

**TOWN OF GORHAM  
BOARD OF APPEALS  
MEETING MINUTES  
MAY 18, 2017**

The Gorham Zoning Board of Appeals held a regular monthly meeting on May 18, 2017 at 6:30 pm in the Council Chambers at the Gorham Municipal Center.

Present; Chairperson Mark Curtis, Board Members; Charles Haws, Jan Labrecque, Christine Hume and David Toye, Code Enforcement Officer, Freeman Abbott and Deputy Town Clerk, Paula Nystrom. Absent: Thomas Hughes and Alton Shurtleff. There were 6 people from the public in attendance.

Moved by Jan Labrecque, seconded by Charles Haws and VOTED to accept the April 20, 2017 meeting minutes as printed and distributed. VOTED 5 yeas

**Appeal #17-06** Mr. Joseph Wyman, property owner and petitioner of Wyman's Auto is seeking to enlarge a non-conforming use. The property is located at 201 New Portland Road (Map 28 Lot 10) which is in the Suburban Residential District.

Brittney Graham from Village Builders indicated that Mr. Wyman has contracted them to construct an 11' x 19', 209 square foot addition to the left back side of the existing auto body shop for storage of tools and supplies. This addition will be heated.

Matt Wyman represented Wyman's Auto Body indicating it is replacing an existing shed with new storage which is not visible from the roadway.

**Public Hearing:** Chairperson Curtis opened up the floor for public hearing with no comments. Public hearing was closed.

**Discussion:** Chairperson Curtis asked for comments from the Code Officer who indicated it was a straight forward appeal enlarging a non-conforming use. There were no comments from the Board.

**FINDINGS OF FACTS:**

The Board reviewed the following criteria for the appeal resulting in the following Finding of Facts:

1. The proposed structure will not have an adverse or additional impact on traffic, lighting, drainage or pedestrian traffic. Nothing is changing other than a small addition on the back of the garage.

Moved by Charles Haws, Seconded by Jan Labrecque and VOTED 5 yeas.

2. The proposed use will not cause water pollution, sedimentation, erosion, contaminate any water supply nor reduce the capacity of the land to hold water so that dangerous or unhealthy conditions result. The proposed structure is replacing an impervious area (asphalt) with impervious area (roof). This equates to a net zero increase in impervious area therefore there is no additional impact of the storm water runoff.

Moved by Jan Labrecque, Seconded by David Toye and VOTED 5 yeas.

3. The proposed use will not create any additional unhealthy conditions because of smoke, dust, or other airborne contaminants.

Moved by David Toye, Seconded by Charles Haws and VOTED 5 years.

4. The proposed use will not create nuisances to the neighboring properties because of odors, fumes, glare, hours of operation, noise, vibration or fire hazard or unreasonably restrict access of light and air to neighboring properties. This proposed use (the addition) will not be visible from the abutting properties.

Moved by David Toye, Seconded by Jan Labrecque and VOTED 5 years.

5. The existing waste water sub-surface systems will not be affected by the addition. There won't be any plumbing needed in the addition area.

Moved by Charles Haws, Seconded by David Toye and VOTED 5 years.

6. The proposed use and structure will not have an adverse impact on fish, spawning grounds, aquatic life, bird or other wildlife habitat because it does not increase the net impervious area of the site.

Moved by Jan Labrecque and Seconded by Charles Haws and VOTED 5 years.

## CONCLUSIONS

Based on the Finding of Facts the Board of Appeals makes the following conclusions:

Moved to approve the enlargement of a non-conforming structure/use to allow an 11' x 19', 209 sq. ft. addition to the legal non-conforming structure/use.

Moved by David Toye, Seconded by Christine Hume. VOTED 5 years.

**Appeal 17-07** Mr. Ron Greco/KR Commercial Properties LLC, the applicant is seeking a conversion of a legally existing non-conforming use. The subject property is located at 346 South Street (Map 23 Lot 16 – Building #2) which is in the Rural Zoning District.

