

**CITY OF LEWISTON  
PLANNING BOARD MEETING**  
Monday, September 30, 2013 – 5:30 P.M.  
City Council Chambers, First Floor  
Lewiston City Building  
27 Pine Street, Lewiston

## AGENDA

- I. **ROLL CALL**
- II. **ADJUSTMENTS TO THE AGENDA**
- III. **CORRESPONDENCE**
- IV. **PUBLIC HEARINGS:**
  - a) 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. 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. This item was continued from the September 23, 2013 meeting.
- VI. **READING OF THE MINUTES:** Motion to adopt the draft minutes from the August 26, 2013, September 9, 2013 and September 23, 2013 meetings.
- VI. **ADJOURNMENT**



## CITY OF LEWISTON

### Department of Planning & Code Enforcement



**TO:** Planning Board  
**FROM:** David Hediger, City Planner  
**DATE:** September 27, 2103  
**RE:** September 30, 2013 Planning Board Agenda Item IV(a)

a) **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.**

At the Planning Board's September 23, 2013 meeting, the Board voted to reconsider and continue the matter of A.R.C.C. Land Surveyors, Inc. request for an amendment to Pinard Farms Subdivision, Revision Four. As part of the reconsideration and continuation, the Board requested that the applicant provide 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 reference to the applicable sections of code for the requested setback modifications for the encroaching sheds. Said additional information was requested by the Board in effort to provide clear findings of facts and conclusion with respect to the applicant's request.

A.R.C.C. has since provided the requested information. Specifically, they have addressed:

- Article XIII:
  - Section 3(g), Application Requirements.
  - Section 4, Approval Criteria.
  - Section 5, Coordination with state subdivision law.
  - Section 7, Additional standards for single-family cluster developments.

Many of the requirements of these sections are not applicable given the nature of the request; that being a request for additional land to be added to the rear of existing subdivision lots. Staff believes that application addresses the appropriate sections of the Zoning and Land Use Code. When reviewing these sections of the ordinances, staff recommends review of the original application submittal from A.R.C.C. as well as the additional information provided with the cover letter dated September 27, 2013 from A.R.C.C. to Bruce Damon. Reference should also be made to staff's memorandum to the Planning Board dated September 6, 2013.

It should be noted the applicant's request for side setback modifications for the sheds at 7 St. Jerome Street, 9 St. Jerome Street, and 11 St. Jerome Street located within the required side setback has been withdrawn. The applicant has told staff that regardless of the outcome, the owners of these properties will work with Staff to bring their sheds into compliance with

applicable setback requirements. Therefore, the Planning Board must only consider the request for additional land to the rear of 7 St. Jerome Street, 9 St. Jerome Street, 11 St. Jerome Street, and 15 St. Jerome Street. Failure to obtain Planning Board approval will result in enforcement action, to which the city and the owners of Lots 1, 2, and 3 (lot 5 is not in violation) have already signed a filed a consent judgment with district court to abate said encroachment and setback violations.

Staff has reviewed the original application and the additional information provided by the applicant and recommends approval of the requested amendment submitted as Pinard Farms I, Revision Four pursuant to Article XIII, Section 4, 5 and 7 of the Zoning and Land Use.

#### **ACTION NECESSARY**

- Make a motion finding that the application meets all of the necessary criteria contained in the Zoning and Land Use Code, including Article XIII, Sections 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, as shown on plans titled Pinard Farms I, Revision 4.

September 27, 2013

Bruce Damon, Chairman Lewiston Planning Board  
27 Pine Street  
Lewiston, ME 04240

Re; Pinard Farms | Revision Four

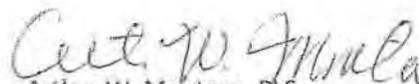
Dear Mr. Damon:

The applicants Mr. & Mrs. Chizmar, Mrs. Lillian Fortin- Martin and Matthew Lajoie are withdrawing their request for modifications to the out buildings from their application.

They will address the issues of these encroachments with the city staff and comply with the setbacks requirements.

I have included the history of the Pinard Farms I residential cluster subdivision and the requirements and my comments to those requirements in Appendix A Article XIII, Development Review And Standards.

Sincerely,

  
Arthur W. Montana, PLS



Arthur W. Montana PLS 492  
Robert W. Gagnon Jr. PLS 2177

## HISTORY OF PINARD FARMS I

Pinard Farms I Subdivision was approved as a Residential Cluster Subdivision on September 27, 1988 with 138,175.49 square feet of open space. See plan labeled A.

Pinard Farms I Subdivision Revision One, was approved on January 24, 1989, the revision was to convey 15,696.81 square feet of land to Country Lane Corp., which was eventually conveyed and the 10 foot access way from the end of Gina Street was changed to a ten foot easement, elimination another 1,354.35 square feet the remaining open space was 121,124.43 square feet. See plan labeled B.

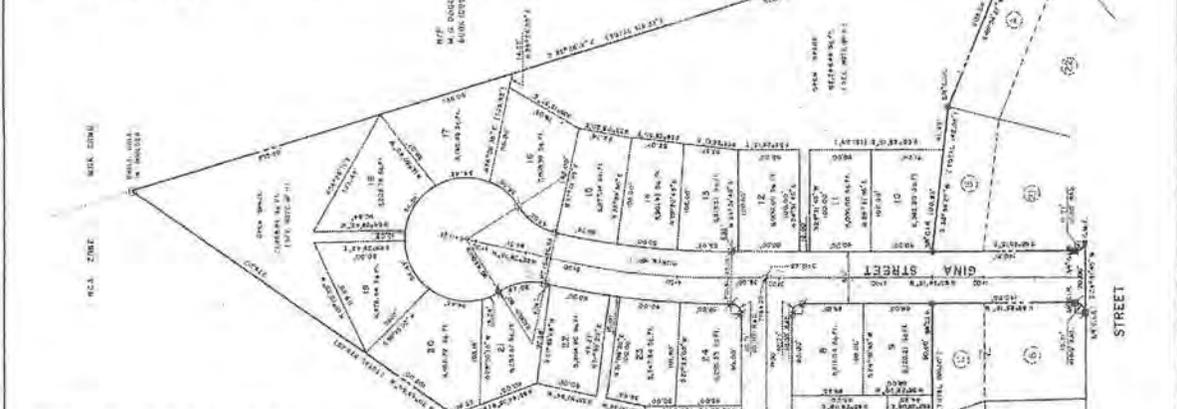
Pinard Farms I Subdivision Revision two amended the plan to reflect the conveyance to Country Lane Corp. and added note 16 addressing parking, the square foot area of the open space was not change. See plan labeled C.

Pinard Farms I Subdivision Revision three reduced the access way to the open space from Gina Street from ten feet to eight feet, reducing the open space by 200 square feet, the remaining open space is 120,924.43 square feet. See plan labeled D.

A

MARK GINA & ST. JEROME STREETS  
 SUBDIVISION PLAN  
 PINARD FARMS I  
 A. L. B. H. SURVEYORS, INC.  
 438 Main St., P.O. Box 104, Leawood, Mo. 64240  
 (314) 791-2800

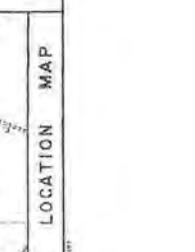
**CERTIFICATION:**  
 WE HEREBY CERTIFY THAT THIS SURVEY CONFORMS TO THE  
 REQUIREMENTS OF THE SURVEYING ACT OF 1942, AS AMENDED,  
 AND THE RULES AND REGULATIONS OF THE BOARD OF SURVEYORS,  
 COMMISSIONERS OF PUBLIC SAFETY, STATE OF MISSOURI, AS  
 APPLICABLE TO THIS SURVEY.  
 A. L. B. H. SURVEYORS, INC.  
 A. L. B. H. SURVEYORS, INC.  
 APPROVED: Scott G. Jensen  
 REGISTERED PROFESSIONAL SURVEYOR  
 No. 10000, State of Missouri

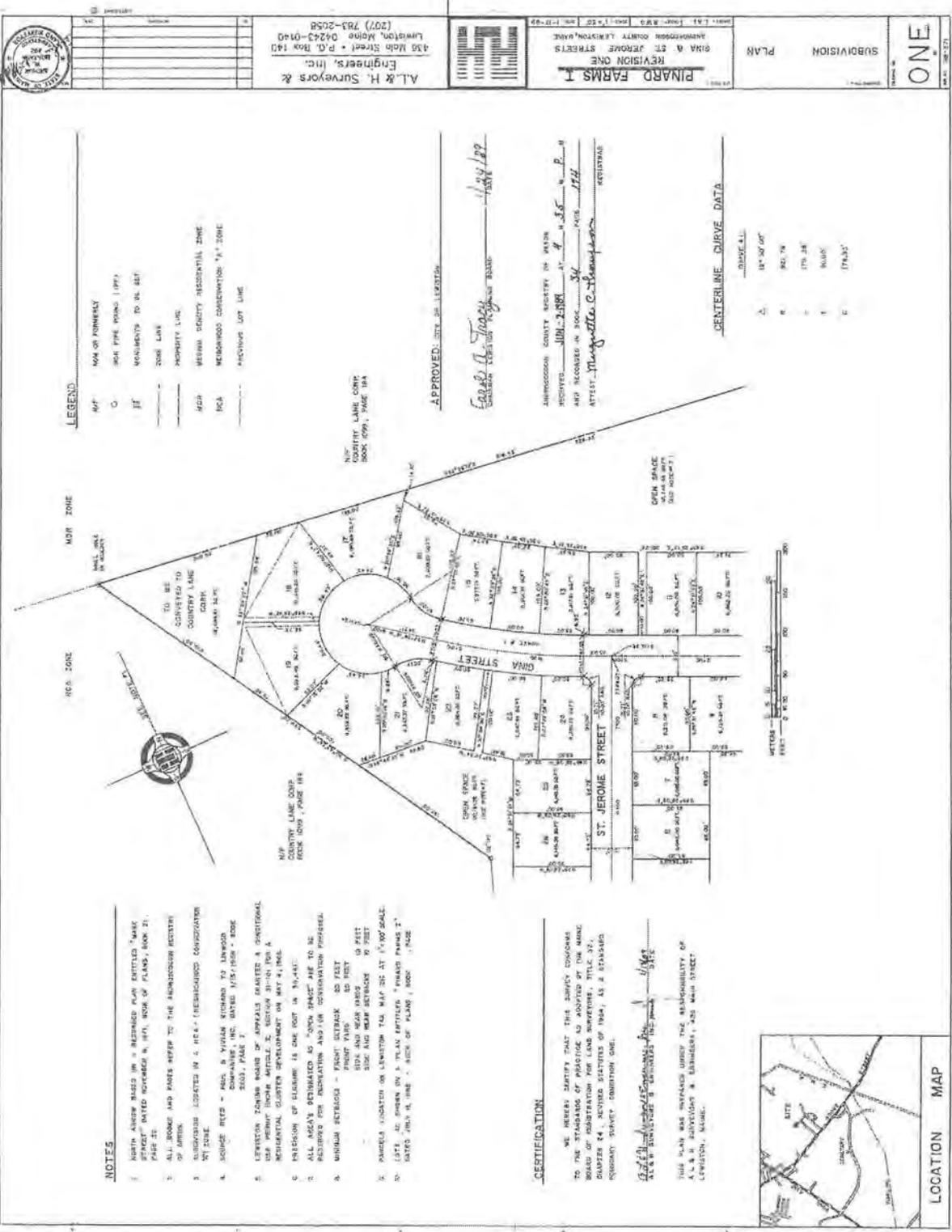


**ABUTTERS**

LOT	NAME	BOOK	PAGE
1	WILLIAM L. CHAMBERLAIN & TERRI S. CHAMBERLAIN	1028	470
2	ROBERT B. & JULIETTE B. BERTIN	1028	470
3	WALTER B. & JOYCE M. COFFEE	1084	678
4	ROBERT W. FLECK	1084	209
5	THOMAS S. & MICHELLE BORTINALE	1084	197
6	CONRAD S. & MICHELLE BORTINALE	1084	240
7	WILLIAM W. & VIVIAN BORDO	1084	312
8	PAUL & VIVIAN BORDO	1084	323
9	PAUL & VIVIAN BORDO	1084	323
10	WINDYOT & SHANE MARSH	1079	049
11	ALAN A. & ANNA M. BAILEY	1089	020
12	ALYDINE S. LISA LANGE	2290	100

**NOTES:**  
 1. NORTH ARROW BASED ON A RECORDED PLAIN ARTIFICAL "MARK STAKE" LAYED  
 OUT IN THE CENTER OF THE LOT. THE DISTANCE FROM THE CENTER OF THE  
 STAKE TO THE CENTER OF THE LOT IS 100.00 FEET.  
 2. ALL BOUNDARIES AND CORNERS REFER TO THE ADJACENT COUNTY BOUNDARY  
 OF MISSOURI.  
 3. LOTS NUMBERED 1 THROUGH 12 ARE PLANNED TO BE BUILT UPON "MARK STREETS".  
 4. LOTS NUMBERED 13 THROUGH 14 ARE PLANNED TO BE BUILT UPON "MARK STREETS".  
 5. LOTS NUMBERED 15 THROUGH 16 ARE PLANNED TO BE BUILT UPON "MARK STREETS".  
 6. THE CENTER OF THE LOT IS LOCATED AT THE INTERSECTION OF THE  
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**LEGEND**

MP	MAP OF FORMERLY
C	CONCRETE DRIVE (PPA)
HT	HOUSING TO BE SET
---	2008 LINE
---	PROPERTY LINE
429	RESIDENTIAL ZONE
10A	NEIGHBORHOOD CONSERVATION - 1/2 ZONE
---	PREVIOUS LOT LINE

COUNTRY LANE CORP.  
BOOK 679, PAGE 184

APPROVED: SITE DE LEXINGTON

*Carol J. Taylor*  
REGISTERED PROFESSIONAL ENGINEER

JAMESHONSON COUNTY SOCIETY IN VEHIC  
RECEIVED: JUN 23 2009 11:48 AM P.  
APP. RECORDED IN BOOK 679 PAGE 174  
ATTEST: *Margaret C. Thompson*  
REGISTERAR

**CENTERLINE CURVE DATA**

CHORD A.L.	147.50' 00"
R	147.50'
Δ	179.34°
T	147.50'
C	(79.34)'

- NOTES**
1. NOTES AND/OR REVISIONS IN A REVISIONED PLAN IDENTIFIED "MARK SPACE" DATED NOVEMBER 4, 1971, BOOK OF PLANS, BOOK 21, PAGE 25.
  2. ALL HOME AND PAVED DRIVE TO THE NEIGHBORHOOD SOCIETY OF JORDON.
  3. SUBDIVISION LOCATED IN A R.C.A. (NEIGHBORHOOD CONSERVATION) ZONE.
  4. SOURCE NOTES - R.C.A. IS NEIGHBORHOOD CONSERVATION ZONE, PARAGRAPH 1, SECTION 20-1-1, CHAPTER 20-1, ARTICLE 1, SECTION 20-1-1.1, CHAPTER 20-1, ARTICLE 1, SECTION 20-1-1.1.
  5. LEXINGTON ZONING BOARD OF APPEALS GRANTED A CONDITIONAL USE PERMIT UNDER ARTICLE 2, SECTION 20-1-1 FOR A RESIDENTIAL CLUSTER DEVELOPMENT ON MAY 4, 1986.
  6. PROVISION OF CLEARANCE IS ONE FOOT ON 1/4" AS 1/4".
  7. ALL AGENTS DESIGNATED AS "CONTRACTOR" ARE TO BE REGISTERED FOR REGISTRATION AND/OR REGISTRATION PROFESSIONAL.
  8. MINIMUM SETBACKS - FRONT SETBACK - 30 FEET  
SIDE AND REAR SETBACKS - 10 FEET  
SIDE AND REAR SETBACKS - 10 FEET
  9. PARCELS LOCATED ON LEXINGTON TOWN MAP ARE AT 1/4" = 100' SCALE.
  10. SETBACKS SHOWN ON A PLAN IDENTIFIED "FINLAND PARCELS" DATED JUNE 16, 1986, BOOK OF PLANS, BOOK 1, PAGE 1.

**CERTIFICATION**

WE HEREBY CERTIFY THAT THIS SURVEY CONFORMS TO THE STANDARDS OF PRACTICE AS ADOPTED BY THE BOARD OF REGISTRATION FOR LAND SURVEYORS, TITLE 27, CHAPTER 24, REVISED STATUTES OF 1944, AS A STANDARD PROFESSIONAL SURVEY CONDITION ONE.

*Carol J. Taylor*  
REGISTERED PROFESSIONAL ENGINEER

THIS PLAN WAS PREPARED UNDER THE RESPONSIBILITY OF A.L.H. ENGINEERS & ENGINEERS, 425 MAIN STREET, LEXINGTON, MAINE.



	<b>PLANNING</b> SUBDIVISION PLAN	<b>REVISION ONE</b> GINA & ST. JEROME STREETS JAMESHONSON COUNTY LEXINGTON, MAINE	SHEET: 1.11 TOTAL SHEETS: 2.3 DATE: 11-1-2010
	PINARD FARMS I A.L.H. ENGINEERS & ENGINEERS, INC. 425 Main Street • P.O. Box 140 Lexington, Maine 04243-0140 (207) 783-2058		





## PINARD FARMS I REVISION FOUR

### APPENDIX A ARTICLE XIII DEVELOPMENT REVIEW AND STANDARDS

#### SEC. 3. PROCEDURE.

##### (g) Application requirements.

- (1) Signed copy of application was submitted.
- (2) Copies of maps was submitted, mylars will be submitted if application is approved.
- (3) Appropriate copies were submitted.

##### a. General information.

1. Submitted with application.
2. Submitted with application
3. Submitted with application
4. Shown on Revision Four plan
5. Shown on Revision Four plan
6. Submitted with application
7. Shown on Revision Four plan

##### b. Existing conditions.

1. The property is in the NCA Zone and is in the notes on the plan.
2. Bearings and distance are shown on the plan.
3. Not applicable, utilities are existing.
4. Shown on Revision Four plan.
5. Not applicable, houses are existing, no new construction planed.
6. Not applicable, the improvements are existing.
7. Shown on Revision Four plan.
8. The area in the rear of the houses are primarily lawns, the open space is wooded.
9. Any water drainage on the site drains northwesterly to St. Jerome Street.
10. There are no signs on the site.
11. There no existing easements or existing covenants or deed restrictions.

##### c. Proposed development activity.

1. Set backs are shown on Revision Four plan.
2. Not applicable.
3. Not applicable.
4. Not applicable.
5. Not applicable.

6. Not applicable.
7. Not applicable
8. None proposed.
9. Not applicable.
10. No new construction.

(4) Additional information that may be required due to the nature of the project.

- a. Not applicable.
- b. Not applicable.
- c. Not applicable.
- d. Not applicable.
- e. Not applicable.
- f. Not applicable.
- g. Not applicable.
- h. Not applicable.
- i. Not applicable.
- j. Not applicable.
- k. Not applicable.
- l. Not applicable.
- m. Sufficient data is shown on Revision Four plan.
- n. Not applicable.
- o. Not applicable.
- p. Not applicable.
- q. Not applicable.
- r. Not applicable

(5) The application are not seeking any modifications.

(h) Review procedures.

(1) Minor development.  
Not applicable.

(2) Major development.  
Not applicable.

Sec. 4 Approval Criteria.

- (a) No new development.
- (b) No increase in traffic flow.

- (1) Not applicable.
- (2) Not applicable.

- (c) Not applicable.
- (d) Not applicable.

- (1) thru (6) not applicable.
- (e) Pedestrian circulation, not applicable
- (f) Stormwater management not applicable.
- (g) Erosion control not applicable.
- (h) Water supply not applicable.
- (i) Sewage disposal not applicable.
- (j) Thru (o) not applicable.
- (p) Lot layout shown on Revision Four plan.
- (r) Not applicable.
- (s) Open space shown on Revision Four plan.
- (1) Thru (7) not applicable.
- (t) Thru (w) not applicable.

Sec. 5. Coordination with state subdivision law.

The Revision Four plan meets these requirements.

Sec. 7. Additional standards for single family cluster development.

(b)

- (1) Open space is provided.
- (2) (3) & (4) the plan meets these requirements.

- (c) (1) Thru (7) the plan meets these requirements.
- (8) (a) thru (6) we have provide this information in our application.
- (9) These are existing homes and is applicable.
- (10) These are existing homes and is not applicable.
- (11) These are existing lots and is not applicable.
- (12) All the roads in this subdivision are owned and maintained by the city.

TO: All Members of the Planning Board  
FROM: Lillian Fortin-Martin on behalf of all Applicants of the Pinard Farms Subdivision  
DATE: September 27, 2013

**MEMORANDUM IN SUPPORT OF APPLICANTS' APPLICATION TO AMEND PINARD FARMS SUBDIVISION  
PLAN REVISION 3**

Before the planning board is an application requesting an amendment with respect to surplus open space within the Pinard Farms Subdivision. We ask the Board to approve this application based on the following:

**FIRST**, according to the Association's By-laws, in order for any modification to be made within the subdivision, that modification must be agreed upon by at least 75% of the homeowners. There are 29 homeowners in the Pinard Farms Subdivision. Of those, 25 have signed the agreement to modify, representing 86.2 % of the homeowners. As evidenced by the signatures presented to, and verified by the City of Lewiston, the applicants have satisfied that requirement.

**SECOND**, the amendment seeks to reduce the size of surplus open space. At no time does the application attempt to reduce the minimum area of open space and/or buffers required for the subdivision. The modification has taken into account the amount of open space available, both surplus and the minimum required. The application does not seek to eliminate the open space, only to reduce it in keeping with current City ordinance requirements.

- Currently, there are 34,096.03 square feet of open space.
- The proposed modification to the open space in the Pinard Farms Subdivision would leave 23,331.13 square feet of open space.
- The proposed modification would also maintain the required 30 feet of buffer zone, in keeping with the initial subdivision approval and subsequent amendments.

**THIRD**, as pointed out by Mr. Arsenault, the proposed modification would bring the lot area into conformity with current Zoning and Land Use Code; the lots in question are substantially smaller than what the city now requires for minimum lot size.

- The City currently requires lots to be at least 7,500 square feet.
- The lots at issue before the Board are 5,823.26, 6,045, 6,045 and 6,045 square feet, respectively. Approval of the modification would bring those lot sizes into conformity with the new requirements.

