

Approved on March 19, 2007  
GILFORD PLANNING BOARD  
FEBRUARY 20, 2007  
CONFERENCE ROOM A  
7:00 P.M.

The Gilford Planning Board met in regular session on Tuesday, February 20, 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; Richard Waitt; Jerry Gagnon; J. K. O'Rourke and Alternate(s) John Morgenstern.

Also present was John B. Ayer, Director of Planning and Land Use and Stephanie Verdile Philibotte, Administrative Assistant. New alternate member David Arnst was also in attendance.

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.

P. Sanfacon announced a change in the order of the agenda. She read a letter from Attorney Doug Hill requesting the Cumberland Farms, Inc. application be tabled until the March 19, 2007 meeting.

Motion made by J. K. O'Rourke, seconded by R. Waitt to take the Cumberland Farms, Inc. application off the table. Motion carried with all in favor.

Motion made by J. K. O'Rourke, seconded by C. Scattergood, to table the Cumberland Farms, Inc. application to the March 19, 2007 meeting. Motion carried with all in favor.

P. Sanfacon explained the first item on the agenda as a presentation from the Meadows Committee regarding the development of the Meadows fields.

1. **Meadows Committee-** Gilford School District describing future development of Meadows property located at 263 and 267 Intervale Road. Gilford Tax Map & Lot # 224-018.000 and #224-018.001.

Tim Drew, representing the application, gave a brief presentation to the Board. He explained the history of the proposal to develop the Meadows property into recreational playing fields and facilities. He said they have completed the beginning stages of the application process. He showed the Board the areas where softball fields will be located and said they are in an upland area not in the wetlands. He said the wetland areas would be used as open recreational areas. He explained the parking areas and the access areas for emergency vehicles. He said they are proposing, soccer, football and lacrosse fields, bleachers, a concession stand and t-ball field. The parking will contain about 400 spaces and will be located in the upland area. He reviewed the wetland areas and explained wetland impacts have to be mitigated. He said prime wetlands abut the proposed development area approximately 150 feet away from the fields. He spoke

about areas for mitigation that will be connected to an existing conservation property abutting the fields.

P. Sanfacon asked how many fields are proposed and T. Drew said there would be 7 fields. He explained they want the fields to look like a working farm. He said they are hoping to reduce the amount of stormwater runoff to abutting properties and they are looking to design runoff facilities to reduce the flooding in the area.

J. Gagnon spoke about a previous application to develop the property that was denied because the area is prone to flooding. T. Drew acknowledged the area is located in a floodplain.

J. Ayer asked about parking spaces for the site. T. Drew said they are proposing about 350-400 spaces. He said one area historically used for parking is a right-of way for the NHDOT and is not available for use by the Town of Gilford.

J. Morgenstern asked about the scoreboard and if there are lights proposed. T. Drew said they have not yet addressed the scoreboard and lights are not proposed. He said they have not addressed fencing for the fields. The proposal is in addition to the existing playing fields located at the school.

P. Sanfacon asked if there would be a public hearing about the proposal. T. Drew explained they are planning to hold public hearings in the spring.

P. Sanfacon thanked T. Drew for the presentation.

P. Sanfacon introduced the first case. J. Gagnon recused himself from the application. P. Sanfacon appointed J. Morgenstern to replace J. Gagnon.

2. **Estate of Leonora V. Michaud**

Application submitted by Steve Grant for a 2-Lot subdivision on Tax Map & Lot # 225-029.000. The property is located at 200 Cherry Valley Road in the Limited Residential Zone. Subdivision Plan Review. Application #2005001411.

*This application was tabled from the January 15, 2007 meeting.*

Motion made by C. Scattergood, seconded by R. Waitt, to take application off the table. Motion carried with all in favor.

Motion made by C. Scattergood, seconded by J. K. O'Rourke, to accept the application as complete. Motion carried with all in favor.

Ron Johnson, representing the application, gave a brief presentation to the Board. He explained the location of the property to the Board and it is about 9 acres in size. He said the new lot would be serviced with municipal sewer and a private well. There is an existing driveway permit from the NHDOT approving access to the proposed lot.

