

**Town of Gorham**  
**Planning Board Minutes**  
**June 13, 2013**

**Members Present:** Michael Guay, Wayne Flynn, Mike Waddell, Dan Buteau, Paul Robitaille, Reuben Rajala

**Absent:** Earl McGillicuddy, John Losier

**Excused:** Barney Valliere

**Others:** Robin Frost, Town Manager, John Scarinza, Building Inspector

**Members of the Public Present:** Al & Kathleen Duncan, Andrea Duncan, Robert Duncan, Jr., Erica & Steve Grone, Kara & Jason Hunter, Ted Gowdy, Project Manager, (Representative for 443 Main Street), Chip Bean, Tim Sappington, Robert Balon

**Meeting called to order:** 7:03 pm by Chairman, Michael Guay. Michael appointed Reuben 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 Paul Robitaille, 2<sup>nd</sup> by Wayne to accept the Minutes of May 16, 2013 as presented, all were in favor. Reuben excused himself as he was not present at the meeting.

Chairman Guay asked the board if they minded moving forward to old business for a correction he needed to make. He said they would then continue on to New Business to set the next meeting date which is necessary for item #3. All were in favor. Therefore, Chairman Guay moved to old business.

**Old Business:** Chairman Guay wanted to make a clarification that he previously spoke about regarding the Master Plan. He stated that he had incorrect information prior to speaking with Tara Bamford, North Country Council. He previously stated that Tara didn't have any previous experience with Master Planning and had dealt mostly with Road Standards. This was incorrect information. Tara is very knowledgeable in Master Planning and she will handle our Master Plan and the Road Standards will be handled by someone else in her office. With this new information, Tara needs to have the Road Standards closed out by July 1<sup>st</sup> because of the fiscal year. She is available to meet with the board on June 27<sup>th</sup> if the board is in favor. This will be a work session. The Board was in favor of this meeting date. This meeting will be held in the first floor meeting room due to the conference room and auditorium being booked.

**Continuation of CASE #03-2013 – Lot Line Adjustment – Lot Merger: Brouillette/Boisclair/Kelley & Munce.** Chairman Guay reported he had no new information on this case. A Motion was made by Mike

Waddell and 2<sup>nd</sup> by Dan Buteau to continue this case to the next meeting date of June 27, 2013. All were in favor.

**New Business: Site Plan Review – Case #04-2013 – Al Duncan, property located at 129 Main Street.**

Chairman Guay refreshed the board's memory about a discussion they had with Mr. Duncan at the last Planning Board Meeting. Mr. Sappington spoke on behalf of Al Duncan regarding the plan he is proposing for 129 Main Street. Al Duncan, owner of the property located at 129 Main Street spoke stating he would like to change the existing property to become four (4), one (1) bedroom vacation suites. No long term rentals, no motel rentals, no overnights. All units will be on the first floor with the owners living quarters on the second floor. Mr. Sappington reviewed the whole plan with the board members. No change to the existing site; minor modification regarding parking will be done. The foot print of the building is not changing. All units will be up to code. Question regarding snow removal. Mr. Duncan will keep the same snow removal policy that he currently has in effect; he pushes the snow to the rear of his building to his garden area. No new signage, no changes to the existing lighting. The outside of the building will be getting a facelift. Chairman Guay asked if anyone from the public would like to speak for or against or if there were any questions. Erica Grone spoke on behalf of Mr. Duncan and said she and her husband Steve were very happy with Mr. Duncan's plans and have never had any problems in the past with snow removal. Her husband, Steve Grone spoke and said he had plowed the Duncan property in the past and there was never an issue with snow removal. Chairman Guay asked for a board discussion. The board asked the Code Enforcement Officers opinion if all codes are being met? Mr. Scarinza spoke about a letter that he had received from Tim Sappington regarding fire code issues that he wanted to share with the board which he distributed. Mr. Scarinza stated he had spoken with Chief Eichler and he is agreeable to Mr. Sappington's recommendations regarding fire protection and construction standards for this project. He stated the Water & Sewer Department still need to be contacted regarding this project. Only issue at this time is square footage. Chairman Guay referred to the Zoning Ordinance regarding Commercial A, multi-family housing units and square footage, 10,000 square feet is what the ordinance reads. Discussion regarding the "definition" of a tourist accommodation without kitchen facilities. These units have kitchenettes? Will this require a variance because of the kitchen units?

