**MINUTES**

**GILFORD PLANNING BOARD**

**MONDAY**

**MARCH 21, 2022**

**CONFERENCE ROOM A**

**7:00 PM**

The Gilford Planning Board met on Monday, March 21, 2022, at 7:00 PM (Eastern), in Conference Room A, of the Gilford Town Hall, and via GoToMeeting.

The meeting convened at 7:00 PM. Wayne Hall chaired the meeting and welcomed the attendees, and the rules for participation were read to the attendees.

Present in Meeting Room A: Wayne Hall, Chair; Carolyn Scattergood, Vice Chair; William Johnson, Member; Jack Landow, Member; Gaye Fedorchak, Alternate; Rick Notkin, Alternate; Isaac Howe, Member, and Chan Eddy, Representative from the Gilford Board of Selectmen.

Also present for this meeting were John Ayer, Director of Planning and Land Use, and Sandra Hart, Technical Assistant.

1. **PUBLIC HEARINGS**

**1.1 GILFORD CONSERVATION COMMISSION**

**Applicant is proposing to construct a parking area for public trail access at 366 Belknap**

**Mountain Road on Tax Map & Lot #237-007.000 in the Single Family Residential (SFR) Zone and Natural Resource Residential (NRR) Zone. Site Plan Review. Application #2022000069.**

W. Hall asked if the application was complete, and J. Ayer confirmed it was complete. C. Eddy moved to accept the application as complete. Second by C. Scattergood. The motion passed by unanimous vote.

There was no one present from the Gilford Conservation Commission, and W. Hall asked J. Ayer to present the application. J. Ayer described the proposal as a request to construct a parking area for public trail access at 366 Belknap Mountain Road. The land is undeveloped. The proposed parking lot will be built by removing the top layer of soil and putting down gravel to form a solid driving surface. The parking area and driveway will be graded to allow drainage off to swales along the side of the parking area and driveway. There will be no winter plowing, and there will be no portable toilets or trash collection. Signs will be posted to say “head-in parking to right” and “no parking dusk to dawn.” Parking spaces will not be marked, and the edge of gravel will delineate the parking area. The parking will be open to the public. J. Ayer noted that the Gilford Police Department had expressed concern about the limited number of parking spaces and if people choose to park on the road there are steep ditches along the side of the road that could pose a safety issue. He said the Police Department and Fire Department representatives at the Site Study Committee meeting recommended that the driveway be widened and the number of spaces be increased.

W. Hall opened the public hearing.

Denise Wallsten, of 363 Belknap Mountain Road, spoke about the concerns she had about the parking lot placement and the suggestion to increase the number of parking spaces. She felt that the neighborhood could not support the traffic that this lot could bring. D. Wallsten asked that the board consider placing a gate at the end of the road and limiting the number of available parking spaces. She was concerned that there would be too many people accessing the area. C. Eddy noted that there would be a chain at the end of the road to address the after-hours access concerns. J. Ayer clarified that he had been made aware that while the Conservation Commission heard the concerns from the Site Study Committee meeting, it had determined that it would not expand the number of parking spaces or size of the driveway at this time.

Bruce Wallsten, of 363 Belknap Mountain Road, spoke about the concerns he had about the wetness of the land and felt there would be more required to mitigate the wetness of the ground in that area. C. Eddy said a culvert would be installed under the driveway and swales created to channel water to manage drainage in that area.

Roger Weeks, an abutter at 350 Belknap Mountain Road, spoke about his concerns about the management of the land and the access he was promised by his aunt when she put the land in conservation. C. Eddy said a key could be provided to R. Weeks to allow him access through the chained driveway. R. Weeks stated that he agreed with the concerns that the Wallstens brought to the board earlier in the meeting. G. Fedorchak noted that the parking area and road would be very modest in size. R. Weeks agreed that a parking area was needed but that he did not want to see something like the parking at Mount Major.

J. Landow spoke about the grading and shaping of the swales in the proposal and wondered if the wet areas would be adequately addressed. There was a brief discussion about the draft specifications.

There were no further questions or comments.