**FOURTH**, there has been no legitimate opposition presented by any of the abutters:

- Mr. Cloutier's main concern focused on a parcel of land situated adjacent to Lot 1 and also whether or not he was entitled to any additional land within the open space;
- Mr. Doyle expressed his discontent towards the applicants; in addition, his letter to the Board indicates he bought his home only because he assumed the "buffer zone" could not be changed. If Mr. Doyle had researched further, he would have learned the subdivision was, and can be, subject to modification as clearly set forth in the Association's By-laws;
- Mr. Chabot likewise presented no valid opposition, nor did he tell the Board how our proposed modifications would detrimentally affect him or have any adverse effect on his property.

In light of the fact that none of the abutters presented any evidence and/or comments to suggest that reducing the surplus of open space would adversely affect or harm their properties, their oppositions and comments should be discounted.

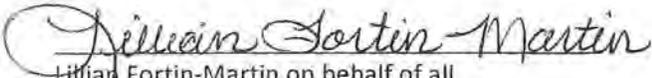
The Applicants ask the board to keep in mind the following:

- The requisite number of homeowners within the association has approved the reduction in surplus open space. This open space belongs to the association and the association has agreed to the modifications set forth in the Applicants' proposal;
- Mr. Arsenault and Mr. Hediger are both in agreement that there is an ample amount of surplus open space available to allow this amendment to satisfy all approval criteria and that the buffers will be in keeping with the initial subdivision approval and subsequent amendments; and
- Mr. Arsenault informed the board that the lots within the Pinard Farm Homeowners Association are smaller than the current city code for minimum lot size and this amendment would bring those lots into lot area conformity.

As previously stated, the applicants have met all necessary requirements needed in order to have their application approved. We, therefore, respectfully request the Planning Board align itself with the Pinard Farm Homeowners Association and approve our application.

In addition, the applicants are also hereby withdrawing their request for setback modifications.

Thank you for your time in reconsidering this matter.

  
Lillian Fortin-Martin on behalf of all  
Applicants of the Pinard Farms Subdivision



## CITY OF LEWISTON

### Department of Planning & Code Enforcement



**TO: Planning Board**  
**FROM: David Hediger, City Planner**  
**DATE: September 6, 2103**  
**RE: September 9, 2013 Planning Board Agenda Item IV(a)**

a) **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.**

A.R.C.C. Land Surveyors, Inc. has submitted an application for Revision Four to the Pinard Farms Subdivision. This 30-lot cluster subdivision is located in the Neighborhood Conservation "A" (NCA) district. The development was first approved on May 5, 1988 by the Lewiston Board of Appeals granting a conditional use permit for Pinard Farms which is a 30-lot single family cluster development. This was followed by the Planning Board's development review approval on July 8, 1988 (at that time, the Planning Board did not have the ability to grant conditional use permits; hence the reason for the Board of Appeal's involvement).

Single family cluster developments allow for lots to have less road frontage and lot area than otherwise is required for lots. Specifically, front yard and front setbacks for individual lots will not be reduced to less than 50 percent; parking for not more than one vehicle may take place in the area between the front wall of the building or structure closest to the street, and running the full width of the building, and the reduced front yard area. Side yard and side setbacks on one side of an individual lot may be reduced to five feet provided that the minimum fire separation distance required by the International Building Code, as amended, is maintained between adjacent structures.

There have been three approved revisions to the Pinard Farms development. This fourth revision submitted for the Planning Board's review is for two purposes:

1. The applicant is requesting to increase the area of Lot 1 (Chizmar), Lot 2 (Martin), Lot 3 (Lajoie/Alden), and Lot 5 by reducing the open space of the subdivision. Lot 1, 2, and 3 have encroached into the required open space with maintained yards and sheds, which are prohibited from being located in the open space. The proposed revision adds additional land to these lots from the open space to eliminate said encroachments. Lot 5 has no apparent violations or encroachments; however, the owner is looking to acquire an additional 926.25 square feet of land area to increase their backyard. The proposed increase in these lot areas reduces the total available open space in the subdivision by 10,758.9 square feet. However, the open space provided within the entire subdivision continues to exceed the minimum required. When initially approved in 1988 the code required a minimum of 58,558.95 square feet of open space (note 13(a) on the submitted plans contains a typo of 57,757.88 square feet). At that time 116,316.83 square feet was provided and 105,557.93 square feet will remain available with the proposed amendment.

exceeding the minimum required. The open space is owned by Pinard Farm Association. The Association requires at least 75% of the lot owner's approval for any changes to or within the open space. There are 29 lot owners in the subdivision: approval from at least 22 lot owners are needed for the amendment. At the time of this memo staff is opinion 23 lot owners have signed off on the granting of additional land to lots 1, 2, and 5. Only 21 lot owners have signed off on the additional land to be granted to lot 3; however, staff anticipates having the necessary 22 lot owners sign off in time for the Planning Board meeting.

2. The second purpose of the plan is to grant 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. Modifications for these sheds may only be considered upon the Board's approval of additional land being added to the rear of their properties. The Board must consider modifications for lots 1 and 3 in accordance with Article IX, Section 3(9) and (10) of the Zoning and Land Use Code as these sheds are within 50% of the required 10' setback. The Board must consider a modification for lot 2 in accordance Article IX, Section 3(9) as that shed is within 25% of the required 10' setback. When considering these modifications, the Board should be viewing this as though the structures do not exist for determining whether the following modification criteria are being met:

(9) Modifications of setbacks, yards, maximum lot coverage ratio, maximum impervious surface ratio, minimum open space ratios, and maximum building height requirements by not more than 25 percent; for lots in the highway business and community business zoning districts with frontage on Main Street, Sabattus Street or Lisbon Street, the modification may be up to 30 percent. The requested modifications of the aforementioned space and bulk requirements shall meet the following criteria:

- a. Detached single-family dwellings and their accessory structures may be located a minimum of ten feet from the nearest point of any existing principal structure or building on any adjacent lot.  
  
All other residential and nonresidential structures requesting modifications must be constructed in accordance with the current building code.
- b. The granting of the reduction will not result in undue impact on adjacent properties due to the placement of buildings or structures, location of service, parking or storage areas, diversion of surface water or blocking of solar access;
- c. The modification will not impede the ability of public safety services to reach or service the property or adjacent properties;
- d. The modification provisions cannot be used to further modify space and bulk requirements already reduced pursuant to the cluster provisions found under article XIII, sections 7 and 9; or to reduce the minimum lot size, minimum frontage, minimum setback and minimum yard requirements for article XI for single-family cluster developments, mixed residential developments, mixed single-family residential developments and mobile home parks as they apply to the development in its entirety as if it were a single unit; or to further modify yard and setback reductions

allowed for awning and canopy installations, and existing service stations, pursuant to article V, subsections 3(q) and (t), respectively.

- (10) Modifications of front setbacks limited to vertical expansions, side and rear yards, side and rear setbacks, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios, maximum building height requirements by more than 25 percent (or by more than 30 percent for lots in the highway business and community business zoning districts with frontage on Main Street, Sabattus Street or Lisbon Street), but not greater than 50 percent. The requested modifications of the aforementioned space and bulk requirements shall meet the criteria contained in subsection 3(9) above and the following additional criteria:

For modifications to the front setbacks, side and rear yards, side and rear setbacks, maximum lot coverage ratios, maximum impervious surface ratios, minimum open space ratios and maximum building height requirements, the proposed structure, building, storage area, parking or other impervious area cannot otherwise be practically located on the lot to satisfy the code requirements from which relief is sought. In assessing practicality, the board shall take into consideration impediments to development imposed by floodplains, wetlands, shore land zoning, topography, geology, lot size and configuration and limitations caused due to existing conditions of development.

The reviewing authority shall also assess the need for the development and the use of the property in relation to the relief requested such as could the proposed improvements be reduced in scope or be reasonably placed at another location on the lot and still generally meet the petitioners objectives; or are there aesthetic, architectural or structural considerations that warrant that the proposed relief be granted.

The Board will note addition correspondence have been provided by neighbors opposed to the above referenced amendments from by Dan Doyle, 16 Mark Street and the "Citizens of Mark Street" (of which staff knows includes Donald Chabot, 14 Mark Street). Many of the issues raised by the neighbor's reference past enforcement actions by this office. Staff will be prepared to speak to this at the meeting. However, the reason the applicants have requested Planning Board approval is to address the outstanding space and bulk violations on these lots. Failure to obtain Planning Board approval will result in enforcement action, to which the city and the owners of Lots 1, 2, and 3 (lot 5 is not in violation) have already signed a filed a consent agreement with district court to abate said encroachment and setback violations.

#### **ACTIONS NECESSARY**

Staff is recommending separate motions for this application:

1. Make a motion 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.
2. Make a determination that the application is complete.

3. Make a motion finding 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.

Should the above motion pass, the Board should consider separate motions for each lot requesting a setback modification of for their sheds:

1. Make a motion 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, and Matthew Lajoie, 11 St. Jerome Street for sheds to be located within the required 10' side setback.
2. Make a determination that the application is complete;
3.
  - a. Make a motion finding that the application meets all of the necessary criteria contained in the Zoning and Land Use Code, including Article IX, Section 3(10) of the Zoning and Land Use and to grant approval to Mark L. and Terri I. Chizmar, for a 12' x 18' shed to be located 6.94' from the side property line.
  - b. Make a motion finding that the application meets all of the necessary criteria contained in the Zoning and Land Use Code, including Article IX, Section 3(9) of the Zoning and Land Use and to grant approval to Lillian Fortin-Martin, 9 St. Jerome Street for a 12' x 12' shed to be located 7.66' from the side property line.
  - c. Make a motion finding that the application meets all of the necessary criteria contained in the Zoning and Land Use Code, including Article IX, Section 3(10) of the Zoning and Land Use and to grant approval to Matthew Lajoie, 11 St. Jerome Street for a 10' x 12' shed to be located 5.95' from the side property line.

City of Lewiston  
Department of Planning and Code Enforcement

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Memorandum

TO: Lewiston Planning Board  
FR: Gil Arsenault, Director of Planning and Code Enforcement  
RE: Pinard Farms – Revision Four/Reduction of Open Space  
DT: September 9, 2013

I offer the following historical approval information with respect to Pinard farms:

On May 4, 1988 the Lewiston Board of Appeals granted a conditional use permit for the development of Pinard Farms, a 30 lot cluster subdivision. There were no conditions placed upon the conditional use permit.

On September 27, 1988 the Lewiston Planning Board granted site plan review approval for the development of Pinard Farms, a 30 lot cluster subdivision.

On January 24, 1989 the Lewiston Planning Board granted site plan review approval for an amendment called Revision One to Pinard Farms. The purpose for the amendment was to transfer open space located to the rear of lots 18 & 19 at the end of Gina Street to Country Lane Corp. There was a code standard that stated that developments should provide for proper continuation of streets into adjacent land as required by 31-174(D) 4(c). This amendment was made by the developer to avoid a legal battle with Country lane Corp.

On July 11, 1989 the Lewiston Planning Board granted site plan review approval for an amendment called Revision Two to Pinard Farms. The purpose for the amendment was to clarify that the space and bulk standards could be reduced in a cluster subdivision. At that time a side setback on one side could be reduced to 0 (10' on the other side) and the front setback to 10'. This changed effective on October 4, 1990 whereby side setbacks could be reduced to 5'.

On May 24, 1994 the Lewiston Planning Board granted site plan review approval for an amendment called Revision Three to Pinard Farms. The purpose for this change was to remove 2' from the 10' access corridor to the open space located behind lots 11 & 12 on Gina Street. The 2' went to lot 11 to resolve a setback issue.



## CITY OF LEWISTON

### Department of Planning & Code Enforcement



**TO:** Planning Board  
**FROM:** David Hediger, City Planner  
**DATE:** September 18, 2013  
**RE:** September 23, 2013 Planning Board Agenda Item V(a) and (b)

#### **Item V(a).**

**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.**

Given the outcome of the Pinard Farms Subdivision request to the Planning Board at meeting of September 9, 2013 the applicants are seeking clarification as to why the Planning Board did not approve their application. The Board did not provide findings to support reasons for not approving the request pursuant to the Zoning and Land Use Code.

A request is being made by staff to go into executive session with the City Attorney (upon a favorable motion from the Board) concerning the legal rights and duties of the Planning Board.

The following motion must be made:

Make a motion that the Planning Board 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.

The Board will then enter the adjacent meeting room. No notes, minutes, or votes are taken during executive session.

#### **Item V(b).**

**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.**

The Board is being requested to reconsider the application (upon a favorable recommendation from the Board) for Pinard Farms. The Board received a request from Lillian Fortin-Martin, 9 St. Jerome Street date September 11, 2013 on behalf of the other applicant's seeking clarification with respect to the Board's decision to not approve their requested amendment to the Pinard Farms subdivision. Pursuant to the Planning Board's adopted handbook, in order for the matter to be reconsidered, it shall be in order for any member who voted on the prevailing side to move a reconsideration of said matter, during the same meeting or at the immediate next regularly scheduled Planning Board meeting. This means a motion must be made by Bruce Damon, Michael Marcotte, Paul Madore, Kevin Morrisette, or Sandy Marquis. Upon a second, a simple majority vote determines whether the item will be reconsidered.

The following motion must be made:

Make a motion 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.

Upon a favorable vote to reconsider, the Board is being asked to provide finding of facts and conclusion with respect to previous decision not to approve the applicant's request.

At this time, the previously submitted application is available online in its entirety and contains no new information from what was considered by the Board at their September 9<sup>th</sup> meeting. If Planning Board members did not keep copies from the last meeting, new copies will be provided at the meeting.

Lillian Fortin-Martin  
9 St. Jerome Street  
Lewiston, ME 04240

September 11, 2013

Bruce Damon, Chairperson  
Lewiston Planning Board Members  
c/o Code Enforcement Office  
27 Pine Street  
Lewiston, ME 04240

**RE: Pinard Farms Subdivision – Open Space  
Planning Board Meeting of 9/09/13**

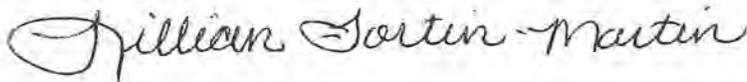
Dear Mr. Damon and Planning Board Members:

This letter is being submitted on behalf of all applicants of the Pinard Farms Subdivision in connection with their recent proposal to amend the Pinard Farms Subdivision Plan (Revision 3) for the purpose of extending property lines and conforming with the City of Lewiston Code of Ordinances and setback requirements.

On Monday, September 9, 2013, an unfavorable decision was rendered to our proposed modifications to the Plan and it is not clear to any of us as to why our application was denied. In order to consider our future options, we are looking for clarification from the Planning Board as to what criteria and provisions were not met.

We are respectfully requesting the Planning Board's clarification and reasons for denial. Thank you for your attention in this matter and I look forward to hearing from you.

Very truly yours,



Lillian Fortin-Martin

Cc: Gildace Arsenault  
David Hediger  
Arthur Montana  
Mark and Terri Chizmar  
Alexandra D'Eramo  
Mathew Lajoie

**PINARD FARMS I SUBDIVISION**

**REVISION FOUR**

**ST. JEROME STREET**

**LEWISTON, MAINE**

## TABLE OF CONTENTS

Cover Letter	1 page
Application	13 pages
Right Title and Interest	13 pages
Letter From Pinard Farms Association	20 pages
Pinard Farms Association Articles of Incorporation	8 pages
Open Space Requirements	1 page



Arthur W. Montana PLS 482  
Robert W. Gagnon Jr. PLS 2177

August 22, 2013

David Hediger, Deputy Director/City Planner  
27 Pine Street  
Lewiston, ME 04240

Dear David:

Mark & Terri 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 wish to acquire additional land to the rear of their property from Pinard Farms Association to satisfy Land Use Code violations.

They are seeking modifications to the side yard setback for Lots 1, 2 and 3. Lot 1 reduced to 6.94 feet, Lot 2 reduced to 7.66 feet and lot 3 reduced to 5.95 feet.

The Subdivision has a surplus of 57,757.77 square feet. The amended plan reduces the open space by 11,205.99 square feet for a remainder of 46,551.78 square feet of surplus open space.

I have included 15 copies of the plan and application.

Sincerely,

  
Arthur W. Montana, PLS

Encl.



### Zoning Summary

1. Property is located in the NCA zoning district.

2. Parcel Area: \_\_\_\_\_ acres / \_\_\_\_\_ square feet(sf).

Regulations                      Required/Allowed                      Provided

Min Lot Area                      Lots are in a Residential Cluster Development

Street Frontage                      \_\_\_\_\_ / \_\_\_\_\_

Min Front Yard                      20 feet / \_\_\_\_\_

Min Rear Yard                      20 feet / \_\_\_\_\_

Min Side Yard                      10 feet / \_\_\_\_\_

Max. Building Height                      \_\_\_\_\_ / \_\_\_\_\_

Use Designation                      \_\_\_\_\_ / \_\_\_\_\_

Parking Requirement                      1 space/ per \_\_\_\_\_ square feet of floor area

Total Parking:                      \_\_\_\_\_ / \_\_\_\_\_

Overlay zoning districts (if any):                      \_\_\_\_\_ / \_\_\_\_\_

Urban impaired stream watershed?                      YES/NO If yes, watershed name NO

## DEVELOPMENT REVIEW APPLICATION SUBMISSION

Submission shall include payment of fee and fifteen (15) complete packets containing the following materials:

1. Full size plans containing the information found in the attached sample plan checklist.
2. Application form that is completed and signed.
3. Cover letter stating the nature of the project.
4. All written submittals including evidence of right, title and interest.
5. Copy of the checklist completed for the proposal listing the material contained in the submitted application.

Refer to the application checklist for a detailed list of submittal requirements.

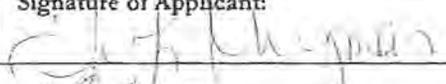
L/A's development review process and requirements have been made similar for convenience and to encourage development. Each City's ordinances are available online at their prospective websites:

Auburn: [www.auburnmaine.org](http://www.auburnmaine.org) under City Departments/ Planning and Permitting/Land Use Division/Zoning Ordinance

Lewiston: <http://www.ci.lewiston.me.us/clerk/ordinances.htm> Refer to Appendix A of the Code of Ordinances

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, I certify that the City's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

This application is for development review only; a Performance Guarantee, Inspection Fee, Building Permit Application and other associated fees and permits will be required prior to construction.

Signature of Applicant: 	Date: <u>Aug. 14 2013</u>
--	------------------------------

 8 14 13



### Zoning Summary

1. Property is located in the NCA zoning district.

2. Parcel Area: \_\_\_\_\_ acres / \_\_\_\_\_ square feet(sf).

Regulations	<u>Required/Allowed</u>	<u>Provided</u>
-------------	-------------------------	-----------------

Min Lot Area	<u>Lots are in a Residential Cluster Development</u>	
--------------	--	--

\_\_\_\_\_

Street Frontage	_____ / _____	
-----------------	---------------	--

Min Front Yard	<u>20 feet</u> / _____	
----------------	------------------------	--

Min Rear Yard	<u>20 feet</u> / _____	
---------------	------------------------	--

Min Side Yard	<u>10 feet</u> / _____	
---------------	------------------------	--

Max. Building Height	_____ / _____	
----------------------	---------------	--

Use Designation	_____ / _____	
-----------------	---------------	--

Parking Requirement	<u>1 space/ per</u> _____ <u>square feet of floor area</u>	
---------------------	--	--

Total Parking:	_____ / _____	
----------------	---------------	--

Overlay zoning districts (if any):	_____ / _____ / _____	
------------------------------------	-----------------------	--

Urban impaired stream watershed?	YES/NO If yes, watershed name <u>NO</u>	
----------------------------------	---	--

## DEVELOPMENT REVIEW APPLICATION SUBMISSION

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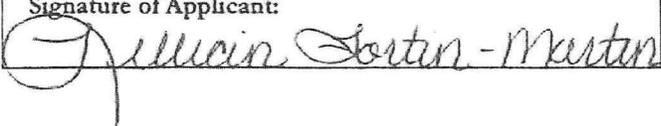
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Signature of Applicant: 	Date: <u>8/15/13</u>
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### Zoning Summary

1. Property is located in the NCA zoning district.  
 2. Parcel Area: \_\_\_\_\_ acres / \_\_\_\_\_ square feet(sf).

Regulations	Required/Allowed	Provided
Min Lot Area	<u>Lots are in a Residential Cluster Development</u>	
Street Frontage	/	/
Min Front Yard	<u>20 feet</u>	/
Min Rear Yard	<u>20 feet</u>	/
Min Side Yard	<u>10 feet</u>	/
Max. Building Height	/	/
Use Designation	/	/
Parking Requirement	<u>1 space/ per _____ square feet of floor area</u>	
Total Parking:	/	/
Overlay zoning districts (if any):	/	/
Urban impaired stream watershed?	<u>YES/NO If yes, watershed name NO</u>	

## DEVELOPMENT REVIEW APPLICATION SUBMISSION

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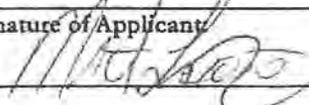
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This application is for development review only; a Performance Guarantee, Inspection Fee, Building Permit Application and other associated fees and permits will be required prior to construction.

