

**Town of Gorham
Planning Board Minutes
February 5, 2015**

Members Present: Mike Guay (Chairman), Mike Waddell, Earl McGillicuddy, Dan Buteau, Wayne Flynn, Jeff Schall, Paul Robitaille and Reuben Rajala

Members Excused: Barney Valliere

Members of the Public Present: Attorney Peter Malia, Attorney Bill Pribis, Normand Labonville, Tom Maniscalco, Rick Eichler, Burke York, Chip Bean (P&L Cote), Dave Landry (Tanner Hill Milling & Const.)

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

Appointment: The Chairman appointed Reuben Rajala to replace Barney Valliere as a full voting member.

Acceptance of Minutes of January 7, 2015 – On a motion from Mike Waddell with a second from Reuben Rajala, all members voted to accept the minutes as presented with the exception of Wayne Flynn and Jeff Schall who abstained.

Case #01-2015 – Labonville – Minor Lot Line Adjustment

Peter Malia informed the board he was here to represent Normand Labonville and the Emilien J Labonville Trust. Mike Guay informed Mr. Malia that the board had preliminarily reviewed this plan and given recommendations to the applicant. He would like to know what has changed since that preliminary plan. Burke York explained that this plan would move the lot line between the existing U11, Lot 6 and U11, Lot 5A and would wrap around the existing Labonville Inc stitching plant to create a separate lot for the stitching plant itself and it would become known as Map U11, Lot 5A. Most of the current Lot 5A would become part of Lot 6 and the lot line between the mobile home park (U11, Lot 6) and Anna's House lot (U11, Lot 7) would be moved to encompass the area where a mobile home currently sits at the front end of the mobile home park and that the mobile home must be moved to another spot in the mobile home park within one year after Anna passes. He also explained that the original plan had only 5 foot setbacks around the stitching plant building. The new plan has 15 foot setbacks. Also, on the recommendation of the Water Department Superintendent they also mapped the existing water and sewer lines as well as showing an easement for snow storage near the mailboxes. Tom Maniscalco who lives in the park has concerns with adding the acreage to Anna's Lot. He is concerned that it would eliminate snow storage for the park and will create an issue for septic. He also is concerned with a drainage issue on the other end of the mobile home park lot that has never been addressed. Mike Guay identified potential issues with the plan: 1) Mobile Home #20 is situated across the property line between the mobile home park and Labonville, Inc's property at U11, L5, 2) the setback from the stitching building still does not meet zoning requirements, 3) this plan still does not make the stitching plant lot meet current zoning acreage requirements for that zone, 4) allowing mobile home #1 to stay on the newly expanded U11, Lot 7 is a direct violation of the zoning ordinance by allowing two dwellings on one lot, and 5) Mobile Home #12A is

entirely on Normand Labonvilles property at U10, Lot 5 and not on the mobile home park property at all. Burke explained that this mobile home would have a deeded ROW for access from within the mobile home park. Paul questioned why they didn't add the paved driveway at the rear of the stitching building (Mobile Home Lot #5) to the stitching plant lot to get the required 20 foot setback. Wayne agreed with this. Fire Chief Rick Eichler had concerns with the minimal setbacks around the stitching plant building. If someone were to build a fence there, it would be difficult to fight a fire. Reuben felt that there are multiple cases of two dwellings on one lot in town and suggested that it be a condition to the approval that it must be moved. Earl felt that realistically, this is a subdivision and not a lot line adjustment. Mike Waddell suggested transferring ownership of the frontage along Main Street between the stitching plant building and the Labonville Inc building from Labonville Trust to Labonville Inc and to create one lot. This would eliminate the acreage requirement. He also felt that the mobile home #20 should be moved so that it is not sitting across property lines. Normand explained that the mobile home is 40 years old and on blocks and would not survive the move. Wayne agreed with Paul. Mike Waddell suggested that because the mobile home #1 will not move until after Anna passes that this could be presented as a separate lot line adjustment at a later date. However, Burke explained that this is part of a negotiated agreement. Mike suggested that notes would need to be added to the plan to explain that the lot line doesn't move until the mobile home moves. Paul felt that as in the past notes get added to plans and then deeds don't get recorded for a long period of time and then the requirement to move the mobile home gets lost and you end up with two dwellings on one lot. Attorney Pribis who is the attorney for Labonville, Inc explained that the initial lawsuit didn't deal with property but only with money. It wasn't until mediation that the parties agreed to try to do a global mediation and settle all the issues at once. He will take the board's concerns back to Labonville, Inc. Attorney Malia asked if the board would agree to a continuance so they could address the boards concerns as they understand them. #1) Annex stitching plant to Labonville Inc and give an easement to the Mobile Home Park, #2) Move mobile home #20 and #3) move the lot line between the stitching plant and mobile home lot #5 and 4) do not move the lot line between U11, L6 and U11. L7 until a later date and #5) discontinue lot #5 to allow for a 20 foot setback from the stitching plant building. On a motion from Mike Waddell with a second from Dan Buteau the board voted to continue the meeting until 3/26/2015. Both attorneys agreed to waive the 65 day requirement and will submit confirmation to the town in writing.

