

Approved September 4, 2007
GILFORD PLANNING BOARD
AUGUST 20, 2007
CONFERENCE ROOM A
7:00 P.M.

The Gilford Planning Board met in regular session on Monday, August 20, 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 Waitt; and J. K. O'Rourke.

Member(s) absent: J. K. O'Rourke, Richard Vaillancourt, John Morgenstern and David Arnst.

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 introduced the first application.

1197 Union Ave. Associates and Traditional Catholics of New Hampshire

Applicant is proposing a Boundary Line Adjustment between Tax Map & Lot #202-003.000 and 201-031.000 located at Blaisdell Ave. and Terrill Ave. in the Industrial Zone. Boundary Line Adjustment Plan. Application #2005002137.

P. Sanfacon read a request from Doucet Surveying to continue the Boundary Line Adjustment application until the September 17, 2007 meeting.

Motion made by C. Scattergood, seconded by R. Waitt, to postpone the application until the September 17, 2007 meeting. Motion carried with all in favor.

P. Sanfacon announced that the Paugus Bay Plaza application has withdrawn the request for a Master Sign Plan.

Paugus Bay Plaza Associates-Steve Cotran

Applicant is proposing a Master Sign Plan on Tax Map & Lot #201-001.000. Location: 131 Lake Street in the Commercial Zone. Master Site Plan Review. File# 2005001485.

P. Sanfacon introduced the next case.

Cal Dunn

Applicant is proposing a Home Occupation to operate an excavation business on Tax Map & Lot #207-002.001 located at 150 Young Rd. in the Limited Residential Zone.

Home Occupation Review. File #2005002138.

Cal Dunn III, representing the application, gave a brief presentation to the Board. He explained he has been running the excavation business for five years and he has been parking the tractor trailer truck at his mother's house mostly for convenience traveling for his work. He said the truck is not used every day and it is parked behind the house. He discussed pictures he submitted and noting a view from an abutter's property the truck cannot be seen.

P. Sanfacon asked Cal Dunn about being notified by the Town of Gilford over the years regarding complaints from the construction work on the site and why is he now coming before the Planning Board for approval. C. Dunn said they were reconstructing the existing house and D. Andrade said it was ok since they were working on the site. Now the work is done on site and he wants to park the truck there temporarily until they relocate to Laconia.

C. Grant asked if any of the neighbors are opposed to his proposal. C. Dunn said no he is friends with all the neighbors and has not received any complaints. He said he uses the truck a few times a month and he does not start the truck early in the morning.

J. Gagnon asked J. Ayer if the home occupation regulations state whether it is appropriate for the truck to be parked there. J. Ayer reviewed the regulations for home occupation and said, "no business materials, equipment, or vehicles may be stored, or business activities conducted in plain view of abutting properties". J. Gagnon said he has received phone calls from neighbors whom are opposed to the truck being located there. He said the proposal should fall under a "Construction Yard" definition based on what the property is being used for.

C. Dunn said it is not a construction yard and he only lets the truck run for 10 minutes to warm up so it is not constantly idling.

J. Gagnon said this application does not meet the home occupation standards.

P. Sanfacon spoke about C. Dunn saying the neighbors are not opposed to the home occupation and she has a letter from a neighbor that is opposed to the proposal.

J. Ayer asked how often if the truck parked at the home. C. Dunn said it is always there unless it is used periodically used once or twice a week a few times a month. He said it is for convenience so he does not have to make extra trips to job sites. He said no clients come to the house and communication with clients is done by phone, fax or email. He explained he took pictures from the neighbor's house looking toward his house and the truck cannot be seen. He said there is a vegetative buffer is a mix of deciduous and evergreen trees to block the view of the truck.

C. Scattergood clarified his mother is the owner of the business and he works for her.

J. Ayer asked what time in the morning does he start the truck. C. Dunn said he does not usually start the truck before 700 a.m. early in the morning but the earliest he has started the truck has been about 7:00 am.

P. Sanfacon opened the hearing for public input.

Judith Cookman, abutter, said she is opposed to the proposal and having an excavation business is not good for the neighborhood. She said there is a horse farm on the road and believes there are safety concerns with people riding and the truck traveling on the same road. She wonders about the time frame being temporary for C. Dunn to move the truck and what would stop him from keeping the truck there longer or expanding.

Jim Cookman, abutter, concerned about being a taxpayer and has to defend the neighborhood. He is against the proposal as submitted. He does not want to see the application approved because it could lead to other businesses being located there like Pike Industries.

P. Sanfacon said Pike Industries could not be located there and they are only dealing with this application.

Tammy Dunn, property owner, she spoke about other vehicles spooking horses not just her truck and she noted her property has been kept clean.

Jim Cookman Jr., abutter, lives across the street and he has a concern about C. Dunn's proposal because the character of the neighborhood is being ruined.

P. Sanfacon closed the public hearing.

BUSINESS

Cal Dunn

J. Ayer spoke about restrictions the Planning Board could impose as part of the approval. For example: w no other equipment to be allowed on site, no other equipment to be transported to the site and specific hours during the day for the truck to operate. He spoke about another home occupation of a truck driver parking a truck along the road and he explained the application was denied because the applicant could not screen the truck and the neighborhood was opposed to the truck being located there.

C. Scattergood asked about granting a home occupation with a specific time frame for the occupation to be allowed. J. Ayer said yes it could become a condition of approval.

J. Gagnon is convinced it is not a home occupation it is a construction yard. He said C. Dunn is creating an enforcement issue and it could lead to more construction vehicles being located on the property. He does not believe this application meets the standards for the home occupation. He noted he has received calls from abutters who are opposed to the proposal. He also said the road was just paved by the Town of Gilford and it would be a shame to have the road deteriorate from the impacts made by the heavy construction truck.

