

CITY OF LEWISTON
BOARD OF APPEALS MEETING
MINUTES for November 2, 2011

- 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. Gabrielle Russell, chaired the meeting.

Members in Attendance: Gabrielle Russell, William Horn, Cheryl Bonawitz, Paul Little and Matthew Agren

Members Absent: None

Associate Member Present: Christine Kendall

Associate Member Absent: Doug Stone

Staff Present: Gildace Arsenault, Director of Planning & Code Enforcement and Joline Boulay, Administrative Assistant, Department of Planning & Code Enforcement.

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

Gabrielle Russell appointed Christine Kendall to be a full voting member for this meeting.

CORRESPONDENCE: The following motion was made.

MOTION: by **Paul Little** to accept and place on file the staff memorandum dated October 26, 2011 from Gil Arsenault, Director of Planning/Code Enforcement. Second by **Christine Kendall**.

VOTED: **6-0** (*Passed*).

II. NEW BUSINESS:

Consider a request from US Cellular c/o KJK Wireless, LLC for a conditional use permit for a rooftop installation of nine (9) panel antennas on the Continental Mill located at 2 Cedar Street.

MOTION: by **Paul Little** to hear the appeal pursuant to Appendix A, Article VIII, Section 4(6), Article X, Section 3 of the Zoning and Land Use Code. Second by **Jim Horn**.

VOTED: **6-0** (*Passed*).

Peter Marchant, representative of KJK Wireless, LLC. was present on behalf of the project. Peter states that the rooftop installation of nine (9) panel antennas on the Continental Mill at 2 Cedar Street will not use water or generate waste, and will not generate dust, odor, vibration, glare, smoke, litter or other nuisances. The petitioner also indicated that the proposed use will not create an adverse impact.

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Rachel Desgrosseilliers, Executive Director of Museum LA was present with concerns that the panel antennas on the Continental Mill would shadow the view of Museum LA. Rachel reviewed the plans and was satisfied with the installation, location and height of the panel antennas.

Paul Little also stated that upon approval, the petitioner shall comply with all Federal Communications Commission (FCC) rules and regulations including FCC radio frequency interference rules and regulations applicable to the petitioners communication facility.

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

The following motion was made:

MOTION: by **Paul Little**, I find the facts contained in the notice of appeal and the site analysis portion of the written comments of the City staff is accurate and correct. I further find all of the standards pursuant to Appendix A, Article VIII, Section 4(6), Article X, Section 3 of the Ordinances of the City of Lewiston have been met and satisfied. I conclude that all of the standards imposed by the Zoning Ordinance for the granting of this appeal have been met. Therefore, I move that the appeal be granted to U.S. Cellular c/o KJK Wireless, LLC with the following conditions:

1. Petitioner shall comply with all Federal Communications Commission (FCC) rules and regulations, including FCC radio frequency interference rules and regulations, applicable to the Petitioner's communications facility.

Second by **Cheryl Bonawitz**.

VOTED: **6-0 (Passed)**

III. READING OF MINUTES: Draft Minutes of the October 5, 2011.

MOTION: by **Paul Little** that the minutes for October 5, 2011 meeting be accepted with one correction. Second by **Christine Kendall**.

VOTED: **6-0 (Passed).**

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

MOTION: by **Christine Kendall** that this meeting adjourns at 6:40 p.m.
Second by **Jim Horn**.

VOTED: **6-0(Passed).**

Respectfully Submitted:

Joline Boulay, Administrative Assistant, Department of Planning & Code Enforcement