

**LEWISTON CITY COUNCIL AGENDA
CITY COUNCIL CHAMBERS
SEPTEMBER 3, 2019**

6:00 p.m. Executive Session – To discuss a legal matter

6:30 p.m. Workshop

- A. Murphy Homes Street and Water service – Memorial Avenue – 15 minutes
- B. Prohibiting Smoking in Dufresne Plaza – 10 minutes

7:00 p.m. Regular Meeting

Pledge of Allegiance to the Flag

Recognition of the All Star Little League Players

Public Comment period – Any member of the public may make comments regarding issues pertaining to Lewiston City Government (3 minutes per speaker; maximum time for all comments is 15 minutes)

ALL ROLL CALL VOTES FOR THIS MEETING WILL BEGIN WITH THE COUNCILOR OF WARD 2.

REGULAR BUSINESS:

1. Public Hearing on a new application for a new liquor license for Legends Sports Bar & Grill, 4 Mollison Way.
2. Public Hearing on a relocation application for a liquor license for LRI, Inc. d/b/a Winners Circle OTB to 675 Main Street.
3. Public Hearing for approval of an Outdoor Entertainment Permit for The Dempsey Challenge.
4. Ordinance, Establishing a Standing Housing Committee.
5. Public Hearing and Final Passage to contractually rezone the property at 2 Cedar Street – the Continental Mill – from the Riverfront (RF) District to the Mill (M) District.
6. Public Hearing and First Passage to contractually rezone the property at 183 Merrill Road Rear for Medium Density Residential District Bulk and Space Requirements for frontage and building height.
7. Amendment to the City Policy Manual for Miscellaneous Fees regarding penalties for ordinance violations regarding prohibited tobacco use in designated hospital areas.
8. Resolve, Supporting the Efforts of CommUNITY Recovery to Place Safe Syringe Disposal Drop Boxes at Various Locations in Lewiston.
9. Reports and Updates.
10. Any other City Business Councilors or others may have relating to Lewiston City Government.
11. Executive Session to discuss labor negotiations regarding the Maine Association of Police – Patrol Unit.

LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 3, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6:00pm

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.

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)(E) to discuss a legal matter.

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, SEPTEMBER 3, 2019
6:00 PM

1. Executive Session – Legal Issue – 25 minutes
2. Murphy Homes Street and Water Service – Memorial Drive – 15 minutes

John F. Murphy homes is in the process of constructing a facility behind Marden's on Main Street. The parcel will be served by an extension of Memorial Way. We have been approached by them with a request that we undertake a cooperative effort to extend water service and street access to their property. Please see the attached memo from Public Works Director, Dale Doughty.

3. Prohibiting Smoking in Dufresne Plaza – 10 minutes

Councilor Marcotte has been asked by a constituent to request that the City Council consider prohibiting smoking in Dufresne Plaza. A draft ordinance amendment to that effect is attached. This amendment also updates the no tobacco use provisions by specifically including vaping and the use of e-cigarettes and makes some minor updates to the list of City Parks.

IMMEDIATELY FOLLOWING THE REGULAR MEETING

4. Executive Session – Labor Negotiations – Police Patrol Unit.



PUBLIC WORKS DEPARTMENT

WorkShops: A

Dale F. Doughty, Director

26 August 2019

TO: Ed Barrett, City Administrator

Re: Memorial Avenue Agreement

The purpose of this memo is to describe a proposal by Gendron Corp. to make certain improvements to Memorial Avenue associated with a new special needs school.

Recent surveys rate the Memorial Street surface with a Pavement Condition Rating (PCI) of 77, Fair Condition. The water line in the street is an 8" unlined cast pipe that is in need of upgrade to ductile iron pipe. Both represent future capital investments for the City. Without this school project both would be at least several years out into the future.

As part of their school development, they propose to reconstruct the street and replace the water line. Once complete this would remove Memorial Avenue from the City's backlog of street repair and the unlined water line from the utility's future capital needs.

The city's contribution would be:

- Supplying the actual water line materials at an estimated cost of \$16,598.96,
- Pave the street once reconstruction is complete at an estimated cost of \$28,894.00, and
- Allow Gendron Corp. to build a turnaround at the end of the street, and then accept the turnaround into the City street network.

Funding for the water main materials is proposed to come from 2017 Bond Premium and funding for the paving of Memorial Avenue would come from the FY2020 Street Maintenance Program. Funds were held in the paving contract for this possibility. If Memorial Avenue is not paved then the funds could be redirected.

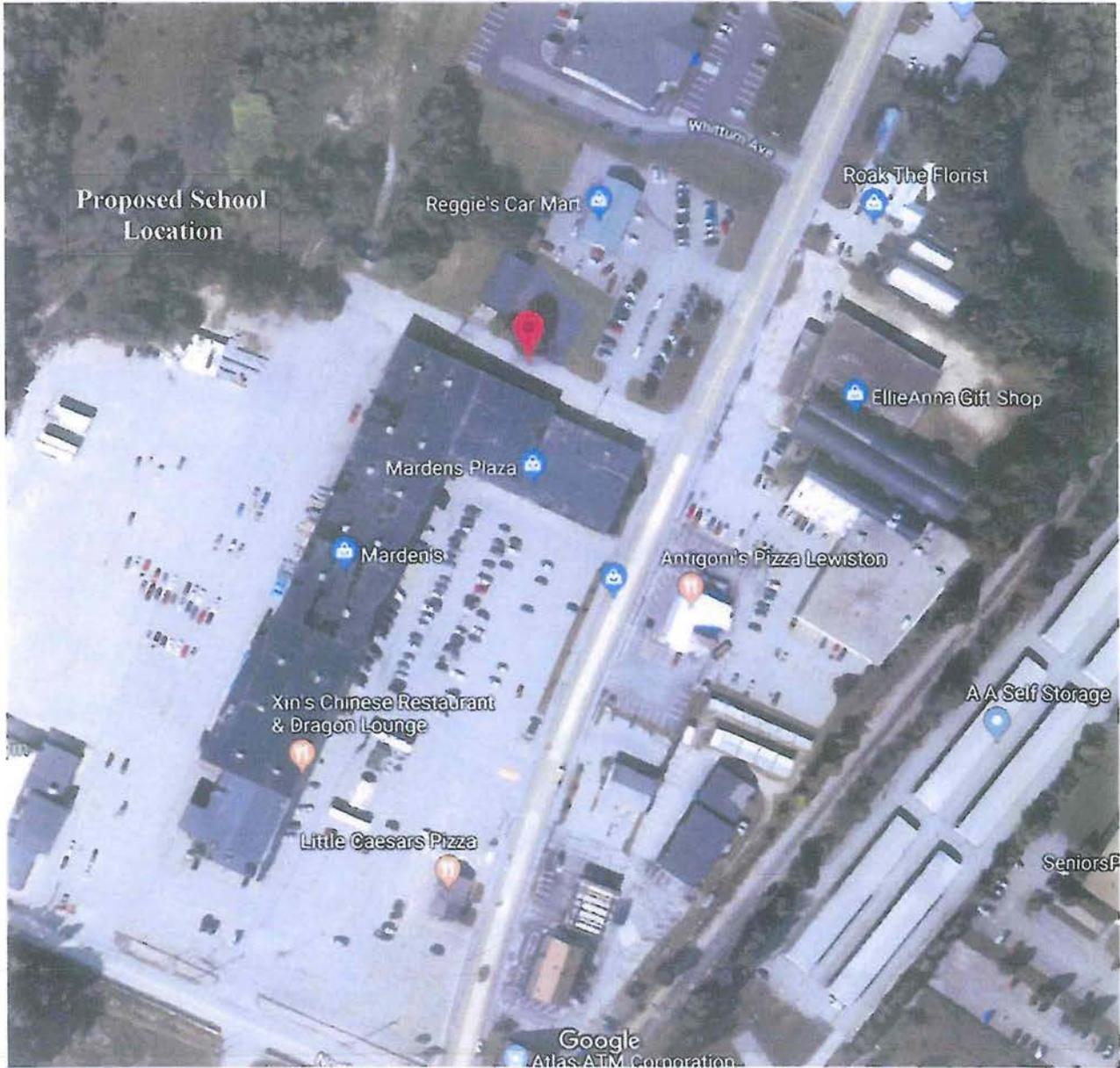
If the City were to undertake the water main replacement and street reconstruction, it would cost an additional estimated \$8,371 for paving and \$57,546 for the water main replacement.

Gendron Corp. is seeking approval from the City Council to authorize you to sign the attached Memorandum of Understanding.

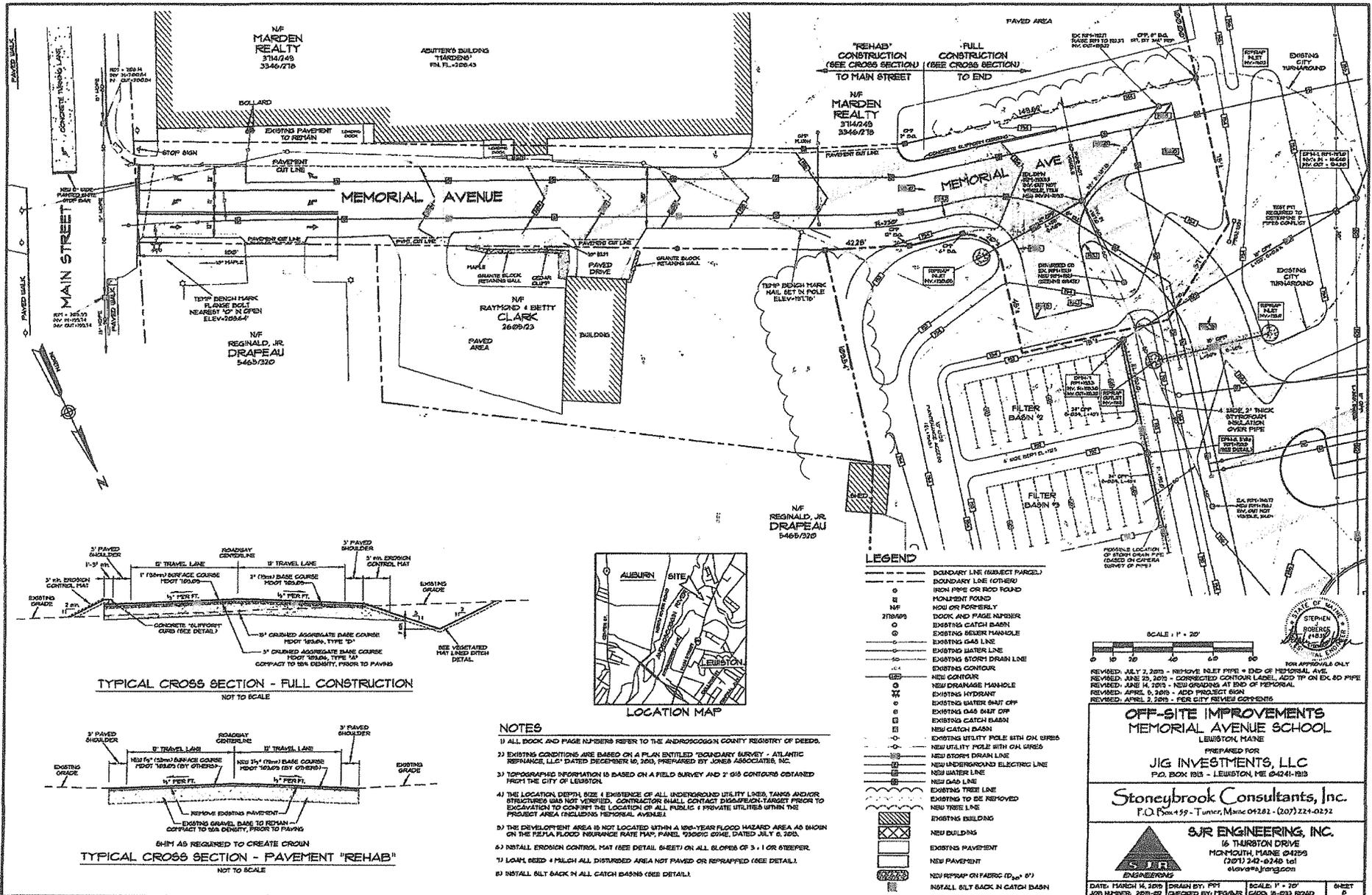
Respectfully,
Dale Doughty, C. G.
Director of Public Works
City of Lewiston

Attachments:

Location Map
Draft MOU
Plan Sheet 8



Location of Memorial Avenue and New Special Needs School



N/F MARDEN REALTY
3144/45
3346/7/8

ADVERTISER'S BUILDING
"THIRD FLOOR"
RtA, FL. 4205-43

N/F MARDEN REALTY
3144/45
3346/7/8

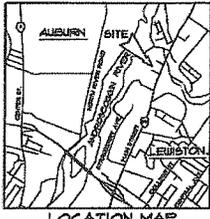
N/F REGINALD, JR.
DRAPEAU
5469/520

N/F RATHMAD & BETTIT
CLARK
2609/93

N/F REGINALD, JR.
DRAPEAU
5469/520

TYPICAL CROSS SECTION - FULL CONSTRUCTION
NOT TO SCALE

TYPICAL CROSS SECTION - PAVEMENT "REHAB"
NOT TO SCALE



LEGEND

- BOUNDARY LINE (SUBJECT PARCELS)
- BOUNDARY LINE (OTHER)
- IRON PIPE OR ROD ROUND
- MONUMENT FOUND
- N/F NOW OR FOREVER
- Z/8MAPS BOOK AND PAGE NUMBER
- EXISTING CATCH BASIN
- EXISTING BODER MANHOLE
- EXISTING WATER LINE
- EXISTING GAS LINE
- EXISTING STORM DRAIN LINE
- EXISTING CONTOUR
- NEW CONTOUR
- NEW DRAINAGE MANHOLE
- EXISTING HYDRANT
- EXISTING WATER MAIN CITY
- EXISTING GAS MAIN CITY
- EXISTING CATCH BASIN
- NEW CATCH BASIN
- EXISTING UTILITY POLE WITH OH WIRES
- NEW UTILITY POLE WITH OH WIRES
- NEW STORM DRAIN LINE
- NEW UNDERGROUND ELECTRIC LINE
- NEW WATER LINE
- NEW GAS LINE
- EXISTING TREE LINE
- EXISTING TO BE REMOVED NEW TREE LINE
- EXISTING BUILDING
- NEW BUILDING
- EXISTING PAVEMENT
- NEW PAVEMENT
- NEW RETRAP ON FABRIC (D₁₅₀ 6")
- INSTALL BILT BACK IN CATCH BASIN

NOTES

- 1) ALL BOOK AND PAGE NUMBERS REFER TO THE ANDROSCOGGIN COUNTY REGISTRY OF DEEDS.
- 2) EXISTING CONDITIONS ARE BASED ON A PLAN ENTITLED "BOUNDARY SURVEY - ATLANTIC REFINANCE, LLC" DATED DECEMBER 10, 2010, PREPARED BY JONES ASSOCIATES, INC.
- 3) TOPOGRAPHIC INFORMATION IS BASED ON A FIELD SURVEY AND 2" GIS CONTOURS OBTAINED FROM THE CITY OF LEWISTON.
- 4) THE LOCATION, DEPTH, SIZE & EXISTENCE OF ALL UNDERGROUND UTILITY LINES, TANKS AND/OR STRUCTURES WAS NOT VERIFIED. CONTRACTOR SHALL CONTACT BIGSAFE/EN-TARGET PRIOR TO EXCAVATION TO CONFIRM THE LOCATION OF ALL PUBLIC & PRIVATE UTILITIES WITHIN THE PROJECT AREA (INCLUDING MEMORIAL AVENUE).
- 5) THE DEVELOPMENT AREA IS NOT LOCATED WITHIN A 100-YEAR FLOOD HAZARD AREA AS SHOWN ON THE FEMA FLOOD INSURANCE RATE MAP, PANEL 2200C DRAE, DATED JULY 6, 2010.
- 6) INSTALL EROSION CONTROL MAT (SEE DETAIL SHEET) ON ALL SLOPES OF 3:1 OR STEEPER.
- 7) LOAM, SEED & MULCH ALL DISTURBED AREA NOT PAVED OR REGRAFFED (SEE DETAIL).
- 8) INSTALL BILT BACK IN ALL CATCH BASINS (SEE DETAIL).

SCALE: 1" = 20'

REVISIONS:
 REVISION: JULY 2, 2019 - REMOVE INLET PIPE @ END OF MEMORIAL AVE.
 REVISION: JUNE 25, 2019 - CONNECTED CONTOUR LABEL, ADD TIP ON EX. 60 PIPE
 REVISION: JUNE 14, 2019 - NEW GRADINGS AT END OF MEMORIAL
 REVISION: APRIL 8, 2019 - ADD PROJECT SIGN
 REVISION: APRIL 2, 2019 - FOR CITY REVIEW COMMENTS

NON APPROVAL ONLY

STEPHEN ROBERTS
 P.E.
 STATE OF MAINE

**OFF-SITE IMPROVEMENTS
 MEMORIAL AVENUE SCHOOL**
 LEWISTON, MAINE

PREPARED FOR
JIG INVESTMENTS, LLC
 P.O. BOX 1018 - LEWISTON, ME 04241-1018

Stonebrook Consultants, Inc.
 P.O. Box 159 - Turner, Maine 04282 - (207) 224-0252

SJR ENGINEERING, INC.
 16 THURSTON DRIVE
 MONMOUTH, MAINE 04199
 (207) 242-6246 tel
 stone@sstone.com

DATE: MARCH 14, 2019 DRAWN BY: PPT SCALE: 1" = 20' SHEET
 JOB NUMBER: 2019-02 CHECKED BY: PPT/ARL CADW: 18-233 ROAD 6

**MEMORANDUM OF UNDERSTANDING BETWEEN GENDRON
CORP. OF LEWISTON, AND THE CITY OF LEWISTON FOR
INSTALLATION OF NEW WATER LINE AND, RESURFACING OF
MEMORIAL AVE FROM MAIN STREET TO END OF EXISTING
MEMORIAL AVENUE PAVING**

This agreement is entered into on this _____ day of _____, 2019, by Gendron Corp. and the City of Lewiston ("City"), for installation of new water line and resurfacing of Memorial Ave from Main Street to end of existing Memorial Avenue paving. This agreement also includes the construction of a new turnaround and adjustments to the existing stormwater system in the area of the turnaround.

WITNESSETH:

WHEREAS, GENDRON CORP. has a planned construction of a special needs school off the end of Memorial Avenue in Lewiston (the "Project Site"), and

WHEREAS, the project requires a water line extension from the end of the existing water line on Memorial Avenue into the Project Site, and

WHEREAS, the City desires to replace the existing water line on Memorial Avenue from Main Street to the end of the existing water line on Memorial Avenue, and

WHEREAS, GENDRON CORP. plans to construct a new turnaround at the end of Memorial Avenue which will require adjustments to existing stormwater structures to accept stormwater flow from the new turnaround and adjacent areas, and

WHEREAS, the City agrees to allow these changes to the stormwater system to accommodate the proposed turnaround,

NOW, THEREFORE, in consideration of the mutual covenants, agreements, and undertakings hereinafter expressed, the parties agree as follows:

1. GENDRON CORP. agrees to install a new water line on Memorial Avenue between Main Street and the end of existing water line on Memorial Avenue including connections to all existing services, removal of ledge as necessary, and all appurtenances, to City standards, all being in accordance with the Plan (the "Plan") for Off-Site Improvements, Memorial Avenue School, prepared by Stoneybrook Consultants, Inc. dated March 14, 2019, revised through July 2, 2019 (the "Water Line Installation").

