

Town of Gorham

Planning Board Minutes

February 18, 2021

Members Present by Remote Connection: Paul Robitaille (Chairman), Abby Evankow, Michael Waddell (Alt ExOfficio), Dan Buteau, Jeff Schall, Peter Gagnon, Reuben Rajala, Wayne Flynn and Earl McGillicuddy and Barney Valliere

Members Excused: Brian Ruel

Members Absent: None

Members of the Public Present by Remote Connection: Tara Bamford, John Scarinza, Burke York (York Land Services), Chris Crooker, Jason Hunter, Edith Tucker, Kara Hunter, Marybeth Smith, Denise Vallee (TM), Tadgh Slater 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

Appointments – Chairman Robitaille appointed Earl, Peter and Jeff as full voting members.

Review & Accept Minutes of December 17, 2020: On a motion from Mike Waddell with a second from Jeff Schall, the board voted by roll call vote to accept the minutes as presented with Abby Evankow abstaining.

Minutes of January 28, 2021: On a motion from Jeff Schall with a second from Peter Gagnon, the board voted by roll call vote to accept the minutes as presented with Mike Waddell abstaining and no vote from Abby Evankow.

Case #01-2021 – 20 Glen Road LLC – Site Plan Review

Tara Bamford recommended to the board that they accept the plan as complete based on her last review of the plan and changes made to it to make it meet the requirements to be accepted. On a motion from Earl McGillicuddy with a second from Wayne Flynn, the board voted unanimously by roll call vote to accept the plan as complete. A public hearing followed. Burke York presented plans for the brew pub/bike shop on Route 16. Seating would be approximately 100 people with a combined inside/outside eating. A NH DOT driveway permit has been submitted and is pending. The existing sign will be removed and a 4' x 60' island is planned to narrow the access to Route 16 and a new sign is planned to be placed within the island. There will be a temporary fence around the outdoor dining area which will allow for it to be removed during the winter months to allow for plowing if necessary. Brewing will be mainly for consumption on-site with a small retail area for patrons to carry out. There are no plans for this to be a distribution center. Tara informed the board and the applicant that the proposed sign cannot be approved by the board as it violates the zoning ordinance due to its proposed location. Also, the loading area defined at the rear of the building has no corresponding door. She and John reminded the applicant that the propane tank will need to be protected by bollards. Jason stated that they may move the propane and they may have more than one and that he would actually like to see it underground but that he understands it will need to be protected wherever it ends up. The existing bike trail will cross the planned stormwater trench. Tara recommends that the planned island be enlarged toward the railroad tracks to further limit access to the lot from only one point. Tara also recommended that the

proposed storm water trench design be signed off on by an engineer and that the notes about public parking should be removed from the plan. Tara questioned the dotted area on the plan which appears to be mislabeled. This area is the gravel parking area. Mike Waddell made a motion to approve the plan with the conditions recommended by Tara which are:

- 1) 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.
- 2) The Applicant shall comply with all applicable State requirements and approvals issued thereunder including but not limited to NHDOT Driveway Permit. The granting of such approvals shall be a condition precedent to the finality of the within approval, and copies of all such approvals shall be provided to the Town.
- 3) The following conditions must be met before the site plan will be granted final approval (conditions precedent):
 - a. A revised plan must be provided with the following changes:
 - i. Addition of a note stating the number of restaurant seats (100) and that it includes the indoor and outdoor areas.
 - ii. The setback area shown as dotted properly labeled as gravel snow storage area.
 - iii. Removal of the note referencing nearby public parking.
 - iv. Free-standing sign shown at least five feet from the Rte. 16 right-of-way as required by Gorham's Zoning Ordinance
 - v. Correct note #17 to replace the reference to subdivision regulations and variances with site plan regulations and waivers.
 - vi. Propane tank noted as to be relocated to an area indicated.
 - b. 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.
 - c. The applicant must provide the written opinion of an engineer licensed in the State of New Hampshire certifying that the design shown for the access from Rte. 16 represents the safest practicable option for the site.
 - d. The applicant must provide the written opinion of an engineer licensed in the State of New Hampshire certifying that the size and design of the proposed stormwater trench will be suitable for preventing any sediment from the gravel parking area from reaching the abutting property and for preventing any increase in peak flow of surface water runoff beyond the property line.
- 4) Vendors will be notified that the Town prohibits maneuvers for parking and/or loading and unloading from taking place from a public street.
- 5) Species used for landscaping shall be from a list of road salt tolerant species.
- 6) The sign lighting shall be designed, placed and directed in a manner that will not result in any glare to drivers.
- 7) Must meet all applicable codes in the NH State Building Code