P. Sanfacon asked about the requirements for the town sewer and R. Johnson said the new lot is

required to be serviced by municipal sewer.

P. Sanfacon asked if the applicants have appeared before the Conservation Commission. R. Johnson said they have not. J. Ayer spoke about previous concerns the Conservation Commission had about impacts to the wetlands. R. Johnson said there are no impacts to the wetlands from the proposed subdivision and the driveway to the new lot will not impact any wetlands on the property.

P. Sanfacon spoke about the waiver requests for checklist items, and R. Johnson said he addressed the items as noted.

P. Sanfacon spoke about the approval from the NHDOT driveway permit as being approved for a “wood lot” only” and asked if any changes to the permit would require another driveway permit application. S. Grant spoke about the driveway permit and explained he is planning on petitioning the NHDOT to buy back the easement area for which the original driveway permit is approved for in order to further subdivide the property.

The Board discussed the fact that if the applicant wants to further subdivide the lot he would have to apply to the NHDOT for another driveway permit.

J. Ayer said the lot could be further subdivided, but the Board would not be supportive of another subdivision without an acre of buildable area. S. Grant said he plans to buy enough land from the NHDOT to allow the future lot to have a buildable acre. J. Ayer said if S. Grant was to acquire additional land he would have to address wetland impacts to access the future lot.

P. Sanfacon opened up the hearing for public input, there being none she closed the public hearing.

P. Sanfacon introduced the next application. J. Gagnon returned to his place on the Board.

3. **Meadowbrook Farm, LLC and Carlton & Barbara Miller Living Trust**  
Applicants are proposing to transfer approximately 40.56 acres from Tax Map & Lot #224-009.000 to Tax Map & Lot #223-586.000. The property is located at 72 & 75 Meadowbrook Lane in the Residential Commercial Zone. Boundary Line Adjustment and Lot Merger Plan Review. File #2005001551.

Motion to accept the application as complete made by J. K. O'Rourke, seconded by R. Waitt. Motion carried with all in favor.

Steve Smith, representing the application, gave a brief presentation to the Board. He explained the proposals. He explained the access easements over the Meadowbrook property to the Miller's lot that would remain. He said Meadowbrook has 2 parcels involved in the application that surround the property owned by the Miller's. After the merger, they are proposing a boundary line adjustment between the Miller property and existing Meadowbrook properties. He said they are proposing to change 3 existing lots into 2 lots. He said there would be a 60' access easement created to the Miller property and extend to the back of the Meadowbrook property to connect to the old Dump Road. He said any further development to the property

would have to be done by a future application to the Planning Board.

P. Sanfacon opened up the hearing for public input, there being none; she closed the public hearing.

P. Sanfacon introduced the next case. J. Gagnon recused himself from the application. P. Sanfacon appointed J. Morgenstern to act as a voting member.

4. **Lyman Brewer Properties**

Applicant is proposing to subdivide Tax Map & Lot #202-045.003 into five (5) lots ranging in size from 2.13 acres to 13.18 acres. The property is located at 159 Stark Street and Sleeper Hill Road in the Single Family Residential Zone. Subdivision Plan Review. File #2005001561.

Motion made by C. Scattergood, seconded by J. K. O'Rourke, to accept the application as complete. Motion carried with all in favor.

Bryan Bailey, representing the application, gave a brief presentation to the Board. He explained the lot is bisected by a large wetland system, which would make large portions of the lot difficult to develop. He explained only 3 of the 5 lots have been approved by the NHDES due to the fact those 3 lots are less than 5 acres in size. He explained the configuration of the lots with frontage on Stark Street and they are proposing a shared driveway for those lots. He explained a 50' wide strip of land owned in fee would access the third lot and would run parallel to the existing easement owned by PSCNH. He said the lots with frontage on Sleeper Hill Road have a small portion of frontage and he explained the proposed configuration was designed so they can have fee ownership of 53' of frontage for access to the building sites. He explained that the access to lot #3 would be through proposed lot #2.

