams Ave., Lewiston, ME 04240, Ph: (207) 513-3003. After review, the applicant will be notified whether or not they have qualified for a treebate.

## 8.0 Planting and Care Guide

Attachment C is a Planting and Care Guide designed to assist residents in ensure appropriate tree placement and survival.

## APPENDIX A

### RECOMMENDED TREES

BOTANICAL NAME: *Acer rubrum*

COMMON NAME: Red Maple

Zone 3, 40-60' in height, spread less than or equal to height. Very tolerant of soils, however, prefers slightly acid, moist conditions.

Cultivars: 'Armstrong' - Narrow Spirelike Crown; 'Autumn Blaze'; 'Red Sunset'

BOTANICAL NAME: *Acer saccharum*

COMMON NAME: Sugar Maple

Zone 3, 60 - 75' in height. Spread is 2/3's or equal to the height. Prefers well drained moderately moist, fertile soil, a slightly acid soil seems to result in greater growth, not extremely air pollution tolerant. Needs ample, unrestricted space to grow.

Cultivars: 'Green mountain' - Upright oval crown, performs better than species in dry restricted growing areas.

BOTANICAL NAME: *Cladrastis lutes*

COMMON NAME: Yellowwood

Zone 3, 30 - 50' in height with a spread of 40 to 50 feet. Tolerates high pH soils as well as acid situations. Requires well drained soils. Fragrant white flowers in spring. Bright yellow foliage in spring gradually change to bright green in summer and yellow in fall.

BOTANICAL NAME: *Fraxinus americana*

COMMON NAME: White ash

Zone 3, 50 - 80' in height with a spread of similar proportions. Prefers deep, moist, well drained soils but also withstands soils which are not excessively dry and rocky.

BOTANICAL NAME: *Fraxinus pennsylvanica*

COMMON NAME: Green ash

Zone 3, 50 - 60' in height by about 1/2 that in spread. Very adaptable tolerates high pH, salt, drought, and sterile soils.

Cultivars: 'Honeyshade' - Glossy foliage; 'Marshall's Seedless' - Vigorous growth with less insect problems than the species.

BOTANICAL NAME: *Ginkgo biloba*

COMMON NAME: Ginkgo

Zone 4, 50 - 80' in height, variable spread 30' plus. Prefers sandy, deep, moderately moist soil but grows in almost any situation. Air pollution tolerant; a durable tree for difficult to landscape situations. Extremely free of pest.

BOTANICAL NAME: *Gleditsia triacanthos* var. *inermis*

COMMON NAME: Thornless Honeylocust

Zone 4, 40 - 60' in height, with comparable spread. Prefers rich, moist soils of a limestone origin, however, it withstands a wide range of conditions including dry soils, high pH and salt spray.

Cultivars: 'Fairview' - Rapid grower; strong sturdy habit of growth; wide upright; 'Shade master' - tall straight trunk with graceful arching branches.

BOTANICAL NAME: *phellodendron amurense*

COMMON NAME: Amur Corktree

Zone 3, 30 - 45' in height with equal spread. Does well on many types of soils, withstands acid or alkaline conditions.

Cultivars: 'Red spire' - Compact upright form, hardiest; 'Autumn Blaze' - Wider than Red spire

BOTANICAL NAME: *Pyrus calleryana* 'bradford'

COMMON NAME: Bradford Callery Pear

Zone 4, 30 - 50' in height with a 20 - 35' spread. Adaptable to many different soils, tolerates dryness and pollution. White flowers in spring, glossy green foliage, turns scarlet in fall.

BOTANICAL NAME: *Quercus palustris*

COMMON NAME: Pin Oak

Zone 4, 60-70' in height with a crown spread of 30-40'. Strong pyramid shape, tolerant of poor soils. Very common street tree.

BOTANICAL NAME: *Sophora japonica*

COMMON NAME: Japanese Pagoda tree

Zone 4, 50 - 75' in height with comparable spread. Prefers loamy well-drained soil. White mildly fragrant blossoms in spring.

Cultivars: 'Fastigrata' - Upright growth habit; 'Regent' - Fast growth rate.

