

TOWN OF GORHAM  
REPORT OF THE BOARD OF APPEALS  
SEPTEMBER 20, 2012

Chairman Mark Curtis opened the meeting at 7:00 pm. There were 19 members of the public present at the start of the meeting.

Roll Call: Chairman, Mark Curtis; Board Members: Clark, Haws, Kaufman, Shurtleff, Sunnell; Code Enforcement Officer, Freeman Abbott, Town Clerk Connie Loughran, Town Attorney, Natalie Burns.

Moved by Alton Shurtleff, seconded by Stephen Scontras and VOTED APPROVAL of the Minutes of the August 16, 2012 minutes as printed and distributed. 7 years

Appeal # 12-03 The appeal of Insurance Auto Auctions, Inc. and Shawn Moody requesting a variance to expand an existing lawfully non-conforming automobile storage/salvage auction use already located on the Moody property, which is located at 200 Narragansett Street (Map 19, Lot 1) which is in the Suburban Residential District. This appeal was postponed from the August 16, 2012 meeting.

Code Enforcement Officer Freeman explained that Appeal #12-03 is to enlarge a non-conforming use. The applicant's representative Sarah Moppen introduced Tom Larrivee, Branch Manager; Shawn Frank, engineer with Sebago Technics; Michael Madden, Vice President for Insurance Auto Auctions.

In response to Board members' questions Mr. Madden explained that vehicles were not drained of fluids. Mr. Frank of Sebago Technics explained the project. No wildlife habitat has been identified by Inland Fisheries and Wildlife and they will look again during the process. The project is 130 feet from the property line. In response to Joshua Kaufman's question it was stated that all of the existing property is a non-conforming use.

Chairman Curtis opened the Public Hearing 15 members of the public spoke against granting the Appeal. Applicant Shawn Moody responded to abutters concerns and pledged that the neighbors would not know the facility was there. The Public Hearing closed at 9:00 pm. The applicant stated that the new backup alarms as approved by OSHA would be used that are comparable to white noise. Freeman Abbot stated that is no record of any complaints on file in the Code Enforcement Office.

The Chairman read each criteria:

Criteria 1. Moved by Mr. Clark, seconded by Mr. Haws and VOTED 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;  
7 yeas

Criteria 2. The Criteria as presented was moved by Mr. Scontras, seconded by Mr. Shurtleff; Moved by Mr. Clark, seconded by Mr. Scontras to AMEND the motion by adding "and will receive Planning Board and DEP approval regarding impacts on water quality sedimentation and erosion." at the end of Criteria 2. 7 yeas The Amended motion was VOTED resulting in the following: Criteria 2. 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 and will receive Planning Board and DEP approval regarding impacts on water quality, sedimentation and erosion. 5 yeas 2 nays (Kaufman, Sunnell)

Prior to the above motion a motion by Mr. Kaufman, seconded by Ms. Sunnell that Criteria 2 was not true was withdrawn

Criteria 3. Moved by Mr. Shurtleff, seconded by Mr. Scontras, that the proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants. 7 yeas

Criteria 4. Moved by Mr. Shurtleff, seconded by Mr. Clark that 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. 2 yeas 5 nays (Clark, Sunnell, Haws, Scontras, Kaufman)

Moved by Mr. Clark, seconded by Mr. Haws and VOTED to RECONSIDER Criteria 4. 4 yeas 3 nays (Kaufman, Shurtleff, Sunnell)

The Board requested that the applicant provide the Board with information on how they will meet the requirement of the Ordinance and what abatement efforts they will use to reduce the noise coming from the current operations and can we distinguish between this site vs. the other uses.

What are the current stipulations for their current DEP approval regarding Criteria 5. That the proposed waste disposal systems are adequate for all solid and liquid wastes generated by the use.

The Board would like to see the report from Inland Fisheries and Wildlife regarding the wildlife habitat regarding Criteria 6. That 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.

Moved by Mr. Haws, seconded by Mr. Scontras to postpone to October 18<sup>th</sup> Appeal 12-03. 6 y 1 nay (Shurtleff)

Moved by Mr. Scontras, seconded by Mr. Haws to ADJOURN. 7 yeas Time of Adjournment 10:53 pm

A True Record of Meeting

ATTEST:

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Cornelia C Loughran, Town Clerk