A long discussion amongst the board was had. It does meet the spirit of the ordinance. Town Manager Frost was asked if the TRC had met to review Mr. Duncan's request and she stated the TRC had never received any plans to review. The board members agreed that in order to make this legal that Mr. Duncan would need to obtain a variance regarding lot size. Discussion between the board members regarding the "future" and what happens when the property is not owned by Mr. Duncan and the status of the tourist home and this staying as a tourist home and not a rental unit. The board was very satisfied with the Platt. Code Enforcement Officer John Scarinza stated that he had advised Mr. Duncan to come before the board and if the board felt Mr. Duncan needed additional information for site plan review that the board would advise him of what this would be. Mrs. Duncan wanted the floor to speak regarding receiving 5 electric bills that they continue to receive monthly. Chairman Guay advised the Duncan's that the previous 5 tax bills showed 2 units, 3 units, and back to 2 units; never 5 units in the past 5 years have been recorded on the tax cards. Mr. Duncan asked who determines the units. Chairman Guay advised Mr. Duncan that the Assessing Department makes the determination. It was brought to the board's attention that the dimensions were incorrect, but the original plan was drawn according to

the Platt plan that was provided by Mr. Duncan. The board reviewed the plans and determined the square footage to be 12000. Discussion was had with the board members.

Mr. Duncan made a request that a joint meeting between the Zoning Board and the Planning Board be scheduled to hear his case as soon as possible.

A Motion was made by Mike Waddell to continue this application until June 27, 2013 where a joint meeting will be held with the ZBA, 2<sup>nd</sup> by Reuben. All were in favor. None opposed. The motion passes.

DISCUSSION: Board member Paul Robitaille wanted it noted that he would like to revisit the language and review it before the town meeting. Chairman Guay made a note.

#2 Next case: **Site Plan Review – Case#05-2013-443 Main Street Property, formerly Munce’s Quick Stop.** Ted Gowdy, IPS Real Estate, Property Manager/Broker, spoke on behalf of 443 Main Street Corporation, Gorham Incorporated. To bring the board up to date. The owner had previously leased the building to Luc Cote at LL Cote, Inc. as the master tenant; they then turned the property over to Tim Woodward and a couple other individuals. Mr. Woodward, et al are no longer involved. The current owner is looking to open a gas station with retail and shower facilities, but it has been greater than 2 years since it has been closed so they were advised by Code Enforcement Officer Scarinza that this would require planning board review so they are before the board tonight for site plan review and approval to reopen. They are before the board tonight for site plan approval to reopen under the preexisting use with no change. They realize that if they were to change the use to open a full fledge truck stop that this would require a full site plan review and they are not before the board for that approval tonight, they just want to open what was there before. No plans have been previously submitted before tonight. The board wanted it clarified who the current owners are. There are four existing lots on what is known as the “Old Munces Quick Lube property”. From north to south the first lot is owned by Mr. Cote. The second lot is owned by 443 Main Street. The third lot is in bankruptcy protection formerly owned by Butch Munce and the fourth lot is owned by P&L Cote. The current owner of two of the lots just listed is formerly known as 443 Main Street Gorham, Inc. Mr. Cote has a master lease over the 443 Main Street property that abuts his property.

Christopher “Chip” Bean was present on behalf of Mr. Cote. Packets were passed out for the board to review with proposal for architectural plans for the building and site plan for the existing structure. No changes to the existing 4000 square foot building will be made. Mr. Gowdy reviewed the documents and additions/changes to be made to the existing building with the board. Plans were prepared by Michael Couture, Architect of Conway, NH. For the record: The plans show “Auto North” on the title blocks and they are incorrect; he corrected the title block on the first page but failed to correct them on the other pages. The plans are correct. The board had questions regarding signage. There is an existing sign that will be used. Second question was regarding outside lighting? No proposed changes to the existing outside lighting. They are aware that there are lighting ordinances and regulations they would need to follow.