2. The City agrees to supply all the materials for the Water Line Installation, said materials to be delivered by the City to the Project Site.
3. Gendron Corp. agrees to construct, and the City consents to the construction of, the new turnaround (the "Turnaround") in accordance with the Plan. The Turnaround construction shall include the installation of base gravels and pavement as shown on Sheet 8 of the Plan. Upon completion of the Turnaround in accordance with the Plan, the City shall accept the Turnaround as a public way. Gendron Corp. shall be responsible for adjusting the existing stormwater structures (i.e. manholes and catch basins existing prior to the commencement of work by Gendron Corp.) to finish grade to accept stormwater flow from the new street improvements and adjacent area.
4. Gendron Corp. will strip all the existing pavement within the right of way for Memorial Avenue between Main Street and the end of existing pavement on Memorial Avenue and construct revised entrance for right out and right in turning movements from Main Street as shown on Sheet 8 of the Plan. Gendron Corp. will prepare gravel base for paving, including shim gravel, shaping crown, compaction, and restore lawn and driveway damage from construction activities on Memorial Avenue.
5. The City will pave Memorial Avenue to the limits shown on Sheet 8 for "Rehab".

Indemnification.

Gendron Corp. agrees to defend, indemnify, and hold harmless the City, its departments and their representatives, officers, agents or employees from and against all claims of any nature whatsoever for damages, including damages or loss to personal property, personal injuries and death resulting from the proposed upgrades performed by Gendron Corp. on Memorial Avenue.

Effective Date.

This agreement shall be effective upon the date of signing.

Duration.

This agreement shall be effective until acceptance of the work on Memorial Avenue by the City, or no later than July of 2020.

Amendment.

This Agreement may not be amended except by a written instrument validly entered into and executed as provided herein for the execution of this Agreement initially.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives pursuant to due legal authorization and authority as of the day and year first above written.

Signed this _____ day of _____, two thousand nineteen by.

Signed,

Edward A Barrett
City Administrator
City of Lewiston

Signed,

John Gendron
President
Gendron Corp.

Chapter 54

PARKS AND RECREATION*

- Sec. 54-7. Unlawful to be in the following city parks and school grounds during certain hours; exception.
- Sec. 54-8. Public drinking of alcoholic beverages prohibited.
- Sec. 54-10. Smoking on athletic fields during certain times and on city playgrounds and in certain parks prohibited.

Sec. 54-7. Unlawful to be in the following city parks and school grounds during certain hours; exception.

It shall be unlawful for any person to be or remain in Farwell School grounds, Franklin Pasture Athletic Complex, ~~Gaslight Park~~, Geiger School grounds, Judge Armand A. Dufresne, Jr. Plaza, Knox Street Park, Leeds Park, Lewiston Athletic Park, Lincoln Street Boat Launch and Park, Lionel Potvin Park, Longley School grounds, Jude's Place at Marcotte Park, Mark W. Paradis Park, Martel School grounds, Mayher Park, McMahon School grounds, Montello School grounds, Pettingill School Park, Randall Road Softball Complex, Raymond Park, Ricker Park, Simard-Payne Police Memorial Park, Smiley Park, ~~St. Mary's playground (Oxford Street)~~, Sunnyside Park and Veterans Memorial Park in the city between the hours of 9:00 p.m. and 5:00 a.m., unless such person is in lawful employment, participating in a program or activity sponsored or authorized by the city.

(Code 1982, § 20-7; Ord. No. 94-11, 10-6-94; Ord. No. 01-8, 7-5-01; Ord. No. 01-16, 10-18-01; Ord. No. 09-03, 7-02-09; Ord. No. 13-02a, 3-21-13; Ord. No. 15-05, 7-2-15; Ord. No. 15-11, 11-05-15; Ord. No. 18-05, 8-09-18)

Sec. 54-8. Public drinking of alcoholic beverages prohibited.

(a) *Definitions.* As used in this section, the following terms have the following meanings:

Liquor means and includes any alcoholic, spirituous, vinous, fermented or other alcoholic beverage or combination of liquors and mixed liquors, intended for human consumption, which contains more than one-half of one percent of alcohol by volume.

Open container means not having a cap, stopper or other cover in place.

Public park, playground or recreational facility means any of the following city-owned or operated public fields, parks, playgrounds and recreational facilities:

- Child's Park;
- Couture Park;
- Farwell School grounds;
- Franklin Pasture Athletic Complex;
- ~~Gaslight Park;~~
- Geiger School grounds;

PARKS AND RECREATION

~~Holy Family athletic field;~~

Judge Armand A. Dufresne, Jr. Plaza;

Kennedy Park;

Knox Street Park;

Leeds Park;

Lewiston Athletic Park;

Lewiston Memorial Armory;

Lincoln Street Boat Launch and Park;

Lionel Potvin Park;

Longley School grounds;

~~Jude's Place at Marcotte Park;~~

Mark W. Paradis Park;

Martel School grounds;

Mayer Park;

McMahon School grounds;

Montello School grounds;

Pettingill School Park;

Randall Road Softball Complex;

Raymond Park;

Ricker Park;

Riverside Greenway;

Simard-Payne Police Memorial Park;

Smiley Park;

~~St. Mary's playground (Oxford Street);~~

Sunnyside Park;

Veterans Memorial Park.

- (b) *Penalty.* A person is guilty of public drinking if he drinks liquor while at any public park or playground, unless at specific events authorized by the city council.
- (c) *Evidence.* The possession of an open container of liquor at a public park or playground is prima facie evidence of a violation of this section.

(Code 1982, § 20-8; Ord. No. 94-11, 10-6-94; Ord. No. 01-8, 7-5-01; Ord. No. 01-16, 10-18-01; Ord. No. 09-01, 3-19-09; Ord. No. 13-02a, 3-21-13; Ord. No. 15-04, 6-4-15; Ord. No. 15-05, 7-2-15)

PARKS AND RECREATION

Sec. 54-10. Smoking on athletic fields during certain times, on city playgrounds and in certain parks prohibited.

Smoking and all other use of tobacco products, including vaping and e-cigarette use, will not be permitted on city-owned athletic fields for the period commencing one half-hour prior to and for the duration of any city or school department scheduled or sanctioned activity or event.

Smoking and all other use of tobacco products, including vaping and e-cigarette use, in Judge Armand A. Dufresne, Jr. Plaza, Mark W. Paradis Park, Pettingill School Park and all city-owned playground areas, to include playgrounds, aquatic areas, skateparks and basketball courts as outlined in Section 14-47 (c) is prohibited.

(Ord. No. 09-03, 7-02-09; Ord. No. 15-05, 7-2-15)

Sec. 54-11. Penalties

A person who violates a section of this chapter (except section 54-9) is guilty of a separate offense for each day or part of a day during which the violation is committed, continued, or permitted. Each offense, upon conviction, is punishable by a civil penalty of not less than \$25.00 and not more than \$100.00. First time violators may have the penalty waived upon proof of receipt of tobacco education materials. The effective date of this section shall be June 2, 2010.

(Ord. No. 09-03, 7-02-09)

Chapter 14

ANIMALS*

*Editor's note: Ord. No. 01-7, effective May 31, 2001, amended Ch. 14 in its entirety to read as herein set out. Formerly said chapter pertained to similar subject matter. See the Code Comparative Table. **Cross references:** City clerk to perform animal control functions, § 2-104; disposal of dead animals restricted, § 34-37; application of traffic ordinances to animals, § 70-9.

Article IX. Public Lands, Parks and Playgrounds: Control or Prohibition of Domestic Animals

Division 1. Leash Requirements

Sec. 14-46. Sixteen-foot leash requirements and exceptions.

Division 2. City Property

Sec. 14-47. Parks, cemeteries, playgrounds and athletic fields.

ARTICLE IX. PUBLIC LANDS, PARKS AND PLAYGROUNDS: CONTROL OR PROHIBITION OF DOMESTIC ANIMALS

DIVISION 1. LEASH REQUIREMENTS

Sec. 14-46. Sixteen-foot leash requirements and exceptions.

Only domestic animals are authorized on all city-owned public ways, sidewalks, and all publicly owned property within the city. Any such animal shall be on a leash or other tether, in the control of an individual, of not more than 16 feet in length with the following exceptions:

- (1) Any domestic animal in the aforementioned public areas must be on a leash or other tether of not more than eight feet in length when signs are posted stating "Maximum Eight-Foot Leash is Required" by the city to accommodate mass gatherings or public events. The authority to post such areas shall lie with the city council.
- (2) All domestic animals may only be present during the specified hours between 6:00 a.m. to 8:30 a.m. and 6:00 p.m. and 8:30 p.m. at the following public facilities:
 - a. Montello Track (~~outside track~~ ~~far right~~ left-hand side of the track field closest to the woods and farthest away from the playground).
 - b. Sunny Side Park (field area).
 - c. ~~Simard Payne Police Memorial Park (area farthest away from the planned playground and closest to the river).~~

ANIMALS

- (3) The City Administrator or his/her designee may authorize exceptions to this Section for city approved events. Such exceptions must specify the conditions under which the animal(s) shall be on the supervised; the time of day and specific dates that they will be authorized to be on the property; and any other conditions that may be applicable to the event and to the city property involved.

(Ord. No. 01-7, 5-31-01; Ord. No. 08-09, 1-1-09; Ord. No. 16-05, 6-16-16)

DIVISION 2. CITY PROPERTY

Sec. 14-47. Parks, cemeteries, playgrounds and athletic fields.

The City Administrator or his/her designee may authorize exceptions to this Section for city approved events. Such exceptions must specify the conditions under which the animal(s) shall be on the supervised; the time of day and specific dates that they will be authorized to be on the property; and any other conditions that may be applicable to the event and to the city property involved.

- (a) Domestic animals will not be permitted in the following parks and athletic fields for the period commencing one-half hour prior to and for the duration of any city or school department scheduled or sanctioned activity or event: ~~Holy Family Field, Marcotte Park, Randall Road Softball Complex and Simard-Payne Police Memorial Park.~~
- (b) Domestic animals may be authorized in all city-owned cemeteries and must be on a leash or other tether, under the control of an individual, of not more than 16 feet in length provided, however, that such animals shall be allowed only on the roadways and walkways of the cemeteries and not on the cemetery lots.
- (c) All domestic animals shall not be permitted in the following public parks and playground areas: Lionel Potvin Park, ~~St. Mary's Playground (Oxford Street), Jude's Place at Marcotte Park playground area, Kennedy Park playground area, Knox Street Playground, Mark W. Paradis Park, Pettingill School Park playground area and basketball court, River Valley basketball courts and Sunnyside Park playground area.~~
- (d) All domestic animals shall not be permitted in the following athletic fields: Franklin Pasture Athletic Complex, Lewiston Athletic Park, ~~Marcotte Park Mutli-use field, Montello mMulti-use field; and Simard-Payne Police Memorial Park mMulti-use field, and Upper Franklin field.~~

(Ord. No. 01-7, 5-31-01; Ord. No. 08-09, 1-1-09; Ord. No. 13-02b, 3-21-13; Ord. No. 15-06, 7-2-15; Ord. No. 16-05, 6-16-16)

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 3, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Public Hearing on a new application for a new liquor license for Legends Sports Bar & Grill, 4 Mollison Way.

INFORMATION:

We have received an application for a new liquor license from Legends Sports Bar & Grill, 4 Mollison Way.

This application is for malt, vinous & spirituous.

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/1cm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To authorize the City Clerk's Office to approve a new liquor license application for Legends Sports Bar & Grill, 4 Mollison Way.

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

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash Ck Mo:	
Good SOS & DBA: YES <input type="checkbox"/>	NO <input type="checkbox"/>

PRESENT LICENSE EXPIRES: _____

NEW application: Yes No

If business is NEW or under new ownership, indicate starting date: _____

Requested inspection (New Licensees/ Ownership Changes Only) Date : _____ Business hours: M - Sun 11AM - 1AM

INDICATE TYPE OF PRIVILEGE: MALT VINOUS SPIRITUOUS

INDICATE TYPE OF LICENSE:

- | | | |
|--|--|--|
| <input type="checkbox"/> RESTAURANT (Class I,II,III,IV) | <input checked="" type="checkbox"/> RESTAURANT/LOUNGE (Class XI) | <input type="checkbox"/> CLASS A LOUNGE (Class X) |
| <input type="checkbox"/> HOTEL (Class I,II,III,IV) | <input type="checkbox"/> HOTEL, FOOD OPTIONAL (Class I-A) | <input type="checkbox"/> BED & BREAKFAST (Class V) |
| <input type="checkbox"/> CLUB w/o Catering (Class V) | <input type="checkbox"/> CLUB with CATERING (Class I) | |
| <input type="checkbox"/> GOLF COURSE (Class I,II,III,IV) | | |
| <input type="checkbox"/> TAVERN (Class IV) | <input type="checkbox"/> QUALIFIED CATERING | <input type="checkbox"/> OTHER: _____ |

REFER TO PAGE 3 FOR FEE SCHEDULE

ALL QUESTIONS MUST BE ANSWERED IN FULL

Corporation Name:			Business Name (D/B/A)		
<i>MAINE Billiards DBA Legends Sports Bar + Grill</i>					
APPLICANT(S) –(Sole Proprietor)		DOB:	Physical Location:		
<i>Melinda Small</i>			<i>4 Morrison Way Lew. 04210</i>		
Address			Mailing Address <i>Home</i>		
<i>4 Morrison Way</i>			<i>178 HARRIS Rd</i>		
City/Town	State	Zip Code	City/Town	State	Zip Code
<i>Lewiston</i>	<i>ME</i>	<i>04210</i>	<i>Mt</i>	<i>ME</i>	<i>04258</i>
Telephone Number	Fax Number	Business Telephone Number		Fax Number	
		<i>207 597-9355</i>			
Federal I.D. #			Seller Certificate #:		
<i>453957834</i>			or Sales Tax #: <i>1108821</i>		
Email Address: Please Print			Website:		

- If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: 0
- State amount of gross income from period of last license: ROOMS \$ 0 FOOD \$ 0 LIQUOR \$ 0

3. 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:

4. Do you permit dancing or entertainment on the licensed premises? YES NO

5. Do you own or have any interest in any another Maine Liquor License? Yes No (Use an additional sheet(s) if necessary.) If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses. (MOVING)

License # _____ Name of Business Leah's Sports Bar + Grill
 Physical Location 128 Centre Street City / Town Aub. Me 04210

6. If manager is to be employed, give name: Self -

7. Business records are located at: 178 Harris Rd Mount Me 04258

8. Is/are applicants(s) citizens of the United States? YES NO

9. Is/are applicant(s) residents of the State of Maine? YES NO

10. List name, date of birth, and place of birth for all applicants, managers, and bar managers.

Full Name (Please Print)	DOB	Place of Birth
<u>Melada K Small</u>	<u>11/17/61</u>	<u>Lincoln Me</u>

11. Residence address on all of the above for previous 5 years (Limit answer to city & state)

Name: <u>178 Harris Rd</u>	City: <u>Leicester Mount</u>	State: <u>Me</u>
Name: _____	City: _____	State: _____
Name: _____	City: _____	State: _____

12. 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: _____ Date of Conviction: _____

Offense: _____

Disposition: _____ (use additional sheet(s) if necessary)

13. Will any law enforcement official benefit directly in your license, if issued?

Yes No If Yes, give name: _____

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

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

16. Describe in detail the premises to be licensed: (On Premise Diagram Required) _____

17. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES NO Applied for: _____

18. 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? 5.2 miles

Which of the above is nearest? School

19. 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.

NOTE: "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: Lewisston, NC on Aug 7, 20 19

Please sign in blue ink

Melinda L Small
Signature of Applicant or Corporate Officer(s)
Melinda Small
Print Name

Signature of Applicant or Corporate Officer(s)

Print Name

FEE SCHEDULE

FILING FEE: (must be included on all applications)	\$ 10.00
Class I Spirituous, Vinous and Malt	\$ 900.00
CLASS I: Airlines; Civic Auditoriums; Class A Restaurants: Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.	
Class I-A Spirituous, Vinous and Malt, Optional Food (Hotels Only)	\$1,100.00
CLASS I-A: Hotels only that do not serve three meals a day.	
Class II Spirituous Only	\$ 550.00
CLASS II: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.	
Class III Vinous Only	\$ 220.00
CLASS III: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class IV Malt Liquor Only	\$ 220.00
CLASS IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns;	
Class III & IV Malt & Vinous Only	\$ 440.00
CLASS III & IV: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	
Class V Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts)	\$ 495.00
CLASS V: Clubs without catering privileges.	
Class X Spirituous, Vinous and Malt – Class A Lounge	\$2,200.00
CLASS X: Class A Lounge	
Class XI Spirituous, Vinous and Malt – Restaurant Lounge	\$1,500.00
CLASS XI: Restaurant/Lounge; and OTB.	



