

CITY OF LEWISTON
PLANNING BOARD MEETING
MINUTES for September 30, 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 (Excused)

Associate Member Present: Paul Madore and Matthew Mastrogiacomo

Staff Present: David Hediger, City Planner, Gil 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:**

Request for the 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. This item was continued from the September 23, 2013 meeting.

After discussion by the Board, it was decided that Walter Hill would stay as voting member and Paul Madore would be voting as the Associate member on the hearing.

David read staff memo to the Board. He told the Board that some members of the public had additional information to share with the Board and that it would be up to them to decide whether or not they would open discussion to the public.

Bruce voiced his concern regarding the letter in the packet from Lillian Fortin-Martin and stated that it contradicts the amount of open space that is listed in the application. David told him that her letter reflects only the open space behind her property.

The Board discussed the need to address each of the approval criteria and the following motion was made:

MOTION: by **Walter Hill** to start the approval criteria voting with Section 4(s) Open Space and then continue with the remainder of the criteria.
Second by **Paul Madore**.

VOTED: **3-4 (Failed).**
Walter Hill, Paul Madore & Paul Robinson in favor of.
Bruce Damon, Sandy Marquis, Michael Marcotte & Matt Mastrogiacomo Opposed

Bruce stated that the burden of proof lies with the applicant and all of the criteria need to be met. After further discussion, the Board decided to vote on all items separately as listed in the ordinance.

SECTION 4 – Approval Criteria

Bruce asked the members if they felt the modification would have a negative impact on the criteria listed below and the votes were as follows:

(a) Utilization of the site.

VOTE: **6-1 (Passed)**
Michael Marcotte Opposed

(b) Traffic movement into and out of the development area.

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

(c) Access into site.

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

(d) Internal vehicular circulation.

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

(e) Pedestrian circulation.

VOTE: **6-1 (Passed)**
Kevin Morissette Opposed

(f) Storm water management.

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

(g) Erosion control.

VOTE: **6-1 (Passed)**
Michael Marcotte Opposed

(h) Water supply.

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

(i) Sewage disposal.

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

(j) Utilities.

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

(k) Natural features.

VOTE: **4-3 (Passed)**
**Michael Marcotte, Kevin Morissette, and
Sandra Marquis Opposed**

(l) Groundwater protection.

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

(m) Water and air pollution.

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

(n) Exterior lighting.

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

(o) Waste disposal.

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

(p) Lot Layout.

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

(q) Landscaping.

VOTE: **5-2 (Passed)**
Michael Marcotte and Kevin Morissette Opposed

(r) Shoreland relationship.

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

(s) Open space.

VOTE: **5-2 (Passed)**
Michael Marcotte and Kevin Morissette Opposed

(t) Technical & financial capacity.

VOTE: **6-1 (Passed)**
Michael Marcotte Opposed

(u) Buffering.

VOTE: **5-2 (Passed)**
Michael Marcotte and Kevin Morissette Opposed

(v) Compliance with district regulations.

VOTE: **6-1 (Passed)**
Michael Marcotte Opposed

(w) Design consistent with performance standards.

VOTE: **6-1 (Passed)**
Michael Marcotte Opposed

SECTION 5 – Coordination with state subdivision law

(1) Water or air pollution.

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

(2) City water.

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

(3) Unreasonable burden.

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

(4) Unreasonable soil erosion.

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

(5) Unreasonable highway or public road congestion.

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

(6) Adequate sewage waste disposal.

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

(7) Municipal solid waste.

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

(8) Adverse effect on natural beauty.

VOTE: **5-2 (Passed)**
Michael Marcotte and Kevin Morissette

(9) Conformance with Comprehensive Plan.

VOTE: **6-1 (Passed)**
Michael Marcotte Opposed

(10) Subdivider has adequate financial and technical capacity.

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

(11) Unreasonable affecting body of waters.

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

(12) Unreasonable affecting groundwater quantity or quality.

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

(13) FEMA – flood prone area.

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

(14) Unreasonable interference with solar access of existing buildings or parcels.

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

SECTION 6 – Design Guidelines

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

Bruce asked Board members whether it was necessary to open this item up to the public again and the following motion was made:

MOTION: by **Michael Marcotte** to open this item up to the public.
Second by **Kevin Morissette**.

VOTED: 1-6 (Failed).
Michael Marcotte, Paul Robinson, Sandra Marquis, Paul Madore, Bruce Damon and Walter Hill Opposed

The following motion was made:

MOTION: by **Walter Hill** that the application meets all of the necessary criteria contained in the Zoning and Land Use Code, including Article XIII, Sections 4, 5 and 6 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, as shown on plans titled Pinard Farms I, Revision 4. Second by **Paul Robinson**. Michael Marcotte noted we believed section 7 referencing cluster provisions should be included in the motion.

VOTED: 6-1 (Passed)
Michael Marcotte Opposed

Paul Madore asked the City Attorney, Anne Torresgrossa what would be the strongest way to make the homeowners association accountable for the open space. Michael Marcotte also noted that since this was a reconsideration, the actual motion to be made should be the language from the September 9th meeting. The following motion was made:

MOTION: by **Paul Madore** to amend the motion for approval subject to condition that deeds for the transferred open space include covenants requiring that new lots (that being lots 1 and 1A, 2 and 2A, 3 and 3A, 5 and 5A) be subject to the restrictions of the Pinard Farms Subdivision and the Pinard Farms Association. Second by **Sandra Marquis**.

VOTED: 6-1 (Passed)
Michael Marcotte Opposed

(Original Tabled Motion)

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, 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: 4-3 (Passed)
Michael Marcotte, Kevin Morissette and Bruce Damon Opposed

V. OTHER BUSINESS

David told the Board that City Council has entered into negotiations with Platz Associates to purchase Bates Mill #5. If this goes forward, it will be brought to the Planning Board.

Bruce told the Board that at an earlier meeting, he requested voucher numbers and Lincoln Jeffers said he would provide them. Lincoln provided the numbers and they are as follows:

The Lewiston Housing Authority owns and administers a total of 1,751 affordable housing units or Section 8 supported rents in the City. They are broken out as follows:

437 Public Housing Units (Meadowview, Hillview, Blake St. Towers, Rosedale, Lafayette and scattered sites)

1,133 Tenant Based Section 8 certificates

181 Project based section 8 vouchers

There are 1,000 households on their waiting list for Section 8 tenant certificates.

VI. READING OF MINUTES: Adoption of the August 26, 2013 September 9, 2013 and September 23, 2013 Minutes

The following motion was made:

MOTION: by **Paul Robinson** to accept the August 26, 2013 as presented.
Second by **Sandra Marquis**.

VOTED: 7-0 (Passed).

The following motion was made:

MOTION: by **Paul Robinson** to accept the September 9, 2013 as presented
Second by **Walter Hill**.

VOTED: 7-0 (Passed).

The following motion was made:

MOTION: by **Kevin Morissette** to accept the September 23, 2013 as presented
Second by **Walter Hill**.

VOTED: 7-0 (Passed).

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

MOTION: by **Michael Marcotte** that this meeting adjourns at 8:45 p.m.
Second by **Kevin Morissette**.

VOTED: 7-0 (Passed).

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

Respectfully Submitted:

Paul Robinson
Paul Robinson Secretary *CLL*