

CITY OF LEWISTON  
BOARD OF APPEALS ZOOM MEETING  
FINAL MINUTES for July 7, 2021

---

- 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', Daniel Dube, Paula Masselli, Leslie Dubois, Phyllis Rand and Jeffrey Gosselin

**Members Absent:** Steve Bannister

**Associate Members Present:** Matthew Agren

**Associate Member Absent:** Jim Horn

**Staff Present:** David Hediger, Director of Planning & Code

**Guests Present:** Jay D. Salk

Matthew Agren was appointed full voting member for this meeting.

II. **OLD BUSINESS (Continuance from June 16, 2021 meeting):**

To consider a Petition for Appeal submitted by Jay D. Salk for a variance to allow for a marijuana cultivation grow facility at 180 Sabattus Street.

David Hediger read staff comments.

Jay Salk noted that the property is zoned commercial. He thought he was following all of the rules back in 2015. He grew up at the property and noted he could live there. He feels there is a financial impact creating an undue hardship if use is not allowed. He doesn't believe that municipalities can limit locations of grows. He also said there has been no complaints. He agrees that he created the hardship and that is why he is requesting the variance. This is not a public building and he suggested that he may be able to live on-site but would like to avoid that and is looking for the Board's help.

Daniel Dube referenced State statute and asked if he was renting the three dwelling units and Jay said he was renting for \$900 which recently was increased. He is currently renting and is selective of his tenants. Patti Gagne' asked where he resides and Jay said 183 Park Avenue in Auburn. He said he would move back if it's a matter of keeping his livelihood. She asked how many plants are in the facility and Jay said the State will allow 60 flowering plants. She asked why he did not check with the municipality and noted that the rules have changed. Leslie Dubois asked when Salk Med was established and Jay said it

was incorporated in 2019. The office is in Auburn and the grow is in Lewiston. He said that he feels the structure is grandfathered. The Board noted the previous meeting was continued so he could have assistance provided and Jay said they are in attendance. Paula Masselli asked how close the property to the middle school is and Jay said noted there are no setbacks required. Patti Gagne' asked if there were concerns of the women's shelter next door and Jay said none known. She also asked about electrical permits and was the facility inspected and Jay said yes. Leslie Dubois asked if the electrical inspector knew it was a grow and Jay said he was not sure as the electrician dealt with the permit. Patti Gagne' asked how the City found out about the grow and Jay said the State asked if the City was aware. David Hediger spoke to local and State requirements, setbacks, variance criteria, and inability to grant use variances. Jay Salk said his operation was brought to the City's attention by him coming to the City to legitimize after speaking to the State. He said he was a law abiding citizen.

### **Public Comment Open**

Nadine Gendron of Lisbon Falls stated she has known Jay for 30 years. She made reference to a proposed development of a historic structure for 70+ units and how questioned how that would get approved with all kinds of issues compared to a non-issue like Jay's use. She said that nobody knows the grow is there and is a very quiet operation. She asked if the zoning impacts the mill rate and Jeffrey Gosselin said no. She also asked how long has it been zoned OR and David Hediger said since probably 1988.

Patti Gagne' asked how long Nadine was assisting Jay and she said since 2018. She has some legal experience and background. Patti' asked if she was aware that the property was not zoned appropriately and Nadine said no.

### **Public Comment Closed**

Phyllis Dubois asked staff for clarification on use variances and ordinances and that they need to focus on variance criteria. Jeff Gosselin agreed that the use variance cannot be granted. Leslie Dubois asked when did the City first regulate marijuana and David Hediger said 2011 and was amended in 2019. Leslie Dubois also agreed that the variance should not be granted.

The following motion was made:

**MOTION:** by **Jeffrey Gosselin** pursuant to Article VIII, Section 4(d) and Article IX, Section 3(b)(1) of the Code of Ordinances of the City that a variance not be granted to allow a marijuana grow cultivation facility in the existing a detached 1 ½-story garage at 180 Sabattus Street. Second **Daniel Dube**

**VOTED:** **6-1 (Variance Denied)**  
**Matthew Agren Opposed**

**III. READING OF MINUTES:** Draft Minutes for the June 16, 2021.

The June 16, 2021 draft minutes will be adopted at the next BOA meeting.

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

**MOTION:** by Phyllis Rand that this meeting adjourns at 7:31 p.m. Second by Daniel Dube.

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

Respectfully Submitted



Paula Masselli, Secretary *CU*