Division of Alcoholic Beverages and Lottery
Operations
Division of Liquor Licensing and Enforcement

Corporate Information Required for
Business Entities Who Are Licensees

For Office
License #: _____
SOS Checked
100% Yes

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: Maine Billiards League - DBA Legends Sports Bar + Grill
- Doing Business As, if any: _____
- Date of filing with Secretary of State: 11/17/2011 State in which you are formed: ME
- 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 %
<u>Melinda Small</u>	<u>178 Harveys Rd Mount ME 04254</u>	<u>1/17/61</u>	<u>President</u>	<u>100</u>

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

Name: _____

Date of Conviction: _____

Offense: _____

Location of Conviction: _____

Disposition: _____

Signature:

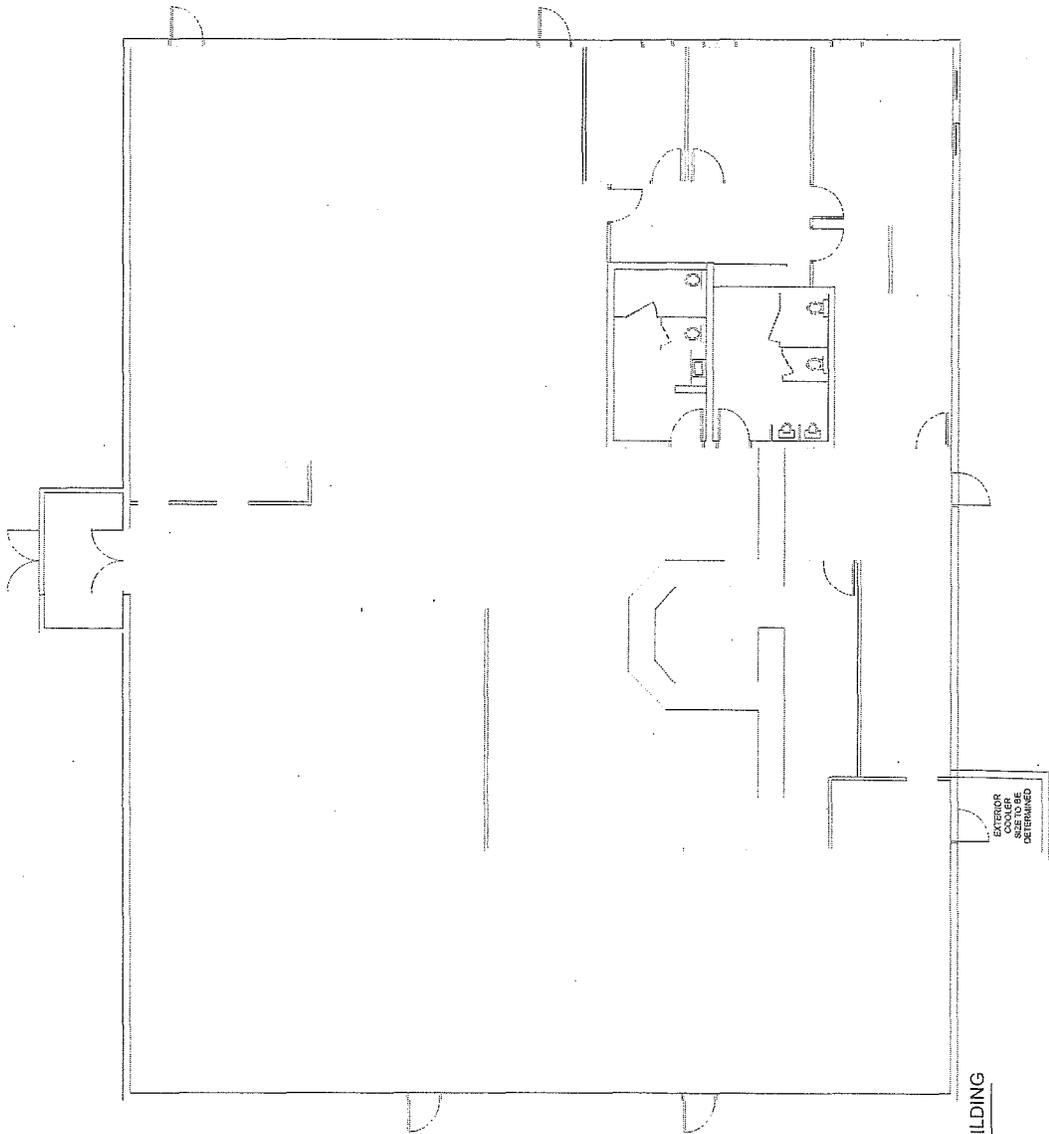
Melinda R. Smeed
Signature of Owner or Corporate Officer

8/7/2019
Date

Melinda L. Smeed
Print Name of Owner or Corporate Officer

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

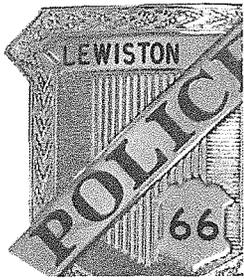


1
A1.1

PROPOSED BUILDING

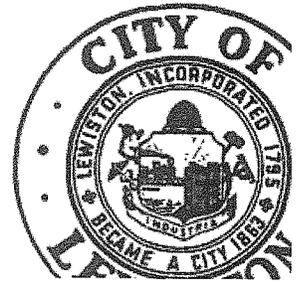
SCALE 3/16" = 1'-0"

EXTERIOR
SIZE TO BE
DETERMINED



POLICE DEPARTMENT

Brian T. O'Malley
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: August 27, 2019

RE: **Liquor/Special Amusement Permit – Maine Billiards, DBA Legends Sports Bar and Grill**

We have reviewed the request for a Liquor/Special Amusement Permit Application and have no objections to the issuance of that permit..

**Maine Billiards, DBA Legends Sports Bar and Grill
4 Mollison Way, Lewiston, Maine**



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



Professionalism

Integrity

Compassion

Dedication

Pride

Dependability

**CITY OF LEWISTON
PUBLIC NOTICE**

A hearing on the following liquor license applications will be held by the Lewiston City Council in the Council Chambers, City Hall on *Tuesday, September 3, 2019, 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 applications.

Legends Sports Bar & Grill
4 Mollison Way
Maine Billiards League – owner

Winner's Circle OTB
675 Main Street
LRI, Inc. - owner

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

PUBLISH ON: August 28, 29, & 30, 2019

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

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 3, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 2

SUBJECT:

Public Hearing on a relocation application for a liquor license for LRI, Inc. d/b/a Winners Circle OTB to 675 Main Street.

INFORMATION:

We have received a relocation application for a liquor license for LRI, Inc. d/b/a Winners Circle OTB, to 675 Main Street. They are relocating from 4 Mollison Way.

The liquor license application is for malt, spirituous and vinous.

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/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To authorize the City Clerk's Office to approve a relocation liquor license application for LRI, Inc. d/b/a Winners Circle OTB to 675 Main Street.



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

ON PREMISE RELOCATION APPLICATION

Permanent License #: CAL 2007-9421 Expiration Date: 11/20/19
 Legal Name: LRI Inc Doing Business as: Winners' Circle OTB
 From: 4 Morrison Way Lewiston, ME 04240
Current Physical Address
 To: 675 Main St. Suite 5 Lewiston, ME 04240
New Physical Address

Has the premises for which the transfer is requested been licensed by the Department of Human Services? Yes No

Requested Transfer Date: Sept 2019

Contact Person: Jayne Thornton Telephone Number: 207-807-5060

Email address: jthornton@lewistonraceway.com (Please Print)

Dated at: Lewiston, ME On _____, 20____
City/Town, State Date

[Signature]
 Signature of Owner or Corporate Officer

Jayne Day Thornton
 Printed name(s)

TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:

Hereby certify that we have complied with Section 653 of Title 28-A Maine Revised Statutes and hereby approve said application.

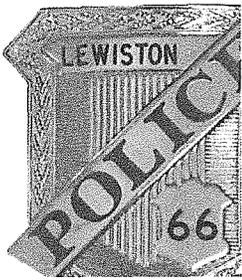
Dated at: _____, Maine _____
City/Town (County)

On: _____
Date

The undersigned being: Municipal Officers County Commissioners of the
 City Town Plantation Unincorporated Place of: _____, Maine

Hereby certify that we have given public notice on this application and held public hearing thereon as required by Section 653 Title 28A, Maine Revised Statutes and hereby approve said application.

 Signature of Official(s) Printed name of Official(s)



POLICE DEPARTMENT

Brian T. O'Malley
Chief of Police



TO: Kelly Brooks, Deputy City Clerk

FR: Lt. David St.Pierre, Support Services

DT: August 21, 2019

RE: Liquor/Special Amusement Permit – **LRI, Inc – Winners Circle OTB**

We have reviewed the request for a Liquor/Special Amusement Permit Application and have no objections.

They were approved for their liquor license on 10/05/18 at which time they were located at 4 Mollison Way. They are now are requesting to transfer to a different location (also in Lewiston) at 675 Main St.

LRI, Inc.; DBA Winners Circle Off Track Betting
675 Main St (Suite #5), Lewiston, Maine



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



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**CITY OF LEWISTON
PUBLIC NOTICE**

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Legends Sports Bar & Grill
4 Mollison Way
Maine Billiards League – owner

Winner's Circle OTB
675 Main Street
LRI, Inc. - owner

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

PUBLISH ON: August 28, 29, & 30, 2019

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

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 3, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 3

SUBJECT:

Public Hearing for approval of an Outdoor Entertainment Permit for The Dempsey Challenge.

INFORMATION:

The Dempsey Challenge is an annual event in Lewiston and this year's event will be held on September 28-29. As part of the athletic events, the function will also have live musical entertainment. As such, the organizers are required to obtain an Outdoor Entertainment permit from the city.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/cmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
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To conduct a public hearing on an application from The Dempsey Challenge Committee for outdoor musical concerts to be held at Simard-Payne Memorial Park on September 28 and 29, as part of The Dempsey Challenge, 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 organizing committee for the outdoor music concerts, 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.



2019 Event Application-FY20 for events from 7/1/19 to 6/30/20

Application Date: 2/25/19

Event and Organizer Information

Event Name: Dempsey Challenge Event Location: Symard - Payne Park

Requested Date(s) 9/22-10/1/19 Rain Date (if applicable) none Recurring Dates _____ & _____

Actual Hours of Event 7am to 5pm Set up: 9/22/19 Tear Down: 10/1/19

Type of Event (check all that apply): Park Use Only Gazebo Use _____ Amphitheater Use _____

First-time Event _____ Repeat Event Attendance (25+) _____ (1,000+) (requires CC approval)

Walk/Run Road Race _____ Festival Concert _____ Live Performance Parade _____

Carnival _____ Fireworks _____ Arts _____ Wedding Ceremony _____ Wedding Reception _____ Picnic/BBQ

Open to the Public Age-Restricted _____ Invitation Only _____ Vigil _____ Demonstration _____ March _____

Fundraiser _____ Other (please specify): Bike Ride

Name of Organization: Dempsey Center For-Profit _____ Non-Profit

Organization Address: 29 Lowell St City: Lewiston

Organization Daytime Telephone: (207) 795-8250

Applicant Name: Cheryl Ramsay Title: Events Manager

Applicant Telephone: 207-795-8250 Applicant Email: cramsay@dempseycenter.org

On-site Manager Name (day of event): Cheryl Ramsay Cell: 207-795-2842

At-A-Glance / Staff Use Only

EVENT NUMBER: _____ Calendar E-Folder _____ DB _____ EM Staff _____

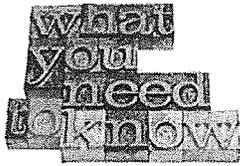
\$50 Processing Fee _____ CK _____ CC _____ CASH _____ Park Fee(s) _____ Clerk Fee(s) _____ Date _____

NP Paperwork: on file _____ 501C3 _____ IRS Letter _____ Form 990 _____ COI: _____ Date _____

Fee Waiver Request Schedule A Fundraiser Maps Submitted

Event Staff-Organizer Meeting Date _____

Outdoor Entertainment <input checked="" type="checkbox"/>	Detour/Road Closure <input checked="" type="checkbox"/>	Fire Review <input checked="" type="checkbox"/>
Sound Amplification <input checked="" type="checkbox"/>	EMR Group Notification <input checked="" type="checkbox"/>	Electrical Access <input checked="" type="checkbox"/>
Outside Alcohol <input checked="" type="checkbox"/>	Business Contact Plan _____	Dig-Safe <input checked="" type="checkbox"/>
Vendor/Flea Market Permit <input checked="" type="checkbox"/>	Police Assistance <input checked="" type="checkbox"/>	Water Access <input checked="" type="checkbox"/>



Event Details & What We Need to Know

Events in Our Parks

Lewiston-based non-profits (LBNP) will receive a 50% discount on park fees.

If utilizing a park, please select one

Park Name	Fee	LBNP	Park Amenities	Fee	NP Rate
Simard Payne Park	\$150	<input checked="" type="checkbox"/>	Amphitheater	\$60 hr.	\$25 hr.
Dufresne Plaza	\$150	<input type="checkbox"/>			
Kennedy Park	no charge	<input type="checkbox"/>	Gazebo	no charge	
Pettingill School Park	no charge	<input type="checkbox"/>	Pergola	no charge	
Marcotte Park	no charge	<input type="checkbox"/>			
Potvin Park	no charge	<input type="checkbox"/>	Reservations are required		
Raymond Park	no charge	<input type="checkbox"/>	Number of Days <u>10</u> x <u>75</u> = <u>750.00</u>		
Sunnyside Park	no charge	<input type="checkbox"/>			Amount \$ <u>75.00</u>
Other _____					

Please note, there are no bathroom facilities at City parks. Please plan ahead for porta-potties.

City Clerk's Office in conjunction with Sanitarian/Code Enforcement

Please check all that apply

Sound Amplification Needed Yes No Please describe live music and announcing from start/finish area

SOUND AMPLIFICATION PERMIT may be required \$17 per day / \$8.50 (LBNP) Amount \$ 25.00

Live Performance Yes No Please describe live bands and DJ

OUTDOOR ENTERTAINMENT PERMIT \$50 / \$25 (LBNP) Amount \$ 25.00

City Council approval is required

Food Yes No Sold Given Away Type breakfast items on Saturday/Lobster bake on Sunday

Food Truck Food Truck Name TBD Licensed Yes No

BBQ is this a catered event? Name of caterer TBD (copy of rules & regs)

FOOD SERVICE LICENSE may be required \$50 up to 3 days / \$25 (LBNP) Amount \$ 25.00

Sanitarian/Code inspection may apply, Fire inspection may apply

Beverages Yes No Sold Given Away Type Beer And Wine Given Away and Sold

Outside Alcohol (restrictions apply) Name of Licensed Business Dempsey Center

FOOD SERVICE LICENSE may be required \$50 up to 3 days / \$25 (LBNP) Amount \$ 25.00

OUTDOOR ALCOHOL PERMIT REQUIRED \$25 per event & apply Amount \$ 25.00

No discounts apply on alcohol permits

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 3, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 4

SUBJECT: Ordinance, Establishing a Standing Housing Committee.

INFORMATION: During the City Council's planning session in 2018, the possibility of establishing a Housing Committee was discussed. This suggestion was reinforced by the final report of the Ad Hoc Committee on Rental Registration, which suggested that a standing Housing Committee be established and detailed some of its roles and responsibilities. The attached Ordinance headed TABLED AT JULY MEETING was discussed at that meeting and at a subsequent workshop in July. This is the version of the ordinance that was introduced and seconded in July and, as such, is the initial document the Council should work from. At the August workshop, some other suggested amendment were advanced that appeared to have consensus support. These changes included separating out addressing lead issues as a separate item under the Committee's duties in Section 2-226, requiring that the Mayor's appointees be separately confirmed by the Council, and clarifying the expertise requirements of certain members of the Committee. If, indeed, there is a consensus on these changes, this version could be substituted by amendment for the tabled version.

A third version, headed Residence Amendment, incorporates the consensus amendments and further amends that version by indicating that members of the Committee shall be Lewiston residents unless a qualified Lewiston resident cannot be found who is willing to accept appointment to fill a specific position. This is the amendment over which there appears to be disagreement. If Councilors wish to pursue it, a motion to amend by including this language would be in order.

The City's normal practice with ordinances has been to vote for both first passage and final passage (the traditional first and second readings). The tabled motion was to approve first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regularly scheduled City Council meeting. This procedure could be followed and would result in this item appearing on the September 17th agenda for final passage.

Alternatively, the City Charter does not require two readings and two votes on ordinances. It simply requires that an ordinance be introduced at one meeting and adopted at a second. This could be accomplished by an amendment to the initial motion that the proposed ordinance receive final passage by a roll call vote.

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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Original motion that was tabled: "That the proposed amendments to the City Code of Ordinance, Chapter 2 "Administration," Sections 225-229, "Housing Committee," receive first passage by a roll call vote and that the public hearing on said ordinance be continued to the next regularly scheduled City Council meeting.

Alternate motion for Final Approval: That a public hearing be held the proposed Amendment to Section 2 of the Code of Ordinances, Establishing a Standing Housing Committee, and that it receive final passage by a roll call vote.



ORDINANCE

ORDINANCE, ESTABLISHING THE HOUSING COMMITTEE

The City of Lewiston Hereby Ordains that the Code of Ordinances be Amended by Adding new Sections 2-225 through 2-229 for the Purpose of Establishing a Standing Housing Committee.

Section 2-225. Purpose

The Housing Committee is charged with advising the City Council on the full range of housing issues facing the community with the goal of ensuring the quality and safety of the City's residential housing stock, expanding the diversity of housing options and types, and providing safe and healthy housing alternatives for current and future residents of every socioeconomic status.

Section 2-226. Duties

The Committee shall:

- (1) Monitor and assist in the implementation of the Housing recommendations outlined in the City's comprehensive plan, Legacy Lewiston, and recommend updates and revisions to that section of the plan;
- (2) Monitor and assist in the implementation and evaluation of the City's rental registration program;
- (3) Review and advise the City Council on residential development projects requiring actions by the City Council;
- (4) Recommend measures the City might undertake to improve the quality and diversity of the residential housing stock in Lewiston, including steps to address lead poisoning prevention.
- (5) Review and advise staff and City Council on housing programs funded through the Federal Community Development Block Grant Program and other federal and state funding sources.
- (6) Undertake other assignments as the City Council may request from time to time.

Section 2-227. Composition and Appointment.

The Committee shall be composed of eleven members appointed by the Mayor and confirmed by the city council for staggered three-year terms, with the exception of the City Council member who shall be appointed for a one-year term annually in January of each year. Except as noted below, members shall be residents of the city. Initial terms shall be assigned at the time of initial appointment as follows:

- (1) One owner of a multi-unit property in Lewiston, initially appointed to a one-year term;
- (2) One owner of a multi-unit property in Lewiston, initially appointed to a two-year term;

- (3) One tenant of a multi-unit property in Lewiston, initially appointed to a one-year term;
- (4) One tenant of a multi-unit property in Lewiston, initially appointed to a two-year term;
- (5) One Lewiston home owner, initially appointed to a one-year term;
- (6) One Lewiston home owner, initially appointed to a two-year term;
- (7) One representative of the LA Public Health Committee who may or may not be a resident of the city, initially appointed to a three-year term;
- (8) A representative of a financial institution with a presence in Lewiston that lends to home owners and/or residential developers, initially appointed to a three-year term;
- (9) A residential developer or real estate professional, initially appointed to a three-year term;
- (10) A representative of an agency or firm that owns or operates a multi-unit property in Lewiston providing affordable workforce or elderly housing and whose position is of a level and nature that allows it to exercise influence over the financing, development, or operation of such property, initially appointed to a three-year term;
- (11) A City Council member.

With the exception of the City Council member, the first year of each term of initial appointees or their replacements will expire as of January 1, 2021.

The members of the Committee shall annually elect one of its members to serve as Committee Chair.

Section 2-228. Vacancies.

Vacancies on the Committee shall be filled by the Mayor in accordance with the requirements of Section 2-227.

Section 2-229. Procedures.

- (1) A quorum shall consist of at least six (6) members of the Committee.
- (2) In the absence of rules and procedures adopted by the Committee by a majority of members present and voting, the Committee shall operate under Roberts Rules of Order.
- (3) The City Administrator or designee shall be responsible for supporting the work of the committee and handling committee logistics.



ORDINANCE

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- (2) Monitor and assist in the implementation and evaluation of the City's rental registration program;
- (3) Review and advise the City Council on residential development projects requiring actions by the City Council;
- (4) Recommend measures the City might undertake to improve the quality and diversity of the residential housing stock in Lewiston, ~~including steps to address lead poisoning prevention.~~
- (5) Review and advise staff and City Council on housing programs funded through the Federal Community Development Block Grant Program and other federal and state funding sources.
- ~~(5)~~(6) Develop and recommend policies and guidance for ensuring safe, healthy, and lead free housing throughout Lewiston by 2043
- ~~(6)~~(7) Undertake other assignments as the City Council may request from time to time.

