

# **Town of Gorham Planning Board Minutes July 22, 2021**

**Members Present:** Paul Robitaille (Chairman), Michael Waddell (Ex-Officio), Barney Valliere, Reuben Rajala, and Peter Gagnon

**Members Excused:** Abby Evankow, Dan Buteau and Brian Ruel

**Members Absent:** Wayne Flynn, Earl McGillicuddy, and Dan Buteau

**Members of the Public:** Jason Hunter (20 Glen Rd, LLC). Burke York (York Land Services), Don Bouchard (Horizons Engineering), Michelle Lutz, (Outgoing Board Secretary), Victoria Hill (Board Secretary) Tara Bamford, (remote) Judy LeBlanc (remote), Denise Vallee (Town Manager) and Edith Tucker (Berlin Sun newspaper).

Emergency Order #12, issued by Governor Sununu on March 23, 2020 in response to the COVID 19 Pandemic previously allowed boards to hold remote meetings. The Governor chose not to extend the order which expired at midnight June 11, 2021. Therefore, per RSA 91-A:2, III, all members listed as present were present at the physical location. Other members of the board were allowed to attend remotely if they chose with both video and audio capability. The public was also able to attend in the same manner. All votes were taken by roll call.

**Call to order:** The meeting was called to order at 6:30 by Chairman Robitaille

**Review & Accept Minutes of July 15, 2021:** On a motion from Mike Waddell seconded by Reuben Rajala the board voted to approve minutes as presented.

**Case #05-2021-20 Glen Road LLC/Kelley Site Plan Review:** Burke York presented the expanded concept for 20 Glen Road site plan. The group has the adjacent lot (Map U-3 Lot 64) under a purchase and sales agreement. This will be used for additional parking and future bike trailhead with quasi-public bathroom. They found out on Friday that the Water and Sewer Department will only allow one water and sewer hook-up per lot. The current plans include one hook up for the brewery and pub and a separate hookup for the proposed restroom. The driveway permit application from the state is pending. A letter sent from DOT dated July 19 has requested additional information to complete the application. Don from Horizons Engineering feels that all the information can be easily resolved. They are requesting a conditional approval upon passing of papers. They want to merge the lots. If Water and Sewer Department cannot agree to allow a second hook-up, they will propose a lot line adjustment. Today, at chairman Robitaille's request, Michelle Lutz sent an email invitation to Jeff Tennis, Superintendent of the Water and Sewer Department, and the Water and Sewer Commissioners, to attend this meeting. Jeff declined, Lee Carroll, Chairman of the Water and Sewer Commission will attend. Lee will arrive at the meeting at 7pm. The sidewalk along Route 16 will not be needed in the new plan. This is due to the increase in parking available in the new plan which would eliminate the use of public parking on Railroad Street. Mike Waddell asked if the water and sewer lines are already in place on the additional lot. Burke confirmed they are stubbed off at the street. Mike Waddell made a motion, seconded by Barney Valliere, to accept the application as complete.

Roll call vote:  
Waddell- Aye  
Rajala- Aye  
Gagnon- Aye  
Valliere -Aye

Lee Carroll arrived at 6:52 pm. Lee's personal opinion is Water and Sewer needs more notice to make decisions. The commission will discuss this at the next meeting. The commission shared the current policy on number of sewer services available for a single property lot. The policy, approved 2/5/2018, was distributed to members prior to the meeting. Mike Waddell wants to know if an existing hook-up could be granted a waiver to remain if the lots are merged. Barney Valliere agreed that the use is preexisting and current. Mike feels this project will add value to the town. The Board of Selectmen are trying to bring value to Gorham. There is negligible cost to the Water and Sewer Department of turning on valve. All costs beyond that is the developers responsibility. Merging lots would be simpler. Hope they can give a waiver, this would still honor the intent of the regulation. Mike questioned if the Commissions policy would still make sense if the lot at U3 L64 and the "Jungle Lot" (which abuts Church St) were merged and someone wanted to do something on Church St, what would they have to do, lay a half mile of pipe? Lee Carroll stated that if the applicant wants to apply for a waiver, they will take it up at their next meeting. Barney did not realize the merge would cause an issue, he sees the project as a benefit for the public and hopes the commission will grant a waiver. Burke York apologized to Lee for the short notice and hopes the Water and Sewer Commission will see this project as a benefit. They did not know merging lots would create an issue and hopes the Commission will grant a waiver. Reuben echoes Mike comments, he questions the rationale. Barney voiced his agreement, it is common sense. Peter Gagnon was wondering if the commission could look at having a separate policy for residential and commercial uses. The commissions next meeting is scheduled for Monday 7/26/2021 at 4 pm..

Paul opened the Public Hearing at 7:08.

Tara recommended conditions to be met prior to granting final approval. Reuben stated that the concept has come a long way. The additional parcel and redesign is huge improvement. Gray areas taken care of. Don Bouchard thinks this an exciting project.

Edith asked if the entrance problem has been resolved. Jason : Yes, it is shown on new plan and state driveway application. How many seats will the brew pub have? Jason: 120 seats inside, 30 seats outdoors. How many employees? Jason: 15 to 20 for the brewery and pub and 3-4 for the bike shop. Denise asked where will the bike racks be located? Jason: Once the pub opens, they will put them where it makes sense. Don stated that they will be in the parking area.

