

Town of Gorham Planning Board Meeting

Public Hearing-Continuation

~~August 8, 2011~~

September 8, 2011

Members Present: Chairman Michael Waddell, Vice Chairman Michael Guay, Dan Buteau, Lawrence Guay, John Losier (Recused), Bruno Janicki (Alternate), Rueben Rajala (Alternate), Paul Robitaille, Selectman.

Others Present: Robert Balon; E. J. Boutin, Town's Attorney; Robin Frost, Town Manager; David Graham, Selectman; Joele Losier; Don Provencher; Burke York of York Land Services, LLC
Excused: Earl McGillicuddy and Barney Valliere

7:03 Meeting called to order / Review of minutes of August 28, 2011

John Losier recused himself per Chairman's suggestion and, Bruno Janicki and Rueben Rajala were appointed as alternates in the absence of Earl McGillicuddy and Barney Valliere.

7:06 - *Mike Guay made a motion to accept the minutes as written. Paul Robitaille seconded the motion. Lawrence Guay protested and made a request to amend the minutes because he wanted it noted that there were points that he had made during the last meeting that were not noted desiring clarification of organization and procedure for future election of officers.*

7:13 - *Lawrence Guay made a motion to accept the minutes as amended. Chairman Waddell asked Paul Robitaille who seconded the original motion if he was willing to second the motion as amended and he replied, "No."* A roll call vote was taken on the original motion and the chairman explained to Lawrence Guay that if he voted in favor of the motion, he would be voting against including his amendment to the minutes of the 8/28/11 meeting.

A majority voted in favor of accepting the minutes as written in a roll call vote as follows:

Those in favor of the minutes as written:

Mike Waddell – Y	John Losier - Recused
Mike Guay – Y	Rueben Rajala - Y
Dan Buteau –Y	Paul Robitaille - Y
Bruno Janicki – Abstained	Lawrence Guay – N

7:19 - Commercial Building Permits approved:

Regarding the following list of Building Permit applications, Lawrence Guay made a motion to approve all permits under Minor Site Plan Review. Mike Guay seconded the motion. All voted in favor.

1. A request to change the sign at a preowned super store at 489 Main Street, LLC, Auto North.
2. Wild Things on Main Street asked to replace/repair sign that was destroyed during Tropical Storm from Hurricane Irene. Paul Robitaille observed that because the business is on Route 2, DOT should be notified, and the applicant needs to present their request to them as well. Town Manager, Robin Frost will make applicant aware of that.
3. Northway Bank requested approval to remove and replace their siding.

Lot Merger Request: Tax Map U24, Lots 3C, 3D, 3G, 3H, 3I, 3S, 19C, 19D, Spring Road, Sabot's of Milan

Applicant is merging lots for tax purposes.

7:22 - *Mike Guay make a motion to approve the application for merging the lots listed above. Rueben Rajala seconded the motion. All voted in favor.*

7:23 Continuation of Public Hearing

Minor Lot Line Adjustment: John Losier and Joele Losier (White Birch Acres) regarding properties located at Tax Maps R8, Lot 1 and Map 26, Lots 2, 3, 5, 7, 8, 9, 10, 11, 14 & 15 and plan to extinguish lot 10.

Chairman Waddell requested a recess to read a letter from counsel to Planning Board members, with Town Counsel and Town Manager present.

7:25 Recess

Chairman Mike Waddell read a letter to the Planning Board from the Town's Attorney answering questions that had been submitted. Following reading of the letter, Planning Board members present solicited further clarification regarding the viability of the Minor Lot Line Adjustment application at hand and the implied liability of the Town should the Planning Board approve the application as presented. The attorney validated Lawrence Guay's assertion that the Board is acting in Quasi Judicial mode.

8:14 Continuation of Public Hearing

Chairman Waddell stated that as a result of what the Planning Board had learned from the Town's attorney, we should be looking at a subdivision request rather than a minor lot line adjustment.

Burke York attempted to illustrate how simple the request is. Dan Buteau asserted that there were more changes/requests at hand than a simple matter of lot line adjustment placing the Town in a position of liability. Joele Losier's property is a lot of record by virtue of a variance.

Mike Waddell clarified that the rest of the lots are not legal lots of record. The Town's subdivision regulations prevent those property owners from getting building permits without a variance. A formal subdivision needs to be filed in order for paper lots to become lots of record. Roads and changes to roads need to be checked by engineers to verify that they will work and meet zoning standards. The Board entertained the possibility of merging Joele's lot with another in order to make her property more attractive for selling. Chairman Waddell stated that the application with the plan as it exists cannot be passed by the Planning Board as advised by Town legal counsel.

8:43 Recess

Burke York requested a 5 minute recess. Recess was granted.

8:48 Continuation of Public Hearing

Because Joele Losier's lot is a lot of record by variance, the party would like to perform a lot line adjustment, including a merger on Joele's lots exclusively. The Board stated that they would like to see that happen and would only cautiously proceed with legal counsel. It was recommended that the party come forward with a new application.

8:55 *Mike Guay made a motion to deny the application as presented and waive the fees for a future application. Chairman cautioned that it is not a good idea and that we are waiving the fees. Lawrence*

Guay seconded the motion. Roll call vote was taken:

Lawrence Guay – Y

Dan Buteau – Y

Mike Guay - Y

Rueben Rajala – Y

Paul Robitaille - N

Mike Waddell – N

Bruno Janicki - N

The motion carried 4-3.

The Town Manager noted that there is not budget for the fees to be paid by the Town because the Planning Board's budget is for legal fees and minutes taking only. Mike Waddell cautioned that the Board should not waive fees in the future even though it seems like a nice thing to do.

New Business

North Country Council has offered to rewrite the Subdivision Regulations, Site Plan Review Regulations, and Zoning Ordinance for nothing. Chairman Waddell requested a meeting of the Planning Board in two weeks when review of these items would be the only thing on the agenda. The Chairman distributed four CD's for review of existing regulations.

Next Meeting: September 22, 2011

Work session only. If for some unforeseen reason the Board cannot meet at that time the alternate date will be September 29, 2011.

Christina Ross agreed to distribute minutes to Board members within 5 business days following Planning Board meetings.

9:03 Meeting adjourned.

Respectfully submitted,

Christina Ross

September 11, 2011