

TOWN OF GORHAM

REPORT OF THE
ZONING BOARD OF APPEALS

January 24, 2013

Chairman Mark Curtis opened the meeting at 7:00 p.m. There were 3 members of the public present at the start of the meeting.

Roll Call: Chairman Mark Curtis; Board Members: Clark, Sunnell, Shurtleff, Haws, Scontras, Kaufman. Also present were the Assistant Code Enforcement Officer, Stephen Reid and Town Clerk, Connie Loughran.

Moved by Board Member Sunnell, seconded by Board Member Clark to AMEND the Minutes of the October 18, 2012 minutes by changing the word "*variance*" to "*Special Exception*" in the first line. 7 yeas Moved by Board Member Scontras, seconded by Board Member Haws and VOTED to APPROVE the minutes of the October 18, 2012 meeting as Amended. 7 yeas

Appeal #13-01 The appeal of Abdul Ali requesting the replacement of a non-conforming structure located at 669 Main Street (Map 12, lot 28) which is in the Commercial District. The applicant would like to tear down the old building and replace it with a new building on the same footprint using the old foundation.

Assistant Code Officer Steve Reid gave an overview of the appeal. The applicant's representative, James Masciovecchio explained that the purpose is to reuse the existing foundation for the new building. Mr. Reid explained that this would need Planning review. There were no comments from the public and the Public Hearing closed at 7:24 PM.

The Board reviewed the Special Exception criteria and found the following Conclusions and Reasoning should be applied to the replacement of the non-conforming structure.

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

Moved by Mr. Scontras, seconded by Mr. Shurtleff and voted 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; 7 yeas

Moved by Mr. Clark, seconded by Mr. Haws and voted that the proposed use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants; 7 yeas

Moved by Mr. Haws, seconded by Mr. Scontras and voted 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; 7 yeas

Moved by Mr. Clark, seconded by Mr. Scontras and voted that based on representations of the applicant the proposed waste disposal systems are adequate for all solid and liquid wastes generated by the use; 7 yeas

Moved by Ms. Sunnell, seconded by Mr. Haws and voted 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. 7 yeas

Moved by Mr. Clark, seconded to Mr. Kaufman and voted to grant the Appeal #13-01 for a Special Exception to replace a non-conforming structure, subject to the following conditions of approval, that on the basis of the above findings of facts and conclusions of law, this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents, including supplemental and revised plans, and oral representations submitted and affirmed by the applicant, and conditions of approval imposed by the Board. Any variation from such plans, proposals and supporting documents and representations, except a change determined by the Code Enforcement Officer to be a minor change that does not affect approval standards or conditions of approval, is subject to the review and approval of the Board of Appeals prior to implementation. 7 yeas

Moved by Mr. Haws, seconded by Mr. Scontras and voted to ADJOURN. 7 yeas Time of adjournment 7:42 P.M.

A TRUE COPY

Attest:

Cornelia C Loughran, Town Clerk