Section 2-227. Composition and Appointment.

The Committee shall be composed of eleven members appointed by the Mayor and individually confirmed by the city council for staggered three-year terms, with the exception of the City Council member who shall be appointed for a one-year term annually in January of each year. Except as noted below, members shall be residents of the city. Initial terms shall be assigned at the time of initial appointment as follows:

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- (2) One owner of a multi-unit property in Lewiston, initially appointed to a two-year term;
- (3) One tenant of a multi-unit property in Lewiston, initially appointed to a one-year term;
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- (8) A representative of a financial institution with a presence in Lewiston that lends to home owners and/or residential developers and who possesses knowledge or expertise regarding housing issues, including financing or development, initially appointed to a three-year term;
- (9) A residential developer or real estate professional who possesses knowledge of the housing market in Lewiston, initially appointed to a three-year term;
- (10) A representative of an agency or firm that owns or operates a multi-unit property in Lewiston providing affordable workforce or elderly housing who possesses knowledge of the financing, development, or operation of such properties and whose position is of a level and nature that allows it to exercise influence over the financing, development, or operation of such property, initially appointed to a three-year term;
- (11) A City Council member.

With the exception of the City Council member, the first year of each term of initial appointees or their replacements will expire as of January 1, 2021.

The members of the Committee shall annually elect one of its members to serve as Committee Chair.

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CITY OF LEWISTON, MAINE

July 16, 2019

ORDINANCE

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The City of Lewiston Hereby Ordains that the Code of Ordinances be Amended by Adding new Sections 2-225 through 2-229 for the Purpose of Establishing a Standing Housing Committee.

Section 2-225. Purpose

The Housing Committee is charged with advising the City Council on the full range of housing issues facing the community with the goal of ensuring the quality and safety of the City's residential housing stock, expanding the diversity of housing options and types, and providing safe and healthy housing alternatives for current and future residents of every socioeconomic status.

Section 2-226. Duties

The Committee shall:

- (1) Monitor and assist in the implementation of the Housing recommendations outlined in the City's comprehensive plan, Legacy Lewiston, and recommend updates and revisions to that section of the plan;
- (2) Monitor and assist in the implementation and evaluation of the City's rental registration program;
- (3) Review and advise the City Council on residential development projects requiring actions by the City Council;
- (4) Recommend measures the City might undertake to improve the quality and diversity of the residential housing stock in Lewiston, including steps to address lead poisoning prevention.
- (5) Review and advise staff and City Council on housing programs funded through the Federal Community Development Block Grant Program and other federal and state funding sources.
- (6) Develop and recommend policies and guidance for ensuring safe, healthy, and lead free housing throughout Lewiston by 2043
- (7) Undertake other assignments as the City Council may request from time to time.

Section 2-227. Composition and Appointment.

The Committee shall be composed of eleven members appointed by the Mayor and individually confirmed by the city council for staggered three-year terms, with the exception of the City Council member who shall be appointed for a one-year term annually in January of each year. Except as noted below, members shall reside in Lewiston unless a qualified Lewiston resident cannot be found who is willing to accept appointment to fill a specific position ~~residents of the city.~~ Initial terms shall be assigned at the time of initial appointment as

follows:

- (1) One owner of a multi-unit property in Lewiston, initially appointed to a one-year term;
- (2) One owner of a multi-unit property in Lewiston, initially appointed to a two-year term;
- (3) One tenant of a multi-unit property in Lewiston, initially appointed to a one-year term;
- (4) One tenant of a multi-unit property in Lewiston, initially appointed to a two-year term;
- (5) One Lewiston home owner, initially appointed to a one-year term;
- (6) One Lewiston home owner, initially appointed to a two-year term;
- (7) One representative of the LA Public Health Committee who may or may not be a resident of the city, initially appointed to a three-year term;
- (8) A representative of a financial institution with a presence in Lewiston that lends to home owners and/or residential developers and who possesses knowledge or expertise regarding housing issues, including financing or development, initially appointed to a three-year term;
- (9) A residential developer or real estate professional who possesses knowledge of the housing market in Lewiston, initially appointed to a three-year term;
- (10) A representative of an agency or firm that owns or operates a multi-unit property in Lewiston providing affordable workforce or elderly housing who possesses knowledge of the financing, development, or operation of such properties, initially appointed to a three-year term;
- (11) A City Council member.

With the exception of the City Council member, the first year of each term of initial appointees or their replacements will expire as of January 1, 2021.

The members of the Committee shall annually elect one of its members to serve as Committee Chair.

Section 2-228. Vacancies.

Vacancies on the Committee shall be filled by the Mayor in accordance with the requirements of Section 2-227.

Section 2-229. Procedures.

- (1) A quorum shall consist of at least six (6) members of the Committee.
- (2) In the absence of rules and procedures adopted by the Committee by a majority of members present and voting, the Committee shall operate under Roberts Rules of Order.
- (3) The City Administrator or designee shall be responsible for supporting the work of the committee and handling committee logistics.

LEWISTON CITY COUNCIL
MEETING OF SEPTEMBER 3, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 5

SUBJECT: Public Hearing and Final Passage to contractually rezone the property at 2 Cedar Street – the Continental Mill - from the Riverfront (RF) District to the Mill (M) District.

INFORMATION:

The Continental Mill has recently been purchased by new owners who are interested in quickly marketing the property to tenants. As part of that effort, staff has been working with the owner to rezone the property to provide the flexibility for a range of mixed uses that will be necessary to return the property to productive use. The language of the proposed rezoning and a memorandum from the Planning Department reviewing the changes is attached.

The Planning Board voted 7-0 to recommend this zoning change.

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 Final Passage of the amendment to the Zoning and Land Use Code and Map to contractually rezone the property at 2 Cedar Street – the Continental Mill – from the Riverfront (RV) District to the Mill (M) District.



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Mayor Cloutier and Lewiston City Council
FROM: Douglas Greene, AICP; Deputy Director/City Planner
DATE: September 3, 2019
RE: Planning Board Action

The Planning Board took the following action at their meeting held on August 26, 2019 regarding a recommendation to the City Council on a contract zone request from Riverfront (RF) district to Mill (M) district by Chinburg Properties, Continental Mill LLC, to allow residential and commercial uses and to increase the maximum height to 125 feet at a property located at 2 Cedar Street (the Continental Mill).

The following motion was made:

MOTION:

by **Benjamin Martin** 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 on a contract zone request from Riverfront (RF) district to Mill (M) district to allow residential and commercial uses and to increase the maximum height to 125 feet for the Continental Mill, located at 2 Cedar Street..

Second by **Shanna Cox**.

VOTED: 7-0 (Passed)



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Lewiston Planning Board

FROM: Doug Greene, AICP, City Planner

DATE: August 26, 2019

RE: Proposed Contract Rezoning of 2 Cedar Street, Continental Mill

Pursuant to Article VII, Planning Board, Section 4, Powers and Duties and Article XVII, Section 5, Amendments of the Zoning and Land Use Code, Chinburg Properties, Continental Mills LLC, has submitted a request to contract zone the property at 2 Cedar Street from Riverfront (RF) district to the Mill (M) district. The contract zone request will allow for the property to be developed in a mixture of commercial and residential uses.

The Proposal- This 8.72 acre property consists of a large, over 640,000 s.f., 5 story historic mill building and associated parking area. The petitioner has an extensive portfolio of mill rehabilitations in Maine, New Hampshire and Massachusetts. The property was recently purchased by Chinburg Properties, who look forward to occupying the space with commercial uses while plans for residential units are developed.

Zoning Background- Prior to 2000, the property was zoned Urban Enterprise (UE). In 2000, the property was rezoned to Riverfront (RF) district. Shortly afterwards, it was realized that the Riverfront zoning would not allow light industrial uses and was subsequently contract zoned to the Mill (M) district in 2001. Now, after being vacant and the light industrial uses abandoned, the property has reverted back to Riverfront (RF) district. As noted in the "Reasons for the Proposed Amendment", the applicant would like to redevelop the Continental Mill as a mixed use development, with both commercial and residential uses. The contract zone request to the Mill (M) district will permit these desired uses to occur.

Contract Rezone Uses and Space, Bulk Requests-

The applicant has submitted a Land Use chart (attachment 2) that lists the 2000 Riverfront (RF) district uses, the Mill (M) district uses, the former 2001 Mill (M) contract rezone uses and the new proposed Mill (M) contract zone uses. In general, the proposed Mill (M) contract zone request will allow a number of commercial uses (except lumber and building materials, auto sales or service and gas stations), light industrial uses including building contractors, wholesale distribution and self-storage (except heavy industrial, fuel distribution, solid waste or recycling facilities and junkyards), transportation uses (except airports and heliports), municipal buildings, institutional uses (except cemeteries and civic and social organizations), multi-family residential uses (except single family, mobile home, duplexes, lodging houses, bed and breakfasts, in-law apartments, and shelters), natural resource uses including indoor agriculture, farm stands, community gardens and water dependent uses and finally, recreational uses except campgrounds. The applicant is requesting one space and bulk standard to be changed. The maximum building

height in the Mill (M) district is 100 feet. The Continental Mill building is approximately 108 feet tall and the applicant is requesting that maximum height be 125 feet, which would allow for any future expansion of the building.

Density- The existing Riverfront (RF) district requires 1,250 sf of lot area for each dwelling unit, which would allow 304 dwelling units. The proposed Mill (M) contract zone will not have a density limitation, which will allow the applicant flexibility in maximizing the building's future residential potential.

Compliance with the Comprehensive Plan-

The applicant lists three excerpts from the 2017 Comprehensive Plan that demonstrate the contract re-zone request's compliance. They are:

- Page 116: "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**. Continue to promote Lewiston and enhance the City's competitive advantage in order to attract high-quality companies, entrepreneurs, and knowledge-based businesses to the area."
- Page 116: "Provide a mix of uses located close together so that people have options for places to live, work, shop, and participate in civic life."
- Page 164: "Additionally, studies have shown that mixed-use development requires lower per-unit infrastructure and public service costs."
- Page 164: "Lewiston must build on its growing momentum to actively invite new investment and **create the critical mass of economic energy** needed to launch the City into a new era of growth and productivity. A critical piece of the City's potential expansion is transforming the downtown and **providing a greater diversity of attractive housing options** for future employees."
- Page 182: "In order to preserve the City's tax base, every effort should be made to maximize the number of buildings and residences on the minimum amount of public infrastructure necessary. This makes efficient use of municipal resources and good business sense. A significant component of maximizing buildings and residences is finding ways to allow the **private market to rehabilitate structures** instead of tearing them down."
- Page 205: "Facilities and **access points such as trails, parks, boat launches, and picnic areas** should be developed to enhance this natural resource and make it accessible to people across the region."

Planning Board Action-

The Planning Board is asked to make a recommendation to the City Council on the Continental Mill's contract zone request. The Zoning Ordinance in Article XVII, Amendment and Other Legal Provisions, Section 5, Amendments, (g) Conditional or Contract Zoning, describes 5 conditions that must be met:

1. The change is consistent with the Comprehensive Plan.
2. The change establishes rezoned areas that are consistent with the existing and permitted uses in the original district.
3. All conditions and restrictions imposed relate only to the physical development or operation of the property **and may** include, by way of example:
 - a. Limitations on the number and types of uses permitted;

- b. Restrictions on the scale and density of development;
- c. Specifications for the design and layout of the buildings and other improvements;
- d. Schedules for commencement and completion of construction;
- e. Performance guarantees securing completion and maintenance of improvements, and guarantees against defects;
- f. Preservation of open space and buffers, and protection of natural areas and historic sites;
- g. Contributions toward the provision of municipal services required by the development; and
- h. Provisions for enforcement and remedies for breach of any condition or restriction, **which may include**, by way of example;
 - 1. Provisions that violation of any of the conditions shall constitute a violation of the zoning and land use code.
 - 2. Statements that the conditions shall bind the owner, its successors, assigns and any person in possession or occupancy of the premises or any portion thereof and shall inure to the benefit of and be enforceable by the city.
 - 3. Provisions requiring the owner at his expense to record in the Androscoggin County Registry of Deeds a copy of the conditions and any required site plans within thirty (30) days following final approval of the petition by the city and that the form of the recording be in a form satisfactory to the city.
 - 4. Statement indicating that the conditions shall run with the land.
 - 5. Provisions that state in addition to all other remedies to which the city may be entitled under applicable provisions of statute ordinance, that if any party in possession or use of the premises fails or refuses to comply with any of the conditions imposed that any rezoning approved by the city in accordance with the conditions shall be of no force or effect and, in that event, any use of the premises and any buildings structures developed pursuant to the rezoning shall be immediately abated and brought into compliance with all applicable provisions of the zoning and land use code with the same effect as if the rezoning had never occurred.
 - 6. Statements indicating that if any of the conditions are found by a court of competent jurisdiction to be invalid, such a determination shall not invalidate any of the other conditions.
 - 7. The site plans should be attached and incorporated by reference. *(Not applies)*
- 4. The owner of the property rezoned has agreed in writing to the conditions imposed or has executed a contract in a form acceptable to the city council.
- 5. Any rezoning approved by the city council conditionally or by contract shall be of no force or effect if the owner of the property fails or refuses to comply with the conditions imposed or the terms of the contract. In that event, any use of the property and any buildings and structures developed pursuant to the rezoning shall be abated and the property brought into compliance with all applicable provisions of this Code.

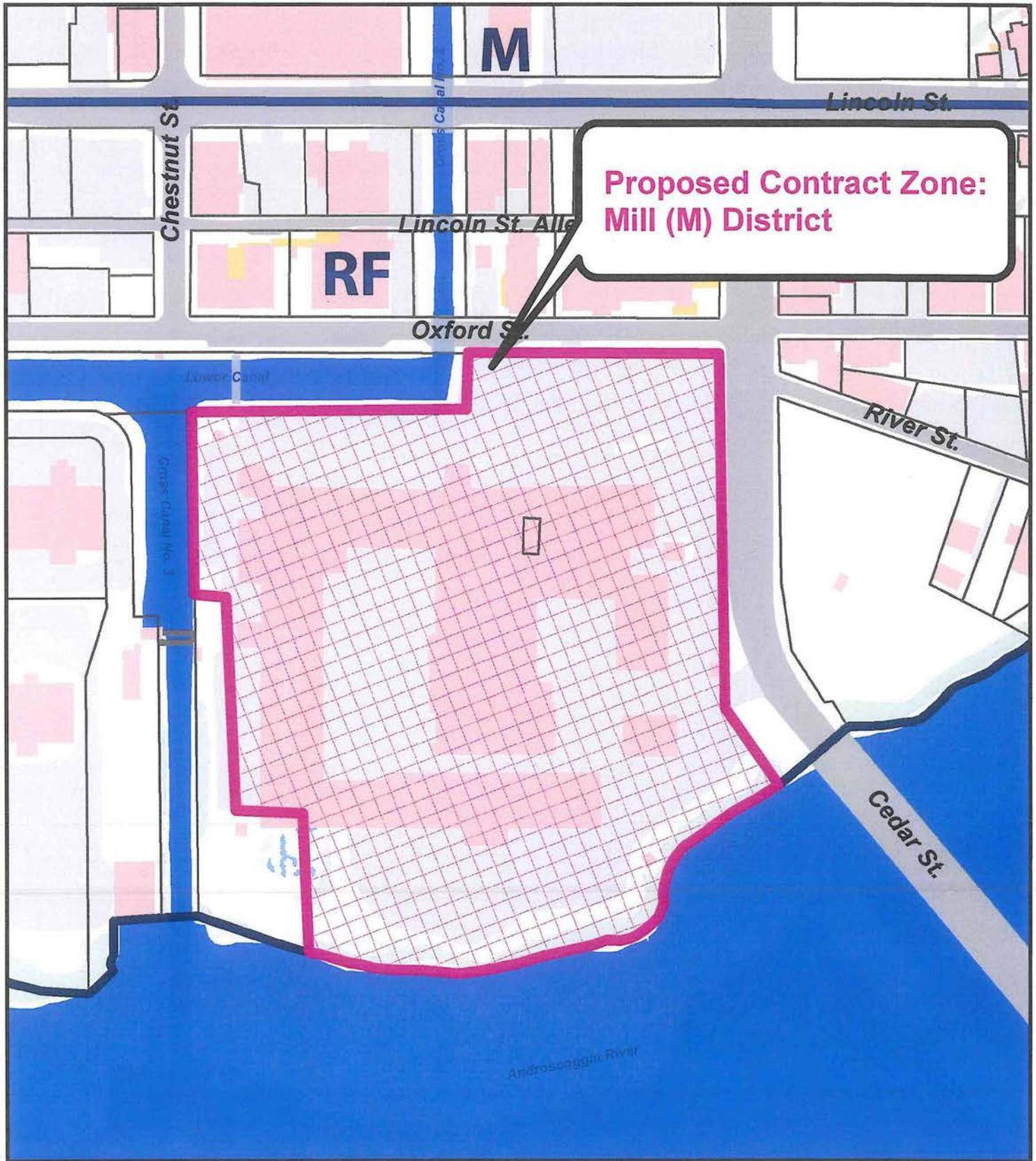
The staff has reviewed and agrees the applicant's contract zone request as described in exhibits A and D of the application, meets the 5 conditions of Article XVII, Section 5(g).

Staff is supportive of the petitioner's contract zone request to the Mill (M) district will allow both commercial and residential uses and create new jobs and housing opportunities. The Mill

(M) district contract zoning request will provide flexibility to the developer in how this huge building is utilized. This will be a unique opportunity to create a true live/work situation.

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 for the Chinburg Properties, Continental Mills LLC's request to contract zone the property located at 2 Cedar Street from Riverfront (RF) district to Mill (M) district.



