

CITY OF LEWISTON  
BOARD OF APPEALS MEETING  
MINUTES for February 1, 2012

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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 6:05 p.m. Acting Chairperson, Christine Kendall, chaired the meeting.

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

**Members Absent:** Jim Horn

**Associate Member Present:** None

**Associate Member Absent:** None

**Staff Present:** David Hediger, City Planner and Joline Boulay, Administrative Assistant, Department of Planning & Code Enforcement

Doug Stone arrived at 6:17 p.m.

- II. **Election of Officers and Adoption of Policies and Procedures:**  
Election of Chairperson, Vice Chairperson, and Secretary of the Board for 2012:

**Election of Officers:**

- **Chairperson:**

Christine Kendall requested nominations for Chairperson.

**MOTION:** by **Matthew Agren** to nominate **Christine Kendall** as Chairperson.  
Second by **Cheryl Bonawitz**.

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

- **Vice Chairperson:**

Christine Kendall requested nominations for Vice Chairperson

**MOTION:** by **Matthew Agren** to nominate **Jim Horn** as Vice Chairperson. Second  
by **Christine Kendall**.

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

- **Secretary:**

Christine Kendall requested nominations for Secretary.

**MOTION:** by **Matthew Agren** to nominate **Cheryl Bonawitz** as Secretary. Second  
by **Pauline Gudas**

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

**Policies and Procedures:** The Board discussed the proposed Policies and Procedures for 2012.

The following action was taken on the adoption of the Board of Appeals Policies and Procedures for 2012.

**MOTION:** by **Matthew Agren** that the Board of Appeals Policies and Procedures be adopted. Second by **Cheryl Bonawitz**.

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

**CORRESPONDENCE:** The following motion was made.

**MOTION:** by **Cheryl Bonawitz** to accept and place on file the Staff Memorandum dated January 25, 2012 from Gildace Arsenault, Director of Code/Planning. Second by **Matthew Agren**.

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

### **III. NEW BUSINESS:**

Consider a request from US Cellular c/o KJK Wireless, LLC for a conditional use permit to install (9) nine panel antennas on an existing lattice tower at 532 East Avenue.

The following motion was made.

**MOTION:** by **Matthew Agren** to hear the appeal pursuant to Appendix A, Article VIII, Section 4(6) and Article X, Section 3 of the Ordinances of the City of Lewiston. Second by **Cheryl Bonawitz**.

**VOTED:** **6-0 (Passed).**

Peter Marchant, representative of KJK Wireless, LLC. was present on behalf of the project. Peter stated that the installation of the (9) nine panel antennas on the existing lattice tower at 532 East Avenue 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.

Jeff Mayerson, resident of 3 Mountview Terrace was present with concerns regarding the noise that the generator may cause. Peter Marchant stated that the generator should not exceed 30 decibels.

Mayerson also questioned why the panel antennas need to be placed on this particular tower stating there are four other towers within a three mile radius. Louis Vitali, President of Mariner Tower II, LLC stated that the tower was designed for (5) five carriers and there are two carriers currently on the tower. Jeff Mayerson was also concerned that the tower is so close to Thorncraig's Bird Sanctuary. David Hediger stated that all abutters in a 300 miles radius have been notified of this meeting.

Mike Lachance questioned the frequency of test cycling for the diesel generator and the db noise levels of such cycling. Peter Marchant stated that the generator would cycle once a week for a 20 (twenty) minute cycle and will not exceed 30 decibels. The board did not set a scheduled time the generator will run.

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

Doug Stone also stated that upon approval, the 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.

The following motion was made:

**MOTION:** by **Doug Stone** 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 VIII, Section 4(6) and Article X, Section 3 Ordinances of the City of Lewiston have been met. Therefore, I move that the appeal be granted to Maine RSA #1, US Cellular c/o 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 communications facility.

Second by **Cheryl Bonawitz**.

**VOTED: 6-0 (Passed),**

**VII. READING OF MINUTES:** Draft Minutes of the November 2, 2011.

**MOTION:** by **Matthew Agren** that the minutes for November 2, 2011 meeting be accepted as presented. Second by **Cheryl Bonawitz**.

**VOTED: 6-0 (Passed).**

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

**MOTION:** by **Doug Stone** that this meeting adjourns at **6:40 p.m.** Second by **Cheryl Bonawitz**.

**VOTED: 6-0 (Passed).**

Respectfully Submitted:

Cheryl Bonawitz, Secretary