

Approved on January 15, 2007
GILFORD PLANNING BOARD
JANUARY 2, 2007
CONFERENCE ROOM A
7:00 P.M.

The Gilford Planning Board met in regular session on Tuesday, January 2, 2007 at 7:00 p.m. in Conference Room A.

In attendance were: Chair, Polly Sanfacon; Vice-Chair, Carolyn Scattergood; Selectmen's Representative, Dennis Doten; Richard Vaillancourt; Jerry Gagnon and Alternate John Morgenstern.

Member(s) absent: Richard Waitt and Alternate J. K. O'Rourke.

Also present was John B. Ayer, Director of Planning and Land Use and Stephanie Verdile Philibotte, Administrative Assistant.

Chair P. Sanfacon opened the meeting, led the Pledge of Allegiance, introduced the Board members, staff and read the rules of procedure for the meeting. She appointed J. Morgenstern to sit in the place of absent regular member R. Waitt.

Public Hearings

1. Gilford Cal Ripken and the Town of Gilford
Applicants are proposing to install a field lighting system at the Aaron Franceour Youth Baseball Field on Tax Map & Lot #227-126.000. Located at 27 Belknap Mountain Rd. in the Single Family Residential Zone and the Aquifer Protection Overlay District. Site Plan Review. File #2005001468.

Kurt Houston, President of Gilford Cal Ripken Baseball, representing the applicant, gave a brief presentation to the Board. He explained the lighting system would consist of 4 poles. He said the 2 infield poles would be 60 feet tall and the outfield poles would be 70 feet tall. He said the lights would have downcast covers and would be utilized during the early months of the season or on overcast days. He said the lights may be used between until 8 p.m. and 10 p.m. and there might be an opportunity for the lights to be used in the fall.

J. Morgenstern asked if the applicants would be willing to have the lights shut off no later than 10 p.m. K. Houston said they would be willing to accept the 10 p.m. deadline and the lights would only be used if there were a tournament or overcast weather conditions.

C. Scattergood asked how close the abutting homes are to the field. K. Houston said they measured the closest house at approximately 800 feet from the field. He explained there is also a tree canopy that will help shield the lights.

P. Sanfacon opened up the hearing for public input.

Mary Curtis, abutter asked about the hours of operation for the lights.

K. Houston said the controls are located in the clubhouse and would be operated by the Cal Ripken staff and there is a remote access function to be used if needed.

Mary Curtis asked if the lights would be used for practice sessions and K. Houston said no.

Judy McShane, abutter, asked if the field would be used for Gilford residents only. She has concerns about the lights being left on late at night, people having access to the field late at night, and she believes it is a light pollution issue. K. Houston said the field is only for the Gilford Cal Ripken association, the lights will have remote access to be turned off if needed and the lights are designed to have downcast lighting.

Henry Hope, abutter, asked about the necessity of the poles to be 70 feet in height. K. Houston said other towns have poles that are between 60-70 feet in height and the lights are designed with domed covers to downcast the light.

Herb Greene, Gilford Parks & Recreation Director, said the Parks & Recreation Committee is in support of the lighting system because they are beneficial to the baseball program and the downcast design. He explained the only people whom will have access to the lights would be associated with the Cal Ripken Baseball Club.

Amy Hoke, abutter, asked if other events are planned for the field due to the addition of the lights.

She has concerns about other uses at night creating more traffic, noise and lighting issues.

K. Houston said they might use it for the youth soccer program. He said the lights will be turned on only for games that would need it and the traffic generated from the games will remain whether there were lights or not. He said the baseball season is 6 weeks long and the lights may only be used in the beginning of the season, during overcast weather conditions, for the tournament and they might use the lights on Friday nights for double-header games.

H. Greene said the Cal Ripken association is paying for everything and if the Town of Gilford would like to expand the use of the field based on economic probability of it, they would discuss options with the Cal Ripken association.

P. Sanfacon closed the public hearing.

P. Sanfacon introduced the next case.

2. Cumberland Farms

Applicants are proposing to build a 4,134 square foot convenience store and fuel dispensing station on Tax Map and Lot #201-015.000 located at 1434 Lakeshore Rd. and in the Commercial Zone and the Aquifer Protection Overlay District. Site Plan Review. File #2005001470.

J. Ayer spoke about the Board's options for acceptance of the application. He said there is a checklist item referring to whether a variance is needed. The Planning Board will have to decide if the application has to appear to the ZBA for a variance before presenting to the Planning Board.

William Baird, engineer, Doug Hill, attorney, Frank Monteiro, and Wendy Regan were present to represent the application.

