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October 10, 2012

Town of Gorham Planning Board
20 Park St.
Gorham, NH 03581

Re: Planning Board minutes of September 27, 2012.

Dear Members of the Board:

Please allow this letter to serve as an objection to the Planning Board Minutes of September 27, 2012. Below, I have outlined the deficiencies as identified by both Burke York and myself.

1. **"Others in attendance"**- Steve Binette's name was incorrectly spelled as Steve Bennet. My name was incorrectly spelled as Sofar. PJ Cyr was identified as being in attendance; however, Mr. Cyr was believed to be chairing a ZBA meeting that same evening and was, upon information and belief, not in attendance. The man who we believe to be referred to as Norman Labbe, having spoken during the public comment portion of the hearing, was actually a man named Ron Dube. The applicant understands Mr. Dube to be an abutter from Mill Street. Upon information and belief, a reporter from the Berlin Daily Sun was also in attendance.

2. **"Case # 05-2012"**- This section contains several inaccuracies and missing information. We propose that the minutes be amended to include the following additional information: Burke York presented the revised site plan showing the exit drive and removal of a proposed mobile home as requested at the prior Planning Board meeting. Paul Robitaille inquired about an increase in the lot sizes, to which Burke



replied that the lot sizes were not increased due to accommodating the exit road. The hearing was opened for public comment and Robin Frost raised the issue of the retaining wall, stating that it should be engineered. Mr. York commented that he had met the prior afternoon with the Public Works Director, Buddy Holmes (with Robin's verbal approval), and that he did not request an engineered wall. Mr. Holmes, at Burke's request, signed the survey plat and stated that it met his approval.

John Scarinza agreed with Ms. Frost and said that the Department Heads recommended the wall be engineered. Paul Robitaille then asked Mr. Scarinza if the Department Heads recommended the wall be engineered. Mr. Scarinza did not address the question directly, but did imply that he believed that the engineering should be done.

The minutes provide that Mr. Scarinza requested that the entire plan be reviewed due to the addition of the exit drive. The minutes also state that Mr. Scarinza would like the exit staked and engineered. The discussion regarding engineering surrounded the retaining wall and not the exit.

The minutes also fail to reflect that the undersigned counsel for the Drouins requested the Board's authority for requiring the retaining wall to be engineered. The Board stated that it would not search for the provision, but that they received engineering drawings all the time and they believed it was within their authority to ask for this, but they could not point to a provision.

The Board then worked through the criteria for the plat and granted a conditional approval based upon the condition that the applicant obtain an engineered design for the retaining wall. The Board also stated that the requirement for an engineered wall would be revisited, should it be determined that the cost is prohibitive.



Thank you for your consideration. If you have any questions, or require additional information on this, please do not hesitate to contact me at your earliest convenience.

Sincerely,

MONAGHAN SAFAR DWIGHT, PLLC

A handwritten signature in black ink, appearing to read 'Claudine C. Safar', written in a cursive style.

Claudine C. Safar, Esq.

CC: Client
Burke York