

Approved on May 21, 2007
GILFORD PLANNING BOARD
April 23, 2007
CONFERENCE ROOM A
7:00 P.M.

The Gilford Planning Board met in regular session on Monday, April 23, 2007 at 7:00 p.m. in Conference Room A.

In attendance were: Chair, Polly Sanfacon; Selectmen's Representative, Connie Grant; Regular Members: Richard Vaillancourt, Richard Waitt, and Jerry Gagnon and alternate member John Morgenstern.

Member(s) absent: Vice-Chair, Carolyn Scattergood, J. K. O'Rourke and David Arnst.

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

Chair Sanfacon appointed J. Morgenstern to replace absent regular member C. Scattergood.

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 explained the postponement of the April 16, 2007 meeting due to inclement weather, local and regional flooding and road closures. She explained there was a quorum that met and voted to postpone the meeting until April 23, 2007.

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 May 21, 2007 meeting.

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

Motion made by R. Waitt, seconded by R. Vaillancourt, to table the Cumberland Farms, Inc. application to the May 21, 2007 meeting. Motion carried with all in favor.

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

P. Sanfacon read a letter from Susan E. Smith requesting to withdraw her home occupation application to allow breeding and sales of dogs.

P. Sanfacon announced the first case.

J. Ayer explained the application is complete and can be accepted.

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

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.

This application was tabled from the April 23, 2007 meeting.

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

Chris Kelly, Texas NH LLC, current owner, representing the application, gave a brief presentation to the Board. He explained they received approval for a special exception from the ZBA and approval for a new septic system from the NHDES. He reviewed the ZBA conditions of approval for the Board and explained they are including water purification systems for each unit and they are in the process of having approval for the condominium documents.

J. Gagnon asked about the residency of the units and if they are seasonal. C. Kelly said he believes they are seasonal and the condominium documents will be changed to reflect seasonal use if it does not exist already.

C. Kelly explained there is an application for 2 seasonal docks to be installed and they are waiting for approval from the NHDES. J. Gagnon asked if they are offering main land dock slips and C. Kelly said they are not.

P. Sanfacon asked if the mail boat will still have access to the dock and C. Kelly said yes.

J. Morgenstern asked about the difference between common area and limited common area. C. Kelly explained the entire property would be held in common area but areas surrounding the individual units are for the exclusive use of the unit owners and are designated as limited common areas.

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 participating on the Lyman Brewer application.

Lyman Brewer Properties

Applicant is proposing to subdivide Tax Map & Lot #202-045.003 into four (4) lots ranging in size from 2.13 acres to 17.93 acres. The property is located at 159 Stark Street and Sleeper Hill Road in the Single Family Residential Zone.

Subdivision Plan Review. File #2005001684.

This application was tabled from the April 23, 2007 meeting.

J. Ayer explained the application needs a special exception for the proposed wetland crossing to access one of the proposed lots before the Board can accept the application. He explained the applicant is looking for input from the Board regarding section 5.2.1 (d) of the ordinance in relation to the proposed flag lot.

B. Bailey, representing the application, said the recent zoning changes states he does not need a denial of jurisdiction before the Planning Board will accept the application as complete.

P. Sanfacon explained the application would not be accepted as complete until they receive a special exception from the ZBA and any discussion would be informal in nature. She explained the reasoning for the change in the zoning ordinance regarding the denial of jurisdiction process

B. Bailey said it is not unusual or uncommon for an applicant to appear before the Board before they receive other state or local permits and he said he sees this application as complete and is ready to be heard. He agrees that an issue remaining outstanding is the Board's position on the proposed flag lots. He does not agree with the discussion being informal discussion.

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.

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. Ayer discussed the issue of the special exception needs to be obtained before the Planning Board will accept the application. He said the issue discussed with B. Bailey was to get input from the Board regarding the proposed flag lots. He said the applicant does not have legal access to the lot in question because they need a special exception in order to access the lot.

B. Bailey said a special exception is an allowed use and they should be allowed to proceed.

P. Sanfacon said that she understood there would be a general discussion on the flag lots, not on the acceptance of the application. They have not allowed other applications to be accepted by the Board until a special exception has been received. B. Bailey said the application could be brought forward as a design review plan not as a formal subdivision.

J. Ayer spoke about the Cumberland Farms, Inc application and how the Board allowed a presentation in order to make a zoning determination. He reminded the Board of the legal training they received about accepting a complete application. He said with this application if the Board were not going to approve the flag lots then the applicant would not need the special exception.

J. Morgenstern said if they need the special exception approval in order to have the application

considered complete and they do not have that, the Board should not accept the application as complete. He does not want to set precedence by voting to take an application as complete before the applicant has received an approval from the ZBA.

C. Grant has concerns about having a different membership of the Board in attendance at the time of a formal presentation than the membership present at this meeting.

P. Sanfacon has concerns about the 2 proposed lots without the proper frontage and feels the Board is not in a position to provide input that is not binding.

B. Bailey said the application should be heard as a design review application since the abutters have been noticed and are in attendance. He would expect the Board's input on the flag lot issue and the presence of agricultural soils.

P. Sanfacon said the opinions would only be of the Board members in attendance.

R. Vaillancourt has concerns about hearing the application because they changed the zoning to avoid this situation.

P. Sanfacon discussed the best option is for the applicant is to proceed to the ZBA for the special exception before the Planning Board will accept the application as complete. The Board agreed.

P. Sanfacon introduced the next case.

Laconia Eye Associates

Applicant is proposing to build a new medical facility building on Tax Map and Lot #204-033.011 located at 368 Hounsell Ave within the Lakes Business Park in the Industrial Zone. Site Plan Review. File #2005001409.

