

CITY OF LEWISTON  
BOARD OF APPEALS MEETING  
MINUTES for August 6, 2014

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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. Doug Stone chaired the meeting.

**Members in Attendance:** John Clifford IV, Doug Stone, Paula Masselli, Patricia Gagne' and Andrew Choate and Christine Kendall

**Members Absent:** none

**Associate Member Present:** Daniel Dube' and Jared Golden

**Associate Members Absent:** none

**Staff Present:** David Hediger, Deputy Director/City Planner of Planning & Code and Joline Boulay, Administrative Assistant, Department of Planning & Code Enforcement

- II. **CORRESPONDENCE:** City of Lewiston Board of Appeals Notice of Administrative Appeal Decision document drafted by City Attorney and letter from Department of Environmental Protection to applicant Don Arel.

**MOTION:** by **Jack Clifford** to accept and place on file the staff memorandum dated August 4, 2014 and City of Lewiston Board of Appeals Notice of Administrative Appeal Decision document drafted by City Attorney and a letter from Department of Environmental Protection to applicant Don Arel. Seconded by **Doug Stone**.

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

Doug Stone read the Board of Appeals policies and procedures for this meeting. Four (4) affirmative votes are needed for an item to pass.

Doug Stone appointed Daniel Dube' a full voting member for this meeting.

II. **NEW BUSINESS:**

- A. Mr. Arel and his representative Benjamin B. Krauter, Esq. have filed an administrative appeal relative to a June 20, 2014 notice of violation issued by the Lewiston Planning and Code Enforcement Department regarding the use of 50 Old Farm Road. The order requires Mr. and Mrs. Arel to discontinue the use of their 50 Old Farm Road property for an off-road vehicle park, campground and weapons firing range.

Don Arel and his attorney Benjamin B. Krauter were present on behalf of the administrative appeal. Mr. Krauter responded to Gil's staff memo stating that Mr.

Arel is not operating a business. Don's attorney also stated that there is no change of use at that property located at 50 Old Farm Road. Don also claimed that he is not operating a shooting range but targets are present. Don also claimed that he is not operating a campground and that he has not created public or private facilities; and has not built any structures or altered the land; and is not in violation of the Zoning Ordinance.

Gil presented exhibits to the board stating that Mr. Arel is operating a business located at 50 Old Farm Road.

Jack Clifford questioned the fees being charged to four wheel, target shoot or camp. Jack stated that the social media sites clearly define a fee being charged.

Andrew Choate questioned Don Arel whether he has ever invited guests or friends to spend the night at his home. Don stated he has not.

Andrew questioned why the petitioner had quite a few instances to get permitting and did not. Don stated he would have to spend 50,000 to 60,000 dollars for permitting and at this point could not afford that. Don stated if he did not receive approval he would continue using it as a hobby.

Many people were present in favor of the project.

Todd St. Hilaire, of 87 No Name Pond Road stated he is in favor of the project. Todd stated he has never paid to four wheel and Don has never excepted money. Todd claims he can hear the gun shots but doesn't sound like anything more than a firecracker.

Andy Arel, of 115 Rideout Avenue also stated he is in favor of the project. Andy claimed his brother purchased the big chunk of land and attempted to create a business. Andy claims that all the red tape and over regulated standards prevent his brother from being successful.

Frank Berry, of 50 Barrel Shop Road in Greene, Maine also stated he is in favor of the project. Frank stated that the park is creating revenue. Frank claims that vehicles break down and repairs are done locally. Frank stated he spends money on parts locally.

Stewart Senate, of New Hampshire stated he travels over 100 miles to four wheel. Stewart also stated he purchases food, gas and has repairs done locally. Stewart enjoys coming to this community and it would be too bad if the petitioner did not receive approval.

Many people were present in opposition of the project.

Norm Poulin, of 720 Old Greene Road stated that his property abbutts the 50 acre property. Norm claims that there is shooting at all times of the day and sounds like a cannon. Norm's wife claims she is afraid to walk in the neighborhood. Norm claims the vehicles from the park are very loud and intolerable. Norm would like to see the petitioner comply with the law.