BOTANICAL NAME: *Syringa reticulata* x Ivory Silk

COMMON NAME: Japanese Tree Lilac

Zone 3, 20-30' in height, 15 -25' in crown width. PLANT SINGLE STEM ONLY. One of the most trouble free street trees, this is not a standard lilac shrub. Excellent specimen tree or in groups. Waxy green leaves with fragrant creamy white flowers in late June. Good choice for small or tight areas without much room. Does not tolerate wet soils.

BOTANICAL NAME: *Tilia cordata*

COMMON NAME: Little Leaf Linden

Zone 3, 60 - 70' in height and 1/2 to 2/3's that in spread. Prefers moist, well drained soil, pH adaptable and pollution tolerant. Dark glossy green foliage changing to yellow in fall.

BOTANICAL NAME: *Ulmus Americana* 'Princeton'

COMMON NAME: Princeton Elm

Zone 3, 60 - 80' in height and 40-50' in crown spread. American Elm cultivar, vigorous and good resistance to Dutch Elm Disease.

BOTANICAL NAME: *Ulmus Homestead*

COMMON NAME: Homestead Elm

Zone 4, 60 - 70' in height and 30-40' in crown spread. Fast growing tree, good tolerance to poor soil, heat and insects and disease.

FRUIT TREES: Must be rated for zone 4 or lower.

APPENDIX B.

TREEBATE APPLICATION FORM

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Species:

Red Maple

Sugar Maple

Yellowwood

White Ash

Green Ash

Ginko

Thornless Honeylocust

Amur Corktree

Pin Oak

Bradford Callery Pear

Japanese Pagoda Tree

Japanese Tree Lilac

Little Leaf Linden

Princeton Elm

Homestead Elm

Other<sup>1</sup> (Please specify): \_\_\_\_\_

SUBMIT THIS FORM TO: City Arborist, City of Lewiston Department of Public Works,  
103 Adams Ave., Lewiston, ME 04240. Ph: (207) 513-3003

YOU WILL BE NOTIFIED ONCE YOUR APPLICATION HAS BEEN REVIEWED.  
ELIGIBILITY FOR STORMWATER UTILITY CREDITS ARE GRANTED ON THE BASIS OF  
FUND AVAILABILITY.

\_\_\_\_\_  
<sup>1</sup> Specify the other variety desired; our City Arborist will review your request to determine whether it is appropriate and be back in contact with you.

ONCE APPROVED AND PLANTED, PLEASE ATTACH ALL RECEIPTS (showing species, trunk caliper, and price paid) and a photo of the planted tree and submit to:

# LEWISTON CITY COUNCIL

## MEETING OF AUGUST 15, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 19**

**SUBJECT:**

Resolve appropriating \$50,000 from the General Fund's Undesignated Fund Balance for the Treebate Program.

**INFORMATION:**

In May at the request of Councilor Lachance, the City Council discussed a number of approaches to provide some form of benefit to Lewiston residents in light of anticipated increases in the City's property tax rate and sewer and stormwater utility rates. At that time, the Council expressed an interest in establishing a program that would provide rebates for a portion of the cost incurred by residents for purchasing and planting trees on their properties, recognizing that trees offer a number of public benefits including improved stormwater management. This was further discussed during a July workshop.

Should the proposed program be adopted, staff is proposing that it be initially funded through a \$50,000 appropriation from fund balance. This would cover program costs as well as costs associated with marketing the program. At the maximum proposed rebate, this amount would cover 500 trees.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EAB/kmm*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve the Resolve appropriating \$50,000 from the General Fund's Undesignated Fund Balance for the Treebate Program.



COUNCIL RESOLVE

**Resolve,** Appropriating \$50,000 from the General Fund's Unassigned Fund Balance for the Treebate Program.

**Whereas,** Trees enhance the urban environment by reducing stormwater runoff and absorbing rainfall, reducing soil erosion, absorbing odors and polluting gases, conserving energy when strategically placed around buildings, and improving the community's overall aesthetic; and

**Whereas,** It is the City's policy to encourage planting trees on private property through providing a "treebate" to residents who plant new trees meeting certain minimum requirements on single family and duplex properties;

**Now, therefore, be it resolved by the City Council of the City of Lewiston** that there is hereby appropriated the sum of \$50,000 from the General Fund's Unassigned Fund Balance for the purpose of funding a Treebate Program, including cost associated with publicizing the program, and authorizing the Finance Director to establish the necessary accounts.

