

LEWISTON CITY COUNCIL
SPECIAL MEETING AND WORKSHOP AGENDA
CITY COUNCIL CHAMBERS, CITY HALL
TUESDAY, JUNE 28, 2016

6:00 p.m. Special Meeting & Workshop

Pledge of Allegiance to the Flag.
Moment of Silence.

SPECIAL MEETING

1. Resolve regarding Appointments to the new Lewiston Area Public Health Committee.

WORKSHOP

1. Continuation of discussion of Ordinance to Expand Areas in Which Raising Chickens is Allowed.
2. Discussion regarding HOME Funds to Support Cooperative Housing.
- 3A. Community Credit Union's Sabattus Street Project regarding Sabattus Street Lane Reassignments
- 3B. Community Credit Union's Sabattus Street Project regarding Water Service Line.

EXECUTIVE SESSION

- ES-1. Executive Session to discuss Acquisition and Disposition of Properties of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

LEWISTON CITY COUNCIL
MEETING OF JUNE 28, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. 1

SUBJECT:

Resolve regarding Appointments to the new Lewiston Area Public Health Committee.

INFORMATION:

Under the structure of the new Lewiston Area Public Health Committee, the Mayor nominates members to serve and the City Council makes the formal appointments of the members. Deputy City Administrator Phil Nadeau and Mayor Macdonald have reviewed the applications submitted and the Mayor has nominated eight people to serve on the Committee. The Council is asked to approve the attached Resolve which will make the formal appointments of the new members.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

Appointments to Boards and Committees are a policy decision of the Council.

EAB/kmm

REQUESTED ACTION:

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To approve the Resolve entitled Appointments to the new Lewiston Area Public Health Committee.



COUNCIL RESOLVE

Resolve, Appointments to the new Lewiston Area Public Health Committee.

Whereas, the City of Lewiston has worked diligently with area cities and towns, local, state and federal agencies, area hospitals, residents and other interested parties to develop relationships that have improved its ability to respond to a broad range of public health concerns; and

Whereas, Mayor Robert MacDonald has nominated a broad list of applicants that represent a range of interests, experiences and expertise in matters of public health; and

Whereas, in the absence of a municipal public health department, the new Lewiston Area Public Health Committee will work to advise the City Council on a range of public health concerns that impact city and other area residents;

Now, therefore, be it resolved by the City Council of the City of Lewiston that the appointments of the following individuals be approved:

Council President Kristen Cloutier – Lewiston City Council position

Dr. Robert Whitaker – Area Resident position

Kristine Kittridge – Area Resident position

Lynsay Henry – Area Resident position

Muhidin Libah – Area Resident position

Erin Guay – Related Community Organization position

Elizabeth Keene – Public Health Expert or Practitioner position

Cynthia Rice – Public Health Expert or Practitioner position

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, JUNE 28, 2016
LEWISTON CITY HALL
IMMEDIATELY FOLLOWING 6:00 PM SPECIAL MEETING

1. Continuation of Discussion of Ordinance to Expand Areas in Which Raising Chickens is Allowed.

In May, the City Council held a workshop on a proposed amendment that would expand the zones in which raising chickens is allowed. Based on that discussion, there appears to be interest in doing so. However, several issues were discussed but not resolved at that time, including a lot size limitation and the potential to require a permit. We would like to continue this discussion and receive final guidance from the Council. The materials presented in May are attached.

2. HOME Funds to Support Cooperative Housing

The City has been working with representatives of the Raise-Op housing cooperative on its next project, the purchase and renovation of a 9 unit building located at 141-143 Pierce Street. The cooperative is requesting support from the City's HOME funds. Please see the attached memo and information from Lincoln Jeffers.

3. Community Credit Union's Sabattus Street Project

a. Sabattus Street Lane Reassignments

Community Credit Union has purchased the properties at 895-917 Sabattus for the construction of a corporate office and retail bank building. This development will require a traffic movement permit. In reviewing the situation, it appears that a designated left-turn lane would be required; however, this is not feasible within the existing road right-of-way. A possible solution for this projects, and others in this area of Sabattus Street, is to reassign lanes to create a center turn lane from Old Green Road to Grove Street with single in- and out- bound travel lanes. We would like to review this approach with you. Please see attached information.

b. Water Service Line

When the main water line on this section of Sabattus Street was replaced last year, the existing one inch service line serving the property at 895-917 Sabattus was not replaced since the lot was vacant at that time. It is standard City policy not to replace service lines to vacant properties due to uncertainties about the size and location of such lines and the potential for water system leaks. Community Credit disagrees with the City's decision to not replace this service line. See attached letter from Jen Hogan, President/CEO of Community Credit. Staff has met with representatives of the Credit Union to discuss this issue and, after review, reaffirmed the decision regarding this service line. Please see attached memo from Public Works Director Dave Jones. Community Credit wishes to appeal staff's decision to the City Council.

4. Executive Session – Land Acquisition/Disposition

**CITY OF LEWISTON****Department of Planning & Code Enforcement**

TO: City Council Members
Mayor Robert E. Macdonald

FROM: David Hediger, City Planner

DATE: June 23, 2016

RE: Discussion on Proposed Ordinance Change on Keeping Chickens.

The council held a workshop on May 24, 2016 to discuss a petition filed by Shelly Suzuki, of 16 Champlain Avenue to allow the keeping of six chickens on lots developed with a single family detached dwelling on individual lots. Councilor's raised concerns with minimum lot size requirements, whether the keeping of chickens should be limited to specific zoning districts, the need for a license or permit, and if there should be increased setback requirements. There was not unanimous or clear direction from the council on how to proceed.

At this time, staff is looking for direction from the council as to whether the language proposed by Mrs. Suzuki is appropriate or whether changes should be considered.

Suzuki petition

A petition has been filed by Shelly Suzuki, of 16 Champlain Avenue to allow the keeping of six chickens on lots developed with a single family detached dwelling on individual lots. On April 25, 2016 the planning board voted 6-1 to send an unfavorable recommendation for the city council's consideration a proposed amendment 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. On May 3, 2016 the Council held a public hearing, followed by a workshop on May 24, 2016. At some point, the council will need to take action on this item at a public hearing.

Issues discussed at the May 24th workshop

Staff offers the following in response to the items discussed at the May 24th council workshop:

- Minimum lot size requirements:
 - The current minimum lot size is three acres limited to the Rural Agricultural (RA) district.
 - The Suzuki's proposed a minimum lots size of 20,000 square feet on lots in residential districts, including: Rural-Agricultural (RA), Low Density Residential (LDR), Suburban Residential (SR), Medium Density Residential (MDR), Neighborhood Conservation "A" (NCA), and Neighborhood Conservation "B" (NCB).
 - Some councilors discussed increasing the minimum lot size to 30,000 square feet.
 - Staff has provided a map showing:

- Lots 10,000 to 19,999 sf - Vacant or Single Family
 - Lots 20,000 to 29,999 sf - Vacant or Single Family
 - Lots 30,000 or greater - Vacant or Single Family
 - Lots in RA district 3 acres or greater (currently, the only district where chickens are allowed).
- Allow chickens in specific zoning districts:
 - The Suzuki amendment would allow the keeping of chickens in the following residential districts: RA, LDR, SR, MDR, NCA, and NCB.
 - Some councilors suggested not allowing in the NCA and NCB districts in effort to preserve the quality of those neighborhoods (note: depending upon the minimum lot size requirements, the keeping of chickens in either of these districts may be unlikely since most lots are less than 20,000 square feet).
 - Other councilors suggested continuing to limit chickens to the RA district.
 - Staff has provided a map showing zoning district boundaries in relationship to lot sizes.
- Licensing and permits:
 - Most of the council seemed to want a permit or license to be issued for the keeping of chickens.
 - Staff is recommending a one-time use permit (currently, \$40) must be obtained, which will also serve as the building permit for any enclosures (i.e. fencing, coops, etc.).
- Setback requirements:
 - The Suzuki amendment required that chickens shall be kept only in the rear or side yard behind the principle structure of the lot developed and must be kept on the property of the owner. Chicken henhouses, fenced areas, and enclosures shall not be closer than ten (10) feet to any property line.
 - Some councilors suggested a 20 foot setback. Others suggested the setback should vary depending upon lot size.
 - Staff recommends a setback that is uniform across the city, regardless of lot size, in effort not to complicate the ordinance. Varying setbacks may not achieve the desired separation depending upon lot widths and the location of homes on abutting lots.

Next steps for the council

Guidance is needed from the council if a desire remains to provide more opportunities outside the RA district for residents of Lewiston to keep chickens. If that desire remains, staff is of the opinion that much of the language proposed in the Suzuki amendment is sufficient. However, it is not clear what changes the council would like to see with respect to minimum lot size requirements, whether the keeping of chickens should be limited to specific zoning districts, and if there should be increased setback requirements. Staff has attached a revised draft of the Suzuki amendment that identifies the areas that remain to be addressed and includes proposed permitting language.

Staff will be looking for direction from the Council on how to proceed and will be available at the meeting for additional discussion.

