**MINUTES**

**GILFORD PLANNING BOARD**

**MONDAY**

**JANUARY 25, 2021** **CONFERENCE ROOM A**

**7:00 P.M.**

The Gilford Planning Board met on Monday, January 25, 2021, at 7:00 p.m. in Conference Room A of the Gilford Town Hall, and via telephone conference call under emergency order provisions related to the COVID-19 pandemic.

Chair Wayne Hall welcomed everyone, led the Pledge of Allegiance, and read the rules of procedure for the meeting.

Planning Board Members present in Conference Room A were Chair Wayne Hall, Secretary Richard Vaillancourt, Selectmen’s Representative Chan Eddy, Regular Members Jack Landow and Isaac Howe, and Alternate Member Rick Notkin. Planning Board Members present on the conference call were Vice-Chair Carolyn Scattergood and Alternate Member Gaye Fedorchak. Regular Member William Johnson arrived later in the meeting. Planning Board Member absent was Alternate Member Emily Drake.

R. Notkin was asked to take W. Johnson’s place as a voting member until W. Johnson arrived.

Also present in Conference Room A were John Ayer, Director of Planning and Land Use, and Sandra Hart, Technical Assistant.

# PUBLIC HEARINGS

W. Hall introduced the first application.

**1.1 Stones Throw Realty, LLC** – Applicant proposes to remove the existing restaurant​ structure and build a new 5,200 square foot restaurant building with a porch and an open deck for dining to be located over the porch, to repair and pave the parking lot, and to make other related site improvements on property located at 40 Weirs Road on Tax Map & Lot #223-539.000 in the Resort Commercial (RC) Zone, Aquifer Protection District, Island and Shore Frontage District, and Airport District. Site Plan Review. Application #2020000552. **Tabled from the December 21, 2020 meeting.**​

Motion made by C. Eddy, seconded by R. Vaillancourt, to take the application off the table. Motion carried.

W. Hall said that Craig Bailey of Bryan Bailey & Associates, Inc., submitted a letter by email requesting to be tabled to the next meeting.

Motion made by C. Eddy, seconded by R. Notkin, to table the application to the March 15, 2021 meeting. Motion carried with all in favor.

W. Johnson arrived at the meeting.

W. Hall introduced the second application.

**1.2**​ **Northeast Self Storage, Inc.**​ – Applicant proposes an expansion of the existing​ self-storage/boat storage facility by constructing an additional two (2) self-storage/boat storage buildings at 184 Old Lakeshore Road, each building being approximately 12,000 square feet in area; by constructing a service road to access all phases of the site; and by making other site-related improvements on the properties located at 184 Old Lakeshore Road on Tax Map & Lot #225-014.000, and at 10 Gilford East Drive on Tax Map & Lot #214-050.000, in the Resort Commercial (RC) Zone, Commercial (C) Zone, Aquifer Protection District, and Airport District. Site Plan Review. Application #2020000640. **Tabled from the December 21, 2020 meeting.**

I. Howe recused himself from this application. R. Notkin was asked to take the place of I. Howe as a voting member on this item.

Motion made by C. Eddy, seconded by R. Vaillancourt, to take the application off the table. Motion carried.

## Presentation

Jon Rokeh of Rokeh Consulting, LLC, and Attorney John Cronin, were present to represent Northeast Self Storage. J. Rokeh said that at the last meeting we went over the engineering, site layout, and other things and the application was tabled due to three (3) issues. He said they were asked to look at and make changes to the building so they decided to paint the building a barn red with a white trim and white doors. J. Rokeh passed around a sample of the red siding material for everyone to see. He said they thought that this would appear more in line with the neighborhood and the nearby red barn. J. Rokeh said they also reduced the lighting on the buildings, and removed the lights on the back of the buildings altogether. He said they will have shields installed to be able to further reduce lighting glare onto adjacent properties. J. Rokeh then went over the landscaping plan. He said that they had added the arborvitae to the plan along with the other proposed new plantings in addition to what they had added in the fall. He said they will put in the number and the species of trees and they will stagger those in with the existing trees to make sure of the best coverage needed.

J. Landow said that all the lighting is 4000k which is a white light and a more yellow light would be less abrasive. J. Rokeh said they could look into that. C. Eddy said that the lighting plan has two different styles of lights shown. C. Eddy said W4 provides more coverage on the downhill side of the buildings. J. Rokeh said that they can mount those higher and cover a bigger area. W. Hall asked if all the lights are downcast. J. Rokeh said they are. W. Hall asked about the shields. J. Rokeh said that they will be flexible. W. Hall said that when driving towards them and it's a windy day the shields rattle in the wind and can be like strobe lights. J. Rokeh said that when they were described to him they didn’t seem like they would be blowing around.