C. Grant agrees with J. Gagnon and is concerned about the noise limitations and how the Town of Gilford could ever enforce the time of day when the truck is running.

Motion made by J. Gagnon, seconded by C. Grant **to deny** the application based on the reason it cannot meet the standards of a home occupation because it is a construction yard vehicle and belongs in the Industrial Zone not in the Limited residential zone. Motion carried with all in favor.

Other Business

1) **Idle Inn Condominium Document revision.**

Nancy Pagel, representing the condominiums, will be notified to be present at the September 4th meeting.

2) **Lyman Brewer Subdivision change in easement and driveway location-**

J. Ayer explained PSNH required Lyman Brewer to relocate the driveway out of their easement. He spoke about the wetlands crossing being changed and since it is a different crossing location, the applicant should submit updated applications. He suggested the applicant go back through the process with the ZBA and Conservation Commission. The Board agreed and decided the applicant needs to return to the ZBA and the Conservation Commission and repeat the application process with the proposed changes.

3) **Brad Hinds' home occupation approval-**

J. Ayer gave an update stating B. Hinds said his wife is an owner of the business and she lives on the property therefore he should be allowed to run the home occupation as the regulations state. J. Ayer informed the Board the business is not registered with the State of New Hampshire. The Board decided the new information does not warrant any change in their decision and the denial of the home occupation request made by Brad Hinds will stand.

4) **Planning Board By-Laws-**The Board the discussed the changes to the By-Laws and agreed they are complete and voted to accept and approve the amended By-Laws.

Motion made by C. Scattergood, seconded by J. Gagnon to accept and approve the amended BY-laws. Motion carried with C. Grant abstaining.

5) **Discussion of 2008 Zoning Ordinance Amendments-**

1) **Enforcement-** J. Ayer spoke about a constant enforcement problem regarding the time it takes for projects to be completed. He said it is a problem in the Historic Districts and there are several commercial projects that have not been completed. He discussed implementing a time limit for projects.

R. Waitt spoke about Hannaford relocating to Winnepesaukee Crossing not yet completed and it has been 2 years since they came before the Board with a proposal. J. Ayer said that is a good example for the need of a time limit being implemented for large projects.

The Board discussed vacant commercial spots can become eyesores to the Town of Gilford. J. Gagnon spoke about another site that received a commercial use approval a few years ago and instead of the approved use, they have been storing equipment and stock piling materials on Country Club Rd.

P. Sanfacon agrees with the time limitations but said one year may not be enough for a project to be completed. She believes it is important for projects to be completed within a reasonable time and enforcement may be needed for completion.

- 2) Electronic Reader Board signs- J. Ayer spoke about the Planning Board's policy they implemented a few years ago regarding an electronic changeable copy sign not changing copy less than every 5 minutes. J. Ayer suggested the policy should become a part of the ordinance.

J. Gagnon suggested changing the timing of the reader signs giving enough time for one message and then another, giving enough time for a driver to read one message and then the message change for another.

- 3) Parking- J. Ayer spoke about parking regulations and they could change the gradient for parking based on the square footage size of the store.

R. Waitt said parking for the type of box store is important. He said Lowe's parking is different than Wal-Mart, where Wal-Mart would need more. The Board agreed. J. Ayer will provide parking requirements from the APA for the Board.

4) Rezoning of property on 11C and 11B

J. Ayer spoke about the re-zoning of a property in the vicinity of 11-C and 11B. He explained the history of rezoning in this area noting that in 1989, 1998, 1990, it was brought before the Town and it failed. The owner is reluctant to bring it forward as a petitioned article. J. Ayer said it was suggested the property be rezoned to Resort Commercial from Single Family Residential. J. Ayer said it was suggested the Planning Board be the body to propose the change to the zoning district.

P. Sanfacon spoke about the site being an eyesore and would like to see what the types of uses are that would be allowed if the zone were changed.

J. Gagnon discussed a boundary for the rezoning. He suggested it not go down 11B all the way to the existing RC Zone and that it go down 11C.

J. Ayer will bring maps of the last zoning attempts for the property and let the Board review the area.

6) Valley Drive Lots-

J. Ayer explained that a lawyer representing a property buyer wanted a written statement regarding the ability to obtain a building permit. The attorney claimed that a statute would not allow issuance of permit without specific Board authorization because the lot does not front on a public road. J. Ayer said Town Counsel's opinion is the road providing access to the property is a public road and the applicants do not need approval from the Planning Board to receive a building permit. They discussed the road that provides access as being adequate and the

subdivision meeting the zoning ordinance requirements. No action was required or taken.

7) Papa Gino's

J. Ayer asked the Board if there was any problem with allowing the 5,000 SF of vacant space next to Papa Gino's to be split into 2 leasable units as the owner was having a difficult time marketing such a large single space. The Board had no concerns with this, as it did not affect the site plan.

8) Lot Coverage

M. McGinley asked J. Ayer about the Industrial Zone and the lot coverage issue as it relates to Commercial Clusters. Now the ordinance allows a commercial cluster to have up to 75% lot coverage in the PC zone. Will the Board amend this in 2008 to allow only up to 60% lot coverage?

The Board discussed this briefly and said it may but would need to review it further.

Minutes

Motion made by R. Waitt, seconded by C. Scattergood, to approve the minutes from July 16, 2007. Motion carried with all in favor.

Adjournment

Motion made by R. Waitt, seconded by C. Scattergood, to adjourn the meeting at 8:50 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Administrative Assistant