

ADMINISTRATIVE APPEAL

Findings of Fact: The appellant is Joshua M. Gammon, 632 York Street, York, Maine 03909. The property in question is owned by Joshua M. Gammon (dba Gammon Landscaping) located at 632 York Street, York, Maine 03909. REF: Map 46 Lot 17-A. The lot is in the Res-4 Zone.

Copies of: letter from Clark & Howell dated August 11, 2017, application for Administrative Appeal dated August 10, 2017, authorization for Attorney Matt Howell, warranty deed from Peter Marcuri to Joshua M. Gammon, plan of Gammon property, Findings of Fact of York Planning Board dated December 6, 2016, Notice of Violation & Order for Corrective Action dated March 9, 2017, e-mail from Matt Howell to Amber Harrison dated May 3, 2017, Purchase & Sales Agreement dated May 30, 2017, Property Agreement between Diane Marcuri and Joshua Gammon dated June 5, 2017, First Amendment to Purchase & Sales Agreement dated approximately July 3-July 14, 2017, Property Agreement between Diane Marcuri and Joshua Gammon dated July 14, 2017, Notice of Violation & Order for Corrective Action dated July 12, 2017, e-mail from Matt Howell to Mary Costigan and Amber Harrison dated July 4, 2017, Letter from Matt Howell to Dylan Smith dated July 14, 2017 regarding lot line adjustment, Letter from Amber Harrison to Josh Gammon dated July 28, 2017, Letter from Diane Lapins to Robert Lascelles dated September 13, 2017, Ltr from Carol Hamel-White dtd 8/22/2017, Ltr from Liz Turner dtd 9/11/2017 and Ltr from Rosemarie DeStefano dtd 9/11/2017, are all made part of the record.

The appellant requests an Administrative Appeal in regards to a Notice of Violation dated July 12, 2017 issued by the Town of York Code Enforcement Office. The appeal was filed on August 11, 2017 and was therefore timely filed. The appellant has standing as owner of the property.

The relevant sections of the Zoning Ordinance are §8.1.1.D, 18.8.2.1, 19.2, 19.3 and 19.4.

The appeal was heard on September 13, 2017. A video recording of the meeting was made as part of the official record.

Relevant facts are: 1) Joshua Gammon is the owner of the property located at 623 York Street, York, Maine where he operates a landscaping business. 2) On December 8, 2016 the Planning Board denied Mr. Gammon's request to divide Lot 46-011 because the resulting Lot 46-0017A does not meet the minimum lot size requirements for non-residential uses. 3) Failure to comply with the Planning Board's decision constitutes a violation. 4) On March 9, 2017 the Code Office issued an Order for Corrective Action requiring the submission of a Purchase & Sale Agreement for the acquisition of the necessary land within 60 days. 5) A Purchase & Sale Agreement between Mr. Gammon and Ronald & Susan Peris was submitted on April 28, 2017. 6) The Purchase & Sale Agreement was not acceptable to the Code Office because the new parcel and Mr. Gammon's parcel are not contiguous. 7) On July 12, 2017 the Code Office issued a Notice of



Violation & Order for Corrective Action. 8) Mr. Howell provided the Town with additional documents on July 14, 2017. 9) On July 28, 2017 the Code Office sent a letter to Mr. Gammon indicating that the NOV was still in effect and that the cease and desist order would not be lifted until the Planning Board takes jurisdiction of this matter by placing the application for land division and acquisition on their agenda. 10) On August 11, 2017 Mr. Howell filed an Administrative Appeal on behalf of Mr. Gammon. 11) The property is the subject of ongoing litigation.

MOTION: Motion by Mr. Swant, seconded by Mr. Mottola, to find that, in the matter of the Notice of Violation issued to Joshua M. Gammon, the Code Officer did not err in issuing that notice.

VOTE: Passed 3-2 (in favor Mr. Lascelles, Mr. Swant and Mr. Mottola).

Opposed: Mr. Carr and Mr. Manougian

Judgment on Findings of Fact: October 11, 2017

Approved: 5-0

(**In Favor:** Mr. Manougian, Mr. Carr, Mr. Swant, Mr. Mottola and Mr. Lascelles; **Opposed:** None)

A handwritten signature in blue ink, appearing to read "R. Lascelles", is located in the bottom right corner of the page. The signature is fluid and cursive, with a long horizontal stroke extending to the right.