## Public Input

W. Hall asked if there were any members of the public who wished to speak.

Stephen Legro of 299 Gunstock Hill Road, an abutter, said that right now he’s assuming that the site plan is probably about 90% complete, but the new site plan has already been completed. W. Hall said it hasn’t been approved yet. S. Legro said that is his point. He said it looks like the site plan has already been almost completed without approval. S. Legro said that in Gilford’s Master Plan Gunstock Hill Road is identified as a Scenic Road. He asked how boat storage is appropriate there since it’s not a regular approved use. J. Ayer said that the use was approved by a Special Exception by the Board of Adjustment. He noted that a special exception is essentially a permitted use but one must meet the requirements for the special exception.

S. Legro asked how one harmonizes a Scenic Road, a cow pasture, and a historic family farm with the storage structures that are there. He said it’s going to be a blight down there adding that boat storage buildings can’t be made to fit in just by ordering different colored building panels. S. Legro said that the building will need architectural designing and roof design, and this isn’t compatible for that location.

Andy Howe of 300 Gunstock Hill Road, an abutter, said that as he is sure the Board is well aware that he’s stressed to them what was going on at this site for the past four years. He said some major changes have been done before the site plan amendment was approved, including pushing the dirt to level out the property to an abutter. A. Howe said that he’s gone to the Planning and Land Use Department and complained about it and nothing was done. He said the ordinance says what the Board should do and the Board needs to follow that. He said that from what he reads the buffers need to be added and he said he didn’t know if the Board would read it the same way. A. Howe said the trees in the buffer ordinance describes at least 30 feet and there isn’t 30 feet of space of buffer. He said the buffer should be evergreens because birch trees lose their leaves. He said Gunstock Hill Road is 1 of the 8 Scenic Roads in Gilford and those have to meet state RSA standards regarding scenic roads. He said the purpose or intent is to protect single family residents and we have to protect them with a 50 foot buffer which is stated within the ordinance. A. Howe went over excavation and slopes and that they should be protected by a fence and there is no fence. He said they are running a sand and gravel pit and there is no approval for that.

A. Howe referred to Article 13, Non-Residential Site Plan Approval, and Section 13.3 regarding Evaluation Criteria for a site plan. A. Howe said they are in violation of these provisions which say the Planning Board must determine if the proposed use is a reasonable use of the site. He said they are in violation of the original approval. He said it is his personal opinion that it is unsightly. A. Howe said that there is more to it than just the plan that makes it better, and the owner said that it would be two more years for the project to be complete. A. Howe said the Planning Board is here to administer the ordinance, and the Board needs to make the owner do the right thing.

J. Cronin, attorney for the applicant, said that he was involved early on with this project. He said that he owns property in Gilford as well. He explained the purpose and intent of the Scenic Road statute and clarified that it has nothing to do with regulation of buildings. He said that Mr. Howe has his own rights and he has an independent right to do what he wants to do with his own property. J. Cronin said he looked at the architectural section within the ordinance and said it is vague. He said he knows that the abutter to the north said that they had no problem with the proposed project. He also noted that the nearby barn is falling apart and what are the aesthetic regulations with regard to that. He said that looking at Article 17, Architectural Design Standards, Section 17.1, Purpose and Intent, what the requirements are for the buildings that these buildings are allowed. He said this is not outdoor boat storage with blue shrink wrapped boats, these are state-of-the-art buildings with storage inside. J. Cronin said that when the applicant came in originally he discussed these being to be built in the future, and there shouldn’t be any surprise about these buildings. He said there will be no additional demand on town services or on schools.

J. Rokeh said that they received Zoning Board of Adjustment approval for the boat storage use on this and we went through the landscape approval so it was found to be a reasonable use of the site. He said the ZBA included the condition of approval to add a landscaping buffer, but there is no 50 foot buffer requirement that applies to this.

J. Cronin said that even along a scenic road, as long as the cutting of trees is for land development, the statute allows for trees to be cut. He said that he is not sure what the exact population of the Town of Gilford is, but since only two people from the neighborhood are present to complain about the project, it doesn’t seem like there is a large amount of opposition to the proposal.

J. Ayer said that he didn’t look at the site excavation and rock crushing as being a separate land use, just earth work related to site grading and completing site plan details. A sand and gravel pit would not be permitted in the zone, but J. Ayer said this is earthwork being done to complete the site plan. He said there are a lot of boulders there and the applicant is processing those boulders primarily for use on site. J. Ayer said that the buffer requirements in Section 6.5.2 of the Zoning Ordinance, which he read for everyone, do not apply to the immediately abutting properties as has been suggested because they are all in the RC Zone, and no buffer is required along frontage even if the property across the street is in a residential zone.

With no other comments from the public, W. Hall closed the public hearing and introduced the next application. I. Howe rejoined the Board.

