

Town of Gorham
Planning Board Minutes
June 16, 2016

Members Present: Wayne Flynn (Chair), Mike Waddell (Alt), Paul Robitaille, Dan Buteau (arrived at 7:10), Barney Valliere and Terry Oliver (Alt Ex-Officio)

Members Excused: Patrick LeFebvre (Ex Officio)

Members Absent: Reuben Rajala

Members of the Public Present: John Scarinza (Code Enforcement Officer), Robin Frost (Town Manager), Burke York, Mike Guay, Roger & Lorraine Lajoie, Marjorie Jodrie, Mary & Adam White

Call to order: The meeting was called to order at 7:00 by Chairman Flynn

The Chairman appointed Mike Waddell to replace board member Reuben Rajala and Earl McGillicuddy to replace Dan Buteau until Dan arrived at 7:10.

Acceptance of Minutes of May 19, 2016 – Paul Robitaille asked the secretary to correct the wording in Case #04-2016. Starting on line 9, the wording should read “Paul questioned if there was going to be any additional expansion of the ProQuip operations in the future. Paul reminded the applicant that if that were to happen, a new site plan review would need to come before the board for approval.” On a motion from Mike Waddell with a second from Paul Robitaille, the board voted to approve the minutes as amended.

Case #05-2016 – Mary & Adam White and Marjorie & Robert Jodrie – Minor Lot Line Adjustment

Burke York presented plans to the board. The board preliminarily reviewed the plan at their May 19, 2016 meeting. The applicants are requesting approval to adjust the lot line between the two properties. There is a small triangular piece of property (1064 sq ft) that will be conveyed from the Jodrie’s to the White’s. Both properties will retain the required acreage and frontage will not change on either lot. There is a deeded ROW adjacent to the property line in favor of the Roy lot at Tax Map U8, Lot U8, L9A which will not be affected. The chairman asked if anyone was present to speak in favor or against the application. Seeing no one, the board completed the checklist and asked for a motion. On a motion from Mike Waddell with a second from Paul Robitaille, all members voted to approve the plan without conditions.

Code Enforcement -

- 1) Air BnB – CO Scarinza explained to the board that the town had received calls regarding people renting their properties on websites such as AirBnB, HomeAway and VRBO and distributed information that he had researched and asked the board for some guidance as to how to handle this. The secretary also searched those websites and found 5 properties in Town that were being listed for rent on these sites. Wayne questioned if these rentals were paying NH Rooms & Meals Tax. If so, they are a tourist accommodation and as such would require Change of Use and Site Plan Review. Based on the current zoning ordinance, CO Scarinza feels these properties meet the guidelines for being a tourist accommodation. Paul felt if this was already happening and based on the ordinance they fall into the definition of a tourist accommodation, then that would be the avenue to follow to which Wayne agreed. Paul also questioned if the board should develop a new definition. Mike cautioned that this is already happening and the board should define carefully what the problems are. Barney suggested contacting other towns how they are handling it and see if they have regulations in place. He also felt that if these rentals were in Residential zone and there were issues and the board had done nothing, the neighbors will begin to question why. Dan suggested possibly handling these by special exception. John agreed as this would allow notice to the abutters. Right now the only avenue would be a variance which would be hard for a property owner to meet the hardship requirement. Overall, the board felt that these rentals fell into the definition of a Tourist Accommodation and the ordinance already addresses those so that should be the avenue the CO should follow for now.
- 2) Vape Shops – CO Scarinza explained that the Town had received a letter about a “Vape Shop” that had opened on Exchange Street. The businesses on Exchange Street did not feel this type of business was “complimentary” to the other businesses in that area. As this is new territory, he did some research and found that these types of establishments are popping up and are places where flavored water vapor is inhaled. However after he visited the establishment, he found that no “vaping” is happening at that location. Currently the occupant is simply selling the implements and products which falls within the guidelines of a retail establishment which is allowed. Though the neighboring businesses may not approve, the occupant’s current status is allowed.
- 3) Campgrounds – It was brought to the Town’s attention that there is an ad in the local paper for RV sites in Gateway Trailer Park. Wayne felt that this was also addressed in the Tourist Accommodation definition in the zoning ordinance and as such wouldn’t be allowed. CO Scarinza spoke to Nathan Corrigan who says that several years ago (prior to 1000) his father, Wallace Corrigan Sr., came to the board for another approval and the board allowed them to save 10 lots for short term rentals. CO Scarinza asked him to provide a copy of that approval. Mike Guay reminded the board that Labonville Trailer Park is also advertising for the same thing. Barney cautioned that the abutters to these properties may have an issue with this. As ATV use is increasing in this area, a lot of those RV lots would

