

**CITY OF LEWISTON
BOARD OF APPEALS MEETING
MINUTES for September 5, 2012**

- 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: Pauline Gudas and Michael Lachance, Jim Horn, Cheryl Bonawitz, Matthew Agren, Christine Kendall and Doug Stone

Members Absent: None

Associate Members Present: Patricia Gagne and Elaine Fenderson

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: by **William Horn** to accept and place on file the staff memorandum dated July 3, 2012 from Gil Arsenault, Director of Planning & Code Enforcement. Second by **Doug Stone.**

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 Petition submitted by Stoneybrook Consultants, Inc. on behalf of Shopping Plaza Associates located at 1035 Lisbon Street is requesting a change from one nonconforming use (warehousing) to another nonconforming use (interior self-storage facility).

MOTION: by **Doug Stone** to hear the appeal pursuant to Appendix A, Article VI, Section 4(e), and Article IX, Sections 3(3) of the Code.
Second by **William Horn.**

VOTED: 7-0 (*Passed*).

Mike Gotto was present on behalf of Shopping Plaza Associates. Mike gave a brief overview of the project.

Doug Stone questioned whether the property was designed for warehousing. Mike Gotto stated the space at issue was designed for warehousing and the conversion to a climate controlled self-storage facility would result in less large vehicular traffic. Gil also stated that given traffic associated with self storage facilities there should be less traffic than would be expected with warehousing and most of the traffic would likely be limited to daylight hours versus warehousing that can generate traffic twenty-four hours per day.

Michael Lachance questioned hours of operation. Mike Gotto stated that the facility would be open 24-7; however, little activity is expected at night. There will be no staffing and customers would need slide keys to gain entry. Access to the facility will be recorded via the slide key system so that management will be able to track who and at what time individuals are at the facility.

Michael Lachance asked if there was any reason self-storage and warehousing have been excluded from most districts. Gil stated that in 1986-1987 the City developed a comprehensive plan that was the basis for the current zoning and land use code. As a result of that planning process self storage was limited to two districts, the office service district and urban enterprise district, as these uses were seen more as an interim use of land versus long term uses. Self storage facilities are generally much less intensive than warehousing uses and there appears to be no merit as to the limitations placed on such uses versus warehousing. Warehousing is permitted in four districts, the highway business (HB), office service, industrial and urban enterprise. Gil also stated that there is very little difference between highway business districts and community business (CB) districts and warehousing is permitted in the HB but not in the CB. Self storage uses are not permitted in either the HB or the CB

Michael Lachance also questioned that if the applicant received approval from the board and if the applicant decided not to proceed with the self-storage project would the space revert back to warehousing. Gil stated that if the applicant received approval for self-storage and if the conversion to self storage was not made the use of the property for warehousing could continue. If the conversion is made the use could not revert back to warehousing. Gil stated that phase two of the project calls for the conversion within two years of approval for the balance of the warehouse space to self storage. If the conversion is not begun within two years the warehouse use of that limited space may continue. Mike Gotto stated that the reason for the phasing the project is to evaluate market conditions so that decisions can be made before implementing the second phase. Decisions such as space requirements demand for controlled self storage, etc. If the demand does not exist the second phase will not be initiated and the remaining space will continue to be used for warehousing.

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

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 VI, Section 4(e), Article IX, Sections 3(3) of the Code of Ordinances of the City of Lewiston have been met. Therefore, I move that the appeal be granted to Shopping Plaza Associates with the following conditions:

1. The petitioner shall begin the conversion of 10,296 s.f. of warehouse space to self-storage within six months of the approval date and be substantially complete within one year and will begin the conversion of the remaining 10,296 sf. within two years of approval and will diligently pursue it to completion.

Second by **Pauline Gudas**.

VOTED: 7-0 (*Passed*).

III. READING OF MINUTES: Draft Minutes of the May 2, 2012 and July 18, 2012 meeting.

MOTION: by **Doug Stone** to accept the minutes to the May 2, 2012 meeting as presented. Second by **Michael Lachance**.

VOTED: 7-0 (*Passed*).

MOTION: by **Doug Stone** to accept the minutes to the July 18, 2012 meeting as presented. Second by **Pauline Gudas**.

VOTED: 7-0 (*Passed*).

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

MOTION: by **William Horn** that this meeting adjourns at **6:45 p.m.** Second by **Michael Lachance.**

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

Respectfully Submitted:

Cheryl Bonawitz, Secretary