

Town of Gorham
Planning Board Minutes
May 16, 2013

Members Present: Mike Guay, Wayne Flynn, Mike Waddell, Dan Buteau, Paul Robitaille, John Losier, (Alt)

Absent: Bruno Janicki

Excused: Earl McGillicuddy, Barney Valliere, Reuben Rajala

Others: John Scarinza, Building Inspector, Al Duncan

Meeting called to order: 7:08 pm by Chairman, Mike Guay. Mike appointed John Losier to sit in place of Earl McGillicuddy as a full voting member for tonight's meeting.

ROLL CALL:

Acceptance of Minutes: A Motion was made by Mike Waddell and 2nd by Wayne to accept the Minutes of April 11, 2013 as presented, all were in favor.

Election of Alternates: Motion made by Mike Waddell to reappoint Reuben for a 3 year term, 2nd by Paul, all were in favor.

Continuation of CASE #03-2013 – Lot Line Adjustment – Lot Merger: Brouillette/Boisclair/Kelley & Munce. Chairman Mike Guay reported he had no new information on this case. A Motion was made by Mike Waddell and 2nd by Wayne Flynn to continue this case to the next meeting date of June 13, 2013. All were in favor.

New Business: Al Duncan, owner of the property located at 129 Main Street comes before the board tonight to discuss changes to his property located at 129 Main Street. At this time the property is a residence only and not a business. The property in the past has been a business, Strictly Moose. Mr. Duncan would like to take the existing property and upgrade it to be 5 unit suites that would be weekly rental units. The board would like Mr. Duncan to provide a detailed upscale drawing to include foot prints of the apartments and a map of the overall area and floor plan and re-present before the board for a site plan review. If Mr. Duncan is ready, he can be heard at the next meeting scheduled for June 13, 2013. The board would also like Mr. Duncan to provide them with copies of the five separate PSNH bills that represents the 5 units that he is currently paying electricity on in his building. The Dept. Heads/CRT Committee will need to meet with John Scarinza to discuss Mr. Duncan's plan.

Building Inspector , John Scarinza updated the board on the current commercial permits he has going at this time. Dunkin Donuts is doing an interior remodel, no exterior changes in the foot print. Yokohama has re-sided the outside of their building. Jay's Corner is in the process of re-siding the outside of their building. Moose Meadow presented an application to update their existing sign, at the bottom of the moose they want to add propane sales. VIP has sold their parts business to O'Reilly Auto Parts so the signs will be changing and VIP has changed displays, but no changes to the existing footprint, just change to the sign. Munce's Quick Stop – a representative met with Town Manager Frost on 5/16/13 and a conference call was scheduled for 5/17/13 with Town Manager Frost and Building Inspector, John Scarinza. Their long-term plan is to follow the proposal from January to create a truck stop with store, but short-term they would like to get the gas station portion up and running with no change to the footprint of the building and no changes to the traffic flow, this is what the conference call will be on. The Quick Stop property is currently owned by a business group out of Mass. who has leased a Master Lease to Luc Cote. Luc Cote has sublet his Master Lease to Tim Woodward and two partners who started the process last fall, but they are no longer part of the project. John Scarinza has been dealing with the owners in Massachusetts who would like to get the original store up and running. They would like to have 2 phases: 1st phase is they would like to reopen the existing facility with no change in use. The facility will be reconstructed similar to what existed prior to the demolition; the inside has been completely gutted out. Minor changes to the automobile service area to be repurposed to a lounge-type area with seating, TV's and computers. The owners will prepare architectural plans for Mr. Scarinza's review and issuance of a building permit. Phase 2 would be to approve and construct "Skids Truck Stop" or something similar which will include expanding space similar to a Tim Horton's or a Taco Bell, expand the convenience store, provide expanded shower facility, expand existing 4000 sq ft building to the rear, provide office space upstairs. Exterior changes would come in phase 2 with additional diesel pump facility, access road, upgrade propane filling station. John Scarinza would like to know how the board would like to proceed. The board has concerns. The board would like the owners to present their plans in writing with drawings and survey plans for what they would like to do at this present time, this year and then they can apply for a permit. John Scarinza asked the board if they would be agreeable to him issuing a permit with stipulations which clearly state what the permit allows them to do at this time. The board had mixed feelings, a lengthy discussion was had. It was decided that John Scarinza would tell them to have everything ready to come before the board at the next meeting on June 13, 2013. This would have to be a public hearing if they are coming before the board for a full site plan. The board needs to know what their intentions are.

Color Works – Applied for a building permit to spruce up the building making changes to the existing structure. John issued a building permit to them; wanted the board to be aware.

