**MINUTES**

**GILFORD PLANNING BOARD**

**MONDAY**

**SEPTEMBER 20, 2021**

 **CONFERENCE ROOM A**

**7:00 P.M.**

The Gilford Planning Board met on Monday, September 20, 2021, at 7:00 p.m. in Conference Room A of the Gilford Town Hall, and via GoToMeeting.

Carolyn Scattergood 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 Vice-Chair Carolyn Scattergood; Selectmen’s Representative Chan Eddy; Regular Members Jack Landow, William Johnson, and Emily Drake; and Alternate Members Rick Notkin and Gaye Fedorchak.

Members absent were Chair Wayne Hall and Regular Member Isaac Howe.

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

R. Notkin was asked to stand in for W. Hall and G. Fedorchak was asked to stand in for I. Howe as voting members for this meeting.

**1. PUBLIC HEARINGS**

**1.1 Stones Throw Realty, LLC** – Applicant proposes to remove the existing restaurant structure and build a new 3,968 square foot restaurant building with an open deck for dining, 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. *Application was tabled from the August 16, meeting.*

Motion made by C. Eddy, seconded by J. Landow, to take the application off the table. Motion carried with all in favor.

Presentation

Craig Bailey of Bryan Bailey & Associates, Inc., stated that he was representing the applicant. He stated that they are going to demo and rebuild. They received a State of NH Department of Environmental Services wetlands approval. He stated that the gravel parking lot will stay as it is. The front lot will have 10 paved parking spaces. He said that both of these were required to obtain the State’s approval. It will result in a net reduction of impervious area on this project and an improvement of water quality.

C. Bailey said the applicant is going to the Zoning Board of Adjustment for two reasons. One is for the Island and Shore Frontage limitations on building height. He said another permit that is required is from the FAA. He said they have met with the FAA. When they first requested information from the Airport regarding restrictions to development, they were given a map from 2017, but there was a new map from 2018 with revised information they should have been given instead which impacts how tall their building may be. C. Bailey said the FAA advised them that they will need to reduce the height of the building to get approval. C. Bailey said they met with Meghan Theriault, Department of Public Works Director, and she had no issues with the site plan. He said the other variance they need is for parking. He said with the parking agreement they are entering into with Sports & Marine Parafunalia, they feel that the Board of Adjustment will grant the variance.

C. Scattergood asked for an explanation of the variances they need. C. Bailey said that originally they needed variances for setbacks, height, and parking. He said they are moving the building further away from Gunstock Brook and reorienting it which is shown on Sheet #3. He said this is due to the NH DES shoreland permit, so now they are well beyond the 50 foot setback.

J. Landow asked about the shared parking agreement and if it was in writing and for how long it would be. C. Bailey stated that it was in writing and will be recorded and effective in perpetuity. C. Scattergood recommended that the town attorney take a look at it, and also that the Town make sure that it gets recorded as a legal document.

G. Fedorchak asked if they will now be limited to 35 feet in height. C. Bailey stated that they will be shrinking it and sinking it into the ground, which is an architectural consideration. C. Scattergood asked if there had been any discussion about a building that fits in within the area with a traditional look. C. Bailey stated that it was designed this way for a splash effect; one of the architectural renderings that was proposed was explained.

C. Bailey stated that the parking situation might be an issue the last two months of the summer. J. Landow asked if it would be open year round. C. Bailey stated that is up for debate. W. Johnson asked if there were any walking paths. C. Bailey stated that there are none proposed. He said that it is all gravel and level. He said it is a balancing act with the state and noted that they can’t convert anything into impervious. He said they have taken a major hit by being determined to be within the State shoreland district.

G. Fedorchak asked about lighting. C. Bailey stated that the only lighting proposed is attached to the building. J. Landow said he is worried about the parking lot not being well lit. C. Bailey said that there are walkways proposed and that the building lights will light those, but there are no sidewalks proposed. J. Ayer stated he would be concerned to have someone walking to his or her car with no lighting in the parking lot. C. Bailey stated that they could add lighting that’s within the State permit and the board could add that into a condition to be included in a final plan.

C. Scattergood asked where the parking calculation was. C. Craig referred to sheet #3 and described it for everyone. According to this, the requirement would be to provide 132 parking spaces. He said there are 39 available spaces and an additional 5 in front and 44 are available on the Parafunalia site. C. Scattergood asked where the rest of the parking spaces are. C. Bailey said they are not there. C. Bailey said they will be asking the ZBA to approve the parking with a variance.

C. Scattergood said that she would like to see what the new proposed building looks like. W. Johnson said wouldn’t it be effectively the same building. C. Bailey said it would be except they would shrink it down and the maximum height will be 35 feet. He said the applicants are convinced that this is the most effective for them.

