

**TOWN OF GORHAM
BOARD OF APPEALS
MEETING MINUTES
MARCH 17, 2016**

The Gorham Zoning Board of Appeals held a regular meeting on March 17, 2016 at 7pm in the Council Chambers at the Gorham Municipal Center.

Present; Chairman Mark Curtis, Vice Chairman Charles Haws, Board Members; Thomas Hughes, Christine Hume, Joshua Kaufman, Jan Labrecque and Alton Shurtleff, Code Enforcement Officer, Freeman Abbott and Assistant Town Clerk, Paula Nystrom.

Also present were the owners for the appeal, Mitch Lehigh, Pete Keijser and George Froehlich for Maine Tainers Custom Renovations.

Moved by Charles Haws, Seconded by Thomas Hughes and VOTED to accept the January 21, 2016 meeting minutes as printed and distributed. VOTED 7 yeas

Appeal #16-02 Mitch Lehigh, Peter Keijser and George Froehlich for Maine Tainers Custom Renovations property owners and petitioners, are seeking a conversion of a non-conforming use to another non-conforming use at 20 Mosher Road (Map 110 Lot 31.003). The premise is to convert the old Petro King gas station to a shop space and small office for a construction renovation business. The property has been vacant for almost a year which is why getting this appeal approved is under a time limit so that the non-conforming use can still be applied for because what the owners are requesting is not a permitted use in the Urban Residential Zoning District. The property would be used for storage of materials (windows, doors, plywood, fasteners, tools etc) and for making small cabinets and bookshelves on the premises. In the office area customers would meet for estimates and billing on projects they would be handling. Occasionally the parking lot would have several pickup trucks and one or two utility trailers when not used at job sites. Storage of ladders and aluminum staging would be behind the building. Hours of operation would be from 7:30 am – 5:00 pm Monday through Friday and Saturday 8:00 am – noon during the busy season.

Public Hearing. George Froehlich spoke on behalf of Maine Tainers Custom Renovations and provided a signed copy of Addendum 1 to the sales agreement between Nouria Energy and Mitch Lehigh, Peter Keijser and George Froehlich proving the property is under contract and that it is authorized to obtain a change use permit for this business through the appropriate town committee. Mr. Froehlich indicated that they are a renovation company that makes small cabinetry, book shelving, and woodworking. The existing building would be used to store supplies for their business as well as office space for billing and occasional meetings with clients. This would not be a change of use which would require this appeal to go to the Planning Board per Freeman Abbott. The footprint for the existing building would not be changing.

Mitch Lehigh joined George at the podium to add that 6 aluminum ladders would be stored inside and still utilizing the overhead doors from the prior old gas station where on occasion trailers will be parked. Any trucks that do visit are there during business hours. Freeman indicated that they can put a lean to or canvas garage out back to store ladders or things outside. Eventually they can put on an addition with approval of Code Enforcement but as the owners indicated that if they did an addition they would want it to blend with the neighborhood. No one else from the public spoke and the public hearing was closed.

Staff Criteria Overview

Christine Hume made a motion that the Zoning Board of Appeals has the authority to grant this appeal. Seconded by Jan Labrecque. VOTED 7 yeas

Charles Haws made a motion to hear this appeal for a conversion of a non-conforming use to another non-conforming use. After discussion Charles withdrew his motion.

The Board reviewed the conversion of non-conforming use to other non-conforming use criteria for the appeal resulting in the following Finding of Facts:

- 1) Moved that 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 Charles Haws, Seconded by Christine Hume. VOTED 7 yeas

- 2) Moved that the proposed use is of the same character or less obnoxious than the current non-conforming use to be changed from. Converting to an office/workshop from an automotive repair garage is less obnoxious.

Moved by Christine Hume, Seconded by Joshua Kaufman. VOTED 7 yeas

- 3) Moved that the proposed use will not increase the traffic flow further than what existed at this site if anything it would decrease.

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

- 4) Moved that the amount of parking required to meet the minimum ordinance requirements for the proposed use will be adequate on this site.

Moved by Thomas Hughes, Seconded by Alton Shurtleff. VOTED 7 yeas

- 5) Moved that the amount of noise, odors, vibrations, smoke, dust and air discharge should be less than what was previously used at the site.

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

- 6) Moved that the amount of surface water runoff from the site shall not change only the use of the site has changed.

Moved by Thomas Hughes, Seconded by Christine Hume. VOTED 7 yeas

- 7) Moved that the hours of operation of the proposed use will be less than the old use. Monday through Friday 7:30 – 5 pm and Saturday 8 am – noon if needed during the busy season.

Moved by Christine Hume, Seconded by Jan Labrecque. VOTED 7 yeas

- 8) Moved that the proposed use shall not adversely affect the surround properties that it would greatly improve the aesthetics of the neighboring area.

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

It is moved to approve the conversion from the existing non-conforming use as an automobile repair/garage to another non-conforming use of a construction business/office and workshop that is substantially similar to the original use of the site.

Moved by Joshua Kaufman, Seconded by Jan Labrecque. VOTED 7 yeas

Motion to adjourn.

Moved by Jab Labrecque, Seconded by Christine Hume. VOTED to Adjourn. 7 yeas

Time of adjournment 7:45 pm.

A TRUE RECORD OF MEETING

Attest:

Paula Nystrom, Assistant Town Clerk