

CITY OF LEWISTON  
BOARD OF APPEALS MEETING  
MINUTES for July 17, 2013

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- I. **ROLL CALL:** The meeting was held in the Council Chambers of City Hall and was called to order at 6:00 p.m. Chairperson, Christine Kendall, chaired the meeting.

**Members in Attendance:** Matthew Agren, Pauline Gudas, Michael Lachance, Christine Kendall, William Horn and Doug Stone

**Members Absent:** Cheryl Bonawitz

**Associate Member Present:** Patricia Gagne' and Elaine Fenderson

**Associate Member Absent:** None

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

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

**MOTION:** by **Matthew Agren** to accept and place on file the staff memorandum dated July 12, 2013 from Gil Arsenault, Director of Planning & Code Enforcement. Second by **Pauline Gudas**.

**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.

Christine Kendall appointed Elaine Fenderson as a full voting member for this meeting.

II. **NEW BUSINESS:**

The Petitioner is requesting a side setback modification to construct a four story elevator and stair tower on the property located at 143 Lincoln Street.

The following motion was made.

**MOTION:** by **Pauline Gudas** to hear the appeal pursuant to Appendix A, Article VIII, Section 4(10) and Article IX, Section 3(9), 3(10) of the Ordinances of the City of Lewiston.

Second by **William Horn**.

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

David & Chet Clem were present on behalf of the project. David gave a brief overview of the project. David stated he is requesting a 7' 4" modification to construct a four story elevator and stair tower. The proposed addition will be to meet ADA and fire ingress and egress requirements necessary to rehabilitate the building and reestablish the residential and commercial uses. David also informed the board the property has been

designated as having significant historic value and is also listed on the National Register of Historic Places. David stated that he feels the economy has improved and as the Riverfront Master Plan moves forward feels it is time to diligently pursue construction thru completion, but it is requesting an additional two year extension of time to begin construction on the elevator and stair tower.

Pauline questioned whether the maintenance agreement obtained in May 2007 from Mr. Clem remained valid. Gil stated that he reviewed the construction and maintenance easement agreement and the agreement remains valid.

Michael Lachance requested clarification from staff on interpretation of code (Article IX, Section 9), and subsequently raised concerns as to why work could not be reasonably begin within 12 to 18 months; stating that from his experience granting a full (2) years to begin work on a project of this scope was unreasonable. Clem stated his current architect is no longer registered in the State of Maine and his previous contractor no longer does work locally. Clem stated he needs to hire a new architect and have a complete code assessment of the property and be able to bid the project out. Christine Kendall stated she felt the applicants request was not unreasonable. Michael voiced concern about the board setting a precedent. With much discussion in regards to a two year extension the meeting was closed to the public as there were no other comments forthcoming.

Michael Lachance questioned whether the board should have two votes (one for the setback modification, one for the two year extension). Gil stated that either one or two votes would be acceptable.

The following motion was made:

**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), 3(10) of the Ordinances of the City of Lewiston have been met. Therefore, I move that the appeal be granted to DBLLC, LLC with the following condition:

1. Grant a two year extension of time to begin construction and to diligently pursue construction to completion.

Second by **William Horn**.

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

Michael Lachance requested that the minutes reflect that he approved the project but was not in agreement with the two year extension.

**VII. READING OF MINUTES:** Draft Minutes of the June 5, 2013.

**MOTION:** by **Matthew Agren** that the minutes for June 5, 2013 be accepted as presented.

Second by **Doug Stone**.

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

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

**MOTION:** by **Matthew Agren** that this meeting adjourns at **6:59 p.m.**  
Second by **William Horn.**  
**VOTED: 7-0(Passed).**

Respectfully Submitted:

Cheryl Bonawitz, Secretary