

**Town of Gorham**  
**Planning Board Minutes**  
**January 10, 2019**

**Members Present:** Dan Buteau, Abby Evankow, Dennis Arguin, Mike Waddell, Jeff Schall (Alt) and Earl McGillicuddy (Alt)

**Members Excused:** Paul Robitaille, Wayne Flynn, Barney Valliere and Brian Ruel

**Members of the Public:** Burke York, Maurice Lemieux and Ron Marquis

**Call to order:** The meeting was called to order at 6:34 by senior member, Dan Buteau

**Appointments:** Acting Chairman Buteau appointed Jeff Schall and Earl McGillicuddy to replace Paul Robitaille and Barney Valliere as full voting members

**Approve & Accept Minutes of December 4, 2018** – On a motion from Dennis Arguin with a second from Abby Evankow the board voted to accept the minutes as presented. Jeff Schall, Mike Waddell and Earl McGillicuddy abstained

**Case #01-2019 – Arguin/Marquis – Minor Lot line Adjustment**

Dennis Arguin abstained from this case as it involves his property. Burke York presented a plan to the board for a minor lot line adjustment at the end of Broadway Street. The original subdivision plans show Broadway Street was originally planned to go all the way to the river but was not developed that far. The pavement stops in front of the Arguin property. NH Case law indicates that abutting owners actually own to the center of an undeveloped street which would make these two parcels contiguous and therefore make a minor lot line adjustment a legal transaction. The Arguin's would grant an easement to the Town of Gorham for access and snow storage as the Highway Dept currently plows just beyond the end of the paved street which would be on the Arguin property. Mike Waddell questioned how the location of the two pins at the end of Broadway Street were located. Burke explained that he extended Broadway Street based on measurements found and went to the end of the pavement to determine the location of the developed street. Mike Waddell is concerned because a previous minor lot line adjustment was revoked because the Town street went between two properties and suggests sending this to the Town attorney to be sure this is legal or if the board must disown the section of the street that was not developed. Earl McGillicuddy agreed. Burke requested the board grant conditional approval. On a motion from Mike Waddell with a second from Earl McGillicuddy, the board voted to continue this case to 1/24/2019 to give the attorney time to review this case.

**Case #02-2019 – Reichert/Gorham Land Company – Minor Lot Line Adjustment**

Burke York presented plans to the board for property off the end of Union Street and Promenade Street. The Reichert property was originally the Peters Estate and had a farm crossing over the railroad to access the property. That crossing has since been removed. The property line would be adjusted between the properties and moved to be parallel to Portland Pipeline and would give the smaller property access from Promenade Street extension. Burke has researched the layout of Promenade Street extension and cannot find anything on it. The Town claims the area from Church Street to the end of the pavement of 0.065 Class V road for Block Aid funding and the Town maintains it to that length. The public has used it for many years and there are 4 house lots that are along that road, 3 of which are newer lots and there is also water & sewer in the roadway that ends at U4, Lot 41. The Pine Mountain trailhead is also in that property though Burke could not find any easement to the Forest Service for that. There are also 3 “doglegs” that go into the cemetery lot. The Town plows to the end of the paved road and just beyond the last gravel driveway that accesses U4, Lot 44. Burke met at the location with the Public Works Director who feels that he can continue to do the same as he does now and the Town will be granted easements

for access and snow storage over that area. There was a previous conveyance of property to the cemetery but the deeds were never recorded. They will be recorded to finalize that transaction. Currently the lot known as R4, Lot 6 does not have frontage on any Town road as required by zoning. This would correct that issue. Mike questioned if Gorham Land Company or Tobey & Danielle Reichert would have an issue with the Town laying out the road as described in the plan and taking possession of it and quiet title to it. The secretary brought up the Technical Review Committee comments where it was brought up that those properties whose driveways are on private land may require easements. On a motion from Mike Waddell with a second from Jeff Schall, the board voted to continue this case to 1/24/2019 at 5:30.

**Code Enforcement Update** – Abby questioned the status of non-conforming “signs” in violation of the zoning ordinance. The secretary will speak to the Code Enforcement Officer about them.

**New Business** –

- 1) Mike Waddell would like to amend the board’s policy & procedures and the checklist for any land actions to add to the requirement that the applicant submit a .pdf of the plan so the board can have an opportunity to review the plans prior to the meeting. Mike made a motion to direct the secretary to ask applicants for .pdfs of plans from now forward and to review the board’s organizational rules to see if a public hearing on this change is required. The motion received a second from Earl McGillicuddy and all members voted in favor.

**Old Business** – Abby questioned if the secretary could explain to the board the questions that arose at the NHMA conference regarding the Commercial Improvement exemption. The Statute allows for a 5 year reduction in value for improvements to commercial structures. What is not defined is if an applicant can reapply each year that improvements are continuing and that would allow the exemption to be compounded (ie: Year 1-\$100,000 in improvements applicant is granted the exemption and received 95% exemption which drops to 75% in year 2. However in year 2, the applicant does another \$100,000 in improvements and applies again for the exemption. Can the exemption be 75% of the original \$100,000 AND 95% of the second \$100,000?). Currently DRA does not have an answer for that and it does not yet know how to handle that exemption on the MS1 form. Mike suggested that the secretary brief the new Town Manager on this and ask that the Town’s attorney be asked about this to find some answers before this becomes an issue.

**Public Comment** – Maurice Lemieux would like to purchase a property in the Stony Brook subdivision. The lot currently has a house with another unit attached. The Town had issues on that property many years back. Also there are deed restrictions prohibiting anything other than single family homes in that area. There were also issues with septic and the deed restrictions vs town zoning. The secretary questioned why that second unit couldn’t be considered an ADU which is now allowed by state law. Though that is the case, it may still require a relief from the deed restrictions which would need to be granted by Gorham Land Company.

**Next Meeting** – The scheduled its next meeting for January 24, 2019 starting at **530** with a work session with Tara at 6:30.

**Adjournment:** On a motion from Dennis Arguin with a second from Abby Evankow, the board voted to adjourn at 7:54 pm.

Respectfully submitted,



Michelle M. Lutz  
January 14, 2019