

Approved on March 19, 2007
GILFORD PLANNING BOARD
JANUARY 15, 2007
CONFERENCE ROOM A
7:00 P.M.

The Gilford Planning Board met in regular session on Monday, January 15, 2007 at 7:00 p.m. in Conference Room A.

In attendance were: Chair, Polly Sanfacon; Selectmen's Representative, Dennis Doten; Richard Waitt; Richard Vaillancourt; Jerry Gagnon; and Alternates J. K. O'Rourke and John Morgenstern.

Member(s) absent: Vice-Chair, Carolyn Scattergood.

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 C. Scattergood and J. K. O'Rourke to replace R. Sonia.

P. Sanfacon announced a change in the order of the agenda. She announced the application for the estate of Leonora V. Michaud will not be heard and will be heard on February 20, 2007. She explained the zoning amendment discussion for the Aquifer Protection Ordinance will be heard first.

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

PROPOSED ZONING AMENDMENTS/PUBLIC HEARINGS

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.

S. Nix discussed the current revisions to the Aquifer Protection Ordinance as proposed at the first public hearing on January 2, 2007.

P. Sanfacon opened up the hearing for public input.

Lee Duncan and Charlie Boucher agreed with the proposed changes to the ordinance.

P. Sanfacon closed the public hearing.

Motion made by J. K. O'Rourke, seconded by R. Waitt, to recommend the proposed amendment be placed on the ballot as presented. Motion carried with a vote of 6-1 with J. Morgenstern voting against the motion.

P. Sanfacon introduced the first case.

1. 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.

Motion to take off the table made by J. Gagnon, seconded by R. Vaillancourt, to take application off the table. Motion carried with all in favor.

William Baird, engineer, Doug Hill, attorney, Frank Monteiro, and Wendy Regan represented the application.

W. Baird explained they are proposing to install 3 steel tanks for gasoline storage that will be surrounded by concrete and installed with alarms for spillage and overflow protection. He explained the fuel would be dispensed into the holding tanks by a gravity flow system. He explained the drainage system for any water and gasoline spills and how they would be contained. He explained Cumberland Farms would have a spill prevention plan as required by state and federal laws.

D. Doten asked if there have been any failures with this type of storage facility and W. Baird said there have not been failures with this type of system.

The Board discussed the design of the tanks and the concrete surrounding the tanks. W. Baird explained the tanks would be freestanding with one end open. The design of the tank area will be in a way to direct all liquids into a swale lined with HDPE where it can be contained.

J. Morgenstern asked about maintenance. W. Baird said the tanks would be emptied once a year and examined for defects. At that time the engineers will estimate at what point the tanks need to be inspected again.

Wendy Regan, Cumberland Farms, explained at each shift change store employees are responsible to inspect the area for problems. She said Cumberland Farms is required to hire professional staff to assist in the maintenance of the site. She explained lighting would be per OSHA standards to assist employees during maintenance inspections.

J. K. O'Rourke asked about the drainage swale and if it would be able to significant weather events. W. Baird explained the system would be able to handle weather events and explained the design is intended to direct water away from the tank area.

W. Baird explained the design and mechanics of the transmission lines and trenches. He spoke about the dispensing pumps including a double walled sump pump with a sensor as well as an alarm system for safety purposes. He explained the dispensing systems are designed according to the State of California regulations because of they have the strictest standards for fuel storage, dispensing and vapor collection. He explained the NHDES also has to review and approve the above ground storage tanks.

Frank Monteiro, engineer, explained the proposed design of the site to the Board. He explained the 2-shared driveways that exist on both abutting properties. He said the shared driveway with Kar Kraft is an existing easement and will be redefined throughout the development. He explained both proposed entrances need approval from the NHDOT. There would be a detention pond located behind the trash dumpsters to improve drainage on site. The existing catch basin in the street will be updated and extended to an additional catch basin added in the driveway. There will be other catch basins added on site to assist in the on-site drainage. All the drainage on site will be directed to a 2500-gallon oil water separator located in the front of the site. He said the drainage improvements have to be approved by the NHDOT because they are proposing to connect into the NHDOT's drainage system.

The Board discussed the detention pond and F. Monterio explained it would be an excavated area that will assist with drainage on site and said it is not designed as a stormwater retention system.

F. Monteiro explained they need 40 parking spaces and 16 spaces are included in the pump areas. He showed the Board there are 2-way traffic flow patterns for the site to access the pumps.