The motion received a second from Wayne Flynn and all members voted in favor by roll call vote. Those conditions are made a part of these minutes

Code Enforcement Update – John briefed the board on the following:

- 1) Former Colonial Fort motel – John has had serious discussions with the owner over the last 3 weeks. There are issues at that location that need to be addressed and John is working on them.
- 2) Butcher's Daughter store – John has not had a chance to visit this new store yet but will in the near future. The state health inspector has checked in on it with no issues. As its use appears to be similar to what was there, no site plan review has been required
- 3) Mom's Jericho – John had a conversation with the manager of this new store (formerly Absolute Powersports). There has been an ad advertising ATV rentals from this location. Per his conversation with the manager, they are not planning to do rentals from this location. They will be doing motorcycle inspections. The "rentals" will be when someone asks to try out a machine, they will "rent" it to them for a period of time. If they decide to purchase the vehicle, the rental fee will be deducted from the cost. They are hopeful that this will eliminate those who show up for a "test drive" and end up on a joyride for the day. Paul asked if John had seen the agreement that Absolute had with the railroad for the trail crossing at the back of the property as his understanding was that it was only for people to be able to get to the store from the trails for supplies, parts, etc. John will try to get a copy of the agreement.

- 4) John & Michelle questioned the board regarding handling applicants who would prefer not to have full survey's done in order to apply for a site plan review and how the board wanted those applicants to be handled. The board recommended letting the applicant submit what they wanted to submit and let the board determine if it met the requirements to be accepted by the board.

New Business –

- 1) Tadhg Slater has leased the property at 101 Main Street where he is planning to open an art gallery/expresso bar to sell coffee and pre-made baked goods that are prepared off site. He will have a small counter top convection oven to heat those good if a customer wishes. No food will be made on-site. There will only be seating for approximately 15 people and he would like to install a small seating area outside. He asked the board if what he was planning would require a full site plan review. Mike Waddell recommended that Mr. Slater prepare a letter to the board explaining what his plan was and the board could vote on whether to require a full site plan or not.
- 2) Abby asked the board what they thought of the Board of Selectmen's vote to allow snow machines to travel on the sidewalks and how it does not match the town's Master Plans vision for the future of a walkable downtown. Paul stated that snow machines on the sidewalk goes back at least 35 years at the request of the local people. He also reminded Abby that the Master Plan is a guide and is not law. Wayne said that the condition of the sidewalks are horrendous and allowing motorized vehicles on the sidewalks is a disgrace to the town. Barney understood why they were allowed on the sidewalks and said it is difficult for pedestrians to walk on those sidewalks. Wayne also recommended a possible solution of extending the sidewalk on the opposite side of the street from the upper village to the lower village and prohibit snow machines on that side of the street. Denise Vallee informed the board that she had a grant application having to do with sidewalks. The town has applied for this grant before and even though they were denied she is going to apply again. She felt that this issue needed to be solved if the town was going to sink money into the sidewalks, that after getting federal funds, they could not continue to allow snow machines on the sidewalks. Abby questioned why bother updating the master plan if the response was that we have been doing this for 35 years? Mike stated that he was sick of being force fed the Master Plan and he voted for it but he would not have voted for a document that outlawed snowmobile use on the roads of Gorham and there would have been a lot of opposition to it had that been the case. As a selectman, looking at Main Street which was beginning to look like a ghost town with businesses that because of Covid are under tremendous pressure right now so the BOS approved a plan that had less use and they agreed to open and give greater access than they may have before. He agrees with Denise that we need to come up with something better and looks forward to non-motorized recreation becoming a bigger part of the community but does not want to see the motorized community driven to extinction. Barney felt that Abby, as a duly elected member of the board deserved being given credit for standing up for her beliefs and constituents and not be vilified for it. Reuben said the sidewalks had issues that have not been addressed for 40-50 years and that he didn't think the snow machines were the only cause of the problem and that there were fundamental issues with them (heaves, cracks, puddles, etc) and feels that we need to fix the sidewalks and that he likes Wayne's idea and by extending the sidewalk on the other side of the road it may help solve some of the short-lived winter conflicts and still provide walking and snow mobile access to the businesses. Jeff also supported that idea and felt that it could provide more options.

