

**Town of Gorham  
Planning Board and Zoning Board Minutes  
For Joint Meeting held on  
February 21, 2013**

**Planning Board Members Present:** Mike Guay (Vice Chairman), Reuben Rajala, Mike Waddell, Dan Buteau, Paul Robitaille, and Barney Valliere

**EXCUSED:** Wayne Flynn, Earl McGillicuddy

**Absent:** Bruno Janicki (Alt), John Losier

**Zoning Board Members Present:** Paul S. Cyr, Jr., (Chairman), Thomas Dyar, Suzanne Whitehouse, Yves Zornio, alt.

**EXCUSED:** Wayne Flynn, Keith Roberge, Stephanie Kennedy, (alt)

**Members of the Public:** Michelle Lutz, (ZBA Secretary), Robin Frost, John Scarinza, Gail Scott, Doug Lavigne, Tim Sappington, Tom Cote, Julie Dale, Eric Gagne, Andrew Horr, Don Bouchard (Horizons Engineering), Steve Binette (Ray's Electric).

As this is a joint meeting, the Vice Chairman of the Planning Board will chair the meeting as outlined in the Planning & Zoning Board's By-Laws.

**Call to order:** The meeting was called to order at 7:05 by Chairman Mike Guay

**ROLL CALL:**

Chairman Guay called the roll for the Planning Board. Reuben will be replacing Earl McGillicuddy.

Chairman Cyr called the roll for the Zoning Board. Yves Zornio will replace Keith Roberge.

Paul Robitaille then asked Chairman Guay if he could address the boards and the public regarding his ability to vote on Case #01-2013 Robitaille/Lavigne. Though the building is owned by his Aunt who is in a nursing home, he has no ties to her estate and could vote on the case if he so chose. However, so it cannot be challenged, he will recues himself from any vote regarding Application of Doug Lavigne and Alice Robitaille.

**CASE #01-2013: Doug Lavigne/Alice Robitaille**

Doug Lavigne brings before the Boards tonight his proposal to renovate the property located at 70 Main Street into three condominium units that would each be approximately 1100 square feet.

As a point of order, ZBA Chairman Cyr informed Mr. Lavigne that since the ZBA only had 4 members present, it was Doug's prerogative to continue this hearing until a full five member board could be present or he could proceed. Doug Lavigne chose to proceed with the hearing with 4 ZBA members.

Doug continued to present his proposed plan and explain how his new proposal meets the life safety codes of the Town and State and also meets the town ordinance for parking and reconfirmed that he would not be changing the structure of the current building. There will be no changes to the footprint. What he is seeking at this time is a variance. The Zoning Ordinance currently requires 10,000 sq feet for buildings having three units. The property only has 7,797 sq feet.

Chairman Guay then opened the discussion up to the public and asked if anyone had any questions. Tom Cote said he had a few concerns that he wanted to discuss. His first question was if there was a Durable Power of Attorney and when it had been signed by Mrs. Robitaille. Mike Guay gave the answer of March 21, 2007 (Mr. Cote reviewed the document). He then stated he had concerns regarding drainage on the property and their being extra snow plowed towards his property or towards the Dale property on Alpine Street. He also questioned the current garage on the premises. He wanted to know if the garage would be staying. Mr. Lavigne answered that the garage will be staying exactly where it is and it will be remodeled to house 2 cars and the remaining 4 parking spots will be back to back between the garage and the house. Tim Sappington then spoke on Doug's behalf stating that measured drawings will be done and reviewed by the Town. No changes will be done to negatively alter the existing drainage, if anything, there will be improvements. He reminded Mr. Cote that any other future changes not presently noted would have to be presented to the town and a Building Permit obtained.

Tom then stated that the variance needs to meet certain criteria for the town granting a variance. He wanted to address the following: 1. the property can be used other than a multifamily unit, it has been used in the past as a boarding home. 2. The property is located in a Commercial zone and he believes the ordinance is designed to limit this type of growth in that area. 3. He has concerns with parking for six vehicles and each unit owners "toys".

PJ then spoke: He answered Tom's questions regarding the Spirit of the Ordinance. 1. The building located at 70 Main Street is a historical building. He then asked if Paul Robitaille could give the boards some history on the property. Paul Robitaille agreed and stated the following: He believed that his "Aunt's house" had been in use since approximately 1964 or 1965 as a tourist home more than a boarding house and that over that period of time his Aunt had a steady clientele of people who would come yearly to visit the area. He believed the home at that time had approximately 6-9 rooms and that there was never a problem with parking or issues with drainage during those years. It was also used to house the overflow from the local motels. Chairman Guay requested a copy of the tax card which was obtained and reviewed. It indicates that the current structure is assessed as a boarding house with six occupants.