W. Hall closed the hearing for Application #2022000069.

**1.2 J&T REAL ESTATE GROUP, LLC**

**Applicant is proposing two (2) commercial storage facility buildings (a 19,300 square foot building and a 15,125 square foot building) with associated site improvements including driveways, parking, and drainage on property located at 1477 Lake Shore Road and 11 Liscomb Circle on Tax Map & Lot #213-021.000 & #213-015.000 in the Commercial (C) Zone, Aquifer Protection District, Airport District, and Community Character Protection District. Site Plan Review. Application #2021000822. *Tabled from the January 24, 2022 meeting.***

W. Johnson moved to take the application from J&T Real Estate Group, LLC, off the table. Second by C. Scattergood. The motion passed by unanimous vote.

Erik Poulin, PE, Project Manager with Jones and Beach Engineers, spoke in response to the Site Study Committee and Planning Board’s concerns. The dumpster has been moved 11.25 feet away from building number two, and three additional parking spaces have been added to the turnaround area. The turnaround area is big enough for a box truck to turn around. The retaining wall plans had been prepared, and these plans were submitted to the DPW director and town planner before this meeting. A proposed gravel access road has been added to the south of pond number one to provide maintenance access to the pond. A licensed soil evaluator has conducted test pits at the location of each pond. The project requires an NHDES Alteration of Terrain Permit. Due to state requirements, infiltration is required on site. Underground infiltration pond number three has been added in front of building number one to comply with this. The bottom of this system is set 9.5 feet above the seasonal high-water table to allow for infiltration. The design has been modified to increase the proposed parking to nineteen spaces to comply with the required parking for a self-storage building use of this size. Life Safety Fire Protection, Inc. has been contracted to design the system. The applicant intends to submit the sprinkler system design to the Gilford Fire Department for approval before the start of construction. The sprinkler system will meet NFPA 13 standards, and the Gilford Fire Department will conduct the final inspection and testing.

There was a discussion about the proposed lighting and compliance with the Dark-Sky standards. E. Poulin noted that he would need to clarify the lighting and electrical notes. The board discussed the site plans, building plans, and setting. It was noted that the height of the building complied.

W. Hall opened the hearing to public comment. Hearing none he closed the hearing.

**1.3 STONES THROW REALTY, LLC**

**Applicant is proposing to redevelop a commercial lot by removing the existing structure and constructing a 5,827 square foot restaurant with an open deck for seating, as well as making repairs/improvements to the existing gravel parking area on property located at 40**

**Weirs Road on Tax Map & Lot #223-539.000 in the Resort Commercial (RC) Zone, the Airport District, the Aquifer Protection District, and the Island and Shore Frontage District. Amended Site Plan Review. Application #2022000070.**

J. Ayer reported that the application was complete. I. Howe moved to accept the application as complete. Second by C. Scattergood. The motion passed by unanimous vote.

Craig Bailey, Engineer, presented the application. He said the application has been revised from when the Planning Board first approved this site plan, and the building has been redesigned. The footprint of the building has been enlarged, but the on-site parking area has remained the same. The landscape plan has been revised. The parking has also been changed in that the applicant could not obtain an easement for parking at the abutting Sports and Marine Parafunalia site, but did obtain a license for 50 parking spaces. He said the license is temporary. He said the applicant also obtained a variance for the total number of parking spaces required and to allow remote valet parking. He said the applicant also owns Sawyer’s Dairy Bar, and that site will be used for valet parking. An application to amend the site plan for Sawyer’s Dairy Bar parking will be brought forward at a meeting in the future.

C. Bailey spoke about the landscaping plan that has been revised. The applicant would like to save some of the shrubbery, trees, and wood line. The proposed rain garden will be constructed, and a lowered detention area will be enclosed. C. Bailey spoke about the lighting plan and noted it would be fully downcast, LED, and on aluminum poles. There were no other questions about the amended site plan.

C. Bailey reviewed the full-sized renderings with the board. Floor plans were also reviewed. The plans reflected the revised proposed plan. G. Fedorchak asked about handicap access compliance, and C. Bailey noted there would be an elevator on the first floor. The dining will be on the second floor, and the kitchen will be on the first floor. The board discussed the layout of the building, access for large delivery vehicles, parking, and trash removal.

