

CITY OF LEWISTON
BOARD OF APPEALS MEETING
MINUTES for February 20, 2013

- 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. Chairperson, Christine Kendall, chaired the meeting.

Members in Attendance: Cheryl Bonawitz, Matthew Agren, Pauline Gudas, Michael Lachance, Christine Kendall

Members Absent: Jim Horn and Doug Stone

Associate Member Present: Patricia Gagne' and Elaine Fenderson

Associate Member Absent: None

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

- II. **Election of Officers and Adoption of Policies and Procedures:**
Election of Chairperson, Vice Chairperson, and Secretary of the Board for 2013:

Election of Officers:

- **Chairperson:**
Christine Kendall requested nominations for Chairperson.

MOTION: by **Patricia Gagne'** to nominate **Christine Kendall** as Chairperson.
Second by **Cheryl Bonawitz**.

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

- **Vice Chairperson:**
Christine Kendall requested nominations for Vice Chairperson

MOTION: by **Michael Lachance** to nominate **Pauline Gudas** as Vice Chairperson.
Second by **Patricia Gagne'**.

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

- **Secretary:**
Christine Kendall requested nominations for Secretary.

MOTION: by **Matthew Agren** to nominate **Cheryl Bonawitz** as Secretary.
Second by **Patricia Gagne'**

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

Policies and Procedures: The Board discussed the proposed Policies and Procedures for 2013.

The following action was taken on the adoption of the Board of Appeals Policies and Procedures for 2013.

MOTION: by **Matthew Agren** that the Board of Appeals Policies and Procedures be adopted. Second by **Cheryl Bonawitz**.

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.

CORRESPONDENCE: The following motion was made.

MOTION: by **Pauline Gudas** to accept and place on file the Staff Memorandum dated February 12, 2013 from Gildace Arsenault, Director of Code/Planning. Second by **Cheryl Bonawitz**.

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

Christine Kendall appointed Patricia Gagne' and Elaine Fenderson to be full voting members for this meeting.

III. NEW BUSINESS:

Consider a request from US Cellular c/o KJK Wireless, LLC for a conditional use permit to install twelve (12) panel antennas attached to the roof, three (3) equipment cabinets located on the roof and accessory equipment to support said equipment on the six (6) story building located at 35 Ash Street.

The following motion was made.

MOTION: by **Pauline Gudas** to hear the appeal pursuant to Appendix A, Article VIII, Section 4(6) and Article X, Section 3 of the Ordinances of the City of Lewiston. Second by Michael Lachance.

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

Bob Gashlin, representative of KJK Wireless, LLC. was present on behalf of the project. Bob stated that the installation of the(12) panel antennas attached to the roof, three (3) equipment cabinets located on the roof will not use water or generate waste, and will not generate dust, odor, vibration, glare, smoke, litter or other nuisances. Bob went over the criteria as requested by Patricia Gagne'. The petitioner also indicated that the proposed use will not create an adverse impact.

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

Elaine Fenderson questioned the weight of the cabinets and Bob Gashlin stated that when submitting the application a structural letter signed by a professional structural engineer had been submitted. Elaine also questioned the height of the antennas. Bob Gashlin stated the antennas

were a little taller than the others. Elaine also questioned the frequency interference with the added antennas. Gil stated due to Federal Communications license requirements, no interference is allowed with other communication systems in the Lewiston/Auburn area.

Michael Lachance questioned whether there were any public limits as to there being a total of thirty six (36) antennas on the roof. Gil stated there is no set standard in the City of Lewiston and that Us Cellular is licensed and regulated by the FCC.

The following motion was made:

MOTION: by **Patricia Gagne'** 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 VIII, Section 4(6) and Article X, Section 3 Ordinances of the City of Lewiston have been met. Therefore, I move that the appeal be granted to Maine RSA #1, US Cellular c/o KJK Wireless with no conditions.

Second by **Cheryl Bonawitz.**

VOTED: 7-0 (Passed),

VII. READING OF MINUTES: Draft Minutes of the October 17, 2012.

MOTION: by **Michael Lachance** that the minutes for October 17, 2012 accepted with two corrections.

Second by **Cheryl Bonawitz.**

VOTED: 7-0 (Passed).

Michael Lachance stated that he would like to see more detail in the minutes. Staff stated they would get the minutes to the board sooner allowing the board to make correction prior to the meeting.

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

MOTION: by **Patricia Gagne'** that this meeting adjourns at **7:00 p.m.**

Second by **Michael Lachance.**

VOTED: 7-0 (Passed).

Respectfully Submitted:

Cheryl Bonawitz, Secretary