

CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for September 9, 2013

- I. **ROLL CALL:** The meeting was held in the City Council Chambers of City Hall and was called to order at 5:30 p.m. Chairperson, Bruce Damon, chaired the meeting.

Members in Attendance: Bruce Damon, Kevin Morissette, Paul Robinson, Walter Hill, Sandra Marquis and Michael Marcotte

Members Absent: Eric Potvin

Associate Member Present: Paul Madore and Matthew Mastrogiacomo

Staff Present: David Hediger, City Planner, Gildace Arsenault, Director of Planning & Code and Cathy Lekberg, Administrative Assistant, Economic & Community Development

- II. **ADJUSTMENT TO THE AGENDA:** None

- III. **CORRESPONDENCE:** None

- IV. **PUBLIC HEARINGS:**

Bruce read the Planning Board procedures for the public. Walter Hill recused himself from the vote for Pinard Farms because of a conflict of interest and Bruce appointed Paul Madore and Matthew Mastrogiacomo as full voting members for this item.

Michael Marcotte arrived at the meeting at 5:35 p.m.

An application submitted by A.R.C.C. Land Surveyors, Inc. on behalf of Mark L. and Terri I. Chizmar, 7 St. Jerome Street, Lillian Fortin-Martin, 9 St. Jerome Street, Matthew Lajoie, 11 St. Jerome Street, and Alexandra D'Eramo, 15 St. Jerome Street to acquire additional land to the rear of their properties from the Pinard Farms Association to satisfy the zoning and land violations involving encroachments into open space. The applicant is also requesting setback modifications for sheds at 7 St. Jerome Street, 9 St. Jerome Street, and 11 St. Jerome Street located within the required 10' side setback.

The following motion was made:

MOTION: by **Sandra Marquis** to consider an application submitted by A.R.C.C. Land Surveyors, Inc. on behalf of Mark L. and Terri I. Chizmar, 7 St. Jerome Street, Lillian Fortin-Martin, 9 St. Jerome Street, Matthew Lajoie, 11 St. Jerome Street, and Alexandra D'Eramo, 15 St. Jerome Street to acquire additional land to the rear of their properties from the Pinard Farms Association.

Second by **Paul Robinson**.

VOTED: **6-1 (Passed).**
Michael Marcotte Opposed

David read staff comments.

Art Montana from A.R.C.C. Land Surveyors said he was here on behalf of the four residents of Pinard Farms subdivision. A site plan was shown of the subdivision and Art gave some background of the changes to the subdivision. He explained that these four residents would like to acquire additional land to the rear of their properties from the Pinard Farms Association so they would no longer be in violation and conform to the requirements of the zoning and land use code. Art also said they were requesting setback modifications for their sheds at 7, 9 and 11 St. Jerome Street.

Paul Madore asked if all sheds could be moved and Art said yes. He explained that the sheds could be removed but if the new plan is approved, the owners could leave their sheds where they are and this would ease the burden of the property owners. Bruce mentioned that the structures were built with no permits and are illegal and Gil said that was correct. Matthew asked if permits would be required and Gil said yes. Gil said the lots are non-conforming in this subdivision because of the lot size and by adding the additional square footage, would make them more conforming.

Michael Marcotte questioned the lot line in the revised plan on Lot #1 and Art stated it was a typo and will be corrected.

Paul Madore asked if Art had walked the property lines of the open space and asked if there was any damage to the space and Art said he did walk the space and did not observe damage at that time.

Michael asked why they did not submit their application to the Board of Appeals for the shed modifications and Gil stated that they wanted to get both issues approved at once and that Planning Board could address the subdivision amendment and modification issues.

Public Comment - Opposed

Danny Doyle, 16 Mark Street – His concern was that the owners on St. Jerome Street were lousy neighbors, very loud, and drink a lot. He said he was not happy about cutting more of the woods that buffer his back yard. He thought if these lots were extended, there would be no woods left.