Signature of Applicant 	Date: <u>8-19-13</u>
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### Zoning Summary

1. Property is located in the NCA zoning district.

2. Parcel Area: \_\_\_\_\_ acres / \_\_\_\_\_ square feet(sf).

Regulations	<u>Required/ Allowed</u>	<u>Provided</u>
Min Lot Area	<u>Lots are in a Residential Cluster Development</u>	
Street Frontage	/	
Min Front Yard	<u>20 feet</u>	/
Min Rear Yard	<u>20 feet</u>	/
Min Side Yard	<u>10 feet</u>	/
Max. Building Height	/	
Use Designation	/	
Parking Requirement	<u>1 space/ per square feet of floor area</u>	
Total Parking:	/	
Overlay zoning districts (if any):	/	
Urban impaired stream watershed?	<u>YES/NO If yes, watershed name NO</u>	

## DEVELOPMENT REVIEW APPLICATION SUBMISSION

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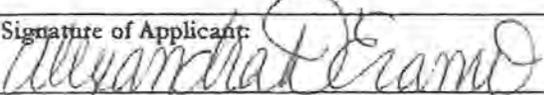
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**This application is for development review only; a Performance Guarantee, Inspection Fee, Building Permit Application and other associated fees and permits will be required prior to construction.**

Signature of Applicant: 	Date: 8.15.13
--	------------------

# PROJECT DATA

The following information is required where applicable, in order to complete the application

## IMPERVIOUS SURFACE AREA/RATIO

Existing Total Impervious Area 0 sq. ft.  
Proposed Total Paved Area 0 sq. ft.  
Proposed Total Impervious Area 316 (sheds) sq. ft.  
Proposed Impervious Net Change \_\_\_\_\_ sq. ft.  
Impervious surface ratio existing \_\_\_\_\_ % of lot area  
Impervious surface ratio proposed \_\_\_\_\_ % of lot area

## BUILDING AREA/LOT COVERAGE

Existing Building Footprint 3 Sheds 316 sq. ft.  
Proposed Building Footprint \_\_\_\_\_ sq. ft.  
Proposed Building Footprint Net change \_\_\_\_\_ sq. ft.  
Existing Total Building Floor Area \_\_\_\_\_ sq. ft.  
Proposed Total Building Floor Area \_\_\_\_\_ sq. ft.  
Proposed Building Floor Area Net Change \_\_\_\_\_ sq. ft.  
New Building \_\_\_\_\_ (yes or no)  
Building Area/Lot coverage existing \_\_\_\_\_ % of lot area  
Building Area/Lot coverage proposed \_\_\_\_\_ % of lot area

## ZONING

Existing \_\_\_\_\_  
Proposed, if applicable \_\_\_\_\_

## LAND USE

Existing \_\_\_\_\_  
Proposed \_\_\_\_\_

## RESIDENTIAL, IF APPLICABLE

Existing Number of Residential Units \_\_\_\_\_  
Proposed Number of Residential Units \_\_\_\_\_  
Subdivision, Proposed Number of Lots \_\_\_\_\_

## PARKING SPACES

Existing Number of Parking Spaces \_\_\_\_\_  
Proposed Number of Parking Spaces \_\_\_\_\_  
Required Number of Parking Spaces \_\_\_\_\_  
Number of Handicapped Parking Spaces \_\_\_\_\_

## ESTIMATED COST OF PROJECT

\_\_\_\_\_

## DELEGATED REVIEW AUTHORITY CHECKLIST

### SITE LOCATION OF DEVELOPMENT AND STORMWATER MANAGEMENT

Existing Impervious Area 316 sq. ft.  
Proposed Disturbed Area none sq. ft.  
Proposed Impervious Area none sq. ft.

- 1. If the proposed disturbance is greater than one acre, then the applicant shall apply for a Maine Construction General Permit (MCGP) with MDEP.*
- 2. If the proposed impervious area is greater than one acre including any impervious area created since 11/16/05, then the applicant shall apply for a MDEP Stormwater Management Permit, Chapter 500, with the City.*
- 3. If total impervious area (including structures, pavement, etc) is greater than 3 acres since 1971 but less than 7 acres, then the applicant shall apply for a Site Location of Development Permit with the City. If more than 7 acres then the application shall be made to MDEP unless determined otherwise.*
- 4. If the development is a subdivision of more than 20 acres but less than 100 acres then the applicant shall apply for a Site Location of Development Permit with the City. If more than 100 acres then the application shall be made to MDEP unless determined otherwise.*

### TRAFFIC ESTIMATE

Total traffic estimated in the peak hour-existing N/A passenger car equivalents (PCE)  
(Since July 1, 1997)

| Total traffic estimated in the peak hour-proposed (Since July 1, 1997) N/A passenger car equivalents (PCE)  
If the proposed increase in traffic exceeds 100 one-way trips in the peak hour then a traffic movement permit will be required.



# Development Review Checklist

City of Auburn Planning and Permitting Department  
City of Lewiston Department of Planning and Code Enforcement



THE FOLLOWING INFORMATION IS REQUIRED WHERE APPLICABLE TO BE SUBMITTED FOR AN APPLICATION TO BE COMPLETE

PROJECT NAME: Penard Farms I Revision 4

PROPOSED DEVELOPMENT ADDRESS and PARCEL #: St. Jerome Street

Required Information		Check Submitted		Applicable Ordinance	
		Applicant	Staff	Lewiston	Auburn
<b>Site Plan</b>					
	Owner's Names/Address	X			
	Names of Development	X			
	Professionally Prepared Plan	X			
	Tax Map or Street/Parcel Number	X			
	Zoning of Property	X			
	Distance to Property Lines	X			
	Boundaries of Abutting land	X			
	Show Setbacks, Yards and Buffers	X			
	Airport Area of Influence (Auburn only)				
	Parking Space Calcs	N/A			
	Drive Openings/Locations	N/A			
	Subdivision Restrictions	X			
	Proposed Use	X			
	PB/BOA/Other Restrictions	N/A			
	Fire Department Review				
	Open Space/Lot Coverage	X			
	Lot Layout (Lewiston only)	N/A			
	Existing Building (s)				
	Existing Streets, etc.				
	Existing Driveways, etc.				
	Proposed Building(s)				
	Proposed Driveways				
<b>Landscape Plan</b>					
	Greenspace Requirements	N/A			
	Setbacks to Parking				
	Buffer Requirements				
	Street Tree Requirements				

	Screened Dumpsters	N/A			
	Additional Design Guidelines				
	Planting Schedule	N/A			
<b>Stormwater &amp; Erosion Control Plan</b>		N/A			
	Compliance w/ chapter 500				
	Show Existing Surface Drainage				
	Direction of Flow				
	Location of Catch Basins, etc.				
	Drainage Calculations				
	Erosion Control Measures				
	Maine Construction General Permit				
	Bonding and Inspection Fees				
	Post-Construction Stormwater Plan				
	Inspection/monitoring requirements				
	Third Party Inspections (Lewiston only)				
<b>Lighting Plan</b>		N/A			
	Full cut-off fixtures				
	Meets Parking Lot Requirements				
<b>Traffic Information</b>		NA			
	Access Management				
	Signage				
	PCE - Trips in Peak Hour				
	Vehicular Movements				
	Safety Concerns				
	Pedestrian Circulation				
	Police Traffic				
	Engineering Traffic				
<b>Utility Plan</b>		N/A			
	Water				
	Adequacy of Water Supply				
	Water main extension agreement				
	Sewer				
	Available city capacity				
	Electric				
	Natural Gas				
	Cable/Phone				
<b>Natural Resources</b>					
	Shoreland Zone	N/A			
	Flood Plain	N/A			
	Wetlands or Streams	NONE			
	Urban Impaired Stream	N/A			
	Phosphorus Check	N/A			
	Aquifer/Groundwater Protection	N/A			
	Applicable State Permits				

	No Name Pond Watershed (Lewiston only)				
	Lake Auburn Watershed (Auburn only)				
	Taylor Pond Watershed (Auburn only)				
<b>Right Title or Interest</b>		X			
	Verify	X			
	Document Existing Easements, Covenants, etc.	X			
<b>Technical &amp; Financial Capacity</b>		N/A			
	Cost Est./Financial Capacity				
	Performance Guarantee				
<b>State Subdivision Law</b>					
	Verify/Check				
	Covenants/Deed Restrictions	X			
	Offers of Conveyance to City				
	Association Documents	X			
	Location of Proposed Streets & Sidewalks	N/A			
	Proposed Lot Lines, etc.	X			
	Data to Determine Lots, etc.	X			
	Subdivision Lots/Blocks	X			
	Specified Dedication of Land				
<b>Additional Subdivision Standards</b>					
	Single-Family Cluster (Lewiston only)				
	Multi-Unit Residential Development (Lewiston only)				
	Mobile Home Parks				
	Private Commercial or Industrial Subdivisions (Lewiston only)				
	PUD (Auburn only)				
<b>A jpeg or pdf of the proposed site plan</b>					
<b>Final sets of the approved plans shall be submitted digitally to the City, on a CD or DVD, in AutoCAD format R 14 or greater, along with PDF images of the plans for archiving</b>					

RELEASE DEED

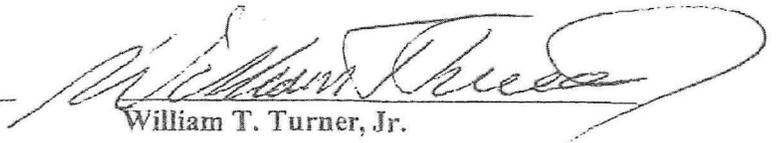
William T. Turner, Jr. with mailing address at 314 Center Street, Auburn, Maine 04210, grants to Pinard Farms Association, a Maine not-for-profit Corporation with a mailing address at 314 Center Street, Auburn, Maine 04210, all of the real estate designated as "Open Space" as depicted on the Plan entitled "Pinard Farms I" dated July 8, 1988 recorded in the Androscoggin County Registry of Deeds, Book of Plans, Book 34, Page 173, as revised pursuant to Revision I dated January 17, 1989 recorded in the said Registry of Deeds at Book of Plans Book 34, Page 173, as revised pursuant to Revision II dated July 17, 1989 recorded in the said Registry of Deeds, Book of Plans, Book 35, Page 2, and as further revised pursuant to Revision III dated May 17, 1994 recorded in the said Registry of Deeds, Book of Plans, Book 38, Page 20.

This conveyance is made subject to any and all notes, easements, and any and all other matters shown on the above-described Plan. This conveyance is conveyed together with, and subject to, any and all rights, easements, privileges and appurtenances of record.

For source of the Grantor's title See Warranty Deed from Androscoggin Valley Development Group to William Turner dated May 1, 1992, recorded in the Androscoggin County Registry of Deeds at Book 2842, Page 160.

In Witness Whereof, the undersigned has hereunto set his hand effective this 3<sup>rd</sup> day of December, 2012.

Witness:

  
William T. Turner, Jr.

The preparer did not conduct a title search or examination in connection with this instrument on the property described herein, and therefore title is neither warranted nor guaranteed by the preparer. The preparer expresses no opinion as to the title the grantee will receive. The preparer of this Deed makes no representation as to the status of title,

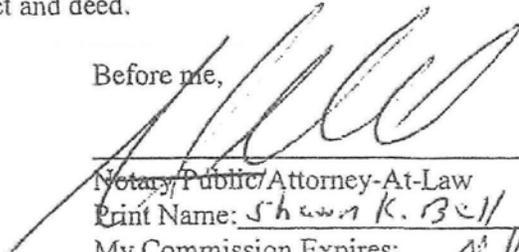
NO MAINE R.E.  
TRANSFER TAX PAID

STATE OF MAINE  
ANDROSCOGGIN, SS.

December 3, 2012

Then personally appeared the above-named William T. Turner, Jr. and acknowledged the foregoing instrument to be his free act and deed.

Before me,

  
\_\_\_\_\_  
Notary Public/Attorney-At-Law

Print Name: Shawn K. Bell

My Commission Expires: N/A

ANDROSCOGGIN COUNTY  
TINA M CHOUINARD  
REGISTER OF DEEDS

The preparer did not conduct a title search or examination in connection with this instrument on the property described herein, and therefore title is neither warranted nor guaranteed by the preparer. The preparer expresses no opinion as to the title the grantee will receive. The preparer of this Deed makes no representation as to the status of title, property use, zoning regulations, or any other matter.

64-91

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, WE, ROBERT M. COURNOYER & JEANNETTE M. COURNOYER, of 7 St. Jerome Street, Lewiston, County of Androscoggin, in the State of Maine

FOR CONSIDERATION PAID, GRANT TO

TERRI L. CHIZMAR & MARK L. CHIZMAR, of 11 School Street, Lisbon Falls, County of Androscoggin in the State of Maine

with WARRANTY COVENANTS, as JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP, the following:

A certain lot or parcel of land with the buildings and improvements thereon, situated in the City of Lewiston, county of Androscoggin, State of Maine, bounded and described as follows:

Being Lot numbered one (1) as shown on a Plan entitled "Pinard Farms I, Revision Tow" dated July 17, 1989 prepared by A.L. & H. Surveyors & Engineers, Inc. and recorded at Plan Book 35, Page 2 of the Androscoggin County Registry of Deeds. Reference is also made to an original plan of Pinard Farms I dated July 8, 1988 and recorded in Plan Book 34, Page 173 of said Registry as well as plan entitled "Pinard Farms J. Revision One" dated January 17, 1989 and recorded at Plan Book 34, Page 174 of said Registry.

The premises are conveyed subject to the terms and conditions of the Declaration of Property Restrictions and Established of Lot Owners Association for Pinard Farms dated June 22, 1989 and recorded at Book 2428, Page 253 of said Registry.

Meaning and intending to describe and convey the same premises conveyed to Robert M. Cournoyer & Jeannette M. Cournoyer by Warranty Deed of Androscoggin Valley Development Corporation, dated May 24, 1990 and recorded in the Androscoggin County Registry of Deeds at Book 2558 Page 92.

WITNESS our hands and seals this 16<sup>th</sup> day of October 2002.

Witness

Robert M. Cournoyer  
ROBERT M. COURNOYER

Jeannette Cournoyer  
JEANNETTE M. COURNOYER

State of Maine  
Cumberland County

October 16, 2002

Oct

Personally appeared ROBERT M. COURNOYER & JEANNETTE M. COURNOYER known to me, or satisfactorily proven, to be the person whose name ARE subscribed to the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.

Before me,

Diane L. Arsenault  
Notary Public/Attorney-at-Law  
My Commission Expires:

ANDROSCOGGIN COUNTY  
Jeannie D. Bergson  
REGISTER OF DEEDS

DIANE L. ARSENAULT  
NOTARY PUBLIC, MAINE  
MY COMMISSION EXPIRES MARCH 19, 2003

MAINE REAL ESTATE  
TRANSFER TAX PAID

BK2578 PG084

12943  
WARRANTY DEED  
Corporate Grantor

64-90

**Know all Men by these Presents,**

**That** Androscoggin Valley Development Group

a Corporation organized and existing under the laws of the State of Maine

and having a place of business at Lewiston

in the County of Androscoggin and State of Maine

in consideration of One dollar and all other valuable consideration

paid by Lillian J. Fortin

whose mailing address is 10 Seville Place, Apt. #27  
Lewiston, Maine 04240

the receipt whereof it does hereby acknowledge, does hereby give, grant, bargain, sell and convey  
unto the said Lillian J. Fortin

her heirs and assigns forever.

MAINE REAL ESTATE  
TRANSFER TAX PAID

## SCHEDULE A

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

Being Lot numbered Two (2) as shown on a plan entitled "Pinard Farms I, Revision Two" dated July 17, 1989 prepared by A.L. & E. Surveyors & Engineers, Inc. and recorded at Plan Book 35, Page 2 of the Androscoggin County Registry of Deeds. Reference is also made to an original plan of Pinard Farms I dated July 8, 1988 and recorded in Plan Book 34, Page 173 of said Registry, as well as plan entitled "Pinard Farms I, Revision One" dated January 17, 1989 and recorded at Plan Book 34, Page 174 of said Registry.

The premises are conveyed subject to the terms and conditions of the Declaration of Property Restrictions and Establishment of Lot Owners Association for Pinard Farms dated June 22, 1989 and recorded at Book 2428, Page 253 of said Registry.

Meaning and intending to convey and hereby conveying a portion of the same premises conveyed to Grantor herein by deed of The Linwood Companies, Inc. dated May 24, 1989 and recorded in the Androscoggin County Registry of Deeds in Book 2411, Page 288.

BK2578 PG086

To have and to hold the aforesaid and bargained premises, with all the privileges and appurtenances thereof, to the said Lillian J. Fortin

her heirs and assigns, to them and their use and behoof forever.

And the said Grantor Corporation does hereby warrant with the said Grantee, her heirs and assigns, that it is lawfully seized in fee of the premises, that they are free of all encumbrances

that it has good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it and its successors, shall and will warrant and defend the same to the said Grantee, her heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, the said Androscooggin Valley Development Group has caused this instrument to be sealed with its corporate seal and signed in its corporate name by

Gerard Morin, its President

thereunto duly authorized, this 29th day of the month of June, A.D. 1990.

Signed, Sealed and Delivered

in presence of

Androscooggin Valley Development Group  
(Corporate Name)

*Barton M. Kelsa*

By *Gerard Morin*  
Gerard Morin  
Its President

State of Maine, County of Androscooggin ss. June 29, 1990

Then personally appeared the above named Gerard Morin, President

of said Grantor Corporation as aforesaid,

and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said Corporation.

Before me,

*Barton M. Kelsa*

Barton M. Kelsa  
Notary Public  
Maine

My Com expires 6/25/95

Ch. & M. - Tall

90 JUL -5 PH12:20

ANDROSCOGGIN, SS.  
REGISTRY OF DEEDS

I John Alden give my  
permission For Roger R Richards  
+ Matt Lajoie to Represent  
me For land issue on  
11 St Jerome St.

John Alden

June 30 2013

346-1644 Cell

BK2808 PG234

04442

64-84  
88

WARRANTY DEED  
Corporate Grantor

### Know all Men by these Presents,

That Androscoggin Valley Development Group

a Corporation organized and existing under the laws of the State of Maine

and having a place of business at Lewiston

in the County of Androscoggin and State of Maine

~~for consideration~~ for consideration paid

paid by John Alden and Maryse Garceau Alden

whose mailing address is 275 Grove Street  
Lewiston, ME 04240

the receipt whereof it does hereby acknowledge, does hereby give, grant, bargain, sell and convey  
unto the said John Alden and Maryse Garceau Alden

heirs and assigns forever.

A certain lot or parcel of land with any  
buildings thereon described in Schedule A  
attached hereto and incorporated herein by  
reference.

MAINE REAL ESTATE  
TRANSFER TAX PAID

SCHEDULE A

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

Being lot numbered Three (3) as shown on a plan entitled "Pinard Farms I, Revision Two" dated July 17, 1989 prepared by A.L. & H. Surveyors & Engineers, Inc. and recorded at Plan Book 35, Page 2 of the Androscoggin County Registry of Deeds. Reference is also made to an original plan of Pinard Farms I dated July 8, 1988 and recorded in Plan Book 34, Page 173 of said Registry, as well as plan entitled "Pinard Farms I, Revision One" dated January 17, 1989 and recorded at Plan Book 34, Page 174 of said Registry.

Meaning and intending to convey and hereby conveying the same premises conveyed to Grantor herein by deed of The Linwood Companies, Inc. dated 1989 and recorded in the Androscoggin County Registry of Deeds in Book 2411, Page 288.

To have and to hold the aforementioned and bargained premises, with all the privileges and appurtenances thereof, to the said John Alden and Maryse Garceau Alden

their heirs and assigns, to them and their use and behoof forever.

And the said Grantor Corporation does hereby warrant with the said Grantee, their heirs and assigns, that it is lawfully seized in fee of the premises, that they are free of all encumbrances

that it has good right to sell and convey the same to the said Grantee to hold as aforesaid; and that it and its successors, shall and will warrant and defend the same to the said Grantee, their heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, the said Androscoggin Valley Development Group has caused this instrument to be sealed with its corporate seal and signed in its corporate name by

Gerard Morin, its President

thereunto duly authorized, this 9th day of the month of March

A.D. 19 92

Signed, Sealed and Delivered

in presence of

Androscoggin Valley Development Group  
(Corporate Name)

*[Handwritten signature]*

By *Gerard Morin*  
Gerard Morin  
Its President

State of Maine, County of Androscoggin ss. March 9, 19 92

Then personally appeared the above named Gerard Morin, President

of said Grantor Corporation as aforesaid, and acknowledged the foregoing instrument to be his free act and deed in his said capacity, and the free act and deed of said Corporation.

Before me,

ATTEST:

*Jeanine B. Bergeron*  
REGISTER OF DEEDS

92 MAR 12 AM 9:25

REGISTER OF DEEDS

*[Handwritten signature]*  
Attorney at Law Notary Public

ROBERT CRAIG SALMINEN  
Printed Name

04-88

**MEMORANDUM OF LAND INSTALLMENT CONTRACT  
(BOND FOR A DEED)**

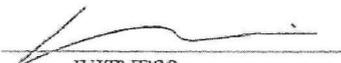
On the 25<sup>th</sup> day of September, 2008, John Alden and Maryse Garceau Alden, both of Lewiston, County of Androscoggin, State of Maine, hereinafter referred to as Sellers, entered into a land installment contract (Bond for a Deed) with Daniel R. Lajoie, of Naples, County of Cumberland, State of Maine, hereinafter referred to as Buyer. The property to be conveyed pursuant to said land installment contract is land and buildings situated in Lewiston, County of Androscoggin, State of Maine, bounded and described as follows:

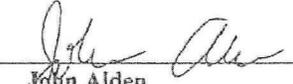
Being Lot numbered Three (3) as shown on a plan entitled "Pinard Farms I, Revision Two" dated July 17, 1989 prepared by A. L. & H. Surveyors & Engineers, Inc. and recorded at Plan Book 35, Page 2 of the Androscoggin County Registry of Deeds. Reference is also made to an original plan of Pinard Farms I dated July 8, 1988 and recorded in Plan Book 34, Page 173 of said Registry, as well as plan entitled "Pinard Farms I, Revision One" dated January 17, 1989 and recorded at Plan Book 34, Page 174 of said Registry.

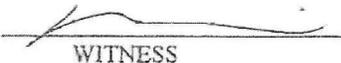
Being the same premises conveyed to Sellers by warranty deed of Androscoggin Valley Development Group dated March 9, 1992 and recorded in the Androscoggin County Registry of Deeds in Book 2808, Page 234.

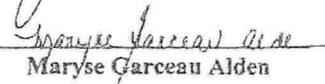
Sellers will convey said property to Buyer upon the sales price being paid in full and Buyer complying with the other obligations in the contract. The contract provides for monthly payments over a Five (5) year period. The property is to be conveyed by warranty deed. Buyer may not assign his rights in said contract without the Sellers' consent.

WITNESS OUR HANDS AND SEALS THE DAY AND YEAR ABOVE WRITTEN.

  
WITNESS

  
John Alden

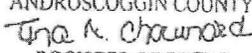
  
WITNESS

  
Maryse Garceau Alden

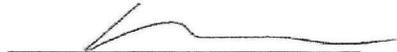
STATE OF MAINE  
ANDROSCOGGIN, SS.

September 25, 2008

Personally appeared the above named John Alden and Maryse Garceau Alden and acknowledged the foregoing instrument to be their free act and deed.

ANDROSCOGGIN COUNTY  
  
REGISTER OF DEEDS

Before me,



NOTARY PUBLIC

SEAL

\\pc1\Company Files\Assistant Files\Elaine\alden mem of ind ins contract.wpd

Paul C Fournier  
Notary Public, Maine  
Commission Expires  
9/16/2011

3

MAINE SHORT FORM QUITCLAIM DEED WITH COVENANT

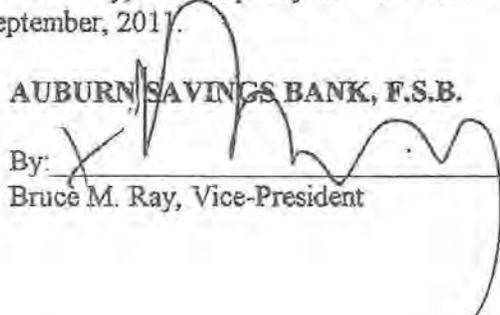
AUBURN SAVINGS BANK, F.S.B., a federal banking corporation, with a principal place of business in Auburn, Androscoggin County, Maine, for consideration paid, grants to ALEXANDRA L. D'ERAMO, whose mailing address is 15 Gina Street, Lewiston, Maine, 04240, with QUITCLAIM COVENANT, a certain lot or parcel of land, with any buildings thereon, situated in Lewiston, County of Androscoggin, and State of Maine, being further described in the attached Exhibit A.