06/22/2016

**AN ORDINANCE PERTAINING TO THE ZONING AND LAND USE CODE
THE CITY OF LEWISTON HEREBY ORDAINS:**

Appendix A of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

**APPENDIX A
ZONING AND LAND USE CODE
ARTICLE V. ADMINISTRATION AND ENFORCEMENT**

Sec. 3. General provisions.

(aa) Notwithstanding the provisions under Article XI, Section 23 of this Code, the keeping of up to six chickens is permitted 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 pursuant to the provisions contained in Chapter 14, Article XIII, Sec 14-45 thru 14-53.

REASONS FOR THE PROPOSED AMENDMENT

In the City of Lewiston, the keeping of chicken is limited to properties located in the Rural Agricultural (RA) district on lots of at least three acres. There has been an interest by citizens to keep domesticated chickens in zoning districts other than the RA.

The proposed amendment to Article V, Section 3(aa) of the Zoning and Land Use Code allows for the keeping of up to six chickens permitted in all zoning districts on lots developed with single family detached dwellings including mobile homes on individual lots pursuant to the provisions contained below in Chapter 14, Article XIII, Sec 14-45 thru 14-52.

Comment [Hediger1]: Does the council want to limit the keeping of chickens to specific residential districts: Rural-Agricultural (RA), Low Density Residential (LDR), Suburban Residential (SR), Medium Density Residential (MDR), Neighborhood Conservation "A" (NCA), and Neighborhood Conservation "B" (NCB).

Comment [Hediger2]: What does the council want to see for a lot size requirement: 10,000 SF, 20,000 SF, 30,000 SF, 40,000SF?

**AN ORDINANCE PERTAINING TO THE KEEPING OF CHICKENS IN THE
CITY OF LEWISTON HEREBY ORDAINS:**

**Chapter 14 Animals
Article VII. Keeping of Non-Domestic Animals
Division 3. Other Animals**

Sec. 14-31. Keeping of fowl, rabbits and guinea pigs.

Fowl, rabbits and guinea pigs must be kept indoors, or if outdoors, in a secure pen or enclosure. Litter and droppings from these animals must be collected and disposed of in accordance with the provisions of section 14-41, disposal of excrement in general, shall specifically apply to the disposal of excrement of fowl, rabbits, and guinea pigs. Provided, however, that the provisions of this section and section 14-41 shall not apply to ducks or other waterfowl inhabiting natural or manmade water courses or bodies of water.

Division 4. Keeping of Chickens on Lots Developed with Single Family Detached Dwellings Including Mobile Homes on Individual Lots.

Sec. 14-45. Purpose

The purpose of this article is to provide standards for the keeping of domesticated chickens. It is intended to enable residents to keep a small number of female chickens on a non-commercial basis while creating standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept. The provisions of this section are not to preclude other sections of Chapter 14 as applicable.

Sec. 14-47. Number and type of chickens allowed.

- (a) The maximum number of chickens allowed is six (6) per lot developed with a single family dwelling.
- (b) Only female chickens are allowed. There is no restriction on chicken species.
- (c) Chickens must be purchased from an approved source such as the National Poultry Improvement Plan (i.e. hatcheries that participate in the National Poultry Improvement Plan).
- (d) This provision shall not apply to allowed agricultural uses.

Sec. 14-48. Non-commercial use only.

Chickens shall be kept as pets and for personal use only; no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes. The slaughtering of chickens is prohibited.

Sec. 14-49. Enclosures.

- (a) Chickens must be kept in a fenced area or enclosure at all times. Enclosures must be clean, dry, and odor-free, kept in a neat and sanitary condition, in a manner that will not disturb the use of neighboring lots due to noise, odor or other adverse impact. The free ranging of chickens is not allowed.
- (b) Chickens shall be secured within a henhouse during non-daylight hours.
 - (1) Henhouses are not allowed to be attached or located in any part of a dwelling unit. The henhouse shall be enclosed on all sides and shall have a roof and doors. The henhouse must be well-maintained.
- (c) Chickens shall be kept only in the rear or side yard behind the principle structure of the lot developed and must be kept on the property of the owner. Chicken henhouses, fenced areas, and enclosures shall not be closer than ten (10) feet to any property line.

Sec. 14-50. Odor and noise impacts.

The keeping of chickens authorized under this section shall not create a nuisance and shall be conducted in a manner that does not disturb the use of adjacent properties. Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries. Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

Sec. 14-51. Predators, rodents, insects, and parasites.

The property owner and/or chicken owner shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.

Comment [Hediger3]: Does the council want to increase the setback for enclosures related to lot size?

Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by the City, through the animal control officer, or any other designee, and the cost of the same shall be borne by the property owner and/or chicken owner.

Sec. 14-52. Permit requirements.

The keeping of chickens authorized under this section shall require the issuance of a use permit as per Appendix A, Article V, Section 5 of the Zoning and Land Use Code. The issuance of a use permit will include any permitting required for enclosures referenced in Sec. 14-49. Enclosures.

Comment [Hediger 4]: Section added per the council's recommendation to include some type of permitting or licensing. This section requires a one-time use permit (\$40) which will also serve as the building permit for any enclosures (i.e. fencing, coops, etc.).

Sec. 14-53. Separability.

In the event that any section, subsection or portion of this article shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this article.



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: City Council Members
Mayor Robert E. Macdonald
FROM: David Hediger, City Planner
DATE: May 19, 2016
RE: Discussion on Proposed Ordinance Change on Keeping Chickens.

In the City of Lewiston, the keeping of chickens is limited to properties located in the Rural Agricultural (RA) district on lots of at least three acres. Since at least 2009, there has been interest by citizens to keep chickens in zoning districts other than the RA. The Planning Board has considered amendments on three occasions; the City Council on two occasions, most recently on May 3, 2016.

Background on past amendments

2009: The Council initially discussed allowing chickens on residential lots on May 19, 2009 at which time staff was directed to research the matter. On June 16, 2009 the City Council voted for the Planning Board to prepare an amendment to allow the keeping of chickens in residential areas. On August 24, 2009 the Board voted 7-0 not to adopt an amendment to allow chickens. On September 1, 2009 the Council agreed with the Board and chose not to adopt an amendment. During that same period, a petition signed by 19 residents of Lewiston was presented to the City Council requesting the Council to “defeat any and all proposals...dealing with the raising and maintaining of chickens in all residential areas”. In November 2009, the Lewiston Auburn Public Health Committee made a motion that: “To the extent of the science that the Lewiston-Auburn Public Health Committee (LAPHC) can identify, we find there is no scientific basis for the LAPHC to make a recommendation for or against the proposed chicken ordinance.”

2013: In 2013, staff was asked to revisit the matter with the Planning Board given the number of requests being made to Administration and Planning and Code Enforcement. Staff prepared some minor revision to 2009 draft ordinance. On November 25, 2013 the Board voted to take no action at that time with respect to adopting an ordinance. At that time, there was no involvement by the Council since they did not initiate the request.

2016: A petition has been filed by Shelly Suzuki, of 16 Champlain Avenue to allow the keeping of six chickens on lots developed with a single family detached dwelling on individual lots. On April 25, 2016 the Planning Board voted 6-1 to send an unfavorable recommendation for the City Council’s consideration a proposed amendment 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. On May 3, 2016 the Council held a public hearing and requested a workshop be scheduled.

Included with this memorandum are copies of the 2009, 2013, and 2015 proposed ordinances and associated correspondence. The following table summarizes the differences in the proposals:

	2009 staff proposal	2013 staff proposal	2016 property owner petition	Current ordinance
Where are chickens allowed?	Permitted in all zoning districts on lots developed with single family detached dwellings including mobile homes.	Permitted in all residential zoning districts on lots developed with single family detached dwellings including mobile homes.	Permitted 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	Rural Agricultural (RA) district with at least three acres
Number of chickens allowed?	Six; no roosters.	Six; no roosters.	Six; no roosters.	No specific requirements
Is a permit or license required?	An annual license is required for the keeping of any domesticated chickens	No licensing requirements	No licensing requirements	No licensing requirements
Requirements for enclosures?	Very specific requirements on enclosure (i.e., coop, run, etc.).	Very specific requirements on enclosure (i.e., coop, run, etc.).	Basic requirements enclosures must be clean, dry, and odor free, kept in a neat and sanitary condition, in a manner that will not disturb the use of neighboring lots due to noise, odor or other adverse impact.	none
Setbacks?	25' setback from any dwelling. 40' front and 25' side and rear setback.	25' setback from any dwelling. 40' front and 25' side and rear setback.	Chickens shall be kept only in the rear or side yard behind the principle structure of the lot developed and must be kept on the property of the owner. Chicken henhouses, fenced areas, and enclosures shall not be closer than ten (10) feet to any property line.	25'
Lighting?	Very specific on lighting	Very specific on lighting	No specific requirements	No specific requirements
Predators, rodents, insects, and parasites?	Very specific on infestation	Very specific on infestation	The property owner and/or chicken owner shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.	No specific requirements
Feed and water?	Very specific on feed and water	Very specific on feed and water	No specific requirements	No specific requirements
Removal of chickens?	Very specific on removal of chickens	Very specific on removal of chickens	No specific requirements. May be removed by the City, through the animal control officer, or any other designee, and the cost of the same shall be borne by the property owner and/or chicken owner.	No specific requirements

