

**TOWN OF GORHAM
BOARD OF APPEALS
MEETING MINUTES
AUGUST 18, 2007**

The Gorham Board of Appeals held its regular meeting on August 18, 2007 at 7:00 p.m. at the Gorham Municipal Center.

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

Absent; Board member Alton Shurtleff.

Moved, Seconded and VOTED to approve the May 17th, 2007 meeting minutes as printed and distributed. 5 yeas.

Appeal # 07-214. The appeal of Peter Reali Jr. requesting to replace and expand a non-conforming structure, namely a duplex that was demolished by the owner because it had sustained considerable damage from a fire. The proposed expansion would be 29.4 % larger than the original building on property he owns at 34 Whipple Road (Map 97, Lot 23.005) in the Suburban Residential/Shore-land Zone.

The Code Enforcement Officer gave an overview of the appeal stating that the applicant will be making it more conforming making it 27 feet from the river when the old building was 20 feet from the river. DEP had no issue with this appeal.

Peter Reali spoke on his own behalf and stated that he wanted to add 10 feet to one side of the building or another. He figured along with his contractor that this was about an 84 square foot addition. The foundation is somewhat angled on the property so the measurements are tricky. This would be staying a single story.

Clint Cushman explained that he is limited to a 30% expansion.

In response to questions from the Board, Mr. Reali stated that the parking spaces shown on the plan were there before and will be there after.

The Public Hearing was opened and Bruce Frasier, an abutter of this property spoke and said he basically has no concerns with the replacement of this duplex, he did have many issues with the Town of Gorham and the lack of road maintenance, and how the Town enforces Code violations. He had a concern that there had been expansions to this building, before Mr. Reali owned it, without any permits, therefore already using up some of the one time 30% expansion. Mrs. Frasier stated that she believes she has some photos from that time period of this building.

Bill Dale explained that State Law and Town ordinances rules changed January 1, 1989 for shoreland zoning being that it can only be 30% larger than what it lawfully was on January 1, 1989.

Mr. Reali showed Mr. Frasier a picture showing the building as of 1996, when he bought it showing the bump out addition.

Moved. Seconded and VOTED to table the appeal to the September 20th meeting. 4 yeas. 1 nay (McCullough)

Appeal # 07-215. The appeal of John Hawrylo jr. and Woodside Properties, LLC requesting a 4,676 square foot area variance to accommodate an eighth condominium at a project that was approved for 7 condos on property he owns at 16 Woodside Drive (Map 101, Lot 20.007) which is in the Urban Residential district.

Clint Cushman explained that this project has planning board approval for 7 ½ units because of the layout of the land at this location the density calculations would only allow this amount.

John Sawyer, Attorney for the applicant spoke and stated that the applicant owns unit #7 himself and because it is a condo with an accessory apartment where two families could live, they feel it would be allowable to convert it to 2 condos without changing the exterior at all, and the traffic would not be affected either. Because of the configuration of the condo as it is now, no lenders would give him a mortgage and he passed out a letter from Demetria Chadbourne, a real estate agent that has knowledge of this property, the letter stating that the condo with an accessory apartment is a deterrent to prospective buyers.

Freeman Abbott, the assistant code enforcement officer, spoke and stated that the accessory apartment is about 660 square feet, which meets the required measurements for the accessory apartment.

The applicant, John Hawrylo spoke and stated that he had approached Mr. Hannaford, and abutter about buying a piece of that property to give him the space he would need, but that abutter has since passed away with no resolve to that issue, as it is in a family dispute. He thought from the beginning that he was getting 8 condos until the last Planning meeting, he figured with the easements he would be all right.

The Town has made a trail on some of the property that was considered not useable; they feel it should now be considered useable.

In response from the Town attorney, the applicant stated that he had approached Mr. Hannaford on several occasions about the land, no money amount was talked about, but he questions how much of that land is useable because of steep slopes and a stream running through.

The Public Hearing was opened and Chris Powers, President of the Woodside Condo Association spoke and stated that on behalf of all the condo owners, they are in favor of having 8 condos for one example it would decrease the fees and the traffic would not increase.

The public hearing was closed and the Board discussed the criteria for this appeal and the hardship criteria was an issue for some of the board members, they discussed if it was self-created.

Moved, Seconded, and VOTED to grant the appeal. 1 yea 4 nays (Shain, Gwozdz, Carrier and Mollison) motion fails

Moved, Seconded and VOTED to deny the appeal as it does not meet the criteria 4 years, 1 nay (McCullough)

The Findings of Fact as read aloud by Bill Dale were Moved, Seconded and VOTED 5 Yeas.

Appeal # 07-216. The appeal of JED Assets, LLC David Douin requesting the board grants him permission to replace and expand two non-conforming structures without any further encroachment into any required setback than that which already exists on property he owns at 8 Elm Street (Map 102, Lot 161) which is in the Urban Commercial District. Clint Cushman stated that it is a single-family dwelling and wants to rehab the building and originally wanted to have an office on the first floor with an apartment on the second floor.

David Douin appeared and spoke on his own behalf and stated that he wants the entire building to be a single-family dwelling and he would like to put a small office over the garage. He wants a variance for the residential building only, the garage will actually be reduced in footprint size. He went over the printed plans with the board members.

There were no public comments and the hearing was closed.

The board discussed the special exception standards criteria and the fact that the house is less than 15%.

Moved, Seconded and VOTED to grant the appeal as it met all the special exception criteria. 5 yeas.

The Findings of Fact as read aloud by Bill Dale were Moved, Seconded and VOTED 5 Yeas.

Moved, Seconded and VOTED to adjourn. 5 yeas.

Time of adjournment 9:00 p.m.

A true Record of Meeting

ATTEST _____
Jennifer Elliott, Deputy Clerk