

**Town of Gorham**  
**Planning Board Minutes**  
**April 17, 2014**

**Members Present:** Mike Guay (Chair) Wayne Flynn (Vice Chair), Mike Waddell, Jeff Schall (Selectmen's Rep), Dan Buteau, Barney Valliere, Reuben Rajala and Paul Robitaille

**Members Excused:** Earl McGillicuddy

**Members of the Public Present:** John Scarinza (Code Enforcement), Robin Frost (Town Manager)

**Call to order:** The meeting was called to order at 7:06 by Chairman Guay

In the absence of Earl McGillicuddy, the Chairman appointed Reuben Rajala as a full voting member in his place.

**Acceptance of Minutes of March 20, 2014:** On a motion from Dan Buteau with a second from Reuben Rajala, the board voted to approve the minutes with all members voting in favor except Chairman Guay who abstained.

**Lot Line Adjustment for Brouillette/Kelley/Munce/Boisclair Revocation:** The board had previously approved a minor lot line adjustment for properties owned by Boisclair & Munce that were in the process of being sold to Dana Brouillette/ Luc Dube and Kelly Trucking. The final portion of the property transfer would have been to transfer ownership of the "Portland Glass building" between Kelley Trucking and Dana Brouillette and Luc Dube. There were conditions placed on the plat requiring all the ownership changes to have been completed before the board would give final approval. The board was assured at its November 21, 2013 meeting that all the conditions had been met and the board approved the plat. The plat was then recorded by York Land Services at the Coos County Registry of Deeds and per statute becomes a part of the official map of the Town. When the deeds were prepared there were some items in the deeds that were not mutually agreeable to all parties and therefore a portion of the ownership changes were never completed. The board now needs to revoke the lot line adjustment as the ownership of the Portland Glass Building was never completed therefore the plat was erroneously approved by the board as all the conditions had in fact not been met. The Town's attorney has drawn up the paperwork and process to revoke this lot line adjustment. The board must vote to revoke the lot line adjustment then notices need to go to all parties involved as well as all the abutters giving them 30 days to request a hearing. The board felt that it is not in the Town's or taxpayers best interests to have to pay for attorney fees, notices and recording fees for the revocation as the conditions on the plat were not met and felt that York Land Services should be held liable. On a motion from Mike Waddell with a second from Barney Valliere, the board unanimously voted in favor of having Chairman Guay send a letter to York Land Services and Burke York holding him responsible for erroneously recording a plat that did not meet the conditions set by the board. On a motion from Mike Waddell with a second from Wayne Flynn the board voted unanimously in favor of proceeding with the Declaration of Revocation for this lot line adjustment. Notices will be sent out and this item will be added to the boards May 22, 2014 meeting.

**Code Enforcement update:** John Scarinza updated the board on the following items.

**Walmart:** John has reviewed updated plans for the remodel and the changes are minor. The renovations should begin on May 5, 2014.

**Top Notch Rental House Property:** The remodel appears to be about 95% complete at this time.

**Flags:** Several calls have come into the Town Hall regarding flags for several businesses. John is working on these.

**Home Occupations:** At this point there have been two applications for home occupation permits regarding guns. One is to act as a pass thru for people who order guns on the internet who do not have a federal firearms license and therefore cannot receive them. The other is for gunsmithing. Though the applications appear to fall within the ordinance, John wondered if this was the intent of the board when they designed the ordinance. The board didn't have any questions.

**Berlin City signs:** An entirely new sign package was received for Berlin City which exceeds the number of signs allowed by the ordinance. John informed them that they would need to go to the Zoning Board for a variance and has not heard anything from them since.

**97 Lancaster Road:** It appears that Pat's Auto has reopened on Lancaster Road. Pat Boisclair has moved into the house at 97 Lancaster Road and has moved some used trucks from Berlin City onto the parking lot at that location. The former use of that building was a used car dealership.

**Signs:** Wayne questioned the "cart corrals" in the Walmart parking lot having signs on them. It was decided to look into the planning and zoning files for this project to see if those were ever addressed.

**Ugly Signs:** This has been talked about at several meetings. If they are unsightly, the board doesn't handle them and it was handed off to the Board of Selectmen.

