

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

The Gorham Board of appeals held its regular meeting on October 19, 2006 at the Gorham High School auditorium.

Present; Chairman Joe Gwozdz, Board members Melinda Shain, Alton Shurtleff, Lauren Carrier, David McCullough and Cressey Mollison. Code Enforcement Officer Clint Cushman, Deputy Town Clerk Jennifer Elliott and Town Attorney, Bill Dale.
Absent; Audrey Gerry.

Moved, Seconded and VOTED to approve the August 17, 2006 meeting minutes as printed and distributed. 6 Yeas.

Appeal # 06-209. The appeal of Nicholas & Kelly Flagg requesting the Board determine if their landscaping business is a permitted use on property they have an option to buy at 342-350 South Street (Map 23, Lot 16) which is in the Rural zone and currently houses a grandfathered automotive repair & sales shop and nonresidential storage. They would continue residential uses in 4 buildings on the property. They feel that the landscaping business is an "agriculturally related use".

The Code Enforcement Officer stated that the Boards needs to determine if this use is permitted.

Kelly Flagg spoke on her behalf and stated that they have a contract to buy the property and they feel that the landscaping company meets the requirements for agricultural use. She read the definition of agriculture from the dictionary. In response from questions of the Board, she stated that they have composting and reuse these types of materials. They grow products that will be used by the customers. Nicholas Flagg stated that one building will stay an auto repair shop. Buildings 3 & 4 on the plans with the application are the ones in question. They do not want to change anything they just want the Board to recognize their landscaping business as a permitted use.

The town attorney stated that if the Board determines that it is a permitted use, which is in their parameters, it still would go to Site Plan review for any other issues, such as parking and or traffic.

There was no public comment and the hearing was closed.

The board discussed agriculture and agri-business and the definitions.

Moved, Seconded and VOTED to grant the appeal as it is a permitted use. 5 Yeas, 1 Nay (Shurtleff)

The findings of facts as read aloud by Bill Dale were Moved, Seconded and VOTED. 6 Yeas.

Appeal # 06-210. The appeal of Patco Construction Inc. requesting permission to expand a nonconforming structure to construct a 34 foot by 30 foot addition to a commercial building located at 502 Main Street (Map 31, Lot 1) which is in the Commercial Office zone and will not encroach any further into any required setbacks.

There were no representatives for this appeal present at the meeting.

Moved, Seconded and VOTED to table this appeal to the November 16, 2006 meeting. 6 Yeas.

Moved, Seconded and VOTED to adjourn. 6 Yeas.

Time of adjournment 7:40 P.M.

A True record of Meeting.

ATTEST: _____
Jennifer Elliott, Deputy Town Clerk