

CITY OF LEWISTON  
BOARD OF APPEALS MEETING  
MINUTES for October 5, 2011

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- I. **ROLL CALL:** The meeting was held in the City Council Chambers on the First Floor of City Hall and was called to order at 6:20 p.m. Paul Little, chaired the meeting.

**Members in Attendance:** William Horn, Paul Little and Matthew Agren

**Members Absent:** Gabrielle Russell, 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.

Paul Little appointed Christine Kendall and Doug Stone to be a full voting members for this meeting.

Due to Petitioner arriving late the Board reviewed minutes from the August 17, 2011 meeting.

- II. **READING OF MINUTES:** Draft Minutes of the August 17, 2011.  
**MOTION:** by **Matt Agren** that the minutes for August 17, 2011 meeting be accepted as presented. Second by **Christine Kendall**.  
**VOTED: 5-0 (Passed).**

**Paul Little** 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 September 30, 2011 from Gil Arsenault, Director of Planning/Code Enforcement. Second by **Matt Agren**.  
**VOTED: 5-0 (Passed).**

III. **NEW BUSINESS:**

- A. Consider a request from Floyd Jenkins for a conditional use permit to establish a used car dealership at 155 Spring Street.

**MOTION:** by **Paul Little** to hear the appeal pursuant to Appendix A, Article VIII, Section 4(6), Article X, Section 3 of the Zoning and Land Use Code. Second by **Matt Agren**.

**VOTED: 5-0 (Passed).**

Floyd Jenkins, owner of the property was present (arrived at 6:15 p.m.) on behalf of his petition. Floyd gave a brief overview of the project stating that

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the building will have an automotive service bay, an office and bathroom facilities. Floyd also stated that the used car dealership will not create an adverse impact in the neighborhood.

Susan Collins owner of 178 Spring Street was present with concerns regarding activities that are occurring on the adjacent property located at 165 Spring Street, owned by Mr. Jenkins. Susan questioned the upkeep of the 165 Spring Street property. Young adults have been given permission to skateboard on the concrete surface (once the floor of a building that was demolished several years ago) and Susan is concerned with the safety of the neighborhood as there has been significant criminal activity in recent months. Susan stated she is in favor of the project at 155 Spring Street but would like some of her concerns addressed.

Gil suggested that in order to ensure the use of the 155 Spring Street property will not have an adverse impact on adjoining uses the Board should consider conditions he has listed in his staff memo dated September 30, 2011. Gil also stated that a certificate of occupancy permit to be issued by the City of Lewiston is required prior to the use of the property for used car dealership and if approved by the Board the permit will not be issued until the property is in full code compliance .

Paul Little questioned whether there would be any significant changes to the property. Doug Stone also questioned how many and type of vehicles would be on the lot. Floyd stated there would be no significant changes to the property and that the dealership would be selling exotic and classic cars.

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

The following motion was made:

**MOTION:** by **Christine Kendall**, 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 Floyd Jenkins with the following conditions:

1. Petitioner shall have no more than two uninspected motor vehicles parked, kept or stored on the premises at any one time.
2. Petitioner shall have no inoperative motor vehicles parked, kept or stored on the property at any time.
3. Petitioner shall have no motor vehicles parked, kept or stored on premises in a state of major disassembly, despair, or in process of being stripped or dismantled.

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4. Painting of vehicles is prohibited unless conducted inside of an approved spray booth.
5. There shall be no exterior storage of motor vehicle parts, including tires.
6. There shall be no exterior storage of trailer boxes, cobblestones, construction material, construction equipment, or any other outside storage other than motor vehicles.
7. A use car dealership license issued by the State of Maine is required at all times and in any event that this property is not licensed as a used car dealership the conditional use permit shall automatically expire and cease to be of any force or effect.
8. Exterior lighting must be shielded or cut off fixtures.
9. A certificate of occupancy permit issued by the City of Lewiston is required prior to the use of the property for a used car dealership.

Second by **Matt Agren**.

**VOTED:** 5-0 (*Passed*)

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

**MOTION:** by **Christine Kendall** that this meeting adjourns at 7:01 p.m.

Second by **Matt Agren**.

**VOTED:** 5-0 (**Passed**).

Respectfully Submitted:

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