Old Business – None

Public Comment – None

Next Meeting – The board already has a meeting scheduled for February 25, 2021.

Adjournment – On a motion from Barney Valliere with a second from Jeff Schall, the board voted unanimously to adjourn at 8:36 pm by roll call vote.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michelle M. Lutz". The signature is fluid and cursive, with a long horizontal stroke extending from the end.

Michelle M. Lutz

Gorham, New Hampshire
Planning Board

Notice of Decision

Site Plan: Big Day Brewing Company and Barker Mountain Bikes at 20 Glen Road, Tax Map U3 Lot 65

Applicant: 20 Glen Road LLC, 34 Jintown Rd. Gorham, NH 03581

Findings:

1. The site plan application was accepted as complete on February 18, 2021 and a duly-noticed public hearing was held on February 18, 2021 by Zoom videoconference pursuant to the Governor's Emergency Order.
2. The application consists of the following materials, which are hereby incorporated by reference:

Site Plan for Big Day Brewing Company and Barker Mountain Bikes at 20 Glen Road prepared by York Land Services, LLC, Dated February 7, 2021.

Testimony from the applicant at Planning Board meetings held on January 28, 2021 and February 18, 2021 stating that the proposed use of the property is a bike shop, 100 seat restaurant (indoors and seasonally outdoors) and a brewery for production for on-site consumption and on-site retail sales only.

3. The Applicant requested, and the Board granted, a waiver of the requirement for a stormwater plan developed by a licensed engineer due to the small size of the site and relatively small increase in impervious surface.

Action of the Board:

On February 18, 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:

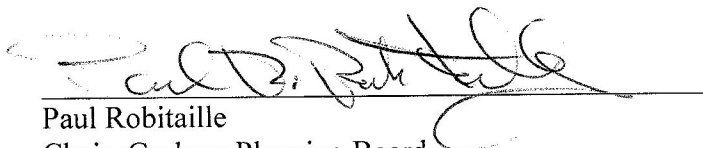
1. The project shall be completed substantially in accordance with the plans, materials and testimony as summarized above, and any substantial or material change or deviation shall require further action by the Board.
2. The Applicant shall comply with all applicable State requirements and approvals issued thereunder including but not limited to NHDOT Driveway Permit. The granting of such approvals shall be a condition precedent to the finality of the within approval, and copies of all such approvals shall be provided to the Town.
3. The following conditions must be met before the site plan will be granted final approval (conditions precedent):
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 - ii. The setback area shown as dotted properly labeled as gravel snow storage area.
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 - v. Correct note #17 to replace the reference to subdivision regulations and variances with site plan regulations and waivers.
 - vi. Propane tank noted as to be relocated to an area indicated.
 - B. 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.
 - C. The applicant must provide the written opinion of an engineer licensed in the State of New Hampshire certifying that the design shown for the access from Rte. 16 represents the safest practicable option for the site.
 - D. The applicant must provide the written opinion of an engineer licensed in the State of New Hampshire certifying that the size and design of the proposed stormwater trench will be suitable for preventing any sediment from the gravel parking area from reaching the abutting property and for preventing any increase in peak flow of surface water runoff beyond the property line.

4. Vendors will be notified that the Town prohibits maneuvers for parking and/or loading and unloading from taking place from a public street.
5. Species used for landscaping shall be from a list of road salt tolerant species.
6. The sign lighting shall be designed, placed and directed in a manner that will not result in any glare to drivers.
7. Must meet all applicable codes in the NH State Building Code.

This approval will expire - subject to further action by the Board - if it does not become final 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

Feb 18, 2021
Date