Proposed Contract Zone:
Mill (M) District

Proposed Contract Zone: Mill (M) District

2 Cedar Street

August 2019



Attachment 2

2 Cedar Street Continental Mills Land Use Comparison Chart

Land Use Table: All Zoning Districts 08.08.19	Riverfront (RF) (Original/surrounding zoning)	Mill (M)	Former Contract Zone (Mill)	New Contract Zone
Accessory use or structure	P	P	P	P
Commercial-Service				
Veterinary facilities excluding kennels and humane societies				
Veterinary facilities including kennels and humane societies				
Nursery School				P
Day care centers	P	P	P	P
Day care centers accessory to public schools, religious facilities,				P
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services	P(9)	P(6)	P(6)	P (6)
Restaurants	P(1)	P(1)	P(1)	P (1)
Drinking places	P	P	P	P
Adult business establishments				
Hotels, motels, inns	P	P	P	P
Movie theaters except drive-in theaters	P	P	P	
Places of indoor assembly, amusement or culture	P	P	P	P
Art and crafts studios	P	P	P	P
Personal Services	P	P	P	P
Retail stores	P	P	P	P
Neighborhood retail stores				
Lumber and building materials dealer		P	P	
Gasoline service stations				
Gasoline service stations which are a part of and subordinate to a				
New and used car dealers				
Recreational vehicle, mobile home dealers				
Equipment dealers and equipment repair				
Automotive services including repair		C(9)	C(9)	
Registered dispensary(27)				
Registered primary caregivers engaged in the cultivations of medical marijuana for two to five registered patients.				P
Tattoo Establishments				
Industrial				
Light industrial uses		P	P	P
Industrial uses		C	C	
Building and construction contractors		P(6,7)	P(6,7)	P (6)
Fuel oil dealers and related facilities				
Wholesale sales, warehousing and distribution facilities and		P	P	P
Self storage facilities		P	P	P
Commercial solid waste disposal facilities				
Junkyards and auto graveyards				
Recycling and reprocessing facilities		P(9)	P(9)	
Private industrial/commercial developments(23)		P	P	
Transportation				
Airports or heliports				
Commercial parking facilities	P	P	P	
Transit and ground transportation facilities	P	P	P	
Transportation facilities		P(10)	P(10)	

2 Cedar Street Continental Mills
Land Use Comparison Chart

Land Use Table: All Zoning Districts 08.08.19	Riverfront (RF) (Original/surrounding zoning)	Mill (M)	Former Contract Zone (Mill)	New Contract Zone
Public and Utility				
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	P	P	P	
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	C	C	C	
Municipal buildings and facilities	P	P	P	P
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways				
Dams				
Land Use Table: All Zoning Districts 05.05.16				
	Riverfront (RF)	Mill (M)	Mill (M)	
Institutional				
Religious facilities	P	P	P	P
Cemeteries				
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities	P	P	P	P
Hospitals, medical clinics,	P	P	P	P
Museums, libraries, and non-profit art galleries and theaters	P	P	P	P
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or	P	P	P	P
Civic and social organizations				
Public community meeting and civic function buildings including auditoriums	P	P	P	P
Residential				
Single-family detached dwellings on individual residential lots				
Mobile homes on individual residential lots				
Two-family dwellings				
Multifamily dwellings in accordance with the standards of Article XIII	P(11)	P	P	P
Single-Family attached dwelling in accordance with the standards of Article XIII	P(11)			
Mixed single-family residential developments in accordance with the standards of Article XIII				
Mixed residential developments in accordance with the standards of Article XIII				P
Mixed use structures	P(11)	P	P	P
Lodging houses				
Home occupations				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	
Single family cluster development				
Family day care home	P	P	P	P
Shelters				

2 Cedar Street Continental Mills
Land Use Comparison Chart

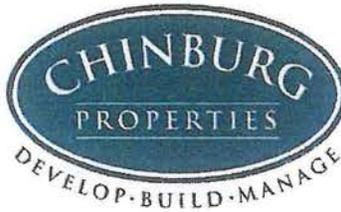
Dormitories Land Use Table: All Zoning Districts 08.08.19	Riverfront (RF) (Original/surrounding zoning)	Mill (M)	Former Contract Zone (Mill)	New Contract Zone
Natural Resource				
Agriculture				P (39)
Farm Stands				P
Forest management and timber harvesting activities in accordance with the standards of Article XIII				
Earth material removal				
Community gardens(20)	P	P	P	P
Water dependent uses, e.g. docks and marinas	P	P	P	P
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet				
Recreation				
Campgrounds				
Public or private facilities for nonintensive outdoor recreation	P	P	P	P
Commercial outdoor recreation and drive-in theaters	P	P(32)	P(32)	P (32)
Fitness and recreational sports centers as listed under NAICS Code 713940	P	P	P	P

(1) Excludes drive-in restaurants.

6) Provided there is no exterior storage of materials or equipment visible from a public street or abutting property.

(32) Excluding Drive-in Theaters

(39) Indoor Agriculture Only



August 21, 2019

Planning Board
c/o Douglas M. Greene; AICP
City Planner
City of Lewiston
27 Pine Street
Lewiston, ME 04240

**RE: Request for Contract Re-Zoning
Continental Mill, 2 Cedar Street**

Dear Planning Board Members:

I am writing as the proud new owner of the Continental Mill at 2 Cedar Street. An affiliate of Chinburg Properties, Continental Mill LLC, acquired the mill on June 20, 2019. We are a NH-based developer with a passion for mill rehabilitation projects. Chinburg Properties has over 1,000 apartments and 775,000 square feet of commercial space under management in Maine, NH, and MA.

The Continental Mill is a massive property, with approximately 600,000 square feet of usable area. We are working towards a mixed-use rehabilitation plan that will ultimately include apartments and commercial uses. The master planning effort will take time. Our initial focus is to begin occupying the now vacant mill with commercial tenants.

Therefore, we are writing with the enclosed request for a contract re-zoning to permit a broader range of commercial uses, in order to achieve the greatest flexibility in attracting and retaining businesses to Lewiston.

We have enjoyed our initial conversations with the City's planning and economic development team. We are eager to begin this endeavor in order to ultimately contribute to the success of Lewiston's mill district. We presented our request to the City Council on August 13th.

Thank you for taking the time to review this application. We look forward to learning your thoughts at the August 26 Planning Board hearing.

Sincerely,

Eric Chinburg, President
Chinburg Properties

Enclosures

ENCLOSURES

- Exhibit A: Amendment Application
- Exhibit B: Land Use Table
- Exhibit C: Building Height Elevations
- Exhibit D: Contract Zoning Agreement
- Exhibit E: Property Deed

EXHIBIT A

AN ORDINANCE PERTAINING TO THE ZONING AND LAND USE CODE

THE CITY OF LEWISTON HEREBY ORDAINS:

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

The “Official Zoning Map, City of Lewiston,” adopted pursuant to this Section, is hereby amended by conditionally rezoning the Continental Mill property, located at 2 Cedar Street, Lewiston, Maine, and identified as Tax Map 208 Lot 4 of the City of Lewiston Tax Maps, from the River Front (RF) District to the Mill (M) District. All zoning standards of the Mill district apply, as they may be amended from time to time, except for the following:

- Appendix A, Art. XI, Sec. 23, Land Use Table, as defined in Exhibit B, attached hereto.
- Appendix A, Art. XI, Sec. 23, Space and Bulk Table, Maximum Height, M is 125 feet.

REASONS FOR THE PROPOSED AMENDMENT

- a) Due to inactivity over the past several years, the existing contract re-zone to the Mill (M) District has reverted back to River Front (RF) District.
- b) Conditionally rezoning the lot will allow the rehabilitation of the existing Continental Mill complex into mixed-uses consisting of residential and commercial spaces.
- c) The further amended Land Use Table (Exhibit B) will increase flexibility to permit a wide range of commercial tenants.

Background

The Continental Mill is a vacant, underutilized mill complex in the River Front district. It is bordered by the Androscoggin River to the west, and canals along the north and east edges of the property. The complex is massive, with over 600,000 square feet of usable space. This is an excellent opportunity for the creation of new commercial space, ranging from 200 square-foot small offices to 40,000 square-foot light manufacturing spaces. Commercial uses will provide economic activity while plans are made to create multifamily residential units.

Benefits to Lewiston

Continental Mill LLC is an affiliate of Chinburg Properties. Since 1996, Chinburg Properties has rehabilitated over a dozen mills, and transformed them into community hubs for people to live, work, and play. Chinburg takes pride in maintaining and accentuating the historic, grand character of each mill, and the result is beautiful, unique, adaptable spaces. Cocheco Mill and Washington Street Mills in downtown Dover, NH are prime examples. With 171 coveted apartments, and over 322,000 square feet of commercial space, these developments have attracted numerous creative and talented entrepreneurs including musicians, artists, photographers, graphic designers, restaurateurs, and more. Fortune 500 company VF Corp. calls Cocheco Mill home to their Global Footwear Innovation Center. Just a few other tenants that

enjoy the use of Chinburg mills include microbreweries, yoga and fitness studios, and indoor hydroponic farms.

Development of the Continental Mill will also add several hundreds of new residential dwelling units to the downtown river front area. The commercial spaces will bring economic traffic to the area, and grow the so-called Creative Economy of the area. The raw beauty of renovated mill buildings has been known to draw creative talent.

Rehabilitation of the property will also greatly improve the “curb appeal” of the area, both on Cedar Street and along the river. The open space along the river will be cleaned up. An easement along the Androscoggin River will be granted for a future extension of the City’s Riverwalk.

Need for the Proposed Conditional Rezoning Amendment

The land use code may restrict some commercial tenants. As there are no preconceived ideas of future tenants, Continental Mill LLC wishes to create flexibility to allow for a wide range of commercial tenants.

In addition, the maximum building height in the M district is 100 feet. The existing mill has a maximum height of 108’-1”, according to page 8, elevations, of the plans drawn by J Davis Architects, dated January 30, 2008, attached hereto as Exhibit C. The applicant wishes to increase the maximum height for this property.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The proposed contract zone agreement is in conformance with the City’s Comprehensive Plan, as demonstrated by the following excerpts from the 2017 Legacy Lewiston Comprehensive Plan:

- Page 116: “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**. Continue to promote Lewiston and enhance the City’s competitive advantage in order to attract high-quality companies, entrepreneurs, and knowledge-based businesses to the area.”
- Page 116: “Provide a mix of uses located close together so that people have options for places to live, work, shop, and participate in civic life.”
- Page 164: “Additionally, studies have shown that mixed-use development requires lower per-unit infrastructure and public service costs.”
- Page 164: “Lewiston must build on its growing momentum to actively invite new investment and **create the critical mass of economic energy** needed to launch the City into a new era of growth and productivity. A critical piece of the City’s potential expansion is transforming the downtown and **providing a greater diversity of attractive housing options** for future employees.”
- Page 182: “In order to preserve the City’s tax base, every effort should be made to maximize the number of buildings and residences on the minimum amount of public infrastructure necessary. This makes efficient use of municipal resources and good business sense. A significant component of maximizing buildings and residences is

finding ways to allow the private market to rehabilitate structures instead of tearing them down.”

- Page 205: “Facilities and access points such as trails, parks, boat launches, and picnic areas should be developed to enhance this natural resource and make it accessible to people across the region.”

There is nothing in the City’s Comprehensive Plan that is inconsistent with the proposed contract zone agreement.

PROPOSED WRITTEN CONTRACT

Continental Mill LLC requests that the City enter into the contract attached hereto as Exhibit D, by which, in consideration of the conditional rezoning of said property, certain conditions or restrictions not imposed on other similarly zoned properties will be imposed.

Continental Mill LLC hereby submits this proposal as of the ____ day of _____, 2019.

By:

Name: _____

Personally appeared the above named _____ and acknowledged their foregoing to be free and deed.

Notary Public
Commission Expires: _____

Date: _____

EXHIBIT B

Amendment to: Appendix A, Art. XI, Sec. 23, Land Use Table

Land Use Table For Contract Re-Zoning August 1, 2019	New Contract Zone
Accessory use or structure	P
Commercial-Service	
Veterinary facilities excluding kennels and humane societies	
Veterinary facilities including kennels and humane societies	
Nursery School	P
Day care centers	P
Day care centers accessory to public schools, religious facilities,	P
Business and professional offices including research, experimental, testing laboratories, engineering, research, management and related services	P (6)
Restaurants	P (1)
Drinking places	P
Adult business establishments	
Hotels, motels, inns	P
Movie theaters except drive-in theaters	
Places of indoor assembly, amusement or culture	P
Art and crafts studios	P
Personal Services	P
Retail stores	P
Neighborhood retail stores	
Lumber and building materials dealer	
Gasoline service stations	
Gasoline service stations which are a part of and subordinate to a	
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.	P
Tattoo Establishments	
Industrial	
Light industrial uses	P
Industrial uses	
Building and construction contractors	P (6)
Fuel oil dealers and related facilities	
Wholesale sales, warehousing and distribution facilities and	P
Self storage facilities	P
Commercial solid waste disposal facilities	
Junkyards and auto graveyards	
Recycling and reprocessing facilities	
Private industrial/commercial developments(23)	
Transportation	
Airports or heliports	
Commercial parking facilities	
Transit and ground transportation facilities	
Transportation facilities	
Public and Utility	
Pumping stations, standpipes or other water supply uses involving facilities located on or above the ground surface and towers for municipal use	

EXHIBIT B

Amendment to: Appendix A, Art. XI, Sec. 23, Land Use Table

Land Use Table For Contract Re-Zoning August 1, 2019	New Contract Zone
Power transmission lines, substations, telephone exchanges, microwave towers or other public utility or communications use	
Municipal buildings and facilities	P
Preservation of historic areas; emergency and fire protection activities; bridges and public roadways	
Dams	
Land Use Table: All Zoning Districts 05.05.16	
Institutional	
Religious facilities	P
Cemeteries	
Congregate care/assisted living facilities, institutions for the handicapped, nursing or convalescent homes, group care facilities	P
Hospitals, medical clinics,	P
Museums, libraries, and non-profit art galleries and theaters	P
Academic institutions, including buildings or structures for classroom, administrative, laboratory, dormitories, art, theater, dining services, library, bookstores, athletic facilities and student recreational uses, together with buildings accessory to the foregoing permitted principal buildings or	P
Civic and social organizations	
Public community meeting and civic function buildings including auditoriums	P
Residential	
Single-family detached dwellings on individual residential lots	
Mobile homes on individual residential lots	
Two-family dwellings	
Multifamily dwellings in accordance with the standards of Article XIII	P
Single-Family attached dwelling in accordance with the standards of Article XIII	
Mixed single-family residential developments in accordance with the standards of Article XIII	
Mixed residential developments in accordance with the standards of Article XIII	P
Mixed use structures	P
Lodging houses	
Home occupations	P
Bed and breakfast establishments as a home occupation	
In-law apartments in accordance with the standards of Article XII	
Single family cluster development	
Family day care home	P
Shelters	
Dormitories	
Natural Resource	
Agriculture	P (39)
Farm Stands	P

EXHIBIT B

Amendment to: Appendix A, Art. XI, Sec.
23, Land Use Table

Land Use Table For Contract Re-Zoning August 1, 2019	New Contract Zone
Forest management and timber harvesting activities in accordance with the standards of Article XIII	
Earth material removal	
Community gardens(20)	P
Water dependent uses, e.g. docks and marinas	P
Non-residential structures for educational, scientific or nature interpretation purposes, containing a maximum floor area of not more than ten thousand (10,000) square feet	
Recreation	
Campgrounds	
Public or private facilities for nonintensive outdoor recreation	P
Commercial outdoor recreation and drive-in theaters	P (32)
Fitness and recreational sports centers as listed under NAICS Code 713940	P

- (1) Excludes drive thru restaurants
- (6) Provided there is no exterior storage of materials or equipment visible from a public street
- (32) Excluding drive-in theaters
- (39) Indoor Agriculture Only

EXHIBIT D

CONTRACT ZONE AGREEMENT
BETWEEN
CITY OF LEWISTON
AND
CONTINENTAL MILL LLC

AGREEMENT made this ____ day of _____, 2019 by and between the CITY OF LEWISTON, a body corporate and politic, located in Androscoggin County and State of Maine (hereinafter the "CITY") and CONTINENTAL MILL LLC, a New Hampshire limited liability company.

WITNESSETH

WHEREAS, CONTINENTAL MILL LLC has proposed the renovation and redevelopment of the Continental Mill, an approximately 560,000 square foot mill complex, for mixed residential and commercial use, located at 2 Cedar Street in the CITY, on Tax Map 208 Lot 4, as described in a deed from Roy Continental Mill LLC to CONTINENTAL MILL LLC, dated June 20, 2019, and recorded in the Androscoggin County Registry of Deeds at Book 10109, Page 235 (the "PROPERTY");

WHEREAS, the CITY will benefit from development and operation of the Continental Mill;

WHEREAS, the Continental Mill is located in the River Front (RF) zoning district;

WHEREAS, the Continental Mill is proposed to have a wide range of commercial tenants, and CONTINENTAL MILL LLC is requesting that the lot be contract rezoned to a Mill (M) district, with the proposed amendments, to permit a wider range of allowable uses;

WHEREAS, the Continental Mill has an existing height of approximately 108 feet, and CONTINENTAL MILL LLC is requesting that the allowable height be increased to 125 feet to ensure that final Continental Mill measurements do not exceed the height limit, or to allow reasonable additions or expansions;

WHEREAS, the CITY by and through its City Council has determined that said rezoning would be and is pursuant to and consistent with the CITY'S comprehensive land use plan and consistent with the existing and permitted uses in the Mill (M) zone; and

WHEREAS, the CITY has determined that because of the unusual nature and unique location of the proposed development it is necessary and appropriate to impose by agreement the following conditions and restrictions that relate only to the physical development or operation of the PROPERTY in order to ensure that the rezoning is consistent with the CITY'S comprehensive land use plan; and

WHEREAS, the CITY authorized the execution of this Agreement on _____, 2019;

NOW, THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. *Property Use.* CONTINENTAL MILL LLC shall develop and maintain the PROPERTY as per exhibit "B" Land Use Table.
2. *Dimensional Requirements.* The PROPERTY shall comply with the dimensional requirements of the Mill (M) zone, except as they may be amended from time to time, with the following exception:
 - a. Maximum building height: Appendix A, Art. XI, Sec. 23, Space and Bulk Table, Maximum height, M, is a maximum height of 125 feet for permitted uses.

The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the **PROPERTY**, shall bind and benefit **CONTINENTAL MILL LLC**, its successors and assigns, and any party in possession or occupancy of said **PROPERTY** or any part thereof, and shall inure to the benefit of and be enforceable by the **CITY**, by and through its duly authorized representatives. **CONTINENTAL MILL LLC** shall file a copy of this **AGREEMENT** in the Androscoggin County Registry of Deeds, along with a reference to the Book and Page locations of the deeds for the **PROPERTY**, within thirty days following final approval of this contract zone agreement by the **CITY**.

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.

The owner of the property rezoned has agreed in writing to the conditions imposed or has executed a contract in a form acceptable to the city council. Any rezoning approved by the city council conditionally or by contract shall be of no force or effect if the owner of the property fails or refuses to comply with the conditions imposed or the terms of the contract. In that event, any use of the property and any buildings and structures developed pursuant to the rezoning shall be abated and the property brought into compliance with all applicable provisions of this Code.

Except as expressly modified herein, the development, use, and occupancy of the subject premises shall be governed by and comply with the provisions of the Zoning and Land Use Code of the City of Lewiston and any applicable amendments thereto or replacement thereof.

WITNESS:

CONTINENTAL MILL LLC

_____ By _____

STATE OF MAINE
ANDROSCOGGIN, ss.

Date: _____, 2019

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

Before me,

Notary Public/Attorney at Law

STATE OF MAINE
ANDROSCOGGIN, ss.

Date: _____, 2019

Personally appeared before me the above-named _____, in his said capacity, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of Continental Mill LLC.

Before me,

Notary Public/Attorney at Law

NOT
AN
OFFICIAL
DLN: 1001940061265 COPY

NOT
AN
OFFICIAL
COPY

MAINE SHORT FORM QUITCLAIM DEED WITH COVENANT

ROY CONTINENTAL MILL, LLC a Maine limited liability company with a principal place of business in Lewiston, Maine, for consideration paid, hereby grants to CONTINENTAL MILL, LLC, a New Hampshire limited liability company with a mailing address of 3 Penstock Way, Newmarket, New Hampshire 03857, with QUITCLAIM COVENANT, a certain lot or parcel of land situated in Lewiston, Androscoggin County, Maine, being more particularly described on Exhibit A attached hereto and incorporated herein by reference.