Discussion items

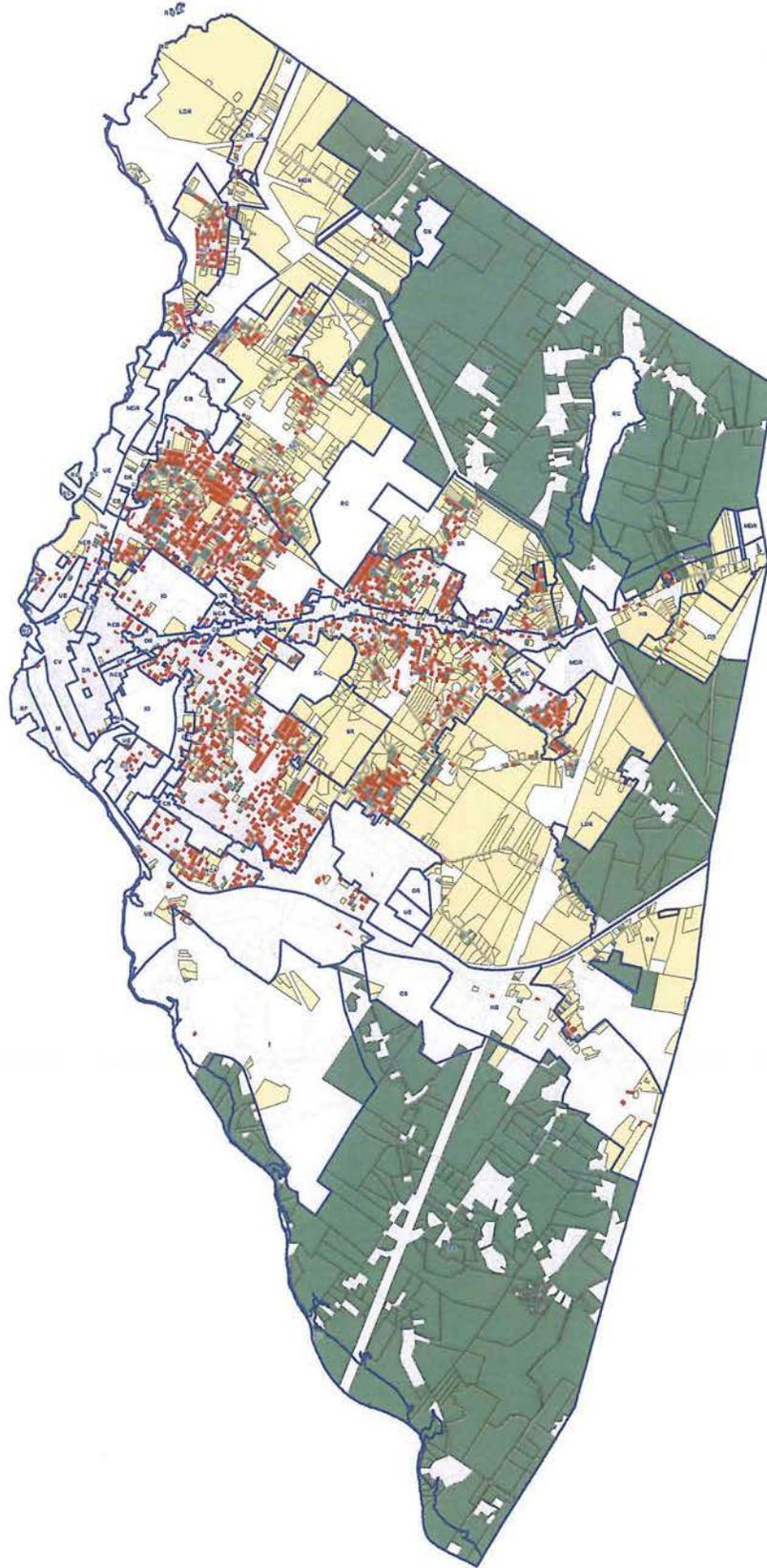
Staff noted the following concerns of the Council at their May 3, 2016 meeting:

- Allowing chickens in too many areas of the Lewiston: The petitioner has requested that chickens be permitted in residential zoning districts. Concern was raised about how this may impact property values and neighborhood stability. Residential zoning districts includes those zoning districts in which residential uses are the predominate uses allowed. This includes the following districts: Rural-Agricultural (RA), Low Density Residential (LDR), Suburban Residential (SR), Medium Density Residential (MDR), Neighborhood Conservation "A" (NCA), and Neighborhood Conservation "B" (NCB). Chickens are currently limited to the RA district. In effort to address concerns about lot size, density of neighborhoods, and proximity of structures, the Council may consider limiting the keeping of chickens to the following districts: RA which has a minimum lots size of 60,000 square feet (sf), the LDR with a minimum lots size of 10,000 SF on sewer/40,000 SF on septic, the SR with a minimum lots size of 20,000 SF on sewer/40,000 SF on septic, and the MDR with a minimum lots size of 10,000 SF on sewer/40,000 SF on septic. This would limit chickens to four of six residential districts in which lot sizes are typical much larger than the NCA and NCB districts, with greater separation between structures. However, this will limit the ability of many residents owning smaller lots from having chickens. It is often is those owners requesting chickens.
- Lot size requirement: The petition submitted requires a minimum lots size of 20,000 square feet. There was some concern that this remains too small of an area when abutting lots may be considerably smaller; thereby, allowing an individual in with a larger lot in a more densely settled neighborhood to have chickens with close proximity of others. The Council may want to consider increasing the minimum lot size for keeping of chickens to 40,000 square feet. To some extent, this lot size requirement would be the same as the minimum lots size requirements of the above referenced districts. However, this will again limit the ability of many residents owning smaller lots from having chickens.
- Tougher performance standards: The petitioner has requested a minimum 10' setback for any enclosure or runs for chickens, which must be kept in rear and side yards. If Council believes this is too close to property lines, increasing this setback to 20' maybe reasonable, especially if the decision is made to increase minimum lot size requirements. Staff believes the proposed requirement that chickens shall be kept only in the rear or side yard behind the principle structure of the lot developed should remain.
- Permits and licenses: All off the ordinances considered over the years contain language found in Chapter 14 Animals Article VII. Keeping of Non-Domestic Animals. This section of the ordinance is enforced by the animal control officer. However, given that there is a minimum lot size requirement (and possibly specific zoning district requirements), Planning and Code Enforcement would have a responsibility, too. When working with the petitioner , staff was looking to keep the administering of this provisions simple with general performance standards without the need for a license or permit (with the expectation of building permit for the coop). However, if there is a desire to make sure owners are responsible and aware of the ordinance requirements, the Council may want to consider a fee for an annual license to keep chickens, paid by the licensee in accordance with a fee established by the city council. An applicant for a license to keep chickens would have to demonstrate compliance with the criteria and standards in the ordinance in order to obtain a license. This license would be administered by the Clerk's office, similar to dog licenses. A one-time use permit could also be required from Planning and Code Enforcement in accordance with a fee established by the city council. An applicant for a use permit to keep

chickens would have to demonstrate compliance specific to the lot size and zoning requirements in order to obtain a license.

- Compliance issues: As with many compliance and enforcement matters, violations are often complaint driven. If a license and/or use permit becomes a requirement for keeping chickens, the City will have a list of legal owners who have been advised of the requirements. Failure to comply could result in fines or revocation of license. Regardless if an ordinance is adopted, enforcement is and would be handled primarily by the animal control officer with assistance from Planning and Code Enforcement. .

Staff will be looking for direction from the Council on how to proceed and will be available at the meeting for additional discussion.



Legend

-  vac or single family RA Lots 3 ac plus
-  vac or single family 10,000 sf to 19,999 sf
-  vac or single family 20,000 sf to 29,000 sf
-  vac or single family 30,000 sf or greater
-  Property Records
-  Zoning Districts

**Parcel Zoning, Size Relationship
Ordinance Consideration
for Domestic Chickens**



Date: 6/1/2016



**AN ORDINANCE PERTAINING TO THE ZONING AND LAND USE CODE
THE CITY OF LEWISTON HEREBY ORDAINS:**

Appendix A of the Code of Ordinances of the City of Lewiston, Maine is hereby amended as follows:

**APPENDIX A
ZONING AND LAND USE CODE
ARTICLE V. ADMINISTRATION AND ENFORCEMENT**

Sec. 3. General provisions.

(x) Notwithstanding the provisions under Article XI, section 1 through 14, district regulations, with respect to permitted and conditional uses, the keeping of up to six chickens is permitted in ~~all~~-residential zoning districts on lots developed with single family detached dwellings including mobile homes on individual lots pursuant to the provisions contained in Chapter 14, Article XIII, Sec 14-45 thru 14-57 and Chapter 22, Section 22-28.

