

Approved September 17, 2007
GILFORD PLANNING BOARD
SEPTEMBER 4, 2007
CONFERENCE ROOM A
7:00 P.M.

The Gilford Planning Board met in regular session on Tuesday, September 4, 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: J. K. O'Rourke; Richard Vaillancourt; Richard Waitt; and Alternates John Morgenstern and David Arnst.

Member(s) absent: Jerry Gagnon.

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. She appointed J. Morgenstern to replace J. Gagnon.

P. Sanfacon introduced the first application.

1. **Cumberland Farms**

Applicant is proposing to build a 4,134 square foot convenience store and fuel dispensing station on Tax Map and Lot #201-015.000 located at 1434 Lakeshore Road in the Commercial Zone and the Aquifer Protection Overlay District. Site Plan Review. File #2005001470.

This application was tabled from the August 6, 2007 meeting.

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

D. Hill, representing the application, gave a brief presentation to the Board. He reviewed the "Oil Prevention and Maintenance Plan" submitted regarding inspections and maintenance for the fuel system and emergencies.

J. Morgenstern asked about the record keeping process for the inspections once they are complete. He requested the records be kept of the inspections. Wendy Reagan, representing Cumberland Farms, said they would create a checklist for the inspections that would be kept in the store and have managers sign off on the inspection checklists. D. Hill said they would accept that as a condition of approval.

J. Morgenstern asked about the inspection process for the safety system and sensors. Frank Monterio explained the NHDES mandates sensor testing system procedures. He said the safety

system could be tested from equipment installed the store and the sensors can also be tested and provide printed information for the entire system. D. Hill explained the NDHES regulations require the owner to remove the sensors from the underground tanks and test them no less than every 12 months. He said if the system fails to operate there is an alarm built into the system that would notify the corporate offices that would notify the local store.

P. Sanfacon asked if a manager would conduct the inspections. W. Reagan said the store employees will be doing inspections and it will not always be a store manager because of the shift changes.

C. Grant asked about the letter from Sheldon Morgan, Director of Public Works, regarding snow storage and traffic.

J. Ayer said snow removal would be relocated from the front of the site and stored so as not to not inhibit sight distance.

F. Monterio said the entrance and exit areas would be delineated and said there are areas shown on the plan for snow storage.

R. Vaillancourt asked about changing the “Yield” sign at the Wal-Mart exit to a “Stop” sign. W. Reagan said the NHDOT received the request but they have not heard from the NHDOT.

J. Ayer discussed traffic flow not being significant from the Gilford Well location and the snow storage should be kept out of the front of the site.

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

P. Sanfacon opened the Public Hearing for the proposed Subdivision and Site Plan Review Regulations

2. **PROPOSED SUBDIVISION AND SITE PLAN REVIEW REGULATIONS– Public Hearing**

The Gilford Planning Board proposes to amend the “Subdivision and Site Plan Review Regulations for the Town of Gilford, New Hampshire” as follows:

1) Adopt as part of this document the existing “Town of Gilford Minimum Road Standards” previously adopted in 2006 by the Board of Selectmen.

2) Create a new Section IX.B.11. To require that buildings in the Commercial and Professional Commercial zones which are over thirty-five (35) feet in height be built with roofs having a minimum pitch of 7:12; that eaves be architecturally appealing and proportional and extend out a minimum of twelve (12) inches; that windows on floors located above the lowest eave be provided with gabled dormers; and that all roof peaks have a ridge line with no mansard roofs being allowed.

J. Ayer reviewed the reason for adopting the “Town of Gilford Minimum Road Standards” into the Subdivision and Site Plan Review Regulations. He explained the standards have been reviewed thoroughly by the Board of Selectmen and they can be adopted into the Site Plan and Subdivision Regulations.

J. Ayer gave a brief presentation to the Board regarding the amendment “to require that buildings in the Commercial and Professional Commercial zones which are over thirty-five (35) feet in height be built with roofs having a minimum pitch of 7:12; that eaves be architecturally appealing and proportional and extend out a minimum of twelve (12) inches; that windows on floors located above the lowest eave be provided with gabled dormers; and that all roof peaks have a ridge line with no mansard roofs being allowed”.

J. K. O’Rourke asked about allowing gabled dormers and not shed dormers. J. Ayer said shed dormers would not be allowed. He referred to the architectural examples the Board received and reviewed them with the Board.

The Board discussed the examples presented for the dormers and discussed not specifying types of dormers.

D. Hill spoke about site plan review regulations and said the Board is free to choose what type of dormer could be approved for various applications and not have to send applicants to the Zoning Board of Adjustment for a variance.

Motion made by J. K. O’Rourke, seconded by J. Morgenstern, to strike “Gabled” and approve the proposed amendment as presented. Motion carried with all in favor.

Motion made by J. K. O’Rourke, seconded by R. Waitt, to accept and adopt the “Minimum Road Standards for the Town of Gilford as revised on February 1, 2006” into the Subdivision and Site Plan Review Regulations. Motion carried with all in favor.