The premises are conveyed subject to any easements and restrictions of record, and this deed includes all rights, easements, privileges and appurtenances belonging to the premises hereinabove described.

IN WITNESS whereof, Auburn Savings Bank, F.S.B., has caused this instrument to be executed in its name and on its behalf by Bruce M. Ray, in his capacity as Vice-President, thereunto duly authorized, this 16<sup>th</sup> day of September, 2011.

MAINE REAL ESTATE  
TRANSFER TAX PAID

AUBURN SAVINGS BANK, F.S.B.

By:   
Bruce M. Ray, Vice-President

\_\_\_\_\_  
Witness

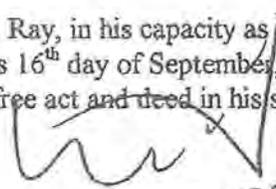
STATE OF MAINE  
COUNTY OF ANDROSCOGGIN, SS.

Then personally appeared the above named Bruce M. Ray, in his capacity as Vice-President of Auburn Savings Bank, F.S.B., known to me, this 16<sup>th</sup> day of September, 2011 and acknowledged before me the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of Auburn Savings Bank, F.S.B.

\_\_\_\_\_  
Notary Public

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

My commission expires: \_\_\_\_\_

  
RICHARD E. CLARKE, ESQ.  
State of Maine (Authorized to  
Take Acknowledgements Pursuant  
to 4 M.R.S.A. 1056)

**EXHIBIT A**

A certain lot or parcel of land with buildings thereon, situated in Lewiston, County of Androscoggin, State of Maine, being lot numbered five (5) on Plan of "Pinard Farms I, Revision One, Gina & St. Jerome Streets" prepared by A. L. & H. Surveyors & Engineers, Inc. dated January 17, 1989 and recorded in the Androscoggin County Registry of Deeds in Plan Book 35, Page 2. The above premises are conveyed subject to all matters as shown on said Plan.

The above premises are conveyed subject to an easement given by John Pinard to Central Maine Power Company dated February 2, 1926 and recorded in the Androscoggin County Registry of Deeds in Book 355, Page 375.

Being the same premises conveyed to Cornel Caron by a warranty deed from William T. Turner dated July 2, 2001 and recorded in the Androscoggin County Registry of Deeds in Book 4708, Page 343.

Reference is further made to a Personal Representative's Deed in Lieu of Foreclosure from Lisa G. Erskine, Personal Representative of the Estate of Cornel Caron dated June 16, 2011 and recorded in the Androscoggin County Registry of Deeds in Book 8182, Page 234.

N:\Androsc\WPDOCS\DIANET\ - MISCELLANOUS\MISC 2011\Auburn Savings Bank\Alexandra L. D' Eramo - QUIT CLAIM DEED.doc

*J. [Signature]*  
*X — [Signature]*

ANDROSCOGGIN COUNTY  
TINA M CHOUINARD  
REGISTER OF DEEDS

**PINARD FARMS ASSOCIATION**

Kelley Parker, President  
45 Gina Street  
Lewiston, ME 04240  
Tel. 207-783-5856

August 13, 2013

Gildace J. Arsenault  
City of Lewiston  
Code Enforcement  
27 Pine Street  
Lewiston, ME 04240

**RE: Pinard Farms Subdivision – Open Space**

Dear Mr. Arsenault:

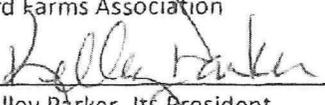
This letter will confirm Pinard Farms Association's acceptance and agreement to the following for the purpose of extending property lines and conforming with the City of Lewiston Code of Ordinances more particularly described in Code of Ordinances, Appendix A, Article V, Section 3(a) and setback requirements.

- 1) The Pinard Farms I Plan, Revision 3 dated May 17, 1994, record in Book of Plans 38, Page 20 be amended in accordance with the aforesaid paragraph.
- 2) Pinard Farms Association agrees to convey approximately 55 feet of land in the Open Space to the landowners of 7 St. Jerome Street to the extent that it conforms with the Code and setback requirements for \$1.00 and other valuable consideration.
- 3) Pinard Farms Association agrees to convey approximately 45 feet of land in the Open Space to the landowner of 9 St. Jerome Street to the extent that it conforms with the Code and setback requirements for \$1.00 and other valuable consideration.
- 4) Pinard Farms Association agrees to convey approximately 14 feet in the Open Space for the purpose of extending the property line to the landowner of 15 St. Jerome Street for \$1.00 and other valuable consideration.

This will also confirm that 75% of the landowners of the Pinard Farms Subdivision have approved the modifications to the "Open Space" as set forth in the Agreement to Proposed Modifications of Pinard Farms Subdivision Plan dated May 4, 2013, copy of which is attached hereto.

Very truly yours,

Pinard Farms Association

By: 

Kelley Parker, Its President

## Pinard Farms Homeowners' Association

Kelley Parker, President  
(207) 783-5856

Terri Chizmar, Secretary  
(207) 784-0886

May 2, 2013

### Re: Proposed Modification to the Open Space

Dear Homeowner:

As you aware, the Pinard Farms Homeowners' Association was recently established. At this time, several homeowners are interested in modifying the "open space" which is located between St. Jerome Street and Mark Street. Specifically,

1. Homeowners of 7 and 9 St. Jerome Street are proposing to extend their property approximately 60' into the existing open space in order that personal items (sheds and play areas) which have been erected in the open space for 10+ years remains intact and as is; and
2. Homeowners at 13, 15, and 17 St. Jerome Street are interested in simply extending their property approximately 14' into the open space.

Please refer to the attached map which outlines the proposed modifications.

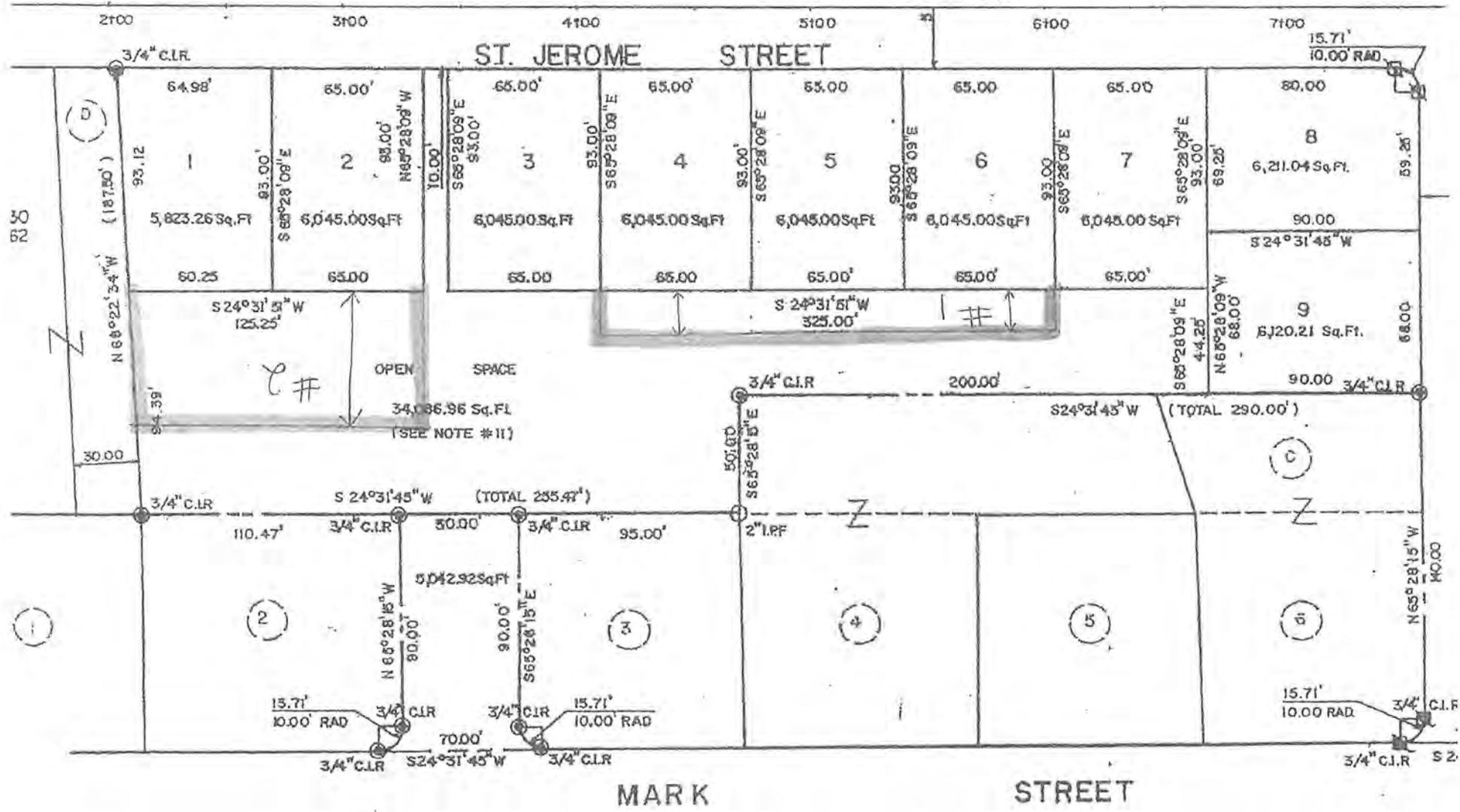
In keeping with the code established by the City of Lewiston, in order for any modification to be made to the open space, there must remain at least 30' of open space between the property boundaries of homes located on St. Jerome Street and homes located on Mark Street. The proposed modifications to the open space, as outlined on the attached map, takes that into consideration.

In short order, homeowners will be asked to sign a proposal which approves the described modifications to the existing open space. At a later date, the proposal will be presented to the City of Lewiston Planning Board for final approval of these modifications.

**It should be noted that any and all expenses (i.e., surveying, filing fees, and attorney's fees) relative to the proposed modifications will be the sole responsibility of the homeowners who are requesting the modifications. There will be no expense incurred by any other homeowner of the Pinard Farm Homeowners' Association.**

Any questions regarding these proposed modifications can be directed to one of the above individuals.

109' x 220' = 2 #  
 141' x 220' = 1 #



30  
62

Z

2 #

Z

C

Z

1

2

3

4

5

6

140.00'

3/4" C.I.R. S 2

## Pinard Farms Homeowners Association

### St. Jerome Street

- 7 Mark and Terri Chizmar
- 9 Lillian Martin
- 10 Glenn and Jessica Charest
- 11 John and Maryse Alden
- 12 Steven and Lucille Mehalcik
- 13 Louis R. Doyon
- 14 Carmelle S. Laplante
- 15 Alexandra L. D'Eramo
- 16 Timothy and Kathleen Pitman
- 17 Joanna F. Walsh-Ward
- 18 Derek L. Campbell
- 19 REMS, LLC
- 20 Gerard and Paula Langlois
- 21 Sean R. Tipton and Tanya L. Galipeau
- 22 Willie Lee and Susan Clayton

### Gina Street

- 40 Hector and Marsha Greene and Michelle Morin
- 41 Nancy Kenneally
- 43 Gary and Constance Turcotte
- 45 Kelley Parker
- 48 Daniel Brooks and Heidi Hinson
- 49 Richard Billings and Lena Hann
- 50 Michel H. Boucher
- 51 Susan A. Peck
- 52 Douglas and Theresa Halacy
- 53 Roger and Sarah Landry
- 54 Robert and Linda McDonough
- 55 Betty A. Perreault
- 56 David and Tina Ingerson
- 57 Michael and Linda Lacombe

## Pinard Farms Homeowners Association

- |   |  |
|---|--|
| 1. Louis R. Doyon<br>13 St. Jerome Street       | 2. Derek L. Campbell<br>18 St. Jerome Street     |
| 3. Carmelle S. Laplante<br>14 St. Jerome Street | 4. Kathleen Pitman<br>16 St. Jerome Street       |
| 5. Alexandra D'Eramo<br>15 St. Jerome Street    | 6. Sean R. Tipton<br>21 St. Jerome Street        |
| 7. Tanya L. Galipeau<br>21 St. Jerome Street    | 8. Nancy Kenneally<br>41 Gina Street             |
| 9. Susan A. Peck<br>51 Gina Street              | 10. Mark Parker<br>45 Gina Street                |
| 11. Michael Lacombe<br>57 Gina Street           | 12. Betty A. Perreault<br>55 Gina Street         |
| 13. Roger Landry<br>53 Gina Street              | 14. Terri L. Chizmar<br>7 St. Jerome Street      |
| 15. Mark L. Chizmar<br>7 St. Jerome Street      | 16. Gary Turcotte<br>43 Gina Street              |
| 17. Constance Turcotte<br>43 Gina Street        | 18. Marsha Greene<br>40 Gina Street              |
| 19. Hector Greene<br>40 Gina Street             | 20. Kelley Parker<br>45 Gina Street              |
| 21. Heidi Hinson Brooks<br>48 Gina Street       | 22. Theresa Halacy<br>52 Gina Street             |
| 23. Douglas Halacy<br>52 Gina Street            | 24. David and Tina Ingerson<br>56 Gina Street    |
| 25. Willie Lee Clayton<br>22 Gina Street        | 26. Lillian Fortin-Martin<br>9 St. Jerome Street |
| 27. Linda Lacombe<br>57 Gina Street             | 28. Michel Boucher<br>50 Gina Street             |

- |     |   |     |  |
|-----|---|-----|--|
| 29. | Glenn E. Charest<br>10 St. Jerome Street    | 30. | Jessica Charest<br>10 St. Jerome Street    |
| 31. | Lucille O. Mehalcik<br>12 St. Jerome Street | 32. | Steven L. Mehalcik<br>12 St. Jerome Street |
| 33. | Timothy Pitman<br>16 St. Jerome Street      | 34. | Richard Billings<br>49 Gina Street         |
| 35. | Lena Hann<br>49 Gina Street                 | 36. | Robert McDonough<br>54 Gina Street         |
| 37. | Linda McDonough<br>54 Gina Street           | 38. | Michelle Morin<br>40 Gin Street            |
| 39. | Daniel Brooks<br>48 Gina Street             | 40. | Susan Clayton<br>22 St. Jerome Street      |
| 41. | Sarah Landry<br>53 Gina Street              |     |  |

## Agreement to Proposed Modifications of Pinard Farms Subdivision Plan

The undersigned homeowners of Pinard Farms Subdivision hereby approve the modifications to the open space as outlined on the map attached hereto and made a part thereof. All associated fees and expenses will be borne by the homeowners requesting the proposed modifications.

Signed this 4th day of May, 2013.

1. Louis Papp  
13 St. Jerome St Signature

Newport, ME 04240

2. [Signature]  
18 St. Jerome St. Signature  
Lewiston, ME 04040

3. Carmelle Laplante  
14 St. Jerome St Lewiston Carmelle Laplante  
Signature

4. Kathleen [Signature]  
16 St. Jerome St Signature

5. Alexandra DiFranco  
15 St. Jerome Alexandra DiFranco  
Signature

6. 21 SAINT VEROME ST

Susan Tipton  
Signature

7. 21 Saint Jerome St.

Janyd D. Wallace  
Signature

8. 41 Gina St

Nancy Kenneally  
Signature

9. 51 GINA ST

Susan Peck  
Signature

10. 45 GINART

Martha  
Signature

11. 57 Gina ST

M. S. Joubert  
Signature

12. 55 Gina Street

J. A.  
Signature

13. 53 GINA ST

Robert J. Andy  
Signature

14. Terri L. Chizmar  
7 St. Jerome Street

Terri L. Chizmar  
Signature

15. Mark L. Chizmar  
7 St. Jerome St.  
Lewiston Me. 04240

Mark L. Chizmar  
Signature

16. Gary Turcotte  
43 GINA ST  
LEWISTON ME.

Gary Turcotte  
Signature

17. Connie Turcotte  
43 GINA ST  
LEWISTON ME

Connie Turcotte  
Signature

18. Marsha Greene  
40 Gine St  
Lewiston ME

Marsha Greene  
Signature

19. Mike Greene (Hector)  
40 Gine St  
Lewiston ME

Hector M. Greene  
Signature

20. Kelley Parker  
45 Gina St  
Lewiston, ME 04240

Kelley Parker  
Signature

21. Heidi Brooks  
48 Gina St.  
Lew me 04240

Heidi Brooks  
Signature

22. Theresa Halacy  
52 Gina St  
Lew ME 0424

Theresa Halacy  
Signature

23. Doug Halacy  
52 Gina St  
Lewston, ME 04240

Doug Halacy  
Signature

24. David + Tina Ingerson  
52 Gina Street  
Lewiston ME 04240

Tina Ingerson  
Signature  
David Ingerson

25. Willie Clayton  
22 SAINT JEROME

Signature

26. Lillian Fortin-Martin  
9 St Jerome St  
Lewiston, ME 04240

Lillian Fortin-Martin  
Signature

27. Linda Lacombe  
57 Gina ST  
Lewiston, Me 04240

Linda Lacombe  
Signature

28. Michel Boucher  
50 Gina ST  
Lewiston, Me 04240

Michel Boucher  
Signature

29. Glenn E. Charest  
10 Saint Jerome St  
Lewiston, Me 04240

Glenn E. Charest  
Signature

30. Jessica Charest  
10 Saint Jerome St  
Lewiston ME 04240

Jessica Charest  
Signature

31. Lucille D. MEHALAKI  
12 SAINT JEROME ST.  
LEWISTON ME #04240

Lucille D. Mehalaki  
Signature

32. STEVEN L. MEHALAKI  
12 SAINT JEROME ST.  
LEWISTON ME #04240

Steven L. Mehalaki  
Signature

33. Tim Pitman  
16 St Jerome St.

Tim Pitman  
Signature

34. RICHARD BILLINGS  
49 GINA ST  
LEWISTON ME

Richard Billings  
Signature

35. Lena Hann  
49 Gina St.  
Lewiston ME

Lena Hann  
Signature

36. Robert McDonough  
54 Gina St.  
Lewiston, Me.

Robert M. McDonough  
Signature

37. Linda McDonough  
54 Gina St.  
Lewiston, Me.

Linda M McDonough  
Signature

38. Michelle Morin  
40 Gina St  
Lewiston, Me

Michelle Morin  
Signature

39. DANIEL BROOKS  
48 GINA ST  
LEWISTON ME

Daniel Brooks  
Signature

40. SUSAN CLAYTON  
22 JT JENNINGS ST  
LEW ME

Susan Clayton  
Signature

41. Sarah Landry  
53 Gina St  
Lewiston 04240

Sarah Landry  
Signature

42. \_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
Signature

43. \_\_\_\_\_  
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Signature

44. \_\_\_\_\_  
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Signature

45. \_\_\_\_\_  
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Signature

46. \_\_\_\_\_  
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\_\_\_\_\_  
Signature

47. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature

AGREEMENT TO PROPOSED MODIFICATIONS OF PINARD FARMS SUBDIVISION PLAN

The undersigned homeowners of Pinard Farms Subdivision hereby approve the modifications to the open space as outlined on the map attached hereto and made a part thereof to also include homeowner at 11 St. Jerome Street. All associated fees and expenses will be paid by the homeowners requesting the proposed modifications.

Signed this 15<sup>th</sup> / 16 / 17 th day of August, 2013.

FUR MATTHEW LAJOIE

Print Name & Address

Signature

1. LUCILLE MEHALCİK  
12 ST. JEROME ST.  
LEWISTON, ME #04240

Lucille Mehalcik

2. STEVEN L. MEHALCİK  
12 ST. JEROME ST.  
LEWISTON, ME. #04240

Steven L Mehalcik

3. CARMELLE LAPLANTE  
14 ST. JEROME ST  
LEWISTON ME 04240

Carmelle A Laplante

4. Louis Doyon  
13 St Jerome St  
lewiston, me, 04240

Louis Doyon

5. WILLIE L. CLAYTON  
72 SAINT JEROME ST  
LEWISTON, ME 04240

Willie L. Clayton

6. SUSAN P. CLAYTON  
22 SAINT JEROME ST  
LEWISTON, ME 04240

Susan P. Clayton

## Print Name &amp; Address

## Signature

7. ROGER J. LANDRY  
53 GINA ST  
Lewiston ME

Roger J Landry

11:30

16:5 (8) Sarah P Landry  
53 Gina St  
Lewiston ME 04240

Sarah P Landry

9. DANIEL BROOKS  
48 GINA ST  
LEWISTON ME

Daniel Brooks

10. Heidi Brooks  
48 Gina St  
Lewiston ME

Heidi Brooks

11. Kathleen Custer  
16 St. Jerome St.  
Lewiston Maine 04240

Kathleen Custer

12. Chris Couture  
18 St Jerome St  
Lewiston, Maine 04240

Chris Couture

13. Jamie Couture  
18 Saint Jerome St  
Lewiston ME 04240

Jamie Couture

14. Tim Pitman  
16 St Jerome St.  
Lewiston, Me. 04240

Tim Pitman

Print Name & Address

Signature

15. Tina Ingerson  
56 Gina Street  
Lewiston ME 04240

Tina Ingerson

16. David Ingerson  
56 Gina Street  
Lewiston ME 04240

David Ingerson

17. RICHARD BILLINGS  
49 GINA ST  
LEWISTON ME 04240

Richard Billings

WPK

18. LEWA HANN  
49 GINA ST  
LEWISTON ME 04240

Lewa Hann

19. GARY R TURCOTTE  
43 Gina St  
Lewiston, ME 04240

Gary R Turcotte

20. Bonnie Turcotte  
43 Gina St  
Lewiston, ME 04240

Bonnie Turcotte

21. Alexandra DiEramo  
Alexandra DiEramo 15 Gina St Lewiston, ME 04240  
15 St Bronie St Lewiston, ME 04240

Alexandra DiEramo

22. Marsha Greene  
40 GINA ST  
LEWISTON ME 04240

Marsha Greene

8:00

## Print Name &amp; Address

## Signature

23. Nancy Kenneally  
41 Gina St  
Lewiston, ME

Nancy Kenneally

24. Doug Halacy  
52 Gina St  
Lewiston, ME 04240

Doug Halacy

25. Theresa Halacy  
52 Gina St  
Lewiston ME 04240

Theresa Halacy

26. Michelle Morin  
40 Gina St  
Lewiston, ME

Michelle Morin

27. SEAN TIPTON  
21 SAINT JEROME STREET  
LEWISTON, MAINE

Sean R. Tipton

28. TANYA L. GALPERU

Tanya L. Galperu

29. Brian Langlois  
20 St Jerome St -  
Lewiston, ME 04240

Brian Langlois

30. Betty A. Perreault  
55 Gina Street  
Lewiston, ME 04240

Betty A. Perreault

## Print Name &amp; Address

## Signature

31. Robert McDonough  
54 Gina St.  
Lewiston Me 04240

Robert McDonough

32. Linda McDonough  
54 Gina St.  
Lewiston Me 04240

Linda McDonough

33. Mitch Bouch  
50 Gina St  
Lewiston Me 04240

Mitch Bouch

34. Hector M Greene  
40 Gina St  
Lewiston ME 04240

Hector M Greene

35. Kelley Parker  
45 Gina St  
Lewiston ME 04240

Kelley Parker

36. Susan Peck  
51 GWA ST  
LEWISTON, ME 04240

Susan Peck

37. Michael S. Lacombe  
57 Gina St  
Lewiston, ME 04240

Michael S Lacombe

13. St. Jerome - Doyon.

6

Print Name & Address

Signature

38. Linda Lacombe  
57 GINA ST  
LEWISTON, ME 04240

Linda Lacombe

39. MIA Lajoie  
11 St Jerome St.  
Lewiston Maine 04240



40.

