

**CITY OF LEWISTON  
BOARD OF APPEALS MEETING  
MINUTES for July 18, 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 6:00 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 in Absent:** None

**Associate Member Present:** Patricia Gagne

**Associate Member Absent:** Elaine Fenderson

**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 **William Horn** to accept and place on file the staff memorandum dated July 3, 2012 from Gil Arsenault, Director of Planning & Code Enforcement. Second by **Matthew Agren**.

**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**

- A. The Petitioner, Matthew Fournier is requesting approval for a conditional use permit to operate a 4,500 square foot drinking place on the property located at 855 Lisbon Street.

**MOTION:** by **Doug Stone** to hear the appeal pursuant to Appendix A, Article VIII, Sections 4(6), and Article X, Sections 3 of the Code. Second by **Pauline Gudas**.

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

**MOTION:** by **Doug Stone** to accept and place on file Addendum C submitted by Matt Founier. Second by **Pauline Gudas**.

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

Matthew Fournier was present and gave a brief overview of his proposed project. Matt stated this was the first phase in attempt to move the project forward.

Robert Lambert of 94 Summit Avenue was present. Mr. Lambert stated he has concerns regarding another drinking place at that location. He believes

that the neighborhood will be adversely impacted. Due to issues from prior business owners at this location he is concerned that the requested drinking place will become problematic.

Mr. Lambert had many questions regarding BYOB establishments. The business would have to obtain a FSE- Class E License for food from the City and it would need a liquor license from the State in regards to BYOB but it would not need the approval of the City Council. Mr. Lambert questioned who would be managing the establishment and how many employees would be employed.

Mr. Fournier stated that he will likely hire a manager and possibly have as many as thirteen employees.

Lawrence Fox of 104 Summit Avenue was also present and he expressed similar concerns. Michael Marcotte, of 12 O'Connell Street spoke not for or against the project but stated concerns such as noise, smoking, whether the business would be serving food and the effect it would have on the movie theater.

Jim Horn excused himself from the meeting at 6:45 p.m. due to prior work related commitments. Christine Kendell, Chairperson of the committee appointed Patricia Gagne' as a full voting meeting for the remainder of the meeting.

Mr. Fournier stated that he was not sure that he would establish a BYOB club at this location as this meeting was more to see if it is possible. If approval is granted he will consider developing a business plan and he will either move forward or not. As he mentioned via his amended petition if he develops a BYOB establishment he wants to obtain permission to serve alcohol within tow years of his approval date.

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

**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 VIII, Section 4(6), Article X, Sections 3 of the Code of Ordinances of the City of Lewiston have been met. Therefore, I move that the appeal be granted to Matthew Founier with the following conditions:

1. Two years from the approval date the petitioner is granted permission to obtain a Class A liquor License and serve liquor.

Second by **Cheryl Bonawitz**.

**VOTED: 6-1 (Passed).**

**III. READING OF MINUTES:** Draft Minutes of the May 2, 2012.

**No minutes were available**

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

**MOTION:** by **Michael Lanchance** that this meeting adjourns at **6:45 p.m.**  
Second by **Pauline Gudas.**

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

Respectfully Submitted:

Cheryl Bonawitz, Secretary