

Approved on April 23, 2007
GILFORD PLANNING BOARD
MARCH 19, 2007
CONFERENCE ROOM A
7:00 P.M.

The Gilford Planning Board met in regular session on Monday, March 19, 2007 at 7:00 p.m. in Conference Room A.

In attendance were: Chair, Polly Sanfacon; Vice-Chair, Carolyn Scattergood; Selectmen's Representative, Connie Grant; Regular Members: Richard Vaillancourt, Richard Waitt, and Jerry Gagnon and alternate members John Morgenstern and David Arnst.

Member(s) absent: J. K. O'Rourke.

P. Sanfacon appointed J. Morgenstern to replace absent regular member 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, and 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 April 16, 2007 meeting.

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

Motion made by C. Scattergood, seconded by R. Vaillancourt, to table the Cumberland Farms, Inc. application to the April 16, 2007 meeting. Motion carried with all in favor.

P. Sanfacon announced Susan E. Smith has requested to be continued to the April 16, 2007 meeting.

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

Motion made by C. Scattergood, seconded by J. Morgenstern, to table the Susan E. Smith application to the April 16, 2007 meeting. Motion carried with all in favor.

P. Sanfacon announced the next case. She explained the applicant has to receive a Special Exception before the Planning Board can accept the application as complete.

Stephan Nix, representing the application, explained the application was submitted under the old ordinance with the presumption they could appear in front of the ZBA without going to the

Planning Board first, as the proposed ordinance stated. He is asking the Planning Board to accept the application as complete with the condition so he can move forward to the ZBA. He referred to Section 6.13 of the ordinance and said there is no specific order of how the application is to be heard.

P. Sanfacon spoke about the Board deciding to accept the application as complete and said the Board would deliberate to decide how to act on the application.

J. Gagnon spoke about doing an on-site inspection for this application because the Board has done site inspections for other condo conversions however, Mr. Nix has prepared a video in lieu of a site visit.

The Board discussed the application, the special exception process and the ZBA's involvement. The Board discussed the ZBA not favoring the Planning Board deciding on an application before it has been granted a special exception.

J. Ayer discussed the law lecture training series. At one of those lectures it was discovered the Planning Board's practice of not accepting an application as complete before allowing the public hearing was incorrect. He explained the Board now has to consider whether an application is complete before accepting it in order to allow the public hearing.

Connie Grant asked about the application process and if the applicant has to go to the ZBA for the special exception approval then come back to the Planning Board and present the application. P. Sanfacon said that is correct.

P. Sanfacon suggested the Board classify the application as a conceptual application and allow S. Nix to present to the Board and table the application until the April 16, 2007 meeting. She said the Board would not issue a denial of jurisdiction and any discussion would be non-binding in nature. The Board agreed.

Motion made by J. Morgenstern, seconded by R. Vaillancourt, to table the Joseph Turner application until the April 16, 2007 meeting.

3. **Joseph Turner**

Applicant is proposing to convert three (3) existing single-family dwelling units, to condominium ownership on Tax Map and Lot #219-006.000, located at 20 Mark Island in the Island Residential Zone. Condominium Conversion Plan Review. File #2005001632.

S. Nix explained the conversion proposal of the three existing cabins and they would not be used for year round use. He explained the NHDES has approved new septic designs that are designed for seasonal use. He said the septic system has to be completed before the conversion can be finalized. He said there is adequate water frontage for the possibility of each unit having their own dock in the future. He explained the original dock would not be removed if the association does decide to obtain other docks.

J. Morgenstern asked how the septic system would be maintained. S. Nix said the association would be responsible for maintenance of the septic systems.

J. Gagnon asked about the remaining land. S. Nix said the association would own the remaining land.

S. Nix thanked the Board for their time.

P. Sanfacon introduced the next case.

4. **ZZZ Associates, LLC.**

Applicant is proposing to construct approximately 38,500 square foot addition to an existing medical office building on Tax Map & Lot # 211-002.000 & 211-002.001. Location: 14 Maple Street in the Professional Commercial Zone. Site Plan Review. File #2005001343.

J. Ayer explained the application is complete.

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

Steve Smith, representing the application, gave a brief presentation to the Board. He explained the proposed 38,500 square foot addition to the existing medical building. He said municipal water and sewer would service the site and the community well on site will be removed. He explained they received a variance for the parking requirements allowing them the parking ratio of approximately 1 space per 205 square feet of building space. He discussed the wetland areas on site and the proposal would impact less than 10,000 square feet, therefore they would not require mitigation. He explained the wetland areas impacted for the addition are small enough in size, under a ½ acre; they are not required to obtain a special exception from the ZBA. He said the Conservation Commission recommended gravel parking but they are concerned with requiring gravel parking for safety and sanitary reasons. He said the Conservation Commission would amend their recommendation regarding gravel parking. He said the utilities will be underground and the landscaping and lighting would be consistent with what exists.

J. Ayer and S. Smith discussed the lot coverage for the proposal and explained how the site will meet the coverage requirements. J. Ayer spoke about the parking for the proposal and explained the parking is located on the adjacent lot. The ordinance does allow a parking facility as a stand-alone use and for now that is the only use for the lot. He also said the ordinance allows for shared parking to straddle the property line and not have the setbacks apply. S. Smith said there may be future development on that lot since there would not be a protective well radius with the removal of the community well.