The premises are conveyed SUBJECT TO any easements and restrictions of record and include all rights, easements, privileges and appurtenances pertaining thereto.

Being the same premises described in the deed of Robert A. Roy d/b/a Roy Continental Mill to Roy Continental Mill LLC dated April 25, 2000, and recorded in the Androscoggin County Registry of Deeds in Book 4432, Page 265.

IN WITNESS WHEREOF, the Grantor has caused this deed to be executed as an instrument under seal, by its duly authorized agent as of the 20th day of June, 2019.

ROY CONTINENTAL MILL, LLC

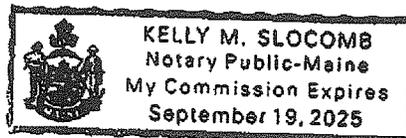
[Signature]
Witness

By: [Signature]
Sonia E. Tracy, Manager

STATE OF MAINE
COUNTY OF ANDROSCOGGIN, SS.

Personally appeared before me this 20th day of June, 2019, the above-named Sonia E. Tracy in her capacity as Manager of Roy Continental Mill, LLC, and acknowledged the foregoing instrument to be her free act and deed and the free act and deed of said entity.

[Signature]
Notary Public/Maine Attorney at Law
Kelly M. Slocomb
Type or Print Name
My commission expires: September 19, 2025



DLN: 1001940061265

N O T
A N

Exhibit A

N O T
A N

Two certain lots or parcels of land, with the buildings thereon, situated in Lewiston, Androscoggin County, State of Maine, and all rights appurtenant thereto, said lots being bounded and described as follows:

N O T

N O T

PARCEL 1: Lot Number 1 on a Plan of the Continental Mills recorded in the Androscoggin County Registry of Deeds in Book of Plans, Volume 1A Book 1, Page 23, further described as follows:

C O P Y

C O P Y

BEGINNING at the Southeasterly corner of said lot at a stone bound on the Northerly line of Cedar Street and ten (10) feet Westerly of the Westerly line of the lower canal, so-called;

THENCE running Northerly by a line ten (10) feet Westerly of and parallel to the Westerly line of said lower canal, six hundred and nine feet and three-quarters of an inch (609'- $\frac{3}{4}$ ") to a point which is twenty-five feet eleven and one-quarter inches (25'-11 $\frac{1}{4}$ ") Southerly of the center line of Crop Canal No. 3, which lies Northerly of the lot herein described;

THENCE Westerly by a line which is distant twenty-five feet eleven and one-quarter inches (25' - 11 $\frac{1}{4}$ ") Southerly of and parallel to the center line of said Crop Canal No. 3 about six hundred and twenty-seven (627) feet to the margin or Easterly line of the Androscoggin River at low water mark;

THENCE Southerly following the said Easterly line or margin of said River at low water mark about six hundred and sixty-three (663) feet to a point where the Northerly line of said Cedar Street extended Westerly would intersect the said Easterly margin of said River;

THENCE Easterly by said Northerly line of Cedar Street about four hundred and forty-five (445) feet to the stone bound at the point of beginning;

EXCEPTING AND RESERVING so much of said lot of land for a main railroad track to be used by the grantee in common with others for railroad purposes as hereinafter set forth and defined; to wit: the strip of land laid down on said Plan and marked "Reservation for Railroad Purposes." The grantee, its successors and assigns, to have the right to crop the said strip of land so reserved for a main railroad track, and to have the use of and control of the same so far as may be without interfering with the use of the same for railroad purposes for running cars over the same by the Lewiston Mills and the Franklin Company.

BEING the same premises conveyed by Robert A. Roy, Trustee, to The Continental Corporation by deed dated January 31, 1963, and recorded in said Registry in Book 887, Page 357. This parcel is subject to the same rights, easements, exceptions, reservations and conditions as are contained in the deed from Franklin Company to Continental Mills, dated

DLN: 1001940061265

February 10, 1866, and recorded in said Registry in Book 64, Page 46, insofar as the same are in force and applicable to the above-described land but without reimposing the same.

There is excepted from this conveyance the parcels, rights and privileges conveyed by The Continental Corporation to Central Maine Power Company by Indenture dated February 1, 1963, and recorded in said Registry in Book 888, Page 112.

PARCEL 2. A certain parcel of land situated on the Northerly side of Cedar Street and on the Westerly side of Oxford Street in Lewiston, County of Androscoggin, State of Maine, and bounded and described as follows:

BEGINNING at a point marking the intersection of the Northerly line of Cedar Street and the Westerly line of Oxford Street;

THENCE Westerly by the Northerly line of Cedar Street a distance of seventy (70) feet to a stone bound;

THENCE Northerly by a line dividing land now or formerly of The Union Water-Power Company and The Continental Corporation a distance of about three hundred (300) feet to an iron pin, said iron pin being set in a Westerly extension of the Southerly line of land of The Union Water-Power Company upon which is located Cross Canal No. 2;

THENCE Easterly by said Westerly extension of the Southerly line of said land of The Union Water-Power Company a distance of seventy (70) feet and crossing the Lower Canal, so-called, to the Westerly line of Oxford Street;

THENCE Southerly by the Westerly line of Oxford Street a distance of about three hundred (300) feet to the point of beginning.

MEANING AND INTENDING to convey so much of the land of The Union Water-Power Company known as the Lower Canal as lies Southerly of a Westerly extension of the Southerly boundary line of Cross Canal No. 2, as both said Lower Canal and Cross Canal No. 2 are described in a deed from the Franklin Company to The Union Water-Power Company, dated December 5, 1878, and recorded in said Registry, Book 95, Page 411, *et seq.*, and being part of the premises therein conveyed. This conveyance is made subject to such rights, easements, exceptions, reservations and conditions as are contained in said deed insofar as the same are in force and applicable to the above-described land but without reimposing the same.

BEING the same parcel conveyed by Union Water-Power Company to The Continental Corporation by Indenture dated April 4, 1963, and recorded in said Registry in Book 890, Page 504, and subject to the conditions and reservations set forth therein.

There is included in this conveyance of Parcels 1 and 2 all rights now owned by this grantor appurtenant to the above-described Parcels 1 and 2, including, without limitation, those rights now owned by the grantor of record contained in the following instruments:

DLN: 1001940061265

N O T N O T

- (a) Indenture, dated April 4, 1963, recorded in said Registry in Book 890, Page 504, between The Union Water-Power Company and The Continental Corporation;
O F F I C I A L C O P Y O F F I C I A L C O P Y
- (b) Indenture, dated February 1, 1963, recorded in said Registry in Book 888, Page 112, between The Continental Corporation and Central Maine Power Company; and
O F F I C I A L O F F I C I A L
- (c) Indenture, dated February 10, 1866, recorded on said Registry in Book 64, Page 46, between the Franklin Company and Continental Mills.

See also:

- 1. The waiver of rights to use the flowing waters of the Androscoggin River conveyed by Continental Mills, Inc. to the City of Lewiston by instrument dated November 5, 1877, and recorded in Book 90, Page 356.
- 2. The easements, restrictions, exceptions, reservations and conditions contained in the Deed from the Franklin Company to Union Water Power Company dated December 5, 1878, and recorded in Book 95, Page 411.

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 3, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 6

SUBJECT:

Public Hearing and First Passage to contractually rezone the property at 183 Merrill Road Rear for Medium Density Residential District Bulk and Space Requirements for frontage and building height.

INFORMATION:

The Planning Board voted 6-1 to send a favorable recommendation to the City Council to contractually rezone the property at 183 Merrill Road Rear for Medium Density Residential District Bulk and Space Requirements for frontage and building height, subject to the contract rezoning agreement.

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

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

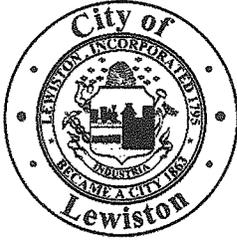
The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

1	2	3	4	5	6	7	M
---	---	---	---	---	---	---	---

To approve First Passage of the amendment to the Zoning and Land Use Code and Map to contractually rezone the property at 183 Merrill Road Rear for Medium Density Residential District Bulk and Space Requirements for frontage and building height, subject to a contractual agreement, and to continue the public hearing for final passage to the next regularly scheduled City Council meeting.



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Mayor Cloutier and Lewiston City Council
FROM: Douglas Greene, AICP; Deputy Director/City Planner
DATE: September 3, 2019
RE: Planning Board Action

The Planning Board took the following action at their meeting held on August 26, 2019 regarding a recommendation to the City Council on a contract zone request by Central Maine Power (CMP) for Medium Density Residential district bulk and space requirements for frontage and building height at a property located at 183 Merrill Road (rear).

The following motion was made:

MOTION:

by **Lucy Bisson** 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 on CMP's request to contract zone the property located at 183 Merrill Road (rear). Second by **Sandy Marquis**.

VOTED: 6-1 (Passed, Opposed by Benjamin Martin)



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: Lewiston Planning Board

FROM: Doug Greene, AICP, City Planner

DATE: August 26, 2019

RE: Proposed Contract Rezoning by Central Maine Power for a portion of 183 Merrill Road (rear)

Pursuant to Article VII, Planning Board, Section 4, Powers and Duties and Article XVII, Section 5, Amendments of the Zoning and Land Use Code, Central Maine Power (CMP) has submitted a request to contract zone a property located at 183 Merrill Road (rear). The property is zoned Medium Density Residential (MDR) and two provisions (building height and lot frontage) in Article XI, District Regulations, Section 23, Space and Bulk Table are requested to be amended to allow an "High Voltage Direct Current (HVDC) Converter Substation" to be developed.

The Proposal- Central Maine Power has selected a 20.1 acre site, located at the rear portion of 183 Merrill Road, adjacent to an existing CMP transmission corridor and near the Greene town boundary. The project is a large 70 foot tall structure that can convert DC current to AC current and facilitates the transmission of electricity from Canada to Massachusetts. The current maximum height in the MDR zone is thirty-five feet (35') and the applicant is requesting a maximum height of eighty feet (80') to allow the HVDC Converter Substation to be built. The 20.1 acre site for this proposed project does not have street frontage. The adjacent CMP corridor does have the required street frontage on Merrill Road, but the Public Utility Commission is requiring that the converter substation be located on a separately owned property. The MDR district requires a minimum street frontage of one hundred (100') feet and the applicant is requesting a minimum frontage of zero feet (0'). An access drive to the site is proposed from a property located at 1651 Main Street. (See tab A in the application)

Contract Rezone Uses and Space, Bulk Requests-

There are no changes requested for Land Uses with the contract rezoning. The proposed converter substation is currently allowed as conditional use in the MDR district.

The contract rezoning is requesting the following changes to the Space and Bulk Table with the contract rezoning request:

- Maximum Height in the Medium Density Residential (MDR) district of eighty feet (80').
- Minimum Frontage in the Medium Density Residential (MDR) district of zero feet (0').

Compliance with the Comprehensive Plan-

The applicant lists three excerpts from the 2017 Comprehensive Plan that demonstrate the contract re-zone request's compliance. They are:

- Page 111: "Work is needed to improve [broadband internet] connectivity in the city in an effort to improve the quality of life for its residents and advance economic growth."
- Page 116: "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. . . . Investment and recruitment initiatives should realize 'triple bottom-line' benefits for City residents by seeking to improve the tax base, promote economic vitality for local businesses, and increase access to employment opportunities and living wage jobs within the City."
- Page 164: "Lewiston must build on its growing momentum to actively invite new investment and create the critical mass of economic energy needed to launch the City into a new era of growth and productivity."

Planning Board Action-

The Planning Board is asked to make a recommendation to the City Council on the contract re-zone request. The Zoning Ordinance in Article XVII, Amendment and Other Legal Provisions, Section 5, Amendments, (g) Conditional or Contract Zoning, describes 5 conditions that must be met:

1. The change is consistent with the Comprehensive Plan.
2. The change establishes rezoned areas that are consistent with the existing and permitted uses in the original district.
3. All conditions and restrictions imposed relate only to the physical development or operation of the property **and may** include, by way of example:
 - a. Limitations on the number and types of uses permitted;
 - b. Restrictions on the scale and density of development;
 - c. Specifications for the design and layout of the buildings and other improvements;
 - d. Schedules for commencement and completion of construction;
 - e. Performance guarantees securing completion and maintenance of improvements, and guarantees against defects;)
 - f. Preservation of open space and buffers, and protection of natural areas and historic sites;
 - g. Contributions toward the provision of municipal services required by the development; and
 - h. Provisions for enforcement and remedies for breach of any condition or restriction, **which may include**, by way of example;
 1. Provisions that violation of any of the conditions shall constitute a violation of the zoning and land use code.
 2. Statements that the conditions shall bind the owner, its successors, assigns and any person in possession or occupancy of the premises or any portion thereof and shall inure to the benefit of and be enforceable by the city.
 3. Provisions requiring the owner at his expense to record in the Androscoggin County Registry of Deeds a copy of the conditions and any required site plans within thirty (30) days following final approval of the petition by the city and that the form of the recording be in a form satisfactory to the city.
 4. Statement indicating that the conditions shall run with the land.

5. Provisions that state in addition to all other remedies to which the city may be entitled under applicable provisions of statute ordinance, that if any party in possession or use of the premises fails or refuses to comply with any of the conditions imposed that any rezoning approved by the city in accordance with the conditions shall be of no force or effect and, in that event, any use of the premises and any buildings structures developed pursuant to the rezoning shall be immediately abated and brought into compliance with all applicable provisions of the zoning and land use code with the same effect as if the rezoning had never occurred.
6. Statements indicating that if any of the conditions are found by a court of competent jurisdiction to be invalid, such a determination shall not invalidate any of the other conditions.
7. The site plans should be attached and incorporated by reference.
4. The owner of the property rezoned has agreed in writing to the conditions imposed or has executed a contract in a form acceptable to the city council.
5. Any rezoning approved by the city council conditionally or by contract shall be of no force or effect if the owner of the property fails or refuses to comply with the conditions imposed or the terms of the contract. In that event, any use of the property and any buildings and structures developed pursuant to the rezoning shall be abated and the property brought into compliance with all applicable provisions of this Code.

The staff has reviewed and agrees the applicant's contract zone request as described in exhibit B and D of the application, meets the 5 conditions of Article XVII, Section 5(g).

The purpose of this contract zoning request is to change the maximum height and minimum frontage requirements in the Medium Density Residential (MDR) district and does not permit the development of the proposed AC/DC Conversion Substation. The applicant will have to submit a development review and conditional use application to be approved by the Planning Board prior to development activity.

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 on CMP's request to contract zone the property located at 183 Merrill Road (rear).

MATTHEW D. MANAHAN

VIA OVERNIGHT MAIL

August 14, 2019

Douglas M. Greene, AICP
City Planner
City of Lewiston
27 Pine Street
Lewiston, ME 04240

Merrill's Wharf
254 Commercial Street
Portland, ME 04101

P 207.791.1189
F 207.791.1350
C 207.807.4653
mmanahan@pierceatwood.com
pierceatwood.com

Admitted in: MA, ME, NH

RE: Central Maine Power Co., New England Clean Energy Connect Contract Zone Application

Dear Doug:

As you know, I represent Central Maine Power Company (CMP) with respect to permitting of the New England Clean Energy Connect (NECEC) Project. I enclose CMP's certified petition to amend the City of Lewiston Zoning and Land Use Code, to allow construction and operation of a new +/- 320kV DC power to 345kV AC power 1,200 MW converter station (the Merrill Road Converter Station) as part of the NECEC Project. The amendment is necessary for two reasons:

1. The maximum building height in the MDR zone is 35 feet, but the Merrill Road Converter Station must be constructed to a height of approximately 70 feet, so CMP is requesting that the allowable height be 80 feet to ensure that the final Converter Station measurements will not exceed the height limit.
2. The minimum street frontage for lots in the MDR zone is 100 feet for "other uses," but the Converter Station lot does not have any street frontage, so CMP is requesting that the Converter Station lot not require any street frontage.

As you requested, I enclose 22 sets of the petition (I understand you have the original certified petition) and exhibits A-D (Exhibit A is 11" x 17"); 12 sets are for Planning Board review and 10 sets are for City Council review. I also include an original of the signed Exhibit B (the application). The check for the \$700 application fee will arrive separately, from CMP, in the next several days.

Please let me know if you have any questions or need additional information. Thank you for your continued assistance.

Sincerely,



Matthew D. Manahan

Enclosures

cc: David Hediger
Lincoln Jeffers
Gerry Mirabile (CMP)
John Carroll (CMP)

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

Pursuant to Appendix A, Article XVII, Section 5, Amendments of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) years of age or older, do hereby petition the City of Lewiston to establish a contract rezoning of the "Converter Station Parcel", located at 183 Merrill Road (rear) depicted on the June 20, 2019 sketch plan entitled "HVDC Converter Substation Site," attached hereto as Exhibit A, to allow for the construction and operation of a converter station for the New England Clean Energy Connect project, as more particularly described in Exhibit B hereto.

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1.		ROBERTA PERRON	183 MERRILL RD	8/09/19
2.		LOUIS PERRON	183 MERRILL RD	8/09/19
3.		KAREN LEMELIN	30 Sleeper Rd.	8/09/19
4.		MARK L. LAVOIE	1521 Main St	8-9-19
5.		Gabriel Labante	465 College St	8/9/19
6.		Brian Harrison	1535 Main	8/9/19
7.		JUDY LETOURNEAU	1651 Main ST	8/9/19
8.		Joseph Phillipon	21 Bristol Rd.	8-9-19
9.		Celeste Phillipon	3 Champ lain Ave	8/9/2019
10.		Howard E. Johnson	163 Main St	8/9/2019
11.		Glenda Johnson	1763 MAIN ST	8-9-19
12.		VERN L. HOBANIN	1655 MAIN ST.	8-9-19
13.		Jon Foliquin	1501 Main	8-9-19
14.		DAREU Burgess	22 Ashmont	8-9-19
15.		RONALD CHARTIER	38 LARABEE RD	8-9-19
16.		Amy Chartier	38 Larabee rd	8-9-19
17.		Christian Gumprecht	1140 Sabathus St	8-9-19
18.		Roger G. Phillipon	3 Champ lain Ave.	8-9-19
19.		ROBERT E. MACLEAN	650 L. ST	8/10/19
20.		ROBERT R. TALBOT	64 SCRIBNER BLVD	8/14/19

Mark L. Lavoie

CIRCULATOR'S VERIFICATION

I hereby certify 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.

John H. Carroll August 17, 2019
Signature of Circulator Printed Name of Circulator Date

REGISTRAR'S CERTIFICATION

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

Total Valid: 16 Total Invalid: 4

Date: 9-13-19
Signature of Registrar/Deputy Registrar

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

Pursuant to Appendix A, Article XVII, Section 5, Amendments of the City of Lewiston Zoning and Land Use Code, we the undersigned residents of the City of Lewiston, being eighteen (18) years of age or older, do hereby petition the City of Lewiston to establish a contract rezoning of the "Converter Station Parcel", located at 183 Merrill Road (rear) depicted on the June 20, 2019 sketch plan entitled "HVDC Converter Substation Site," attached hereto as Exhibit A, to allow for the construction and operation of a converter station for the New England Clean Energy Connect project, as more particularly described in Exhibit B hereto.