REASONS FOR THE PROPOSED AMENDMENT

In the City of Lewiston, the keeping of chicken is limited to properties located in the Rural Agricultural (RA) district on lots of at least three acres. Within the last year, there has been an interest by citizens to keep domesticated chickens in zoning districts other than the RA. On June 16, 2009 the City Council voted for the Planning Board to prepare an amendment to allow the keeping of chickens in residential areas and provide a recommendation for the City Council's consideration.

The proposed amendment to Article V, Section 3(X) of the Zoning and Land Use Code allows for the keeping of up to six chickens is permitted in all zoning districts on lots developed with single family detached dwellings including mobile homes on individual lots pursuant to the provisions contained below in Chapter 14, Article XIII, Sec 14-45 thru 14-57 and Chapter 22, Section 22-28.

**AN ORDINANCE PERTAINING TO THE KEEPING OF CHICKENS IN THE
CITY OF LEWISTON HEREBY ORDAINS:**

Chapter 14 Animals

Article I. In General

Sec.14-1. Definitions

Setback, front means the distance from the front line of the property or the side line of the street.

Setback, rear means the distance from the rear line of the lot.

Setback, side means the distance from the side property line of the lot. Any lot line not a back lot line or a front lot line shall be deemed a side lot line.

Article VII. Keeping of Non-Domestic Animals

DIVISION 3. OTHER ANIMALS

Sec. 14-31. Keeping of fowl, rabbits and guinea pigs.

Fowl, rabbits and guinea pigs shall only be kept on lots or tracts of land where allowed pursuant to Appendix A, Article XI of the Zoning and Land Use Code. Fowl, rabbits and guinea pigs must be kept indoors, or if outdoors, in a secure pen or enclosure. Litter and droppings from these animals must be collected and disposed of in accordance with the provisions of section 14-41, disposal of excrement in general, shall specifically apply to the disposal of excrement of fowl, rabbits, and guinea pigs. Provided, however, that the provisions of this section and section 14-41 shall not apply to ducks or other waterfowl inhabiting natural or manmade water courses or bodies of water.

Article XIII. Keeping of Chickens on Lots Developed with Single Family Detached Dwellings Including Mobile Homes on Individual Lots.

Sec. 14-45. Purpose

The purpose of this article is to provide standards for the keeping of domesticated chickens. It is intended to enable residents to keep a small number of female chickens on a non-commercial basis while creating standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.

Sec. 14-46. License required.

(a) An annual license is required for the keeping of any domesticated chickens. The annual license is personal to the licensee and may not be assigned.

(b) The fee for an annual license to keep chickens shall be paid by the licensee in accordance with the fee established by the City council.

(c) An applicant for a license to keep chickens must demonstrate compliance with the criteria and standards in this Article in order to obtain a license.

Sec. 14-47. Number and type of chickens allowed.

(a) The maximum number of chickens allowed is six (6) per lot developed with a single family dwelling.

(b) Only female chickens are allowed. There is no restriction on chicken species.

(c) Chickens must be purchased from an approved source such as the National Poultry Improvement Plan (i.e. hatcheries that participate in the National Poultry Improvement Plan).

Sec. 14-48. Non-commercial use only.

Chickens shall be kept as pets and for personal use only; no person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes. The slaughtering of chickens is prohibited.

Sec. 14-49. Enclosures.

(a) Chickens must be kept in an enclosure or fenced area (chicken pen) at all times during daylight hours. Enclosures must be clean, dry, and odor-free, kept in a neat and sanitary condition at all times, in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor or other adverse impact. The chicken pen must provide adequate sun and shade and must be impermeable to rodents, wild birds, and predators, including dogs and cats. It shall be constructed with sturdy wire fencing of not greater than one quarter inch openings and buried at least 12" in the ground. The pen must be covered with wire fencing of not greater than one quarter inch openings, aviary netting, or solid roofing.

(b) Chickens shall be secured within a henhouse during non-daylight hours.

(1) Any henhouse shall be at least twenty-five (25) feet from any dwelling unit. The henhouse shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked at night. Opening windows and vents must be covered with predator and bird-proof wire of not greater than one quarter inch openings. The use of scrap, waste board, sheet metal, or similar materials is prohibited. The henhouse must be well-maintained.

(2) Chicken enclosures and henhouses shall have a minimum front setback of forty (40) feet and a minimum side and rear setback of at least twenty-five (25) feet. Henhouses are not allowed to be attached or located in any part of a dwelling unit.

Sec. 14-50. Odor and noise impacts.

(a) Odors from chickens, chicken manure, or other chicken-related substances shall not be perceptible at the property boundaries.

(b) Perceptible noise from chickens shall not be loud enough at the property boundaries to disturb persons of reasonable sensitivity.

Sec. 14-51. Lighting.

Only motion-activated lighting may be used to light the exterior of the henhouse. Henhouses may be lit by electric lighting.

Sec. 14-52. Predators, rodents, insects, and parasites.

The property owner and/or chicken owner shall take all necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions to human habitation may be removed by the City, through the animal control officer, or any other designee, and the cost of the same shall be borne by the property owner and/or chicken owner.

Sec. 14-53. Feed and water.

Chickens must be provided with access to feed and clean water at all times; such feed and water shall be unavailable to rodents, wild birds and predators. Chicken feed must be stored in water tight covered metal containers.

Sec. 14-54. Waste storage and removal.

Provision must be made for the storage and removal of chicken manure. All stored manure shall be covered by a fully enclosed container. No more than one, five gallon container of manure shall be stored on any one property housing chickens. All other manure shall be removed. In addition, the henhouse, chicken pen and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

Sec. 14-55. Revocation of license.

A license to keep chickens may be revoked where there is a risk to public health or safety or for any violation of or failure to comply with any of the provisions of any other applicable ordinance or law.

Sec. 14-56. Removal of chickens.

In addition to the penalty stated in Article I, Sec. 14-2, any violation of the provisions of this article shall be grounds for an order from the city to remove the chickens and the chicken-related structures. The health officer or animal control officer may order the removal of the chickens upon a determination that the chickens pose a health risk. If a chicken dies, it must be disposed of promptly in a sanitary manner such as placing it in a

| [6/22/201611/22/201311/21/2013](#)

sealed heavy gauge 3 mil plastic bag and then placing the bag in a water tight covered metal container prior to removal to an approved solid waste facility.

Sec. 14-57. Separability.

In the event that any section, subsection or portion of this article shall be declared by any competent court to be invalid for any reason, such decision shall not be deemed to affect the validity of any other section, subsection or portion of this article.



City of Lewiston
Planning & Code Enforcement
Gil Arsenault, Director



MEMORANDUM

To: City Clerk's Office
City Council Members

From: David Hediger

Date: December 2, 2013

Subject: Planning Board Action

The Planning Board took the following action at their public meeting held on November 25, 2013 regarding the need to draft and adopt an ordinance regulating the keeping of chickens:

The following motion was made:

MOTION: by **Walter Hill** to take no action at this time with respect to drafting and adopting an ordinance regulating the keeping of chickens.
Second by **Paul Robinson**.

VOTED: **5-2 (Passed)**
Eric Potvin and Kevin Morissette Opposed

c: Ed Barrett, City Administrator
Planning Board Members

Below are two sections of the Lewiston, Auburn Public Health Committee meeting minutes from 2009 re: chickens.

November 5, 2009 – LAPHC Meeting Minutes

Proposed Chicken Ordinance: Ned Claxton reported that the hospital librarians had reviewed articles, papers, and reports—some from AP & wire groups—and found that although there could be a salmonella exposure, there have been no reported spikes in salmonella, ticks, or Lyme in regards to raising chickens. Information found indicated there didn't seem to be any strong science for or against the proposed ordinance. Karen Palin noted that eggs could be contaminated; however, it seems to be epidemiologically family vs. community. Rene did point out that if people take eggs to work to distribute, such a risk goes a little beyond family.

Considering previous discussions & hospital librarian research, a **MOTION WAS MADE** by Ned and seconded by Joanne that ***“To the extent of the science that the Lewiston-Auburn Public Health Committee (LAPHC) can identify, we find there is no scientific basis for the LAPHC to make a recommendation for or against the proposed chicken ordinance.”***

As there were not 12 voting members present, Dottie will send the above motion out via Survey Monkey for voting purposes. A letter in regards to the LAPHC's official position will be drafted by Ned.