**LEWISTON CITY COUNCIL**  
**MEETING OF AUGUST 15, 2017**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 20**

**SUBJECT:**

Resolve, Rescinding certain school project bond authorizations.

**INFORMATION:**

The Finance Director is asking the Council to rescind two prior bond authorizations for school projects. The first one pertains to the Farwell School Classroom Expansion project. The project came in under budget and therefore she is asking for the difference to be rescinded since it did not need to be borrowed. The second pertains to the new elementary school construction project. Some funding was duplicated and covered in the state's portion of the funding, and therefore can be removed from the local share. Staff is asking the Council to rescind the authorization for these bonds .

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*SAB/kmn*

**REQUESTED ACTION:**

1	2	3	4	5	6	7	M
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To approve the Resolve, Rescinding certain school project bond authorizations.



COUNCIL RESOLVE

**Resolve,** Rescinding Certain School Project Bond Authorizations.

Whereas, on November 17, 2015, the City Council approved issuing \$1,896,000 in bonds for the Farwell Elementary School Classroom Expansion project; and

Whereas, the project was completed and bond were sold for \$1,690,000; and

Whereas, the remaining authorization of \$206,000 should be rescinded; and

Whereas, \$236,526 was authorized for the local portion of the new elementary school construction project on May 17, 2016 as part of the FY2017 Lewiston Capital Improvement Program; and

Whereas, this amount was subsequently duplicated in the overall project authorization on bonding; and

Whereas, this funding is no longer needed and should be rescinded;

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

\$206,000 in authorized bonds for the Farwell Classroom Expansion project and \$236,526 in authorized bonding for the new elementary school project are hereby rescinded.



## Finance Department

Heather Hunter  
Director of Finance/Treasurer  
hhunter@lewistonmaine.gov



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

**FROM:** Heather Hunter, Finance Director

**SUBJECT:** **Rescinding School Bond Authorization Projects**

**DATE:** August 8, 2017

Funding to cover the Farwell Elementary School Classroom Expansion Project was approved by the City Council on November 17, 2015, in the amount of \$1,896,000. Favorable bid prices allowed the project to be completed significantly under budget and prior to the sale of bonds. The actual amount of bonds sold for this project was \$1,690,000. The remaining \$206,000 authorized needs to be rescinded.

Additionally, the School Department requested \$236,526 for the local portion of the new elementary school construction project. The City Council approved this project on May 17, 2016, as part of the FY2017 LCIP. It was later learned that this funding was duplicated in the overall project authorization and bonding with the State portion. The project was pulled from the most recent bond sale so bonds were not issued. The amount of \$236,526 needs to be rescinded.

# LEWISTON CITY COUNCIL

## MEETING OF AUGUST 15, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 21**

**SUBJECT:**

Order, Authorizing the City Administrator to apply for and accept a Choice Neighborhood Planning and Action Grant; to enter into a Memorandum of Understanding with Community Concepts, Inc. in matters related to that grant; and to provide a firm cash commitment of \$237,500 in CDBG or other municipal funds to leverage implementation of action activities identified in the to be created Choice Plan.

**INFORMATION:**

The City is eligible to apply for a grant from the U.S. Department of Housing & Urban Development called the Choice Neighborhood Planning and Action Grant. Staff is seeking permission to apply for this grant. The purpose of the grant is to assist families living below the federal poverty level.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*EAS/kmm*

**REQUESTED ACTION:**

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To approve the Order, Authorizing the City Administrator to apply for and accept a Choice Neighborhood Planning and Action Grant; to enter into a Memorandum of Understanding with Community Concepts, Inc. in matters related to that grant; and to provide a firm cash commitment of \$237,500 in CDBG or other municipal funds to leverage implementation of action activities identified in the to be created Choice Plan.



COUNCIL ORDER

**Order,** Authorizing the City Administrator to apply for and accept a Choice Neighborhood Planning and Action Grant; to enter into a Memorandum of Understanding with Community Concepts, Inc. in matters related to that grant; and to provide a firm cash commitment of \$237,500 in CDBG or other municipal funds to leverage implementation of action activities identified in the to be created Choice Plan.

