

CITY OF LEWISTON  
BOARD OF APPEALS ZOOM MEETING  
FINAL MINUTES for November 18, 2020

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- I. **ROLL CALL:** The meeting was held via Zoom and was called to order at 5:30 p.m. Patricia Gagne' chaired the meeting.

**Members in Attendance:** Patricia Gagne', John Clifford, IV, Daniel, Dube, Paula Masselli, Leslie Dubois, Phyllis Rand and Steve Bannister

**Associate Members Present:** Jim Horn

**Staff Present:** David Hediger, Director of Planning & Code, Steve Lebrun, Code Enforcement Officer and Cathy Lekberg, Administrative Assistant, Department of Planning & Code Enforcement

**Guests Present:** Delores Needham, Appellant  
Ted Small, Attorney for the Appellant  
Luke Jensen, City Councilor, Ward 5

- II. **ELECTION OF OFFICERS: Election of Chairperson, Vice Chairperson and Secretary**

The following motion was made:

**MOTION:** by Paula Masselli to elect Patricia Gagne' as its Chairperson.  
Second by Jim Horn

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

The following motion was made:

**MOTION:** by Paula Masselli to elect John Clifford, VI as its Vice Chairperson. Second by Daniel Dube

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

The following motion was made:

**MOTION:** by Steve Bannister to elect Paula Masselli as its Secretary.  
Second by Phyllis Rand

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

- III. **NEW BUSINESS:**

- a. A petition for appeal submitted by Dolores Needham for an administrative appeal, variance, and modification of setbacks for the property located at 254 Webster Street. Specifically, the petitioner is seeking relief from a notice of violation issued by the City of Lewiston for construction of a deck without a permit and for violating setback and yard requirements of the Neighborhood Conservation "A" zoning district.

David read staff comments to the Board and Patricia explained the process to all attendees.

Ted Small explained that Delores Needham hired a contractor and paid him \$5,000 to construct a deck at the front side of her property. The contractor did not pull any permits and a notice of violation was issued for non-compliance of City codes and setbacks of the deck. He said that this was not the fault of Ms. Needham.

Ms. Needham said that in good faith, she hired her contractor. She found out he had anger issues and also kept asking for more and more money to finish the deck. She eventually asked him to leave as she did not want to deal with him anymore. He then went to the City to report the deck being done without a permit. She said it was very upsetting to know that the deck needed to be torn down and her yard would be a mess. She stated this would be a hardship for her. She said the property has been passed down from generation to generation and she planned on giving it to her niece.

**Public Comment:**

Luke Jensen said he was the City Councilor for Ward 5 where Ms. Needham lives and said this was a unique situation in that she was scammed and taken advantage of. He said this was not her fault. He stated he is an advocate for Ms. Needham and hoped this could be resolved.

**Public Comment Closed**

Paula asked for clarification of the side setbacks and David explained the front and side setbacks. John suggested that Ms. Needham could have a huge lawsuit against the contractor since he built her deck without a permit. Dolores said she does not want any repercussions from this contractor as he has anger issues and she is afraid of him. Phyllis said the Board cannot separate the appellant from the contractor doing the work. Dan agreed with Phyllis and even though he finds the case to be very sympathetic, the Board's roll is to apply the law and to interpret the code as written. He said we must move to deny the request for the variance because all of the criteria have not been met.

Jim asked if Ms. Needham's address could be changed to Haley Street and David said it would not change the setback requirements but could check with the assessor's office. Jim asked what a conforming lot would be in 1966 and David said he does not have that information available. He said there have been many zoning changes over the years and if the property was destroyed by fire, they would have to meet the current criteria to rebuild. Jim suggested having the Lewiston Technical Center students or Habitat for Humanity

volunteers repair or rebuild the deck. David said if member wants to pursue that he could give them Ms. Needham's contact information after the meeting and they should also speak to Steve Lebrun, the Code Enforcement Officer.

The following motion was made:

**MOTION:** by **Daniel Dube** pursuant to Article VIII, Section 4(a) and (c) and Article IX, Section 3(b)(5) of the Code of Ordinances of the City of Lewiston that staff did not err in its interpretation of the applicable sections of Code and denies a variance from the front setback requirements of the Neighborhood Conservation "A" district to Delores Needham for the property located at 254 Webster Street for a porch constructed within the front setback of Haley Street. Second by **John Clifford, IV**.

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

**VI. READING OF MINUTES:** Draft Minutes for the August 7, 2019, September 4, 2019 and November 6, 2019 and March 4, 2020 meetings.

**MOTION:** by **John Clifford, IV** to accept the draft minutes from the August 7, 2019 meeting as presented. Second **Daniel Dube**

**VOTED:** 4-0-3 (Passed)  
**Paula Masselli, Phyllis Rand and Steve Bannister Abstained**

**MOTION:** by **John Clifford, IV** to accept the draft minutes from the September 4, 2019 meeting as presented. Second **Daniel Dube**.

**VOTED:** 7-0 (Passed)  
**Steve Bannister Abstained**

**MOTION:** by **John Clifford, IV** to accept the draft minutes from the November 6, 2019 meeting as presented. Second **Daniel Dube**

**VOTED:** 5-0-2 (Passed)  
**Patricia Gagne' and Leslie Dubois Abstained**

**MOTION:** by **Paula Masselli** to accept the draft minutes from the March 4, 2020 meeting as presented. Second **Daniel Dube**

**VOTED:** 4-0-3 (Passed)  
**John Clifford, IV, Leslie Dubois and Phyllis Rand Abstained**

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

**MOTION:** by **John Clifford, IV** that this meeting adjourns at **6:45 p.m.**  
Second by **Daniel Dube.**

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

Respectfully Submitted:

*Paula Masselli* *ccc*  
Paula Masselli, Secretary