J. Ayer asked about the driveway off Sleeper Hill Road and the requirement for driveways to be 15' from the side property line. B. Bailey said at the roadway it is 15' away from the property line but it does wander closer to the line further down the lot.

B. Bailey explained part of the frontage for the lots on Stark Street are located in the PSCNH right-of way. He said the driveway to proposed lot 3 is about 750' in length to the buildable area.

J. Morgenstern asked J. Ayer about some of the lots not having enough frontage. J. Ayer referred to section 5.1.2.(d) of the zoning ordinance.

B. Bailey said the existing frontage on Sleeper Hill Rd. is not enough for one lot so they are utilizing section 5.1.2.d of the ordinance for the 2 proposed lots.

P. Sanfacon opened up the hearing for public input, there being none she closed the public hearing.

P. Sanfacon introduced the next case.

5. **Susan E. Smith**

Applicant is proposing to operate a home occupation for the breeding and sale of dogs on Tax Map & Lot 213-013.048 located at 23 Liscomb Circle, Unit #42 in the Commercial Zone. Site Plan Review. File #2005001573.

Motion made by J. K. O'Rourke, seconded by R. Waitt to accept the application as complete. Motion carried with all in favor.

Chris Langlois, representing the application, gave a brief presentation to the Board. She said they have approval from the Park to breed their dogs and a pet store would not be located on the site. They have bred dogs in the past but have not bred dogs at this location. She said they only have one customer at a time come to the home. She explained they have added a sunroom to the mobile home to house the dogs.

J. Gagnon asked about obtaining permission from the Mobile Home Park Association and C. Langlois said they have approval. J. Gagnon read the rules and regulations of the park that state only one pet is allowed. If the applicants want to have more than one pet they need a 2/3<sup>rd</sup> vote of the membership of the Association to change the regulations. He said the Board of Directors is not allowed to approve this type of application. C. Langlois said they were approved to buy into the park and she said the association knew they had more than one animal.

J. Ayer explained if the Board does not consider the application to be a home occupation; it would fall under the requirements of a kennel. He said if the Board does consider this a home occupation, it would have to meet the requirements of a home occupation, more specifically, if the application can meet the requirement "without degrading the residential nature of the building and surrounding properties".

P. Sanfacon spoke about the applicant needing information from the NH State Veterinarian and the Secretary of State office. C. Langlois said the State Veterinarian came to the home and they have not heard back from them. She said she was waiting to go to the Secretary of State's Office after they received approval.

The Board discussed considering the application either as a kennel or a home occupation.

C. Scattergood considers it a home occupation. P. Sanfacon agrees with J. Gagnon that more information is needed before they can move forward with the application.

J. Ayer spoke about the history of the property and the notice of violation issued by the Town of Gilford. He discussed the issue of the applicants continuing to sell the puppies after the cease and desist was issued informing them to stop selling puppies. C. Langlois said they had accepted money for the sale of the puppies and decided to sell the puppies.

J. Ayer asked if the applicants sell other items beside the dogs, including cats, birds and pet supplies. C. Langlois said they do not sell any other items or animals and they removed websites advertising them as selling other animals.

J. Ayer spoke about a veterinarian report from a past situation regarding the medical conditions and health concerns of their animals. He spoke about their animals taken into custody by the New Hampshire Humane Society (NHHS).

C. Langlois said the health issues have been fully addressed and the dogs have been registered and licensed. C. Langlois said she appealed to the NHHS for help and the request for help was not addressed and the situation was blown out of proportion. She said it was a misunderstanding on how the animals were cared for and their condition. She said the Town Clerk of Gilford has recognized the applicants as having a kennel because they have more than 5 dogs.

P. Sanfacon opened up the hearing for public input, there being none she closed the public hearing.

P. Sanfacon introduced the next case.

6. **Lakes Region Golf Courses**

Applicant is proposing to subdivide Tax Map & Lot #205-007.000 into nine (9) lots. Lots #1-8 ranging in size from 1.43 acres to 4.26 acres with the remaining lot containing over 300 acres. The properties are located along Cotton Hill Road and Sand Hill Road in the Limited Residential Zone. Subdivision Plan Review. File #2005001582.