Whereas, downtown Census Tracts 201, 203 and 204 have a population of 10,904 people living in 4,832 households; and

Whereas, 48% of this population have incomes below the federal poverty level; and

Whereas, the unemployment rate in these Census Tracts is 14.6%, which is 2 ½ times the 5.7% rate of the city as a whole; and

Whereas, a majority of the housing stock in these Census Tracts was built before 1940, suffers from disinvestment, and by their age, present a lead hazard to families living in them; and

Whereas, the U.S. Department of Housing and Urban Development offers the Choice Neighborhood Planning and Action Grant Program to makes available up to \$1.3 million in grant funding to successful applicants, which includes \$350,000 in funding for citizen engaged planning activities and up to \$950,000 in funding to leverage implementation of action items identified in the plan; and

Whereas, the planning funds are to be used to develop multifaceted transformation plans that address not only housing but also residents and the physical neighborhoods in which they live; and

Whereas, the John T. Gorman foundation has funded pre-grant submission planning that has engaged Community Concepts, Healthy Neighborhoods Planning Council, Tree Street Youth, Maine Immigrant and Refugee Services, the Root Cellar and other stakeholders and residents to develop a strategy and infrastructure to apply for and implement this grant initiative; and

Whereas, to successfully compete for Choice Neighborhood Planning and Action Grant, a cash commitment of 25% of the \$950,000 action portion of the grant is

[Type text]

required to be used to leverage implementation of plan identified action items;

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

The City Administrator is hereby authorized to

- Apply for and accept a Choice Neighborhood Planning and Action Grant, or any portion thereof
- Enter into a Memorandum of Understanding with Community Concepts (CCI) that defines the roles, responsibilities, and relationship between the City and CCI in regard to the grant
- Firmly commit \$237,500 in cash funded with CDBG or other municipal dollars to implement action items identified in the transformation plan.

# Economic and Community Development

Lincoln Jeffers  
Director



**To:** Honorable Mayor and Members of the City Council  
**From:** Lincoln Jeffers  
**RE: Approvals to Apply for Choice Neighborhood Grant**  
**Date:** August 9, 2017

## Request

The City is working with a consultant hired by the John T. Gorman Foundation to craft a \$1.3 million Choice Neighborhood Planning and Action Grant application to the U.S. Department of Housing and Urban Development. The grant application deadline is August 28<sup>th</sup>. The City will be applying as the lead applicant on the grant, with Community Concepts a co-applicant. The City Council is being asked to approve three things:

1. Authorize the City Administrator to submit the application on behalf of the City and to accept the grant if awarded funding.
2. Authorize entering into a Memorandum of Understanding with Community Concepts that outlines the roles and responsibilities of each organization in regards to implementing the grant.
3. Agree to provide a firm cash commitment of \$237,500 to leverage implementation of action activities identified in the Choice Plan. This funding needs to be spent during the 3 year term of the grant and can be funded with CDBG dollars, likely in many cases utilizing existing programs.

## Background

For the last several years the John T. Gorman Foundation (JTG) has been working with the City, school department and other Lewiston agencies on a variety of initiatives to help advance the health and well-being of downtown Lewiston's neighborhoods and residents. Last Fall JTG reached out to us regarding the possibility of leveraging much of the work already happening in the neighborhood into an opportunity to advance redevelopment efforts through HUD's Choice Neighborhood Program. Since last fall JTG has funded a consultant, Chris Shea, to orchestrate the diverse elements and assist the city in applying for a Choice grant. Mr. Shea has significant knowledge about and experience with the program, having applied for and run Choice Planning and Implementation grants previously in Baltimore and currently in Pittsburgh.

The Choice Neighborhoods program supports locally driven strategies to address struggling neighborhoods with distressed public or HUD-assisted housing through a comprehensive approach to neighborhood transformation. Local residents, community leaders, and stakeholders, such as public housing authorities, cities, schools, police, business owners, nonprofits, and private developers, come together to create and

implement a plan that transforms distressed HUD housing and addresses the challenges in the surrounding neighborhood. The program is designed to catalyze critical improvements in neighborhood assets, including vacant property, housing, services and schools. It is a three pronged approach that addresses housing, the neighborhood, and its residents.

