

**TOWN OF GORHAM  
BOARD OF APPEALS  
MEETING MINUTES  
JANUARY 19, 2017**

The Gorham Zoning Board of Appeals held a regular meeting on January 19, 2017 at 7pm in the Council Chambers at the Gorham Municipal Center.

Present; Chairperson Mark Curtis, Board Members; Charles Haws, Thomas Hughes, Christine Hume, Jan Labrecque, Alton Shurtleff, and David Toye, Code Enforcement Officer, Freeman Abbott and Deputy Town Clerk, Paula Nystrom.

Also present property owner and petitioner, Mr. Matt DiBiase for the appeal. One other person from the public present.

Moved by Thomas Hughes, seconded by Alton Shurtleff and VOTED to accept the August 18, 2016 meeting minutes as printed and distributed. VOTED 7 yeas

**Appeal #17-01** Jack and Rose LLC, Matt DiBiase, property owner and petitioner is seeking to enlarge and replace a non-conforming structure with another non-conforming structure located at 204 Narragansett Street (Map 39 Lot 19). The subject property is located in the Narragansett Development District.

Matt DiBiase spoke on his behalf. It is his intention to demolish the existing structure and construct a new 26 x 42 two story Colonial style single family home with the required 25' setback from the street. Under the Narragansett Development Zone a new single family dwelling is not a permitted use. The current single family structure is considered a legally non-conforming use whereas this current single family use existed prior to the Zoning change in 1993 and was grandfathered. Mr. DiBiase will be installing a new septic system.

Freeman Abbott, Gorham Code Enforcement Officer commented that this appeal is replacing a non-conforming use in the Narragansett Zone with a single family home which is not allowed but is a grandfathered use. Other than that he had no issues with the zoning or plans for the site and was satisfied with the paperwork and plans submitted.

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

**Discussion:** Chairperson Curtis commented that this appeal can continue the **use** as it is presented that Mr. DiBiase will have to meet all the dimensional requirements for the SR Zone. The Narragansett Development District uses the SR Zone for its dimensional standards. Chairperson Curtis also commented that this **use** is close to the LKQ use in that area. Currently there is mixed use in the Narragansett Zone and the intent is to maintain the **use** as it is intended and allow for a single family home.

**FINDING OF FACTS:**

The Board reviewed the enlargement or replacement of non-conforming use or structure criteria for the appeal resulting in the following Finding of Facts:

- 1) Moved that the proposed structure will not have an adverse or additional impact on traffic, lighting, drainage or pedestrian traffic. Nothing is changing other than a new home replacing an existing old mobile home.

Moved by Charles Haws, seconded by Jan Labrecque. VOTED 7 years

- 2) Moved that 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 a dangerous or unhealthy condition results. The proposed use is the same or minimally larger but will not affect any of the aforementioned. This equates to a net zero increase in impervious area therefore no additional impact of the storm water runoff.

Moved by Charles Haws, seconded by Thomas Hughes. VOTED 7 years

- 3) Moved that the proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants. The proposed use will not create any additional dust or airborne contaminants.

Moved by Alton Shurtleff, seconded by Jan Labrecque. VOTED 7 years

- 4) Moved that the proposed use will not create nuisances to 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. The proposed use will not create nuisances to the neighboring properties; the impact will improve the aesthetic value if anything.

Moved by Thomas Hughes, seconded by Alton Shurtleff. VOTED 7 years

- 5) Moved that the existing waste disposal system will be replaced with a newly designed waste water sub-surface system for a three bedroom home. The home will be on the Public water system.

Moved by David Toye, seconded by Charles Haws. VOTED 7 years

- 6) Moved that the proposed use will not result in damage to spawning grounds, fish, aquatic life, bird, or other wildlife habitat, and, if located in a shoreland zone, will conserve (a) shoreland vegetation; (b) visual points of access to waters as viewed from public facilities; (c) actual points of access to waters; and (d) natural beauty. The proposed use and structure will not have an adverse impact on the above aforementioned because it does not increase the net impervious area of the site.