#### **New Business:**

**Lean Process:** The chairman of the Zoning Board is trying to set up a meeting with the Code Enforcement Officer and the Zoning Board to review the process from the point a building permit application is received by the Town, following it through its process from Code Enforcement to Planning Board to Zoning Board. Mike Guy had suggested that it would be better to have everybody together on this to include Planning Board, Zoning Board, Board of Selectmen, Code Enforcement and secretary so that everybody can have a better understanding of the process as well as possibly develop some new procedures that may need to be added to the Rules of Procedure for both boards. The items discussed should include filing fees/recording fees/procedure for recording plats/requiring deeds be prepared before plats are approved and recorded. Recording of plats has now become an issue twice in the last few months. The most recent issue with Brouillette/Kelley/Munce/Boisclair being the biggest one but also the board approved a minor subdivision for the Royalty Inn that was never recorded and the motel was sold as one lot of land. Recording of plats without deeds could cause great confusion when someone is doing a title search at the registry. John mentioned that the State Statutes say that if a plat is given approval and nothing has been done in 4 years, the board can send a letter revoking the plan IF it had not been recorded. This also brought up the minor lot line adjustment that the board approved in May 2013 for Joele Losiers property in White Birch Acres. This has not yet been recorded and is in the Assessing Office. The chairman requested the cost to record this plan. It is believed that no deeds were done for this plat either. Per RSA 674:38 a plat approved "shall be" an amendment to the official map. The board needs to adopt fees

for recording and change the rules of procedure to include having the Town record the plats and having the deeds prepared BEFORE final approval is given by the board.

**Old Business –**

**Losier:** Barney questioned if anything had been done regarding the lots in White Birch Acres being marketed as buildable lots. It was requested at the last meeting that the Town’s attorney be contacted and asked to write a letter to the real estate agency handling the sales to make sure they are aware that those are not buildable lots.

**Punchlist Items:** The board reviewed the punchlist of questions that have arisen during the last year and removed and/or updated the list. Some of the items they would like Tara Bamford to look at are:

**Kennels** - The current ordinance states that a kennel is an “establishment in which more than six dogs or domestic animals more than one year old are housed, groomed, bred, boarded, trained or sold. The issue is there are perpetual breeders in town who can at anytime have many more than 6 dogs who are under one year old.

**Additional Commercial Zone:** Paul Robitaille asked the board to consider discussion regarding creating another zone and naming it Commercial Zone C which would include the area of Park Street to Exchange Street and Railroad Street to Church Street and to allow this section to build up to the sidewalk and develop a “Village Commons”. Current zoning setbacks do not allow that. Mike Guay cautioned doing that where the DOT easement is involved. Wayne felt that it would relieve the ZBA process if those in that area did not require variances.

Chairman Guay will get these items to Tara Bamford for her to begin working on.

The board is also looking into the following items and would like to have some information on these items for their next agenda.

**Signs:** Wayne will ask Planlink about removal of signs for businesses no longer in use or in disrepair.

**Fee Schedules:** TM Frost also asked Wayne to ask other towns for their fee schedules

**Mobile Home Lots:** The current zoning ordinance states that no MH “with accessory buildings shall occupy in excess of twenty-five percent (25%) of a site”. The board felt that 25% is too small but that allowing 75% of the lot to be occupied would be too much. It was requested that the Town Warrant from 2 years ago be researched regarding this change.

**Gravel Pits:** The Town does not currently have any type of a permit that is required when someone wants to open a new gravel pit or expand an existing one. Though there are State Statutes that govern gravel pits, the town does not have an actual permit application. At one time there was a permit application and process but it is no longer accessible and the board felt that contacting Mary Pinkham-Langer from NH DRA and have her attend a board meeting to discuss and work with the board to create an application would be beneficial. Michelle will contact Mary to see when she can meet with the board.

**Recording of plats:** Michelle and TM Frost will discuss this.

**Planning Board Mail:**

**Drouin:** The board received a copy of a letter from DES regarding Clermont Drouin's gravel pit as he has not submitted the required reports.

**Wellhead:** The board received a letter from DES regarding Wellhead Protection. The Town has an aquifer plan.

**Regional Impact:** The Planning Board received a regional impact notice for a cell tower from the Whitefield Planning Board as well as the Lincoln Planning Board.

**Next Meeting:** The next meeting is scheduled for May 22, 2014.

**Adjournment:** A motion to adjourn was made by Wayne Flynn which received a second from Barney Valliere. All were in favor. Meeting adjourned @ 9:10 p.m.

Respectfully submitted,  
Michelle M. Lutz  
April 21, 2014

APPROVED 5/22/2014