C. Scattergood said and that is why she would like to see what the Zoning Board of Adjustment decides.

J. Landow said that this proposal is for 39 feet and the max is 35 feet in height. C. Bailey said the maximum height is lower due to the Island and Shore Frontage overlay district and being within 200 feet of the lake which makes the maximum height 25 feet. This building is a quarter mile away from the natural lake shore and the airport is behind it. C. Scattergood said that the Zoning Ordinance looks at it differently. Discussion as to the height of buildings in the area took place. R. Notkin stated that the town has collected taxes from this property owner and he would hate to table the application again. J. Ayer said that the natural lake shore is farther out and that the marina was dredged out. He said it’s 200 feet to the lake on other side of the bridge where the marina is, but one could make the argument that the natural lake is further out.

J. Ayer asked if putting the building lower into the ground will change site grading. C. Bailey said that he would like to be able to put it down 5 feet. J. Landow asked how far down the water table is. C. Bailey said that it’s about 5 feet. C. Bailey said that he would be discussing that with the applicant and the architect.

J. Landow said that if the Zoning Board of Adjustment and the FAA don’t agree to this, then the entire thing starts over again. C. Bailey said that they have put 2 years into this so far and lots of money. They have demonstrated the due diligence to meet the Zoning ordinance.

J. Ayer asked where the dumpster would be located. C. Bailey stated that it would be behind the building.

Public Input

Howard Epstein of Sagamore Road asked if this is in the federal flood plain. J. Ayer said that the lowest floor of the building would have to be one (1) foot above the flood elevation. H. Epstein asked where that water level would be. J. Ayer said the FIRM maps may provide some information regarding that. C. Bailey said that they haven’t done a flood certificate yet. He said they will have to do a profile study because it is moving water. He said when they do letters of map amendment that becomes a question.

C. Bailey said the first level would be for the kitchen, coolers, and water heater. Currently it’s slab on grade and does not have a basement. The solution is to depress this and create a half basement. C. Bailey said that they are just pushing it all down into the ground. He said they will be required to work with the FAA and Airport Authority. J. Landow said that the air handlers are on the roof and asked if they are worked into the height. C. Bailey said they are.

C. Scattergood asked if there was anyone else from the public that wished to speak. Hearing none she closed the public hearing and introduced the next application.

**1.2 Mark Palanchian** – Applicant proposes a two (2) lot subdivision with one lot having no road frontage and containing 5.25 acres, and the other lot having 395 feet of road frontage and containing approximately 53 acres. The property is located at 912 Cherry Valley Road on Tax Map & Lot #264-009.000 in the Limited Residential (LR) Zone. Subdivision Plan and Conditional Use Permit Review.

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

Presentation

Craig Bailey of Bryan Bailey & Associates, Inc., and applicant Mark Palanchian were present. C. Bailey said that this is a 2-lot residential subdivision. The idea is to create a stand-alone lot around the existing home. The lot has a 50 foot deeded easement providing access to it and the house. There are no buildings on the back lot. The frontage of the property has a lot of wetlands so this will remain part of the larger lot.

C. Eddy said that this looks like a straightforward case. He said that there is an existing easement there already and he can’t see any other place for a driveway.

J. Ayer stated that it does require the Board to approve a Conditional Use Permit. C. Bailey reviewed it briefly for everyone.

Public Input

C. Scattergood asked if there were any members of the public wishing to speak. Hearing none, she closed the public portion of the application.

**2. ACTION ON ABOVE**

 **1.1 Stones Throw Realty, LLC**

G. Fedorchak stated that she wasn’t as concerned about the look. She said with lighting and the right atmosphere it could be great for business. She said she is concerned with how far they go down into the ground and the presence of water. C. Scattergood suggested getting an engineering statement regarding the water or at least require a condition of approval on that. J. Ayer recommended the Board make a condition that this shall meet the requirements of the town’s flood ordinance.

J. Landow said that they have 14 foot ceilings so they may have room to go down to 12 foot ceilings.

C. Scattergood it bothers her why the Board can’t see what the final building will look like and what the grade is going to be.

C. Scattergood asked if Board members have seen the parking agreement. No one had seen it. J. Ayer said that the agreement ought to be reviewed by town counsel at the applicant’s expense.

W. Johnson said he is concerned about people walking across the parking lot in the dark. C. Eddy said that it could be a condition of approval to have a lighting plan submitted.

C. Scattergood asked if there is a landscaping plan. C. Eddy referred to sheets 4 and 5 that show the layout of where things are going to be. R. Notkin said there is a rain garden shown. J. Ayer said that there isn’t much detail on landscaping. C. Scattergood said that she remembers that we have forgotten to ask for those things in the past and it is difficult to go back after an approval is granted. She said there are missing details and the Board should table this to get those details before approving the application. R. Notkin said this applicant has been before the Board for a long time and he would not like to table it again. C. Scattergood said that the application has not been held up by this board. C Eddy said that a big portion of it has been the state.