Road Standards from H.E. Bergeron. Copies were handed out of the I-93 Subdivision of Land for the board members to review. Mike Guay has spoken with Tara and she stated she had received and reviewed the copy of Jay Poulin's letter Dated April 8, 2013. Tara advised Mike Guay to have the board members review the letter and decide if any changes or additions need to be made and let her know and when the board is ready she will come in to meet with them with the proposed changes/additions ready to go into the ordinance. The board agreed that they would review the materials on their own and get back to Mr. Guay with any changes that they may have. Chairman Guay stated he had spoken with Austin Holmes, Public Works Director regarding the letter from HEB and his thoughts were as long as it follows state guidelines then he was alright with the letter.

His big concern was the bonding issue and the way the ordinance is currently written, it contains no recourse if a road was to fall apart in a certain amount of time. He would like to see this explained more clearly. The board would also like to “clean up” the section of how a road gets accepted as a town road in the future. Chairman Guay spoke with Tara about the Master Plan; Tara does not deal with the master plan, but there is someone in her office that is very well trained in dealing with Master Plan clean-ups that she will put the board in touch with. At this time they are at their end of the fiscal year and there is no money available; as soon as there is money available Tara will put Mike Guay in touch with the right person to help with the Master Plan.

Old Business: Building Inspector Scarinza wanted to talk about Joele Losier’s Minor Lot Line Adjustment. John stated he had been working with Joelle Losier regarding the information that was needed to get the Plan signed off regarding two issues: The railroad being notified by certified letter and hopes of them responding within 30 days regarding the crossing and the abutters to the west; and the home owners association. John Losier had previously provided copies of documents to John Scarinza, Building Inspector and Mr. Scarinza provided copies of correspondence from 2010 between the railroad and Mr. Losier for the board members to review. Paul Robitaille wanted it to be on the record that for this discussion the record should show that John Losier is not sitting as a board member. Mr. Losier recused himself; let the record show that Mr. Losier has recused himself from this discussion.

Regarding a two page letter from the St. Lawrence Railroad to John Losier; Mr. Scarinza wanted to know if this letter satisfied the notification requirement of the railroad? Chairman Guay reminded the board that they previously had questions for the town’s Attorney, Ed Boutin regarding notification of the railroad. Mike Guay stated that a letter had been received from Attorney Boutin that he hoped to review with the board. He stated he received the letter via e-mail and that he could read it to the board members if they so wished. He stated that the letter falls under attorney-client privileged information and if the board wishes him to read it that they will have to go into private session or they can wait until the next meeting to receive the letter from Town Manager Frost. The board agreed that they wanted to hear the letter now.

FOR THE RECORD:

At approximately 8:50 the board went into private discussion. Secretary Lisa White and John Losier left the room for this discussion.

FOR THE RECORD:

9:00 back in public session.

The board re-reviewed the 6 conditions on the Platt again, lengthy discussion was had. Condition 1: The board all agreed on. Condition 2: The board all agreed on. Condition 3: The board all agreed on. Condition 4: Regarding the railroad requirements. The board agreed that the railroad was noticed in the past on the abutters list and they had not responded within the 30 day time line. What does the board wish to do now? The board wishes to make a Motion: Condition 5: The board all agreed on. Condition 6: Home owners association. Concerns regarding an enforceable agreement. A Motion was made by Mike Waddell to approve the Minor Lot Line Adjustment on tax parcels U26, 9, 10, & 11 dated September 22, 2011 on the plan of Art York, by Art York Land Services. Conditioned on the home owners association being a legally enforceable instrument for all

the lots mentioned as well as lot U26, 6 and that the current property owner will notify any future owner of a letter addressed to Mr. Losier from the St. Lawrence and Atlantic Rail Road dated August 27, 2010 and that a copy of this letter will be made a part of the property file. Motion on the floor made by Mike Waddell and 2nd by Wayne.

DISCUSSION: The board wanted to know how you determine something is legally enforceable. Would this have to be decided by an attorney? Mike Waddell stated his language in the motion was to make clear that if the conditions are not enforceable then this motion is not valid.

ROLL CALL

ROLL CALL VOTE: 4 yes, 1 no; Motion approved

DAN: YES

PAUL: NO

MIKE WADDELL: YES

MIKE GUAY: YES

WAYNE: YES

Next Meeting is scheduled for June 13, 2013. Continuation will be heard on Case #03-2013 - **Lot Line Adjustment – Lot Merger: Brouillette/Boisclair/Kelley & Munce.**

Motion to Adjourn was made by Mike Waddell and 2nd by Mike Guay. All were in favor.

Meeting adjourned @ 9:30 pm