The program has two components -- planning and action/implementation. The City is applying for a Planning and Action Grant, but it should be noted that only the top scoring applications nationally are awarded Planning and Action Grants. Grants that are not among the top scoring compete to receive a \$350,000 planning only grant. A description of each component of the grant follows:

Planning Grants are for a two year term and up to \$350,000. Funds are used to develop a Transformation Plan for the Targeted Housing, its residents, and the surrounding neighborhood.

Planning and Action Grants are for a 3 year term and up to \$1,300,000. In addition to the planning activity noted above, these grants provide implementation funding that result in "physical, community or economic development projects that enhance and accelerate the transformation of the neighborhood."

Even if the city only receives a Choice Neighborhood Planning Grant in this round, completing the transformation planning it funds sets the stage to apply for a future Choice Neighborhoods Implementation Grant, which can run result in tens of millions of federal grant dollars to implement the plan. However, only 40% of successful planning grant recipients receive an implementation grant. The fundamental goal driving these efforts is not to bring down a large sum of federal grant support, but rather, to engage residents and other stakeholders to create a compelling vision and strategy that will result in partnerships and investments that transform the neighborhood, with or without additional federal grant support.

The core goals of the Choice Neighborhood Program are:

- a. Housing - Replace distressed public and assisted housing with high-quality mixed-income housing that is well-managed and responsive to the needs of the surrounding neighborhood;
- b. People - Improve educational outcomes and intergenerational mobility for youth and supports delivered directly to youth and their families; and
- c. Neighborhood - Create the conditions necessary for public and private reinvestment in distressed neighborhoods to offer the kinds of amenities and assets, including safety, good schools, and commercial activity, that are important to families' choices about their community.

To be eligible to apply for a Choice Neighborhood Planning Grant a distressed public housing project must be identified that has a property owner who is willing to sell or reinvest in their building to bring it up to quality standards. Public housing includes not only those properties owned by the Lewiston Housing Authority, but also privately owned buildings that have a Project Based Section 8 Housing Assisted Payment (HAP) Contract. With a willing HAP contract seller, the building with a HAP contract can be redeveloped, or the vouchers can be transferred to another building or project. To

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*TTY/TDD 207-513-3009 • Email: [ljeffers@lewistonmaine.gov](mailto:ljeffers@lewistonmaine.gov)*

*City Web Page: [www.ci.lewiston.me.us](http://www.ci.lewiston.me.us)*

transform a neighborhood the key is to not only renovate or replace the HAP units, but to add additional market rate and Low Income Housing Tax Credit (LIHTC) funded units. While the requirement is to maintain the existing HAP units, to be competitive in securing a grant the goal is to create a higher quality mixed income development that enhances the neighborhood and increases the tax base.

Maple Knoll is a 41 unit apartment building that has HAP contracts for 33 of the units. The building is located at 78 Maple Street, at the intersection with Blake Street. The ownership group of Maple Knoll is aware of the city's interest in pursuing a Choice Neighborhood grant and is willing to work with the City in pursuit of that goal. The building is due for reinvestment and the ownership is reviewing its options. They recognize the need for reinvestment in this area of the city and think the Choice Planning process is a good strategy for identifying critical needs as determined by residents, owners and other stakeholders. JTG had paid for a critical needs survey and assessment of the physical condition of Maple Knoll which has determined the property meets HUD's definition of distressed housing. That fact, combined with a willing property owner, allows Lewiston to pass the threshold criteria to apply for a Choice Neighborhood grant.

### **Grant Details/Council Action**

The City is applying for a \$1.3 Choice Neighborhood Planning and Action Grant. Of that amount, \$350,000 will be for planning, and \$950,000 is for implementation of action items articulated during the planning process. The focus area for the grant is Census Tracts 201, 203, and 204 which is roughly bounded by the river, Main Street, East Avenue and Russel Street, with a special emphasis on the Tree Street Neighborhood. These are three of the four Census Tracts of the CDBG Target Area (map attached).

Multiple meetings have occurred over the last several months with Community Concepts, the Healthy Neighborhoods Planning Council, and stakeholders in the area discussing and gearing up for the grant application. A special effort has been made to engage current residents of Maple Knoll to inform them about the critical needs assessment conducted on the building they call home and its relationship to the Choice Neighborhood grant initiative. Every effort has been made to assure residents their home is not under imminent threat and that, if any redevelopment activity associated with the building occurs, they are protected under the Federal Uniform Relocation Act, and will not be displaced without relocation assistance to equal or better quality housing.