DECEMBER 3, 2009 – LAPHC Meeting Minutes

As to the vote that had previously gone out via Survey Monkey re: the group's position on the proposed chicken ordinance, Dottie reported that 8 people had voted to approve the proposed language. With Larry Marcoux at the meeting (*hadn't voted via Survey Monkey*) and some folks arriving late to the meeting, a quorum & affirmative vote were eventually experienced with the additional votes of Larry, Connie Jones, Cathy Liguouri, and Fatuma Hussein. **The proposed language composed at the November 5, 2009, meeting was thereby officially approved. The group's position language was: “To the extent of the science that the Lewiston-Auburn Public Health Committee (LAPHC) can identify, we find there is no scientific basis for the LAPHC to make a recommendation for or against the proposed chicken ordinance.”**

Lewiston



2007

Lincoln Jeffers

Director



To: Honorable Mayor and Members of the City Council

From: Lincoln Jeffers

RE: HOME Funds to Support CoOp Housing

Date: June 20, 2016

Background

The HOME Investment Partnerships Program (HOME) is a Federal block grant program that provides funding to states and municipalities to assist in the creation or rehabilitation of affordable housing for households making 80% or less of the area median income. Funds can be used to assist in the acquisition, development or rehabilitation of affordable housing as well as to provide rental assistance to low income people. Once HOME funds are received locally, they are put back out as loans or grants to developers or individuals. Alone, neither Lewiston nor Auburn is large enough to qualify to receive HOME funds, so in 2002 the cities formed a consortium so as to be able to receive funds. Auburn has taken the lead in administering the program locally. Like CDBG, the amount of HOME funds received varies annually. In Federal Fiscal Year (FFY) 2017 the Consortium received a new allocation of \$323,341; which is split equally with Auburn after 10% is taken out for administration. Auburn, as lead partner, receives 70% of the administration dollars and Lewiston 30%.

Historically Lewiston has used its HOME funds to capitalize a low income Homeowner Rehabilitation Loan Program, Homebuyer Assistance Program, Security Deposit Program, and to support the creation of new affordable housing. The city has invested HOME funds in The Lofts at Bates Mill, Birch Hill Elderly Housing, Healey Terrace Elderly Housing, and Tedford Housing. Combined, these projects added a total of 110 safe, decent and affordable housing units in Lewiston.

Raise-Op Funding Request

Raise-Op is a housing cooperative that has successfully redeveloped two buildings on Maple Street in Lewiston. Raise-OP has evolved from Faire-Op, which was a housing cooperative founded in 2007 by Craig Saddlemire and friends. In 2011, the group purchased and renovated a 3 unit apartment building located at 75 Maple Street, borrowing funds from the Cooperative Fund of New England, the City of Lewiston and others to create a cooperative housing model, where Faire-Op owns the building and Members buy ownership shares in Faire-Op which gives them the right to lease an apartment in the building. Decisions about the maintenance, lease rates and other ownership issues are made by members of the cooperative. Raise-Op's mission is to provide equitable and democratically controlled housing to its Members, who are both

the residents of the property and owners of the corporation, which makes them homeowners according to Maine and Federal statutes.

In 2014, Faire-Op bought a neighboring 3 unit building, 79 Maple Street, with plans to renovate it as well. Wanting to expand opportunities for cooperative housing, Faire-Op merged with Raise-Op with Craig Saddlemire continuing to be the driving force behind the initiative as the staff person for Raise-Op, which has plans to continue to buy and renovate buildings. Raise-Op is governed by a board of directors elected by the Members and includes both Members and community volunteers. 79 Maple Street has been rehabilitated and is inhabited by Members.

The mission of Faire-Op, and now of Raise-Op, is to provide housing where social and financial equity can be developed and sustained for all current and future members. The cost of becoming a member is kept low, currently just \$750, so as to make home ownership affordable to a wider spectrum of people. In addition, Raise-Op hopes to save units in downtown Lewiston and Auburn so that they may be brought back to life and enjoyed as green and healthy homes. More information on Raise-Op can be found at <http://www.raiseop.com/>

Raise-Op recently purchased 141–143 Pierce Street. It is a 9 unit building that, once renovated, will include one 4-bedroom unit, four 3-bedroom units, and four 1-bedroom units. After thorough discussions with current residents of the property, as well as inspections by city code enforcement personnel, it has been determined that the basic structure of the building is in decent condition but significant rehabilitation work is needed to provide long term quality housing. Improvements include upgrading the electrical system, improving bathrooms where significant moisture damage has occurred, plumbing and cabinetry improvements in kitchens, and replacing the furnace. The building and units will be made lead safe.

Total project costs, including \$239,000 to purchase the building, are estimated at \$502,150. Raise-Op has requested \$204,750 in HOME funds that will be used for renovation work. Other financing will come from foundation grants (\$65,000), private donations (\$157,000), a loan from the Cooperative Fund of New England (\$67,500), Membership shares (\$6,750), and pledged in kind contractor work (\$1,200).

The allocation of HOME funds at this level of request to support the development of affordable housing is a City Council decision. Raise-Ops' request is an eligible use for HOME funds under HOME guidelines. Raise-Op has requested the funding as a 15 year, 0% deferred loan that is forgivable after the 15 year HOME affordability requirement is met. Effectively, it would be a grant into the project, with the mortgage providing security that reporting requirements for affordability under HOME regulations are met. Four of the units will be designated as HOME units, insuring that they are occupied by Members that make no more than 80% of the area median income adjusted by household size.

The requested funding represents 40.77% of the project budget. This is a significantly higher percentage of the total budget than the City has historically

invested HOME funds into a project. As a comparison, The Lofts at Bates Mill received a total of \$413,000 in HOME funds out of a budget of \$9.7 million, which created 48 units. This represents 9.44% of the total project costs. The current request for HOME funds to assist in development of the Hartley Block is for \$325,000, which is 2.8% of the projected total development cost of \$11.8 million and which will result in 63 units of housing.

Low Income Housing Tax Credits were among the primary funding sources for The Lofts at Bates Mill and are proposed to be the primary funding vehicle for The Hartley Block. While, the level of funding requested by Raise-Op for their Pierce Street project is not unprecedented, providing it at that level as a pure grant is unprecedented.

Staff recommends that the City Council approve commitment of the HOME funds to the project, as a grant/loan combination. Total request for funding is \$204,750, and staff recommends it be provided as a grant in the amount of \$142,515 and a loan in the amount of \$62,235, which will cover the HOME budget shortfall that is anticipated if all HOME projects move forward as expected in this budget year. (Please see the HOME budget spreadsheet that is attached for details regarding the shortfall.)

Staff ran several rental proforma to determine if this recommendation is a financially feasible option for Raise-OP. If the City Council approves a full grant, the expected the Debt Coverage Ratio (DCR) (Net income/debt service payments) is 6.58, significantly higher than the minimum Debt Coverage Ratio required under the City's Rental Rehabilitation Loan Program, which is 1.1. With a grant/loan combination, the Debt Coverage Ratio on a 20 year amortization is 3.75 and 4.38 on a 30 year amortization schedule, well within the bounds of financial capacity of the project. Additionally, with dwindling HOME funding, the City would need to allocate \$62,235 of its FFY 2017 Budget to cover the anticipated shortfall in the FFY 2016 budget. This would utilize about half of what is expected to be awarded to Lewiston in HOME funds in FFY 2017.

As noted in the background section of this memo, Lewiston receives HOME funds annually as part of a HOME Consortium with Auburn. The attached one page summary of the current funds available that have accumulated in the program since 2002 (which includes funds repaid from loans), total \$515,830. That amount, combined with projected program income for the coming year (loan repayments and cash from sale of 11 Walker) and the FFY 16 HOME allocation, results in \$760,585 in HOME funds available for eligible expenses in the current year. If the Raise-Op request is fully funded at \$204,750, and The Hartley Block is funded at \$325,000, there will be a projected shortfall of \$62,235. That shortfall can be paid from the FFY 2017 HOME allocation or by adjusting projected expenditures in other program lines. Construction on 141 – 143 Pierce Street will begin this year. Construction on The Hartley Block will not occur until spring 2017 at the earliest. All of the HOME funds do not need to go into that project at the beginning, but rather, can go in as work progresses, which is not scheduled to be completed until June 2018.

LEWISTON HOME FUNDS - FFY 2016

July 1, 2016 - June 30, 2017

HOME INCOME

Beginning Balance	\$	515,830.00	SOURCE: All funds not spent from 2002 to present Sale from Walker \$75,000 (estimated cash from sale) Loan payments from Loans made to Homebuyers, Homeowner
Program Income	\$	89,551.00	Rehab and Security Deposits
New Allocation for FFY 16	\$	155,204.00	New Allocation of HOME Funds
Total Funds Available	\$	<u>760,585.00</u>	

HOME BUDGET/EXPENSES

Administration of Program	\$	14,459.00	GOALS: Salaries, Benefits & software licenses and fees for program administration Provide security deposits to homeless or near homeless at risk residents to attain permanent housing assist 21 households @
Security Deposits	\$	14,871.00	\$700/ deposit Rehabilitate 5 properties owned by households @ or below
Homeowner Rehab	\$	190,120.00	80% MFI @ \$38,000/unit 2 First time Homebuyer Assistance - \$43,370 @ \$ 21,985/ homebuyer (Home savings, Closing costs and downpayment) COOP Housing 4 HOME Units \$ 205,000 rehabilitated @ \$51,250 per unit ; \$30,000 in Capacity Building for CHDO - Lewiston-Auburn Community Housing Inc. and 15 New Rental HOME Units Constructed: \$325,000.
Create Mixed Income Neighborhoods	\$	603,370.00	
Total Budgeted Expenses	\$	<u>822,820.00</u>	
Anticipated Shortfall	\$	(62,235.00)	



CITY OF LEWISTON

Department of Planning & Code Enforcement

TO: City Council Members
Mayor Robert E. Macdonald
FROM: David Hediger, City Planner
DATE: June 22, 2016
RE: Sabattus Street Lane Reassignment

Staff is looking for guidance from the city council regarding a proposal to stripe Sabattus Street from four lanes to two lanes with a center turning lane, from Old Greene Road to Grove Street.