\_\_\_\_\_

41.

\_\_\_\_\_

42.

\_\_\_\_\_

43.

\_\_\_\_\_

44.

\_\_\_\_\_

45.

\_\_\_\_\_

Print Name & Address

Signature

46. Jessica Charest  
10 St Jerome St

Jessica Charest

47. Chen Charost  
10 St. Jerome St.

Chen Charost

48. \_\_\_\_\_

\_\_\_\_\_

49. \_\_\_\_\_

\_\_\_\_\_

50. \_\_\_\_\_

\_\_\_\_\_

51. \_\_\_\_\_

\_\_\_\_\_

52. \_\_\_\_\_

\_\_\_\_\_

1

AGREEMENT TO PROPOSED MODIFICATIONS OF PINARD FARMS SUBDIVISION PLAN

The undersigned homeowners of Pinard Farms Subdivision hereby approve the modifications to the open space as outlined on the map attached hereto and made a part thereof to also include homeowner at 11 St. Jerome Street. All associated fees and expenses will be paid by the homeowners requesting the proposed modifications.

Signed this 5<sup>th</sup>, 16<sup>th</sup> & 17<sup>th</sup> day of August, 2013.

Fitz MATTHEW LAJONE

Print Name & Address

Signature

1. LUCILLE MEHALCİK  
12 ST. JEROME ST  
LEWISTON ME #04240

Lucille Mehalcik

2. STEVEN L. MEHALCİK  
12 ST. JEROME ST  
LEWISTON, ME #04240

Steven L Mehalcik

3. CARMELLE LAPLANTE  
14 ST. JEROME ST  
LEWISTON ME 04240

Carmelle A Laplante

4. Louis Down  
13 St Jerome St  
lewiston, me, 04240

Louis Down

5. WILLIE L. CLAYTON  
22 SAINT JEROME ST  
LEWISTON, ME 04240

Willie L. Clayton

6. SUSAN R. CLAYTON  
22 SAINT JEROME ST  
LEWISTON, ME 04240

Susan R Clayton

f

7

Print Name & Address

Signature

46. Jessica Charest  
10 St. Jerome St

Jessica Charest

47. Cohen Charest  
10 St. Jerome St

[Signature]

48. Kyle Ricker  
13 St. Jerome St

[Signature]

49. John + Maysie Alden  
11 St Jerome

[Signature]

50. Maysie Alden  
11 St Jerome

Maysie Alden

51. \_\_\_\_\_

\_\_\_\_\_

52. \_\_\_\_\_

\_\_\_\_\_

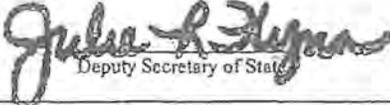
DOMESTIC  
NONPROFIT CORPORATION

STATE OF MAINE

ARTICLES OF INCORPORATION

Filing Fee \$40.00

File No. 20130207ND Pages 4  
Fee Paid \$ 40  
DCN 2123101600029 ARTI  
FILED  
10/29/2012

  
Deputy Secretary of State

A True Copy When Attested By Signature

  
Deputy Secretary of State

Pursuant to 13-B MRSA §403, the undersigned incorporator(s) execute(s) and deliver(s) the following Articles of Incorporation:

FIRST: The name of the corporation is Pinard Farms Association

SECOND: ("X" one box only. Attach additional page(s) if necessary.)

The corporation is organized as a public benefit corporation for the following purpose or purposes:

The corporation is organized as a mutual benefit corporation for all purposes permitted under Title 13-B or, if not for all such purposes, then for the following purpose or purposes:

To establish a homeowners' association

THIRD: The Registered Agent is a: (select either a Commercial or Noncommercial Registered Agent)

Commercial Registered Agent CRA Public Number: \_\_\_\_\_

\_\_\_\_\_  
(name of commercial registered agent)

Noncommercial Registered Agent

William T. Turner, Jr.

\_\_\_\_\_  
(name of noncommercial registered agent)

314 Center Street, Auburn, Maine 04210

\_\_\_\_\_  
(physical location, not P.O. Box - street, city, state and zip code)

\_\_\_\_\_  
(mailing address if different from above)

FOURTH: Pursuant to 5 MRSA §108.3, the registered agent as listed above has consented to serve as the registered agent for this nonprofit corporation.

FIFTH: The number of directors (not less than 3) constituting the initial board of directors of the corporation, if the number has been designated or if the initial directors have been chosen, is 3.

The minimum number of directors (not less than 3) shall be 3 and the maximum number of directors shall be 5.

SIXTH: Members: ("X" one box only.)

- There shall be no members.
- There shall be one or more classes of members and the information required by 13-B MRSA §402 is attached.

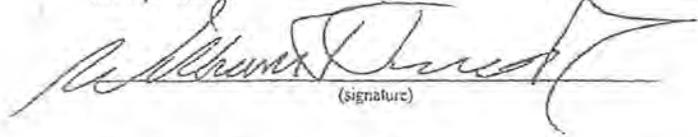
SEVENTH: (Optional)  (Check if this article is to apply.)

No substantial part of the activities of the Corporation shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the Corporation shall not participate in or intervene in (including the publication or distribution of statements) any political campaign on behalf of any candidate for public office.

EIGHTH: (Optional)  (Check if this article is to apply.)

Other provisions of these articles including provisions for the regulation of the internal affairs of the corporation, distribution of assets on dissolution or final liquidation and the requirements of the Internal Revenue Code section 501(c) are set out in Exhibit \_\_\_\_\_ attached hereto and made a part hereof.

Incorporators\*

  
(signature)

William T. Turner, Jr.  
(type or print name)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(type or print name)

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(type or print name)

Dated October 10, 2012

Street 314 Center Street  
(residence address)

Auburn, Maine 04210  
(city, state and zip code)

Street \_\_\_\_\_  
(residence address)

\_\_\_\_\_  
(city, state and zip code)

Street \_\_\_\_\_  
(residence address)

\_\_\_\_\_  
(city, state and zip code)

**For Corporate Incorporators\***

Name of Corporate Incorporator \_\_\_\_\_

By \_\_\_\_\_  
(signature of officer)

Street \_\_\_\_\_  
(principal business location)

\_\_\_\_\_  
(type or print name and capacity)

\_\_\_\_\_  
(city, state and zip code)

Name of Corporate Incorporator \_\_\_\_\_

By \_\_\_\_\_  
(signature of officer)

Street \_\_\_\_\_  
(principal business location)

\_\_\_\_\_  
(type or print name and capacity)

\_\_\_\_\_  
(city, state and zip code)

---

**\*Articles are to be executed as follows:**

If a corporation is an incorporator (13-B MRSA §401), the name of the corporation should be typed or printed and signed on its behalf by an officer of the corporation. The articles of incorporation must be accompanied by a certificate of an appropriate officer of the corporation, not the person signing the articles, certifying that the person executing the articles on behalf of the corporation was duly authorized to do so.

Please remit your payment made payable to the Maine Secretary of State.

Submit completed form to:

Secretary of State  
Division of Corporations, UCC and Commissions  
101 State House Station  
Augusta, ME 04333-0101  
Telephone Inquiries: (207) 624-7752

Email Inquiries: [CEC.Corporations@Maine.gov](mailto:CEC.Corporations@Maine.gov)

EXHIBIT A

ARTICLES OF INCORPORATION  
PINARD FARM ASSOCIATION

The purpose of this Association is to engage in the activities authorized by Title 13-B of the Maine Revised Statutes Annotated, and more particularly to act as an association of neighboring property owners organized for the purpose of maintaining common areas in the Subdivision Plan of "Pinard Farms I" dated July 8, 1988 recorded in the Androscoggin County Registry of Deeds, Book of Plans, Book 34, Page 173, as revised pursuant to Revision I dated January 17, 1989 recorded in the said Registry of Deeds at Book of Plans Book 34, Page 173, as revised pursuant to Revision II dated July 17, 1989 recorded in the said Registry of Deeds Book of Plans, Book 35, Page 2, and as further revised pursuant to Revision III dated May 17, 1994 recorded in the said Registry of Deeds Book of Plans, Book 38, Page 20

There shall be only one class of members. Each owner of a lot on the above-described Subdivision Plan shall automatically be and become a member of the Association as long as that owner continues to be the owner of the lot on the Subdivision Plan. Rights and obligations of the Members are set forth in the Bylaws of the Corporation. Lot Owners shall have one vote. Multiple owners of a Lot have one vote.

NONPROFIT CORPORATION

STATE OF MAINE

NONCOMMERCIAL REGISTERED AGENT

STATEMENT OF APPOINTMENT or CHANGE

Pinard Farms Association

(Name of Corporation as it appears on the records of the Secretary of State)

Filing Fee \$15.00 for each nonprofit corporation listed

File No. 20130207ND Pages 2  
Fee Paid \$ 15  
DCN 2131072500034 AGNT  
FILED  
04/08/2013

*Jules R. Flynn*  
Deputy Secretary of State

A True Copy When Attested By Signature

*Jules R. Flynn*  
Deputy Secretary of State

Pursuant to 5 MRSA §§105, 108, & 109 the undersigned corporation executes and delivers the following statement of appointment and/or change of address by a noncommercial registered agent.

FIRST: ("X" all boxes that apply)

- A.  change of address
- B.  change to/of noncommercial registered agent and address
- C.  change of noncommercial registered agent
- D.  change in name of current noncommercial registered agent

SECOND: The name and address of the registered agent appearing on the record in the Secretary of State's office:

William T. Turner, Jr.

(name of current registered agent)

314 Center Street, Auburn, Maine 04210

(physical street address, city, state and zip code)

(mailing address if different from above)

THIRD: (For foreign nonprofit corporations only)

Jurisdiction of Organization: \_\_\_\_\_

Date authorized to transact business in the State of Maine: \_\_\_\_\_

**FOURTH:** Complete this Item as follows based on your selection in Item First:

- A. The new address of the noncommercial registered agent (provide address information only);
- B. The name and address of the new noncommercial registered agent (provide name and address information);
- C. The name of the new noncommercial registered agent (provide name only); OR
- D. The new name of the current noncommercial registered agent (provide name only).

Kelley Parker

(name of new noncommercial registered agent or new name of current noncommercial registered agent)

45 Gina Street, Lewiston, Maine 04240

(physical street address, not a P.O. Box — city, state and zip code)

(mailing address if different from above)

**FIFTH:** Pursuant to 5 MRSA §108.3, the registered agent as listed above has consented to serve as the registered agent for this nonprofit corporation.

**SIXTH:** The undersigned noncommercial registered agent of the following corporation(s) has notified each corporation of the change indicated in Item First A or D:

Name of Nonprofit Corporation	Jurisdiction	Date incorporated or authorized in Maine

Names of additional corporations attached hereto as Exhibit \_\_\_\_, and made a part hereof.

Dated April 5, 2013

\*By *Kelley Parker*  
(signature)

Kelley Parker, Its President  
(type or print name and capacity)

\*This statement MUST be signed as follows:  
(1) if Item First, A or D was selected, then by the noncommercial registered agent OR  
(2) if Item First, B or C was selected, then by any duly authorized officer

Please remit your payment made payable to the Maine Secretary of State.

Submit completed form to: **Secretary of State**  
**Division of Corporations, UCC and Commissions**  
**101 State House Station**  
**Augusta, ME 04333-0101**  
Telephone Inquiries: (207) 624-7752      Email Inquiries: CEC.Corporations@Maine.gov

Filing Fee: \$35.00  
Must Accompany Report

Make check payable to:  
Secretary of State

Please file by  
APRIL 1, 2013

**STATE OF MAINE**  
**2013 ANNUAL REPORT**  
FOR NONPROFIT CORPORATIONS ON FILE AS  
OF DECEMBER 31, 2012

Pursuant to 13-B MRSA §1301.2, the information on the  
report must be current as of the date signed.

Do not change any preprinted information on this form.

Filing by April 1, 2013 will allow us to  
provide better service. The legal filing  
deadline is still June 1, 2013. A  
\$25 late filing fee will be assessed if  
the report is late.

DCN Number:  
2130019114601

Charter Number:  
20130207ND

PINARD FARMS ASSOCIATION  
KELLEY PARKER, REGISTERED AGENT  
45 GINA STREET  
LEWISTON, ME 04240

If you have any questions regarding the completion of this annual report or if the preprinted information on this report form is incorrect, contact the Reporting & Information Section at (207) 624-7752. All corporate forms are available on our website at [www.maine.gov/sos/cec/corp](http://www.maine.gov/sos/cec/corp). To file your annual report online, go to [www.SOSonline.org](http://www.SOSonline.org) and click on the Interactive Corporate Services link. Please see reverse side of this form for additional filing instructions. →→→

1. Name of each officer: (13-B MRSA §1301.1.C)

Pres: Kelley Parker  
Treas: Mark Boucher  
Sec: Terrri Chizmar  
and/or  
Clerk: N/A

Street address of each officer (not P.O. Box):

(physical location (not P.O. Box) - street, town/city, zip)

45 Gina Street, Lewiston 04240  
50 Gina Street, Lewiston 04240  
7 St. Jerome Street, Lewiston 04240

2. Name of 3 to 5 Directors:

(13-B MRSA §1301.1.C & §702.1)

Richard Billings  
David Martin  
Lillian Martin

Street address of each (not P.O. Box):

(physical location (not P.O. Box) - street, town/city, zip)

49 Gina Street, Lewiston 04240  
9 St. Jerome Street, Lewiston 04240  
9 St. Jerome Street, Lewiston 04240

**THIS PREPRINTED FORM MUST BE USED.** However if more space is needed, please attach additional pages, using one side only. All attachments must contain the name and charter number of the corporation across the top of the page. Each page should be numbered consecutively. List number of pages attached: 1

Dated: 5-23-13

Terrri Chizmar  
(AUTHORIZED SIGNATURE)  
Terrri L. Chizmar Secretary  
(TYPE OR PRINT NAME AND CAPACITY)

(Execution - 13-B MRSA §1301.3. Penalty for untrue or omitted material facts - 13-B MRSA §1303)

RETURN TO: Reporting Section, Bureau of Corporations, Elections and Commissions, 101 State House Station, Augusta, Maine 04333-0101

FORM NO. MNPCA-13

## INSTRUCTIONS FOR COMPLETING THE 2013 ANNUAL REPORT FOR NONPROFIT CORPORATIONS

To file your 2013 Annual Report online, please visit Annual Reports Online at [www.SOSonline.org](http://www.SOSonline.org) and click on the Interactive Corporate Services link.

1. Please provide a **daytime telephone number or e-mail address** and the name of a contact person: 207-784-0881. In the event that there is a problem with the Annual Report, we will try to contact you to resolve it, rather than returning the report to you for correction.
2. You **may not** change any of the preprinted information. This information about your nonprofit corporation must be changed using another form that is available from our office.
3. Please **type** or **print** legibly in ink.
4. Please provide an **original** signature. Faxes, photocopies, and rubber stamps will not be accepted.
5. Please **do not** leave any information blank. If one person serves in more than one capacity for the corporation, please so indicate.
6. Please provide a complete street address. A post office box **will not** be accepted. This is a **legal requirement** since you cannot be physically located at a post office box.
7. You **must** list the minimum number of directors as required in Item #2 on the front of this Annual Report. If you do not have the minimum number of directors, please call our office immediately at (207) 624-7752.
8. Please provide your **charter number** on your check.
9. Before submitting your annual report, together with the proper filing fee, please carefully review it to be sure that you have provided all the information required on the front of this form.

If the annual report is not received in this office by June 1, 2013, there will be a \$25.00 late filing penalty assessed. However, if the annual report is post marked by the United States Postal Service by June 1, 2013, the penalty will not be assessed. The post mark date applies only to the June 1st filing deadline.

### DOMESTIC NONPROFIT CORPORATIONS ONLY:

If administratively dissolved, a \$25.00 reinstatement fee will be assessed for each year the nonprofit corporation failed to file an annual report, in addition to the late filing penalty.

### FOREIGN NONPROFIT CORPORATIONS ONLY:

If revoked, foreign nonprofit corporations must file a new application for authority in order to continue to carry on activities in Maine. If revoked, you **do not need to file** the annual report.

## Pinard Farms Open Space Requirements

Lot Area
Lot 1 5,823.26
Lot 2 6,045.00
Lot 3 6,045.00
Lot 4 6,045.00
Lot 5 6,045.00
Lot 6 6,045.00
Lot 7 6,045.00
Lot 8 6,211.04
Lot 9 6,120.21
Lot 10 6,562.20
Lot 11 6,200.00
Lot 12 6,000.00
Lot 13 5,817.51
Lot 14 5,901.93
Lot 15 5,977.14
Lot 16 7,609.59
Lot 17 8,190.89
Lot 18 10,495.20
Lot 19 9,553.49
Lot 20 8,652.22
Lot 21 6,293.37
Lot 22 5,864.80
Lot 23 6,547.84
Lot 24 6,255.33
Lot 25 6,149.35
Lot 26 6,149.35
Lot 27 6,149.35
Lot 28 6,149.35
Lot 29 6,149.35
Lot 30 6,149.35
Total 197,242.12

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Total Lot Area (197,242.12) plus total open space (116,316.83) is 313,558.95. Total lot area for a 30 lot non-cluster subdivision is 255,000 (7,500 sq. ft. per lot plus 1,000 sq. ft. per lot). Therefore 313,558.95 minus 255,000 results in 58,588.77 sq. ft. of available (surplus) open space that could be sold to one or more lot owners pending the approval of the association (i.e. approval of at least 75% of the lot owners) and the Lewiston Planning Board.

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David R. Hediger  
Deputy Director/City Planner  
Planning & Code Enforcement  
27 Pine Street  
Lewiston, Maine 04240

September 5, 2013

Dear David and Planning Board Members:

I am Dan Doyle, I purchased this home at 16 Mark street from Robert Begin in September 2005. I was told by Mr. Begin and confirmed by the City of Lewiston that the wooded area behind my house was designated as a **Pinard Farm Open Space Buffer Zone and could not be CUT, Changed or Corrupted**. The wooded open space/buffer area was set aside as a pre-condition to Pinard Farms being allowed to develop a crowded cluster development. Based on that information I purchased my home at 16 Mark Street.

**POLICE** have responded to many **Jerome Street** complaints: **Drunkenness, Disorderly Conduct, Swearing and Threatening!**

There have been many problems with the **Jerome Street Abutters** on the other side of the wooded area. **They have made threats to the Chabots, been drunk, disorderly and swearing. They cut down trees in the Wooded Open Space Buffer Zone. They put their sheds, personal items and trash in the Wooded Open Area Buffer Zone. They are destroying the peace and quiet of the neighborhood.**

**They are in all in multiple code violations and the City has told them to move the sheds and to comply.**

**Now they want the City to overlook their bad behavior and change the open space rules to accommodate and reward their bad and illegal acts.**

My Daughter and Granddaughter live in our house at 16 Mark Street. This year I had to install a 6' stockade fence to help shield them from **Jerome Street Chaos**.

Please do not change the existing deal that was made between the City of Lewiston and Pinard Farm Development.

I do not want the Jerome Street Abutters any closer to my property, daughter and granddaughter.

**Please deny their request and have them remove their sheds, personal items and trash from the Wooded Open Space Buffer Zone.**

I will attend the Monday Night Planning Board Meeting to answer any questions that you may have.

Respectfully submitted,  
Dan Doyle  
16 Mark Street  
Lewiston, Maine

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ESTABLISHMENT OF LOT OWNERS ASSOCIATION

September 7, 2013

Dear Planning Board Members,

Please accept our request for a permanent solution to the encroachments in the "Open Space" located between St. Jerome and Mark Streets. For over a decade there has been a steady migration and severe encroachment to surrounding "Open Space" property abutters and a vast amount of permanent destruction to said "Open Space". Please refer to aerial photos and City of Lewiston GIS Maps for understanding of the magnitude of the violations. Please keep in mind that the City of Lewiston GIS website map information is from 2006 and the encroachments are much more severe in 2013.

On May 13, 2004 {see attached} Eric Cousens of the Code Enforcement Office responded to a complaint that there were violations in the "Open Space. A very large area of "Open Space" trees had been clear cut, located between Mark and Gina streets in this incident. He stated "that the cutting of trees in the "Open Space" were contrary to the Lewiston Planning Board approval of the subdivision on September 27, 1988." He also stated "that the Open Space should remain in a natural vegetated state." He ordered "that those with structures, motor vehicles and personal property remove said property from the designated space by no later than June 30, 2004." There was very little compliance with his order.

There was also a police report filed in 2009 by the Cloutier residence after the cutting of "Open Space" trees located between Mark Street and Gina Street unfortunately landed across their fence and into their backyard {see attached summary of their account} It was stated that some residents on Gina Street were cutting trees in order to have an ATV trail through the "Open Space". There was also very little compliance to this incident.