Motion made by J. K. O'Rourke, seconded by R. Vaillancourt, to accept the application as complete. Motion carried with all in favor.

Frank Yerkes, representing the application, gave a brief presentation to the Board. He explained the proposal is for a 10-lot subdivision with 9 new lots and the remaining lot being the existing golf course. He explained the subdivision application is in the review process with the NHDES, they relocated a few of the driveways since the Site Study meeting and they are proposing sprinklers instead of a fire cistern.

P. Sanfacon opened up the hearing for public input.

Cathy Dumais, abutter, asked about the driveways from Sand Hill Rd. She said currently the road is in poor condition and if the road is further damaged who would pay for the repairs.

J. Ayer said they may require the applicant to submit a bond for repairs or the Department of Public Works would be responsible for ensuring the applicant repairs the roads.

Mr. Dumais, abutter, and asked if any restrictive covenants proposed.

F. Yerkes said additional setback requirements would be written in the covenants regarding locating structures in the lots abutting the golf course.

Phil Freil, property owner, does not want any building on lots that abut the golf course for safety

purposes, including a gazebo or shed.

Cathy Dumais, abutter, asked about the proposed sprinkler systems for the homes and if utilities would be located above or below ground. F. Yerkes explained there would be water storage tanks located within the homes for the sprinkler systems because a residential well would not support them. J. Ayer said the ordinance requires the utilities be located underground.

P. Sanfacon closed the public hearing.

P. Sanfacon introduced the next case.

7. **Paul Gaudet Revocable Trust**

Applicant is proposing to consolidate three (3) existing lots known as Gilford Tax Map & Lot numbers #221-029.000, #221-028.000 and #221-027.000 into two (2) lots. One lot will consist of 27,300 square feet and the other lot will have 37,700 square feet. The properties are located at 59, 63 and 65 Broadview Terrace in the Single Family Residential Zone. Boundary Line Adjustment Plan Review. File #2005001586.

Motion made by J. K. O'Rourke, seconded by R. Vaillancourt, to accept the application as complete. Motion carried with all in favor.

Pat Wood, representing the application, gave a brief presentation to the Board. He explained the proposal regarding the merger and the boundary line adjustment and the final configuration of the lots.

J. K. O'Rourke asked about relocating the existing docks. P. Wood said they would not relocate the docks.

P. Sanfacon opened up the hearing for public input, there being none she closed the public input of the hearing.

**BUSINESS**

1. **Estate of Leonora V. Michaud**

J. Gagnon recused himself from discussion on the application.

C. Scattergood spoke about possibly approving the application without any further subdivision of the property and said the applicant explained he is attempting to buy additional land for a possible future subdivision.

The Board discussed the applicant going to the ZBA in the future if they want to further subdivide.

Motion made by J. K. O'Rourke, seconded by R. Waitt, to approve the application subject to the

following conditions:

- 1) The conditions of approval from the ZBA decision dated December 19, 2006 are added to the plan.
- 2) The applicant shall obtain any other federal, state or local approvals, which may be required.

Motion carried with all in favor.

2. **Meadowbrook Farm, LLC and Carlton & Barbara Miller Living Trust**

Motion made by C. Scattergood, seconded by J. K. O'Rourke to authorize the Chairman to sign the lot merger request. Motion carried with all in favor.

Motion made by J. K. O'Rourke, seconded by D. Doten to table the application until the March 19, 2007 meeting.

Discussion on the motion.

J. Ayer explained the lot merger and boundary line adjustment proposal to the Board as presented.

J. K. O'Rourke withdrew his motion to table the application.

Motion made by J. Gagnon, seconded by C. Scattergood, to approve the application with the following conditions:

1. The lot merger request shall be recorded prior to the recording of the Boundary Line Adjustment plan.
2. The applicant shall obtain any other federal, state, or local approvals, which may be required.

