

CITY OF LEWISTON
BOARD OF APPEALS MEETING
MINUTES for March 3, 2010

- 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. Acting Chairperson, Michael Dumas, chaired the meeting.

Members in Attendance: Micheal Dumas, Gabrielle Russell, Cheryl Bonawitz, William Horn, Paul Little, Matthew Agren and Donald D'Auteuil

Members Absent: None

Associate Member Present: Doug Stone

Associate Member Absent: Christine Kendall

Staff Present: Gil Arsenault, Director of Planning & Code and Joline Boulay , Senior Principal Clerk, Department of Planning & Code Enforcement

- II. **Election of Officers and Adoption of Policies and Procedures:**
Election of Chairperson, Vice Chairperson, and Secretary of the Board for 2010:

Election of Officers:

- S **Chairperson:**
Michael Dumas requested nominations for Chairperson.

MOTION: by **Paul Little** to nominate **Michael Dumas** as Chairperson. Second by **William Horn.**

VOTED: 7-0 (Passed)

- S **Vice Chairperson:**
Michael Dumas requested nominations for Vice Chairperson

MOTION: by **William Horn** to nominate **Gabrielle Russell** as Vice Chairperson.
Second by **Don D'Auteuil**

VOTED: 7-0 (Passed)

- S **Secretary:**
Michael Dumas requested nominations for Secretary.

MOTION: by **Don D'Auteuil** to nominate **Cheryl Bonawitz** as Secretary. Second by **Jim Horn**

VOTED: 7-0 (Passed)

Policies and Procedures: The Board discussed the proposed Policies and Procedures for 2010.

The following action was taken on the adoption of the Board of Appeals Policies and Procedures for 2010.

MOTION: by **William Horn** that the Board of Appeals Policies and Procedures be adopted. Second by **Paul Little.**

VOTED: 7-0 (Passed).

Michael Dumas 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 **William Horn** to accept and place on file the Staff Memorandum dated February 25, 2010 from Gil Arsenault, Director of Planning/Code Enforcement. Second by **Paul Little**.

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

III. NEW BUSINESS:

A. The Petitioner is requesting a conditional use permit for a communication facility at 25 Hillcrest Avenue. This request includes 12 panel antennas collocated on the existing tower, radio equipment cabinets to be located on a 9' x 15' concrete pad and other associated equipment.

The following motion was made.

MOTION: by **Gabrielle Russell** to hear the appeal pursuant to Appendix A, Article VIII, Section 4(6), Article X, Section 3 of the Ordinances of the City of Lewiston. Second by **Paul Little**

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

Joseph Papa, Jr. representative of Sprint Spectrum L.P., c/o Sprint Nextel was present on behalf of the project. Joseph states that that the proposed use of the property for an unmanned wireless communications facility will not use water and general wastes, and will not generate dust, odor, vibration, glare, smoke, litter and other nuisances. Joseph has also indicated that the proposed use will not create an adverse impact.

Paul Little questioned how close the pad would be located to the property line. Joseph stated the pad will be 20 ft from the property line. Paul also questioned the added weight to the equipment and Joseph stated that a structural analysis had been submitted.

William Horn questioned whether the added equipment would cause interference with other communications systems, as a precaution staff recommends that should the board approve the proposed conditional use, a condition of approval should require the abatement of any interference with other communication systems that may be caused by Sprint's communication equipment.

Camille Cote, property owner of 43 Hillcrest Avenue stated he noticed that debris is being left on the site. Camille has also noticed the generator seems louder. Gil suggested that staff monitor the noise and trash (debris) situation. Joseph stated he will speak with contractors and monitor the situation.

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

The following motion was made:

MOTION: by **Paul Little** 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 pursuant to Appendix A, Article VIII, Section 4(6), Article X, Section 3 of the 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 Sprint Spectrum, L.P., c/o Sprint Nextel with 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.

Second by **Cheryl Bonawitz**.

VOTED: 6-1 (*Passed*)

B. The Petitioner is requesting approval to convert the warehouse located at 466 Pond Road to a self-storage facility.

The following motion was made.

MOTION: by **William Horn** to hear the appeal pursuant to Appendix A, Article VI, Section 4(e), and Appendix A, Article IX, Section 3(3) of the Code.

Second by **Paul Little**

VOTED: 7-0 (*Passed*).

Attorney Matthew Mastrogiacomo was present on behalf of the project. Matthew gave a brief overview stating that the ten self storage units are proposed to be used by Millbrann and/or other businesses or individuals. The detached garage will also continue to be used as cold storage. Matt also stated that there would be no additional traffic or noise.

Carmen Coulombe, owner of 465 Pond Road was present with concerns. Carmen is concerned that traffic will be a problem. She also stated that she has animals (lamas) on the property and that noise may become an issue.

Ms. Hodgkin, owner of 462 Pond Road suggested there be a buffer between the properties.

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

MOTION: by **Gabrielle Russell** 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 Appendix A, Article VI, Section 4(e), and Appendix A, Article IX, Section 3(3) of the Code 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 Millbrann, LLC S with the following conditions:

1. Normal hours of operation will be Monday thru Friday 6:00 a.m. to 6:00 p.m. Weekends 7:00 to 6:00 p.m. From May 1st to September 30th 6:00 a.m. to 7:00 p.m.
2. Trees be planted to create a 10 to 12 ft. buffer for abutting property at 462 Pond Road.
3. Exterior storage of materials, equipment, vehicles, dumpsters, waste, etc. shall be prohibited. Vehicles may

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access the property; however, vehicles shall not be parked on the property other than for the time necessary to store/or to remove items from the storage units. The property shall not be used as the base of operations for contractors whereby workers arrive in the morning, park their personal vehicles for the day and then carpool to the job sites.

4. The driveway and/or parking area shall not be expanded.
5. Any lighting fixtures shall be limited to cut-off light fixtures to minimize the impact of light pollution on surrounding properties.

Second by **Cheryl Bonawitz**.

VOTED: 7-0 (*Passed*)

VII. READING OF MINUTES: None at this time.

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

MOTION: by **William Horn** that this meeting adjourns at 7:20 p.m. Second by **Matt Agren**.

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

Respectfully Submitted:

Cheryl Bonawitz, Secretary