Community Credit Union, currently located on Pine Street, has purchased the properties at 895-917 Sabattus for the construction of a 15,085 square foot corporate office and retail banking building. This vacant site of approximately 1.2 acres is located in the Highway Business (HB) district and was occupied by Greased Lighting (a quick oil-change facility) which has since been demolished.

In December 2015, city staff met with representatives for Community Credit Union to discuss traffic associated with the proposed development. The project is expected to generate 131 weekday PM peak hour trips, meaning that 51% of the credit union visitors will enter the site and 49% of visitors will leave the site during their busiest PM hour. Entering the site is considered a single trip. Exiting the site is considered a single trip. Projects that are projected to generate greater than 100 trips in a peak hour require a traffic movement permit (TMP). The city has delegated review authority from Maine Department of Transportation (MDOT) to issue these permits. In Lewiston, projects requiring a TMP also require development review approval from the Planning Board.

At the December meeting, traffic engineers on behalf of the city, MDOT, Androscoggin Transportation Resource Center (ATRC), and the credit union determined a designated left-turn lane would be needed for visitors to safely enter the site. This section of Sabattus Street consists of four travel lanes, no shoulders, and sidewalks on both sides. In order to maintain the current lane configuration and the needed left-turn lane, additional land outside of the street right-of-way will be needed. The acquisition of additional land by the credit union or the city is not being pursued due to costs associated with land acquisition, possible building demolitions, and new road construction.

A solution for the credit union and future projects that may trigger the need for a left-turn lane is to stripe Sabattus Street from four lanes to two lanes with a center turning lane, from Old Greene Road to Grove Street. Referred to as a "road diet" by MDOT, this would potentially make left turn lanes into existing driveways and side streets safer. This would also provide the required left-turn lane for projects triggering a TMP. There are 67 properties along this section of Sabattus Street that would benefit from this lane reassignment: 44 are residential, 23 commercial or vacant. All of the properties are zoned HB, a district designated for commercial growth.

Recognizing the potential benefits of striping Sabattus Street with two lanes and a center turning lane, not just for the credit union, but also for other future economic development, the city, with assistance from ATRC, initiated discussions with MDOT about the lane reassignment. ATRC provided a traffic model created in three parts: a base scenario reflecting current conditions, a road diet scenario reflecting the lane changes, and a future "worst case" scenario where all volumes were increased by 10% of their current values and each intersections

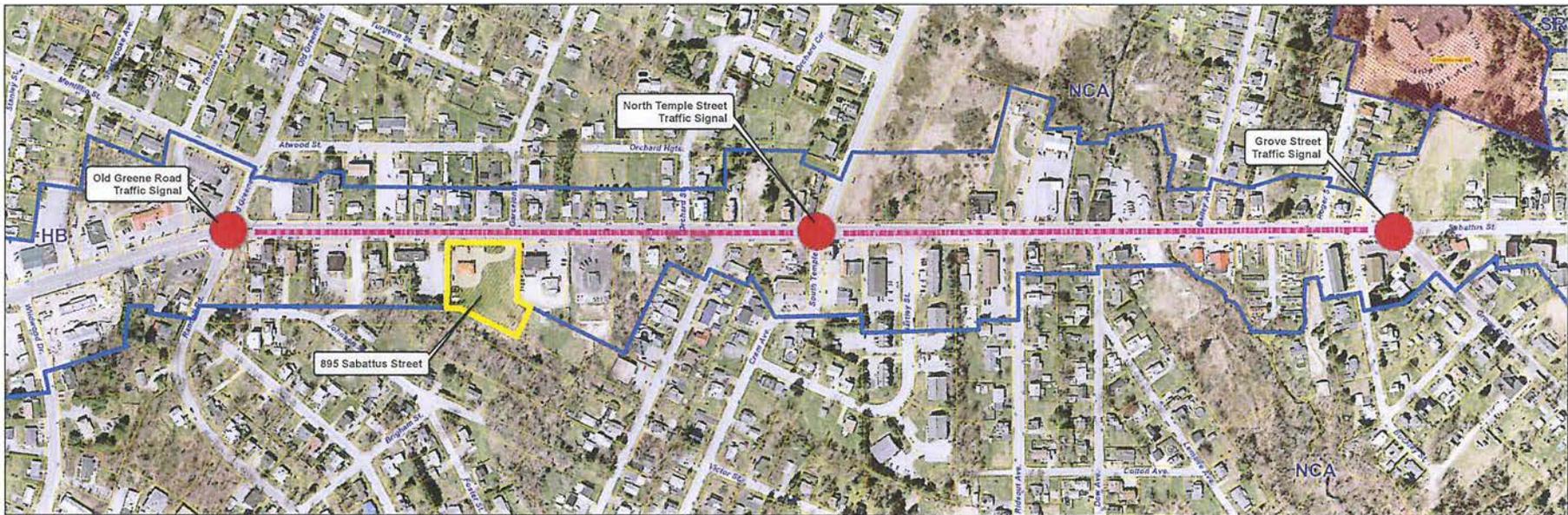
traffic signal was no longer coordinated with each other. These three scenarios were completed for both the AM and PM peak hours. MDOT has reviewed the model and has approved the proposed lane reassignment, contingent upon city support.

Ideally, the new striping pattern for this section of Sabattus Street should occur regardless if the credit union moves forward with their project. However, the city currently does not have any funds budgeted for this effort. At this time, in order for the new striping pattern to occur, the following must happen:

- MDOT is scheduled to repave this section of Sabattus Street as part of their pavement preservation project (tentatively scheduled for summer 2017). They have agreed to restripe this section to three lanes as part of that project, if approved by the council. This includes engineering and designing the striping associated with this proposal.
- MDOT has indicated they will not cover the cost of any changes to the traffic signals or signs associated with the new striping pattern. The Randall Road and Grove Street signals would remain unchanged as part of this project. However, there will be costs to change the signal heads to the inbound and outbound sides of the North Temple Street intersection. There also will be a requirement to add appropriate ground mounted signage at the beginning and end of the center turn lane. The city has not secured an estimate for these changes, but Public Works has suggested the work would be approximately \$20,000 to \$25,000. While there may be improved safety and greater economic development opportunities for existing and proposed projects upon striping a center turn lane, the city has not budgeted for these expenses. The city has explained to the credit union they would be responsible for these costs, recognizing future developments may benefit from their improvements.
- The city has made a request for ATRC to consider the traffic signal and sign improvements as part of an existing funded project, which may reduce the local share of costs to 20%. ATRC will be considering the city's request at their June 30th meeting. If funding is made available, staff recommends the remaining local share be covered by the applicant. Staff has made the credit union aware of this potential cost.

A similar request to stripe outer Lisbon Street from four lanes to two lanes with a center turning lane was approved in 2005. The change was initiated by the Mobil On-The-Run gas station/convenience store, which required a left-turn lane as part of their TMP. While there was some skepticism with the initial proposal, the change has been well received, resulting in fewer crashes, reduced speeds, safer left-turning movements, and wider shoulders.

At this time, staff is looking to the council for guidance. The City has done much of background work with respect to restriping this section of Sabattus Street for the immediate benefit of the credit union without any cost to them. If there is general support for this new traffic pattern, staff will schedule a public meeting to discuss the proposal, with notice provided to the properties along this section of Sabattus Street. The City will also need a commitment from the credit union, agreeing to cover the costs associated with signals and signage associated with the lane reassignment. This will likely be contingent upon the credit union receiving development review approval from the Planning Board. It is staff's understanding an application for review may be expected sometime this summer with construction by spring of 2017.



Proposed 3-lane Reassignment



Sabattus Street Lane Reassignment

June 2016
Scale 1" = 150'



Memo

To: Lewiston City Council
From: Jennifer M. Hogan, President/CEO of Community Credit Union
CC: Ed Barrett, City Administrator
Date: 6/20/2016
Re: Water Line Dispute for 895 Sabattus Street, Lewiston

Community Credit Union purchased the vacant lot located at 895 Sabattus Street in Lewiston in April 2014. Since that time we have been working on plans for a \$3.0 million investment to move our main location from Pine Street to Sabattus Street. In the summer of 2015, the City of Lewiston replaced the water main lines on Sabattus Street and made the decision to not pipe a line to our lot at 895 Sabattus Street. Upon discovering this in June 2016, we have been told two things in regards to this issue: (1) it is not the city's policy to pipe water lines to vacant lots and (2) the City was not aware that the Credit Union was planning to move there.