Don Chabot, 14 Mark Street – Mentioned a packet that he submitted to the Board and the Board responded they have received it and it has been accepted. He explained to the Board about the shrinking open space and buffers and referred to earlier amendments of the subdivision. He was also upset that some of the land was conveyed to Country Lane Estates and wanted to know why. He voiced he was not happy with what has happened in this subdivision in the past and is against what they were proposing today.

Bob Cloutier, 22 Mark Street – Questioned Mr. Montana about the 30 foot buffer zone between neighbors and Art stated that in the 1988 plans, there were no buffer zones provided and those plans were approved by the Planning Board at that time. Art stated that three other plans were also approved with the same format by the Planning Board.

Public Comment – In Favor

Louie Doyon, formerly of 13 St. Jerome Street stated he is a 30 year old combat, Iraq veteran and owned the home on 13 St. Jerome Street for the last six years. He decided to sell his home and now lives in Naples, ME. He said these four property owners were all his neighbors and were like family to him. He said he is against cluster subdivisions of this size as the home lots in the subdivision were too small and that his backyard was far from private. He said these homeowners were not aware of the encroachments and would they probably would not have bought in this subdivision especially with the current turmoil. He was in favor of making the home lots larger to meet the codes of today because of this issue.

Teri Chizmar, 7 St. Jerome Street – She did not agree with Mr. Chabot's letter. She stated that his biggest concern is that they would continue to encroach on the open space. With the exception of the Martin's property, all of the structures were existing when the properties were purchased and the owners have no desire to do anything else. We have not done any other encroachments and have no desire to do so.

Roger Richard stated he lives in Harpswell but was raised on Grove Street. He stated he worked for Matt Lajoie building a retaining wall and landscaping and observed what was happening in the neighborhood. He said that Matt bought the house and was not told that his buildings and his fence were encroaching on the open space. He is a victim of this situation and it will be a real hardship for him to move his building and fence. He asked the Planning Board to consider this situation. Bruce asked if Roger was authorized to speak on Mr. Lajoie's behalf and Roger said yes.

Public Comments Closed

Kevin Morissette thought that without having more information about the other amendments, it would be difficult to make a decision on this issue. Bruce mentioned that these encroachments were done without permits so they must be viewed as not existing and are not the Board's problem. Bruce stated that the sheds could be moved. Michael said that because of the lack of code enforcement, this issue is being brought to the Planning Board and he felt like this was like family court.

Gil stated that the City's goal is to bring these properties into compliance. He said that if these structures are not corrected, the owners will be required to pay a \$10,000 civil penalty. He said the Board needs to decide if it is appropriate to acquire open space for these four properties. Then the Board may consider the location of the sheds on the property.

The following motion was made:

MOTION: by **Matthew Mastrogiacomo** to find that the application meets all of the necessary criteria contained in the Zoning and Land Use Code, including Article XIII, Section 4, 5 and 7 of the Zoning and Land Use and to grant approval to Mark L. and Terri I. Chizmar, 7 St. Jerome Street, Lillian Fortin-Martin, 9 St. Jerome Street, Matthew Lajoie, 11 St. Jerome Street, and Alexandra D'Eramo, 15 St. Jerome Street to acquire additional land to the rear of their properties from the Pinard Farms Association. Second by **Paul Robinson**.

VOTED: **2-5 (Motion Fails)** Matthew Mastrogiacomo and Paul Robinson voted in favor.

At the request of Michael Marcotte, the following motion was made:

MOTION: by **Michael Marcotte** to have a resolution sent to City Council to include hiring another Code Enforcement Officer in their next budget. Second by **Sandra Marquis**.

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

Walter Hill joined the Board again and Matthew Mastrogiacomo switched back to a non-voting member.

V. OTHER BUSINESS:

- a) Review and discussion of a request submitted by Walsh Engineering Associates, Inc. on behalf of Volunteers of America Northern New England for a 30-unit affordable housing project between Bartlett Street and Pierce Street located at 139-155 Bartlett Street and 110-122 Pierce Street.

Guests present were Julia Wilcock, Volunteers of America Northern New England, Bob Foster, Architect and Bill Walsh. Walsh Engineering Associates, Inc.

