

**TOWN OF GORHAM
BOARD OF APPEALS
MEETING MINUTES
AUGUST 18, 2016**

The Gorham Zoning Board of Appeals held a regular meeting on August 18, 2016 at 7pm in the Council Chambers at the Gorham Municipal Center.

Present; Chairperson Mark Curtis, Board Members; Thomas Hughes, Alton Shurtleff, Jan Labrecque, Gorham Building Inspector, Scott Dvorak and Deputy Town Clerk, Paula Nystrom. Absent were Vice Chairperson Charles Haws and Board Members Christine Hume and David Toye.

Also present owner, Douglas and Holly Carter for the appeal. No other public present.

Moved by Thomas Hughes, seconded by Alton Shurtleff and VOTED to accept the May 19, 2016 meeting minutes as printed and distributed. VOTED 4 yeas

Moved by Alton Shurtleff, seconded by Jan Labrecque and VOTED to nominate Mark Curtis to continue as Chairperson. VOTED 3 yeas

Moved by Alton Shurtleff, seconded by Jan Labrecque and VOTED to nominate Thomas Hughes as Vice Chairperson. VOTED 3 yeas

Appeal #16-06 Douglas Carter, property owner and petitioner is seeking a replacement of a non-conforming structure with another non-conforming structure and enlargement of that structure located at 18 Elm Street (Map 102 Lot 165).

Scott Dvorak, Gorham Building Inspector had no issues with the zoning or plans for the building and the Code Enforcement Office was satisfied with the paperwork and plans submitted.

Doug Carter spoke on his behalf. It is his intention to remove a non-conforming building and replace it with a two story building with two retail spaces on the first floor and two residential apartments on the second floor. Per the Code Enforcement Office each residential space requires 10,000 square feet which is a total of 20,000 square feet and the property is 8,000 square feet short of this requirement. Mr. Carter said the building would have a sprinkler system and the waste/sewer system will be combined with his other business next door, Carter's Automotive. The property will be self-sustaining so it can be sold separately from Carter's Auto in the future. Traffic flow into and out of the area was questioned by Board Members and it was determined that the Site Plan from the Planning Department will be addressing that issue.

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

Discussion: Board Member Thomas Hughes indicated that whatever Mr. Carter does will be an improvement to what exists there now.

Staff Criteria Overview

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 use will not create or aggravate hazards to vehicular or pedestrian traffic on the roads and sidewalks, both off-site and on-site, serving the proposed use as determined by the size and condition of such roads and sidewalks, lighting, drainage, and the visibility afforded to pedestrians and the operators of motor vehicles on such roads. The new structure will include sidewalks and traffic patterns will not be affected.

Moved by Thomas Hughes, seconded by Jan Labrecque. VOTED 4 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 site plan will go to the Planning Department for Planning Board Review.

Moved by Jan Labrecque, seconded by Thomas Hughes. VOTES 4 yeas

- 3) Moved that the proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants. The new building and use will not affect air quality any more than the current use.

Moved by Alton Shurtleff, seconded by Thomas Hughes. VOTED 4 yeas

- 4) 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 should not create any further nuisances than what currently exists for the neighborhood.

Moved by Thomas Hughes, seconded by Jan Labrecque. VOTED 4 yeas

- 5) The proposed waste disposal systems are adequate for all solid and liquid wastes generated by the use. The property is public water and sewer and the applicant states that the property waste disposal will be combined with Carter's Auto Service and the municipal trash and recycle pick up service.

Moved by Jan Labrecque, seconded by Alton Shurtleff. VOTED 4 yeas

- 6) 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. None of the above described applies to this property location.

Moved by Thomas Hughes, seconded by Jan Labrecque. VOTES 4 yeas

Moved by Alton Shurtleff, seconded by Jan Labrecque to approve the replacement of a non-conforming structure with another non-conforming structure and enlargement of that structure with conditions the applicant must apply to the Gorham Planning Department for Site Plan approval. VOTED 4 yeas

Motion to adjourn.

Moved by Thomas Hughes, seconded by Jan Labrecque. VOTED to Adjourn. 4 yeas

Time of adjournment 7:25 pm.

A TRUE RECORD OF MEETING

Attest:

Paula Nystrom, Deputy Town Clerk