Kalley Cutler, applicant, spoke about the project and noted that they are experienced restauranteurs and that the use of dumbwaiters is a common practice. She spoke about the concerns about access and pointed out that the elevators and dumbwaiters were in place for the servers. K. Cutler stated that they want to provide the best dining experience for the customers. She spoke about sourcing foods and products from vendors and the delivery schedules.

There were questions about the exterior lighting, and C. Bailey stated he could not address it, but the architect could address the concerns.

C. Eddy asked about the placement of the runway alignment in the drawings, and C. Bailey confirmed that the placement was wrong in the drawing.

Christopher Drescher, Esq., of Cronin Bisson & Zalinsky P.C., spoke about the parking issue and offered to reduce the number of seats to bring the parking more into compliance. K. Cutler reported they had a petition with 2,600 signatures from people who stated they would be willing to walk from the marina to the restaurant if the restaurant was in place. Ron Allen, applicant, spoke about the placement of parking spots and the proposed changes to the Sawyer’s Dairy Bar lot. C. Bailey noted a tent and a propane tank in the Sawyer’s lot and that the tent would be removed.

There was a discussion about the variance granted allowing ninety-nine (99) parking spaces instead of the one hundred fifteen (115) required. J. Landow asked how that number was reached. J. Ayer reviewed the proposed parking space formulas and noted that this could be a condition of approval for this application.

The proposed Slip restaurant site has forty-three (43) spaces, and Sawyers has twenty-eight (28) spaces.

If they reduce their seating by three (3) seats per parking space below 99 they could meet the requirement.

W. Hall spoke about the parking and the proximity to Meadowbrook. K. Cutler responded that they had owned the building for four years, and in that time, no one had ever parked behind their building and left their car there to walk to Meadowbrook. She noted that they would know where the customers are parking and that the valet parking would know who is parked so they could not leave a vehicle.

There were no further questions from the board.

W. Hall opened the hearing for public comment.

There was a question from the public attending virtually (GoToMeeting) if the restaurant would be serving alcohol. R. Allen responded that they would be serving alcohol. K. Cutler spoke about possibly keeping the restaurant open year-round.

There were no further questions from the public.

W. Hall closed the hearing.

**1.4 MICHAEL & CANDACE COLIZZI AND PETER DERBY**

**Applicants are proposing a lot line adjustment resulting in an even exchange of land at 1 &**

**2 Lockes Island on Tax Map & Lot #243-033.000 & #243-032.000 in the Island Residential (IR) Zone and the Island and Shore Frontage District. Boundary Line Adjustment Plan Review. Application #2022000071.**

J. Ayer reported that the application was complete. C. Scattergood moved to accept the application. Second by C. Eddy. The motion passed by unanimous vote.

Michael Colizzi and Peter Derby presented the application. M. Colizzi noted that this is an even exchange of land. The boundary line adjustment would change the irregular shape of the two lots and make them more desirable and square, and less non-conforming. P. Derby also spoke in favor of the application and explained that this would allow them to utilize their properties better.

There were no questions from the board.

W. Hall opened it up to public input.

There were no questions from the public.

W. Hall closed the hearing.

**1.5 MICHELLE GLAVIN**

**Applicant is proposing to subdivide an existing 9.09-acre lot into two (2) lots of 2.09 acres and 7.0 acres each. The 7.0-acre lot is proposed to have less than minimum frontage, which requires Conditional Use Permit approval pursuant to Section 5.1.2(d) of the Gilford Zoning Ordinance. The property is located at 693 Belknap Mountain Road on Tax Map & Lot #230-036.000 in the Limited Residential (LR) Zone. Subdivision Plan and Conditional Use Permit Review. #2022000072.**

J. Ayer reported the application was complete. C. Scattergood moved to accept the application. Second by

G. Fedorchak. The motion passed unanimously.

Bryan Bailey, LLS, with Turning Point Land Surveyors and Land Planners, presented the application. The 2.09-acre lot had an application that has been submitted to Concord for approval. J. Ayer stated he had not issued an address yet for this but that the address would be on the final plan when it was submitted.

There were no questions from the board.

W. Hall opened the public hearing.

Thomas Hebert, 700 Belknap Mountain Road, asked if the house numbers would be changed. J. Ayer stated that there would be no changes to the numbering of existing houses, but that a new address would be assigned to one of the two lots.