	SIGNATURE	PRINTED NAME	PHYSICAL STREET ADDRESS (No PO Boxes)	DATE
1.	<i>[Signature]</i>	DAN DIPIETRO	23 SPDFORD ST LEW	8-12-19
2.	<i>[Signature]</i>	JACKIE BOY	11 SUMMIT AVE.	8-12-19
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				

CIRCULATOR'S VERIFICATION

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

[Signature]
Signature of Circulator

John H. Carroll
Printed Name of Circulator

August 12, 2019
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.

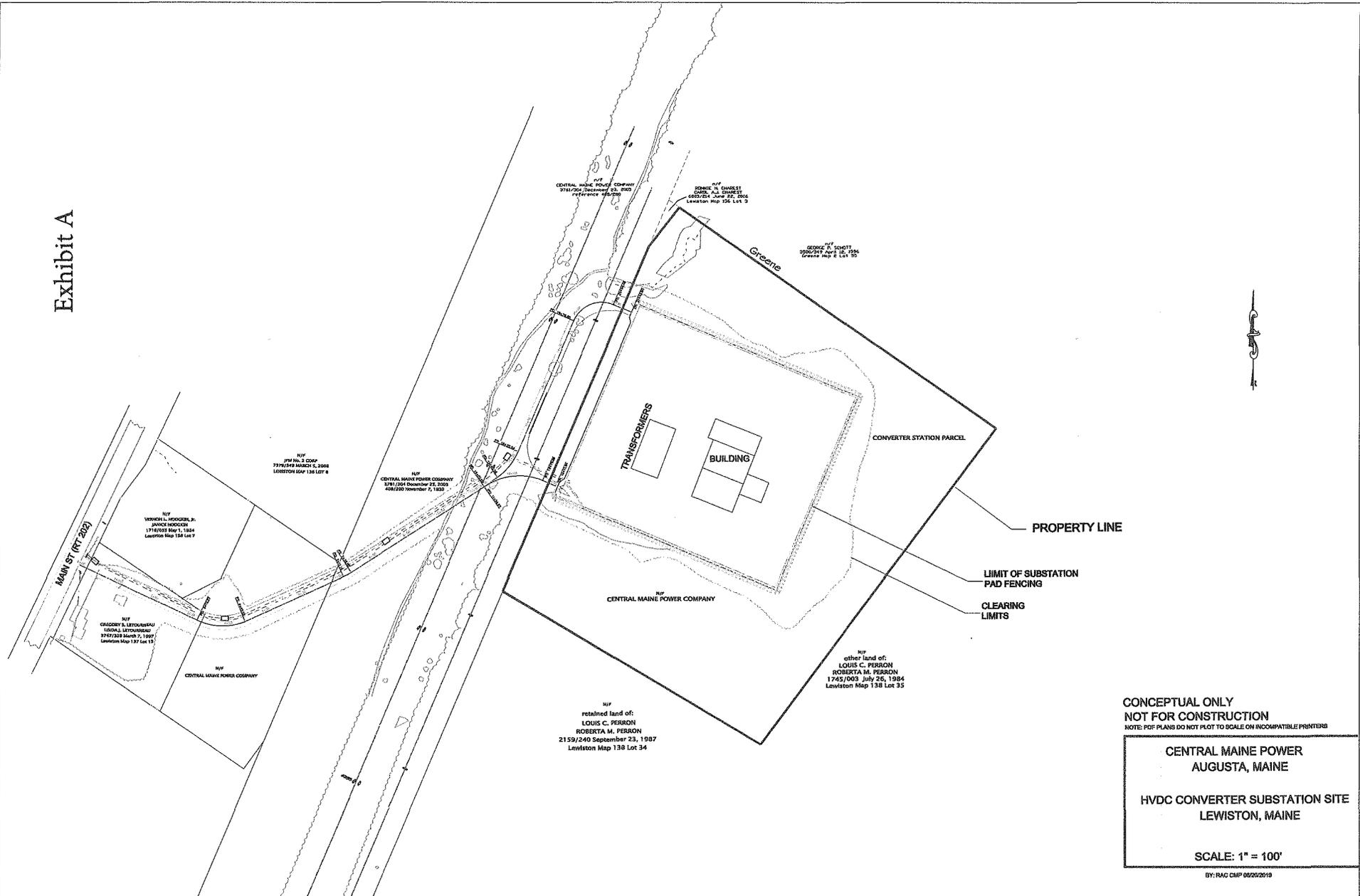
Total Valid: 2 Total Invalid: 0

[Signature]
Signature of Registrar/Deputy Registrar

Date: 8/13/19

EXHIBIT A

Exhibit A



CONCEPTUAL ONLY
 NOT FOR CONSTRUCTION
 NOTE: PDF PLANS DO NOT PLOT TO SCALE ON INCOMPATIBLE PRINTERS

CENTRAL MAINE POWER
 AUGUSTA, MAINE

HVDC CONVERTER SUBSTATION SITE
 LEWISTON, MAINE

SCALE: 1" = 100'

BY: RAC CMP 05/20/2019

EXHIBIT B

EXHIBIT B

THE CITY OF LEWISTON HEREBY ORDAINS:

Appendix A of the Code of Ordinances of the City of Lewiston, Maine is hereby amended to add a contract zone overlay to the Medium Density Residential (MDR) zone that applies only to the “Converter Station Parcel” depicted on the June 20, 2019 sketch plan entitled “HVDC Converter Substation Site,” attached hereto as Exhibit A, to allow for the construction and operation of a DC power to AC power converter station for the New England Clean Energy Connect (NECEC) transmission line project. Within the overlay zone all underlying standards of the MDR, as they may be amended from time to time, continue to apply, except for the following:

- Appendix A, Art. XI, Sec. 23, Space and Bulk Table, Maximum height, MDR, is 80 feet for utility buildings.
- Appendix A, Art. XI, Sec. 23, Space and Bulk Table, Minimum frontage, MDR, is zero.

+++++

REASONS FOR THE PROPOSED AMENDMENT

The reason for the proposed amendment is to allow construction and operation of a new +/- 320kV DC power to 345kV AC power 1,200 MW converter station (the Merrill Road Converter Station) as part of the NECEC Project. A sketch of the Converter Station property, as proposed, is attached hereto as Exhibit A. CMP’s deed to the property, dated April 9, 2018, is attached hereto as Exhibit C.

Background

The NECEC Project is a high voltage direct current (HVDC) transmission line and related facilities that will be capable of delivering up to 1,200 megawatts of renewably generated (i.e., reservoir hydropower) electricity from the Canadian border to the ISO-New England (ISO-NE) electric grid. Central Maine Power Company (CMP) proposed the Project in response to the March 31, 2017 Request for Proposals for Long-Term Contracts for Clean Energy Projects (RFP) issued by the Massachusetts Department of Energy Resources and the Electric Distribution Companies of Massachusetts. The Project has been selected as the winning bidder in the RFP solicitation and the associated NECEC long-term agreements have been signed and submitted for regulatory approval.

CMP is the developer of the Maine transmission and associated substation portions of the Project, which includes several critical components in Lewiston:

Segments 1, 2, and 3

- 145.3 miles of new +/-320kV HVDC transmission line from the Canadian border to the new Merrill Road Converter Station in Lewiston;
- 1.2 miles of new 345kV transmission line from the Merrill Road Converter Station to the existing Larrabee Road Substation in Lewiston;

- Partial rebuild of 0.8 mile of 34.5kV transmission line Section 72 outside of the Larrabee Road Substation to make room in the corridor for the above 1.2-mile 345kV transmission line;
- The Merrill Road Converter Station; and
- A new 345kV transmission line terminal at the existing Larrabee Road Substation.

Segment 4

- New 345kV +/-200MVAR STATCOM (a voltage support device) at a new Fickett Road Substation in Pownal;
- New 0.3-mile 345kV AC transmission line from the existing Surowiec Substation in Pownal to the new Fickett Road Substation in Pownal;
- Rebuild of 16.1 miles of 115kV Section 64 AC transmission line from the existing Larrabee Road Substation in Lewiston to the existing Surowiec Substation in Pownal; and
- Rebuild of 9.3 miles of 115kV Section 62 AC transmission line from the existing Crowley Road Substation in Lewiston to the existing Surowiec Substation in Pownal.

Segment 5

- New 26.5-mile 345kV AC transmission line from the existing Coopers Mills Substation in Windsor to the existing Maine Yankee Substation in Wiscasset;
- Partial rebuild of 0.3 mile of 345kV Section 3025 transmission line between Larrabee Road Substation in Lewiston and Coopers Mills Substation in Windsor;
- Partial rebuild of 0.8 mile of 345kV Section 392 transmission line between Maine Yankee Substation in Wiscasset and Coopers Mills Substation in Windsor; and
- Partial rebuild of 0.8 mile each of 115kV Sections 60 and 88 outside of Coopers Mills Substation in Windsor.

Other Components

- Additional equipment will be installed, and additional upgrades will be made, at Larrabee Road Substation in Lewiston, Crowley's Substation in Lewiston, Surowiec Substation in Pownal, Raven Farm Substation in Cumberland, Coopers Mills Substation in Windsor, and Maine Yankee Substation in Wiscasset.

The Project is on schedule to achieve its December 13, 2022 commercial operation date.

Benefits to Lewiston

The NECEC will provide increased municipal tax revenues to communities in which the Project is sited, including to Lewiston, where CMP proposes to construct the Merrill Road Converter Station. These new revenues will be a substantial benefit for Lewiston. The estimated property tax revenues for the City of Lewiston alone will be approximately \$8.39 million annually, beginning in 2023. This revenue injection will better allow Lewiston to address the needs of its residents, including those who need social services support from the City. Importantly, the NECEC will provide this benefit without requiring a corresponding increase in the tax rate, and may even permit the City to lower a state adjusted tax rate of, as of February 2019, \$23.66, which was approximately 57% higher than the statewide rate of \$15.06. This economic benefit

to the City of Lewiston and its residents is accomplished at no cost to the City (*i.e.*, the NECEC Project will not increase the need for municipal services such as police, emergency, or educational) and at no cost to any neighboring community or to the State of Maine.

Lewiston will be a focus of Project construction activity, resulting in new jobs for the City and its residents. The NECEC is forecasted to generate, on average, over 1,600 direct, indirect, and induced Maine jobs each year during the six-year development and construction period (2017-2022).¹ Over 850 of these jobs are direct jobs, and the remaining 750+ jobs will be indirect and induced. The projected annual average of jobs to be added during the initial operations period, from 2023-2037, will be 291. Lewiston will benefit by gaining a proportional share of these new jobs, which are steady, good-paying jobs that will lead to additional spending within the community.

The City's need for reliable and affordable electric energy will not diminish, and will likely increase as Lewiston strives to promote responsible economic development that will benefit its residents in the years to come. Such increasing need comes at a correspondingly substantial cost, especially in the New England region where the average price per kilowatt hour in December 2018 was higher than that of any other region of the country. The NECEC will facilitate the transmission of up to 1,200 MW of clean hydropower generation to the New England transmission grid for forty years, and will help to lower electricity costs. The estimated 15-year net present value of the savings in the electricity market for Maine's retail electricity customers is \$119 million, in 2023 dollars. This translates to \$13 million of benefits (in nominal dollars) per year for retail electricity customers in Maine. Importantly, the NECEC's transmission of additional clean hydropower generation will also help to offset anticipated retirements of existing gas, nuclear, and oil-fired generators in Maine and the region that might otherwise increase generation costs and, by extension, electricity rates.

In a stipulation filed with the Maine Public Utilities Commission (PUC), CMP made several commitments to facilitate broadband internet expansion in communities that host the NECEC HVDC transmission line and associated upgrades. Broadband expansion is an important factor in economic and business development in Lewiston and throughout Western Maine. Under the terms of the Stipulation, CMP is required to include the necessary facilities and equipment to provide additional fiber optic capacity on the NECEC HVDC line and to construct the necessary fiber optic infrastructure to provide access to this fiber optic capacity at major road crossings or other appropriate access points along the NECEC project route. Additionally, Hydro-Quebec has committed to funding a \$10 million NECEC Broadband Fund that will be used to provide grants to support the implementation and maintenance of high speed broadband infrastructure in the host communities through which the NECEC transmission facilities run. As Lewiston is a host community for the HVDC line, Lewiston will also benefit from the additional broadband infrastructure and will potentially benefit from grant funding to make the broadband infrastructure available to low income residents. High speed internet access is not only an important amenity for current and future residents, it is also a significant factor in retaining and

¹ Direct jobs are related to the specific industry, while **indirect jobs** are those that support the industry. **Induced jobs** are those that are a result of direct/indirect employee's spending money in the community.

growing existing businesses, attracting new businesses to the area, and encouraging start-ups. The potential for better service by way of an added Montreal broadband connection is also important as part of a comprehensive economic development program in a changing economy.

Need for the Proposed Contract Zone Amendment

The maximum building height in the MDR zone is 35 feet. The Merrill Road Converter Station, however, must be constructed to a height of approximately 70 feet, and CMP is requesting that the allowable height be 80 feet to ensure that the final Converter Station measurements will not exceed the height limit.

In addition, the minimum street frontage for lots in the MDR zone is 100 feet for “other uses.” The Converter Station lot, however, does not have any street frontage, and will be accessed via a private drive from Main Street / Route 202. Although the Converter Station lot abuts the existing CMP transmission line corridor, which has street frontage, the PUC is requiring CMP to transfer the NECEC properties to a CMP-related entity, so the Converter Station lot cannot attain the required frontage by being merged into the CMP transmission line corridor. Thus, CMP is requesting that the Converter Station lot not require any street frontage.

The Merrill Road Converter Station will require development review and approval from the City, after approval of this proposed contract zone agreement. Note also that the NECEC transmission line poles, frames, and lightning masts will exceed 35 feet in height, but that the City has previously taken the position that the “maximum height” line in the Space and Bulk Table (Appendix A, Art. XI, Sec. 23) does not apply to such non-building utility structures. The term “height of building” refers to “building or structure,” but in the context of electric transmission line poles and associated structures the word “structure” refers to the definition of “utility structures.” That term includes only buildings, not other structures such as poles. CMP requests that the City provide written confirmation of this interpretation so that no ordinance amendment is needed to accommodate the required pole heights.

CONFORMANCE WITH THE COMPREHENSIVE PLAN

The proposed contract zone agreement is in conformance with the City’s Comprehensive Plan, as demonstrated by the following excerpts from the 2017 Legacy Lewiston Comprehensive Plan:

- Page 111: “Work is needed to improve [broadband internet] connectivity in the city in an effort to improve the quality of life for its residents and advance economic growth.”
- Page 116: “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. . . . Investment and recruitment initiatives should realize ‘triple bottom-line’ benefits for City residents by seeking to improve the tax base, promote economic vitality for local businesses, and increase access to employment opportunities and living wage jobs within the City.”
- Page 164: “Lewiston must build on its growing momentum to actively invite new investment and create the critical mass of economic energy needed to launch the City into a new era of growth and productivity.”

There is nothing in the City's Comprehensive Plan that is inconsistent with the proposed contract zone agreement.

In addition, the contract zone overlay area will be consistent with the existing and permitted uses within the original MDR district. The contract zone overlay land will be adjacent to the existing CMP transmission line corridor, and 1.2 miles from the existing Larrabee Road Substation, also located in the MDR district. Power transmission lines, substations, and other public utility uses are permitted as conditional uses in the MDR district. The majority of uses in the MDR district, however, and the primary uses permitted in the MDR district, are residential dwellings of various types. The Converter Station will be a good neighbor that is compatible with those uses. The Converter Station will have the following attributes of a good neighbor, in addition to those discussed previously:

- Quiet
- No other uses on the 20-acre property
- Well-maintained property
- No signs
- Very few visitors
- Low light levels at night
- No garbage
- No vehicle storage
- Does not require extra municipal services

Thus, the converter station will be consistent with existing and permitted uses in the MDR.

PROPOSED WRITTEN CONTRACT

CMP requests that the City enter into the contract attached hereto as Exhibit D, by which, in consideration of the contract zone overlay of said property, certain conditions or restrictions not imposed on other similarly zoned properties will be imposed.

CMP hereby submits this proposal as of the 12TH day of AUGUST, 2019.

By: Gerry J. Mirabile

Name: GERRY J. MIRABILE

EXHIBIT C

WARRANTY DEED

Louis C. Perron and Roberta M. Perron, of Lewiston, County of Androscoggin, State of Maine, whose mailing address 183 Merrill Road, Lewiston, Maine 04240 for good and valuable consideration, GRANT to

Central Maine Power Company, a corporation organized under the laws of the State of Maine, with a principal office in Augusta, Maine and whose mailing address is 83 Edison Drive, Augusta, Maine 04336, its successors and assigns forever,

with WARRANTY COVENANTS,

a certain lot or parcel of land situated in the City of Lewiston, County of Androscoggin, State of Maine, being more particularly bounded and described as follows:

(SEE EXHIBIT A ATTACHED HERETO)

and with QUITCLAIM COVENANT,

a certain triangular shaped lot or parcel of land situated in the City of Lewiston, County of Androscoggin, State of Maine, being more particularly bounded and described as follows:

(SEE EXHIBIT B ATTACHED HERETO)

IN WITNESS WHEREOF, the Grantors have set their hands and seals this 9 day of April, 2018.

MAINE REAL ESTATE
TRANSFER TAX PAID


Louis C. Perron


Roberta M. Perron

State of Maine
County of Androscoggin, ss

April 9, 2018

The above-named Louis C. Perron and Roberta M. Perron, personally appeared before me and acknowledged the foregoing instrument to be their free act and deed.

