

CITY OF LEWISTON
BOARD OF APPEALS MEETING
FINAL MINUTES for May 4, 2016

- 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. Patricia Gagne' chaired the meeting.

Members in Attendance: John Clifford IV, Patricia Gagne', Andrew Choate, Elaine Fenderson, Paula Masselli and Daniel Dube'

Members Absent: Christine Kendall

Associate Member Present: Leslie Dubois and Janet Barrett

Associate Members Absent: None

Staff Present: Gil Arsenault, Director of Planning & Code and Cathy Lekberg, Administrative Assistant, Department of Planning & Code Enforcement

Patricia appointed Leslie Dubois as full voting member for this meeting.

IV. **NEW BUSINESS:**

- a) To consider the request of Petitioner, Kim H. Bun, 90 Russell Street, Lewiston, Maine. The Petitioner is requesting a conditional use permit to add two tables for a total of eight seats for customers at Russell Street Variety at 88 Russell Street.

Gil read staff comments to the Board.

Public Comment in Favor:

Sara Racine, 145 College Street said she was the former owner of 88 Russell Street and sold the property to Kim Bun. She said there was seating there and was used by Bates College students and she was in favor of the additional seating. It gives Bates College students memories of a mom and pop store and a place off campus to gather, She said it was good for the community.

**Public Comment in Opposition – None
Close Public Portion**

John commented that he used to go to that store 60 years ago and supports the change. Janet said she used to live in the neighborhood and that this was a great opportunity for Bates students to gather off campus and feel welcome at a small business.

MOTION: by **John Clifford** moved that adding seating for two more patrons of up to eight meets the condition of the use standards set forth in the ordinance and that the applicable conditions can

be met and that they grant the appeal. Second by **Paula Masselli**

VOTED: 7-0 (Passed)

- b) To consider the request of Petitioners Shanon and Vincent Gogan, 560 Sabattus Road, Sabattus, Maine. The Petitioners have filed an administrative appeal to operate a “cannabis club” to allow people in possession of a valid medical cannabis certificate to smoke and/or ingest medical marijuana in the rear portion of their retail establishment, Legal Peaces at 934 Lisbon Street.

Gil read staff comments.

Shanon Googin, 560 Sabattus Road in Sabattus, ME stated she was here to represent her store Legal Peaces and said they want to provide a safe place in the back of their store for people to smoke their legally prescribed medication. She stated that the law may state now that this is not permitted, but in November things could change and they were trying to look ahead to the future for their patients. Paula asked how long people are in the facility and Shanon said one hour or less. Paula asked if there was a bathroom and was it handicapped accessible by the American Disability Act and Shanon said no but said it was a large bathroom with handicap access. John asked if they were planning to charge people for this service and Shanon said they do not want to charge but if the City taxes them, they may need to. John asked if the reason why people are not allowed to smoke marijuana in public housing was because it is a Federal crime and Shanon said yes. He asked if the plan would be to charge people dues or fees to allow them to commit what is otherwise a Federal crime and Shanon said patients apply and pay for cards to have the medication and that there is a fine line there. John asked if the doctors who are prescribing this medication have a place for them to use the medication and Shanon said no. Andy asked what the dimension of the store was and how big would the space be and Shanon said the whole store is 1,000 sf so they would divide it in half. Andy asked what sort of items do they currently sell and Shanon said tobacco, water pipes, smoking papers and various other items. She said it was a tobacco smoke shop and but they do not carry loose tobacco. Andy asked what the space is used for now and Shanon said storage. Andy asked if their facility invites speakers in to talk about what they sell now and Shanon said no. She said there are two different categories, tobacco and medical marijuana and they are very different. Patricia stated the Housing Authority does not allow smoking on the premises and asked if they allow ingesting the non-smokable items. Shanon said they do not want it on the premises at all and if you get caught with it you will get a warning and if you get caught again you will get kicked out.

Public Comment – In Favor

Cassidy Williams, 16 Upland Road, Apt. 1D, Lisbon, ME said the reason why the doctors don't give medicine at the facility where they go to get their cards was because my regular doctor I see for other health issues do not prescribe medicine there and do not give you a place to take your medicine. They are

not allowed to have the medicine at their facility. She said she has a lot of issues that a young person should not have and the reason why she is using medical marijuana is because the medications she was on were eating away at her body and causing more medical issues. She said this space was a good idea because she lives in low-income housing and near a school zone and is not allowed to use her medication. This space is not for smoking tobacco but using medical marijuana.

Melissa Dunn, 254 Blake Street, stated she was a member of the Neighborhood Housing League which advocates for safe housing. She said that medical marijuana users should not have to lose their housing because of this and she supports this space.

Gary Robitaille, Poland, ME stated that he was a full time medical marijuana caregiver and he moved out to Poland because it was more business friendly. He said he sees no problem with this use.

**Public Comment – In Opposition – None
Public Portion Closed**

Elaine said that this Board is here to follow the rules and regulations before them. John stated that this item should not have come before this Board at this time. He suggested that they go before the City Council to request the ordinance be changed.

MOTION: by **John Clifford** to move that this board find that the proposed use is not permitted in the community business district as a permitted use nor as a conditional use pursuant to Appendix A, Article 11, Section 22C & 23 of the ordinance and in addition that the proposed use is not an accessory use as defined in Appendix A, Article 2, Section 2 of the Zoning Ordinance and therefore we are sustaining the decision of the code enforcement officer.
Second by **Leslie Dubois**

VOTED: 7-0 (Passed)

V. READING OF MINUTES: Draft Minutes for the January 20, 2016 meeting.

MOTION: by **Andy Choate** to accept the draft minutes from the January 20, 2015 meeting as amended. Second **Elaine Fenderson.**

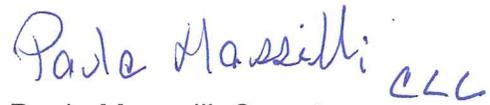
VOTED: 7-0 (Passed)

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

MOTION: by **Elaine Fenderson** that this meeting adjourns at 7:01 p.m.
Second by **John Clifford**.

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

Respectfully Submitted:

Paula Masselli 
Paula Masselli, Secretary