Garret Yost, an abutter at 17 Wilderness Trail, asked about access to the subdivision. B. Bailey noted there would be a driveway. G. Yost asked about erosion concerns, and B. Bailey reported he was not aware of the history of the erosion issues. J. Ayer said that several years ago there was problem with silt getting into Gunstock Brook and there was an effort to find where it was coming from – perhaps that was the issue.

William Long, 679 Belknap Mountain Road, reported that the property had been purchased from them and confirmed that there would be a single-family home built there, and a second single-family home would be built behind it, with an access road.

There were no additional questions from the public.

W. Hall closed the hearing.

(Recorder’s note: C. Eddy left the meeting at 9:00 PM.)

**1.6 MEADOWBROOK AMPHITHEATER HOLDINGS, LLC**

**Applicant is proposing to construct a 2,400 sq. ft., single-story warehouse and a 250 foot paved cart path t 72 Meadowbrook Lane on Tax Map & Lot #224-009.000 & #224-008.000 in the Resort Commercial (RC) Zone, Airport District, and Aquifer Protection District. Amended Site Plan Review. Application #2022000073.**

J. Ayer reported the application was complete. C. Scattergood moved to accept the application. Second by

W. Johnson. The motion passed unanimously.

Peter Howard, PE, of Steven J. Smith and Associates, and Jason Jenkins, Operations Manager, Bank of New Hampshire Pavilion, presented the application. The proposed storage warehouse and paved cart path will consolidate the food operations on site. They are not looking to build the cart path at this time but would like to build the 30’ x 80’ warehouse for this year. There is no parking needed for this warehouse, as employees would be parking in the employee parking lot. The warehouse would be out of the way, with loam and seeding around it. The only proposed lighting is downcast lighting along the trail for safety and around the building.

G. Fedorchak asked about the placement of the main entrance, and J. Jenkins explained the orientation of the walkways and farmhouse.

J. Landow asked about security, and J. Jenkins confirmed that they had a significant security camera system. J. Ayer noted that there would be a street number assigned to the new building before this was finalized. There was discussion about the camping and tenting use. J. Jenkins reported there were minimal problems, and last summer, one of their busiest summers, they only had to call Gilford Police Department once.

There were no other questions from the board.

W. Hall opened the matter to the public.

There were no questions from the public.

W. Hall closed the hearing.

**1.7 GILFORD ROUTE 11 ASSOCIATE LIMITED PARTNERSHIP C/O DAN HESTER**

**Applicant is proposing changes to the storefront façade, a new loading area, and a trash compactor, or a Michaels store at the remaining space of the former Hannaford store located at 1458 Lakeshore Road, Unit A-105, on Tax Map & Lot #213-023.000 in the Commercial (C) Zone, the Airport District, and the Aquifer Protection District. Amended Site Plan Review. Application #2022000075.**

J. Ayer reported the application was complete. C. Scattergood moved to accept the application. Second by

W. Johnson. The motion passed unanimously.

Ken Colgate, representing the applicant, presented the application. He said this is a proposal to finish off the remaining space formerly occupied by a Hannaford store with a Michaels store. The Michaels entry façade will mirror the design and aesthetics of Harbor Freight and Petco, which are on each side of Michaels. The new storefront and façade will match the adjacent tenants’ aesthetics. There will be a loading area for deliveries and a trash compactor behind the building. Signage will be added to the group of signs already in place on Route 11. Parking is already established in the shopping plaza.

There were no further questions from the board.

W. Hall opened the public hearing.

There were no questions from the public.

W. Hall closed the hearing.

**2. ACTIONS ON THE ABOVE**

W. Hall said he would like to take up these items in reverse order since the last few applications were simpler than the first few.

**1.7 GILFORD ROUTE 11 ASSOCIATES LIMITED PARTNERSHIP C/O DAN HESTER,**

**Application #2022000075.**

C. Scattergood moved to approve Application #2022000075, Gilford Route 11 Associated

Limited Partnership C/O Dan Hester, subject to the applicant obtaining any other federal, state, or local approvals that may be required. Second by W. Johnson. The motion passed unanimously.

