

**Town of Gorham
Planning Board
Minutes May 21, 2020**

Members Present by Remote Connection: Paul Robitaille (Chairman), Michael Waddell (Ex-Officio), Wayne Flynn, Daniel Buteau, Abby Evankow, and Reuben Rajala (Alt)

Members Excused: None

Members Absent: Barney Valliere , Jeff Schall (Alt), Peter Gagnon (Alt), Brian Ruel and Earl McGillicuddy (Alt)

Members of the Public and Staff by Remote Connection: Michelle Lutz, John Scarinza, and Tara Bamford

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, the 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 6:30 by Chairman Robitaille

Appointment of Alternates: Chairman Robitaille appointed Reuben Rajala as a full voting member.

Accept & Approve Minutes of May 14, 2020 – At the request of the recording secretary and on a motion from Mike Waddell with a second from Wayne Flynn, the board voted to pass over the minutes.

Work Session with Tara Bamford

The board met with Tara to go over the road-related sections of the subdivision regulation draft dated April 12, 2020. Tara first went over some background on subdivision roads for the Board including different approaches to private vs. public roads. She emphasized that the same process, standards and specifications, and safeguards should be taken regardless of whether a developer presents a proposed subdivision road as intended to be dedicated to the town or remain private, because in the future the developer could decide to dedicate it to the town or a landowner might petition the town to layout a town highway over it. These included:

1. Making sure all of the required application material pertaining to the road construction is provided before accepting an application as complete.
2. Review of road plans by engineer chosen by the town to ensure all required standards and specifications are met, reimbursed by the applicant
3. Review of legal documents by lawyer chosen by the town, reimbursed by the applicant
If the road will be dedicated to the town, these documents should include proposed deed language and language regarding responsibility for the road until such time as it is accepted by the town.
If the road will be private, covenant language needs to show how the road will be maintained in perpetuity, including how funds are determined and collected, process for emergency repairs, enforcement mechanism.
4. Review of proposed performance guarantee amount by engineer chosen by the town, and form/language approved by town counsel, reimbursed by the applicant.
5. Obtains estimate from engineer chosen by the town for inspection of road construction.
6. Include in conditions of approval including all documents, performance guarantee, and inspection fees to be put in escrow before plat is signed and recorded.
7. Not signing and recording plat until after performance guarantee and inspection fees received. Also record notice of action containing all of the conditions unless they are all written on the plat.

Tara outlined some pros and cons of private and town roads from the developer's and town's perspective. She

explained that there are safeguards for the town if asked to take over a private road later. If the road is dedicated to the town later, a 2/3 vote of town meeting is required if the planning board disapproves. If the selectboard is petitioned to take it over later, there are mechanisms in state law to recover the costs of any upgrades from the landowners including conditional acceptance and betterment assessments.

Tara mentioned two steps that could make the process more predictable for developers. One was RSA 674:40-a that enables town meeting to grant authority to the selectboard to accept a road dedicated through the subdivision process. The other was the LGC recommendation for a policy on when roads would be accepted as public, e.g., if they were built to town standards. Members commented on the benefits of leaving the decision in the hands of the voters and on being able to decide on a case by case basis. Members also commented on gravel vs paved roads and the need to move forward with caution. There was consensus to consider allowing short lengths of gravel road under certain circumstances such as low volumes and not steep.

The Board next discussed whether the subdivision regulation and zoning amendments should include the possibility of subdivisions with private roads. The consensus was that there should be some option for the Planning Board to allow a private road following all of the recommended safeguards. Tara and John both emphasized the importance of constructing all roads to town standards and specifications to protect residents and the town in the future.

The benefits of shorter roads was discussed relative to cluster subdivisions, such as lower construction and maintenance cost, and less maintenance cost for the town if it was taken over in the future.

Code Enforcement Update

John Scarinza provided an update.

New Business

Mike Waddell questioned the zoning ordinance provisions regarding fences. As the zoning ordinance details which fences do and do not need permits, the question is who actually issues the permit? Tara explained that the Planning Board does not have enforcement authority and therefore cannot issue building permits. It was agreed that adding a reference to the permit section of the ordinance to the fence table would help clarify things.

Next Meeting

The board scheduled their next meeting as a work session with Tara which was tentatively scheduled for June 18th with June 25th as an alternate if needed due to applications. Tara will provide a revised draft of the subdivision regulations for review by members in advance of that meeting.

Public Comment – None

Adjournment

On a motion from Dan Buteau with a second from Abby Evankow the board voted to adjourn at 8:00 pm with all members voting in favor.