

CITY OF LEWISTON
BOARD OF APPEALS MEETING
DRAFT MINUTES for July 6, 2011

- 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 6:05 p.m. Chairperson, Gabrielle Russell, chaired the meeting.

Members in Attendance: Gabrielle Russell, Michael Dumas, William Horn and Paul Little.

Members Absent: Cheryl Bonawitz

Associate Member Present: Doug Stone and Christine Kendall

Associate Member Absent: None

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

Gabrielle Russell appointed Christine Kendall to be a full voting member for this meeting.

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

CORRESPONDENCE: The following motion was made.

MOTION: by **Paul Little** to accept and place on file the Staff Memorandum dated June 24, 2011 from Gil Arsenault, Director of Planning/Code Enforcement. Second by **Michael Dumas**.

VOTED: 7-0 (*Passed*).

III. **NEW BUSINESS:**

- A. Consider a request from KJK Wireless for a conditional use permit to install three (3) panel antennas on the lattice tower at 388 Grove Street.

MOTION: by **Paul Little** to hear the appeal pursuant to Appendix A, Article VIII, Section 4(10), Article IX, Section 3(9) and 3(10), Article XI, Section 6(e) of the Ordinances of the City of Lewiston. Second by **Michael Dumas**.

VOTED: 7-0 (*Passed*).

Peter Marchant, representative of KJK Wireless was present on behalf of the project. Peter states that the installation of the three antennas on its existing lattice tower will not use water or generate waste, and will not generate dust, odor, vibration, glare, smoke, litter or other nuisances. The petitioner also indicated that the proposed use will not create an adverse impact. Gabrielle Russell stated that prior to issuance of applicable permits the City must have a stamped copy of the geotechnical engineering report. Paul Little also stated that upon approval, the petitioner shall comply with all Federal Communications Commission

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(FCC) rules and regulations including FCC radio frequency interference rules and regulations, applicable to the petitioners communication facility.

The public portion of the hearing was closed as there were no comments forthcoming.

The following motion was made:

MOTION: by **Paul Little**, I find the facts contained in the notice of appeal and the site analysis portion of the written comments of the City staff is accurate and correct. I further find all of the standards pursuant to Appendix A, Article VIII, Section 4(6), Article X, Section 3 of the Ordinances of the City of Lewiston have been met and satisfied. I conclude that all of the standards imposed by the Zoning Ordinance for the granting of this appeal have been met. Therefore, I move that the appeal be granted to KJK Wireless, with the following conditions:

1. Petitioner shall comply with all Federal Communications Commission (FCC) rules and regulations, including FCC radio frequency interference rules and regulations, applicable to the Petitioner's communication facility.
2. Petitioner must submit a stamped copy of the Geotechnical Engineering Report.

Second by **Christine Kendall**.

VOTED: 7-0 (*Passed*)

VII. READING OF MINUTES: Draft Minutes of the April 6, 2011.

MOTION: by **Paul Little** that the minutes for December 1, 2010 meeting be accepted as presented. Second by **Christine Kendall**.

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

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

MOTION: by **Paul Little** that this meeting adjourns at 6:15 p.m. Second by **Jim Horn**.

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

Respectfully Submitted:

Joline Boulay, Administrative Assistant, Department of Planning & Code Enforcement