Susan Boyd, of 32 Manning Avenue owner of Maine Bucket was present on opposition of the project. Susan claims a pond was designed for a reservoir. The pond no longer exists and Susan stated that the pond was designed for prevention of a fire stating they had a fire many years ago and was the main reason the pond was designed. Susan also stated that she visited a local business and on the bulletin board was advertising the four wheel park and accepting donations. Susan claims it was a tranquil area and since the four wheel park has been operating it has not.

Doug Stone, chairman of the board asked the petitioner if he had any closing comments. Don claims that the people are not out of control and that he is not running a business at that property.

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

City Attorney, Anne Terregrossa presented the board draft guidelines to determine the finding of facts and conclusion of law. Anne suggested the board discuss the finding of facts and conclusion by law by sections.

The first section of the Notice of Administrative Appeal Decision is regarding the background.

**MOTION:** by **John Clifford IV** to accept the finding in facts regarding the background of 50 Old Farm Road, Sections 1 to 7.  
Second by **Christine Kendall.**  
**VOTED: 7-0 (Passed).**

The second section of the Notice of Administrative Decision is regarding the Off Road Vehicle Park

**MOTION:** by **John Clifford IV** to accept the finding in facts regarding the Off Road Vehicle Park at 50 Old Farm Road, Section 8.  
Second by **Paula Masselli.**  
**VOTED: 7-0 (Passed).**

**MOTION:** by **John Clifford IV** to accept the finding in facts regarding the Off Road Vehicle Park at 50 Old Farm Road, Section 9.  
Second by **Paula Masselli.**  
**VOTED: 7-0 (Passed).**

**MOTION:** by **John Clifford IV** to accept the finding in facts regarding the Off Road Vehicle Park at 50 Old Farm Road, Sections 10 to 12.  
Second by **Paula Masselli.**  
**VOTED: 7-0 (Passed).**

**MOTION:** by **John Clifford IV** to accept the finding in facts regarding the Off Road Vehicle Park at 50 Old Farm Road, Section 13.

Second by **Christine Kendall.**

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

The third section of the Administrative Appeal Decision is regarding the Campground.

**MOTION:** by **John Clifford IV** to accept the finding in facts regarding Campground at 50 Old Farm Road, Section 14.

Second by **Daniel Dube'.**

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

**MOTION:** by **John Clifford IV** to accept the finding in facts regarding Campground at 50 Old Farm Road, Section 15.

Second by **Christine Kendall.**

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

**MOTION:** by **Andrew Choate** to accept the finding in facts regarding Campground at 50 Old Farm Road, Section 16.

Second by **Elaine Fenderson.**

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

**MOTION:** by **Paula Masselli** to accept the finding in facts regarding Campground at 50 Old Farm Road, Sections 17 to 19.

Second by **Elaine Fenderson.**

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

**MOTION:** by **John Clifford IV** to accept the finding in facts regarding Campground at 50 Old Farm Road, Section 20.

Second by **Christine Kendall.**

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

The fourth section of the Notice of Administrative Appeal Decision is regarding the Weapons Firing Range.

**MOTION:** by **Paula Masselli** to accept the finding in facts regarding the Weapons Firing Range at 50 Old Farm Road, Section 21.

Second by **Christine Kendall.**

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

**MOTION:** by **John Clifford IV** to accept the finding in facts regarding the Weapons Firing Range at 50 Old Farm Road, Sections 22 to 24.

Second by **Dan Dube'.**

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

**MOTION:** by **Andrew Choate** to accept the finding in facts regarding the Weapons Firing Range at 50 Old Farm Road, Section 25.

Second by **John Clifford IV.**

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

**MOTION:** by **John Clifford IV** to accept the finding in facts regarding the Weapons Firing Range at 50 Old Farm Road, Section 26.

Second by **Elaine Fenderon.**

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

**MOTION:** by **John Clifford IV** that based on the above findings and conclusions, the City of Lewiston Board of Appeals upholds the Notice of Violation issued by the Planning and Permitting Department to Donald and Celine Arel on June 20, 2014.  
Second by **Paula Masselli.**

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

**III. READING OF MINUTES:** Draft Minutes for April 2, 2014

**MOTION:** by **Christine Kendall** that the minutes for April 2, 2014 be accepted as presented.

Second by **Paula Masselli**

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

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

**MOTION:** by **John Clifford IV** that this meeting adjourns at **9:30p.m.**  
Second by **Elaine Fenderson.**

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

Respectfully Submitted:

Paula Masselli, Secretary