A meeting was held on June 15, 2016 with the following present: Dave Hediger, Dave Jones and Ed Barrett for the City of Lewiston; Jen Hogan, Christina Carter and Mike Gotto (Stonybrook Consulting) for Community Credit Union. This meeting was held at the request of Community Credit Union to discuss the Credit Union's dissatisfaction with the issue. Dave Hediger was asked to attend as the Credit Union met with him and other city officials in February 2014 to discuss the potential issues with our intended site and express our plans to relocate our main office to that lot. At the June 2016 meeting, Dave Jones indicated that he was not aware that the Credit Union was planning to relocate our main office to that lot and also indicated that the city does not collaborate with other departments to find that information. He further noted that it is not the city's policy to pipe lines to vacant lots because if no development occurs there then it could become more problematic if there's a leak that goes undetected.

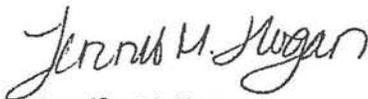
The Credit Union's position is that the lot was purchased with a water line and it is our expectation that a water line still exist on the property. We are planning to begin construction of our project in the Spring of 2017 with an expected opening of the Fall of 2017. Ryan Barnes, who was the project coordinator for Public Works, knew of the Credit Union's plan to build on that lot. Gary St. Laurent, who did the work on behalf of the City, ensured that Ryan knew of these plans during the process. Ryan informed Gary to not pipe a line. The Credit Union feels as though the City did not do its due diligence. When Ryan found out that the Credit Union had planned development at that lot, the Credit Union should have been contacted for more information. The Credit Union would have required a 6 inch line



instead of the 1 inch that existed but the Credit Union, if contacted, would have been more than willing to pay for the difference in the upgrade. Now we are in a position where we will need to pay nearly \$20,000 to have Sabattus Street dug up again and have the water line installed. In addition, this work must be completed this summer as once the road is repaved (which is scheduled for Spring 2017) there is a 5 year moratorium which will not allow us to put the water line in for 5 years.

Community Credit Union feels as though the City should pay up to the cost of having a 1 inch line installed with the Credit Union paying the difference between a 1 inch and 6 inch line. Furthermore, the Credit Union feels as though the City should address its policy to require additional due diligence on vacant lots prior to making a decision that could have a negative impact on a business looking to invest in the city.

Sincerely,

A handwritten signature in black ink that reads "Jennifer M. Hogan". The signature is written in a cursive, flowing style.

Jennifer M. Hogan
President/CEO

Supporting Attachments:

Email Chain with Ed Barrett
Timeline of Community Credit Union Project

Jennifer Hogan

From: Ed Barrett <EBarrett@lewistonmaine.gov>
Sent: Monday, June 20, 2016 11:59 AM
To: Jennifer Hogan
Cc: David Jones; Christina Carter
Subject: RE: Community credit union

Jen:

I forgot to mention, it would be appropriate for you to provide me with something in writing outlining your position that I could provide to the Councilors with the agenda material so that they are can become familiar with the issue in advance of the meeting. If you could get me something no later than Thursday morning, it will be included in the agenda packet.

Ed

From: Jennifer Hogan [mailto:JenH@communitycreditunion.com]
Sent: Monday, June 20, 2016 9:24 AM
To: Ed Barrett
Cc: David Jones; Christina Carter
Subject: RE: Community credit union

Ed,

Thank you for the meeting last week and thank you for having Dave look further into this.

As you could probably guess I'm still not satisfied with this solution. I'd like to request that I be put on the City Council agenda to discuss my concerns. Please let me know which meeting this will be scheduled for.

Thanks.

Jennifer M. Hogan

President/CEO

Community Credit Union
144 Pine Street, Lewiston ME 04240
Phone 207.783.2096, ext. 2002
Fax 207.783.2093
www.communitycreditunion.com

NMLS #961678

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From: Ed Barrett [<mailto:EDBarrett@lewistonmaine.gov>]

Sent: Friday, June 17, 2016 3:20 PM

To: Jennifer Hogan <JenH@communitycreditunion.com>

Cc: David Jones <DJones@lewistonmaine.gov>

Subject: FW: Community credit union

Jen:

Please see the email from Dave Jones, below. I have also checked on how the City has applied this policy in the recent past. Last year, for example, we replaced the water main on Bartlett Street in anticipation of its repaving next year. At that time, services to vacant lots (of which, unfortunately, we have many on that street) were not restored, even for the Pierce Place apartment replacement program, now under construction. As also noted below, had we replaced the service to your property, we would have done so with a 1 inch service line. I understand that you anticipate needed a larger service, which would have resulted in the City having unnecessarily invested in a new service line only to have the credit union faced with the same expense now faced to install a larger service. As a result, I'm in agreement with his conclusions.

As also noted below, we will continue to support your project by working to find funding sources for the lane reassignment project on Sabattus Street to relieve your organization of these expenses.

If you have any questions, please let me know.

Ed

From: David Jones

Sent: Thursday, June 16, 2016 12:16 PM

To: Ed Barrett

Cc: David Hediger; Kevin Gagne; Ryan Barnes; Richard Burnham

Subject: RE: Community credit union

Ed,

First let me clarify something I said during the meeting yesterday, which I found was in error. The City does in fact require materials for water services from the main out to the curb stop to be purchased through our supplier. The City owns the service from the main to the curb stop and then the customer is responsible from

the curb stop to the building. I was confusing responsibilities with the sewer services, where the customer is responsible from the main to the building. Sorry if this confused anyone.

Since our meeting yesterday afternoon, I contacted Gary St Laurent about what Jen said during the meeting. He told me:

"While we were installing all the services on Sabattus St I was told by Ryan Barnes not to connect the water service to her lot.

I asked Ryan why we would not seeing the lot was purchased with water and sewer on the property.

He answer was: "The City does not connect water services to vacant lots"

That is where it ended for me. Ryan was the project manager running the show for the city, I respected his decision."

I asked him about the size of the service he would have suggested we run and he indicated he would have suggested the service would have been the same as was there, which was a 1" service.

I also spoke with Ryan and he confirmed this was the case. He also explained to Gary that without knowing what if anything was planned for the property, we could not know the size of the service required or the location for it to be placed. This is all consistent with our past practice.

During the meeting, we also spoke of the traffic requirements and the efforts the City has already made and is continuing to significantly reduce the potential cost impact to the Credit Union. This will likely be a savings of more than \$100,000. Jen indicated during the meeting that they still may not do the planned development if this traffic issue is not resolved. So there still is no firm requirement for the water service even today.

Bottom line is the Public Works Department did nothing wrong here. We followed sound practice. If we had installed a 1" service to replace the existing, it would not have met the requirements the Credit Union is now planning for and they would have had the same cost they will have now. My recommendation is the City continue to help the Credit Union with the traffic movement change to a 3-lane roadway. I understand the Credit Union's position on the water service, but neither the City nor the Water Utility have any obligation to do more than what has already been done.

I would support Mike Gotto's suggestion that if they indeed plan to proceed with the development, that they install their service this construction season to get it in before the DOT does their paving next year.

R/

Dave

David Jones, P.E.
Director
Department of Public Works
Lewiston, Maine 04240
(207) 513-3070

From: Ed Barrett
Sent: Friday, June 10, 2016 1:36 PM
To: Jennifer Hogan
Cc: David Jones; Mike Gotto; David Hediger
Subject: RE: Community credit union

Jen:

Looking at all of our calendars, looks like we could either get together next week on either the afternoon of Monday, June 13th or at 2:30 on Wednesday, June 15th. Anytime before 3 pm on Tuesday, June 21st also looks available at the moment if next week won't work.

Let me know what would work for you.

Ed

From: Jennifer Hogan [<mailto:JenH@communitycreditunion.com>]
Sent: Friday, June 10, 2016 10:18 AM
To: Ed Barrett
Cc: David Jones; Mike Gotto
Subject: RE: Community credit union

Ed,

I'd like to request that all of the parties involved here (Dave H, Dave J, you, Mike Gotto and I) all meet together to discuss this further. I have concerns about how the City addressed the water line issues. I also feel that the issue was brought up several times during the project, by both Mike Gotto and Gary St. Laurent, and still nothing was resolved. The Credit Union wasn't even notified by the City that this was a potential issue. We purchased the lot knowing that there was a water line to it and should have been notified if that service was changing.

I feel it would be easier to discuss this in person with all parties present. When would be a good time for us to meet?

Thanks.

Jennifer M. Hogan
President/CEO

Community Credit Union
144 Pine Street, Lewiston ME 04240
Phone 207.783.2096, ext. 2002
Fax 207.783.2093
www.communitycreditunion.com

NMLS #961678

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From: Ed Barrett [<mailto:EDBarrett@lewistonmaine.gov>]
Sent: Friday, June 03, 2016 11:39 AM
To: Jennifer Hogan <JenH@communitycreditunion.com>

Cc: David Jones <DJones@lewistonmaine.gov>

Subject: FW: Community credit union

Jen:

Please see the email below from our Public Works Director Dave Jones providing background on the situation with the Sabattus Street water line replacement and the discussions he recalls with Mike Gotto. Note that the recent water line project relocated the main line from the side of the street your property is located on to the opposite side of the street. Note also that the existing service line to the property from the former main line was apparently a 6" service that fed a new 1" service with minimum flow and was very likely in poor shape. Given the situation (that the property was vacant, that the existing service line needed to be replaced, that the main line was relocated across the street, and that we did not have information on the size needed for the service line or the location required along the line to service the property), we felt it would not be appropriate to reconnect the service line as a part of the project.