This application was tabled from the April 16, 2007 meeting.

J. Ayer explained the application is complete as it received a special exception from the ZBA and an approval from the Lakes Business Park.

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

Steve Smith, agent representing the application, gave a brief presentation to the Board. He explained the approval from the Laconia-Gilford Economic Advisory Committee to locate a new medical facility in the Lakes Business Park. He explained the location within the Business Park and the building is 10,991 square feet in size. He said they meet the parking requirements and the Dumpster will be located in the back of the lot and will be screened. He said municipal water and sewer service the site and all utilities will be underground. He reviewed the architectural drawings and landscaping plans. He discussed the option of the having another use in a portion of the building and the Planning Board has allowed the applicant to pursue that if needed.

J. Gagnon spoke about drainage on the site and where the water ends up discharging. He asked about having more on-site retention for runoff. J. Gagnon has concerns about the drainage in the area and the impact this application could have on the surrounding areas.

S Smith said they have done drainage studies based on 25-year flood measurements and said the soil is very sandy and the proposed system is based on on-site infiltration. There are no plans for an on-site detention pond as based on terrain and the drainage system proposed.

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

BUSINESS

1. **Cumberland Farms** Tabled until the May 21, 2007 meeting.

2. **Susan E. Smith** Application withdrawn.

3. **Brad Hinds**

P. Sanfacon read a letter from Brad Hinds, requesting his home occupation application be tabled until the May 21, 2007 meeting.

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

Motion made by J. Gagnon, seconded by R. Vaillancourt, to table the Brad Hinds home occupation application until the May 21, 2007 meeting. Motion carried with all in favor.

4. **Joseph Turner**

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

1. Subject to any federal, state and local approvals that may be required.
2. Subject to the ZBA's conditions of approval for the special exception.
3. Review of the condominium documents by Town Counsel.
4. The Condo documents clarify the units will not be used as permanent residences.
5. Correct numbering of the units as 20 Mark Island, Units #1, #2, #3.

Motion carried with all in favor.

5. **Lyman Brewer Properties**

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

Motion made by J. Gagnon, seconded by R. Vaillancourt, to table the Lyman Brewer application until the May 21, 2007 meeting. Motion carried with all in favor.

6. **Laconia Eye Associates**

The Board discussed the positive landscaping and the aesthetic appearance of the building. J. Ayer said the design is acceptable for the zone for which the building is located. J. Gagnon expressed concerns over the drainage and runoff in the surrounding area.

Motion made by R. Waitt, seconded by R. Vaillancourt, to approve the application with the following condition:

1. Subject to any other federal, state or local approval which may be required.

Motion carried with all in favor.

Other Business

1. Andrew P. Sanborn Farm, LLC – Durrell Mountain Rd.

J. Ayer explained the applicant is seeking approval from the Board of Selectmen permission to use a 400-foot long portion of Durrell Mountain Road to access an existing driveway. The applicant owns a parcel that is partly in Gilford and partly in Belmont. She intends to build a house in Belmont and access the house via the existing driveway off of Durrell Mountain Road. She has obtained approval from the Belmont board of selectmen and now needs it from the Gilford board as well. A requirement of this process is to first seek the recommendation of the Planning Board. He said he has no concerns regarding the request, and the DPW Director is in favor, provided the applicant is aware of their burden to maintain the roadway and not the Town of Gilford.

Motion made by R. Waitt, seconded by R. Vaillancourt to approve the request with the following recommendations:

1. The Board of Selectmen grant the request of Andrew P. Sanborn Farm, LLC to use a portion of the Class VI section of Durrell Mountain Road subject to the conditions recommended by DPW Director Sheldon Morgan.

Motion carried with all in favor.

2. Easement- Meadowbrook sign.

Steve Smith gave a brief presentation to the Board explaining the proposed location and history of the Meadowbrook sign.

J. Ayer spoke about the existing berm being removed in order to create a clear sight distance and would like landscaping to be improved. He said the Police Department and the DPW have approved the proposed location.

R. Waitt asked if the sign will be illuminated and S. Smith said yes.

Motion made by R. Vaillancourt, seconded by R. Waitt, to approve the request to the Board of

Selectmen with the following recommendations:

1. Encourage relocation of the landscaping to preserve the aesthetics of this location.
2. Require the sign and landscaping to be installed so as to establish a safe line of sight for traffic exiting Meadowbrook Lane.

Motion carried with all in favor.

3. Discussion about the Conservation Commission's recommendation for ZZZ to maintain the gravel parking lot.

S. Smith explained how the confusion on the gravel parking recommendation from the Conservation Commission was connected to the Planning Board decision. He said the applicant would rather not have gravel parking for safety and sanitary issues and thought the Conservation Commission would remove the recommendation they made to have at least 50% of the parking gravel. The Conservation Commission then declined to amend their decision because it was a recommendation.

The Board discussed how to help the applicant clarify the condition of approval received by the Planning Board.

Motion made by R. Vaillancourt, seconded by R. Waitt, to withdraw the Planning Board's condition of approval requiring the applicant to obtain a letter from the Conservation Commission rescinding the recommendation requiring at least 50% of the parking is gravel. Motion carried with all in favor.

4. Approval of the amended Planning Board By-Laws.

Motion made by R. Waitt, seconded by R. Vaillancourt, to table the approval of the amended by-laws until May 21, 2007. Motion carried with all in favor.

Minutes

Motion made by R. Waitt, seconded by R. Vaillancourt, to approve the minutes from March 19, 2007 meeting as presented. Motion carried with all in favor.

Adjournment

Motion made by R. Vaillancourt, seconded by J. Morgenstern, to adjourn the meeting at 9:10 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Administrative Assistant