Bob Foster showed the Board plans of the proposed four-story, 40,000 SF building and explained it would house 30 affordable rental units. The building would be located on Pierce Street and the parking would be located on Bartlett Street. They choose to build one building to consolidate the mechanical systems, elevator and maximize the parking and green space. He said there were 37 parking spaces enough for one space per unit and a few additional spaces for visitors. The major entrances would both be located on Pierce Street. The building would be sided with shingles and clapboard to break out the height of the building and make it look similar to other buildings in the neighborhood. Bill Walsh said that the utilities would be off of Pierce Street, there would be a dumpster on-site, and drainage would flow off of the Bartlett side of the building.

Kevin asked about snow and trash removal and Julia said they would take care of that. Walter commented that it was a beautiful building and asked if

there would be policies and regulations for tenants and Julia said tenants would have to sign agreements which will have very strict rules and if not followed, they would be written up. She said they will have a full-time manager and maintenance person on-site. Paul Madore voiced concerns about security in the building.. Julia told him that the building will be very secure and tenants will not be able to buzz visitors up. They will have to go to the main entrances to allow visitors to enter.

Bruce asked about the timeframe for occupancy and Julia said they would like to submit their application for funding on September 26th to be awarded in November. She said their goal would be to have the building constructed in 12 to 16 months if possible. Bruce asked what the project would cost and Julia said \$6,000,000. Mike asked if that figure was fixed or could it go up or down and Julia said this is approximate and could move a little.

Kevin mentioned the last meeting they had and the discussion about the lack of market rate housing. He wanted to see projects with mixed income housing. Julia said they do those types of projects but because of the timeline of this project, it could not be done.

Bruce asked how many projects were there statewide and Julia said 15 or 16. Bruce also asked how many low income vouchers are issued in Lewiston and Lincoln said he would find out and get back to the Board.

- b) Discussion about performance standards applicable to drinking places.

The Board tabled this item until the September 23, 2013 meeting.

- c) Joint City Council/Planning Board meeting - September 17, 2013: Update from Bates College.

David said that Bates College has revised their Master Plan and there will be an update at a joint City Council/Planning Board meeting being held on Tuesday, September 17, 2013 at 6:00 p.m.

- d) Any other business Planning Board Members may have related to the duties of the Lewiston Planning Board.

Michael asked David if there was any new information on 192 Bartlett Street and David said not at this time and it probably will not change in the future. He also asked what was happening with Thompson Rolec and David said they began clearing lot they will be pulling permits soon.

Paul Madore asked what was happening with Veteran's, Inc. and David said he was not sure, but permits have been pulled..

The Board also asked about the Hampton Inn on Lincoln Street and Lincoln Jeffers said that things were moving along and they plan to close on the land and construction loan shortly.

Michael asked if they would recoup the money from the landowners for 112-116 Pierce and 139 Bartlett Streets and Lincoln said it was up to the City Council to decide. He said they did not expect to get compensated on the land because the owners have filed bankruptcy. They were trying to accelerate the process for Volunteers of America.

Michael also requested a status of 192 Bartlett Street and requested the inquiry be put into the minutes.

VI. OLD BUSINESS:

a) Update on Riverfront Plan

David said that bids will be opened this Thursday at 2:00 p.m. for the park and canal crossing. He said they had a good meeting with Brookfield about maintaining the canals. He also said that TPUCC has been emailing him every day with more questions and they should have something to us by the end of the month.

b) Update on Comprehensive Plan

David said that TPUCC has been emailing with questions and they should have something to us by the end of the month.

VI. READING OF MINUTES: Adoption of the August 26, 2013 Minutes

The August 26, 2013 minutes will be adopted at the September 23, 2013 meeting.

VII. ADJOURNMENT: The following motion was made to adjourn.

MOTION: by **Walter Hill** that this meeting adjourns at **9:00** p.m. Second by **Paul Madore.**

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

The next regularly scheduled meeting is for Monday, September 23, 2013 at 5:30 p.m.

Respectfully Submitted:

Paul Robinson Secretary