**1.6 MEADOWBROOK AMPHITHEATER HOLDING, LLC, Application #2022000073.**

W. Johnson moved to approve Application#2022000073, Gilford Route 11 Associates Limited Partnership C/O Dan Hester, subject to the applicant obtaining any other federal, state, or local approvals that may be required. Second by J. Landow. There was a brief discussion about the address number being required for the new storage facility. W. Johnson moved to amend the previous motion to approve Application #2022000073, to include a condition that an address for the building shall be assigned by the Planning Director and provided on the plan and affixed to the building upon completion. Second to the amendment by I. Howe. The motion passed unanimously.

**1.5 MICHELLE GLAVIN, Application #2022000072.**

C. Scattergood moved to find in Application #2002000072, Michelle Glavin, that the lot with less than minimum frontage meets the Conditional Use Permit requirements of Section 5.1.2(d) and Section 21.5, and to approve a Conditional Use Permit to allow the lot to have less than minimum frontage. Second by G. Fedorchak. The motion passed unanimously.

C. Scattergood moved to approve Application #2002000072, Michelle Glavin, subject to the condition that addresses and Tax Map and Lot Numbers be assigned by the Planning Director and placed on the plan; that the driveway for the 7 acre lot be built according to the requirements of Section 5.1.2(d)(4.) of the Zoning Ordinance; and that the applicant obtain any other federal, state, or local approvals that may be required. Second by G. Fedorchak. The motion passed unanimously.

**1.4 MICHAEL & CANDACE COLIZZI AND PETER DERBY, Application #2022000071.**

C. Scattergood moved to approve Application #2022000071, Michael & Candace Colizzi, and Peter Derby, subject to the applicants obtaining any other federal, state, or local approvals that may be required. Second by R. Notkin. The motion passed unanimously.

**MOTION TO GO PAST 10:00 PM (EASTERN)**

W. Hall noted the 10:00 PM time boundary and requested a motion.

R. Notkin moved to allow the meeting to go past 10:00 PM. Second by G. Fedorchak. The motion passed, with one opposed and one abstaining. (NO - C. Scattergood; ABSTAIN - J. Landow).

**1.3 STONES THROW REALITY, LLC, Application #2022000070.**

There was extensive discussion about the application. C. Scattergood felt that the proposed parking arrangement would be inappropriate for the amount of proposed seating at the restaurant. The applicant has a temporary license but not an uninterrupted easement for parking. The proposed valet parking arrangement was discussed. The board reviewed the Sawyers Dairy Bar site plan and parking. In factoring the square footage with the average number of passengers/customers per vehicle, the board consensus was that the applicant should consider seventy-eight (78) places for seating or come up with thirty-five (35) additional parking spaces to accommodate the proposed seating for the restaurant. K. Cutler spoke about the parking issues and the application process. She felt that their request was within the standards of other businesses around them. The board discussed the possible conditional motions but felt that tabling the application would be best while the applicant resolved the questions and concerns about parking. Concerns about lighting, foot traffic (walk-in customers), and accessibility were also discussed.

W. Johnson moved to table Application #2022000070, Stones Throw Realty, LLC, to the April 18, 2022 meeting. Second by J. Landow. The motion passed with one opposed and two abstaining. (NO - I. Howe; ABSTAIN - R. Notkin and G. Fedorchak).

**1.2 J&T REAL ESTATE GROUP, LLC, Application #2021000822**

I. Howe moved to table Application #2021000822, J&T Real Estate Group, LLC, to the April 18, 2022 meeting to allow more thorough review of revised plans by staff. Second by R. Notkin. The motion passed unanimously.

**1.1 GILFORD CONSERVATION COMMISSION, Application #2022000069.**

No motion is required. The board made no recommendations.

1. **DISCUSSION ITEMS**

There were no other discussion items.

1. **MINUTES**

The board agreed by consensus to table to meeting minutes until the April 18, 2022 meeting.

1. **ADJOURNMENT**

J. Landow moved to adjourn. Second by R. Notkin. The motion passed unanimously.

The meeting adjourned at 10:38 PM (Eastern).

The next meeting will be on April 18, 2022.

Respectfully Submitted,

Krista Argiropolis

Recording Secretary