**1.3 Donald Gagnon –** Applicant proposes to construct a fenced-in 27,400 square foot Outside Boat Storage area at the western end of the property, and to partition the existing building into three (3) sections with Section A housing a 945 sf. Sign Shop, Section B housing a 1,830 sf. Screen Printing Shop, and Section C housing a 7,850 sf. Boat Repair & Restoration facility on property located at 64 Annis Drive on Tax Map & Lot #213-089.000 in the Commercial (C) Zone. Amended Site Plan Review. Application #2021000002.

J. Ayer said that the application was complete and ready to be accepted. Motion made by C. Eddy, seconded by R. Vaillancourt, to accept the application as complete.

## Presentation

Bryan Bailey of Bryan L. Bailey Associates, Inc. represented the applicant. B. Bailey said that this is a proposal for outdoor boat storage. He said there is an existing building and it will not be modified in any way, shape, or form. He described the existing site and the proposed site layout. He said he shows a possible parking lot layout and boat storage layout to give a sense for how boats could be stored and cars could be parked on the property, but he noted that there is not one stitch of paint in the parking lot, that it is a wide open paved area with no lined parking spaces. B. Bailey said he is sure the Board is familiar with the area and noted that the layout of roads has been greatly modified with the construction of the bypass. He also said that there is never much traffic in that area. He said that, as the Board can see, there is adequate and ample space for this proposal on this property.

B. Bailey said there is an existing fence, and there will be additional fencing added and that’s shown on the plan as well. It will allow for one-way traffic through the boat storage area. He said it will be an eight (8) foot high chain link fence with slats so it will not be a see-through fence but will hide the boat storage.

C. Eddy asked to confirm that there won't be any external modification of the existing building. B. Bailey said that is correct.

## Public Input

W. Hall asked if there were any members of the public who wished to speak. Hearing none he closed the public hearing and introduced the next application.

**1.4 Kevin Morrissette –**Applicant proposes a boundary line adjustment among three (3)​ existing undeveloped lots at the corner of Cotton Hill Road & Garden Hill Drive to reconfigure the shape and orientation of the lots resulting in no change in the number of lots. The properties are located at 76 Cotton Hill Road on Tax Map & Lot #208-033.007, at 126 Garden Hill Drive on Tax Map & Lot #208-033.006, and at 106 Garden Hill Drive on Tax Map & Lot #208-033.008 in the Limited Residential (LR) Zone. Subdivision/Boundary Line Adjustment Plan Review. Application #2021000003.

J. Ayer said that the application was complete and ready to be accepted. Motion made by C. Eddy, seconded by R. Vaillancourt, to accept the application as complete.

## Presentation

Ronald A. Johnson, LLS, of Harold E. Johnson Inc., surveyor, was present to discuss this application. He said this is a proposal to reconfigure three (3) existing lots that were previously subdivided. He said they are changing the boundary lines to reorient the lots and calling it a re-subdivision. He said it is being done so each lot will have a beautiful view to the west that will be unobstructed by other lots. He explained that driveway locations had been revised and said that they re-routed a drainage ditch. R. Johnson said they already have state approval for this subdivision and that it is a pretty straight forward plan.

C. Eddy asked to confirm that with this re-subdivision, all three lots will have frontage on both of the roads. R. Johnson said that is correct.

J. Ayer said that this is designated as a Scenic Road within the town. R. Johnson explained that the scenic road designation really just affects how the Town can work within the right-of-way and that the change would not affect the property owner’s ability to move the stonewall and put in a driveway.

## Public Input

W. Hall asked if there were any members of the public who wished to speak. Hearing none he closed the public hearing.

# ACTION ON ABOVE

I. Howe recused himself from this application.

 **1.2 Northeast Self Storage, Inc.**

C. Scattergood said that she heard an argument from A. Howe and she then heard a rebuttal from an attorney. She asked if we had, in fact, not followed the rules with this application. She said that the applicant did do some excavation that was not part of the previously approved site plan. C. Scattergood said that they've been doing rock breaking and other site work and wondered if these things were part of their approved site work.

C. Scattergood asked about buffers. J. Ayer said that they wouldn’t apply here. He said the ZBA required a landscaped buffer along the road when it issued the special exception for the Boat Storage use and the Planning Board approved the proposed landscaped buffer when it originally approved the site plan. The Board has discussed the buffer quite a bit and it is being proposed to make it more of a buffer. J. Ayer said the other issue was the breaking up of the stones. He said Article 11 deals with certain uses requiring special exceptions such as sand and gravel excavation, but that is not what they are proposing here. He said the Board can look at that, but to him it is part of their site work, not a separate use.

G. Fedorchak asked about the buffer with regard to the different zones. J. Ayer explained that across the street is a different zone but the Zoning Ordinance specifically says that no landscaped buffer is required along the street frontage. W. Hall said that the zone boundary is in the middle of the road.