Chris Shea is the lead author on the application. Misty Parker has played the lead role for the City in helping to orchestrate the players and edit the grant. A copy of the Executive Summary of the grant is attached.

The City and Community Concepts will be joint applicants on the grant, with the city being the lead entity with primary fiscal and reporting responsibilities on the grant. Community Concepts (<http://community-concepts.org/>) is a CAP agency with diverse programs that combat poverty. They have deep roots in the target area. Their corporate headquarters are located on the other side of Kennedy Park and, in addition to the programming and services they provide, they developed, own and manage the Bates Street Senior Housing and Maple Street Townhome projects. They are a member of the federally sponsored NeighborWorks America (<http://www.neighborworks.org/About-Us/Community-Report.aspx#6>), which is also an organization focused on combatting poverty.

Planning work and citizen engagement is ongoing in this neighborhood, with organizations like Healthy Neighborhoods, Community Concepts, Healthy Androscoggin, Raise Op, and Maine Immigrant Refugee Services, Tree Street Youth, the Root Cellar, and others actively engaged in work to improve the neighborhood. The Healthy Neighborhoods Planning Council will be playing a significant role in community engagement and planning efforts, building upon earlier citizen driven planning and implementation initiatives such as *The People's Downtown Master Plan* (<http://www.lewistonmaine.gov/DocumentCenter/Home/View/802>, which was a project of the Visible Community); the Downtown Neighborhood Task Force generated plan, *The Third Place* (<http://www.lewistonmaine.gov/DocumentCenter/Home/View/803>); the *River Front Island Master Plan* (<http://www.lewistonmaine.gov/DocumentCenter/Home/View/2350>); and the recently adopted comprehensive plan, *Legacy Lewiston* (<http://www.lewistonmaine.gov/index.aspx?nid=603>).

Receiving a Choice Neighborhood Planning and Action Grant will build on the ideas presented in these plans, turn them into actionable strategies, and fund visible transformation in the neighborhoods that leverages private sector investment.

Choice Grants are about more than improving the quality and income diversity of the housing. They foster discussions and support planning to transform neighborhoods by improving the physical neighborhood with streetscape, parks, lighting, schools, economic development, and other improvements; and investing in programs to educate and support residents in their efforts to move out of poverty.

The City Council is being asked to authorize the City Administrator to apply for and receive Choice Neighborhood grant funds if they are awarded and to approve entering into a Memorandum of Understanding with our grant co-applicant, Community Concepts. To score well in the grant competition, it is imperative that the City Council agree to provide a firm cash commitment of \$237,500 to leverage implementation of action activities identified in the yet to be developed plan. That cash commitment needs to be spent over the 3 years of the grant term, and can come from CDBG, General Fund, or bonds. The types of activities to be identified in the plan are very likely to be eligible for CDBG funding. For example, in recent years CDBG has funded \$75,000 in Potvin Park improvements; \$67,000 in Paradis Park improvements; \$87,000 to assist in the rehabilitation of the Tree Street Youth facility; and \$240,000 for complete street streetscape improvements on Walnut Street.

Staff recommends approval of these actions.

## **Exhibit A – Executive Summary – Downtown Lewiston Choice**

Lewiston (pop. 36,356) is the central City of Androscoggin County and the second largest municipality in Maine. The Lewiston neighborhood called “Downtown” is recognized as far more than a conventional CBD. Comprised of Census Tracts 201, 203 and 204, Downtown includes the historic business district and government center; the riverfront, canal system, and historic mills; Bates College, Central Maine Medical Center and St. Mary’s Medical Center; a twelve block residential section known as the “Tree Streets” and a four block section known as “Little Canada”; light industry; and additional residential streets connecting them all. This proposal is to transform the Downtown through focus on the Tree Streets community and the replacement of the HUD-assisted Maple Knoll Apartments located therein.

