**MINUTES**

**GILFORD PLANNING BOARD**

**MONDAY**

**FEBRUARY 8, 2021**

**CONFERENCE ROOM A**

**7:00 P.M.**

The Gilford Planning Board met on Monday, February 8, 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 Member Jack Landow, and Alternate Member Rick Notkin. Planning Board Members present on the conference call were Vice-Chair Carolyn Scattergood, Regular Member Isaac Howe, and Alternate Member Gaye Fedorchak. Planning Board Members absent were Regular Member William Johnson and Alternate Member Emily Drake.

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

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

# PUBLIC HEARINGS

W. Hall introduced the first application.

**1.1 Stone Brook Hills, LLC** – Applicant proposes a lot line adjustment to transfer 2.37 acres from Tax Map & Lot #271-008.000 to Tax Map & Lot #271-008.001 with the final acreage of each lot being 13.01 acres and 39.87 acres respectively. The properties are located at 128 and 166 Glidden Road in the Limited Residential (LR) Zone. Lot Line Adjustment Plan Review. Application #2021000029.

J. Ayer said that the application was complete and ready to be accepted. Motion made by C. Scattergood, seconded by C. Eddy, to accept the application as complete. Motion carried with all in favor.

Presentation

Steven J. Smith of Steven J. Smith & Associates, Inc., was present to represent the applicant. He said that the applicant was before the Board in April of 2019 for a boundary line adjustment. The apple orchard lot was involved and he described the earlier boundary line adjustment between the two (2) parcels. S. Smith said the owners have purchased an additional twenty-seven (27) acres that front on Cherry Valley Road. He said they would like to adjust the boundary line between the wood lot and the farm house lot so it aligns with the lot line of the recently acquired Cherry Valley Road lot. He said the lots will meet the lot size requirements and after the adjustment the farm house lot will end up being about thirteen (13) acres and the wood lot will end up being over thirty-nine (39) acres. The farm house lot is in current use and will remain in current use.

Discussion

C. Eddy said it looks as though one pin will need to be reset. S. Smith said that is right which they will do in the spring.

Public Input

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

**1.2 Dave Farley** – Applicant is proposing to construct a two (2) bedroom apartment/single-family residence in the existing commercial building where a retail showroom, repair shop, and business office are already located, and to make various site changes as shown on an as-built site plan on property located at 1985 Lake Shore Road on Tax Map & Lot #223-535.000, in the Resort Commercial (RC) Zone and Aquifer Protection District. Amended Site Plan Review. Application #2021000030.

J. Ayer said that the application was complete and ready to be accepted. Motion made by R. Notkin, seconded by R. Vaillancourt, to accept the application as complete. Motion carried with all in favor.

## Presentation

## Applicant David Farley said that he has met with Planning Director John Ayer many times about this application. He said that he is looking to build out the second floor and do some other things on the property. He said they have something similar with what was done over at his B. Mae’s property at 1934 Lake Shore Road in that there are apartments in that building as well. He said he has two (2) areas in the center portion of the building, upstairs that he wants to turn into office space, and he would like to add a 2-bedroom apartment upstairs. D. Farley said the prime reason would be to have a presence at that location and to also have rental income. He explained that he would like to move the business operations to this site with his company offices and the marine side of the business with sales for boat lifts and possibly change the B. Mae’s location to this location.

D. Farley explained the proposed site plan including parking areas, landscaping, fire alarm system, and the frontage area. He said that the drainage swale goes down the middle between his property and the abutting property. He said the goal tonight is to try to get approval so he can finish the upstairs portion of the building, and to set up for display area in the front near the entry area sign. D. Farley said depending on how things go he would come back for an additional approval and possible additional showroom area. D. Farley said that in the spring time they will finish the paving and plantings. He said he would like to wrap up the building part of this and get some rental income. He said that he pays a lot of taxes for this property and would like to make it pay off.

Discussion

C. Eddy asked how big the apartment would be. D. Farley replied that it would be 1,000 sq. ft.

J. Ayer said that salesroom, outdoor display, outdoor storage, and repair uses all require Special Exceptions. D. Farley said that he does have retail items such as bluestone, boat lifts, etc. to display outside. D. Farley asked if selling it and displaying is the same. J. Ayer said that selling is the same as retail, displaying merchandise outside is different from retail, and storing equipment or supplies outside is different from displaying it for sale outside. D. Farley said he has some items that he stores outside but he utilizes it too. He said that generally he isn’t looking to store any product outside that is not also for sale.

J. Ayer read the definition in Article 3 for outdoor storage. D. Farley said that he has lumber and he sells it, so it’s not really storage it is inventory – merchandise for sale. J. Ayer said items displayed for sale outside must meet setbacks and require a special exception. D. Farley said in order to keep inventory, how do we go about doing that? He said it is similar to his B. Mae’s site at 1934 Lake Shore Road. J. Ayer said that outdoor display and outdoor storage are two different things and read from the zoning ordinance to help explain this. J. Ayer said the main business he is doing is allowed, but this accessory use would be allowed by special exception, so he will need to go to the Zoning Board of Adjustment.

