

CITY OF LEWISTON
BOARD OF APPEALS MEETING
MINUTES for May 2, 2012

- 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 6:00 p.m. Christine Kendall, chaired the meeting.

Members in Attendance: Pauline Gudas and Michael Lachance, Jim Horn, Cheryl Bonawitz, Matthew Agren, Christine Kendall and Doug Stone

Members Absent: None

Associate Member Present: Elaine Fenderson and Patricia Gagne'

Staff Present: Gil Arsenault, Director of Planning & Code and Joline Boulay, Administrative Assistant, Department of Planning & Code Enforcement

Correspondence: The following motion was made.

MOTION: by **Michael Lachance** to accept and place on file the staff memorandum dated April 12, 2012 from Gil Arsenault, Director of Planning & Code Enforcement. Second by **Pauline Gudas.**

VOTED: 7-0 (*Passed*).

Christine Kendall read the Board of Appeals policies and procedures for this meeting. Four (4) affirmative votes are needed for an item to pass.

II. **NEW BUSINESS:**

MOTION: by **Pauline Gudas** to reconsider the motion to table the meeting scheduled for May 16, 2012 and place on file the staff memorandum dated April 12, 2012 from Gil Arsenault, Director of Planning & Code Enforcement. Second by **Pauline Gudas.**

VOTED: 7-0 (*Passed*).

A. The Petitioner, Coastal Enterprises, Inc., represented by Ron Bissonnette, Esq. is requesting approval to convert the two-family dwelling located at 271 Park Street to two single family dwelling units to be located on individual lots.

MOTION: by **Michael Lachance** to hear the appeal pursuant to Appendix A, Article VIII, Sections 4(10), and Article IX, Sections 3(9) and 3(10) of the Code. Second by **Doug Stone.**

VOTED: 7-0 (*Passed*).

Mr. Bissonnette stated that CEI planned to convey each of the units to individual buyers/owners and that they were unaware the lot could not be split as a matter of right. The units could be individually sold with the land held in common; however, the costs associated with land held in common are considerable as compared with the individual ownership of the land. In addition, common

ownership creates future complications for the owners. Common ownership requires condominium documents that would cost \$10,000 and a corporation would be required. The cost of insurance would be excessive and a condominium of two units would not be well received by lenders and would create financing issues that would likely make the units unaffordable to median income families. The cost of interest would likely be much higher than with financing for land in common versus land in individual ownership. There will be no visible change to the property as a result of the split and each lot would contain parking for two vehicles. The proposed lot split conforms to the space and bulk provisions of the Centreville District.

The Board had a number of question associated with the development of this project related to the HUD grant, income eligibility, etc.

Mr. Egan stated that the selling price is \$125,000 per unit and that the units will be sold to individuals that have incomes that can't exceed 80% of the median income adjusted for family size. One buyer could not afford to purchase both units.

The question was asked what would happen if the land could not be split and the petitioners stated that this would present a major problem and that somehow they would need to be overcome this obstacle as the project would not otherwise be affordable.

The other two neighboring Androscoggin Mill Blocks were discussed. It was raised as to what would happen if they wanted to convert to two single dwellings in each building. Gil stated that the provision created for the CEI project to allow the conversion from the current use to the former historical use is so narrow that it is not likely to surface again. In addition, the economies of scale would likely prevent the other Mill Blocks from seeking approval to convert to two individual dwellings in each block. Most importantly, the other two mill blocks are not listed on the National Register of Historic Places.

Considerable discussion centered on common elements such as the roof and shared wall and what would happen if one owner did not want or could not pay their share of a roof replacement, etc. Mr. Bissonnette stated that a mechanism would be developed to address such issues prior to the sale of either unit.

A question was raised as to what utilities are in common. Mr. Egan stated that each unit has its own heating system, water system, electrical service, etc. Any utilities that cross over into either adjoining lot would require easements.

The City Council action approving the project was discussed.

Definitions of single family and two family dwellings were discussed.

One Board member stated that the many of the topics such as financing, common elements, Council action, etc. that have been discussed are outside the

purview of the Board and that the Board needs to focus discussion on toward the specific provisions of the Code as relates to their authority.

There was no one in attendance at the meeting to ask questions or to support or not support the appeal and the Chair closed the public portion of the meeting.

MOTION: by **Pauline Gudas** that I find the facts contained in the notice of appeal and the site analysis portion of the written comments of the City staff are accurate and correct. I further find all of the standards imposed pursuant to Appendix A, Article VI, Section 4(e), Article IX, Sections 3(3) and Article X, Section 3 of the Code of Ordinances of the City of Lewiston has been met. Therefore, I move that the appeal be granted to Coastal Enterprises, Inc.

Second by **Doug Stone**.

VOTED: 6-1 (Passed).

III. READING OF MINUTES: Draft Minutes of the February 1, 2012 and April 18, 2012 meetings.

MOTION: by **Doug Stone** that the minutes for February 1, 2012 and April 18, 2012 meetings be accepted as presented.

Second by **Pauline Gudas**.

VOTED: 7-0 (Passed).

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

MOTION: by **Jim Horn** that this meeting adjourns at 7:30 p.m. Second by **Matthew Agren**.

VOTED: 7-0 (Passed).

Respectfully Submitted:

Cheryl Bonawitz, Secretary