In June of 2012, after years of expanding their lots into to "Open Space", Mark and Terry Chizmar, 7 St Jerome, Matt Lajoie, 11 St. Jerome and Lillian Fortin-Martin, 9 St. Jerome Street were ordered by Gil Arsenault to vacate all associated fencing, pools, decks and sheds from the Open Space {see attached orders}. To avoid citations his document stated "that they had the right to appeal this order and request a hearing before the Lewiston Board of Appeals by filing a written petition at the Code Enforcement Office within 30 days of the notice." According to the City of Lewiston website "Board of Appeals, Agendas and Minutes, we can not find evidence that the appeal process did in fact occur.

Also, in the month of June, 2012 there was a complaint filed concerning the debarking of "Open Space" trees that lead to an investigation by the Code Enforcement Office that later surmised that a child had allegedly committed the offense. A phone call was placed to the City of Lewiston Arborist, Steve Murch. He stated "that debarking trees in such a manner would surely destroy the trees." {see attached photos}

On October 24, 2012 a signed petition to Gil Arsenault from the "Citizens of Mark Street" was also sent to follow up on the lack of progress to the violations within the "Open Space". {see attached}

On May 1, 1992 according to Book 2842 Page 160 of The Registry of Deeds {see attached} Bill Turner purchased the remaining lots of Pinard Farms from Androscoggin Development Group. At that time it is our understanding that the original Pinard Farms Association was administratively suspended as a result of the conveyance of the remaining

parcels of the Pinard Farms subdivision by the Androscoggin Development Group. Within Bill Turner's warranty deed, Book 2842 Page 166 it states that the above premises are conveyed subject to "all matter" as shown on said Plan. On Book 2428 Page 254 it states, "Now, Therefore, in consideration of promises, Declarant does hereby subject all lots to be developed in the said subdivision to the following property restrictions, covenants, charges and assessments, all of which shall run with and bind all such lots within the development and shall be binding upon the Declarant and its grantees, their heirs, executors, administrators, successors and assigns." Also on line number 11 of said Plan, it states "All areas designated as Open Space are to be reserved for recreational or conservation purposes.

Also, Book 2428 Page 258 of the Registry of Deeds states that the Declarant shall convey title to the Open Space to the Association upon the "Turnover Date" which shall be the date on which the Declarant has transferred and conveyed fifty percent of the lots in the subdivision." At what point did that happen and why was the administrative duties to the association not continued as required by Bill Turner?

Who paid taxes on the Open Space and were the guidelines of Maine Revised Statute Title 36 section 1106A "Valuation of Open Space Land" adhered to? Did the developer involved not only pay taxes for "Open Space" but for all buildings, fences and other improvements? Or did the collective ownership of Pinard Farms taxpayers share the cost in their tax bills on land that they did not hold title to?

It was not until 2012, with help from legal counsel, that we realized the scope of the situation. Surely, the 2006 GIS aerial photos, tax maps, and previous code violations of 2009 and 2004 issued by the Code Enforcement Office, Eric Cousens may assert that city officials could have realized the situation at hand, but chose to ignore the problem. If the developer had fulfilled his obligations to the Association, and the surrounding community, we can assume that the Declaration of Property Restrictions would have been intact and countless amount of trees and natural growth would not have been destroyed and turned into peoples "tax free" extended backyards. It was then decided by city officials that Bill Turner would indeed be forced to form the Pinard Farm Association. As a remedy to the situation at hand, we propose that not only that the final orders issued by Gil Arsenault in June 2012 be reinstated, but also proposed that the damages to the "Open Space" be rectified by the replanting of similar trees and ground cover that was removed. According to Maine Revised Statute Title 17-Crimes section 2510 "Unlawful cutting of trees" may be an avenue in which the municipality can enforce such action.

On November 12, 2012, there was a meeting with Gil Arsenault and several citizens of Mark Street. There was discussion that there would finally be the establishment of the "Pinard Farms Association". At that point, it was our understanding it would become the responsibility of the Pinard Farms Association to enforce action to the encroachment violations within the "Open Space."

According to an email from Gil Arsenault, he stated "that at some point after the December 3<sup>rd</sup> 2012 association meeting, Shawn Bell Esq. presented Ms. Parker which is acting President of the Pinard Farms Association with documents requiring her signature in order for the association to have legal standing." Sometime after March 20, 2013 the Association was formed. Now that the association had been formed it was our understanding that the Declaration of Property Restrictions and Establishment of Lot Owner Association-Book 2428 Page 259 of the Registry of Deeds would be

enforced. {see attached} This document is part of all Warranty Deeds for lot owners of Pinard Farms subdivision. The Declaration states, "Acceptance of a deed or conveyance of a lot other than security, or the entering into the occupancy of any lot shall signify that the owner acknowledge the authority of the association to enforce the covenants and restrictions that run with the land, by suit or otherwise." Also, stated in the Declaration, "The association shall be responsible for the maintenance of the Open Space and for the preservation of all natural buffer areas between the lots and abutting properties." Also, stated "The common areas shall be used exclusively for recreation and /or conservation purposes and shall be permanently maintained as "Open Space". No buildings or benches, picnic tables or similar items, without prior approval of the City of Lewiston Planning Board. "There shall be no cutting of trees, removal of ground cover or other agricultural or forestry activities in the common areas without the prior approval of the City of Lewiston Planning Board. Each owner of a lot as shown on the above reference subdivision plan shall automatically be and become a member of the Association as long as he continues to be the owner of the lot. Upon termination of interest of an owner in a lot, his membership and any interest in the Association shall there upon automatically terminate and transfer and insure to the next owner of his lot succeeding his interest." Also stated in the Declaration, "No commercial enterprise of any type whatever shall be permitted on any lot, which shall be used exclusively for residential purposes. As mentioned in the violation orders of Gil Arsenault, Mark Chizmar owns a construction company and in the past has used the "Open Space" as his personal dumping ground for construction materials.

On March 25, 2013 it was revealed in an email from Gil Arsenault that he met with a land surveyor regarding a proposed amendment to the Pinard Farms development for the expressed purpose to attempt to reduce open space in order to convey land to one or more of the St. Jerome property owners with illegal encroachments, for it may be the code violators only chance to legally quiet the issues at hand. We hope that the members of Pinard Farms realize that this association was formed for only one reason which was to benefit the people with code violations. We also hope that the association realizes that the violations within the "Open Space" may have been remedied years ago. As stated in all of the orders issued to the violators, Appendix A, Article V, section 3(a) of the Code of Ordinances, states that no building or structure may be constructed or erected on any lot which does not have a least fifty feet of frontage. The open space at issue does not have fifty feet of frontage. Also, within the violation orders, Appendix A, Article V, section 5(a) (1) of the Code of Ordinances, permits for storage buildings, fences, decks and pools are required. Permits were not issued for many of the above violations. Is one or two of the above Code Ordinance enough to remedy the violations at hand? Did this association really need to be formed in order to remedy the violations? We wonder if the members of the association that signed the code violators petition realize that the document "The Declaration of Property Restrictions" was designed to prevent such abuse and protect their interest and it is quite ironic that this same document was used by the code violators to help them in their quest.

There is a challenge concerning the alleged surplus of Open Space. Gil Arsenault stated in an email that there was 58,588 square feet, approximately 1.3 acres of surplus Open Space. Our question is what were the requirements for the Open Space when the Plan was originally accepted on May 4, 1988? We find it incredibly hard to believe that the

Developer would not have created larger higher priced lots with what is now considered surplus land. It is hard to believe that any Developer would leave such “money on the table”.

On June 4, 2012, an email from Gil Arsenault stated that Mark Chizmar had informed him that he had the required signatures from a minimum of 75 percent of the Pinard Farm Homeowners. Within the Declaration of Property Restrictions and Establishment of Lot Owners Association Book 2428 Page 259 there is a clause that states “This Declaration may be amended at any time and from time to time by written instrument duly executed by the owners of record of seventy five percent of the lots.” It seems obvious that this clause could be utilized by the Association for perhaps changes to basic wants and needs that benefit the association as a whole and not to vote yourself extra parcels of land at will. Coincidentally, it also seems quite convenient that three of the newly formed association board members are people with code violations. It is also very beneficial only to Pinard Farms lot owners that abut the “Open Space” and quite unfortunate to the non-abutters of “Open Space”, even if they hold title by Warranty Deed. Also, on the Declaration, Book 2428 Page 256, states that “The lots as shown on the Plan may not be subdivided.

Another reference {that may need more research to confirm} is that the Association may have violated Maine Revised Statute Title 30 section 4406, “Enforcement; prohibited activities”. The statute states, “The Attorney General, the municipality or the planning board of any municipality may institute proceedings to enjoin a violation of this subchapter “Sales or other conveyances.” The statute states “No person may sell, lease, develop, build upon or convey for consideration, or offer or agree to sell, lease, develop, build upon or convey for consideration any land or dwelling unit in a subdivision that has not been approved by the municipal reviewing authority of the municipality where the subdivision is located and approved under Title 38, chapter 3, subchapter I, article 6, where applicable, and subsequently recorded in the proper registry of deeds.” The Association’s authorization in writing to Mark Chizmar by their 75 percent vote, to agree to convey parcels of land before it was accepted by the planning board may create some legal issues for the newly formed association.

There is also a challenge to the petitioner’s signature page of the “Agreement to the Proposed Modification of Pinard Farms Subdivision Plan.” One question is why are there members of the association who signed the first petition and did not sign the second petition? An example, Derek L Campbell signed the petition on May 4, 2013, but did not sign on the petition dated August 15, 16, 17. {Did his decision change?}

Another inconsistency is, why is Brian Langlois of 20 St. Jerome permitted to sign an association petition when he is not listed as a member of the Pinard Farms Homeowner Association. The only members listed as members for 20 St. Jerome Street are Gerard and Paula Langlois.

A similar inconsistency is that, why are Chris and Jamie Couture of 18 St. Jerome permitted to sign the petition if they are also not listed as members of the Pinard Farms Homeowners Association.

Another example of inconsistency are the names of Hector Green, Marsha Green and Michelle Morin of 40 Gina Street. According to exhibit “A” of the “Article of Incorporation Pinard Farms Association”, lot owners shall have one vote. Multiple owners of lots have one vote.

Still another inconsistency are the names for 16 St Jerome Street, they are listed as members Timothy and Kathleen Pitman. Tim has signed the document with the last name Pitman and Kathleen has signed the document with the last name of Custer. Is she also the owner of the parcel of land at 16 St. Jerome?

Another inconsistency, is the address of 11 St. Jerome which is inhabited by Matt Lajoie and is contracted "Bond for Deed" from John Alden and Maryse Garceau Alden to Daniel R. Lajoie of Naples. The question is why is Matt Lajoie allowed to sign the petition if he is neither the owner or contracted by "Bond for Deed" and is not listed as a member of the Pinard Farms Association. It can be argued that, in order to have legal standing, the affidavit signed by John Alden giving permission to Matt Lajoie and Roger Richard to represent the interest in his estate should have been also signed by Maryse Garceau Alden for she is also mentioned on the "Bond for Deed" document and listed as a member of the association.

It is assumed that for a legal document to be valid and considered admissible, it shall be factual and accurate. The vast amount of just some of the inconsistency found on the petition should have been addressed and verified before the petition was submitted to the Planning Board and therefore for these reasons, the petition should be considered invalid.

Although the Open Space has been a much needed resource for not only the Pinard Farm subdivision, but also the surrounding Mark Street, Gina Street and even the Darcy Drive subdivision, we understand that ultimately the Open Space is vested to Pinard Farms. Unfortunately, if this amendment of "Open Space" is accepted, we believe that this will be only the beginning of future amendments, for there will still be ample amounts of square footage remaining from the surplus of "Open Space" after the petitioners acquire their parcels, according to a recent survey conducted by A.R.C.C. Land Surveyors Inc. According to the survey the total surplus of 57,757 square feet may seem insignificant, but consider that there is only 34,086 square feet on the subdivision plan between the petitioners with code violations and the abutters of Mark Street. This particular parcel of "Open Space" has been an excellent place for generations of children to have a safe and enjoyable experience playing in one of the few wooded areas left in the area. Another area of "Open Space" available to the immediate area that may be considered adequate for children is quite narrow and is abutted by a very large swamp and access if limited for the parcel is surrounded by land that is owned by Country Lane Homes. The largest area of "Open Space" consists of 62,248 square feet. Its topography is fairly inclined and is quite isolated from the majority of the subdivision and is only abutted by six of the Pinard Farm homeowners. This parcel is also abutted by Country Lane Estates.

There is also something to say about property values for abutting property owners to the Open Space. I am sure that the added incentive of having a recreational area for children to recreate can only increase the value of said property. It has been advised that property owners that have recently purchased homes in the immediate area assuming that the "Open Space" was an incentive to purchase their homes may also have a grievance in this matter.

It is now September 2013 and more than a year has passed in which Gil Arsenault's orders were issued to the amendment petitioners in June 2012. Failing to mention the countless years of neighborhood frustration with this on going situation. The citizens of Mark Street only wish for compliance to all provisions of the original subdivision plans that were agreed to by the City of Lewiston Planning Board in 1988.

We welcome the chance that these “decades old” violations within the Pinard Farms subdivision be finally and legally settled. After years of continued illegal actions and multiple code violations, we would be very concerned that the members of the City of Lewiston Planning Board could ever consider and reward such actions and accept the proposed amendment to the “Open Space” in the Pinard Farms subdivision...

Thank you,  
Citizens of Mark Street

⏪ ⏩ ⏴ ⏵ ⏶ ⏷ ⏸ ⏹ ⏺ ⏻ ⏼ ⏽ ⏾ ⏿ ⏿ Bird's eye



bing



2006 City of Lewiston GIS Aerial

CITY OF LEWISTON  
CODE ENFORCEMENT  
CITY BUILDING  
27 PINE STREET  
LEWISTON, MAINE 04240  
(207)784-2951 EXT. 319

May 13, 2004

Pinard Farms Subdivision  
Lewiston Maine 04240

RE: Pinard Farms Subdivision Open Space

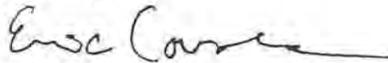
Dear Property Owner:

I am writing in regard to common open space within the above referenced subdivision, herein after referred to as "the designated space." This office recently received a complaint about residents of the subdivision clearing trees within the designated space. An inspection in response to that complaint revealed that trees were in fact being cleared within the designated space and that a number of residents have accessory structures, motor vehicles or other personal belongings located within the space.

This letter is to inform you that any alteration or improvement of the designated space, as shown on the attached map is contrary the Lewiston Planning Board approval of the subdivision at the September 27, 1988 meeting. For this reason, all of the designated space should remain in a natural vegetated state. For those that have structures, motor vehicles or other personal property within the designated space, I respectfully request that you remove said property from the designated space by not later than **June 30, 2004**.

Feel free to contact me at 784-2951, ext. 319 with any questions or concerns.

Sincerely,



Eric Cousens  
Land Use Inspection Officer

c: Gildace J. Arsenault, Deputy Development Director

The City of Lewiston prohibits discrimination and/or the exclusion of individuals from its municipal facilities, programs, activities and services based on the individual person's race, national origin, color, creed, religion, sex, age, disability, veteran status or inability to speak English. Individuals requiring auxiliary aids, modifications, interpreter or translation services in order to access the City's facilities or to participate in programs, activities or services should contact the City's Anti-discrimination Compliance Coordinator: Michael Paradis, Telephone: 784-5753, Ext. 203; TDD/TTY: 784-5999, FAX 777-4621. Such requests should provide, when possible, a minimum of 72 hours advance notice. All such auxiliary aids shall be free of charge. IN CASES WHERE THE COMPLIANCE COORDINATOR IS NOT AVAILABLE, ALL CONTACTS SHOULD BE DIRECTED TO THE CITY ADMINISTRATOR.

CITY BUILDING  
37 PINE STREET  
LEWISTON, ME 04240  
(207) 784-2951, ext. 319

May 17, 2004

Pinard Farms Property Owners  
Lewiston Maine 04240

RE: Pinard Farms Subdivision Required Open Space

Dear Property Owners:

Attached please find a map of Pinard Farms Subdivision showing the required open space as described in the letter dated May 13, 2004 in the shaded areas. The map was intended to be mailed with the above mentioned letter.

Feel free to contact me with any questions or concerns at 784-2951 ext. 319

Sincerely,



Eric Cousens  
Land Use Inspector

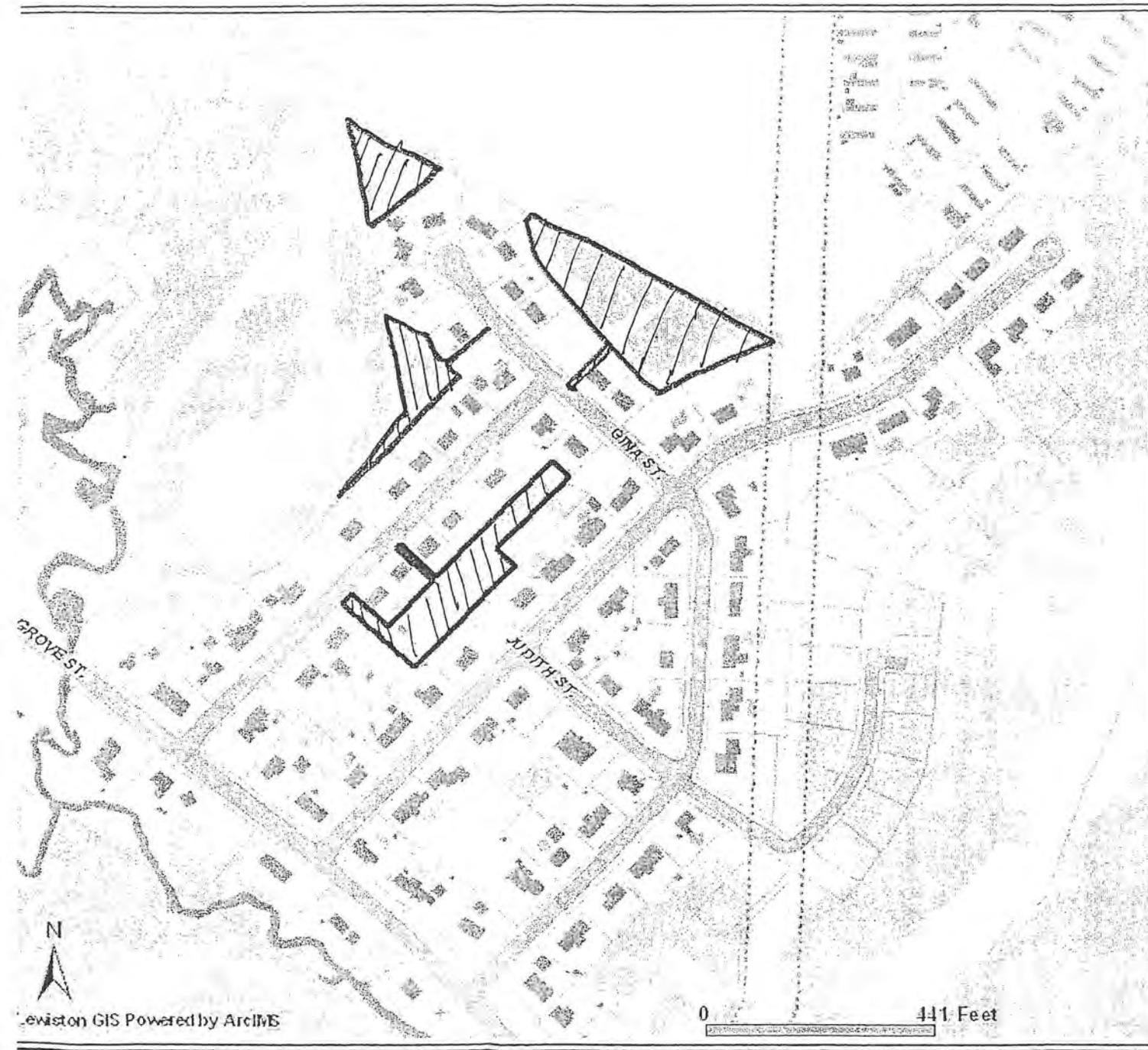
*Pinard Farms Subdivision*  
Required Open Space

Locus Map



Disclaimer

The City of Lewiston makes no warranty or representation as to the accuracy, timeliness or completeness of any of the data. The City of Lewiston shall have no liability for the data or lack thereof, or any decision made or action taken or not taken in reliance upon any of the data.



Notes from the complaint by the Cloutiers in the summer of 2009.

Saturday, August 8, 2009 - We found a tree in our backyard that had been cut by the children of one of the landowners in the Association. They were clearing the land to make themselves an ATV track. Over time much damage was done to our fence from the ATV's as the entire strip along our fence has been cleared.

Sunday, August 9, 2009 - A landowner of the Association on St. Jerome Street started clearing land on the open space.

Monday, August 10, 2009 - Called and met with code enforcement. I was told that all parties with structures and those clearing land were trespassing and could face legal issues. Bill Turner owned the property and needed to keep it in it's vegative state. Thomas Maynard from code enforcement was to call me three days later to give me an update.

August 18, 2009 - Never heard from Thomas Maynard of Code Enforcement. I called Thomas and was told nothing was being done about the clearing of the land. All parties had been verbally warned and if I would see anything going on in the futre to be sure to call back, but the City of Lewiston had bigger fish to fry and nothing would ever come out of our complaints.



# CITY OF LEWISTON

## Planning & Code Enforcement



June 29, 2012

Mark & Terri Chizmar  
7 St. Jerome Street  
Lewiston, Maine 04240

William Turner d/b/a Maine Source  
314 Center Street  
Auburn, Maine 04210

RE: Notice of Violation: 7 St. Jerome Street  
Pinard Farms open space – Map 64 Lot 92

Dear Mr. & Mrs. Chizmar and Mr. Turner:

On June 22, 2012 Corporal Jeff Baril and I observed that the use of the property located at 7 St. Jerome Street encroaches upon the required open space located immediately to the rear of 7 St. Jerome Street. The open space at issue is identified as Map 64 - Lot 92 and it was required by the Lewiston Planning Board as a component of the Pinard Farms Subdivision. Specifically, a storage building of approximately 12' x 18', a fence, a sandbox and swing set and the outside storage of construction equipment and building materials are located within the open space. We also found that the pool and the attached deck are located on the rear property line of 7 St. Jerome Street. As per Appendix A, Article V, Section 5 of the Code of Ordinances, hereinafter referred to as the Code, permits are required for fences, pools, decks, sheds, etc. No permit for a fence and no permit for a pool with an attached deck were issued by this office for 7 St. Jerome Street nor were any such permits issued for the open space. On May 28, 1993 a permit was issued for a 12' x 18' shed to be located 10' from the side and rear lot lines on the property located at 7 St. Jerome Street; however, no permit was issued for a shed to be located on the open space.