Before me,

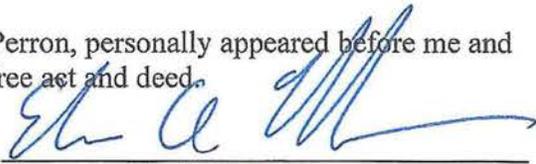

Notary Public/Attorney
Name: Eben A. Thomas
My Commission Expires: 3/20/2022

EXHIBIT A

A certain lot or parcel of land, situated in the City of Lewiston, County of Androscoggin and State of Maine, and being further bounded and described as follows:

Beginning at a 5/8" iron rebar with survey cap #2318 to be set on the southwesterly municipal boundary by and between The City of Lewiston and the Town of Greene at a point located at the northwesterly corner of land conveyed to Louis C. Perron and Roberta M. Perron by a deed dated July 26, 1984 and recorded in the Androscoggin County Registry of Deeds in Book 1745, Page 003, said point of beginning being N 55°-08'27"W a distance of 27.78 feet from a 5/8" iron rebar with survey cap #2259 set on the City of Lewiston and the Town of Greene municipal boundary;

Thence, southwesterly on a course of S 36°-46'-19" W along the southwesterly line of land of Perron a distance of nine hundred seventy-six and zero hundredths (976.00) feet to a 5/8" iron rebar with survey cap #2318 to be set;

Thence, northwesterly on a course of N 59°-26'-38" W through land conveyed to Louis C. Perron and Roberta M. Perron by a deed dated September 23, 1987 and recorded in the Androscoggin County Registry of Deeds in Book 2159, Page 240, a distance of seven hundred forty-five and forty hundredths (745.40) feet to a point located on the easterly line of land of Central Maine Power Company, as described in a deed of conveyance dated December 31, 1930 and recorded in the Androscoggin County Registry of Deeds in Book 407, Page 663 and reference to a deed of merger dated December 23, 2005 and recorded in the Androscoggin County Registry of Deeds in Book 3761, Page 304 and to a deed dated November 14, 1930 and recorded in the Androscoggin County Registry of Deeds in Book 407, Page 526;

Thence, northerly on a course of N 22°-59'-06" E along the easterly line of land of Central Maine Power Company a distance of nine twenty-nine and four hundredths (929.04) feet to a point located on the northwesterly line of LOT 79 of the City of Lewiston;

Thence, northeasterly on a course of N 38°-00'-54" E along the northwesterly line of LOT 79 a distance of one hundred twenty-two and forty-one hundredths (122.41) feet to a point located on the southwesterly municipal boundary by and between The City of Lewiston and the Town of Greene;

Thence, southeasterly on a course of S 55°-08'-27" E along said southwesterly municipal boundary, being the southwesterly line of land of George P. Schott as described in a deed dated April 12, 1996 and recorded in the Androscoggin County Registry of Deeds in Book 3580, Page 349, a distance of nine hundred sixty and twenty-nine hundredths (960.29) feet to the point and place of beginning. Containing 20.01 acres of land, more or less.

Bearings are based on a GPS Observation of Grid North.

The parcel herein conveyed and described above to include so much of the Grantor's land, if any, described in said deed recorded in the Androscoggin County Registry of Deeds in Book 1745,

EXHIBIT B
(Triangular Parcel)

The Grantor also hereby conveys the following premises with quitclaim covenant only:

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

Beginning on the southwesterly municipal boundary by and between The City of Lewiston and the Town of Greene at a point located on the easterly line of land of Central Maine Power Company, as described in a deed of conveyance dated December 31, 1930 and recorded in the Androscoggin County Registry of Deeds in Book 407, Page 663 and reference to a deed of merger dated December 23, 2005 and recorded in the Androscoggin County Registry of Deeds in Book 3761, Page 304 and to a deed dated November 5, 1930 and recorded in the Androscoggin County Registry of Deeds in Book 408, Page 280, being the southwesterly line of land conveyed to George P. Schott by a deed dated April 12, 1996 and recorded in the Androscoggin County Registry of Deeds in Book 3580, Page 349;

Thence, southeasterly on a course of S 55°-08'-27" E along the southwesterly municipal boundary, being the southwesterly line of land of said Schott a distance of thirty-two and forty-four hundredths (32.44) feet to a point located on the northwesterly corner of LOT 79 of the City of Lewiston;

Thence, southwesterly on a course of S 38°-00'-54" W along the northwesterly line of LOT 79 a distance of one hundred twenty-two and forty-one hundredths (122.41) feet to a point located on the easterly line of land of Central Maine Power Company (408/280);

Thence, northerly on a course of N 22°-59'-06" E along the easterly line of land of Central Maine Power Company a distance of one hundred twenty-four and ninety hundredths (124.90) feet to the point and place of beginning. Containing 1,982.40 square feet (0.046 acres).

Bearings are based on a GPS Observation of Grid North.

Further reference is made to the Boundary Survey entitled "Perron Parcel" prepared by Sackett & Brake, Inc. dated June 12, 2017 to be recorded herewith.

Page 003.

Further reference is made to the Boundary Survey entitled "Perron Parcel" prepared by Sackett & Brake, Inc. dated June 12, 2017 to be recorded herewith.

Grantee, by acceptance of this conveyance, covenants and agrees with Grantor, their heirs and assigns, that Grantee will not construct and locate a permanent access road from the Merrill Road to the herein conveyed premises over or across that part of Grantee's land abutting Grantor's remaining land lying within the below described area :

Beginning on the north line of Merrill Road at the southwest corner of Grantor's now remaining land as described in a deed to Grantor dated September 23, 1987 and recorded in the Androscoggin County Registry of Deeds in Book 2159, Page 240 and the southeast corner of Grantee's 400-foot-wide transmission line corridor designated Sections 200 and 251; thence northerly along the common line between Grantor and Grantee a distance of 750 feet; thence westerly across land of Grantee at a right angle a distance of 250 feet; thence southerly on a line parallel and 250 feet westerly of the common line between Grantor and Grantee a distance of 705 feet, more or less, to the northerly line of Merrill Road; thence easterly along the northerly line of Merrill Road a distance of 255 feet, more or less, to the point of beginning.

The aforesaid restriction is intended to benefit the now remaining abutting land of Grantor described above.

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS

EXHIBIT D

EXHIBIT D

**CONTRACT ZONE AGREEMENT
BETWEEN
CITY OF LEWISTON
AND
CENTRAL MAINE POWER COMPANY**

AGREEMENT made this ____ day of _____, 2019 by and between the **CITY OF LEWISTON**, a body corporate and politic, located in Androscoggin County and State of Maine (hereinafter the “**CITY**”) and **CENTRAL MAINE POWER COMPANY**, a Maine corporation (hereinafter “**CMP**”).

WITNESSETH

WHEREAS, **CMP** has proposed the construction and operation of the New England Clean Energy Connect (NECEC) transmission line project, a high voltage direct current (HVDC) transmission line and related facilities that will be capable of delivering up to 1,200 megawatts of renewably generated electricity from the Canadian border to the ISO-New England (ISO-NE) electric grid;

WHEREAS, as part of the NECEC Project **CMP** has proposed the construction and operation of a converter station north of Merrill Road in the **CITY** (the “Merrill Road Converter Station”) on a portion of Tax Map 138 Lot 34, as described in a deed from Louis C. Perron and Roberta M. Perron to **CMP**, dated April 9, 2018, and recorded in the Androscoggin County Registry of Deeds at Book 9817, Page 72 (the “**PROPERTY**”);

WHEREAS, the **CITY** will benefit from construction and operation of the NECEC, including the Merrill Road Converter Station;

WHEREAS, the Merrill Road Converter Station is located in the Medium Density Residential (MDR) zoning district, in which the maximum building height is 35 feet and the minimum street frontage is 100 feet for “other uses”;

WHEREAS, the Merrill Road Converter Station must be constructed to a height of approximately 70 feet, and CMP is requesting that the allowable height be 80 feet to ensure that the final Converter Station measurements will not exceed the height limit;

WHEREAS, the PROPERTY does not have any street frontage, and will be accessed via a private drive from Main Street / Route 202, and CMP is requesting that the PROPERTY not require any street frontage;

WHEREAS, the CITY by and through its City Council has determined that said rezoning would be and is pursuant to and consistent with the CITY’S comprehensive land use plan and consistent with the existing and permitted uses in the MDR zone; and

WHEREAS, the CITY has determined that because of the unusual nature and unique location of the proposed development it is necessary and appropriate to impose by agreement the following conditions and restrictions that relate only to the physical development or operation of the PROPERTY in order to ensure that the rezoning is consistent with the CITY’S comprehensive land use plan; and

WHEREAS, the CITY authorized the execution of this Agreement on _____, 2019;

NOW, THEREFORE, in consideration of the mutual promises made by each party to the other, the parties covenant and agree as follows:

1. *Property Use.* CMP shall be establish and maintain the Converter Station on the PROPERTY.

2. *Dimensional Requirements.* The **PROPERTY** shall comply with the dimensional requirements of the MDR zone, with the following exceptions:
- a. Maximum building height: Appendix A, Art. XI, Sec. 23, Space and Bulk Table, Maximum height, MDR, is 80 feet for utility buildings.
 - b. Minimum street frontage: Appendix A, Art. XI, Sec. 23, Space and Bulk Table, Minimum frontage, MDR, is zero.

The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the **PROPERTY**, shall bind and benefit **CMP**, its successors and assigns, and any party in possession or occupancy of said **PROPERTY** or any part thereof, and shall inure to the benefit of and be enforceable by the **CITY**, by and through its duly authorized representatives. **CMP** shall file a copy of this **AGREEMENT** in the Androscoggin County Registry of Deeds, along with a reference to the Book and Page locations of the deeds for the **PROPERTY**, within thirty days following final approval of this contract zone agreement by the **CITY**.

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the development, use, and occupancy of the subject premises shall be governed by and comply with the provisions of the Zoning and Land Use Code of the City of Lewiston (including the MDR zoning district) and any applicable amendments thereto or replacement thereof.

In the event that **CMP** or any successor fails to continue to utilize the **PROPERTY** in accordance with this **AGREEMENT**, or in the event of a breach of any

condition(s) set forth in this AGREEMENT, the Planning Board shall have the authority, after hearing, to resolve the issue resulting in the breach.

WITNESS:

CITY OF LEWISTON

By _____

Edward A. Barrett
City Administrator

WITNESS:

CENTRAL MAINE POWER
COMPANY

By _____

STATE OF MAINE
ANDROSCOGGIN, ss.

Date: _____, 2019

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

Before me,

Notary Public/Attorney at Law

STATE OF MAINE
KENNEBEC, ss.

Date: _____, 2019

Personally appeared before me the above-named _____, in his said capacity, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of Central Maine Power Company.

Before me,

Notary Public/Attorney at Law

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 3, 2019

AGENDA INFORMATION SHEET: **AGENDA ITEM NO.** 7

SUBJECT:

Amendments to the City Policy Manual for Miscellaneous Fees regarding penalties for ordinance violations regarding prohibited tobacco use in designated hospital areas.

INFORMATION:

In December 2017, the City Council approved ordinance amendments at the request of St. Mary's Hospital to designate the section of Campus Avenue from Sabattus Street to Central Street as a no smoking area in order to support their efforts to have the entire St. Mary's campus complex be a no smoking area. The City's Public Health Committee supported this change as well.

Recently the Police Department had to issue a citation to someone for violating this section of the Code and it is a civil penalty. However, when this ordinance language was established, no corresponding language was created to outline the penalty provisions. In order to allow for effective enforcement, penalties must be established for violations of ordinances.

The recommendation is to establish the penalty structure to be in line with other violations of the same ordinance regarding excessive noise, nuisance parties, etc. The attached page outlines the proposed amendments to the City's Policy Manual on Miscellaneous Fees and Penalties.

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 proposed amendments to the City Policy, Policy Number 81 - City Department Miscellaneous Fees and Penalties, as recommended by the City Administrator.

(Note - Full copy of the amendment is attached; additions are underlined.)

Chapter 50 Offenses and Miscellaneous Provisions – Prohibiting tobacco use in designated hospital areas – Penalty

The following civil penalties shall be imposed for the issuance of citations:

<u>First offense</u>	<u>\$ 100.00</u>
<u>Second offense</u>	<u>200.00</u>
<u>Third offense and subsequent offenses</u>	<u>300.00</u>

Note: These penalties are outlined in the City Code of Ordinances Chapter 50, Offenses and Miscellaneous Provisions, Article I In General.

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

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 3, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 8

SUBJECT: Resolve, Supporting the Efforts of CommUNITY Recovery to Place Safe Syringe Disposal Drop Boxes at Various Locations in Lewiston.

INFORMATION: At a recent workshop, representatives of CommUNITY Recovery reviewed with the Council their interest in locating syringe drop boxes at various locations in Lewiston in an effort to improve public safety by ensuring that they are properly collected and disposed of. In recent years, the City has seen an increase in the number of syringes that are found or reported in public places, including city parks. The improper disposal of syringes poses a health threat to the public using these places and to the City employees charged with their maintenance.

CommUNITY Recovery has discussed this need with the Chief of Police and the Director of Public Works, who are supportive of this recommendation, as is the Lewiston Area Public Health Committee.

The Committee is seeking grant funding to cover first year costs initially estimated at \$6,100 and is requesting that the City Council consider funding the annual costs thereafter, estimated at an initial \$4,700.

The City Council indicated support for this effort but requested that actual utilization of the drop boxes be monitored to determine the impact of this effort on the problem. The attached Resolve will formalize that support.

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, Supporting the Efforts of CommUNITY Recovery to Place Safe Syringe Disposal Drop Boxes at Various Locations in Lewiston.



COUNCIL ORDER

Order, Resolve, Supporting the Efforts of CommUNITY Recovery to Place Safe Syringe Disposal Drop Boxes at Various Locations in Lewiston.

Whereas, in recent years, the City has seen an increase in the number of syringes that are found or reported in public places, including city parks; and

Whereas, such improper disposal poses a public health threat to those who use or work in these locations; and

Whereas, CommUNITY Recovery has discussed the need to provide a safe and convenient way to dispose of used syringes with the Police and Public Works Departments; and

Whereas, CommUNITY Recovery is seeking grant funding to cover first year costs, initially estimated at \$6,100 and is asking that the City Council consider future year on-going funding at approximately \$4,700 per year; and

Whereas, this proposal has the support of the Lewiston Area Public Health Committee and the Lewiston Police and Public Works Departments.

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

We hereby support the efforts of CommUNITY Recovery to place safe and convenient syringe collection boxes at various locations in the Community, including support for its efforts to acquire grant funding to offset costs. Toward this end, City staff is authorized to cooperate with CommUNITY Recovery on establishing locations, maintaining the collection boxes, and collecting and disposing appropriately of the deposited syringes. Staff is to monitor utilization and report back to the City Council on the number of syringes safely disposed of through this program.



Androscoggin Community Response Provider Network
Maine Health Access Foundation Grantee

August 1, 2019

Lewiston City Council
City of Lewiston
City Hall
27 Pine Street
Lewiston, ME 04240

Dear Council Members:

The State of Maine is a national leader in opioid drug overdoses and deaths. Maine is in the top 10 states in the US for drug overdose deaths. At least one person per day dies of a drug overdose—increasingly from heroin and fentanyl. In the past 5 years, 1,630 people have died from a drug overdose—in 2017 alone, 418 died. Three infants are born each day impacted by the mother's substance use—that's 8% of all live births in the State. Everyone is impacted by this opioid epidemic, individuals who live with substance use disorder, families, employers, and communities.

Governor Janet Mills is leading the charge to fight the opioid epidemic and she has announced a 10 point plan on opioids with the goal of eradicating the opioid health crisis. Her plan outlines important prevention, intervention, and public safety initiatives.

Androscoggin County is part of the nationwide lawsuit against opioid manufacturers. In 2018, the County Commissioners publicly declared the epidemic a nuisance and went on record saying that it is detrimental to county resources, including enforcement, treatment, and the high cost of lives.

Members of the CommUNITY Recovery network, represented by the organizations listed herein, encompass emergency health care, counseling, social service supports, emergency services, and law enforcement providers who work daily on the front lines providing individuals using opioids with the emergency intervention, supports and ongoing treatment they need to stabilize, recover and get well. Our request today is to ask the Lewiston City Council to join us in our efforts to improve public safety.

Network Members:

Tri-County Mental Health Services

Androscoggin County Sheriff's Office
Auburn Police Department
Community Concepts, Inc.
Lewiston Police Department
St. Mary's Regional Medical Center

Androscoggin Home Healthcare & Hospice
Central Maine Health Care
Healthy Androscoggin
Maine Alliance for Addiction Recovery
United Ambulance Services



Androscoggin Community Response Provider Network

Maine Health Access Foundation Grantee

CommUNITY Recovery network members have identified the vital need to tackle the public health and safety problem caused by discarded needles and syringes, increasing exposure to Hepatitis C and HIV/AIDS. It has been proven that needle-stick injuries are a preventable health risk. We have received significant feedback from community providers and members about the number of used needles left lying around in public areas and being disposed in areas where it is easy to get stuck accidentally. Those most impacted are law enforcement officers, sanitation and sewage treatment workers, janitors and housekeepers, and children. As a result, we have carefully consulted with the City of Portland about how they have dealt with the problem of dirty needles littering their streets and neighborhoods by establishing a safe needle disposal program.

Pursuant to the recommendation of law enforcement about where the need is greatest, we are planning to place safe needle metal disposal drop boxes in the following 15 locations near public waste receptacles:

- ❖ Riverside Park
- ❖ Sunny Side Park
- ❖ River Walk Trail
- ❖ Simard Payne
- ❖ Kennedy Park
- ❖ Potvin Park
- ❖ Canal St overhang parking
- ❖ Root Cellar
- ❖ B Street
- ❖ Knox St Park
- ❖ Webb's Market
- ❖ Poirier's Market
- ❖ Neighborhood Market
- ❖ Trinity Jubilee Center
- ❖ Wisdom Women's Center

This safe needle disposal plan has secured the support of the Lewiston Area Public Health Committee (see enclosed). In year 1, the cost of purchasing the metal boxes and the special

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collection site secure mail back containers placed within is \$6,100; and thereafter, approximately \$4,700 annually. We are seeking funding to defray the cost from Gordon Smith, Esq., Governor Mills' Director of Opioid Response, private foundations, and CommUNITY Recovery network members. In subsequent years, we hope that funding will be approved by the City as well as existing funders.

With respect to the removal of the mail back waste containers, we are hopeful that Lewiston will agree to do what the City of Portland has done: since the disposal boxes can and should be mounted near public waste receptacles, public waste employees could collect and properly dispose of the mail back containers to the licensed disposal facility. CommUNITY Recovery will provide the appropriate training for the employees.

Literature about the Governor's Opioid 10 Point Plan and an overview of "Community Options for Safe Needle Disposal" by the US Environmental Protection Agency is attached for reference.

Thank you for your consideration.

Catherine R. Ryder, LCPC, ACS
Chief Executive Officer/Project Lead
Tri-County Mental Health Services/CommUNITY Recovery

Data from Portland that shows decreases in # of seizures left on the street.

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got public health?

Lewiston Area Public Health Committee



got public health?

August 13, 2019

Mayor Kristen Cloutier
Lewiston City Council
27 Pine Street
Lewiston, ME 04240

Dear Mayor Cloutier & City Council:

The Lewiston Area Public Health Committee (LAPHC) is endorsing Tri-County Mental Health's effort to mount hazardous waste boxes in key sites within the City of Lewiston for the purposes of dirty needle collection. As committed recovery initiatives exist within our community, these boxes would be yet another step to support safe public areas and safe disposal.

The LAPHC is aware that the City of Portland has had a very effective syringe disposal system in place since 2015. Since installation, monthly reports have demonstrated an increased amount of syringes collected, as well as a reduced number of calls reporting syringes found in parks and sidewalks.

In regards to Tri-County's efforts locally, we certainly understand that extensive dialogue would be needed about hazardous waste box placement, monitoring, and maintenance, as well as sustainable funding. With that said, the LAPHC requests that the Lewiston City Council consider Tri-County's proposal with the understanding that communication, safety, and sustainability will be key to getting this collection system underway.

Sincerely,

Ronnie Paradis, Chair
Lewiston Area Public Health Committee

dapw

LEWISTON CITY COUNCIL

MEETING OF SEPTEMBER 3, 2019

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 11

SUBJECT:

Executive Session to discuss labor negotiations regarding the Maine Association of Police - Patrol Unit.

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:

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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 Maine Association of Police - Patrol Unit.