

**Approved on August 20, 2007**  
**GILFORD PLANNING BOARD**  
**JULY 16, 2007**  
**CONFERENCE ROOM A**  
**7:00 P.M.**

The Gilford Planning Board met in regular session on Monday, July 16, 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: Jerry Gagnon; Richard Vaillancourt; Richard Waitt; J. K. O'Rourke; John Morgenstern and David Arnst.

Member(s) absent:

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 read a letter from Cumberland Farms, Inc requesting to table the application until the August 20, 2007 meeting.

Motion made by J. K. O'Rourke, seconded by C. Scattergood, 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 R. Vaillancourt, to table the Cumberland Farms, Inc. application until the August 20, 2007 meeting. Motion carried with all in favor.

P. Sanfacon announced the first case.

**McGinley Development Inc.**

Applicant is proposing a Boundary Line Adjustment between Tax Map & Lot #210-010.001 and 210-010.002 located at 14 Sawmill Rd. and 22 Sawmill Rd. in the Professional Commercial Zone. Boundary Line Adjustment Plan.

J. Ayer explained the application could be accepted as complete however, there are missing items that need to be addressed on the plan but that could be done with a written request for waivers.

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

Discussion on motion.

Motion made by J. K. O'Rourke, seconded by C. Scattergood, that the acceptance of the application is subject to the applicant correcting or adding the items as outlined by the Planning

Director from the checklist.

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

J. Kevin Hayes, representing the application, explained they would like to relocate the lot lines between lots #1 & #2 in order to give lot #2 more frontage for a driveway.

J. K. O'Rourke asked if the new boundary line would be located in the middle of the road. J. Kevin Hayes said yes but told J. K. O'Rourke it is not a road, it is a shared access way.

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

The Board discussed whether to deliberate on the BLA application before accepting the site plan as complete.

J. Ayer discussed the acceptance process for the application and said it can be accepted as complete for discussion purposes but not for approval purposes.

J. K. O'Rourke discussed the plans for a site plan questioning whether the site plan is complete enough to even accept the application for discussion.

P. Sanfacon said the Board has not accepted applications in the past due to items not included on the plan.

The Board discussed whether or not to accept the application for the site plan.

J. Ayer explained some items need to be discussed in front of the applicant so they are made aware of the outstanding issues on the plan.

J. K. O'Rourke said some of the items missing from the plan set contain substantive issues and maybe the application should not be accepted. He said there have been numerous informal meetings with the applicant about plan standards and he expected a complete site plan for formal review.

P. Sanfacon is concerned about setting a precedence for accepting the application with major items missing from the plan.

K. French disagrees with J. Ayer determination of information missing from the plan; he said he believes some items that J. Ayer outlined are on the plan.

J. K. O'Rourke said it is to the applicant's advantage to not have the Board accept the application because the legal time frame for the Board to act upon the application would begin and may make it difficult for the applicant later.

Motion made by J. K. O'Rourke, seconded by C. Scattergood, to not accept the application as

complete, but allow a design review style of discussion in order to provide the applicant with information the Board expects in order to have a complete application.

Discussion on the motion.

R. Waitt would like discussion to move forward on the plan as it has been a long process.

Motion carried with all in favor.

P. Sanfacon introduced the next case.

**McGinley Development Inc.**

Applicant is proposing to construct a full service U. S. Post Office and one professional/commercial building on Gilford Tax Map & Lot #210-010.002 located at 22 Sawmill Rd. in the Professional Commercial Zone. Site Plan Review.

J. K. Hayes, representing the application, discussed the plan and explained comments by Site Study Committee and said they would not relocate the handicap parking because other businesses in town have handicap parking along the entranceways. He also spoke about the traffic being two-way and not one-way as they discussed in Site Study and they are not willing to add more landscaping along the lot line between lots #2 and #3 because they do not know what the future use will be. J. K. Hayes spoke about the proposed Post Office and showed the first draft of the architectural renderings.

The Board asked about the shared parking requirements and J. K. Hayes said they used the highest number of spaces for the parking requirements and would look for shared uses based on businesses operating during different times of the day.

J. Ayer discussed a few changes that were made to the revised plans submitted at the meeting that still need to be corrected.

The Board discussed 75% coverage allowed in the zone. Michael McGinley said the ordinance allows the Industrial Zone lot standards with the commercial cluster. J. Ayer read the ordinance and confirmed, but said it was mistakenly written that way.

P. Sanfacon asked about the location of the pads for the commercial cluster development. She said there are supposed to be individual pad areas and reserved areas.

The Board discussed the requirements of the reserved areas within the commercial cluster development.

J. K. O'Rourke wants to know how the development will take care of the reserved areas when the development is completed. M. McGinley explained there are documents recorded in the BCRD explaining maintenance but plowing will have to be decided upon at a later date.