D. Hill explained the project as a gas station and convenience store with 8 gas pumps and associated above ground fuel storage tanks. He explained where the gas storage tanks would be located and the process for the transfer of the fuel to the pumping tanks. He said the NHDES, EPA have reviewed the application and it also complies with the National Fire Code for compliance with above ground storage tanks. He said it is not subsurface storage of gasoline because the tanks would not be buried and they are available for inspection.

Frank Monterio, site engineer, explained the existing property. He said the property is currently paved with existing buildings and outside storage areas. He explained the existing easement to access the rear of the property. He said there would be a new driveway installed and they propose to remove the existing driveway located between Kar Kraft. There will be a new easement granted to Kar Kraft for access. He explained the above ground storage facility would be located in the rear of the property. He said the location of the above ground tank farm is paved and they may do some re-grading of the area. He explained the landscaping for the property and how the above ground storage area will be screened with evergreen trees.

J. Morgenstern asked about the access driveway between Cumberland Farms and Kar Kraft. D. Hill said Cumberland Farms owns the easement over the Kar Kraft property and they will be drafting a new easement throughout the application process.

William Baird, engineer, explained the fuel tanks as three above ground tanks, two will be 12,000 gallon tanks and one 10,000 tank. He said they would be equipped with sensors for emergency purposes. They are located on concrete pads and designed to be filled from the tanker trucks through a gravity system. He said the piping system is designed to be located in concrete trenches and are able to be visually inspected. He said the dispensing system is designed with sensors and the pumps would be shut down in an emergency.

R. Vaillancourt asked if the piping system is on top of each other. W. Baird said yes there are two fuel pipes and one vapor return pipe and the entire system is made of stainless steel to prevent corrosion.

J. Gagnon asked about inspections of the system. W. Baird said the trench system would have covers that can be removed in order to visually inspect all the piping. He said the pipes will be three inches in diameter, about ten inches apart and the trench will be three feet deep and level with the ground.

J. Morgenstern asked what happens when liquids enters the trench. W. Baird explained a sensor system will sound an alarm and the pumps would be shut down. He said all the equipment is explosion proof and a redundant sensor system has been installed into a spare 500-gallon tank for safety purposes. That tank will pump into a swale system, then into the drainage system and enter the final drainage system. He explained if gasoline was to escape it is designed to go into the swale and the containment system. He said if there is a spill around the pumps the drainage system proposed meets the NHDES capacity of 5 gallons to be contained. Also if there is a spill, the check valve system installed in the pumps is designed to stop the flow of gasoline. The hoses are also designed with a check valve system to turn off the fuel if there is an accident. There is forty gallons of containment area located around the gasoline pumps.

C. Scattergood asked about the trench system being subsurface.

W. Baird explained how this design is not considered subsurface. He spoke about the Aquifer Protection Ordinance its prohibited uses and how this application is not considered to be subsurface in nature. He cited the EPA regulations and definitions for subsurface storage tanks and piping systems. Their design meets the definition of the EPA as being above ground. He also spoke about the NHDES regulations and definitions and said this system is excluded from state regulations and definitions for subsurface tanks and meets the requirements for above ground storage and piping. He said the entire system would be inspected annually, including visual inspections.

R. Vaillancourt asked about the storage tanks being located in the flight line of the airport. W. Baird said the tanks are located in a recessed location and the safety issues have been addressed.

P. Sanfacon asked about the Town of Gilford's regulations and if they apply to Cumberland Farms application. W. Baird said this Cumberland Farms is designed based on California regulations that include doubled walled tanks with sensors and a vacuum system with alarm sensors built into the transmission system.

The Board discussed whether the application needs a variance and if they would accept or table the application.

P. Sanfacon allowed the public to ask questions regarding the subsurface issue, noting this discussion is not a public hearing.

Charlie Boucher asked how wide the trenches are and W. Baird said the trenches are

thirteen inches wide. He said the piping is designed to fluctuate with the change in temperatures to accommodate the pipes.

Bruce Marshall, attorney, representing Dave Duvoy local business owner, said the application is designed as subsurface and the applicants should go before the ZBA for a variance before the Planning Board accepts the application. He said the current zoning ordinance requirements describe this system as subsurface and the Board should adhere to their own regulations. He said the City of Laconia should have been notified because of their proximity to the aquifer. He said if the Planning Board treats this design not as subsurface, they would be setting a precedent allowing Cumberland Farms to come back to bury storage tanks in concrete claiming they are not subsurface.

Motion made by J. Morgenstern, seconded by D. Doten, to accept the application as complete.

Discussion on the motion.

D. Doten said he is comfortable with the transmission lines being located in concrete. J. Morgenstern said the design of the lines are better and he agrees with the presentations and information provided stating it is not a subsurface system.

The Board discussed whether subsurface means covered in the ground. Discussion ensued if the Planning Board accepts the application as complete they are deciding the application does not need a variance.

