

**TOWN OF GORHAM
BOARD OF APPEALS
MEETING MINUTES
AUGUST 17, 2017**

The Gorham Zoning Board of Appeals held their monthly meeting on August 17, 2017 at 6:30 pm in the Council Chambers at the Gorham Municipal Center.

Present; Attorney for the Board, John Shumadine, Chairperson Mark Curtis, Board Members; Thomas Hughes, Jan Labrecque, Alton Shurtleff, Charles Haws, Christine Hume and Town Clerk, Laurie Nordfors.

Also present Lee Washburn, representing applicant Tim Devine, and property owner Michael D'Amico, both petitioners for the appeal, Freeman Abbott, Code Officer and William Dale, Attorney for Mr. Abbott. There were 6 members of the public present.

Moved by Charles Haws, seconded by Jan Labrecque and VOTED to accept the June 15, 2017 meeting minutes as printed and distributed. VOTED 6 yeas

Appeal #17-09 Tim Devine, applicant and property owner, Michael D'Amico, both petitioners are seeking an Administrative Appeal of the Code Enforcement Officer's determination letter dated June 1, 2017, on a grandfathered/non-conforming use on property located at 135 Dingley Spring Road, Gorham (Map 76, Lot 35).

Bill Dale, Town Attorney representing Code Officer, Freeman Abbott spoke regarding the Gorham Land Use and Development Code that pertains to the property giving the Board of Appeals the background history for 135 Dingley Spring Road.

Discussion: Chairman Curtis asked for comments/discussion from the Board in which there were several mostly for clarification to what the code specifically says and was there truly activity in the building for an entire year.

Lee Washburn, representing the applicant Tim Devine, requested that the Board overturn the Code Officers decision, disclosing his findings that the building has been in use the entire time.

Discussion: Chairman Curtis asked for comments/discussion from the Board in which there were several more, and asked the applicant if he had proof of activity in the building for the stated time.

Michael Thurlow, Owner Mike D'Amico's nephew, spoke in regards to some of the questions asked by the Board. He disclosed that there has been constant activity over the last 35 years in the building.

Freeman Abbot, Code Officer spoke giving his testimony as to what he has seen over the last few years as activity in the building.

Public Hearing: Chairman Curtis opened up the floor for public comment.

Dana Lampron addressed the board and made comments stating that there has been activity in the building each year.

Mike Thurlow commented more on the integrity of the Property owner and his dedication to the Town of Gorham over the many years.

The Public hearing was closed.

Lee Washburn and Freeman Abbott addressed the Board in response to the Public hearing statements.

Discussion: Chairman Curtis asked for comments/discussion from the Board in which there were several.

Motion to uphold the Code Officers decision based on the facts that the building has not been used since 2006.

Moved by Alton Shurtleef, seconded by Tom Hughes and VOTED, 2 yeas, 4 nays (Curtis, Hume, Haws, Labrecque)

Motion fails.

Motion to grant the appeal based on the facts that there was continued use of the building since 2006.

Moved by Christine Hume, seconded by Jan Labrecque and VOTED, 4 yeas, 2 nays (Shurtleff, Hughes)

Appeal is granted.

Motion to adjourn.

Moved by Jan Labrecque, seconded by Tom Hughes and VOTED to Adjourn. 6 yeas

Time of adjournment 9:20 pm.

A TRUE RECORD OF MEETING

Attest:

Laurie Nordfors, Town Clerk