

MINUTES
TOWN OF GORHAM PLANNING BOARD
September 27, 2021

PRESENT: Chairman Harvey Mr. Dailey
 Mrs. Rasmussen Mr. Farmer
 Mr. Hoover Mr. Kestler
 Mr. Perry-Alternate

EXCUSED: Mrs. Harris

Chairman Harvey called the meeting to order at 7:50 PM. Mr. Perry-Alternate will participate and vote on all actions tonight. Mr. Dailey made a motion to approve the August 23, 2021, minutes as submitted. Mr. Farmer seconded the motion. The August minutes were discussed and the following change was made. Page 2. 3rd condition on Application 20-2021, change "cub" to "curb". Mrs. Rasmussen made a motion to approve the minutes as corrected. Mr. Dailey seconded the motion, which carried unanimously.

PUBLIC HEARING:

Application #25-2021, Tanya Rogers, owner of property at 4529 White Way, requests site plan approval to build a 20' x 44' pole barn. Public Hearing time: 7:30PM to 7:45PM.

The public hearing was opened and the notice as it appeared in the official newspaper of the town was read.

Tanya Rogers has asked that the request be adjourned until next month as a family emergency has come up and she is unable to attend.

Chairman Harvey asked if there were any comments from the public. Hearing none the public hearing was adjourned to be re-opened on October 25, 2021, at 7:30PM in the Gorham Town Hall.

MISCELLANEOUS:

Avery S. Beer Revocable Trust, owner of property at 5282 County Road 11, requests a discussion with the Planning Board on a condition that was set by the board on November 23, 2020, to remove the stone driveway.

John A. Mancuso, Attorney and Avery S. Beer were present.

Mr. Mancuso stated that they are here to discuss condition number 1 that was set by this board during site plan approval on November 23, 2020. They would like this condition eliminated based upon what they believe to be a simple correction. In November it was talked about that there was an issue as to the

means of access to this lot. It has an access on its property through a gravel driveway and there is also an adjoining asphalt driveway that's partly located on Mr. Beer's property but then it traverses under the neighbor's property and moves back into Mr. Beer's property. There was discussion at the meeting about the right to use that driveway. His office was asked to take a look at this issue as it relates to the title to the property and the ability to satisfy the condition and whether there'd be any issues. They looked at the title and he does not see any indication that Mr. Beer has a right of way through the driveway on the neighboring property.

Mr. Farmer stated that he went down to the property and took pictures and presented them to the board. There was a picture of the most southern driveway, which does curve into Mr. Beer's property but is mostly on the neighboring property. There was a picture of the curb cut to Mr. Beer's property that is just grass and there is no curb cut needed. Mr. Farmer feels that Mr. Beer should be able to drive off his property onto the road. He doesn't think that the board can govern this.

Chairman Harvey stated that this board has to find some reason why they would allow something in violation of the Access Management Local Law standard.

Mr. Mancuso stated that in terms of legal rights of access the access point on Mr. Beer's property is the only means of access that is entirely located on his property. So in looking at his title if that access is eliminated they don't know at this juncture what the neighbor's position may or may not be if that property ever sold.

Mr. Mancuso stated that the neighbor was approached, and she stated at the time that she was not willing to grant a permanent right of way.

There is a letter that was presented to the town in May 2021, from the neighbor to the south stating this. This letter will be kept in the file.

Chairman Harvey stated that he would be willing to remove the condition as long as there is something in the record that the property owner is willing to move the driveway to the neighboring access point and eliminate the gravel drive if the neighboring property owner grants a right of way easement.

Mr. Beer stated that sounds good to him.

Chairman Harvey made a motion to amend the November 23, 2020, approval for site plan removing condition 1 and replace it with a condition that indicates on the site plan that the property owner is willing to relocate the driveway should an access easement be worked out with the neighboring property to the south. Mr. Andrew seconded the motion. Harvey, Kestler,

Farmer, Rasmussen, Hoover, and Perry voting AYE. Dailey voting NAY. Motion carried 6-1.

Mr. Dailey asked where the town is going with Airbnb's.

Chairman Harvey stated that he has the recommendations from the Airbnb committee and will be working on writing up some regulations.

Mrs. Rasmussen made a motion to adjourn the meeting at 8:02PM. Mr. Hoover seconded the motion, which carried unanimously.

Thomas P. Harvey, Chairman

Sue Yarger, Secretary