Mr. Greco spoke on his behalf indicating he has leased to a local business, Safe Environmental Solutions, to use Building #2 for office, classroom and storage place. There is no outside storage so they will be adding a dumpster on site. Mr. Greco has signed a three year lease with this tenant. During this explanation of the appeal it was revealed that the outside dumpster would be for storage of abated materials from daily jobs that Safe Environmental Solutions performs.

Mr. Chris Lewis, Lessee and owner of Safe Environmental Solutions, 245 Libby Avenue, Gorham rose to the podium for further explanation. His company does environmental remediation and their current storage place of abated material is in Lyman, ME and having it on-site with the office would be more convenient. The asbestos waste would be bought back and put in the specially sealed dumpster. DEP makes inspections on site 3 – 4 times a month. Mr. Lewis indicated that the material is abated meaning it is no longer hazardous.

**Public Hearing:** Chairperson Curtis opened up the floor for public hearing with no comments. Public hearing was closed.

**Discussion:** Code Enforcement Officer, Freeman Abbott indicated that this was not presented to him in the original appeal regarding the hazardous material being stored on site. He indicated that more information would be needed from our Planning Department on how to move forward with this additional information added to this appeal. Chairperson Curtis indicated that to move forward with this the Board should just proceed with the appeal originally presented without any environmental issues with disposal of abated material at this time.

**FINDING OF FACTS:**

The Board reviewed the criteria for the appeal resulting in the following Finding of Facts:

1. The existing use was legally established and was made non-conforming by the adoption or amendment of the Land Use and Development Code and is not a home occupation. This use was established prior to zoning.

Moved by David Toye, Seconded by Jan Labrecque and VOTED 5 yeas.

2. The proposed use is of the same character or less obnoxious than the current non-conforming use to be changed from. The determination as to whether such a use is of the same character or less obnoxious is to be made by a reference to the most restrictive zoning district where the current non-conforming use is permitted in the Town. Any use permitted in that zone may be substituted for a current non-conforming use as the same or less obnoxious use so long as the Board finds that the conversion meets the other standards thereof. Adding the two more small uses would not change anything.

Moved by Christine Hume, Seconded by Charles Haws and VOTED 5 yeas.

3. The proposed use shall not create a traffic hazard nor increase an existing traffic hazard. Traffic flow should not increase further than what exists at this site with this use.

Moved by David Toye, Seconded by Jan Labrecque and VOTED 5 yeas.

4. That the amount of parking required to meet the minimum ordinance requirements for the proposed use shall be existing on the site. Ample parking is available on site.

Moved by Charles Haws, Seconded by David Toye and VOTED 5 yeas.

5. That the amount of noise, odors, vibrations, smoke, dust and air discharges of the proposed use shall be equal to or less than the present use. There will be no change on this point.

Moved by Charles Haws, Seconded by David Toye and VOTED 5 yeas.

6. That the amount of surface water runoff from the site shall not be increased. Only adding two small uses inside the building.

Moved by Christine Hume, Seconded by David Toye and VOTED 5 yeas.

7. That the hours of operations of the proposed use are compatible with the surrounding land uses. Hours will continue to be the same as approved.

Moved by Charles Haws, Seconded by David Toye and VOTED 5 yeas.

8. That the proposed use shall not increase the adverse impact on surrounding properties.

Moved by Jan Labrecque, Seconded by Christine Hume and VOTED 5 yeas.

Moved by Christine Hume, seconded by Jan Labrecque to approve the requested appeal as originally presented for a conversion of a non-conforming use to another non-conforming use for use as storage/office space and classroom. This appeal approval shall not extend to any hazardous, abated or potentially hazardous materials stored inside or outside of Building #2 while waiting for disposal in a DEP specified container. Further investigation is needed by the Planning Department as to how to proceed for the abated material storage. VOTED 5 yeas.

Motion to adjourn.

Moved by Charles Haws, seconded by David Toye. VOTED to Adjourn. 5 yeas.

Time of adjournment 7:40 pm.

A TRUE RECORD OF MEETING

Attest:

---

Paula Nystrom, Deputy Town Clerk