

Town of Gorham

Planning Board Minutes

April 22, 2021

Members Present by Remote Connection: Paul Robitaille (Chairman), Abby Evankow, Michael Waddell (Ex-Officio), Reuben Rajala, Earl McGillicuddy (Alt), Dan Buteau and Brian Ruel

Members Excused: Barney Valliere and Peter Gagnon

Members Absent: Wayne Flynn

Members of the Public Present by Remote Connection: Tara Bamford, Terry MacGillivray, Denise Vallee (Town Manager), Michael Scontsas, Edith Tucker, John Scarinza (CEO), Liz Jackson, Steve Jackson, Donna Goodrich, Donna Therriault, Jay Guilmette, Preston Baillargeon, Chip Bean, Judy Leblanc and Michelle Lutz (Board Secretary)

Due to the COVID-19 Pandemic and per Emergency Order #12 issued by Governor Sununu on March 23, 2020 and by Executive Order 2020-04, all members listed as present attended the meeting electronically with both video and audio capability. The public was able to attend the meeting in the same manner. All votes were taken by roll call as required.

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

Appointment of Alternates –

Chairman Robitaille appointed Earl McGillicuddy as a full voting member

Review & Accept Minutes of April 15, 2021: OSAbby requested to make the following amendments to the minutes:

- 1) On the Grone Site Plan Review change the wording from requiring a professionally drawn plan to a signed plan and
- 2) Under New Business for Terry Macgillivray, change the wording from “moving most of his rental business: to moving some of his rental business.

On a motion from Mike with a second from Reuben Chairman Robitaille called for a roll call vote to accept the minutes as amended:

Dan Buteau – Abstained Abby – Yes Brian – Yes Mike – Yes Earl – Yes Reuben – Yes

Case #04-2021 – Micucci/Jackson – Site Plan Review – 101 Main Street

Abby recused herself from the discussion. Tara Bamford reviewed the application and did not have enough information to review it as a site plan. It would need at least a parking plan and she felt that the board may want documentation showing that all of the parking requirements for the 3 lots (101 Main, 101B Main and 111 Main) were being met (ie that the 5 spaces on the plan which are on the neighboring lot [111 Main Street aka Libby's] will still leave that lot with its required parking). She recommended that the board require a parking plan showing how all 3 lots are meeting their parking requirements. Steve Jackson explained that he had some easements drawn up for 5 parking spaces on the 111 Main Street property, and 101 Main Street for 2 spaces and the subject property (101B Main St) has an additional 2 spaces. Tara explained that 111 Main Street would need to be able to show that it could give up those spaces and still meet its own parking requirements. Tara did not feel that at this point there was an actual site plan to accept. John Scarinza encouraged the board to nail down the parking issue as parking is critical especially in the downtown area. Steve Jackson explained that he had 2 apartments above the retail space at 101B which they plan to convert to 7 transient/hotel rooms. A driveway permit application has been submitted to Dot but they have not received anything back yet. He picked up the checklist from the Town Hall and felt he identified the items required on the checklist in his