PJ then reconfirmed that Doug's intent was to renovate the current property into a three unit condominium that would be approximately 1100 sq feet each. Barney then asked if the condo units would be sold individually and Doug confirmed they would. Doug also confirmed an attorney will draw up a document called a "Declaration for the Association" that will have a list of by-laws and regulations for each condo owner and a board of directors will be formed and a condo association would be formed and the association would be responsible for anything that would arise. Each unit would have a separate tax bill from the Town of Gorham.

Mike Waddell then spoke up and stated the following: By the zoning ordinance, any property in the lower village requires 10,000 sq feet. This is a structure that is grandfathered as a 6-9 room boarding house and could go back to that without any problems with the potential for seven vehicles or more does not see a problem with this proposal; sees this case fitting into a variance. This renovation would change from 6-7 residents on a year round basis to three owners year round, the town would be better off in the long run. Only concern he had was with the site plan and showing the true dimensions. Tim Sappington spoke and stated a detailed site plan by a certified surveyor would be submitted that would include parking and drainage and he would work with the town and the abutters regarding any concerns.

PJ then stated "for the record" the property listing has been reviewed and indicates the current structure has been assessed in the past as a boarding house with six occupants. Tom Dyar asked what the general purpose of the Planning Board tonight? Mike Guay responded that if Mr. Lavigne is granted a variance by the ZBA tonight, then they are before the Planning board this evening for a site plan review as well. PJ felt the proposal meets all five of the criteria necessary for a variance: 1. Contrary to the public interest – he disagrees and feels that this type of housing is needed and would

be in the public's best interest. Main Street is mostly multifamily or commercial properties. 2. Spirit of the ordinance is observed – this building is grandfathered and was used for lodging with six occupancies and could be used as such again without any variance. 3. Substantial justice is done – Good for the economy. Mr. Lavigne wants to improve a structure that is slowly creeping into disrepair. 4. Diminution of surrounding properties – He believes the opposite is true. 5. Hardship – He believes the use is a reasonable one. Parking meets the ordinance requirements; there will not be any additional snow, just where it is being placed.

Yves Zornio stated the historical use of the building makes it hard to deny this request.

PJ then handed out the work sheets to the ZBA members to complete and vote on. Tom Dyar made a Motion to Grant the Variance to Doug Lavigne, motion seconded by Sue Whitehouse. Chairman Cyr called for the Roll Call Vote. PJ - yes, Tom - yes, Sue – yes, Yves - yes.

The applicant was informed that the abutters have 30 days to appeal this variance.

Motion was made by Tom to adjourn the Zoning Board portion of the meeting, seconded by Yves. All in Favor. The meeting was closed to the public @ 7:44.

Discussion was then turned to the Planning Board members. Mike Waddell suggested they use this meeting as an information gathering and ask Mr. Lavigne to come back for a full site plan review. He would also like to see a more clear drawing of the proposal. Tim Sappington will ask York Land Services for Site Plan Drawings. Barney agreed that they should continue the meeting until a later date when they have all the necessary information to review and move forward. Mike Waddell made a motion to continue this hearing until March 21, 2013 which received a second from Dan Buteau. All members voted in favor. The Board informed Mr. Lavigne that they will need a plat by a licensed surveyor. Mike Waddell advised Mr. Lavigne to pay close attention to the Board's suggestions and address the items on the Site Plan Review checklist on the plan.

**PRELIMINARY SITE PLAN REVIEW - Berlin City Toyota:** Don Bouchard of Horizons Engineering presented the proposal of a 3500 square foot addition to the existing Berlin City Toyota. The addition is designed to improve the looks inside the current building. No changes will be made to the exterior of the structure. Paul raised the question of lighting and making sure it would be up to code. Dark skies approved lights will be used. No changes to the existing sewer or water systems. This addition will square the building off. Mike Guay asked about the drainage and his concerns about being able to handle the existing drainage. Steve Binette stated the only changes would be made to add a lounge area in the existing show room. John Scarinza asked about fire lanes and they will be marked on the plan. Don Bouchard stated they are looking for an April 1<sup>st</sup> start date. Mr. Bouchard was told to get three plans and Mylar's signed by the TRC and then come back to the Planning Board when this has been completed.

**REVIEW OF COMMERCIAL BUILDING PERMITS:** No new building permits at this time.

**NEW BUSINESS:**

None at this time.

**OLD BUSINESS:**

John stated Wayne Flynn had previously asked him to check with HEB regarding the towns' road standards and that he had spoken with Jay Poulin who said he would review the current road standards for the town.

The former Munce's and Jay's Quick Lube building: No new updates, still in the demolition stages. Still waiting for final drawings. John will follow-up.

**NEXT MEETING** is scheduled for March 21, 2013.

**Adjournment - Motion** to adjourn was made by Dan Buteau and 2<sup>nd</sup> by Barney Valliere. All were in favor. Adjourned at 8:30pm.

Approved as Amended 3/14/21