

**TOWN OF GORHAM
BOARD OF APPEALS
ZOOM MEETING MINUTES
NOVEMBER 19, 2020**

The Gorham Zoning Board of Appeals held their monthly meeting on November 19, 2020 at 6:30 pm in a Zoom Webinar format due to the COVID19 outbreak across the country. Charles Haws, Chairperson opened the meeting.

Present: Board Members; Courtney Barnett, Chad Butts, Charles Haws, Christine Hume, Patrick Palermo and Craig Stirling, Code Officer, Freeman Abbott, and Deputy Town Clerk, Paula Nystrom. Absent Mark Curtis

No one from the public signed on to the Zoom Webinar.

Moved by Christine Hume, seconded by Courtney Barnett to accept the August 20, 2020 meeting minutes as printed and distributed. 6 years

Appeal #20 – 06 Enlargement or Replacement of a Non-Conforming Use or Structure. Mr. John Krouse, property owner and petitioner of Sweet Life establishment, is seeking to enlarge a non-conforming use at 680 Gray Road (Map 110 Lot 16.001). The subject property is located in the Urban Residential (UR) zoning district.

Chairperson Haws invited Mr. Krouse to give a background on the appeal. Mr. Krouse wants to move to a year round business café style format with breakfast items and specialty coffees.

Chairperson Haws asked for any comments from the CEO Abbott on this appeal.

Public Hearing: Chairperson Haws opened the public hearing through the Zoom Webinar. With no public comment the Public Hearing was closed.

Discussion: Chairperson Haws asked for comments/discussion from the Board. Chairperson Haws then asked to begin the Criteria for the Findings of Facts.

Based on the facts stated above, the Board concludes that:

1. 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. Extending the business hours and being open year round will not change the current parking lot structure or walk up ability to order as it is now. The flow of traffic in the extended early morning hours would not create any additional hazards with the operation of the establishment. Moved by Chad Butts, Seconded by Patrick Palermo and VOTED 6 years.
2. The proposed use of adding year round operation will not cause any new water pollution, sedimentation, erosion, or contaminate of any water supply nor reduce the capacity of the land to hold water so that any dangerous or unhealthy condition result. The property will be the same business that currently exists with the extension of hours and seasonality and will be continually maintained year round as it had been on a seasonal basis. Moved by Patrick Palermo, Seconded by Christine Hume and VOTED 6 years.

3. The proposed year round use will not create unhealthful conditions because of smoke, dust, or other airborne contaminants from this location given the operation will remain the same model currently. Moved by Chad Butts, Seconded by Courtney Barnett and VOTED 6 years.
4. 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. The residence directly behind Sweet Life is owned by the applicant, John Krouse and the Nouria fuel station next to Sweet Life operates on a 24/7 schedule. Moved by Courtney Barnett, Seconded by Christine Hume and VOTED 6 years.
5. The waste disposal system is adequate for all solid and liquid wastes generated by the operation. The form, fit and function are still the same as it relates to the waste disposal system and waste generated. Moved by Patrick Palermo, Seconded by Chad Butts and VOTED 6 years.
6. 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. None of the aforementioned apply except for (d). The natural beauty of the building and surrounding area will remain the same as it blends in with the local community. Moved by Chad Butts, Seconded by Patrick Palermo and VOTED 6 years.

Conclusions:

On the basis of the above Findings of Fact and Conclusions of Law, it was moved to approve the extension of the business hours to include 6:00 am – 10:00 pm range daily and Sweet Life to be open year round. Moved by Courtney Barnett.

After further discussion regarding the hours Courtney Barnett withdrew his motion.

On the basis of the above Findings of Fact and Conclusions of Law, it was moved to grant the requested enlargement of a non-conforming use at 680 Gray Road (Map 110 Lot 16.001), Sweet Life establishment to go from a seasonal operation to a year round operation with business hours open 5:00 am – 10:00 pm daily, 7 days a week. Moved by Courtney Barnett, Seconded by Chad Butts and VOTED 6 years.

Motion to adjourn.

Moved by Christine Hume, Seconded by Patrick Palermo and VOTED 6 years.

Time of adjournment 7:05 pm

A TRUE RECORD OF THIS MEETING WHICH IS INTENDED AS A SUMMARY AND NOT A TRANSCRIPT. See the video recording for additional discussion.

Attest:


Paula Nystrom, Deputy Town Clerk