

Town of Gorham
Planning Board & Zoning Board of Adjustment
Joint Hearing
April 30, 2015

Planning Board Members Present: Mike Guay (Chairman), Wayne Flynn, Reuben Rajala, Dan Buteau, Barney Valliere, Jeff Schall and Paul Robitaille

Planning Board Members Excused: Earl McGillicuddy and Mike Waddell

Zoning Board Members Present: PJ Cyr (Chairman), Tom Dyar, Rick Eichler, Steve roy and Wayne Flynn

Zoning Board Members Absent – Keith Roberge, Lenny Knowles and Pat Murphy

Members of the Public Present: Guy Gosselin, Maria & Glenn Tasse, Allan & Lisa Pike, John Scarinza (Code Enforcement), Jen Blair, Tom Maniscalco, Normand Labonville, Ivan Kennedy, Liz Brickley, Jackie Taillon, Jamie Morton, Marie Meunier, Paul Stream and Jerry Haman

Call to order: The meeting was called to order at 7:05 by the Planning Board Chairman

JOINT HEARING

The Planning Board Chairman appointed Paul Robitaille to replace Mike Waddell as a full voting member

ZBA Case #04-2015 – Guy & Betty Gosselin – Variance

PLBD Case #03-2015 - Guy & Betty Gosselin – Site Plan Review

Zoning Board Chairman Cyr read the application, noting that the appeal is for property located at Tax Map U2, Lot 57, the application is an appeal from Article 4.01 for a Bed & Breakfast/Hostel, public notice was given, personal notice was given and fees have been paid. The chairman asked the applicant to present his case. Guy Gosselin explained that the property has been a commercial use as far back as 1864. It was at one time a tourist accommodation. The property received a Special Exception in 1994 from the General Use Zone. Its most recent commercial use was a healing center. The property is abutted on 3 sides by active commercial properties (Taillon Crain Service, a Billboard, St Lawrence & Atlantic Railroad) as well as a State of NH property. The building is such that it would not be easily used as a residential use. The proposed use would not pose a nuisance, would remain residential in appearance and would prevent degradation of the property. The Chairman asked if anyone wished to speak in favor of the application. Marie Meunier who owns property on Pleasant Street, but lives in North Conway, stated she was in favor of the project though she did not give any supporting reasons. Glenn Tasse wondered if the variance was not granted, what could potentially happen to the property in the long term and that was cause for concern. He did not oppose as long as the proposed use did not disturb the peace of the neighborhood. The Chairman asked if anyone wished to speak against the application. Liz Brickly who owns property located at Tax Map U2, L58 questioned what the plans were for the property. What will it look like? What do they plan to do exactly? There was not enough information supplied to quell the neighborhoods fears. Barney Valliere stated that there were questions that needed to be answered. Will this be seasonal? How many rooms? How many people? The plan shows very limited