C. Scattergood wanted to know about the scenic road info that was given. J. Ayer said that RSA 231:158 discusses the effects of a road being designated a scenic road. He said that it controls what towns can do, what utility companies can do, etc. C. Scattergood is just concerned with letting someone go forward without regard to how things look in Gilford.

C. Eddy said that they have certainly brought up many concerns with this site. The landscape plan is still inadequate and it should be evergreens. He said the proposal of the red building with the white trim is a good start, but not good enough. C. Eddy said that most farms are not pristine; the only farms that are pristine are Amish farms. He said he has looked at Mr. Howe’s barns and they aren't boxes.

J. Landow said that in terms of rock crushing as part of a site plan you clear them out and once you start bringing in equipment and crushing them on site it becomes dirt but noise is created. Yes, the noise from the rock crushing could be a problem. The proposed building and landscaping is better, but the ordinance is clear as architectural design, just making it with red panels doesn’t change the architecture.

W. Hall said that we need to either act on the application or give them some direction. J. Landow said the Board is judging the merits of what is going on. J. Landow said assuming that A. Howe is correct and the Board is wrong what recourse does the Board have? J. Ayer said that the Board could tell them to not crush rock there. He said that the Board might want to take a look at all the other uses allowed within the Resort Commercial (RC) zone as well since there are probably many uses other than boat storage that do not fit in harmoniously with adjacent areas zoned residential.

R. Vaillancourt said that there were comments about the view and, as he mentioned before, he thinks that they should make a scenic lookout area.

W. Hall said that he doesn’t mind big deciduous trees, but what people see when they’re driving by is critical. He said the red building will look good but he’s not sure about the white doors. J. Landow said that evergreens should be at least six (6) feet tall.

C. Scattergood asked how we got this far and why haven't we discussed this buffer. W. Hall said the Board has discussed the buffer many times. C. Scattergood said that the lot was clear cut, so the buffer has been an issue that he knew would have to be resolved. Discussion ensued relative to the site visit that took place.

J. Ayer said that the applicant received a special exception for the boat storage use with a condition of approval that they provide a landscaped buffer along the road. When the Planning Board reviewed the site plan for the earlier phase, it determined that the buffer proposed on the plan satisfied the ZBA’s condition of approval. When the as-built was reviewed, the applicant was advised that the buffer that was planted was not adequate. When the Board accepted the as-built plan, it required that the buffer be addressed with this site plan application and they have. Discussion ensued.

C. Scattergood asked if this would have been prevented if the code enforcement officer looked at those things. J. Ayer said that he did go out there and he did look at those things. The applicant was advised that the buffer was not adequate, and the rock crushing was considered site work. R. Vaillancourt said that we really had to be careful when we went out there on the site visit. W. Hall said that yes it’s a site that’s being worked on.

C. Eddy said that this feels like one of those jobs where they say, “I’ll do it and then I’ll get approval after the fact”.

Motion made by C. Eddy, seconded by R. Vaillancourt, to table the application to the March 15, 2021 meeting. Motion carried.

I. Howe rejoined the Board.

**1.3 Donald Gagnon**

J. Ayer pointed out the conditions of approval that he suggested in the staff report for this application. W. Johnson said that his issue is with the eight (8) foot fence because it might not cover up much. J. Landow was wondering about the security wire above the fence and do we know what that would be. J. Ayer said that they just said chain link fence with security wire.

Motion made by C. Eddy, seconded by I. Howe, to approve the application subject to the following conditions:

a. The applicant shall make the fence opaque by installing slats in the fencing.

b. The opaque fence is approved within the front setback provided it is located at least one (1) foot from the front property line along the entire Annis Drive frontage.

c. The applicant shall provide an as-built site plan after the fence is installed to confirm proper installation of the fence.

d. The applicant shall obtain any other federal, state, or local approval that may be required.

Motion carried with all in favor.

**1.4 Kevin Morrissette**

Motion made by C. Eddy, seconded by R. Vaillancourt, to approve the application subject to the applicant obtaining any other federal, state, or local approval that may be required. Motion carried with all in favor.

**3. OTHER BUSINESS**

J. Ayer said that there is training tomorrow for staff about use of the new AV equipment in the conference room. C. Eddy said that it is something we have discussed over the years. He said the time has come that we consider live streaming the Planning Board.

**4. MINUTES**

## December 21, 2020

Motion made by C. Eddy, seconded by I. Howe, to approve the minutes of the December 21, 2020 meeting. Motion carried with W. Johnson abstaining.​

**5. ADJOURNMENT**

Motion made by C. Eddy, seconded by R. Vaillancourt, to adjourn the meeting at 8:43p.m. Motion carried with all in favor.

Respectfully submitted,

Sandra Hart, Secretary