Motion

Motion made by C. Eddy, seconded by J. Landow, to approve the application for Stones Throw Realty, LLC, subject to the applicant providing a lighting plan, the dumpster location being shown on the plan, the building meeting the Town’s flood plain management ordinance, town counsel reviewing the parking agreement, and the applicant obtaining any other federal, state, or local approvals that may be required.

Motion carried with R. Notkin, G. Fedorchak, J. Landow, C. Eddy, and W. Johnson in favor, and E. Drake and C. Scattergood opposed.

 **1.2 Mark Palanchian**

Motion made by C. Eddy, seconded by W. Johnson, to approve a conditional use permit to allow the proposed 5.25 acre lot to have less than minimum frontage pursuant to Section 5.1.2(d), and approve the application subject to the applicant obtaining any other federal, state, or local approvals that may be required. Motion carried with all in favor.

**3. OTHER BUSINESS**

1. Discussion Item – Concept plan review with Robert Brown, property owner, and Alden Beauchemin of Keyland Enterprises

J. Ayer briefly explained the proposal saying that this property had been subdivided several years ago with very specific engineering to locate a house and to make the lot buildable. The prior property owner revised the house location and related engineering work almost a year ago. R. Brown recently purchased the property and is looking to make some changes himself. J. Ayer said he would defer to R. Brown to explain the details of his proposal.

R. Brown and A. Beauchemin provided a concept plan for the Board to look at. A. Beauchemin said they looked at the existing plan and previous plan and they have prepared a new conceptual plan that shows possible revised locations for buildable area and house sites, and a possible subdivision in the future. There are some spectacular views at this location. He said they have some better contour mapping available to them as well from what had been provided earlier. A. Beauchemin said they will get into better, more detailed plans eventually, but for now they just want the Board’s guidance and input. He said he is familiar with town regulations, but there are always additional details.

C. Scattergood asked what they were looking for from the Planning Board. J. Ayer stated that they are here to discuss a concept plan. He said Mr. Brown is also looking to get some comfort level as to what the Board feels on this. C. Scattergood said that it looks like it is doable.

C. Eddy said that he liked the idea and that it looks like more bang for the buck.

J. Ayer said that it’s important to discuss road frontage and he went over that for everyone.

Howard Epstein stated that this is within the Gunstock Acres Village Water District and if they were to extend the water there that it will be at their cost and that the work would need to be supervised. R. Brown replied that he was aware because he had spoken with them already.

*2. 150 Young Road, Turcotte Subdivision, with regard to rights-of-way*

Craig Bailey stated that he was the surveyor of record for the recent subdivision of 150 Young Road, Tax Map & Lot #207-002.001. He said it was a three-lot subdivision with the two new lots being back lots. Both of these were to have a shared 50 foot wide right-of-way access which overlaps by 10 feet another right-of-way on the property. He said that at the meeting when this was approved, the applicant was to look into vacating the 60 foot wide right-of-way so the overlap would be eliminated. He said the owners, the Caldwells, currently have access over the Turcotte lot three different ways, one of which is over this 60 foot right-of-way, but they don’t want to relinquish or release the easement. He said that as it sits today, because they have to respect that 60 foot easement, the proposed driveway is shown on the plan in the best location for it.

J. Ayer asked how the Board felt about it. With no concerns voiced by Board members, C. Scattergood said the Board is comfortable with the plan as it is drawn and approved.

*3. Sunburst Condominiums – Pitched roof inquiry*

J. Ayer said that he had received an inquiry from Sunburst Condominiums that they would like to add a slight pitch to a flat roof on one of the units so it raises the roof 7 inches on one side of the unit. They are wondering if the Planning Board would require review of that. The Board said it did not see a need for Planning Board approval for this slight change to the roof pitch.

*4. Short Term Rentals and Listed Licensees*

J. Ayer handed out a list from the NHDRA “Active Meals and Rentals License Lookup” website which lists active licensees for rooms and meals tax (includes car rentals). He said this is for the Board’s information, particularly to see how many short-term rentals there are. He said this should list everyone licensed and paying meals and rooms tax such as restaurants, hotels, Airbnb’s and other short-term rentals, etc. He said, however, that there are several known short-term rental properties missing from the list. J. Ayer also said he heard that a sign for someone’s short-term rental has been installed without a permit on Tate Road. He said it appears to be in the front setback as well and over the allowed sign size. Discussion ensued.

**4. MINUTES**

Motion made by R. Notkin, seconded by C. Eddy, to approve the minutes of August 16, 2021 as submitted. Motion carried with G. Fedorchak abstaining.

**5. ADJOURNMENT**

Motion made by C. Eddy, seconded by W. Johnson, to adjourn the meeting at 8:56 p.m. Motion carried with all in favor.

Respectfully submitted,

Sandra Hart, Secretary