information. Allan Pike spoke neither for or against the project but questioned how a variance could be granted. The application and information presented does not indicate that the 5 criteria for granting a variance have been met. If the board granted the variance and it was challenged, the town would be faced with the legality of the vote. He built his house in the neighborhood knowing it was protected as a residential zone. If the variance were granted, a new owner could sell the property as a commercial property for any use. What would stop him from applying for the same thing for his property? Tom explained that even if the board granted the variance, the next owner could not just arbitrarily change it to a store or something else, they would only be able to use it as a B&B/Hostel as was approved. Allan countered that the only true commercial use of the abutting properties predated zoning. As there were many unanswered questions, Jamie Morton (potential buyer) explained that her intent did not actually fit the description of a Bed & Breakfast as there would be no meals prepared. It would be a guest house with a continental breakfast, there are 4 bedrooms for the Bed & Breakfast part, she will not be living onsite but will have a residential manager onsite 24/7. The maximum stay-over will be 1-2 nights, it would not be a rooming house nor allow weekly stays. She would like to model the hostel after the best of the hostels she has stayed in. The section of the building that will house the hostel needs to be gutted and redone. The structure allows flow from the guest house to the hostel with shared living, bath and kitchen areas. The hostel will have bunks with curtains for privacy. She indicated it would be similar to the property on Main Street (Libby House) though less expensive. She was unsure exactly how many beds would be in the hostel at this point. Paul Stream who owns the Libby House stated that his property was not expensive and that he felt allowing this project would put a strain on himself and like properties in Town as there are not enough hikers to support all of them. He has 12 beds and only half were full last year. He didn't feel it was necessary to have direct competitors so close to each other. Jamie explained that she would try to create awareness for people other than just AT hikers, such as X-Country skiers, skiers, ATVers, etc. She also explained that they do not intend to allow tents or bonfires. Reuben explained that there are hostels all over the world that do not cater just to hikers, bikers tend to go there too. Jeff Schall, speaking as the Selectboard Chair, explained that one of the selectboards projects this year is to explore the Appalachian Trail Community Initiative which will benefit the Town. There were close to 1000 AT through hikers last year that passed through this area. However only a few actually stayed in town. The initiative would promote our community as welcoming to hikers with signage on the trails as well as in trail guides. Liz Brickley questioned if whole families would be able to stay there for long periods or would the Town place homeless people there? She felt that there needed to be strong language against that. Jamie Morton explained that typically hikers stay no more than 3 days. Typically they are approaching the toughest part of the AT trail and come here to rest, shower, resupply and then leave. Jen Blair questioned what if the plans aren't followed what happens then. Paul explained that any violations should be brought to the code enforcement officer. Zoning Chairman Cyr closed the public input portion at 8:09 and the board discussed the case. Chairman Cyr felt that the intended use met the definition of a B&B even though Jamie Morton called it a Guest House. He felt Substantial Justice would be met as the property is surrounded on 3 sides by commercial properties. There was no evidence provided that indicated surrounding property values would diminish. The floor plan is lacking. The board needs to know how many beds there will be, where the snow storage area will be. He felt it was a hardship to not allow the use as the property has a history of accommodation. Wayne felt that the project did not meet the hardship criteria as a hardship has to be a condition of the property which prohibits the use of the property but that district allows multi-family housing which this building could be converted to. Mr. Gosselin felt that it would not be easy to convert that building to multi family. Wayne made a motion to deny the variance which received a second from Rick Eichler.

Chairman Cur felt the project fit an economic need in the area. Tom questioned how the property could be assessed as 10% Commercial and 90% Residential. Either it is commercial or it is not. Chairman Cyr felt the motion should be to grant with conditions. Roll Call Vote to deny: Steve Roy – No Rick Eichler – Yes Tom Dyar - No Wayne Flynn – Yes PJ Cyr – No. Motion to deny failed. Chairman Cyr made a motion to grant a variance to allow use of the property as a B&B/Hostel facility with the following conditions:

- 1) 10 PM – Lights Out
- 2) No Alcohol Allowed
- 3) No tents
- 4) NO ATV's allowed outside of the parking area outlined on the plan (no ATV's on the side of the property abutting Brickley)
- 5) Maximum of 4 rooms in the B&B portion
- 6) If the proposed use does not occur within 2 years, the variance will expire. Also, if the proposed project should discontinue for a period of 2 years, the variance will expire
- 7) The number of beds in the hostel facility will be in compliance with Life Safety Codes, State Fire Codes and 2009 International Building Code

The motion received a second from Tom Dyar. Roll Call vote to approve with conditions: Steve Roy – Yes Rick Eichler – Yes Tom Dyar – Yes Wayne Flynn – No PJ Cyr – Yes Motion passes