Downtown has a population of 10,904 in 4,832 households. Fully 48% of the Downtown population has incomes below 100% of Poverty and, with only 30% of the City population, it is home to 56% (n=2618) of the City’s persons of color and 58% (n=4604) of the City’s persons in poverty. The median family incomes of the constituent Tracts of Downtown (Tract 201 = \$12,417, Tract 203 = \$24,123, and Tract 204 = \$16,047) are one-quarter to one-half that of the City as a whole (\$51,469), and the unemployment rate Downtown (14.6%) is 2 ½ times that of the rest of the City (5.7%). The percentage of children under 5 in these Tracts is greater than any other Tract in the state (Sources: US Census, ACS estimates for 2015).

The precise demographics of the Tree Streets population are unclear, as its geography transects block groups in all three Census Tracts, but through Choice, the Needs Assessment survey will provide an estimate of key demographic variables. Based on the nature of the housing stock, and the observed concentration of very large African families fleeing civil war and ethnic violence now settling in the community with scarce resources, the demographic is

expected to be vibrant, diverse, under housed, and poor with significant challenges to economic security because of language, education, and work history. Fully 60% of child abuse referrals in CCI's three county region originate in the Tree Streets; 70% of the known cases of lead EBLs in the entire state are located in the Tree Streets (Sources: CCI; Gorman Foundation).

The Downtown Lewiston Choice Co-Applicants are the City and Community Concepts Inc. (CCI), the regional CAP agency. The Healthy Neighborhoods Planning Council (HNPC), a consortium of residents and civic agencies focused on health, wellness and education outcomes is the locus for governance, decision making, and direction of the project. Both City and CCI are members of HNPC and several other constituent members, including the Maine Immigrant and Refugee Services, St. Mary's Nutrition Center, Bates College, and the Root Cellar will conduct key community engagement and planning activities for the Transformation Plan.

The housing stock of Downtown is largely 3, 4, and up to 6 story wood frame walkups constructed, cheaply, in the 1890s through 1920s for very large families of Irish and French-Canadian millworkers – 3 and 4 deckers with 4 to 6 bedroom apartments on a floor. Several were rehabbed and converted to project based subsidy in the 1970s. Many others were cut up into 1, 2, and 3 bedroom units in the '70s and '80s to accommodate smaller families at low rents. Tightly packed in the Tree Streets community, 9 of these buildings burned down in three separate arsons over five days in 2013, leaving over 200 people homeless. An additional 4 buildings burned in 2014 arsons, making 20 more persons homeless. Nearly every private residential property in the Tree Streets is informally for sale now, as low rents, high operating costs, long-deferred maintenance, and serious lead paint risks make positive cash flow improbable. All HUD assisted units in Lewiston (n=489) are located Downtown and exactly two-thirds (n=326), including the target property of this proposal, are located in the 12-block Tree Streets in 8 separately owned

and managed properties. Homeownership in Tree Streets is under 5%.

The resulting pattern of disinvestment, demolition and vacant lots in Tree Streets is Downtown's opportunity. The project team will systematically acquire, replace, demolish, and backfill with appropriate housing, retail and open space, then do it again, block by block, until the entire Tree Street community is transformed. Maple Knoll is the "target property" of this proposal and the starting point, but nearly every HUD assisted property in Downtown needs to be recapitalized or replaced, raising market standards and forcing improvements or replacement of the unsubsidized walk-ups that are in far worse condition.

Within that emerging fabric, opportunities for new homeownership and neighborhood retail become real. Three successful housing co-ops could expand. The Downtown can have a new, diverse residential base within walking distance to the Lisbon St. business district and the employment centers at Central Maine Medical Center, St. Mary's Hospital, Bates College, and new industry in the riverfront mills. Downtown's new \$52 million elementary school, now under construction, can have a larger, more diverse family base. The Lewiston Workforce Initiative, funded by the John T. Gorman Foundation, housed at CCI and supported through the work of HNPC members – can prepare Downtown's underutilized workforce to earn new and higher incomes in construction and in health and education services. And by doing these things together, traditional Lewiston and New Mainers forge a new identity of diversity, collaboration, and collective strength, and new leaders rise from the work of building community.

The Exhibits below present over ten years of precedent in community-led visioning, planning and action. Downtown Lewiston Choice builds on these. The regional perception that Downtown is dangerous, distressed and worn out is accurate only in its characterization of the housing stock. The vision and resilience of its residents will change that through Choice.