In accordance with the Declaration of Property Restrictions and Establishment of Lot Owners Association (recorded in the Androscoggin County Registry of Deeds in Book 2428 Page 253) the open space at issue shall be permanently maintained as open space. No buildings or structures shall be constructed within the open space without prior approval of the City of Lewiston Planning Board. In addition to the Declaration, Appendix A, Article V, Section 3(a) of the Code states that no building or structure may be constructed or erected on any lot which does not have at least fifty (50) feet of frontage. The open space at issue does not have fifty (50) of frontage.

As per the above referenced sections of the Code and in accordance with Appendix A, Article V, Sections 1, 2 and 8 of the Code you are hereby ordered to remove from 7 St Jerome Street and from the open space at issue all fencing, the pool and attached deck, and the shed of approximately 12' x 18' by not later than August 1, 2012.

In the event that you do not comply with this order by August 1, 2012, this office may issue a citation pursuant to Chapter 50, Article II, and Section 50-36 thru 50-51 of the Code. Said citation shall require you to pay a penalty of one hundred and ten dollars (\$110.00) and you will be reordered to comply with the Code. In the event that you do not comply with the first citation, additional citations may be issued. The second citation imposes a civil penalty of two hundred and fifteen (\$215.00), the third is four hundred and twenty-five dollars (\$425.00), the fourth and subsequent citations are eight hundred and fifty dollars (\$850.00), and penalties are cumulative.

In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to Rule 80-K of the Maine Rules of Civil Procedure and 30-A M.R.S.A. § 4452 et seq. as amended. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a fine of up to two thousand five hundred dollars (\$2,500.00) per violation, per day, and the payment of court costs and the City's legal fees.

You have the right to appeal this order and request a hearing before the Lewiston Board of Appeals by filing a written petition at the office of the director of planning and code enforcement within thirty (30) days of receipt of this notice. The petition must be submitted on a form obtained at the Planning and Code Enforcement Department and it must be accompanied by a one hundred-fifty dollar (\$150.00) filing fee.

Please feel free to contact me to discuss the above mentioned violations and the steps that you may wish to consider in order to lawfully install fencing, a pool with an attached deck and a shed on the property located at 7 St. Jerome Street. Our goal is to work with you to the greatest extent possible to minimize the adverse impacts associated with bringing your properties into compliance with the Code. My phone number is 513-3125 ext 3222, and my e-mail address is [garsenault@lewistonmaine.gov](mailto:garsenault@lewistonmaine.gov).

Sincerely,

Gildace J. Arsenault  
Director of Planning and Code Enforcement



# CITY OF LEWISTON

## *Planning & Code Enforcement*



July 2, 2012

Matt Lajoie  
11 St. Jerome Street  
Lewiston, Maine 04240

John & Maryse Alden  
342 Pleasant Street  
Mechanic Falls, Maine 04256

William Turner d/b/a Maine Source  
314 Center Street  
Auburn, Maine 04210

RE: Notice of Violation: 11 St. Jerome Street  
Pinard Farms open space – Map 64 Lot 92

Dear Mr. Lajoie, Mr. & Mrs. Alden and Mr. Turner:

On June 22, 2012 Corporal Jeff Baril and I observed that the use of the property located at 11 St. Jerome Street encroaches upon the required open space located immediately to the rear and side (i.e. the 10' wide access way) of 11 St. Jerome Street. The open space at issue is identified as Map 64 - Lot 92 and it was required by the Lewiston Planning Board as a component of the Pinard Farms Subdivision. Specifically, a storage building of approximately 10' x 12' is located in the open space and a fence is located within the open space and access way. As per Appendix A, Article V, Section 5(a)(1) of the Code of Ordinances, hereinafter referred to as the Code, permits are required for storage buildings and fences. A permit for a 10' x 12' storage building was not issued by this office for 11 St. Jerome Street nor was a permit for a storage building issued for the open space. (On July 24, 1995 a permit was issued for a 6' x 8' shed to be located on 11 St. Jerome Street.) A permit for a fence was issued on October 22, 1998 for 11 St. Jerome Street; however, a permit for a fence was not issued to be located on the open space and access way to the open space.

In accordance with the Declaration of Property Restrictions and Establishment of Lot Owners Association (recorded in the Androscoggin County Registry of Deeds in Book 2428 Page 253) the open space at issue shall be permanently maintained as open space. No buildings or structures shall be constructed within the open space without prior

approval of the City of Lewiston Planning Board. In addition to the Declaration, Appendix A, Article V, Section 3(a) of the Code states that no building or structure may be constructed or erected on any lot which does not have at least fifty (50) feet of frontage. The open space at issue does not have fifty (50) of frontage.

As per the above referenced sections of the Code and in accordance with Appendix A, Article V, Sections 1, 2 and 8 of the Code you are hereby ordered to remove the storage building and fence from the open space by not later than August 3, 2012.

In the event that you do not comply with this order by August 1, 2012, this office may issue a citation pursuant to Chapter 50, Article II, and Section 50-36 thru 50-51 of the Code. Said citation shall require you to pay a penalty of one hundred and ten dollars (\$110.00) and you will be reordered to comply with the Code. In the event that you do not comply with the first citation, additional citations may be issued. The second citation imposes a civil penalty of two hundred and fifteen (\$215.00), the third is four hundred and twenty-five dollars (\$425.00), the fourth and subsequent citations are eight hundred and fifty dollars (\$850.00), and penalties are cumulative.

In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to Rule 80-K of the Maine Rules of Civil Procedure and 30-A M.R.S.A. § 4452 et seq. as amended. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a fine of up to two thousand five hundred dollars (\$2,500.00) per violation, per day, and the payment of court costs and the City's legal fees.

You have the right to appeal this order and request a hearing before the Lewiston Board of Appeals by filing a written petition at the office of the director of planning and code enforcement within thirty (30) days of receipt of this notice. The petition must be submitted on a form obtained at the Planning and Code Enforcement Department and it must be accompanied by a one hundred-fifty dollar (\$150.00) filing fee.

Please feel free to contact me to discuss the above violation and the steps that you may wish to consider in order to lawfully install a storage building on the property located at 9 St. Jerome Street. Our goal is to work with you to the greatest extent possible to minimize the adverse impacts associated with bringing your properties into compliance with the Code. My phone number is 513-3125 ext 3222, and my e-mail address is [garsenault@lewistonmaine.gov](mailto:garsenault@lewistonmaine.gov).

Sincerely,

Gildace J. Arsenault  
Director of Planning and Code Enforcement



# CITY OF LEWISTON

## Planning & Code Enforcement



July 2, 2012

Lillian Fortin  
9 St. Jerome Street  
Lewiston, Maine 04240

William Turner d/b/a Maine Source  
314 Center Street  
Auburn, Maine 04210

RE: Notice of Violation: 9 St. Jerome Street  
Pinard Farms open space – Map 64 Lot 92

Dear Ms. Fortin and Mr. Turner:

On June 22, 2012 Corporal Jeff Baril and I observed that the use of the property located at 9 St. Jerome Street encroaches upon the required open space located immediately to the rear of 9 St. Jerome Street. The open space at issue is identified as Map 64 - Lot 92 and it was required by the Lewiston Planning Board as a component of the Pinard Farms Subdivision. Specifically, a storage building of approximately 12' x 12' is located within the open space. As per Appendix A, Article V, Section 5(a)(1) of the Code of Ordinances, hereinafter referred to as the Code, permits are required for storage buildings. A permit for a storage building was not issued by this office for 9 St. Jerome Street nor was a permit for a storage building issued for the open space.

In accordance with the Declaration of Property Restrictions and Establishment of Lot Owners Association (recorded in the Androscoggin County Registry of Deeds in Book 2428 Page 253) the open space at issue shall be permanently maintained as open space. No buildings or structures shall be constructed within the open space without prior approval of the City of Lewiston Planning Board. In addition to the Declaration, Appendix A, Article V, Section 3(a) of the Code states that no building or structure may be constructed or erected on any lot which does not have at least fifty (50) feet of frontage. The open space at issue does not have fifty (50) of frontage.

As per the above referenced sections of the Code and in accordance with Appendix A, Article V, Sections 1, 2 and 8 of the Code you are hereby ordered to remove the shed from the open space by not later than August 3, 2012.

In the event that you do not comply with this order by August 1, 2012, this office may issue a citation pursuant to Chapter 50, Article II, and Section 50-36 thru 50-51 of the Code. Said citation shall require you to pay a penalty of one hundred and ten dollars (\$110.00) and you will be reordered to comply with the Code. In the event that you do not comply with the first citation, additional citations may be issued. The second citation imposes a civil penalty of two hundred and fifteen (\$215.00), the third is four hundred and twenty-five dollars (\$425.00), the fourth and subsequent citations are eight hundred and fifty dollars (\$850.00), and penalties are cumulative.

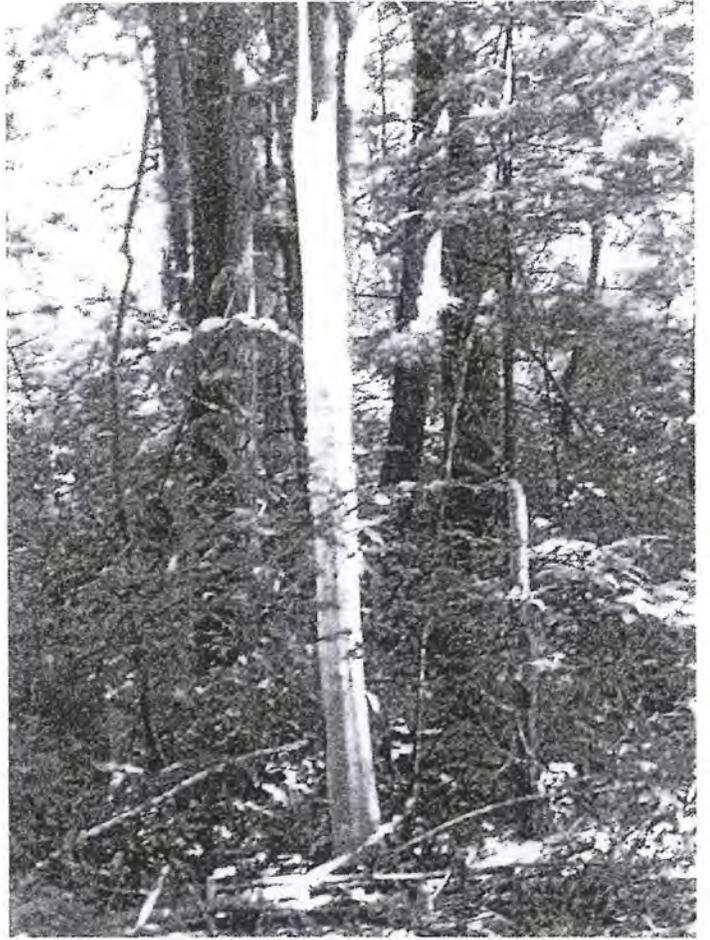
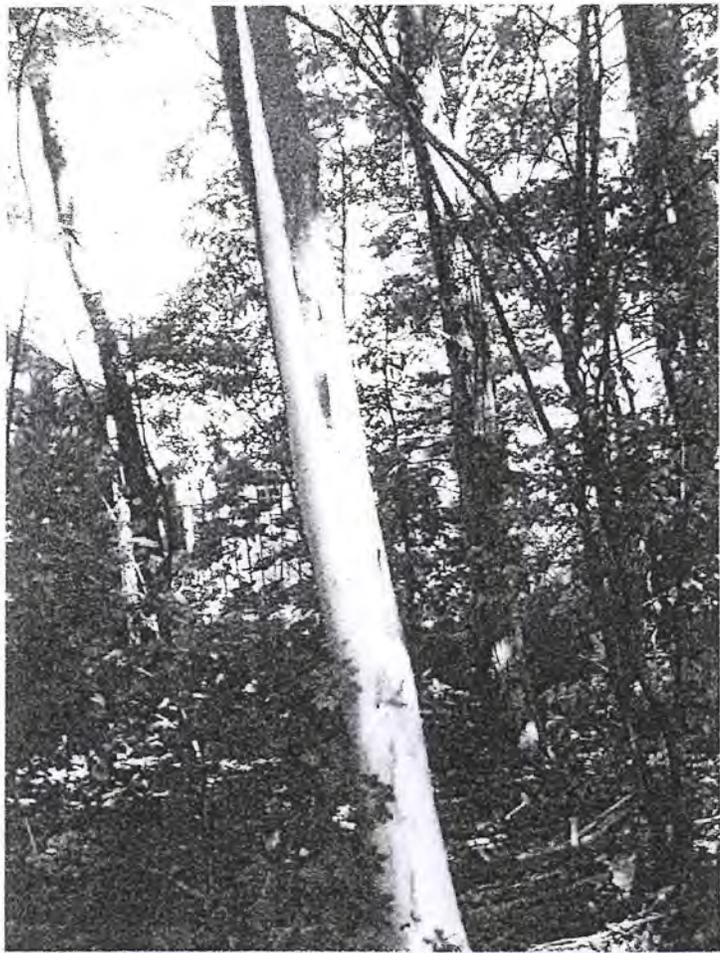
In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to Rule 80-K of the Maine Rules of Civil Procedure and 30-A M.R.S.A. § 4452 et seq. as amended. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a fine of up to two thousand five hundred dollars (\$2,500.00) per violation, per day, and the payment of court costs and the City's legal fees.

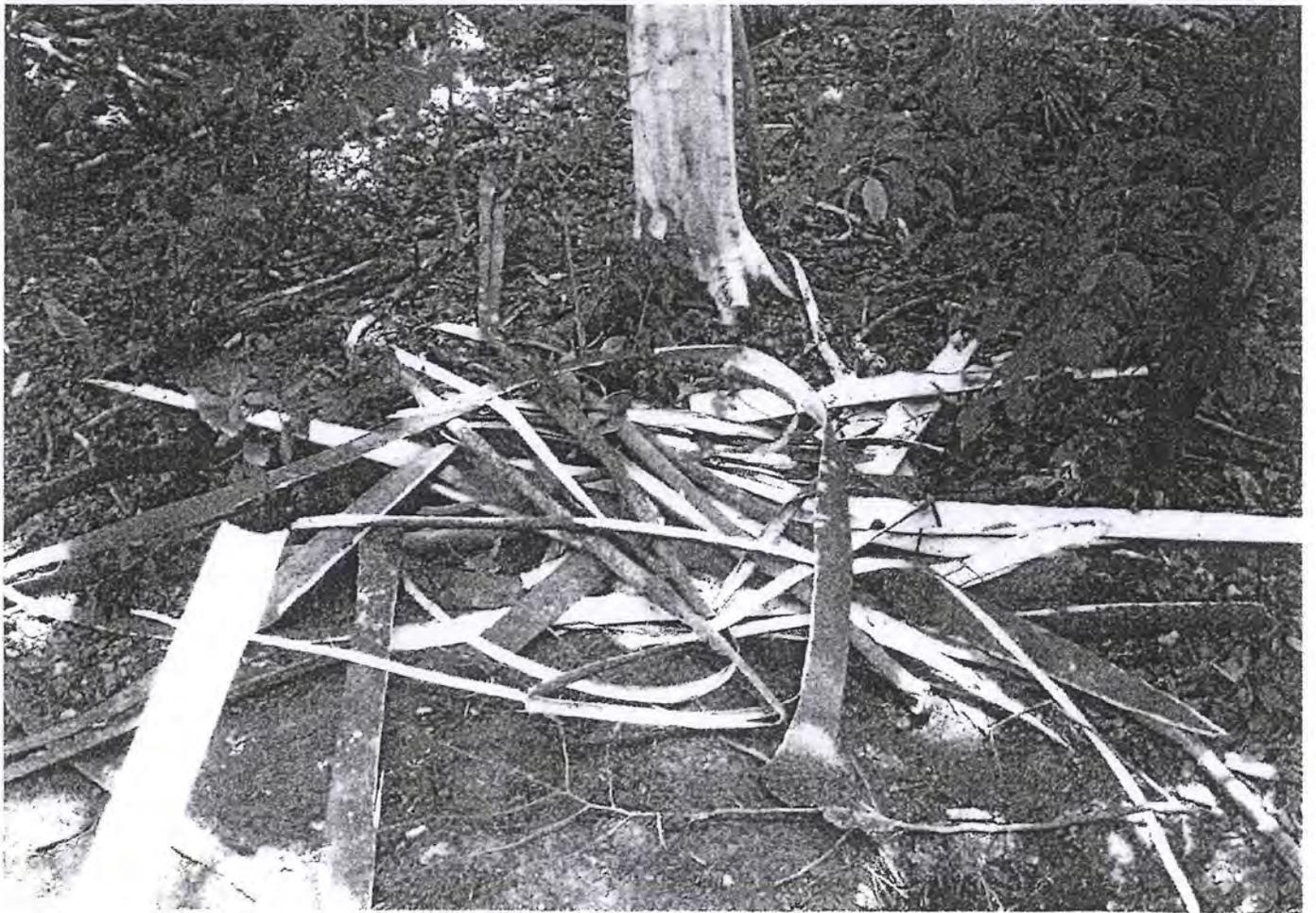
You have the right to appeal this order and request a hearing before the Lewiston Board of Appeals by filing a written petition at the office of the director of planning and code enforcement within thirty (30) days of receipt of this notice. The petition must be submitted on a form obtained at the Planning and Code Enforcement Department and it must be accompanied by a one hundred-fifty dollar (\$150.00) filing fee.

Please feel free to contact me to discuss the above violation and the steps that you may wish to consider in order to lawfully install a storage building on the property located at 9 St. Jerome Street. Our goal is to work with you to the greatest extent possible to minimize the adverse impacts associated with bringing your properties into compliance with the Code. My phone number is 513-3125 ext 3222, and my e-mail address is [garsenault@lewistonmaine.gov](mailto:garsenault@lewistonmaine.gov).

Sincerely,

Gildace J. Arsenault  
Director of Planning and Code Enforcement





## Citizens of Mark Street

22 Mark Street  
Lewiston, ME 04240

14 Mark Street  
Lewiston, ME 04240

October 24, 2012

Dear Gildace J. Arsenault,

Please accept our request for a summary of our previous phone conversations that occurred a few months ago. It is probably more efficient if we collaborate with our fellow neighbors with your correspondence, than to have ten people calling you with the same questions. We are also sure that it will provide more accurate information than to just have "hearsay" on our part.

As shown on the following attachments, orders were issued in 2004 by the City of Lewiston Code Enforcement Office to vacate property from the Pinard Farms Subdivision "Open Space". There was also a police report filed in 2009 by the Cloutier residence after the cutting of "Open Space" trees unfortunately landed across their fence and into their backyard. There has been a steady encroachment to surrounding property abutters and a vast amount of permanent destruction to said "Open Space". A complaint in June 2012 concerning the debarking of several trees lead to an investigation by the Code Enforcement Office that later surmised that a child had committed the offense. A phone call was placed to the City of Lewiston arborist, Stephen Murch. He said that debarking trees in such a manner would surely destroy the trees.

In the document "Declaration of Property Restrictions and Establishment of Lot Owners Association" recorded in the Androscoggin Registry of Deeds Book 2428 Page 253, specifically states "The Common Areas shall be used exclusively for recreational and/or conservation purposes and shall be permanently maintained as "Open Space". No buildings or structures shall be construed within the open space except benches, picnic tables and similar items, without prior approval of the City of Lewiston Planning Board.

The document also states "There shall be no cutting of trees, removal of ground cover or other agricultural or forestry activities in the Common Area, without the prior approval of the City of Lewiston Planning Board and that "The Association shall be responsible for the maintenance of the Open Space and for the preservation of all natural buffer areas between the lots and abutting properties.

We understand that there is finally an effort to establish an association possibly named "Pinard Farm Association". As mandated in Book 2428, Page 255 recorded in the Androscoggin Registry of Deeds, we also believe that if the Declarant had conveyed title to the "Open Space" on the "Turnover Date" in which fifty percent of the lots in the subdivision were conveyed, that the issues at hand may have been avoided. A full description of the rights and responsibilities of the "Association" are recorded in the Androscoggin Registry of Deeds Book 2428 Page 253.

As previously discussed, individuals had again been ordered on June 29, 2012 to remove certain structures and property from the "Open Space" located between St. Jerome, Mark and Gina Streets. These individuals have also been given the opportunity to appeal this order and time to individually pursue efforts in acquiring land within said "Open Space".

The question is, can you elaborate as to what the correlation is between the formation of the "Association" and the violations committed within the "Open Space".

Also, can you provide a time frame as to how long this appeal process may take? I believe that in our previous phone conversation in August, you said the orders issued on June 29, 2012 "may be reinstated before or near the first frost of this season." We would also like to learn more about the appeal process and if this appeal will be presented in future city meetings.

Thank you for your time and effort concerning this matter.

Citizens of Mark Street

Donald & Terry Chabot 14 Mark Street

Robert & Joline Cloutier, 22 Mark St

Jay + SuLainan 17 Mark St.

James E' Gray Bowen 26 MARK ST.

Conrad Ho & Michelle Whiteville 30 Mark St. Lew. Me.

Daniel Doyle Dan Dyl 16 MARK ST, Lewiston ME

Debra L Levesque 5 MARK ST LEWISTON ME 04240

GERARD GABRIEL 13 MARK ST.

Phil Nadeau 10 Mark ST

Roger and Elaine Albert 6 Mark St Lewiston ME 04240

cc: Edward Barrett  
Phil Nadeau  
David Hediger

BK2842 PG150

08529

WARRANTY DEED  
(Statutory Short Form)

KNOW ALL MEN BY THESE PRESENTS that ANDROSCOGGIN VALLEY DEVELOPMENT GROUP, a Maine corporation with a place of business in Lewiston, Maine, for consideration paid, grants to WILLIAM TURNER, of Auburn, Maine, with WARRANTY COVENANTS, the premises described on Exhibit A attached hereto.

IN WITNESS WHEREOF, ANDROSCOGGIN VALLEY DEVELOPMENT GROUP has executed this deed this 1st day of May, 1992.

ANDROSCOGGIN VALLEY DEVELOPMENT GROUP

  
By: Gerard M. Morin  
Its: President

STATE OF MAINE  
Androscoggin, ss

May 1, 1992

Now personally appeared before me the above-named Gerard M. Morin, President of ANDROSCOGGIN VALLEY DEVELOPMENT GROUP, and acknowledged the foregoing to be his free act and deed and the free act and deed of said corporation.