Motion carried with J. K. O'Rourke abstaining.

3. **Lyman Brewer Properties**

J. Gagnon recused himself from discussion on the application.

J. Morgenstern spoke about the frontage issue for the proposed lots along Sleeper Hill Rd. He has concerns approving the lots without at least one lot meeting the 150' frontage requirement as the zoning states.

P. Sanfacon and C. Scattergood agree with J. Morgenstern's concerns about adequate frontage for the lots along Sleeper Hill Rd.

Motion made by J. Morgenstern, seconded by C. Scattergood, to **deny** the above referenced application based on lots having insufficient frontage pursuant to Section 5.1.2(c) and Table 2,

Dimensional Regulations. The Planning Board was not satisfied that the proposed lots conform to the standards set forth in Section 5.1.2 (d).

Motion carried with all in favor. J. Gagnon abstained from voting.

4. **Susan E. Smith**

J. Gagnon requested the applicant obtain the proper approvals from the Mobile Home Park Association and the NH Secretary of State before the applicant moves forward with the application.

Motion made D. Doten, seconded by R. Vaillancourt to table the application until March 19, 2007 in order for the applicant to obtain the following:

- 1) Proper approval from the Mobile Home Park Association.
- 2) Proper licenses and approvals from the NH Secretary of State's office and NH State Veterinarian.

Motion carried with all in favor.

5. **Lakes Region Golf Courses**

Motion made by J. K. O'Rourke, seconded by J. Gagnon, to grant waivers of checklist items #11, Existing and proposed lots and their boundaries, and #14, Contour mapping of lot(s) as these requirements relate to the golf course lot. Motion carried with all in favor.

Motion made by J. K. O'Rourke, seconded by R. Waitt, to approve the application.

Discussion on the motion.

The Board discussed the applicant has to clarify what type of fire prevention will be utilized for the subdivision before final approval will be granted.

The Board voted to approve the application with the following conditions:

1. The applicant shall resolve fire prevention issues with the Gilford Fire Department before the plan is signed.
2. Subject to any other federal, state, or local approvals which may be required.

Motion carried with all in favor.

6. **Paul Gaudet Revocable Trust**

Motion made by C. Scattergood, seconded by R. Vaillancourt to authorize the Chairman to sign the voluntary lot merger. Motion carried with all in favor.

Motion made by D. Doten, seconded by C. Scattergood, to approve the application with the

following conditions:

1. The lot merger request shall be recorded prior to the recording of the Boundary Line Adjustment plan.
2. The applicant shall obtain any other federal, state, or local approvals, which may be required.

Motion carried with all in favor.

### **Other Business**

Lot Merger Request for Tax Map & Lot #215-028.000 & 215-029.000

Motion made by J. Gagnon, seconded by J. K. O'Rourke, to authorize the Chairman to sign the voluntary lot merger request. Motion carried with all in favor.

Mike McGinley gave a conceptual presentation regarding the continued development of the Lemay property. He spoke about the proposed construction of the Post Office to begin in the spring of 2007.

Peter French, surveyor, discussed an overall build out of the site to contain retail and commercial uses as well as additional senior housing units, a hotel and restaurant. He said they may propose to do commercial cluster development instead of a subdivision.

J. K. O'Rourke said a commercial cluster makes more sense for proposed uses for the site.

J. Gagnon said the senior housing units proposed along Route 11 would probably not sell based on the noise.

R. Waitt said this project has been before the Board several times for several years and every time they come to the Board, the proposal is different. He would like to see a definitive, formal proposal come before the Board.

J. Ayer reviewed proposed changes to the site plan regulations regarding the building height.

The Board discussed the Cumberland Farms, Inc application decision has been appealed to the ZBA and the Superior Court.

### **Minutes**

Motion made by J. Gagnon, seconded by D. Doten, to table the minutes from January 15, 2007 to the March 19, 2007 meeting. Motion carried with all in favor.

### **Adjournment**

Motion made by C. Scattergood, seconded by J. Gagnon, to adjourn the meeting at 10:25 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte

Administrative Assistant