

CITY OF LEWISTON
BOARD OF APPEALS MEETING
DRAFT MINUTES for October 17, 2012

- 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: Jim Horn, Cheryl Bonawitz, Matthew Agren, Christine Kendall and Michael Lachance and Pauline Gudas

Members in Absent: Doug Stone

Associate Member Present: Elaine Fenderson

Associate Members Absent: Patti Gagne'

Staff Present: Gil Arsenault, Director of Planning & Code and Joline Boulay, Administrative Assistant, Department of Planning & Code Enforcement

Christine Kendall appointed Elaine Fenderson to be full voting member for this meeting.

Correspondence: The following motion was made.

MOTION: **Michael Lachance** to accept and place on file the staff Memorandum dated October 12, 2012 from Gil Arsenault, Director of Planning & Code Enforcement. 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 Petitioners, Kristo & Merita Papailia are requesting a conditional use permit to reestablish the abandoned nonconforming restaurant at 365 Sabattus Street.

MOTION: by **Michael Lachance** to hear the appeal pursuant to Appendix A, Article VI, Sections 4(c), and Article X, Sections 3 of the Code. Second by **Cheryl Bonawitz**.

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

Dan D'Auteuiel, attorney from Isaacson & Raymond and representative for Kristo & Merita Papailia was present on behalf of the project. Dan stated he would like to amend his application and to request to the board that the applicants reestablish the neighborhood retail store use at the property located at 365 Sabattus Street. Dan stated that the applicants own a business similar to what the applicants are requesting in the town of Lisbon.

Gary and Arlene Rousseau of 345 Sabattus Street were present on behalf of the project. The Rousseau's stated that they are in favor of the project but stated they have great concern with the existing of their driveway. The Rousseau's have called Public Works in hopes that the two lane traffic concerns would be considered. The Rousseau's have great concern that somebody will be seriously injured.

Dan D'Auteuil stated that is the the applicants intend to purchase the abutting lot at 357 Sabattus Street to be used as off street parking. Gil stated he will speak at the next department head meeting regarding the on street parking and two lane traffic.

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

MOTION: by **Jim Horn** 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) and Article X, Sections 3 of the Code have been met. Therefore, I move that the appeal be granted to Tania Doyon with the following conditions:

1. Limited to sixteen (16) seats for the on premises consumption of food.
2. Hours of operation be limited to 11:00 a.m. to 9:00 p.m., seven days a week.

Second by **Pauline Gudas**.

VOTED: 7-0 (Passed).

B. The Petitioner, Tamara Rueda is requesting a side yard modification for the driveway located at 41 Sylvan Avenue.

Pauline Gudas stated that she knew Tamara from a previous employment and that it would not affect her decision as a board member.

MOTION: by **Elaine Fenderson** to hear the appeal pursuant to Appendix A, Article VIII, Sections 4(10), and Article IX, Sections 3(9) and 3(10) of the Code. Second by **Cheryl Bonawitz**

VOTED: 7-0 (Passed).

Tamara Rueda was present on behalf of her request for a side yard modification for her driveway located at 41 Sylvan Avenue. Tamara stated that she purchased the home and discovered that her driveway did not meet the required 5' side yard requirement. Tamara is requesting a 50% modification of the side yard requirement in order to legitimize the existing driveway which is slightly more than 2.5' from the side lot line. Tamara stated this was her first step and if approved by the board will attempt to have curbing removed.

Gil stated given the existing development of this property and the fact that it has only 67' of frontage the petitioner has a compelling argument for the

driveway to be located as proposed.

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(10) and Article IX, Sections 3(9) and 3(10) Ordinances of the City of Lewiston have been met. Therefore, I move that the appeal be granted to Tamara Rueda with no conditions. Second by **Cheryl Bonawitz**.

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

III. READING OF MINUTES: Draft Minutes of the September 19, 2012.

MOTION: by **Pauline Gudas** that the minutes for September 19, 2012 meeting be accepted as presented. Second by **Jim Horn**.

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

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

MOTION: by **Pauline Gudas** that this meeting adjourns at **7:15 p.m.** Second by **Cheryl Bonawitz**.

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

Respectfully Submitted:

Cheryl Bonawitz, Secretary