be rented by ATVers and the abutters may not be happy with the amount of noise or loss of their privacy. Mike questioned if anyone knew how long Gateway had been renting RV sites and could this be a non-conforming, grandfathered use. If that is the case then no expansion could be allowed. Mike Guay informed the board that he has heard that due to the large Polaris RZR Festival coming to the area in September, The Chamber of Commerce was asking the local MH parks to open their empty lots for “dry camping”. Terry stated that Polaris requested that the Board of Selectmen open all municipal areas to dry camping but the board has not agreed to do that. CO Scarinza found that as the mobile homes get bigger and bigger, the lots already created in these MH parks do not accommodate the larger MH homes and feels that this could be a transition to RV lots instead of leaving empty sites. Earl felt that they would need to prove if they were grandfathered non-conforming or not before determining if they would fall under the tourist accommodation definition.

- 4) New Business Process – CO Scarinza explained that in the past when someone approached the Town about a new business, he preferred to have them come to a board meeting to get the board’s approval. The board felt that if CO Scarinza felt the proposed business was allowed by the ordinance then they board did not need to see them and if anyone disagreed, then there was already a mechanism in place for an aggrieved party to appeal that decision.

New Business –

Roger Lajoie submitted a Driveway Permit application for his property at the end of Evans Street. He purchased 7 acres of land from Gorham Land Company that has been taxed as a buildable lot but when he purchased it he found that though the town maps indicate the property directly abuts Evans Street, the road actually stops approximately 100 feet from the property line. Due to this, the Town asked its attorney to do some research. The Town’s attorney’s opinion is that the board should issue the driveway permit. Paul questioned if that would cause some liability for the Town. TM Frost explained that the attorney’s opinion was to allow the driveway permit but that a building permit would need to be denied as the lot did not have the required frontage. The lot has only 35’ of frontage on what should be Evans Street but it also has frontage along Route 2 which is in excess of the required frontage. The board did not feel that a building permit should be denied as nothing in the ordinance requires the driveway to be placed in the same location as where the required frontage is. Mike cautioned that the Road Agent has not had time to review this plan. Mr. Lajoie said he will have the road drawn by an architect. On a motion from Mike with a second from Barney, the board voted to approve the driveway permit.

Public Comment

Burke weighed in on the issue of the ATV’s in town. He has seen them on a couple of occasions on the Berlin-Gorham Road beyond the shared ATV route. He felt that better signage was needed to be sure the ATV’s knew where they were allowed. He also felt that the Town

needed to control the short term rentals especially if they are rented to ATVers to be sure the townspeople are not getting stepped on. Terry informed the board that the Board of Selectmen will be holding a public hearing on the issue on July 11, 2016 and that the Chamber was pushing them to allow dry-camping for the festivals.

Old Business –

The secretary brought to the board's attention that a subdivision was approved in 2012 for the Royalty Inn which would have subdivided the fitness center from the main hotel. However, that approval was never recorded at the Coos County Registry of Deeds therefore the property file has paperwork in it showing an approved subdivision but it is still being taxed as one parcel. After discussion, the board agreed that a letter should be sent to the new owners informing them of the approved subdivision and asking them if they wished to complete the subdivision and to notify the Town of their decision.

Next Meeting – The board scheduled meetings for July 21, 2016 and August 25, 2016

Adjournment: On a motion from Mike Waddell with a second from Barney Valliere, the board voted to adjourn at 8:25.

Respectfully submitted,



Michelle M. Lutz
June 22, 2016

Approved July 21, 2016