Case #02-2015 – P&L Cote – Site Plan Review

Chip Bean explained to the board that he would like to install an unmanned gas & diesel site on the former Munce's Quick Stop property. P&L Cote currently owns property at 435 Main Street, 443 Main Street and 447 Main Street. A small piece of property located at 437 Main Street is owned by Munce. Currently there is a southern entrance that crosses the property at 437 Main Street but does not appear to be a deeded ROW. Paul questioned using that entrance. Burke explained that the plan does not show them accessing the property via that entrance but using the northern entrance which crosses the property at 447 Main Street and the center entrance on 443 Main Street. The 443 Main Street property only has a small section of actual frontage on Route 16 and the 447 Main Street property doesn't have frontage at all. However there are deeded ROW's from the state for the northern and center entrances. Chip explained that his plan is to clean up the property and install the unmanned pumps to the side of the building. There will be lights installed and a camera to monitor the pumps in case of drive-offs or damage. There is a large propane storage tank at the southern end of the property that he hopes to eventually move and utilize in Colebrook. There were gas pumps at the front of the property

that have been removed, however the canopy still exists. The island have spill catchers in place. Mike Waddell encouraged Chip to apply to the Board of Selectmen to acquire the land between the properties and the existing Route 16. The board can then approach the State of NH to acquire the land then transfer ownership to P&L Cote. This would eliminate the frontage concerns and would mean that all the signs that currently sit on the State's property would be back on P&L property. The board was not concerned with the frontage as this is an existing fueling station and the entrances are not changing. Mr Landry from Tanner Hill Milling & Const. has already submitted permits to DES and copies to the Fire Chief. On a motion from Mike Waddell to approve as presented, which received a second from Dan Buteau, all members voted in favor.

Code Enforcement – There was nothing new from the Code Enforcement Officer. However, Wayne brought up the lights at Lydia's Hair Salon at 429 Main Street. The new spotlights are so bright and angled at such a way that they are blinding to traffic. The secretary will inform the Code Enforcement Officer

New Business

Lot Merge Applications

McCrum - The board reviewed an application to merge lots at 33 & 37-39 Alpine Street (Tax Map U5, Lots 106 ^ 105) Motion by Mike Waddell to approve the merger received a second from Reuben Rajala. All members voted in favor.

Old Business – Mike Waddell questioned the denial of the Lot Merge application for Vashaw. The merger was denied because approving it would have violated the Town's driveway regulations by allowing more than two driveways on one lot. The board had recommended that the owner do away with one of the curb cuts. The secretary spoke to Mr. Vashaw and explained that to him. The chairman has attempted to contact Mr. Vashaw and has not heard from him. Reuben questioned why he didn't get a letter of denial. Wayne explained that as it is not an actual case, there really is no denial form. Reuben felt that they should get a letter anyway listing the reasons for denial. Reuben also mentioned that there are several businesses with multiple curb cuts. Paul explained that the board had decided to do away with multiple curb cuts to control traffic. Mike Waddell mentioned that it would only take the applicant seeking a Special Exception to rectify the issue. Mike Guay explained that he left that information in his voicemail message to Mr. Vashaw.

Public Comment: None

Next Meeting: The next meeting is scheduled for March 26, 2015.

Adjournment: On a motion from Wayne Flynn with a second from Reuben Rajala, the board voted to adjourn at 9:00 pm.

Respectfully submitted,



Michelle M. Lutz