J. Gagnon discussed the cluster development and agrees it should be treated similarly as a condominium association would be, as far as parking, utilities, designated unit spaces, limited

common area, etc.

The Board explained there should have been condominium documents submitted at the beginning of the site plan process outlining the association. P. Sanfacon spoke about what would be expected from a purchaser and the condominium documents would explain that.

J. K. Hayes said they want the Post Office application to move forward as Phase #1 only at this time.

M. McGinley disagrees with some of J. Ayer's comments about items missing from the plan and wants to know what items can be addressed in order to move the Post Office application forward. J. Ayer discussed items on the plan that are not legible or missing, including the square footage for the Post Office, location of sidewalks, landscaping areas, etc.

J. Ayer pointed out that the checklist given to J. K. Hayes at Site Study was an official list of missing plan details. Two or three items had been found on the plans and not included as missing details in the Planning Board's staff report.

J. K. O'Rourke asked the applicants about the urgency to have the Post Office approved at this time. He suggested in order to move forward, the applicant should work on Phase #1 at this time.

The Board discussed items missing from the checklist that affect Phase #1. J. Ayer spoke about items related to Phase #1 and one is lot #3 is not shown in the entirety, as the regulations require.

The Board discussed how to separate the plan into approving Phase #1 because they would be willing to only approve Phase #1.

C. Scattergood is concerned about approving the plan for only Phase #1 with so many missing items and issues and does not want to change her vote to accommodate the acceptance of the plan. J. K. O'Rourke and P. Sanfacon agreed.

P. Sanfacon explained the initial vote was to not accept the application and since they did not accept the application so they cannot table it to August 6th. J. K. O'Rourke said he would be willing to amend his original vote to accept the application as complete however, it would be to table the application until August 6, 2007 and have the applicant come back with just a revised Post Office plan and leave Phase #2 blank.

The Board discussed the applicant revising the proposed site plan to include Phase #1 at this time and do not show any proposals for phase 2. M. McGinley said he is not in favor of that suggestion.

Motion made by J. K. O'Rourke, seconded R. Waitt, to rescind the original motion to not accept the application as complete and only hear the application as a design review application.

Discussion on the motion. The Board discussed how to table the application and have the

applicant re-notice the abutters.

C. Scattergood does not want to rescind the first motion without knowing what the second motion is.

J. K. O'Rourke withdrew the motion, seconded by R. Waitt, the motion failed.

J. Ayer suggested ways to table the application.

Motion made by J. K. O'Rourke, seconded by R. Waitt, to accept the application as complete subject to the applicant correcting all the outstanding items in order to table the application until August 6th

Discussion on the motion.

C. Scattergood does not want to change the motion because she is concerned they are trying to change the system for one application and is not in favor of doing that.

Motion failed. J. Gagnon voted in favor.

The Board discussed tabling both applications until August 6<sup>th</sup> meeting.

Motion made by R. Waitt, seconded by J. Gagnon to table the BLA and site plan application until the August 6th meeting.

Motion carried with all in favor.

### **BUSINESS**

1. **Cumberland Farms-** Tabled until the August 6, 2007 meeting.
2. **McGinley Development Inc., BLA** Tabled until the August 6, 2007 meeting.
3. **McGinley Development Inc., Site Plan** Tabled until the August 6, 2007 meeting.

### **Other Business**

R. Waitt recused himself from discussion on the plan, as he is very involved in the proposal for the Community Church.

Gilford Community Church- J. Ayer discussed the proposed expansion of the church. He said they want to add a recreation hall and they would like the building to be 45' not 35' as allowed in the zone. The Board discussed the height for the church being exempt from the height restrictions in the ordinance. J. Ayer explained that D. Andrade requested the Board be very clear on the decision regarding the height of the church and

if it is exempt from the regulations.

The Board decided J. Ayer should get a legal opinion regarding the interpretation of the height restriction.

J. Ayer also explained the applicant is asking if pervious paving can be counted in greenspace in order to exceed the requirements. The Board discussed a variance would be necessary for the proposed use of pervious paving.

RCC Water Tower antenna approval- J. Ayer explained RCC has requested an extension to leave the temporary COW unit for an additional 90 days at the water tower site.

Motion made by R. Waitt, seconded by R. Vaillancourt to extend the approval to leave the temporary COW for 90 days beyond their original time..

Discussion on the motion.

The Board discussed they are willing to approve one extension for this application. The Board was informed there has to be structural repairs to the tower not just painting. Add to the approval letter the Board's intention to only allow one extension and for work to begin.

Motion carried with all in favor.

### **Minutes**

Motion made by R. Waitt, seconded by R. Vaillancourt, to approve the June 18, 2007 minutes as amended. Motion carried with all in favor.

### **Adjournment**

Motion made by J. K. O'Rourke, seconded by R. Vaillancourt, to adjourn the meeting at 9:15 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte  
Administrative Assistant