

CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for September 23, 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, Eric Potvin, Paul Robinson, Walter Hill, Sandra Marquis and Michael Marcotte

Associate Member Present: Paul Madore

Associate Member Absent: Matthew Mastrogiacomo

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

Bruce appointed Paul Madore as full voting member until Michael Marcotte arrived at the meeting.

- II. **ADJUSTMENT TO THE AGENDA:** Addition to Other Business: De minimis change, Spare Time Subdivision – 8 Falcon Way.

- III. **CORRESPONDENCE:** Spare Time De minimis change site plan of subdivision.

IV. **PUBLIC HEARINGS:**

- a) An application 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.

David said that Walsh Engineering Associates, Inc. and Volunteers of America Northern New England have asked for a continuation for this item so they can further pursue the right, title and interest on the properties. He explained that they may not come back at all and the project could be dead. He asked for a motion to table it until the next meeting.

The following motion was made:

MOTION: by **Kevin Morissette** to table this item until the October 28, 2013 meeting. Second by **Paul Madore**.

VOTED: 7-0 (Passed).

- b) An application submitted by A.R.C.C. Land Surveyors, Inc. on behalf of Hahnel Bros. Co. and Schott Realty, Inc. to amend the Subdivision Plan entitled Schott Realty, Inc. dated February 24, 2004. The amendment consists of adding 3.99 acres to lot 2 at 56 Strawberry Avenue.

The following motion was made:

MOTION: by **Eric Potvin** to consider an application submitted by A.R.C.C. Land Surveyors, Inc. on behalf of Hahnel Bros. Co. and Schott Realty, Inc. to amend the Subdivision Plan entitled Schott Realty, Inc. dated February 24, 2004. The amendment consists of adding 3.99 acres to lot 2 at 56 Strawberry Avenue.
Second by **Paul Robinson**.

VOTED: 7-0 (Passed).

David read staff comments to the Board.

Art Montana of A.R.C.C. Land Surveyors, Inc. said he was here on behalf of Hahnel Bros. Co. and Schott Realty, Inc. He showed them subdivision plans and explained that the owner has a potential buyer that wants a six acre lot and by combining two lots, they would have be close to six acres. The Board agreed that this was a simple change.

Public Comment – In Favor

Alan Hahnel, the President of Hahnel Bros. Co. said he has an opportunity to sell this property to his neighbor for development. The facility would be utilized for the training and babysitting of domestic animals. He said that by combining these two lots, this will be able to happen and he is in favor.

Public Comment Closed

The following motion was made:

MOTION: by **Walter Hill** to find that the application meets all of the necessary criteria contained in the Zoning and Land Use Code, including Article XIII, Section 4 and 5 of the Zoning and Land Use Code and to grant approval to Hahnel Bros. Co. and Schott Realty, Inc. to amend the Subdivision Plan entitled Schott Realty, Inc. adding 3.99 acres to lot 2 at 56 Strawberry Avenue, subject to any concerns raised by the Planning Board or staff.
Second by **Paul Robinson**.

VOTED: 7-0 (Passed).

V. OTHER BUSINESS:

Bruce said the Board would suspend the rules and allow the Spare Time Subdivision amendment to go before the Executive Session.

a) Sparetime Recreation Subdivision – Seventh Revision

David explained that this was a seventh revision to this subdivision. He stated that there was a discrepancy between previously approved plans and the deeds and this revision would correct this. Art Montana of A.R.C.C. Land

Surveyors, Inc. showed the Board on the map where the revision was. The Board agreed that this was a minor change.

The following motion was made:

MOTION: by **Walter Hill** pursuant to Article XIII (3)(k) and Sections 4 and 5 of the Zoning and Land Use Codes and grants approval for a di minimis change to the Spare Time subdivision- seventh revision located at 8 Falcon Way. Second by **Kevin Morissette**.

VOTED: 7-0 (Passed).

- b) Request for Executive Session pursuant to 1 M.R.S.A. § 405(6)(E): Consultations between the Planning Board and the City Attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation.