If you have any other questions or need any other information, please let me know.

Ed

From: David Jones

Sent: Friday, June 3, 2016 9:59 AM

To: Ed Barrett

Cc: David Hedger; Ryan Barnes; Richard Burnham; Kevin Gagne

Subject: RE: Community credit union

Ed,

Per our conversation yesterday, I checked all my e-mails and notes and found nothing that would help provide a firm timeline on the discussions, but here is a summary of what I know:

February 2014 – Mike Gotto had Preliminary meeting with Planning about potential project and potential issues. The developer had not yet obtained ownership of the property and wasn't sure they would. Focus of the meeting was on traffic issues. We have no recollection of any discussion about water service;

March 2015 – As a result of more water main breaks, the Department decided to focus funding to replace the water main on Sabattus St;

October 2015 – Construction of the water main replacement was completed. During construction, I recall Mike Gotto asking about connecting the old water service to the vacant lot to our new water line. This was an old service that needed to be replaced and had no apparent customer. He was still saying he did not know if his project would even be happening and if it did occur, he did not know what size or where the service should be located. My understanding was they still didn't own the property at the time. We told him there was insufficient information provided and we do not stub out services for developments that had not even been submitted because they frequently result in leaks later on if the development did not occur;

December 2015 – Staff meeting with Mike Gotto regarding the project that then appeared to be moving forward. Again, the focus was on traffic, but Mike again made the point of the water service not being installed. Reminded him of the previous conversations.

Wish I had more definitive info, but this project was not definitive until after the water line was already installed.

Dave

David Jones, P.E.
Director
Department of Public Works
Lewiston, Maine 04240
(207) 513-3070

From: Ed Barrett
Sent: Thursday, June 02, 2016 3:47 PM
To: David Jones
Cc: David Hediger
Subject: Community credit union

David:

I need to talk to you about the water connection issue for Community Credit's proposed development on Sabattus Street. The Credit Union feels that the City should have been aware of their plans at the time the decision was made and implemented to not connect the service line into the new water line. I'd like to know the timeline of all this and whether we should/shouldn't have been aware of this potential at the time the line replacement project was designed and then actually constructed. Jen Hogan at the credit union is the person who contacted me.

Ed



Relocation of Lewiston Branch - - Timeline

2/2014	Met with City of Lewiston Officials to discuss potential permitting issues with the lot going to auction at 895 Sabattus Street
3/28/2014	Star Enterprises was the successful bidder on the property
4/11/2014	CES provided a Phase 1 Environmental Assessment
4/24/2014	Purchased property under Star Enterprises
6/4/2014	City issued demo permit to Star Enterprises for removal of the existing Victory Lane building
6/23/2014	Boundary and Existing Condition Survey of the property was completed by Jones Associates
7/2014	Received completed first draft of Architectural Plans for proposed building from TLA
7/2014	Prepared schematic layout showing a usable building envelope for the project
11/26/2014	Submitted notification to City of Lewiston and asked for the tax name to be changed to Community Credit Union and asked for two lots to be combined into one
3/2015	As a result of water main breaks, Department decided to focus funding to replace the water main on Sabattus Street
7/24/2015	Signed an agreement with Gary St. Laurent to allow him to store equipment for the replacement of water main breaks on the Credit Union's property
10/2015	Revised site schematic for preparation of the TMP application
11/5/2015	Submitted TMP application
12/7/2015	TMP Scoping Meeting (1 st notification about water services)



June 20, 2016

Ed Barrett, City Administrator

Ed,

I understand Jennifer Hogan (President and CEO of Community Credit Union) has indicated she is not satisfied with the decision we made last week regarding a water service not being installed for the property the Credit Union owns at 895 Sabattus St. She requested she be put on the City Council Agenda to discuss her concerns. You responded to her suggesting that it would be appropriate to discuss this at the Council workshop on June 28th since we are scheduled to discuss the associated Sabattus Street lane reassignment issue at that meeting.

This memo is a summary of what happened and how staff responded to Ms. Hogan's concerns. Here is a quick time line, which includes information provided by Ms. Hogan:

February 2014	Community Credit Union Reps met with City Officials to discuss permitting issues with the lot at 895 Sabattus that was up for auction.
March 28, 2014	Star Enterprises was successful bidder on the property.
June 2014	City issued Star Enterprises a permit to demo the existing buildings on 895 Sabattus St.
November 2014	Community Credit Union submitted notification to City asking tax name to be changed from Star Enterprises and to combine the two lots.
March 2015	As a result of numerous water main breaks, the Department decided to focus available capital funding to replace the water main on Sabattus St.
July 2015	Construction to replace the water main on Sabattus St from Old Greene Rd to North Temple St began.
October 2015	Construction of the water main replacement was completed.
November 2015	Community Credit Union submitted a Traffic Movement Permit for a development on the property at 895 Sabattus St
December 2015	Traffic Movement Permit Scoping meeting
June 2016	Jennifer Hogan of Community Credit Union expressed concerns about a water service not being installed to the 895 Sabattus St property when the water main was replaced.

City Staff (Ed Barrett, Dave Jones and David Hediger) met with the Credit Union folks on June 15th to discuss their concerns. In previous e-mails, the City had explained that the old 1 inch service to the vacant lot at 895 Sabattus St had not been replaced during the water main replacement because we didn't know if there was a development planned for the property, didn't know what size service they

might need, and didn't know where they would need the service to be located. It is our practice not to stub out services to vacant lots as they can also leak and cause damage if they are not used.

At the June meeting, Ms. Hogan mentioned Gary St Laurent had suggested the City should install a water service to the property and staff indicated they would follow up with Gary. She also shared a quote from Gary St. Laurent of \$19,384 to install a 6 inch service from the new water main to the property and indicated her understanding that a 1 inch service would have cost about \$8,000. Ms. Hogan was concerned the City had not told her about the water service not being replaced. Public Works responded, saying that is not our practice and at the time we knew nothing about the potential development or it's needs.

After the meeting, I contacted Gary St Laurent about what Ms. Hogan said during the meeting. He told me:

"While we were installing all the services on Sabattus St I was told by Ryan Barnes not to connect the water service to her lot (895 Sabattus St).

I asked Ryan why we would not seeing the lot was purchased with water and sewer on the property.

He answer was: "The City does not connect water services to vacant lots"

That is where it ended for me. Ryan was the project manager running the show for the city, I respected his decision."

I asked Gary about the size of the service he would have suggested we run, and he indicated he would have suggested the service would have been the same as was there, which was a 1" service.

I also spoke with Ryan and he confirmed this was the case. He also explained to Gary that without knowing what if anything was planned for the property, we could not know the size of the service required or the location for it to be placed. This is all consistent with our past practice.

During the meeting, we also spoke of the traffic requirements and the efforts the City has already made and is continuing to significantly reduce the potential cost impact to the Credit Union. This will likely be a savings of more than \$100,000. Jen indicated during the meeting that they still may not do the planned development if this traffic issue is not resolved. So there still is no firm requirement for the water service even today.

Bottom line is the Public Works Department did nothing wrong here. We followed sound practice. If we had installed a 1" service to replace the existing, it would not have met the requirements the Credit Union is now planning for and they would have had the same cost they will have now. My recommendation is the City continue helping the Credit Union with the traffic movement change to a 3-lane roadway. I understand the Credit Union's position on the water service, but neither the City nor the Water Utility have any obligation to do more than what has already been done.

I would support Mike Gotto's suggestion that if they indeed plan to proceed with the development, that they install their service this construction season to get it in before the DOT does their paving next year.

Ms. Hogan has already received all the above information and is aware of our position.

Sincerely,
David A. Jones, P.E.

Cc: K. Gagne, M. Bates, D. Hediger

LEWISTON CITY COUNCIL

MEETING OF JUNE 28, 2016

AGENDA INFORMATION SHEET:

AGENDA ITEM NO. ES-1

SUBJECT:

Executive Session to discuss Acquisition and Disposition of Properties of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.

INFORMATION:

The Maine State Statutes, Title 1, section 405, define the permissible grounds and subject matters of executive sessions for public meetings.

APPROVAL AND/OR COMMENTS OF CITY ADMINISTRATOR:

The City Administrator recommends approval of the requested action.

EAB/kmm

REQUESTED ACTION:

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To enter into an Executive Session, pursuant to MRSA Title 1, section 405(6)(c), to discuss Acquisition and Disposition of Properties, of which the premature disclosure of the information would prejudice the competitive bargaining position of the City.