

CITY OF LEWISTON
BOARD OF APPEALS MEETING
FINAL MINUTES for November 6, 2019

- 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. John Clifford chaired the meeting.

Members in Attendance: John Clifford IV, Paula Masselli, Phyllis Rand, Roger Dupre and Daniel Dube'

Members Absent: Patricia Gagne' and Leslie Dubois

Associate Members Present: Jim Horn and Steve Bannister

Staff Present: David Hediger, Director of Planning & Code, and Cathy Lekberg, Administrative Assistant, Planning & Code Enforcement

Guest Present: James Belleau, Trafton, Matzen, Belleau & Frenette, LLP

John appointed Steve Bannister and Jim Horn as full voting members for this meeting.

II. **NEW BUSINESS:**

An administrative appeal of a Notice of Violation issued by the City of Lewiston Department of Planning and Code Enforcement to Pike Industries, owner of the property located at 145 River Road, Map-Lot 180-021, for operating an unlicensed automobile graveyard over a significant sand and gravel aquifer pursuant to Chapter 22, Article III of the Code of Ordinances and Appendix A, Article XI, Section 24 of the Zoning and Land Use Code of the City of Lewiston and MRS 30-A, Chapter 183, Subchapter 1. Pike Industries appeals they did not cause any of the land use violations, is taking steps to have the violations abated and is requesting that its appeal to the Board of Appeals is tabled until a meeting on or after March 9, 2020 unless the City and/or Pike Industries requests a sooner hearing.

David read staff comments to the Board.

James Belleau stated that he represents Pike Industries and that the notice of violations from the City were not the result of any action or fault of Pike Industries. He stated that Almighty Waste who leases the property abutting theirs operates a recycling business along with an automobile graveyard and junkyard at the abutting property. Without the consent and/or permission from Pike Industries, Almighty Waste extended its operations illegally onto Pike Industries property. At this time, some of the violations have been corrected but

there is still more to be abated. Pike Industries needs more time to correct these violations and asked if they could table the hearing until a meeting on or after March 9, 2020 so they can correct the problems at their property.

Public Comments: None

After further discussion of the members, the Board made the following motion:

MOTION: by **Paula Masselli** pursuant to Article VIII, Section 4(1) and Article IX, Section 3 of the Zoning and Land Use Code to table the hearing until a meeting on or after March 9, 2020 unless the City and/or Pike Industries requests a sooner hearing. Should said motion fail then the Board should make a motion that the code enforcement official erred in either his interpretation of the Code or in the application of the Code to the particular circumstances. Said motion must include findings of fact and conclusions of law necessary to support the Board's decision. Second by **Roger Dupre**.

VOTED: 7-0 (Passed)

III. READING OF MINUTES: Draft minutes for the August 7, 2019 and September 4, 2019 meeting.

The draft minutes for the August 7, 2019 and September 4, 2019 will be approved at the next BOA meeting.

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

MOTION: by **Dan Dube'** that this meeting adjourns at 6:15 p.m. Second by **Roger Dupre**.

VOTED: 7-0 (Passed).

Respectfully Submitted:



Paula Masselli, Secretary *CLL*