

CITY OF LEWISTON  
BOARD OF APPEALS MEETING  
MINUTES for November 20, 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. Christine Kendall, chaired the meeting.

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

**Members Absent:** none

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

**Associate Members 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:** **Doug Stone** to accept and place on file the staff Memorandum dated November 1, 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.

II. **NEW BUSINESS:**

- A. The Petitioners are requesting a conditional use permit to create a tattoo establishment on the property located at 1205 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 **Jim Horn.**

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

James Bernard owner of Professional Piercers of Maine was present on behalf of the project. James gave a brief overview of the project. James stated that he will have no more than three tattooists at any given time. James stated that he had done a comparable study of surrounding uses in regards to hours of operation. James stated that his request for hours of operations are comparable to surrounding uses. Hours of operation will be 10:00 a.m. to 10:00 p.m. Monday thru Sunday.

Gil stated that James Bernard received a summons for operating a tattoo establishment without approval .Petitioner has paid said summons.

Pauline Gudas questioned the number of parking spaces needed to operate the tattoo establishment. James Bernard stated that the 200 sf retail space, Connie's Closet had recently closed and did not feel as if the tattoo establishment was an expansion of a nonconforming use. Jack suggested that James hire an engineer for the parking.

Patti Gagne' suggested that the board do a site visit. John Clifford stated that he feels as the board should rely on staff representation.

Pauline also noted that the current Commercial Real Estate Lease states that the tenant may use the premises only for the purposes of maintaining an ear piercing/jewelry business and all activities associated with such business. According to the lease, the premises may not be used for any other purposes without prior written consent from the landlord.

John Clifford stated that the lease establishes the right, title or interest which the current lease does not establish.

Mike Lachance asked the petitioner if such written notice was obtained, to which Mr. Bernard stated he did not have such permission in writing.

**MOTION:** by **Michael Lachance** to table the request until such time as petitioner has written permission for use from landlord.  
Second by **Pauline Gudas**.

James Bernard expressed frustration and left the meeting (no vote taken).

**MOTION:** by **John Clifford IV** to deny the appeal as the petitioner has insufficient right, title or interest and parking.  
Second by **Pauline Gudas**.

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

(As a result of James Bernard leaving the meeting the appeal was denied.)

B. The Petitioner is requesting a conditional use permit to establish a Class A lounge (i.e. drinking place) on the property at 855 Lisbon Street.

Greg Young and Daniel Dubruin of Skye Maine LLC were present on behalf of the project. Greg gave a brief overview of the project. Greg stated they have been in business since November 2012 hosting private and public events. Greg and Dan have worked closely with Lewiston Police Department. Skye Maine LLC hired a private security firm recommended by the LPD. Greg has requested hours of operation be 6:00 a.m to 1:00 a.m. Sunday thru Saturday. Greg stated he has requested these hours to accommodate a variety of public and private events. Greg stated that Skye Maine LLC received approval for a license to operate a Class A lounge from city council on November 19, 2013.

Mark Cayer, Councilor from Ward 6 was present representing abutters on Summit Avenue. Mark did not speak for against the appeal. Mark stated there have been previous problems at that location and that abutters were concerned and wanted to make the petitioners aware that the neighborhood should not be impacted in any way.

Board members questioned hours of operation. Greg stated that would like to accommodate business (corporate) breakfast functions as well as private events and the hours of operation will depend on the demand of private events and the amount of public events offered to 21+. Greg stated security will work diligently to have parking lot cleared as quickly as possible thereafter.

Gil suggested that Skye LLC work with the abutters on Summit Avenue. The petitioners have taken a proactive approach to minimize any internal noise crossing into the theater space. The petitioners have added a four inch wall made of sound proofing material and installed audio equipment by a sound engineer. All parking lot noise will be handled by a private security firm, Northern Security Concepts.

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 VIII, Section 4(6) and Article X, Sections 3 of the Code have been met. Therefore, I move that the appeal be granted to Skye Maine, LLC with no conditions.  
Second by **John Clifford IV**.

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

**III. READING OF MINUTES:** Draft Minutes of the November 6, 2013.

**MOTION:** by **Michael Lachance** that the minutes for November 6, 2013 be tabled to the next meeting.  
Second by **John Clifford IV**.

**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 **Doug Stone**.

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

Respectfully Submitted:  
Michael Lachance, Secretary