# LEWISTON CITY COUNCIL

## MEETING OF AUGUST 15, 2017

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 22**

**SUBJECT:**

Resolve Setting the Public Hearing on the Proposed Lewiston Auburn Consolidation Agreement, Authorizing the City Clerk to place this matter on the November 7, 2017 municipal ballot and Approval of the Ballot Question.

**INFORMATION:**

The Joint Charter Commission recently submitted its consolidation agreement and associated information to both cities. Under state law, the municipal officers of both Lewiston and Auburn are required to notify the voters of each city of the time and place of a public hearing on the proposed agreement. The City of Auburn has already held its hearing.

The attached resolve would call this public hearing for 6 pm on Thursday, September 21, 2017. The hearing will be held at the Lewiston Middle School Auditorium.

The Resolve is also asking for authorization for the City Clerk to place this question on the November ballot as well as for the Council to approve the ballot question wording.

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

The City Administrator recommends approval of the requested action.

*GAB/kmm*

**REQUESTED ACTION:**

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To approve the Resolve, Setting the Public Hearing on the Proposed Lewiston Auburn Consolidation Agreement, Authorizing the City Clerk to place this matter on the November 7, 2017 municipal ballot and Approval of the Ballot Question.



COUNCIL RESOLVE

**Resolve,** Setting the Public Hearing on the Proposed Lewiston Auburn Consolidation Agreement, Authorization for the City Clerk to place this matter on the November 7, 2017 municipal ballot and Approval of the Ballot Question

Whereas, the Lewiston Auburn Joint Charter Commission has submitted its consolidation report and associated materials to both Cities; and

Whereas, the state statute governing municipal consolidation requires that each community separately schedule and hold a public hearing on the consolidation report; and

Whereas, notice of hearing must be given at least 30 days before the election and at least 10 days before the hearing;

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

A public hearing on the consolidation report submitted by the Lewiston Auburn Joint Charter Commission shall be held at the Lewiston Middle School Auditorium at 6 pm on Thursday, September 21, 2017; and furthermore, that

The City Clerk is hereby authorized to place the issue of the proposed charter and consolidation agreement before the Lewiston voters at the November 7, 2017 municipal election, and furthermore, that

The ballot question be as follows:

“Do you approve the charter and consolidate agreement as recommended by the Lewiston Auburn Joint Charter Commission?”

## **Public Hearing**

The statute authorizing the Joint Charter Commission (30A MRSA 2152) states the following:

**4. Submission of consolidation agreement.** The consolidation agreement shall be submitted to the voters of each municipality at a municipal election after notice and hearing as provided in paragraphs A and B. The consolidation agreement may be amended, provided that the amended agreement meets the notice and hearing requirements of paragraphs A and B. Upon approval of a majority of those voting in each of 2 or more municipalities, the consolidation agreement becomes effective, according to its terms, in those municipalities.

A. The municipal officers of each municipality shall hold a public hearing on the consolidation agreement. The public hearing may be held on more than one day, provided that it adjourns permanently at least 10 days before the election.

B. The municipal officers shall notify the voters of each municipality of the consolidation agreement and of the time and place of the public hearing in the same manner that the voters of each municipality are notified of ordinances to be enacted. This notice must be given at least 30 days before the election and at least 10 days before the hearing.

Thus, we are providing this document set to the cities of Auburn and Lewiston to provide basis for public hearings the cities will hold.

## **Ballot Question**

The Charter Commission recommends that the proposed charter and consolidation agreement go before voters in Lewiston and Auburn at the General Election on Tuesday, November 7, 2017.

Holding the vote at a regularly scheduled municipal election will ensure a higher turnout and give more voters the opportunity to participate.

We recommend the ballot question to be:

**“Do you approve the charter and consolidation agreement as recommended by the Lewiston Auburn Joint Charter Commission?”**

**LEWISTON CITY COUNCIL**  
**MEETING OF AUGUST 15, 2017**

**AGENDA INFORMATION SHEET:**

**AGENDA ITEM NO. 26**

**SUBJECT:**

Executive Session regarding a Legal Matter.

**INFORMATION:**

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

**APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:**

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

*EATB/kmm*

**REQUESTED ACTION:**

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To enter into an Executive Session pursuant to MRSA Title 1, section 405(6)(E) to discuss a legal matter.