D. Farley said that he needs to know what is and isn’t allowed. He needs to know what he can do that is permitted in the realm of what his business does. D. Farley said his goal is to establish the business at this site and have pilings, lumber, bluestone, boat lifts, etc., for sale and that they will probably drop the marine supply part of the business. J. Ayer read the definition for salesroom, outdoor display, and boat storage. D. Farley wanted to know what he would need to do to make it work. J. Ayer said a special exception is required for these uses. He said for outdoor display and outdoor storage the Planning Board may require a fence.

W. Hall said that we are skirting around the issue here. His concern is what’s there now, because he feels that it would fall under a junk yard use. It’s a grey area. D. Farley replied that the good news is that they will be getting rid of most of it, because they need the room. W. Hall said that the best place to store these materials, in looking at the aerial photo, should it be inside a building.

D. Farley said that all of the boats seen on site were used in the business and he needs to get rid of them.

W. Hall said he is worried if someone with children were to rent this apartment because it doesn’t seem like it would be a very safe site. C. Eddy said that we can’t discriminate or regulate as to who he can rent too. W. Hall said that he understands that but there are life safety codes that would need to be met. He added that desirability and location could possibly affect the amount of rent.

D. Farley said that they had to remove the boats out from the front area. They have gotten rid of a tremendous amount of stuff and the goal is to have tons of room cleaned out, and to come back to the Board for any additional changes. D. Farley said they are going to only have items that will be utilized for the business.

J. Landow wondered if it were possible to provide an inventory as to what is useable, for display and for sale. C. Eddy said that a site visit would be helpful, because when he drives by the property he can only see a small portion of it. He understands that a bunch of stuff was removed, but he would like to go see it. W. Hall replied that that’s a good idea.

D. Farley said that he uses the trailers to store stuff, and they were painted gray. He has put many hours in to improve the site. It is a business and an expense. W. Hall said he would like to see a clean operation. J. Landow wondered if they would still need a Special Exception. D. Farley would like the place to look nice when they have customers coming in, we would like to spend the money to get it done, but it is expensive.

## Public Input

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

Stephan Nix, attorney, stated that he represented East Coast Welding at 1979 Lake Shore Road which is next door to the applicant’s property. He described his client’s business operations. He said that this is the RC zone and that the current uses are in operation seven days a week, with the garage doors open, many items are visible. If he has a large project he will work on it outside. S. Nix said that his clients have identified the same issues that the Board has brought up as well. He said adding a residential use to this property would be a conflict and they’re concerned.

S. Nix stated that currently there isn’t enough parking on the site, and the parking spaces aren’t even shown on the plan. He said they will have to go for a variance from Article 7 because it requires a minimum number of parking spaces. S. Nix said that there is so much junk on the site where parking was proposed that the parking is no longer there. He said the parking and delivery trucks are now spilling over onto his client’s property. He said there is a shared entrance, but not shared parking. He said his clients have tried to be good neighbors, but since this building has been constructed there are drainage issues as well as siltation issues. S. Nix said this property is in the Aquifer Protection District, and requires a stormwater plan.

S. Nix said that he hadn’t seen the as-built plan but from a practical standpoint what is out there is not working. He said the prior site plan approval has not been met. He referred the Board to the staff report from J. Ayer and discussed what it said. He said that he has only seen the property from the road, but what he saw was a junkyard. He then read RSA 236:112, definition of a Junk Yard. He said the definition of a junk yard includes sale and the storage of materials and he added that this is one of those things that you’ll know it when you see it.

S. Nix stated that his clients would request that the Board not even approve this application conditionally but to go on a site visit and have the applicant come back with exact information of what he will be doing.

D. Farley replied that he wasn’t sure about the parking issue onto the neighbor’s property. He said his business has service work done by one of their tenants and that’s the only time they park over there. He said he and J. Ayer had a discussion as to the parking spaces and how to make them work. He said the drainage was designed by Jon Rokeh and then described how the drainage swale works and said it works perfectly with no water going to the neighbor’s property. He said the neighbor’s property actually drains onto this property, then off to the other side of the road.

D. Farley said they have cleaned up a lot this past year and said the neighbors know they have been cleaning up and stated that they have junk as well. D. Farley said he would like to work with the Town, because he really would like to rent the place out to help with income.

J. Ayer said that the Town is not singling out D. Farley, but because he has submitted an application, the Town is reviewing the details of the site and his application and the Board and he need to point out issues related to the site. The Town needs to ensure that the drainage works and was constructed the way it was designed. He said we should probably have Jon Rokeh provide a written statement that the system was constructed as it was designed and is operating properly. D. Farley said he can do that.

Alan Fasshauer of East Coast Welding said that they discussed the drainage a couple of years ago and they have a video showing it coming onto their property. He said they called David Andrade who was the Code Enforcement Officer at the time and he looked at it and that’s when they agreed to have it worked on. The water isn’t going into the swale, it’s coming into their yard. He said he doesn’t know what needs to be done, but he does know that it’s not working. C. Eddy said that is the reason to have Jon Rokeh provide a statement about how well the drainage system was built and how well it is functioning.

