

**CITY OF LEWISTON
BOARD OF APPEALS MEETING
MINUTES for August 15, 2012**

- I. ROLL CALL:** The meeting was held in the Third Floor Conference Room on the Third 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 and Elaine Fenderson

Associate Member Absent: None

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 August 8, 2012 from Gil Arsenault, Director of Planning & Code Enforcement. Second by **Doug Stone**.

VOTED: 7-0 (*Passed*).

MOTION: by **William Horn** to accept and place on file the correspondence submitted by Elaine Freeman of 190 Pettengill Street. Second by **Cheryl Bonawitz**.

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 John Buck is requesting a conditional use permit to reestablish the abandoned nonconforming neighborhood store at 88 Russell Street.

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

VOTED: 7-0 (*Passed*).

John Buck of 147 College Street, Apt.2 was present and gave a brief overview of his proposed project. John stated he would like to reopen the former Russell Street Variety. John indicated that he will operate the 1,700 s.f. store as it was in the past with pizzas, sandwiches, hamburgers, fries, and other take out food along with a variety of beverages, cigarettes, grocery items, etc.

Richard Boulet of 84 Russell Street stated he has lived at the abutting property for twenty years and has not had any problems with the prior business owners. Richard was present to state he is in favor of the appeal.

Gil questioned whether John had reviewed the correspondence from Elaine Freeman. Gil gave a copy for John to review. John stated he will make sure times of deliveries vary with vendors.

Jim questioned the occupancy of the apartments above the store. John Buck stated all three units are occupied; one unit cannot be occupied because of inadequate egress. Patti Gagne questioned whether tenants have designated parking. John stated that the current tenants do not have vehicles and that he does not expect adverse impact with parking stating that most customers are picking up take out orders.

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

MOTION: by **Michael Lachance** 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 VI, Section 4(c), 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 John Buck.

Second by **Pauline Gudas**.

VOTED: 7-0 (*Passed*).

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

MOTION: by **Michael Lachance** to table the minutes due to lack of detail. Second by **Elaine Fenderson** .

VOTED: 7-0 (*Passed*).

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

MOTION: by **Jim Horn** that this meeting adjourns at **7:10 p.m.** Second by **Pauline Gudas**.

VOTED: 7-0 (*Passed*).

Respectfully Submitted:

Cheryl Bonawitz, Secretary