The board had questions regarding the three entrances: The board wanted to know what if any easements were recorded regarding rights of way? Ted Gowdy stated that Shaw’s has a recorded easement on Mr. Cote’s land,

the most northern lot. Mr. Gowdy also stated that they have deeded access on their lot out the center of their lot on the existing curb cut and that they believe they can get an agreement with Mr. Cote for a deeded easement over his property. The southern access to this property is over the lot that is in bankruptcy and is not being considered for this application.

The Planning Board requested that 433 Main Street Corporation needs to get an easement across Mr. Cote's land. Mr. Gowdy stated that there is an agreement to provide this information which Mr. Bean can verify, but is not recorded. The board wants verification of this on the Platt. Question regarding the truck fuel islands. The new island is not shown on the Platt provided to the board. The board wants to see it on their copy of the Platt to show which one will be used. For the record: What was previously shown in the plans previously submitted is wrong and the island closest to the road will not be used and the island north of the building is where the new diesel pumps will be placed. The board's biggest concerns are the right of way access. They are requesting clarification on the Platt regarding that right-away(s). The access issue needs to be dealt with, make it clearer on the Platt. The developers would like to obtain a building permit and open this business as soon as possible.

A Motion was made by Mike Waddell, 2<sup>nd</sup> by Reuben to approve the site plan as presented this evening with the following conditions: Corrections need to be made on the last page of the site plan drawing to show access roads, truck parking spaces, and snow removal plan. They can then present to the building inspector their easements with the guaranteed access to the facility from the north and to have the diesel fuel tanks properly located on the Platt. All were in favor. None opposed. Conditional approval granted. When the conditions have been met they board will sign off on the Platt. Note there is still a 30 day appeal process. They would like to have the conditions met and ready for the June 27<sup>th</sup> meeting.

**New Business:** Jason and Kara Hunter are before the Planning Board tonight to discuss property owned by Doug Mayer and Jenn & Matt Bowman, LLC. A building permit was obtained by the owners to install a bathroom in the two car garage behind the building. Jason and Kara Hunter are proposing to operate their light construction business, home remodeling out of the said garage. They currently have a business they have been running for approximately 7 years called "Simple Structure LLC". They are in need of more shop space other than their basement which they are currently working out of and found this property and think it will be perfect for their workshop and business. No showroom at this time. They would operate during normal business hours and are aware that they will have to be compliant with the noise ordinance in town. They are seeking the board's approval to open their business, strictly change of use to the existing building, everything code compliant. Code Enforcement Officer Scarinza believes it looks fine, no issues at this time. A Motion was made by Mike Waddell that Jason & Kara Hunter do not need to go through a full site plan review for this carpentry shop, 2<sup>nd</sup> by Reuben. All were in favor. None opposed.

**Discussion of the board:** A question for the board under non-conforming uses, page 33 was asked by Code Enforcement Officer Scarinza. What is the board's sense regarding A-F, F being additions to structures of record and having this section clarified to him. The board would like to do away with the existing A-F paragraphs and create a whole new paragraph. A discussion was also had amongst the board members regarding variances and setbacks and updating the current information. The board would also like to discuss clarifying the multi-family housing/tourist accommodation section. This can be amended as long as it is voted

on at the town meeting. Chairman Guay also brought up the issues surrounding 9-1-1 addresses that need to be discussed with Tara at some point in time.

**Next Meeting:** Is scheduled for June 27th, 2013. This will be a joint hearing between the Zoning Board and the Planning Board regarding Case #04-2013- Al Duncan, property located at 129 Main Street, Gorham. Motion to Adjourn was made by Wayne Flynn and 2<sup>nd</sup> by Mike Waddell. All were in favor. Meeting adjourned @ 9:30 pm

APPROVED AS NOTED ON JUNE 27, 2013