

Town of Gorham

Planning Board Minutes

March 31, 2022

Members Present: Paul Robitaille (Chairman), Abby Evankow, Michael Waddell (Ex-Officio), Peter Gagnon, Earl McGillicuddy and Dan Buteau.

Members Excused: Brian Ruel, Reuben Rajala and Wayne Flynn

Members Absent: none

Members of the Public: Meagan Poirier, Victoria Hill (Board Secretary) Tara Bamford, (Remote) and John Scarinza (CEO)(Remote) Denise Vallee (town manager) (remote) Megan MacGillivray (applicant) (remote) Terry MacGillivray (applicant)(remote) Donna Theriault (remote) Sara Bolton(applicant) (remote) Joseph Barr (applicant) (remote) Wayne Bosquet and Nate Delisle.

Call to order: The meeting was called to order at by Chairman Robitaille at 6:31 pm.

Review and Accept Minutes: On a motion from Peter Gagnon with a second from Abby Evankow, the board voted to approve minutes as amended from March 17, 2022.

New Business: Case #05-2022 Northeast Snowmobile & ATV

Burke York from York Land Services, LLC presented the preliminary site plan for the four parcels of land to be developed for an ATV rental business. The plans include merging lots 8A with lot 9 only. As presented, the applicant will have 200 units in rotation on site with 75 units available for daily rental.

John Scarinza (CEO) asked about the fuel tanks and containment. Phil Cloutier submitted requirements for fuel storage. These requirements were shared with Burke York during the TRC meeting on March 23rd. Ms. Hill read aloud the requirements to the board. Mr. Gagnon suggested that the insurance company may have additional requirements. They like berms and a 6" lip may suffice. In addition, Mr. Gagnon asked if the office will remain in a portable trailer and if the porta-potties will remain on site year-round. Burke responded that there is no plan to make the office trailer a permanent feature. The porta-potties will be seasonal. Tara Bamford, Planning Board Consultant, feels that the three lots should be merged. She noted that the plan should not show the parking to be within the one-foot setback. Tara reviewed her notes and concerns with the preliminary plan as presented. These notes were shared with the applicant and his agent in advance. The comments are listed below.

"1. Note 1 is incorrect. Although an application for an activity to take place on more than one lot certainly needs to include all involved lots, separate lots can't be "considered as one" by virtue of being part of one site plan application. Setback requirements still apply on lots under the same ownership. Either (1) all parcels that will share a parking area and/or a drive need to be merged, or (2) a variance to the one-foot setback requirements for driveways and parking areas needs to be obtained from the ZBA. It should be noted that showing the connectivity in the conceptual plan shared with the Board last year in discussing the temporary "pilot" doesn't make it grandfathered since there was no formal approval.

2. Similarly, everything taking place on the parcels is in a way part of this application. Even if no changes are proposed to the existing uses, the existing activities need to be considered by the Planning

Board for context. Any future changes made to the preexisting uses without approval, with the exception of use by the State of New Hampshire for ATV parking and trail access, would be a violation of this site plan approval.

3. I had also suggested rewording Note 2. Although I didn't hear any concern from Planning Board members regarding the number of units to be kept at this site, and am not aware of any reason to recommend consideration of limits, the language in Note 2 is misleading in regard to the Planning Board's authority.

4. The one-foot setback for parking areas and driveways should be added to Note 5.

5. Note 10 should be corrected. It makes it sound like a waiver to height requirements is being requested vs was granted in the past for the cell tower.

6. You'll want to be sure the Code Enforcement Officer has looked at the tanks behind the restaurant and the diesel tank, and its proximity to the ATV trail. Health and safety issues aren't grandfathered.

7. I had requested more information on drainage. not necessarily an engineered plan since it's an existing site, but, for example, where does the runoff go in a heavy rain? What is the "existing silt control" shown on the neighboring PSNH parcel? Where is the drainage coming from that goes onto the PSNH parcel via the culvert outlet shown?

8. The Board should also discuss the requested waiver for a landscape plan tonight although waivers can't be voted on until the final submission.

With a decision on landscaping and the answers to my questions about drainage, I would have no additional concerns about the Board accepting this plan as complete next month.

I recommend that if this plan is considered for approval next month, the following conditions of approval be incorporated:

1. Merger of the 3 lots or variance to the one-foot setbacks from the ZBA.
2. Amended Driveway Permit from NHDOT.
3. Approval of the wash station plans from NHDES or verification from NHDES that approval is not required.
4. Confirmation from the Code Enforcement Officer that the proposed sandwich board sign is consistent with the Zoning Ordinance, and that the existing and proposed fuel tanks meet required fire and safety codes.
5. Correction of the language in Notes 1, 2, 5 & 10."

Burke addressed each of these concerns. In addition, Burke will submit a copy of the driveway permit submitted to the DOT, approval of wash station from the DES and a plan for permanent signage and stormwater plan. The applicant will be asking for waivers for height of buildings within 200' and landscape plan.

Mr. Waddell noted the southernmost driveway as drawn crosses over the lot line between lots 8 and 8a. These are separate lots and driveways need to meet a one-foot setback. He suggested that the applicant could ask the Zoning Board for a variance and/or a condition of approval.

Mr. MacGillivray introduced his daughter, Megan, and described his past few years operating in

Gorham. He described 2020 as a balloon in business, due to COVID, ATV rentals were the only recreational option for many families. The numbers have dropped since that time. He stated he will “never have more than 200 machines on the lot”.

Abby Evankow asked if the town will have any liability with this business. Mr. Waddell responded that the selectmen are grateful how they have worked it out since the move from the previous location on Main St.

Code Enforcement Update –

John updated the board on the following:

Big Day Brewery has been issued a certificate of Occupancy on March 30, 2022. Opening planned for April 8.

Marshalls: scheduled walk through tomorrow everything is going according to plan.

Car Wash: Sounds like a “jet engine” out back and the Speakers with the automated instructions are loud. John will reach out to Trevor Presby to discuss possible solutions.

Jacksons: Steve has applied to go back to two long term rentals. He is comfortable approving the building permit long term rentals but he is looking for direction if the applicants plan to use the property as a STR.

2 Glen Road: John walked through the building with a family interested in purchasing the property, the work that has been done after the fire appears to be acceptable.

Old Business – None

Public Comment: Denise Vallee reported that the noise from the car wash is unacceptable, Michelle Lutz reports that the automated voice can be heard in her backyard on Madison Ave. Mr. Waddell stated that he would like the selectmen to have a decibel limit added to the noise ordinance.

Next Meeting – April 28, 2022 6:30 pm

Adjournment – On a motion from Abby Evankow with a second from Dan Buteau, the board voted unanimously to adjourn at 8:45 pm by roll call vote.

Respectfully submitted,

Victoria Hill
Planning and Zoning Board Clerk

Approved May 19, 2022