

CITY OF LEWISTON  
PLANNING BOARD MEETING  
MINUTES for April 25, 2016

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

**Members in Attendance:** Bruce Damon, Walter Hill, Normand Anctil, Sandra Marquis, Paul Madore, Pauline Gudas and Michael Marcotte

**Associate Member Present:** Sonia Taylor and Zachary Pettengill

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

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

- III. **CORRESPONDENCE:** Email to Planning Board dated 4/25/2016 from Cathy McDonald of 40 Ware Street.

- IV. **PUBLIC HEARINGS:**

A petition to amend Article V of the Zoning and Land Use Code and Chapter 14 of the Code of Ordinances to allow for the keeping of six chickens on lots developed with a single family detached dwelling on individual lots.

David read staff comments. Petitioner Shelly Suzuki, 16 Champlain Avenue provided a PowerPoint presentation regarding her proposed amendment. She has had chickens since April 2015 and made reference to existing code provisions. She feels the existing code is not clear and an amendment is needed, whether it's her ordinance or something else. She summarized the proposed amendment and said that chickens are already in Lewiston and this may be in part to residents not knowing the rules.

Pauline asked if she got a permit for her coop and Shelly said no. David explained when permits were needed and that the city will require permits for chicken coops. Paul asked who takes care of the chickens and Shelly said her family. Paul noted there are health benefits from raising chickens. Normand asked if any chickens have been broody and looking to leave and Shelly said no. Normand asked what happens when the chickens mature and Shelly said they would have to get rid of them. Normand asked if she has ever lost any and Shelly said yes after quarantining a new chick. Normand noted he had a neighbor's dead chicken from a fox in his yard last week.

Sonia made reference to a complaint from a neighbor about being kept up at night and Shelly noted they do make some noise and may wake someone, but would not keep someone awake.

Bruce opened the meeting to the public in support of amendment.

John Pitman, 24 Champlain Avenue noted that fox already exist in Lewiston and he had the warden kill one about four years ago at 632 Main Street. There are also coyotes. He said he worked on a chicken farm and they don't make noise once the lights go out. He noted store eggs being several weeks old versus fresh eggs.

Drew Desjardins, Manning Avenue, a/k/a Doctor Drew. Drew said he has had chickens since 2010 and raises them for food and provides eggs to his lizards. He referenced the cost effectiveness of keeping chickens. He noted that local retailers sell chickens saying it's allowed. He has no issues or complaints. He noted that current ordinance is confusing. Paul asked how much area did he have and Drew said a 5' x 5' run with a shed for coop. He knows of others with chickens in Lewiston.

Mark Daniels, 70 Champlain Avenue said he was a neighbor and has probably heard the chickens twice. He has no issues and said a solid fence helps instead of a chain link, which may be an issue.

Norm has experienced raising chickens and once it is daylight, chickens are awake. Sonia noted the proposed ordinance does not reference a solid fence.

Bruce opened it up to public not in support of amendment.

Mike Adams, 17 Bonnaille Avenue said he bought this property with deed restrictions that provide level of confidence as to what may be allowed. He provided a petition from resident's not in support and said he is not sympathetic for those not knowing the rules and feels keeping chickens are unsightly and possibly a health issue. It goes against their subdivision covenants and the purpose of the NCA District. He feels chickens will negatively impact neighborhood and property values. He noted other letters in opposition. He referenced the proposed ordinance requires additional enforcement and asked why pass something not being currently enforced. He feels the same issues remain as referenced in 2009.

Pauline asked if there are deed covenants on his property and Mike said yes. She asked if they exist at 16 Champlain Avenue and he said he believes so. Walter noted covenants are not enforced by the City and understand covenants are there to protect property values. Paul asked how big is his lot and Mike said 10,000 SF.

Shelly said that once the Planning Board meeting was scheduled, she went to abutting property owners and asked about their concerns. They did not approach her with their complaints. She looked at her deed and did not see any restrictions. Sonia asked Shelly if the neighbors had approached you, would you have removed the chickens and Shelly said this is not just about her chickens as she plans on moving and depending if the ordinance passes will determine removal of chickens. They have a house under contract outside of Lewiston with more land.

Mike Adams said he did not know about the chickens initially and raised the issue that the shed was not allowed per covenants.

Robert Levesque, 21 Bonnaille Avenue referenced amount of chicken waste to be removed, ending up in the trash, storm drain, or spread on the property. He was concerned with dense neighborhoods and spreading of manure. He urged the ordinance not pass.

Zachary did his research and said that manure is nitrogen rich and if it's going to spread for fertilizer, it needs to be supplemented or stored for three/four months first.

Paul said chicken manure is a great fertilizer and has the ability to reduce waste to landfill.

Pauline McDonald, 14 Loring Avenue, lives across the street and hears the chickens all the time. She has issues with cats, mice, and fox in the area. The covenants are there to protect property owners. She has smelled manure and there was a pile in the backyard. The current three acre zoning provides plenty of areas in Lewiston and she was concerned about predators.

**Bruce opened it up to a last round of comments.**

John Pitman noted that a fox is a benefit for killing rats. As for the pile of manure, he was responsible for that pile (he is Shelly Suzuki's father) and it was composted with vegetables/fruit/yard waste.

Jane Footer/George Cole, 70 Lessard Street, Lot 82 (Stetson Brook Estates) said they could smell manure being spread in Auburn. They noted the amount of existing wildlife in the area and many years ago, keeping foul was allowed. They believe the ordinance should be clarified and noted that Shelly Suzuki would not willfully break the rules if it was clear.

