

**TOWN OF GORHAM  
BOARD OF APPEALS  
MEETING MINUTES  
JANUARY 19, 2006**

The Gorham Board of Appeals held its regular meeting on January 19, 2006 at 7:00 p.m. at the Gorham High School Auditorium.

Present: Board members; Lauren Carrier, Thomas Fickett, Joe Gwozdz, David McCullough, Clinton Pearson and Cressey Mollison. Code Enforcement Officer Clint Cushman and Deputy Town Clerk Jennifer Elliott.

Absent: Chairman Audrey Gerry and the Town Attorney.

Moved, Seconded and VOTED to accept the December 15, 2005 meeting minutes as printed and distributed. 6 Yeas.

Joe Gwozdz was acting Chairman for the meeting.

Appeal # 06-198. The appeal of the Gorham House of Pizza, Angelo Sotiropoulos, requesting a permit to remove an existing nonconforming deck attached to a commercial building and replace it with a 8 foot by 18 foot building addition that would house a new walk-in cooler on property he owns at 2 State Street (Map 102, Lot 27) which is in the Village Center District and will not encroach any further into any required setbacks.

Mr. Sotiropoulos appeared on his own behalf and explained that he needs the change in the cooler location because his business is growing and the space is needed. It will have a roof over the cooler housing and the structure will be 10 or 11 feet high including the foundation. He passed out plans to the Board members that showed his proposal. The plans showed that the new structure would be less than the footprint of the deck that is there now.

There were no public comments and the hearing was closed.

After Board discussion of the criteria, Moved, Seconded and VOTED to approve the appeal. 6 Yeas.

The findings of fact as read aloud by the Code Enforcement Officer were Moved, Seconded and VOTED. 6 Yeas.

Appeal # 06-199. The appeal of Ben Vacchiano, Personal Representative for the Estate of Augustine Vacchiano. The applicant owns property on George Street that prior to the

1972 Zoning Ordinance consisted of 4 lots that are now substandard per the current Ordinance. There is a home on the lot and the Town Attorney advises that whereas common ownership is involved, the lots are all merged into one lot. The applicant would like to divide the lot and provide frontage for a proposed Planning Board approved private way. This would require two variances, one a 15,960 square foot area variance for the new lot and a second, a 7 foot setback variance for the existing home from the proposed private way on property he owns at 14 George Street (Map 89, Lot 18, 21) which is in the Suburban Residential District.

The Code Enforcement Officer stated that back in the 1960's there was a subdivision that was approved. There was a paper street named Sandra Street that was involved. He read an email from Town Attorney Natalie Burns that agreed with Town Attorney Bill Dale's phone conversation about the common ownership. John Elman, Attorney for the applicant appeared on the applicant's behalf and explained that he basically wants to re-create Sandra Street. They want to create a private way and divide the 4 lots into 2 lots. One lot would stay with the existing home and the other would become a building lot. He passed out several aerial photos of the George Street area to the Board members. The lot with existing house is about 62,000 square feet.

In response to questions from the Board he stated that he would be going back 400 feet from George Street basically reproducing what was approved by the Town years earlier. They discuss going back only 300 feet and the possibility of a hammerhead turnaround. The board discussed with the applicant the pros and cons of tabling the appeal until he can meet with Mr. Vacchiano and go over the numbers. They stated that a surveyor should be involved to get exact numbers. He has explored options for moving the road over a little.

The Code Enforcement Officer stated that you cannot make a lot more non-conforming than it is.

The Board stated that they would need more data to make a decision.

Moved, Seconded and VOTED to table the appeal.

6 Yeas.

Appeal # 06-200. The appeal of the Town of Gorham Recreation Department. The applicant wished to remove an existing 14 foot by 16 foot building with an attached 6 foot by 6 foot porch and replace it with the same size building, relocating the porch from the front to the side. The existing building is 25 feet from the high water line of the Presumscot River and the new replacement would be 35 feet from the high water mark. The applicant therefore seeks permission to replace and relocate (further from the water) a nonconforming structure on property the Town owns at 55 Partridge Lane (Map 72, Lot 20.1) which is in the Rural/Shoreland Zoning/Resource Protection Zones.

This appeal was withdrawn prior to the meeting.

Appeal of 06-201. The appeal of Loren Goodridge. The applicant wishes to demolish an existing building on a small (.24 acres) lot located in the Urban Commercial Zone and build a new building that house a Subway sandwich shop. The Code does not allow parking in the front yard setback (or side, or rear yard) which due to the lot size would not allow the required number of parking spaces without encroachment into front and side yard setbacks. They therefore seek variances for side yard parking from the required

10 feet to 1 foot and for the front yard parking from 25 feet to 5 feet allowing 3 spaces in front of the building where pavement currently exists on property he has contracted to purchase at 109 Main Street (Map 102, Lot 153) which is located in the Urban Commercial District.

The Code Enforcement Officer stated that he had left a voicemail with Mr. Cardente, a traffic engineer that gave the determination whereas the building could not be moved forward.

Tom Harmon, an engineer representing the applicant spoke and explained that the new building would be 1600 to 1800 square feet and they wanted 12 to 14 parking spaces. He passed out some aerial photos of the property to the Board members. The gas station that is on the property now has been discontinued for over a year. They have met with traffic engineers and have met with the Gorham Planning Department several times to try and find the best way to go about this project.

Mr. Harmon showed plans for the new subway project. The first has the building closest to the road but it would not work because it cuts into the sightline for traffic. The second showed it at the 25 foot setback and what would be 3 parking spaces with no variance. The Code Enforcement Officer stated that a variance can only be granted for space standards, and that parking was not a space standard.

The public hearing was opened and Drew Sigfridson the currant owner of the property spoke on behalf of the applicant. His concern was that this was a Planning Board issues instead of an Appeals Board issue. (Board member Lauren Carrier left the meeting at 8:10 p.m.)

An email from Tom Gorell was read and then passed around to the Board members. Mr. Sigfridson asked if these were the only options.

The Board stated that without rights to other properties, than these would be the options. They also stated that to table this appeal may be an option, because they cannot “vary “ something they are not permitted to. They may want to come back with a space standard issue. The applicant, the currant owner and the engineer privately discussed the option to table the appeal. If it was tabled they can change what they are asking for when they come back.

There were no further public comments and the hearing was closed.

Moved, Seconded and VOTED to table the appeal. 5 Yeas.

Moved, Seconded and VOTED to adjourn. 5 Yeas.

Time of adjournment 8:40 p.m.

A True Record of Meeting

ATTEST: \_\_\_\_\_  
Jennifer Elliott, Deputy Town Clerk