The following motion was made:

MOTION: by **Sandra Marquis** to go into executive session pursuant to 1 M.R.S.A. § 405(6)(E) to discuss the legal rights and duties of the Planning Board and pending or contemplated litigation where premature general public knowledge would clearly place the municipality or other public agency or person at a substantial disadvantage. Second by **Paul Robinson**.

VOTED: 7-0 (Passed).

Michael Marcotte arrived at the meeting at 6:00 p.m. and entered the Executive Session with the other members of the Board.

The Executive Session began at 6:00 p.m. and ended at 7:20 p.m.

- c) Reconsideration of the 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.

Bruce told the Board a motion was needed to reconsider the application. He also stated that at the September 9, 2013 meeting, Walter Hill recused himself on the vote for this item but he did hear all of the information regarding this as he was sitting with the public.

Eric Potvin was not present at the last meeting and recused himself for this vote. Paul Madore became a voting member.

Michael Marcotte asked if the motion to consider was debatable amongst the Board and David said yes.

The following motion was made:

MOTION: by **Paul Madore** pursuant to the City of Lewiston Planning Board Handbook to reconsider the 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, as heard at the previous Planning Board meeting of September 9, 2013. Second by **Walter Hill**.

VOTED: 4-3 (Passed).
Kevin Morissette, Bruce Damon and Michael Marcotte opposed

Sandra said she would like to see more clarity on open space. Bruce said there was still confusion by the Board on the history of this subdivision and that they would like more clarification from the applicants, including a clear history of previous amendments to the subdivision and open space provided, details of how the application meets the applicable sections of the Zoning and Land Use Code including the subdivision and cluster subdivision provisions, and the specifics addressing the codes modification criteria. He asked the Board if they would like to entertain a motion to table this and reschedule and they agreed a special meeting would be scheduled on Monday, September 30, 2013.

MOTION: by **Walter Hill** to table this item until Monday, September 30, 2013 at 5:30 p.m. where more information will be submitted by A.R.C.C. Land Surveyors, Inc. showing that all of the criteria has been met or does not apply to the acquisition of the open space. Second by **Sandra Marquis**.

VOTED: 6-1 (Passed). Michael Marcotte opposed

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

The Board agreed to table this item until the October 28, 2013 meeting and requested that current standards be submitted from staff for their review.

- e) Request to schedule a public hearing October 28, 2013 to consider an ordinance regulating chickens.

David said that City Council and Administration have asked the Planning Board to consider a revised ordinance regarding chickens. He also said the previous ordinance drafted will likely be relaxed a little to allow single family homeowners to have chickens.

The Board decided not to schedule a public hearing at this time and have David submit the previously drafted ordinance and the new draft for their review at the October 28, 2013 meeting. After review of the information, the Board would consider whether to schedule a public hearing.

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

VI. OLD BUSINESS:

- a) Update on Riverfront Plan

Michael said that at the Finance Committee they rejected the bid 4-1 for the Simard Payne Park improvements for a new park between the Grand Trunk Depot and House of Pizza. He said they accepted the bid 5-0 for the pedestrian bridge improvements across the canal.

- b) Update on Comprehensive Plan

David said that the consultant continues to email him and he expects something from them at the end of September. He said they are a little behind but are still moving it forward.

- c) Disposition of 192 Bartlett Street

Michael asked David the status of 192 Bartlett Street and David said he has nothing new report. Michael stated he could not understand why the City was holding onto that property and he wanted to know why. The Board recommended making a motion to have Ed Barrett explain why they are holding this property.

The following motion was made:

MOTION: by **Michael Marcotte** to get an informative response from Ed Barrett, the City Administrator as to why they have not disposed of the property located at 192 Bartlett Street. Second by **Walter Hill.**

VOTED: 7-0 (Passed).

VII. READING OF MINUTES: Adoption of the August 26, 2013 and September 9, 2013 Minutes

The August 26, 2013 and September 9, 2013 draft minutes will be adopted at the September 30, 2013 meeting.

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

MOTION: by **Eric Potvin** that this meeting adjourns at 8:10 p.m. Second by **Sandra Marquis.**

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

The next regularly scheduled meeting is for Monday, October 28, 2013 at 5:30 p.m.

Respectfully Submitted:

Paul Robinson Secretary