Paul asked for any further comments from public. Public hearing closed at 7:25

Mike Waddell made a motion seconded by Peter Gagnon to approve site plan with conditions as provided by Tara Bamford.

Roll call vote:  
Waddell- Aye  
Valliere-Aye  
Gagnon -Aye  
Rajala- Aye

The Notice of Decision with Findings, Actions of the Board, and Appeals and Enforcement will be signed by Planning Board Chairman. See attached. Paul commended the applicant on the plans, he feels this is the best set of plans provided in a very long time.

**Code Enforcement Update –**

- 1) Michelle briefed the board on the sale of the car wash to T & T Mtn. Investments. Opening in fall of 2021. Major upgrades have been applied for. Demolition approved and upgrades are pending a letter from water and sewer addressing the sand traps.

**New Business:**

Driveway Permit/Rivard at 6 Gorham Heights. Mike Waddell made a motion, seconded by Barney Valliere to approve as presented.

Roll call vote:

Waddell- Aye

Valliere-Aye

Gagnon – Aye

Rajala Aye

**Old Business – None**

**Public Comment-** Denise Vallee informed the board that the Lancaster Road sidewalk project passed the house and is waiting on the senate. The town could have 900K in federal funds if approved.

**Next Meeting** – The board agreed to hold a public hearing on August 19, 2021 to adopt the new Site Plan Review regulations.

**Adjournment** – On a motion from Mike with a second from Barney, the board voted unanimously to adjourn at 7:45 pm by roll call vote.

Respectfully submitted,



Victoria Hill  
Planning Board Secretary

Gorham, New Hampshire  
Planning Board

Notice of Decision

Site Plan: 20 Glen Road, LLC, Site Design, Tax Map U3 Lots 64 and 65

Applicant: Jason Hunter, 34 Jimtown Rd. Gorham, NH 03581

Findings:

1. The site plan application was accepted as complete on July 22, 2021 and a duly-noticed public hearing was held immediately following.
2. The application consists of the following materials, which are hereby incorporated by reference:

Site Design for 20 Glen Road, LLC prepared by York Land Services, LLC, and Horizons Engineering, Dated July 2021, Rev. July 2021.

Letter from Donald Bouchard, Horizons Engineering to Planning Board regarding stormwater management dated July 19, 2021.

Testimony from the applicant at the Planning Board meetings held on July 22, 2021.

3. The proposed use is a brewery and restaurant with 120 indoor seats and 30 outdoor seats, bike shop, and associated parking and other site improvements as shown.

### **Action of the Board:**

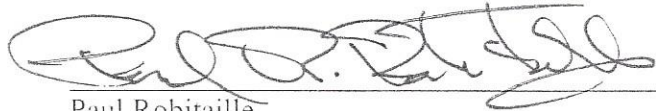
On July 22, 2021 at a properly noticed meeting of the Gorham Planning Board, it was voted to approve the site plan application of 20 Glen Road LLC, as summarized above, subject to the following conditions:

1. The application of 20 Glen Road, LLC granted conditional approval on February 18, 2021 is null and void.
2. The following conditions must be met before the site plan will be granted final approval (Conditions Precedent):
  - A. All fees associated with the site plan application must be paid including application fees, fees for public notices, reimbursement for consultant fees, and recording fees.
  - B. A Voluntary Merger of Lots 64 and 65 is approved by the Board OR a variance to the one-foot setback for driveways and parking is approved by the Zoning Board of Adjustment (unless a lot line adjustment is approved by the Planning Board which makes a variance unnecessary).
3. Construction of the access onto NH 16 may not commence until a NHDOT Driveway Permit is received and a copy provided to the Town along with the revised plans. At the Planning Board Chairman's discretion based on the extent of the revisions, a public hearing will be held on the revised plans.
4. The project shall be completed substantially in accordance with the plans, materials and testimony as summarized above, and any substantial or material change or deviation shall require further action by the Board.
5. The Applicant shall comply with all applicable State requirements and approvals issued thereunder and copies of all such approvals shall be provided to the Town.
6. Species used for landscaping shall be from a list of road salt tolerant species.
7. The sign lighting shall be designed, placed and directed in a manner that will not result in any glare to drivers.
8. Must meet all applicable codes in the NH State Building Code.

This approval will expire - subject to further action by the Board - if conditions #2 and #3 (receipt of NHDOT permit and public hearing if required) are not met within two years of the date of this approval.

### Appeals and Enforcement:

1. Any person aggrieved by this decision has the right to appeal within 30 days from the date of the decision by the Planning Board (RSA 677:15).
2. The Planning Board may revoke this approval pursuant to RSA 676:4-a for failure to conform to the statements, plans or specifications upon which this approval was based, or material violation of any requirement or condition of approval; failure to perform any condition of approval within the required timeframe, or if no timeframe is specified herein, within the time periods specified in RSA 674:39; when the time periods specified in RSA 674:39 have elapsed without any vesting of rights as set forth therein, and the plan no longer conforms to applicable ordinances or regulations; or if required security is no longer provided.
3. This decision shall be subject to enforcement as provided in RSA 676:15 et seq.



Paul Robitaille  
Chair, Gorham Planning Board

July 26, 2021  
Date