

**TOWN OF GORHAM
BOARD OF APPEALS
ZOOM MEETING MINUTES
APRIL 16, 2020**

The Gorham Zoning Board of Appeals held their monthly meeting on April 16, 2020 at 6:30 pm in a Zoom Webinar format due to the COVID19 outbreak across the country. Charles Haws, Chairperson opened the meeting.

Present: Board Members; Courtney Barnett, Chad Butts, Mark Curtis, Charles Haws, Christine Hume, Patrick Palermo and Craig Stirling, Code Officer, Freeman Abbott, Assistant Code Officer Tom Hahn, Gorham IT Specialist, Tyler Patten and Deputy Town Clerk, Paula Nystrom

Nominations for a new Chairperson were taken. Moved by Christine Hume, seconded by Mark Curtis to nominate Charles Haws to continue as Chairperson. After a roll call vote Charles Haws was re-elected as Chairperson by a vote 7-0.

Nominations for a new Vice Chairperson were taken. Moved by Craig Stirling, seconded by Chad Butts to nominate Christine Hume to continue as Vice Chairperson. After a roll call vote Christine Hume was re-elected at Vice Chairperson by a vote 7-0.

There were 6 from the public signed on to the Zoom Webinar.

Moved by Craig Stirling, seconded by Christine Hume and VOTED to accept the September 19, 2019 meeting minutes as printed and distributed. VOTED 4 yeas, 3 abstain due to being new members as of March, 2020 – Courtney Barnett, Mark Curtis and Patrick Palermo.

Appeal #20 – 02 Single-Family Dwelling Set-Back Variance. Mike Richman of Custom Concepts Inc., petitioner for Joceila Hartwell, owner is seeking a single-family front-yard setback variance for the property located at 10 Great Falls Road (Portion of Map 89, Lot 65). The subject property is located in the Suburban Residential (SR) zoning district.

Chairperson Haws asked for any comments from the Code Enforcement Officer, Freeman Abbott on this appeal. He clarified that the overhanging roof line over the front door is not a part of the 4 foot variance appeal.

Chairperson Haws invited Mr. Mike Richman to give a background on the appeal. He indicated that Jo Hartwell is excited to put a new home on this old foundation for her family.

Public Hearing: Chairperson Haws opened the public hearing through the Zoom Webinar. He indicated that there were five abutters letters and one phone call all submitted in support of this appeal. Ryan Cole of 9 Great Falls Road logged in for a comment in support of this appeal. He said that for many years he has looked out of his home across the street to see a burned shell of what once was a home. He would love to soon look out to see a family home with all the aesthetics. With no other public comment the Public Hearing was closed.

Discussion: Chairperson Haws asked for comments/discussion from the Board. Christine Hume moved and Patrick Palermo seconded to begin the Criteria for the Finding of Facts for a motion to approve the appeal.

Criteria for Findings of Facts:

Based on the facts stated above, the Board concludes that;

1. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood. The foundation has been in place for 17+- years. Other older homes in the neighborhood/area are as close or closer to the road.

Moved by Patrick Palermo, Seconded by Mark Curtis and VOTED 7 yeas

2. The granting of a variance will not alter the essential character of the locality and at the measured 46 foot change it will barely be noticeable especially at the street level.

Moved by Chad Butts, Seconded by Patrick Palermo and VOTED 7 yeas

3. The hardship is not the result of action taken by the applicant or a prior owner. The Board feels that even though the owner applied and received the building permit they relied on the contractor to ensure that it met the code criteria. Because of that the owner has followed the guidance of the contractor to apply for this appeal.

Moved by Christine Hume, Seconded by Craig Stirling and VOTED 7 yeas

4. The granting of the variance will not substantially reduce or impair the use of abutting property. The Board feels that it will not impair the abutting property owners and the slight variance is from the front line only. Granting the variance will allow the owners to clean up the property and make it more attractive for abutters by rebuilding a new home.

Moved by Patrick Palermo, Seconded by Christine Hume and VOTED 7 yeas

5. The granting of the variance is based upon demonstrated need, not convenience, and no other feasible alternative is available. The Board feels that the applicant has demonstrated the need whereas the only other solution would be to remove the existing structurally sound foundation and replace it with a new one which would pose considerable expense to the property owner.

Moved by Courtney Barnett, Seconded by Patrick Palermo and VOTED 7 yeas

Conclusions:

On the basis of the above findings of fact and conclusions of law to grant the requested four (4) foot front-yard setback variance by Mike Richman (Petitioner) and Jocelia Hartwell (Property Owner) to reduce the front-yard setback from the required fifty (50) feet to forty six (46) feet.

Moved by Christine Hume, Seconded by Mark Curtis and VOTED 7 yeas

Motion to adjourn.

Moved by Craig Stirling, Seconded by Chad Butts and VOTED to Adjourn. 7 yeas

Time of adjournment 7:06 PM

A TRUE RECORD OF MEETING

Attest:



Paula Nystrom, Deputy Town Clerk