C. Scattergood considers the proposed system to be subsurface. She is concerned what would stop Cumberland Farms from coming in to have the tanks buried since the Planning Board decided the system is not subsurface. P. Sanfacon said the site plan approval would require Cumberland Farms to locate the tanks above ground and it would be difficult for them to get another approval to locate the tanks below ground.

The Board discussed there is no Town of Gilford definition for subsurface but there is a NHDES definition and discussing

P. Sanfacon called for a vote on the motion. The motion to accept the application as complete and not considered subsurface, carried by a vote of 5-1 with C. Scattergood voting in the negative.

P. Sanfacon introduced the first proposed zoning amendment and opened the public hearing .

PROPOSED ZONING AMENDMENTS/PUBLIC HEARINGS

A. Section 8.8, Signs Not Requiring a Permit – Amend Section 8.8, Signs Not Requiring a Permit, by creating a new Section 8.8.7, Charitable/Non-Profit Organization Event Sign, to read: “Signs for public events held by charitable or non-profit

organizations may be erected without a permit provided the signs meet the requirements herein. No more than twenty (20) off-site signs may be posted per event. Signs shall not exceed six (6) square feet. Signs shall not be erected more than one (1) week prior to the event and shall be removed by the sponsoring organization within two (2) days after the event. Organizations shall notify the Department of Planning and Land Use of event dates and sign posting prior to erecting signs so compliance can be monitored.”

J. Ayer explained that this is the second public hearing for this proposed amendment and said the title of the section should be revised to read “Signs not requiring a permit”.

The Board agreed to the proposed amendment as written.

With no input from the public, P. Sanfacon closed the public hearing

Motion made by C. Scattergood, seconded by D. Doten to place Amendment A on the ballot as presented. Motion carried with all in favor.

P. Sanfacon introduced the next zoning amendment and opened the public hearing.

B. Aquifer Protection District Regulations – Amend the existing Aquifer Protection District regulations of the Gilford zoning ordinance in the following ways:

1. Delete the existing Section 2.2.7, Aquifer Protection District, and replace it with a new Section 2.2.7, Aquifer Protection District, which is a revision and update of the existing wording. This section describes this special district and its purposes which are to protect, preserve, and maintain potential groundwater supplies and related groundwater recharge areas within known aquifers identified by the Town.
2. Delete the existing term “Aquifer” and its definition found in Article 3, Definitions. This term and a revised and updated definition of “Aquifer” are included in the proposed new Article 19, Aquifer Protection District.
3. Delete the existing Section 5.2.6, Aquifer Protection District, and replace it with revised and updated Aquifer Protection District regulations proposed to be a new Article 19, Aquifer Protection District; and renumber the existing Article 19, Administration and Enforcement, and subsequent Articles as Articles 20 through 24 respectively. The new Article 19, Aquifer Protection District, describes uses that are prohibited within the district (including fuel dispensing stations), includes a 50 foot buffer around the district boundary, provides definitions of terms, describes how one may challenge the presence of the aquifer on a parcel and more accurately determine the precise boundary of the district if the boundary is disputed, and describes under what conditions pre-existing, non-conforming uses may or may not continue.

J. Ayer gave a brief update to the Board and spoke about the review from Town Counsel. He discussed the buffer and whether to include the prohibited uses or permitted uses within the proposed ordinance.

Steve Nix, attorney, defended the proposed buffer and mapping techniques used as the

reasoning for the buffer.

The Board discussed the revisions to the ordinance. Doug Hill, Charlie and Alice Boucher participated in the discussion of the revisions to the proposed ordinance.

With no further input from the public, P. Sanfacon closed the public hearing

The revisions will be discussed at the second public hearing to be held on January 15, 2007

BUSINESS

1. Gilford Cal Ripken and the Town of Gilford

The Board recommends the following items to be included in the application to install lights at the baseball field.

- 1) Cal Ripken associates shall be the only personnel to have access to lights.
- 2) No lights shall be operational past 10:00 p.m.

2. Cumberland Farms

Motion made by J. Gagnon, seconded by J. Morgenstern to table the application until the January 15, 2007 meeting in order to do an on-site inspection on Tuesday January 9, 2007 at 3:30 p.m. Motion carried with all in favor.

PROPOSED ZONING AMENDMENTS/PUBLIC HEARINGS

A. Section 8.8, Signs Not Requiring a Permit-

Motion made by J. Gagnon, seconded by R. Vaillancourt, to recommend Amendment A and place it on the ballot as proposed. Motion carried with all in favor.

B. Aquifer Protection District Regulations –

The revisions will be discussed at the second public hearing to be held on January 15, 2007

Minutes The Board decided to table the approval of the minutes from the December meetings until the January 15, 2007 meeting.

Adjournment

Motion made by D. Doten, seconded by C. Scattergood, to adjourn the meeting at 10:05 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Administrative Assistant