The Board has concerns about making a right hand turn exiting the site due to the traffic coming out of the Wal-Mart plaza. F. Monteiro said they are in the process of having a traffic study done and they will pass the traffic concern along to the NHDOT.

The Board discussed architectural features of the building and Wendy passed out photo and architectural renderings for the Board to review.

J. Ayer spoke about the outdoor display shown in the pictures of other stores and said if they want to have outdoor display that would be an additional item for the site plan review process to

address.

P. Sanfacon asked about the upkeep for the landscaping. W. Regan said the employees are responsible to check the site at the shift change and that would include inspecting the landscaped area to remove trash. She said they hire local companies for the plowing and landscaping duties.

The Board asked about the coverage of the lot and the proposed development will create about 53% coverage. F. Monteiro explained the landscaping proposed for the rear of the property to screen the tank area and the replacement of the trees in the front of the property.

J. Ayer asked when the traffic study would be completed and D. Hill said in a few weeks.

The Board asked about the number of employees at the store and what happens when there is a spill at the pumps. W. Regan explained the training the employees go through for accidents.

F. Monteiro explained there would be a hydrant located on site and they are expanding the municipal water supply to neighboring businesses and to the residential trailer park behind the site.

Bruce Marshall, attorney, representing Dave Duvoy local business owner, asked about the trenches that take the gas to the pumps and how often are they going to be inspected. W Baird said the NHDES requires they be inspected yearly. B. Marshall asked about the easement with Kar Kraft and D. Hill explained the easement would be improved for traffic flow and will be re-written and recorded as part of the application.

B. Marshall asked about the regional water impact and if other communities will be notified. D. Hill said the applicants have been in communication with the City of Laconia regarding this site and said the Laconia Water Department has commented on the proposed site, although nothing formal.

J. Ayer asked about lighting for the site due to the trailer park being located rather close to the site and if there is a way to shield the light.

F. Monteiro said the light poles would be lowered and moved away from the trailers and would include house shields.

The Board discussed the applicant further research the impact the lighting could have on the neighboring properties. The applicants agreed.

BUSINESS

1. Cumberland Farms

Motion made by J.K. O'Rourke, seconded by R. Waitt, to table the application until February 20, 2007 in order for the applicant to supply the following information:

The traffic study
The hazardous material maintenance plan
The updated lighting plan.
Revised architectural drawings

Motion carried with all in favor.

Other Business

1. Joseph Turner, Condominium Conversion conceptual request- Attorney Stephan Nix, representing the property owner, gave a brief presentation to the Board. He said the 3 existing dwellings are the original camps on Mark Island. He said they are currently serviced by cesspools and they are designing a new septic system are in the process of submitting the application to the NHDES. There will be a provision for a future well to be added to the site if needed but currently the water supply comes from Lake Winnepesaukee. They are proposing to install 3 seasonal docks on the site. S. Nix said he videotaped the interior of the cottages for the Board's review.

J. Ayer reviewed the current standards for a condo conversion for the applicant to meet.

2. Broadview Terrace lot merger request- Attorney Patrick Wood, representing the property owner, gave a brief presentation to the Board about the proposal. He explained the three lots on Broadview Terrace and they are proposing to merge and subdivide the lots with the end product leaving 2 lots with a carriage house included. He explained the new house will meet the setback requirements but cannot meet the one-acre land area requirement.

P. Sanfacon asked about the proposed carriage house and J. Ayer said they couldn't have another dwelling unit on site. He explained the proposed house for Lot 59 has to meet the current setback requirements.

The Board discussed 59 and 65 Broadview would remain and 63 Broadview will be dissolved.

J. Ayer gave an update to the Board about the Austin Bay Storage Facility and explained the applicant is asking for a bond to be submitted in place of the pavement and the additional landscaping so they can apply for a certificate of occupancy. He explained the bond amount would be reviewed by DPW.

The Board agreed to the proposal for the applicant to submit a bond for outstanding items.

Minutes

Motion made by J. K. O'Rourke, seconded by R. Waitt, to approve the minutes from December 18, 2006. Motion carried with all in favor.

Motion made by R. Vaillancourt, seconded by J. Gagnon, to approve the minutes from December 19, 2006. Motion carried with all in favor.

Motion made by J. Gagnon, seconded by R. Vaillancourt, to approve the minutes from January 2, 2007 with a correction made to the correct spelling of Kar Kraft. Motion carried with all in favor.

Adjournment

Motion made by R. Vaillancourt, seconded by J. K. O'Rourke, to adjourn the meeting at 9:35 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Administrative Assistant