Lori Fasshauer of East Coast Welding said that they’ve been here for 40 years and they are very good about keeping their property clean. She said they have renters and they have all kinds of boats and other things, but she said she would like D. Farley to clean up and make their site look appropriate.

D. Farley said that they used to come in with a trailer and back in but they don’t do that now. He said they could maybe extend the separation of the shared access, but NHDOT would have to approve any changes. He said there is a spike in the pavement in the center of the driveway and he said that maybe they can segregate the two properties, or maybe extend the buffer area between the two.

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

**1.3 Harbor Freight Tools USA, Inc. –** Applicant is proposing alterations to the previously approved front building façade, and to construct a new receiving concrete pad and new concrete receiving forklift ramp in Unit A100 (to the left of Petco) at 1458 Lake Shore Road on Tax Map & Lot #213-023.000 in the Commercial (C) Zone and Airport District. Amended Site Plan Review. Application #2021000031.

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

## Presentation

On the conference call were Loris Memic, Permit Advisors; Dan Van Luvender, ADA Architects, Inc.; Bill Gerhardt, Director of Real Estate for Harbor Freight; and Dan Hester with WS Development, property owner. D. Van Luvender said that the Board is aware of the façade renovations and described those briefly. He said they have made modifications to the façade design by adding a hip roof to closely match. He said the Board will be able to see that this is similar to the nearby Petco façade. Also, on the site plan he said they have added handicap accessible parking spaces. D. Van Luvender said they will be restriping to provide a cross walk for safer access. There will be a fork lift ramp to the facility and also a ramp for costumer pick up, in order to get items down to grade. He said they will be utilizing the existing loading dock but making the door higher.

Discussion

R. Vaillancourt asked if they will use the area left of the front door for outdoor storage or display. B. Gearhart said they will not be using any outdoor area for storage or display.

J. Ayer said that the applicant has requested several waivers, some of which he would consider unnecessary because either the checklist item was not applicable to this application or the information was provided with the materials submitted. He said he has narrowed down the list to six items including checklist items 9, 12, 18, 27, 31, and 40. He pointed out that the Board could waive all of them if the applicant is concerned about not having them all waived, but the shorter list would suffice for the Board’s purposes. He said the applicant provided a lot of information to explain what they are doing with this proposal, so granting the requested waivers would not unduly inhibit the Board’s ability to review and make a decision regarding the application. They will remove asphalt and replace it with concrete at the loading dock, increase the height of the loading dock access, create a new façade, restripe parking spaces into handicap parking and provide a cross walk, and create an at-grade loading dock. J. Ayer said that those changes are accounted for in the information provided so waiving the items would be reasonable.

C. Eddy said that we would only need to waive six particular items. J. Ayer said that is correct and would include checklist items 9, 12, 18, 27, 31 and 40.

Motion made by C. Eddy, seconded by J. Landow, to waive item #’s 9, 12, 18, 27, 31 and 40 as requested. Motion carried.

W. Hall said that it looks well thought out. C. Eddy said that it was a very good job done on this application. They took our suggestions seriously. J. Ayer said the Board would want to consider requiring the salt shed to be removed or relocated since it was never approved on a site plan, it takes up parking area that would now be used for a business at this end of the building, the brine from it runs untreated across the parking lot all year long, and no building permit was ever issued for the shed. D. Hester said that it can be moved. J. Ayer said there is a storage container next to it that will also need to be removed.

## Public Input

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

Lisa Akerley of Lake Breeze Mobile Home Park at 9 Sargent Place, on the conference call, said that unfortunately this application doesn’t pertain to what she thought. She was just having issues with the flight changes from the airport. She said it is very loud with the planes flying right overhead and she “didn’t sign up for that”. C. Eddy said that is something that should be addressed to the Airport Authority and he strongly suggested that she call Marv Everson, the airport manager. He said the Airport Authority meets once a month and that Marv can get her the dates of the next few meetings and advised her that they allow public input at those meetings. She said that she did call them and was told that they were training.

W. Hall asked if there were any other members of the public wishing to speak. Hearing none, W. Hall closed the public hearing.

# ACTION ON ABOVE

**1.1 Stone Brook Hills, LLC**

Motion made by R. Vaillancourt, seconded by C. Eddy 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.

**1.2 Dave Farley**

Motion made by C. Eddy, seconded by R. Notkin to table the application to the March 15, 2021 meeting to allow the applicant to update the parking requirements on the site plan, show parking on the site plan, and propose a screen for the outdoor storage/material storage; and to conduct a site visit on February 18 at 2pm. Motion carried with all in favor.

**1.3 Harbor Freight Tools USA, Inc**

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

a. Unless the Planning Board approves them to be relocated on site, the salt shed and storage container shall be removed from the site no later than May 17, 2021.

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

Motion carried with all in favor.

# OTHER BUSINESS: None.

# MINUTES: January 11, 2021

Motion made by C. Eddy, seconded by R. Notkin, to approve the minutes of the January 11, 2021 meeting. Motion carried.​

# ADJOURNMENT

Motion made by C. Eddy, seconded by R. Vaillancourt, to adjourn the meeting at 8:40 p.m. Motion carried with all in favor.

Respectfully submitted,

Sandra Hart, Secretary