

CITY OF LEWISTON  
BOARD OF APPEALS MEETING  
MINUTES for November 6, 2013

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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. Pauline Gudas, chaired the meeting.

**Members in Attendance:** Matthew Agren, Michael Lachance, Pauline Gudas, John Clifford IV and Doug Stone

**Members Absent:** Jim Horn and Christine Kendall

**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

Pauline Gudas appointed Elaine Fenderson to be full voting member for this meeting.

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

**MOTION:** **Matthew Agren** to accept and place on file the staff Memorandum dated November 1, 2013 from Gil Arsenault, Director of Planning & Code Enforcement.

Second by **Elaine Fenderson.**

**VOTED:** **6-0 (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 are requesting a conditional use permit to create a tattoo establishment on the property located at 417 Main 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 **John Clifford IV.**

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

**MOTION:** by **Matthew Agren** to accept additional correspondence submitted by Angela Reed..

Second by **Elaine Fenderson.**

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

Angela Reed was present on behalf of the project. Angela gave a brief overview of the project.

Jim Horn arrived at the meeting at 6:15 p.m. but remained in the audience as the appeal had already begun.

John Clifford questioned the petitioner whether a study of comparable surrounding uses in regards to hours of operation was conducted. Angela stated that a study had not been done. John Clifford stated that according to Article X, Section 3(b) of the Code of Ordinance the board may not find that this standard is satisfied unless it finds that the hours of operation are comparable to surrounding uses.

Angela Reed's original request was to operate Monday thru Saturday from 9:00 am to 11:00 pm. The board discussed businesses within a 300 foot radius and with much discussion decided that 9:00 pm was comparable to surrounding properties. Angela requested that she amend her request to operate the tattoo establishment Monday thru Thursday 9:00 am to 9:00 pm and Friday and Saturday from 9:00 am to 11:00 pm.

Michael Lachance stated he was agreeable to the amended hours and the extended hours on the weekend.

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

**MOTION:** by **Doug Stone** to accept amended hours of operation to operate the tattoo establishment Monday thru Thursday 9:00 am to 9:00 pm and Friday and Saturday from 9:00 am to 11:00 pm.  
Second by **John Clifford IV**.

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

**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, Sections 3 of the Code have been met. Therefore, I move that the appeal be granted to Angela Reed with the following conditions:

1. Hours of operation will be limited to Monday thru Friday from 9:00 am to 9:00 pm and Friday and Saturday 9:00 am to 9:00 pm.

Second by **John Clifford IV**.

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

B. The Petitioner is requesting a conditional use permit to operate a tattoo establishment on the property located at 1205 Lisbon Street.

James Bernard, owner of Professional Piercers of Maine was present on behalf of the project.

Pauline Gudas, Chairperson of the meeting suggested that the applicant table the request to operate a tattoo establishment on the property located at 1205 Lisbon Street to the next meeting or proceed with the risk of denial as the applicant has been performing tattoos prior to approval. Pauline also stated that a sign had been erected without permitting stating tattoos were available at the property. Gil questioned James Bernard whether tattoos were being performed on the property prior to approval. James Bernard did state that tattoos were being performed. Gil stated that he would be visiting the property with a police officer the following morning.

James Bernard stated he would like to table his request to the next meeting.

**MOTION:** by **Doug Stone** to table the appeal for 1205 Lisbon Street to the next meeting scheduled for November 20, 2013.

Second by **Michael Lachance**.

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

**III. READING OF MINUTES:** Draft Minutes of the September 18, 2013.

**MOTION:** by **Elaine Fenderson** that the minutes for September 18, 2013 meeting be accepted as presented.

Second by **Michael Lachance**.

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

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

**MOTION:** by **Jim Horn** that this meeting adjourns at **7:30 p.m.**

Second by **Matthew Agren**.

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

Respectfully Submitted:

Michael Lachance, Secretary