BUSINESS

Cumberland Farms

Motion made by J. K. O’Rourke, seconded by R. Vaillancourt, to approve the Cumberland Farms Site Plan application with the following conditions:

- 1) The applicant shall obtain any other federal, state or local approvals, which may be required.
- 2) Requirement for periodic system inspections with a record of said inspection to be kept for a period of at least one year on the store premises.
- 3) Fail-safe indication built into the system sensors that indicate system or sensor failure.
- 4) No snow storage on the islands in front of the store on the islands adjacent to Route 11.

Discussion on the motion.

J. Morgenstern requested the motion be amended to include the records be kept for three years. J. K. O’Rourke and R. Vaillancourt agreed to the amended motion. Amended motion with

conditions of approval:

- 1) The applicant shall obtain any other federal, state or local approvals, which may be required.
- 2) Requirement for periodic system inspections with a record of said inspection to be kept for a period of at least three (3) years on the store premises.
- 3) Fail-safe indication built into the system sensors that indicate system or sensor failure.
- 4) No snow storage on the islands in front of the store on the islands adjacent to Route 11.

Motion carried with all in favor.

Other Business

- 1) Idle Inn Condominium Document revision.

J. Ayer informed the Board Nancy Pagel, representing Idle Inn Condominiums, will not be able to attend and will contact the Planning Department about the November workshop.

- 2) RCC Atlantic Site Plan Approval Extension- 9 Old Lake Shore Rd.

Pete DeMarco, representing RCC Atlantic, gave a brief update to the Board. He said the cost of the construction increased due to structural issues with the tower and that was the reason for the delay in the reconstruction process. He explained they requested an extension for the portable Cell on Wheels (COW) to remain on site until September 1, 2007. Since that has expired, he is asking for an additional 45 days to maintain the COW on site until the reconstruction is complete.

Motion made by J. K. O'Rourke, seconded by R. Vaillancourt to extend the COW for 60 days from September 2, 2007. Motion carried with all in favor.

- 3) Discussion of fence ordinance.

George Whalley, 38 Belknap Point Rd. explained the "fence" that abuts his property a neighbor installed. He said the way the zoning ordinance is written makes it very difficult to define what type of "fence" the neighbor installed. He submitted pictures to the Board showing the "fence" which is a tarp nailed between a few trees. He said he is concerned because it is not aesthetically pleasing for the neighborhood and his property. He said the "fence" is setback a foot -18" away from the property line. He is asking the Board for clarification on the definition of a "fence".

J. K. O'Rourke discussed the current regulations for fences located in Section 6.4. and Section 6.5, he said the definitions are difficult to apply for this situation.

J. Ayer discussed the difficulty in defining a fence and the enforcement problems the Department has encountered because the definition is not clear.

The Board discussed options on how to regulate fences. J. K. O'Rourke suggested J. Ayer

research fence ordinances for the Board to review for the next meeting.

D. Arnst spoke about Section 6.16 of the ordinance as a suggestion to begin enforcement. The Board agreed with D. Arnst to have D. Andrade begin enforcement of the “fence” issue based on Section 6.16 of the ordinance.

The Board agreed to add a definition change to the zoning ordinance amendments and have J. Ayer research fence definitions.

Discussion of 2008 Zoning Ordinance Amendments-

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, so the owner is reluctant to bring it forward as a petitioned warrant article. J. Ayer said it was suggested by the property owner that the property be rezoned to Resort Commercial (RC) from Single Family Residential (SFR) and that the Planning Board be the body to propose the change to the zoning district.

J. Ayer presented a history of zoning maps for the property for the Board to review the area.

C. Scattergood asked what the point is to rezone. J. Ayer said it would allow additional uses for the property and it may help in the sale of the property. C. Scattergood is concerned that rezoning from the SFTR zone to the RC zone will allow land uses that are not compatible to the surrounding residential areas. She questioned whether it is the best action for the Town of Gilford to rezone.

The Board discussed past rezoning attempts for this property as unsuccessful. It is possible that those attempts were unsuccessful because the Board did not support them. The Board also discussed other uses that could negatively impact the area that are allowed in the RC zone.

C. Scattergood does not want to change the zone for the benefit of someone’s financial gain.

The Board has reservations about changing the zone based on this type of request from one individual and believes it may not be in the best interest of the Town of Gilford.

J. Ayer said there is no real reason to rezone the land and the only use that is in conflict to the existing zone is the current use on the property. He said the rezone would not change the existing use due to the nonconforming status the property has.

C. Grant said it seems very abnormal to have the Planning Board be put in this situation to present a rezone proposal they are not comfortable with.

J. Ayer spoke about involving the neighborhoods surrounding the subject lot and receive input from them regarding a proposed zoning change.

The Board discussed not wanting to be the one to present the zone change. J. Morgenstern said it appears to be a non-issue for the Board as the Planning Board has no interest to propose a zoning change in this area.

Minutes

Motion made by R. Waitt, seconded by C. Grant, to approve the minutes from August 6, 2007 as presented. Motion carried with all in favor.

Motion made by C. Grant, seconded by R. Waitt, to approve the minutes from August 20, 2007 as amended. Motion carried with R. Vaillancourt abstaining.

J. K. O'Rourke announced he is resigning from the Planning Board since he will no longer be a resident of Gilford. The Board thanked him for his time and service.

Adjournment

Motion made by J. K. O'Rourke, seconded by R. Vaillancourt, to adjourn the meeting at 8:30 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Administrative Assistant