

Approved on July 17, 2007
GILFORD PLANNING BOARD
JUNE 18, 2007
CONFERENCE ROOM A
7:00 P.M.

The Gilford Planning Board met in regular session on Monday, June 18, 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; Jerry Gagnon; and alternate members John Morgenstern and David Arnst.

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

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

Chair Sanfacon appointed D. Arnst to replace absent regular member J. K. O'Rourke.

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.

P. Sanfacon read a letter from Cumberland Farms, Inc requesting to table the application until the July 16, 2007 meeting.

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

Motion made by R. Vaillancourt, seconded by R. Waitt, to table the Cumberland Farms, Inc. application until the July 16, 2007 meeting. Motion carried with all in favor.

P. Sanfacon announced the first case. J. Gagnon recused himself from participating on the New England Financial Freedom application. P. Sanfacon appointed J. Morgenstern to replace J. Gagnon.

New England Financial Freedom

Applicant is proposing to enclose existing drive-up window area on Tax Map & Lot #210-014.301 located at 401 Gilford Ave in the Professional Commercial Zone.
Amended Site Plan Review. File #2005001824.

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

R. Lemire, representing the application, gave a brief presentation. He explained they are

enclosing the walls and foundation of an existing drive-thru window. He said the new space would be used for a conference room, office space, and a restroom. There will be some pavement removed on site and replaced with additional landscaping.

J. Ayer explained the applicant is providing more parking than what is required by the ordinance.

R. Vaillancourt asked about the traffic flow and cars backing up to exit the building. R. Lemire explained the cars would back out and be able to exit the property.

J. Ayer suggested the parking spaces and travel lanes are reviewed for easier access before the applicant stripe the parking spaces. R. Lemire agreed to update the site plan if the traffic pattern is changed for easier access.

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 resumed as a voting member on the Board.

Rick Gagnon Repair Service of New England, LLC

Applicant is proposing to add truck and trailer rentals to an existing automobile repair business on Tax Map & Lot #213-089.000 located at 64 Annis Drive in the Industrial Zone. Amended Site Plan Review. File #2005001825.

Motion made by R. Waitt, seconded by R. Vaillancourt, to accept the application as complete.

Rick Gagnon, representing the application, gave a brief presentation to the Board. He said they are proposing to expand the use from car repair to include U-Haul truck rental. He said there would probably be about six (6) vehicles available for rental.

J. Ayer spoke about the applicant cleaning up the site and possibly include that as a condition of approval. R. Gagnon said he would discuss that issue with the property owner.

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 participating on the Lyman Brewer application. P. Sanfacon appointed J. Morgenstern to replace J. Gagnon.

Lyman Brewer Properties

Applicant is proposing a Boundary Line Adjustment between Tax Map & Lot #202-045.001 and #202-045.003 and a four (4)-lot subdivision on Tax Map & Lot #202-045.003 with lots ranging in size from 2.13 acres to 28.76 acres. The property is located at 159 Stark Street and Sleeper Hill Road in the Single Family Residential Zone. Boundary Line Adjustment and Subdivision Plan Review. File#2005001826.

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

B. Bailey, representing the application, gave a brief presentation to the Board.

He spoke about the prime agriculture soils on site. He said the areas that have prime agriculture soils identified by the new Belknap County Soil map, exist on the eastern side of the property that runs parallel with the wetland along the Stark Street frontage. He clarified the farm fields are on an abutting property and the agricultural soil maps were improperly mapped. He said the existing soils should not be considered to contain prime agricultural soils. He reviewed additional soil information for the Board regarding the presence of agricultural soils on site. He said since the slopes are between 8%-15% the soils on site are not considered prime agricultural soils but would fall into the category of soils of local importance or soils of statewide importance. He is asking the Board to determine the soils are improperly mapped as prime agricultural soils and allow the applicant to include this area in the calculation of buildable lot area.

The Board discussed the soil issue and B. Bailey explained they do plan to build on the land area that includes soils of statewide importance.

J. Ayer spoke about the slopes of the agricultural soils and explained any areas having 8-15% slope could still be of statewide importance and the Board would have to waive the regulations to allow the land to be included in buildable area. He explained the areas that are over 15% slope that would not constitute soils of statewide importance and the Board could make a finding of improper classification. He said, however, there are still soils that exist on site that may classify as soils of statewide importance and there is no information provided to determine the statewide important soil mapping is incorrect.

J. Morgenstern asked B. Bailey how big the area is that has the soils of prime agricultural or statewide importance. B. Bailey said it is 76,000 square feet of land area with slopes of 8-15% where they propose to build.

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 resumed as a voting member of the Board.

Michael Valovanie

Applicant is proposing a Boundary Line Adjustment between Tax Map & Lot #210-106.001 and #216-106.000 located at 376 Weirs Rd. in the Single Family Residential Zone. Boundary Line Adjustment Plan. File#2005001827.

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

Dean Clark, representing the applicant, gave a brief presentation to the Board. He said the subdivision was originally approved without separate driveway access. The BLA proposes to have two separate entrances instead of a shared driveway as what exists now. He said the NH Dept. of Transportation has approved an additional, separate driveway entrance.

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 participating on the Stewco application. P. Sanfacon appointed J. Morgenstern to replace J. Gagnon.

Stewco Property LLC

Applicant is proposing to pave a portion of the existing gravel parking area and entrance to the site on Tax Map & Lot #204-080.100 located at 41 Country Club Road in the Professional Commercial Zone. Amended Site Plan Review. File#2005001828.

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

Steve Smith, representing the applicant, gave a brief presentation to the Board. He explained where they plan on paving on site. He said it would be easier to delineate parking spaces and keep the site cleaner with pavement. He said they do plan on striping the parking spaces.