P. Sanfacon asked about phasing of the project. S. Smith said the exterior addition will be done in one phase while the interior addition will be completed in another phase.

J. Gagnon asked about the status of sewer line installation. S. Smith said that does not relate to

this project, however, New England Deaconess and ZZZ Associates have previously agreed that ZZZ Associates will pay for 2/3 of the cost for the installation of the sewer line. He reiterated this project the sewer and water supply is complete.

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

P. Sanfacon introduced the next case.

J. Gagnon recused himself from discussion on the application.

P. Sanfacon appointed D. Arnst to act as voting member to replace J. Gagnon.

5. **Gunstock Acres Common Property Trust/Belknap Landscape Company**

Applicant is proposing to install a 6' wide woodchip covered walking path to run parallel to existing fence on westerly side of the property on Tax Map & Lot #267-011.000. Location 2690 Lake Shore Road in the Single Family Residential Zone. Amended Site Plan Review. File #2005001631.

J. Ayer explained the application is complete.

Motion made by R. Vaillancourt, seconded by C. Scattergood, to accept the application as complete. Motion carried with all in favor.

Hayden McLaughlin, agent representing the application, gave a brief presentation to the Board. He explained the Samoset and Gunstock Acres Associations have agreed to a plan allowing safe pedestrian access for residents of the detached section of Samoset, also known as phase 7, to access the amenities on the main Samoset property. He said they have agreed to a 6' wide walking path that will be located along the existing fence on the Gunstock acres property. He referred to photographs submitted showing the location of the proposed path. He said the path will be a natural woodchip path and there would not be any removal of existing trees, stumps or soil and there will be no grading needed to create the path.

The Board asked about whom would be responsible for the maintenance of the path. H. McLaughlin said there would not be any maintenance required except to replace wood chips and it is planned to be seasonal in nature so there would not be any snow removal.

J. Ayer discussed comments made at Site Study regarding ADA compliance and H. McLaughlin said a portion of the proposed path area has an existing grade is not an 8% grade which does not fall under ADA requirements. The Board discussed since the path will be located on private property so ADA requirements would not apply.

J. Ayer asked about the easement for the path and H. McLaughlin said when they receive the approval they would establish the easement.

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

BUSINESS

1. **Cumberland Farms**

Tabled until the April 16, 2007 meeting.

2. **Susan E. Smith**

Tabled until the April 16, 2007 meeting.

3. **Joseph Turner**

Tabled until the April 16, 2007 meeting.

4. **ZZZ Associates, LLC.**

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

- 1) Receive written approval from the Conservation Commission to remove the gravel-parking area requirement and allow paved parking areas.
- 2) Applicant to receive all state, local and federal permits.

Motion carried with all in favor.

5. **Gunstock Acres Common Property Trust/Belknap Landscape Company**

J. Gagnon recused himself from deliberating on the application.

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

- 1) Subject to any federal, state and local approvals that may be required.
- 2) An access easement is established between Gunstock Acres and Samoset.

Discussion on the motion.

The Board discussed maintenance of the path. J. Ayer said it may not be an issue since the path is going to be used seasonally. C. Scattergood and P. Sanfacon discussed maintenance could already be addressed in the proposed easement. The Board decided not to include maintenance requirement as part of the approval and have the applicants determine maintenance issues.

Motion carried with J. Gagnon abstaining.

Other Business

J. Ayer spoke about an update from the Lake Winnepesaukee Sub Watershed Committee. He explained J. Morgenstern and Lee Duncan and himself are on the Committee created to help address watershed issues impacting Lake Winnepesaukee. He passed out information highlighting some of the proposed strategies for controlling non-point source pollution. He asked the Board to review the information and provide suggestions.

Discussion ensued about controversial proposals regarding septic system monitoring and how to accomplish such a proposal.

J. Morgenstern resigned from the committee and the Board appointed D. Arnst to replace him.

Election of officers.

Motion made by C. Scattergood, seconded by R. Vaillancourt, to nominate P. Sanfacon as Chairman. Motion carried with all in favor.

Motion made by J. Gagnon, seconded by R. Vaillancourt, to nominate C. Scattergood as Vice-Chairman. Motion carried with all in favor.

Motion made by R. Vaillancourt, seconded by J. Gagnon, to nominate R. Waitt as Secretary. Motion carried with all in favor.

P. Sanfacon spoke about the adoption of the revised By-Laws and explained they have been updated to reflect the zoning changes and have been discussed at the December 18, 2006 meeting. She said they should be voted upon at the April, 16, 2007 meeting.

Minutes

Motion made by J. Gagnon, seconded by R. Vaillancourt, to approve the minutes from January 15, 2007 meeting as amended. Motion carried with C. Grant abstaining.

Motion made by J. Gagnon, seconded by R. Vaillancourt, to approve the minutes from February 20, 2007 meeting as amended.

Discussion on the motion.

J. Morgenstern discussed a changes to be made on pages 4 and 8 regarding frontage requirements.

Motion carried with C. Grant abstaining.

J. Ayer discussed changes to the Site Plan regulations regarding building heights over 35' in the Commercial and Professional Commercial zones. He spoke about roofs having a minimum pitch of 7:12, particular design review features for windows and eaves and all roofs have a ridgeline.

The Board discussed the proposed changes to the amendment and agreed with the changes.

Adjournment

Motion made by C. Grant, seconded by C. Scattergood, to adjourn the meeting at 9:15 p.m.
Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Administrative Assistant