Georgia Chomas of Auburn said she was the realtor that sold the property to Suzuki's and noted that the deed provided doesn't include any restrictions. She noted the subdivision needs to manage their restrictions and City will enforce their rules. Shelly would not have broken rules on purpose and feels they are being forced out of the community. Paul asked if she has sold houses with chicken coops and Georgia said yes, but sometimes they are taken with the seller. Sonia asked if she markets properties noting pending changes that that may allow chickens or different uses and Georgia said she would not research the pending changes of a neighborhood.

Mr. Suzuki, 16 Champlain Avenue, said he is a Registered Nurse and referenced reports on chickens and health concerns from a professor from Kentucky regarding Avian flu and noted backyard flocks are much less of a concern versus commercial flocks. He also noted salmonella is not an issue if flock is maintained and kept clean. With respect to manure, backyard flocks are easy to maintain and are typically not located near public water supplies. His point is public health issues may be minimal.

Mike Adams noted the email dated 6/25/16 from Cathy McDonald and the apparent health concerns that may exist.

Ann Levesque, 21 Bonnaille Avenue noted the coop is visible at the Suzuki's when driving by.

Susan Sparks said she helped build the Suzuki's coop and run. She noted the quality of the coop. Chickens are a great teaching tool for families and that trash attracts predators no more than chickens.

Jean Fournier, 25 Buttonwood Lane, purchased their home based upon residential uses. Chickens do not belong in a residential area. She is concerned it may impact property values.

Ann Levesque, 21 Bonnaille Avenue asked what did the Suzuki's do with chickens in the winter and that it looked like they may have been in a black tarped area. Shelly said the chickens were in the coop all winter and that black plastic enclosed a screened area used for storage.

**Public Comment Closed**

Walter said that the Planning Board needs to consider the entire City with this ordinance. The Suzuki's neighborhood is not appropriate and he appreciates property owner's concerns noting the neighborhood petition against. Thought maybe a referendum is needed. He does not support the proposed amendment.

Paul referenced inhumane practices of large chicken farms. He said that people are looking for healthy alternatives to raising food. Feels there are many benefits to backyard chickens. He is disappointed the neighbors are concerned with noise and exaggeration of keeping chickens and noted noise from motorcycles, cars, exhaust. He said you could get sick in your own home if kept poorly.

Sonia asked how many people have requested a change. David noted just the Suzuki's at this time. Sonia thought this change would impact many people and that there is a place for chickens, but not with this neighborhood. Zachary agreed with Sonia and that he doesn't believe chickens have a place in Lewiston. Dogs have a license fee, maybe chickens should too. Normand said he respects the petitioner request, but feels this would change the complexion of the neighborhood.

Michael asked for clarification on whether the motion should be in the affirmative or negative and David recommended the affirmative, but said it was up to the Board.

The following motion was made:

**Zoning and Land Use Amendment**

**MOTION:** by **Walter Hill** pursuant to Article VII, Section 4 and Article XVII, Section 5 of the Zoning and Land Use Code to send an unfavorable

recommendation for the City Council’s consideration a proposed amendment to Article V, Section 3(aa) of the Zoning and Land Use Code allowing for the keeping of up to six chickens in residential zoning districts on lots of no less than 20,000 square feet developed with single family detached dwellings including mobile homes on individual lots. Second by **Sandra Marquis**.

**VOTED: 6-1 (Passed)**  
**Paul Madore Opposed**

The following motion was made:

**Code of Ordinances Amendment**

**MOTION:** by **Michael Marcotte** to send an unfavorable recommendation for the City Council’s consideration an amendment to the Code of Ordinances Chapter 14 Animals, Article VII. Keeping of Non-Domestic Animals, Division 4. Keeping of Chickens on Lots Developed with Single Family Detached Dwellings Including Mobile Homes on Individual Lots. Second by **Pauline Gudas**.

**VOTED: 6-1 (Passed)**  
**Paul Madore Opposed**

The Board took a ten minute recess at 7:30 p.m. 7:40 p.m. meeting resumed.

**V. OTHER BUSINESS:**

a) King Avenue Zoning Discussion

David explained King Avenue proposal. Staff has recently been approached by the owner of 18 King Avenue to convert an abandoned three-dwelling unit structure into a single family dwelling. This property is located in the Community Business (CB) district in which multifamily dwellings are a permitted use, but single family dwelling are not. Staff believes there may be reason to consider rezoning many other properties on the northerly side King Avenue from CB to NCA. In 1953, all of the properties on the north side were zoned Residential to the rear property line abutting the Fairgrounds, today known as Sparetime Business Park. That changed in 1958 with properties on the northerly side of King Ave rezoned to Commercial. It has remained a nonresidential district ever since.

The Board noted a rezoning in the area seems appropriate.

The following motion was made:

**MOTION:** by **Michael Marcotte** to direct staff pursuant to Article XVII, Section 5 of the Zoning and Land Use Code to prepare an amendment for the Planning Board’s recommendation to the City Council to rezone the northerly side of King Avenue from Main Street to Mollison Way. Second by **Sandra Marquis**.

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

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

Pauline was frustrated that private email and contact information was provided to citizens. Staff will look into this and reiterate that private contact information should not be shared.

**VI. READING OF MINUTES:** Adoption of the April 11, 2016 draft minutes.

The following motion was made:

**MOTION:** by **Paul Madore** to accept the April 11, 2016 draft minutes as amended Second by **Walter Hill**.

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

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

**MOTION:** by **Paul Madore** that this meeting adjourns at 8:05 p.m. Second by **Sandra Marquis**.

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

The next regularly scheduled meeting is for Monday, May 9, 2016 at 5:30 p.m.

Respectfully Submitted:



Michael Marcotte, Secretary