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

P. Sanfacon closed the public hearing.

BUSINESS

1. **Cumberland Farms-** Tabled until the July 16, 2007 meeting.

2. **New England Financial Freedom -**

J. Gagnon recused himself from discussion on the application. J. Morgenstern acted as a voting member.

R. Vaillancourt is concerned about the cars backing out of the parking spots. C. Scattergood asked how the parking lot would be plowed and where the snow storage is located. J. Ayer suggested the back parking area could be used for snow storage. He said the applicant is willing to modify the plan to assist the parking and traffic flow and submit an as-built plan showing the changes.

Motion made by J. Morgenstern, seconded by R. Vaillancourt, to approve the application for a site plan amendment for the enclosure of Building 3 of the Gilford Professional Park with the following condition(s):

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

- required.
2. Applicant to provide sufficient facilities for snow removal and storage and turn around areas for parking. If the parking spaces change the applicant will submit a revised as-built plan.

Discussion on the motion.

The Board discussed the parking spaces and the applicant does not need the additional parking spaces they are providing. It could be beneficial to the traffic flow of the site to remove some of the parking spaces. J. Morgenstern said the parking spaces could be determined as the applicant completes site work and then submit an as-built plan with an update to the Board on the number of parking spaces.

Motion carried with all in favor.

3. **Rick Gagnon Repair Service of New England, LLC**

J. Gagnon asked about the current site being in compliance with regulations. J. Ayer said there were no issues with D. Andrade at the site study meeting.

The Board discussed if the applicant would need a sign. J. Ayer said the U-Haul representative spoke about the trucks acting as signs.

Motion made by J. Gagnon, seconded by C. Scattergood, to approve the change of use application for a new vehicle rental use at 64 Annis Drive with the following condition(s):

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

Motion carried with all in favor.

J. Gagnon recused himself from discussion and participation on the Lyman Brewer application.

4. **Lyman Brewer Properties**

Motion made by J. Morgenstern, seconded by R. Waitt, to approve the application for a boundary line adjustment and a four (4)-lot subdivision with the following condition(s):

1. Subject to any other federal, state, or local approvals which may be required.
2. The Board determined portions of the land were improperly classified as prime agricultural and agricultural land of statewide importance and contained slopes of 8-15%, and waives any restrictions imposed by those soils due to insufficient land area and location.

Motion carried with all in favor.

5. **Michael Valovanie**

Motion made by R. Vaillancourt, seconded by D. Arnst, to approve the request for a boundary

line adjustment with the following condition(s):

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

Motion carried with all in favor.

6. **Stewco Property LLC** —

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

1. Subject to any other federal, state, or local approvals which may be required.
2. Parking spaces to be striped.

Motion carried with all in favor.

Other Business

1. Planning Board meeting scheduling

C. Scattergood spoke about going back to two meetings a month. J. Morgenstern spoke about one meeting used for new applications and the other meeting to table applications and use a Workshop to the second meeting.

JA clarified the deadlines would not change for new applications to be held on the 3rd Monday but for the second meeting of the month be for tabled applications. The first Monday of the month will be for workshop sessions and tabled applications

Motion made by R. Waitt, seconded by C. Grant beginning with the August meetings the Board will go to two (2) meetings a month. With the first Monday being a workshop and for tabled applications and the third Monday being the formal meeting for new applications.

3. Proposed changes to site plan regulations regarding building height.

The Board discussed reviewing the proposed changes and plan for a future public hearing. S. Verdile Philibotte will provide the information in the next month's packet for the Board members to review.

J. Ayer also spoke about the town road standards being included in the site plan regulations and he will be discussing this issue with the Town Attorney.

4. Discussion of Misty Harbor Condominium Documents.

Robert Croaty, president of Misty Harbor explained members of the association were asking about the possibility of renting their units for a longer period of time than what was originally approved. He explained the restrictions from the original approval to prohibit the year round use of the units. He is looking for input from the Board on how to change the original approval to allow a number of rental units to be rented.

C. Scattergood said the restriction was put on the property to prevent year round use of the property in terms of the impacts to the school and to reduce impacts to the entire site.

The Board discussed the number of units for the site as being over 80 and about 50 that are looking to rent for long term.

J. Gagnon said they have placed the same restriction on similar condominiums and it would be very difficult to change it now. He said all the owners know about the restriction when they buy the units.

Phil Staffis, Vice President, spoke about real estate agents telling potential buyers they can do whatever they want with the units and he is concerned there is no enforcement to prevent people from renting all year.

J. Gagnon and R. Vaillancourt explained that real estate agents are required by law to disclose the condominium documents and if buyers did not receive the information they should contact the state realtors board. The ultimate responsibility to be aware of restrictions in condominium documents lies with the buyer.

Discussion ensued over seasonal and residential uses and the Board determined there is no need for the units to be utilized more than seasonal use and would not recommend a change to the original approval.

Karen Berringer, property manager, asked about enforcement and violations of use for the units and J. Ayer explained the Code Enforcement Officer could assist the association based on the approval granted. K. Berringer wanted the association to not be held liable for violations and JA said the association would not be held liable for violations if every effort were made by the association to enforce the regulations.

4. Discussion of 2008 Zoning Ordinance Amendments.

J. Ayer spoke about a few zoning changes including changing the sign ordinance and the process and types of applications requiring a special exception.

The Board discussed the recent variance granted to Home Depot to reduce the parking requirements. In general the Board disagrees with the approval granted by the ZBA to reduce the parking requirements. The Board expressed concern of future use of the building regarding the reduction of the parking.

Minutes

Motion made by R. Vaillancourt, seconded by J. Gagnon, to approve the May 21, 2007 minutes as amended. Motion carried with all in favor.

Adjournment

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

Respectfully submitted,

Stephanie Verdile Philibotte
Administrative Assistant