  
Attorney at Law/Notary Public  
Benjamin W. Lund

OVER

MAINE REAL ESTATE  
TRANSFER TAX PAID

## EXHIBIT A

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

BEGINNING at a point in the Northwesterly line of St. Jerome Street, so called, at its Northeasterly terminus as accepted by the City of Lewiston on January 17, 1967; thence

1. North twenty-two degrees fifty-eight minutes twenty-two seconds East (N 22° 58' 22" E) along the prolongation Northeasterly of the Northwesterly line of said St. Jerome Street, a distance of two hundred seventy and sixty-nine hundredths (270.69) feet to a point at the Easterly corner of the second parcel of land now or formerly owned by Paul R. Lachapelle and Yvette Lachapelle as described in a deed recorded in the Registry of Deeds for Androscoggin County in Book 1084, Page 75; thence
2. North sixty-seven degrees one minute thirty-eight seconds West (N 67° 01' 38" W) along the Northeasterly line of said Lachapelle's land and at right angles to the last mentioned line, a distance of ninety-eight and no hundredths (98.00) feet to a point in the Southeasterly line of land now or formerly owned by M.G. Doody, Inc. as described in a deed recorded in said Registry in Book 1099, Page 184; thence
3. North twenty-two degrees fourteen minutes twenty-two seconds East (N 22° 14' 22" E) along the Southeasterly line of said M.G. Doody, Inc.'s land a distance of two hundred seventy-nine and eighty-seven hundredths (279.87) feet to an existing 1/2 inch iron pipe set in the ground at the Southerly end of a stone wall; thence
4. North thirty degrees forty-three minutes fifty-four seconds West (N 30° 43' 54" W) along the Easterly line of said M.G. Doody, Inc.'s land and along said stone wall a distance of five hundred seventy-nine and twenty hundredths (579.20) feet to a point at an angle in said M.G. Doody, Inc.'s land; thence
5. South eighty-two degrees twenty-six minutes twelve seconds East (S 82° 26' 12" E) along the Southerly line of said M.G. Doody, Inc.'s land a distance of nine hundred eighteen and thirty-three hundredths (918.33) feet to a point, said point being North fifteen degrees fifty-seven minutes fourteen seconds West (N 15° 57' 14" W) on a line which is the prolongation Northerly of the Easterly line of lot numbered 22 as shown on a plan entitled "Mark Street" dated November 11, 1971 and recorded in said Registry in Book of Plans Book 21, Page 39, a distance of

fifty-three and fifty-three hundredths (53.53) feet from the Northeasterly corner of said lot numbered 22; thence

6. South forty-six degrees fifty-four minutes twenty-seven seconds West (S 46° 54' 27" W) a distance of two hundred three and fifty-four hundredths (203.54) feet to a point, said point being on a line which is the prolongation Northwesterly of the Southwesterly line of said lot numbered 22; thence

7. South thirty degrees fifty-six minutes twenty-seven seconds West (S 30° 56' 27" W) parallel to and fifty and no hundredths (50.00) feet Northwesterly from the Northwesterly line of lot numbered 21 as shown on said plan a distance of one hundred forty-two and six hundredths (142.06) feet to a point, said point being on a line which is the prolongation northwesterly of the Southwesterly line of said lot numbered 21; thence

8. South sixty-five degrees twenty-eight minutes fifteen seconds East (S 65° 28' 15" E) along the above mentioned line and along the Northeasterly line of a proposed street as shown on said plan, also along the Southwesterly line of said lot numbered 21, a distance of one hundred forty and thirty-one hundredths (140.31) feet to the point of curvature of a ten (10) foot radius curve to the left; thence in a

9. Southeasterly, Easterly and Northeasterly direction along the Northeasterly, Northerly, and Northwesterly line of said proposed street and along the arc of said curve, a distance of fifteen and seventy-one hundredths (15.71) feet to the point of tangency of said curve and at an existing concrete monument set in the ground in the Northwesterly line of Mark Street, so called, said monument has a center line station of 0+35 as shown on said plan; thence

10. South twenty-four degrees thirty-one minutes forty-five seconds West (S 24° 31' 45" W) along the Northwesterly line of said Mark Street a distance of seventy and no hundredths (70.00) feet to the point of curvature of a ten (10) foot radius curve to the left; thence in a

11. Northeasterly, Northerly, and Northwesterly direction along the Southeasterly, Southerly, and Southwesterly line of said proposed street and along the arc of said curve a distance of fifteen and seventy-one hundredths (15.71) feet to the point of tangency of curve; thence

12. North sixty-five degrees twenty-eight minutes fifteen seconds West (N 65° 28' 15" W) along the Southwesterly line of said proposed street and along the Northeasterly line of lot numbered 6 as shown on a plan entitled "Mark Street" dated December 1, 1968 and recorded in said Registry in Book of Plans Book 19, Page 3 and along a line which is the prolongation Northwesterly of the

Northeasterly line of said lot numbered 6, a distance of one hundred forty and no hundredths (140.00) feet to a point; thence

13. South twenty-four degrees thirty-one minutes forty-five seconds West (S 24° 31' 45" W) parallel to and fifty and no hundredths (50.00) feet Northwesterly from the Northwesterly line of said lot numbered 6, a distance of one hundred fourteen and seven hundredths (114.07) feet to a point at the Northerly corner of land now or formerly owned by Robert Cloutier and Joline Cloutier as described in a deed recorded in said Registry in Book 1995, Page 218; thence

14. South twenty-four degrees thirty-one minutes forty-five seconds West (S 24° 31' 45" W) along the Northwesterly line of said Cloutier's land a distance of one hundred seventy-five and ninety-three hundredths (175.93) feet to a point at the Westerly corner of said Cloutier's land; thence

15. South sixty-five degrees twenty-eight minutes fifteen seconds East (S 65° 28' 15" E) along the Southwesterly line of said Cloutier's land and along a line which is the prolongation Northwesterly of the Southwesterly line of lot numbered 4 as shown on said plan, a distance of fifty and no hundredths (50.00) feet to a point at the Northerly corner of lot numbered 3 as shown on said plan; thence

16. South twenty-four degrees thirty-one minutes forty-five seconds West (S 24° 31' 45" W) along the Northwesterly line of said lot numbered 3 a distance of ninety-five and no hundredths (95.00) feet to a point in the Northeasterly line of a proposed street as shown on said plan; thence

17. South sixty-five degrees twenty-eight minutes fifteen seconds East (S 65° 28' 15" E) along the Northeasterly line of said proposed street and along the Southwesterly line of said lot numbered 3 a distance of ninety and no hundredths (90.00) feet to the point of curvature of a ten (10) foot radius curve to the left; thence in a

18. Southeasterly, Easterly, and Northeasterly direction along the Northeasterly, Northerly, and Northwesterly line of said proposed street and along the arc of said curve a distance of fifteen and seventy-one hundredths (15.71) feet to the point of tangency of said curve in the Northwesterly line of said Mark Street; thence

19. South twenty-four degrees thirty-one minutes forty-five seconds West (S 24° 31' 45" W) along the Northwesterly line of said Mark Street a distance of seventy and no hundredths (70.00) feet to the point of curvature of a ten (10) foot radius curve to the left; thence in a

20. Northeasterly, Northerly and Northwesterly direction along the Southeasterly, Southerly and Southwesterly line of said proposed street a distance of fifteen and seventy-one hundredths (15.71) feet to the point of tangency of said curve; thence
21. North sixty-five degrees twenty-eight minutes fifteen seconds West (N 65° 28' 15" W) along the Southwesterly line of said proposed street and along the Northeasterly line of lot numbered 2 as shown on said plan a distance of ninety and no hundredths (90.00) feet to a point at the Northerly corner of said lot numbered 2; thence
22. South twenty-four degrees thirty-one minutes forty-five seconds West (S 24° 31' 45" W) along the Northwesterly line of said lot numbered 2 and along the Northwesterly line of lot numbered 1 as shown on said plan, a distance of one hundred sixteen and two hundredths (116.02) feet to a point; thence
23. North sixty-eight degrees twenty-eight minutes forty-seven seconds West (N 68° 28' 47" W) parallel to and thirty and no hundredths (30.00) feet Northeasterly from the Northeasterly line of land now or formerly owned by Normand R. Poulin and Patricia R. Poulin as described in a deed recorded in said Registry in Book 1010, Page 530, a distance of one hundred ninety-eight and sixty-nine hundredths (198.69) feet to a point on a line which is the prolongation Northeasterly of the Southeasterly line of said St. Jerome Street; thence
24. South twenty-two degrees fifty-eight minutes twenty-two seconds West (S 22° 58' 22" W) along the prolongation Northeasterly of the Southeasterly line of said St. Jerome Street, a distance of two hundred three and forty-nine hundredths (203.49) feet to a point at the Northeasterly terminus of said St. Jerome Street; thence
25. North sixty-seven degrees one minute thirty-eight seconds West (N 67° 01' 38" W) along the Northeasterly terminus of said St. Jerome Street a distance of fifty and no hundredths (50.00) feet TO THE POINT OF BEGINNING.

EXCEPTING AND RESERVING from the foregoing property certain lots and parcels of land more particularly described as follows:

A certain parcel of land conveyed by release deed to County Lane Corp. from Linwood Companies, Inc., dated March 8, 1989 and recorded in the Androscoggin County Registry of Deeds in Book 2384, Page 281.

A certain parcel of land conveyed by warranty deed to Robert M. and Jeannette M. Cournoyer from Grantor, dated May 24, 1990 and

recorded in Androscoggin County Registry of Deeds in Book 2558, Page 92.

A certain parcel of land conveyed by warranty deed to Lillian J. Fortin from Grantor, dated June 29, 1990 and recorded in Androscoggin County Registry of Deeds in Book 2578, Page 84.

A certain parcel of land conveyed by warranty deed to John Alden and Maryse Garceau Alden from Grantor, dated March 9, 1992 and recorded in Androscoggin County Registry of Deeds in Book 2808, Page 234.

A certain parcel of land conveyed by warranty deed to James M. and Marlene N. Roy from Grantor, dated February 28, 1990 and recorded in Androscoggin County Registry of Deeds in Book 2526, Page 110.

A certain parcel of land conveyed by warranty deed to Hector M. and Marsha E. Greene from Grantor, dated December 5, 1989 and recorded in Androscoggin County Registry of Deeds in Book 2497, Page 14.

A certain parcel of land conveyed by warranty deed to Walter L. Varney from Grantor, dated December 28, 1990 and recorded in Androscoggin County Registry of Deeds in Book 2641, Page 202.

A certain parcel of land conveyed by warranty deed to James P. and Wendy A. Foy from Grantor, dated March 30, 1990 and recorded in Androscoggin County Registry of Deeds in Book 2535, Page 311.

A certain parcel of land conveyed by warranty deed to Lewis W and Cindy N. Fye from Grantor, dated November 7, 1989 and recorded in Androscoggin County Registry of Deeds in Book 2486, Page 219.

A certain parcel of land conveyed by warranty deed to Michael F. and Laurie S. Morin from Grantor, dated February 26, 1990 and recorded in Androscoggin County Registry of Deeds in Book 2524, Page 189.

A certain parcel of land conveyed by warranty deed to Betty A. Perreault and Doreen R. Labrie from Grantor, dated January 2, 1990 and recorded in Androscoggin County Registry of Deeds in Book 2507, Page 178.

A certain parcel of land conveyed by warranty deed to Raymond I and Linda M. Morin from Grantor, dated January 22, 1990 and recorded in Androscoggin County Registry of Deeds in Book 2514, Page 115.

BK2842 76166

A certain parcel of land conveyed by warranty deed to Daniel R. and Diane H. Auger from Grantor, dated February 2, 1990 and recorded in Androscoggin County Registry of Deeds in Book 2518, Page 179.

A certain parcel of land conveyed by warranty deed to Robert M. and Linda M. McDonough from Grantor, dated June 21, 1991 and recorded in Androscoggin County Registry of Deeds in Book 2701, Page 81.

A certain parcel of land conveyed by warranty deed to Gerard N. and Linda M. Parent from Grantor, dated December 1, 1989 and recorded in Androscoggin County Registry of Deeds in Book 2496, Page 52.

A certain parcel of land conveyed by warranty deed to Dennis J. and Sandra A. Hopkins from Grantor, dated March 30, 1992 and recorded in Androscoggin County Registry of Deeds in Book 2821, Page 6.

A certain parcel of land conveyed by warranty deed to Camille S. Laplante from Grantor, dated November 14, 1991 and recorded in Androscoggin County Registry of Deeds in Book 2756, Page 268.

A certain parcel of land conveyed by warranty deed to Michael A. and Kathy E. Whiting from Grantor, dated April 20, 1990 and recorded in Androscoggin County Registry of Deeds in Book 2543, Page 209.

The above premises are shown on a plan entitled "Subdivision Plan, Pinard Farms I, Revision One, Gina & St. Jerome Streets" prepared by A.L. & H. Surveyors & Engineers, Inc. dated January 17, 1989, and recorded in the Androscoggin County Registry of Deeds in Plan Book 35, Page 2. The above premises are conveyed subject to all matters as shown on said Plan.

The above premises are conveyed subject to an easement given by John Pinard to Central Maine Power Company dated February 2, 1926 and recorded in the Androscoggin County Registry of Deed in Book 355, Page 375.

Meaning and intending to convey, and hereby conveying, Lots 4, 5, 6, 7, 11, 12, 13, 21, 23, 24, 25, 27, 29 and the three areas designated as "Open Space" as shown on said Plan.

ATTEST:

*Jeanine D. Bergeron*  
REGISTER OF DEEDS

92 MAY -7 AM 11:45

ANDROSCOGGIN, SS.  
REGISTRY OF DEEDS

Exhibit A  
Page - 6 -

277

PINARD FARMS PHASE IDECLARATION OF PROPERTY RESTRICTIONS AND  
ESTABLISHMENT OF LOT OWNERS ASSOCIATION

KNOW ALL MEN BY THESE PRESENTS, that ANDROSCOGGIN VALLEY DEVELOPMENT GROUP, a Maine corporation with its principal place of business in Lewiston, County of Androscoggin and State of Maine, (hereinafter referred to as the "Declarant") is the owner of certain real estate situated in the City of Lewiston as described more particularly in a deed from Linwood Companies, Inc. dated May 18, 1989 and recorded in the Androscoggin County Registry of Deeds in Book 2411, Page 238;

WHEREAS, the Declarant is now subdividing said property and it is the Declarant's desire to continue the development of said property for residential purposes, to establish certain restrictions regarding the use and development of said property by all future owners thereof and to ensure that said property is developed pursuant to the final subdivision plan entitled "Subdivision Plan, Pinard Farms I, Revision One, Gina & St. Jerome Streets" prepared by A.L. & H. Surveyors & Engineers, Inc. dated January 17, 1989, recorded or to be recorded in the Androscoggin County Registry of Deeds and on the plan referred to therein in Note 10 as "Pinard Farms I"; and

WHEREAS, the Declarant desires to assist its grantees in providing the necessary means and organization to enable it and its grantees to enforce the restrictions and covenants hereinafter set forth, and to maintain the development;

BK2428 PG254

NOW, THEREFORE, in consideration of the premises, the Declarant does hereby subject all of the lots to be developed in the said subdivision to the following property restrictions, covenants, charges and assessments, all of which shall run with and bind all such lots within the development and shall be binding upon the Declarant and its grantees, their heirs, executors, administrators, successors and assigns.

DESIGNATED COMMON AREA AND

OPEN SPACE RESTRICTIONS

1. There shall be three Common Areas, said areas being designated as "Open Space" on the plan entitled "Subdivision Plan, Pinard Farms I, Revision One, Gina & St. Jerome Streets" prepared by A.L. & H. Surveyors & Engineers, Inc. dated January 17, 1989, recorded or to be recorded in the Androscoggin County Registry of Deeds and on the plan referred to therein in Note 10 as "Pinard Farms I". Each owner of record of a lot in the subdivision shall have a right and easement of enjoyment in and to the Common Areas which shall be appurtenant to and pass with the title to each lot subject to the conditions and provisions contained herein.

2. The Common Areas shall be used exclusively for recreational and/or conservation purposes and shall be permanently maintained as open space. No buildings or structures shall be construed within the open space except benches, picnic tables and similar items, without prior approval of the City of Lewiston Planning Board.

3. There shall be no cutting of trees, removal of ground cover or other agricultural or forestry activities in the Common Areas, without the prior approval of the City of Lewiston Planning Board.

4. There shall be no motorized vehicles operated within the Common Areas except where such vehicles are required for normal maintenance activities.

5. The Declarant shall convey title to the Open Space to the Association on the "Turnover Date", which shall be the date on which the Declarant has transferred and conveyed fifty percent (50%) of the lots in the subdivision.

GENERAL COVENANTS, CONDITIONS & RESTRICTIONS

1. No commercial enterprise of any type whatever shall be permitted on any lot, which shall be used exclusively for residential purposes.

2. No more than one single family dwelling unit shall be erected on any lot.

3. No trailers or mobile homes shall be permitted on any lot. "Modular" or "site-built" homes being at least twenty-four (24) feet in width may be placed on any lot.

4. No animals shall be kept or maintained on any lot, except for common household pets.

5. No unregistered motor vehicles or inoperable vehicles shall be allowed to remain on any lot for more than thirty (30) days.

6. Trash, garbage and other waste shall be kept in sanitary containers which are not visible from any road.

BK2428 PG256

7. The lots as shown on the plan may not be subdivided.

8. Noxious, dangerous, offensive or unduly noisy activities shall not be carried on or upon any lot.

9. The location and design of any building to be constructed on any lot, including accessory structures, must be approved in writing by the Declarant.

10. Each lot shall be graded, loamed and seeded to grass; and any house built on a lot shall be completed on the outside within one (1) year from the date of commencement of construction, including exterior painting or staining.

HOMEOWNERS ASSOCIATION RESPONSIBILITIES

& REGULATIONS

Prior to the date of the execution and recording of th's Declaration there has been formed the PINARD FARMS ASSOCIATION, a nonprofit, nonstock corporation organized and existing under the laws of the State of Maine (hereinafter referred to the "Association"). Each owner of a lot as shown on the above-referenced subdivision plan shall automatically be and become a member of the Association as long as he continues to be the owner of the lot. Upon termination of interest of an owner in a lot, his membership and any interest in the Association shall thereupon automatically terminate and transfer and inure to the next owner of his lot succeeding him in interest. Each owner of a lot shall be bound by the Bylaws of the Association, as the same may be amended from time to time and each owner of a lot shall comply strictly with the Bylaws of the Association. No holder of a mortgage of a lot

shall be considered as a lot owner until such holder shall acquire title to the lot by foreclosure, by deed in lieu of foreclosure or by maintaining possession of the lot.

The rights, duties and responsibilities of the Association are as follows:

1. The property shown as "Open Space" on the subdivision plan has been dedicated by the Declarant as Common Area for the recreational use of all lot owners as shown on the plan, and for conservation purposes. The Association shall be responsible for the maintenance of the Open Space and for the preservation of all natural buffer areas between the lots and abutting properties, for the payment of any real estate taxes and assessments thereon, the cost of any improvements thereto, the cost of maintaining liability insurance thereon, and for such other purposes as shall be permitted by the Bylaws of the Association (hereinafter collectively called the "Common Expenses").

2. The Association shall indemnify and hold the Declarant harmless from any injury, loss, claim or damage to any person or property occurring on or about the Common Areas, except to the extent that it results from the negligence of the Declarant, its agents and employees.

3. The Association shall have the authority to charge and collect from its members annual and special assessments required to meet the cost of Common Expenses, and for such other purposes as shall be permitted by the Bylaws of the Association, in the manner provided by the said Bylaws.

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4. The Declarant shall convey title to the Open Space to the Association upon the "Turnover Date", which shall be the date on which the Declarant has transferred and conveyed fifty percent (50%) of the lots in the subdivision.

5. The Homeowners Association shall, at all times, observe all the laws and ordinances of the City of Lewiston, Maine, the State of Maine and United States of America, and if at any time any of the provisions of this Declaration shall be found in conflict therewith, then such parts of this Declaration as are in conflict with such laws shall become null and void, but no other part of this Declaration not in conflict therewith shall be affected thereby.

6. The Homeowners Association shall have the right to make such reasonable rules and regulations and provide such means and employ such agents as it will enable it adequately and properly to carry out the provisions of this Declaration, subject to the limitations hereinabove and hereinafter set forth.

7. Any or all of the rights, powers, duties and responsibilities held by or reserved to the Declarant herein may be assigned, in whole or in part, at any time and from time to time to the Association; and upon the recording of any such assignment, the Association shall to the extent of such assignment, assume and have all of the rights, powers and duties held by and reserved to the Declarant hereunder.

ENFORCEMENT & AMENDMENT OF DECLARATION

1. All present and future owners of lots are subject to the terms and provisions contained or referred to in this

Declaration. The acceptance of a deed or conveyance of a lot other than as security, or the entering into of occupancy of any lot, shall signify that the owners acknowledge the authority of the Association to enforce the covenants and restrictions which run with the land, by suit or otherwise. All provisions contained or referred to herein shall be deemed and taken to be covenants running with the land and shall bind any person having at any time any interest or estate in a lot (except as mortgage security) as though such provisions were recited and stipulated at length in each and every deed or conveyance of a lot.

2. This Declaration may be amended at any time and from time to time by written instrument duly executed by the owners of record of seventy-five percent (75%) of the lots. Said instrument to be recorded in the Androscoffin County Registry of Deeds.

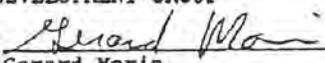
3. If any or more of these covenants, or any part thereof, shall be invalid or unenforceable, such invalidity or unenforceability shall not affect the remaining portions hereof which shall remain in full force and effect.

WITNESS WHEREOF, Androscoffin Valley Development Group has caused this instrument to be signed in its corporate name by Gerard Morin, its duly authorized President this 22nd day of June, 1989.

WITNESS:



ANDROSCOGGIN VALLEY  
DEVELOPMENT GROUP

BY:   
Gerard Morin  
Its President

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WITNESS:

*[Signature]*

ANDROSCOGGIN VALLEY  
DEVELOPMENT GROUP

BY: *[Signature]*  
Thomas N. Ouellette  
Its Treasurer

STATE OF MAINE  
ANDROSCOGGIN, SS.

JUNE 22, 1989

Personally appeared the above-named Gerard Morin and Thomas N. Ouellette acknowledged the foregoing instrument to be their free act and deed, in their said capacities, and the free act and deed of said corporation.

Before me,

*[Signature]*  
~~Notary Public~~/Attorney at Law  
Print Name Paul R. Gosselin

1305P

ATTEST:

*Margaret C. Thompson*  
REGISTER OF DEEDS

89 JUL -3 AM 9:00

ANDROSCOGGIN, SS.  
REGISTRY OF DEEDS

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*[Handwritten note]*