application. Tara explained that the regulations require a professionally prepared plan signed and stamped which the board can waive. Brian felt the plan should have all the neighbors and the boundaries identified as well as the map/lots. Jay Guilmette owns the property behind the subject lot and he has concerns regarding the parking and how it may affect the access to the deeded ROW they have to access the property on Exchange Street as it looks like the proposed parking will be within that ROW. Brian also felt that there may be a deeded ROW to the Grone property as well. Reuben felt that the ROW may have been a paper street that was never developed and was unsure if it would be an issue or not. Liz Jackson stated that they were aware of the ROW and would not take that space for parking. Mike had questions about the parking easements, specifically #9 on each easement pertaining to the termination of the easement. The way it reads sounds like future owners may simply do away with the easement. The problem for the board would be that the easements can't go away unless the need goes away. The easement needs to be clear that it is tied to the use of the building and unless that needs goes away then no one can make the easement go away. Mike also explained that having a full drawing done by a licensed surveyor would identify any ROW's and eliminate the potential disputes over them. Steve asked if the board would approve construction of 5 of the rooms which would eliminate the need for the additional parking that may impact that ROW. This would allow them to continue moving forward while they are getting the surveys done. Tara cautioned that Libby's (111 Main Street) needed to be able to show that it had enough parking for both uses. Brian felt that the plan needed to be able to identify not only parking but traffic flow as well as identifying the abutters, etc. Reuben felt that a better plan showing all 3 properties, clarifying the ROW and details of the easement would be needed though he was not hung up on requiring a full professionally done plan. Mike questioned if the Fire Marshall would allow 7 rooms without fire rated egress in 2 directions. Steve explained that he has been working with Bergeron Technical on a fire plan and they met with the fire chief to begin to determine what would be required. John cautioned that when it comes to fire & building codes in NH, the more strict code prevails and that the fire engineer needed to be looking at the building code which would be the code that would prevail. Steve explained that there would be sprinklers in all of the rooms. Liz Jackson explained that they wanted to have a small, special hotel in the center of town and that she wanted all the codes to be met but that they were trying to save themselves several thousand dollars on surveys if they didn't have to. She got the feeling from the board that the plan was going to be denied and asked for a waiver to allow them to move forward so construction doesn't stop while they are getting the other items completed. Paul explained that he understood their reluctance to spend the money but he didn't feel the board could even give a conditional approval based on the application presented. Donna Goodrich asked the board if the applicant could at least continue with 2 of the rooms in order to be able to keep moving forward as they have 2 apartments now and if they were only redoing those, they would not be in front of the board at all. Earl questioned how people would have access between the 3 lots. Liz explained that they would have paths between the properties. Tara suggested polling the board on requiring a professional survey and get at least the parking plan in place as the building has 2 apartments now which requires 4 parking spaces which means the building doesn't meet the zoning requirements currently. Mike felt there was enough confusion to require a professional plan. Brian concurred with that and noted that a survey would also clear up the ROW confusion. Mike made a motion to reject the plan which received a second from Rueben. Chairman Robitaille called for a roll call vote:

Brian – Yes Mike – Yes Earl – Yes Reuben – Yes Dan – Yes

Mike made a motion to require a survey of all 3 properties as part of a parking plan. The motion received a second from Brian Ruel and Chairman Robitaille called for roll call vote:

Dan – Yes Brian – Yes Mike – Yes Earl – Yes Reuben – No

Mike made a motion to have Tara review the application at an estimated cost to the applicant of \$480.00. The motion received a second from Dan and Chairman Robitaille called for a roll call vote:

Dan – Yes Brian – Yes Mike – Yes Earl – Yes Reuben – Yes

New Business

Terry MacGillivray explained that because of traffic issues on Main Street and to alleviate additional traffic from the ATV Rental business, he is renting approximately 2 acres from Chip Bean at his 443 Main Street location (Eastern Depot Restaurant). He estimates 70 vehicles at that location. CEO Scarinza explained that this has been discussed

considerably over the last few weeks and feels that this move is a step in the right direction to relieve congestion in the downtown area. This would allow the ATV's to leave from the site directly onto Rt 16 and the already approved trail. This would be temporary for the 2021 ATV season from May 23rd to October 31st. Brian felt it was a great idea and would relieve a lot of the traffic downtown. Tara reminded the board that the question on the table is whether they feel site plan would be required and that the consensus from the board at the prior meeting was that they didn't feel it would need it for this temporary use but that they wanted to see it in writing to confirm that. She further explained that what the board would be doing is deciding that this is not a material change to the 177 Main Street approval and that it is a temporary change to this lot and if it became permanent, then it would require full site plan review.

Mike made a motion to approve the applicants proposed use at the Eastern Depot property, which is part of lots 9, 8 & 8A as documented in the narrative from Terry MacGillivray submitted to the Planning Board with drawing, that this request does not require full site plan review and that it is contingent that the proposal be for 1 year. The motion received a second from Reuben. Chairman Robitaille called for a roll call vote:

Dan – Yes Abby – Abstain Brian – Yes Mike – Yes Earl – Yes Reuben – Yes

Code Enforcement Update –

John explained that though he understands it is difficult to ask applicants to spend money, the case tonight is a classic example of the necessity to ask them to do so. He further explained that he recently did an inspection with the State Electrical & Plumbing inspector and unfortunately all the work was done without obtaining the necessary permits and now in order for them to come into compliance it is going to require them to spend several thousand dollars to correct issues that could have been identified if the proper permits had been obtained.

Old Business – None

Public Comment: None

Next Meeting – The board scheduled its next meeting for May 20, 2021.

Adjournment – On a motion from Brian with a second from Abby, the board voted unanimously to adjourn at 8:00 pm by roll call vote.

Respectfully submitted,



Michelle M. Lutz