The planning board then began to discuss the Site Plan Review. The board had many questions about the proposed site plan to include lighting, signs, capacity of number of beds allowed, the need for the plan to go to the Technical Review Committee and the fact that the Site Plan Review checklist was not completed, there was no actual site plan and there were way too many unanswered questions. Dan Buteau made a motion to continue the Site Plan Review until 5/14/2015 to allow for a comprehensive plan to be developed and have TRC input which received a second from Reuben Rajala. All members voted in favor. Case continued to 5/14/2015. Wayne made a motion to adjourn the joint hearing which received a second from Barney Valliere. All members of both boards voted to adjourn the joint hearing at 9:10 pm. Paul Robitaille made a motion to recess the planning board meeting and to move the Planning Board to another room to allow them to continue their meeting and allow the Zoning Board to continue their meeting in place. The motion received a second from Barney Valliere. All planning board members voted in favor.

CONTINUATION OF ZONING BOARD MEETING

Case #05-2015 – Labonville – Variance

The Chairman asked the applicant to present his case. Normand Labonville explained that he is requesting a variance from Article IV, Section 4.04D to create a lot in Commercial B that is significantly less than the required 1 Acre. He explained that this was mediated with the Court to separate what is Labonville Inc's Stitching Facility from Labonville Trust Land which it currently sits on and make it its own separate property. This has to do with a lengthy court battle between trustees of the Trust. At a later time, there will also need to be a lot line adjustment done to complete the mediated changes. Chairman Cyr asked if there was anyone who wished to speak in favor, seeing no one, he asked if there was anyone who wished to speak in opposition. Tom Maniscalco stated that there was a court case from 2012 regarding a breach of the trust and asked that the board postpone its decision until the court case is heard. Wayne questioned if he was a recipient or trustee of the trust which he is not. The board felt that as this was a court mediated agreement, the pending case for breach of the

trust had no bearing on the board's decision. Wayne made a motion to approve the variance to create a lot of substandard size. The motion received a second from Tom Dyar.

Roll Call Vote: PJ – Yes Wayne Flynn – Yes Tom Dyar – Yes Rick Eichler – Yes

New Business - None

Old Business – None

Adjourn – On a motion from Wayne Flynn with a second from Rick Eichler the board voted to adjourn the Zoning Board meeting at 9:28 pm

CONTINUATION OF PLANNING BOARD MEETING (MINUTES BY BARNEY VALLIERE)

The Planning Board reconvened their meeting at 9:16 pm

Minutes of March 26, 2014 – On a motion from Barney with a second from Dan Buteau, the board voted to pass over the minutes until the next meeting on May 14, 2015

New Business:

Dog Grooming – The board discussed a proposed dog grooming business at 20 Glen Avenue. The hours would be 8 am to 7 pm Monday – Saturday and would not board animals. The property has plenty of parking and there would be people dropping dogs off in the morning and picking them up in the afternoon. On a motion from Mike Guay with a second from Paul Robitaille, the board voted to waive Site Plan Review for this project.

The board will have two Site Plan Review projects on it's May 14, 2015 agenda.

Old Business –

Labonville Trust Abatement - Jeff Schall informed the board that Labonville Trust had applied for an abatement for one parcel of the mobile home park at 500 Main Street. The selectboard has questions. Jeff will talk to the Assessing Clerk.

Lydia's Hair Salon – Paul Robitaille questioned if the code enforcement officer has looked into the new spotlight on the sign as it is quite blinding to traffic. The Code Enforcement Officer was unavailable to discuss this.

Paradise Park Mobile Home Variances – Barney questioned if the variance applications for two homes in the Paradise Park addition had been handled yet. The Zoning Board has not made a decision on those variances yet as they are waiting for information from EMS Director Miller and are scheduled to hear those two cases on May 7, 2015.

Public Comment: None

Next Meeting: The next meeting is scheduled for May 14, 2015.

Adjournment: On a motion from Barney Valliere with a second from Reuben Rajala, the board voted to adjourn at 9:38 pm.

Respectfully Submitted

Michelle M. Lutz

Approved May 14, 2015