Moved by Alton Shurtleff, seconded by David Toye. VOTED 7 years

Moved by Jan Labrecque, seconded by Thomas Hughes to approve the replacement of a non-conforming structure with another non-conforming structure and enlargement of that structure to a new 26 x 42 stick built home to be considered a new legally non-conforming use with conditions the applicant must meet all current setbacks of the Gorham Land Use and Development Code which we have specified as the SR Zone. VOTED 7 years

**Appeal #17-02** Jack and Rose LLC, Matt DiBiase, property owner and petitioner is seeking to enlarge and replace a non-conforming use located at 206 Narragansett Street (Map 39 Lot 18). The subject property is located in the Narragansett Development District.

Freeman Abbott, Gorham Code Enforcement Officer commented that the new structure will not meet the SR Zone using the same footprint. Other than that he had no issues with the zoning or plans for the site and was satisfied with the paperwork and plans submitted.

Matt DiBiase spoke on his behalf. It is his intention to remove the existing 14 x 60 mobile home and replace it with a new 24 x 42 one story stick built single family home in the same building envelope. Under the Narragansett Zone a new single family dwelling is not a permitted use. The current single family is considered a

legally non-conforming use whereas the current single family use existed prior to the Zoning change in 1993 and is therefore grandfathered.

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

**Discussion:** Per Chairperson Curtis each Board member was given a new survey for this appeal to replace the original one in their packages. No discussion from the Board.

**FINDING OF FACTS:**

The Board reviewed the enlargement or replacement of non-conforming use or structure criteria for the appeal resulting in the following Finding of Facts:

- 1) Moved that the proposed structure will not have an adverse or additional impact on traffic, lighting, drainage or pedestrian traffic. Nothing is changing other than a new home replacing an existing old mobile home.

Moved by Charles Haws, seconded by Christine Hume. VOTED 7 yeas

- 2) Moved that 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 a dangerous or unhealthy condition results. The proposed use is the same or minimally larger but will not affect any of the aforementioned. This equates to a net zero increase in impervious area therefore no additional impact of the storm water runoff.

Moved by Thomas Hughes, seconded by Charles Haws. VOTED 7 yeas

- 3) Moved that the proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants. The proposed use will not create any additional dust or airborne contaminates.

Moved by Charles Haws, seconded by David Toye. VOTED 7 yeas

- 4) Moved that the proposed use will not create nuisances to 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. The proposed use will not create nuisances to the neighboring properties; the impact will improve the aesthetic value if anything.

Moved by David Toye, seconded by Charles Haws. VOTED 7 yeas

- 5) Moved that the existing waste disposal system will be replaced with a newly designed waste water sub-surface system for the newly built home.

Moved by David Toye, seconded by Jan Labrecque. VOTED 7 yeas

- 6) Moved that the proposed use will not result in damage to spawning grounds, fish, aquatic life, bird, or other wildlife habitat, and, if located in a shoreland zone, will conserve (a) shoreland vegetation; (b) visual points of access to waters as viewed from public facilities; (c) actual points of access to waters; and (d) natural beauty. The proposed use and structure will not have an adverse impact on the above aforementioned because it does not increase the net impervious area of the site.

Moved by David Toye, seconded by Christine Hume. VOTED 7 yeas

Moved by Charles Haws, seconded by Jan Labrecque to approve the enlargement of a non-conforming structure to allow a new 24 x 42 stick built home to be considered a new legally non-conforming structure and use, with conditions the applicant must replace the current mobile home with a new stick built single family dwelling within the building envelope of the existing mobile home. The applicant is to have a site survey done when the foundation footings are put in for accuracy of the setback per the new survey submitted tonight which is to replace the original survey in the package. VOTED 7 yeas

Motion to adjourn.

Moved by Charles Haws, seconded by David Toye. VOTED to Adjourn. 7 yeas

Time of adjournment 7:40 pm.

A TRUE RECORD OF MEETING

Attest:

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Paula Nystrom, Deputy Town Clerk