

Approved November 19, 2007
GILFORD PLANNING BOARD
OCTOBER 15, 2007
CONFERENCE ROOM A
7:00 P.M.

The Gilford Planning Board met in regular session on Monday, October 15, 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; Jerry Gagnon; Richard Waitt; Richard Vaillancourt; and Alternate David Arnst.

Member(s) absent: John Morgenstern.

Also present was John B. Ayer, Director of Planning and Land Use, David Andrade, Code Enforcement Officer 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 D. Arnst to replace absent regular member J. Morgenstern.

P. Sanfacon introduced the first application.

Donald Ames C/O Ames Farm Inn

Applicant is submitting an as-built plan/amended site plan for review on Tax Map & Lot #266-107.000 located at 2800 Lakeshore Rd. in the Single Family Residential Zone. Amended Site Plan Review. Application #2005002438.

J. Ayer explained the application is complete as far as submission requirements and therefore the Board can accept the application for discussion purposes.

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

Steve Smith, agent representing the applicant, gave a brief presentation to the Board. He prepared an existing conditions plan to establish a baseline and verify the site has been operating as a commercial marina. He explained they are working with the NHDES on a wetland application and the NHDES is requiring the applicant to provide approvals from the Town of Gilford for the current uses on site. He said the property has existed as a marina and resort since the 1940's. He said in 1984 the zoning changed to Limited Residential (zoning map shows the property is located on the SFR zone) from Commercial Resort. He explained the existing uses on site as: 17 cottages, a restaurant, a office, residence, commercial marina with 18 docks, boat trailer parking and storage, boat wash facility and boat launching. He recommended recording the site plan to confirm the uses on site. He said there has been a lot of confusion about the number of docks allowed on site and they hope to clear up that issue through this process. He said from 1962 to 1984 the zone was Commercial Resort and the site was operating as a resort

inn and marina and the uses on site qualified with the zoning definitions at that time. He explained therefore, the marina and commercial uses are classified as non-conforming. He reviewed the zoning definition from 1984 for a marina and explained how the site complies with the definition in 1984 and should remain classified as a non-conforming use. He reviewed the current uses for the Board and explained the cottages, boat storage areas, boat wash area and the location of signs. And the uses on site remain commercial watercraft uses, fishing derbies, social functions, vacation rentals and boat launching.

Paul Goodwin, Watermark Marine Construction, explained the NHDES 14-day rule in relation to the docks. He said they filed a wetlands application in November 2006 and in February of 2007 they paid additional fees and the NHDES had not acted upon the application within 14 days so the RSA's state the docks are approved. He explained there have been a lot of conversations and letters with the NHDES to try to determine the amount of docks and slips exists. He said they are submitting this plan to bring the property up to date.

P. Sanfacon quoted a letter written by D. Ames where he states the use of the property is not for a marina it is a resort property. C. Grant also discussed letters from D. Ames where he states the property is not a marina. C. Grant and P. Sanfacon continued to discuss a letter dated 2006 from Don Ames where he states the property is not a marina.

R. Waitt asked what the applicant is requesting with this application. S. Smith said they are submitting an as-built plan for what they consider a pre-existing, non-conforming use as a commercial marina so the site can be established as marina and the applicant can move forward with his business and application with the NHDES.

Discussion ensued about the definition and standards for marinas between the Town of Gilford and the NHDES. S. Smith the NHDES is agreeable to have the site operate as a commercial marina but only if the Town approves it as a marina.

Discussion ensued about the Fishing Derbies that take place on site. D. Andrade spoke about them and said D. Ames claimed they were for private clubs only and not open to the general public. D. Andrade said in 2007 they became open to the public therefore, they fall under the Town of Gilford regulations requiring a special events permit. He also asked if the site can meet parking requirements for the boat storage and trailer parking, other social events and especially during the Fishing Derbies.

J. Ayer asked about the wetlands not shown on the plan. S. Smith said they have been mapped and there was a mistake as to why they did not show up on the plan but he will update the plan.

D. Andrade asked about the septic system and S. Smith explained the leach field is NHDES approved and it is located on the other side of the Route 11 on property owned by D. Ames.

P. Sanfacon opened up the hearing for public input.

Joseph Shank, abutter, said he has lived there for 13 years and believes that people should be able to have freedom for different uses on their property but, they should be required to follow

the regulations. He has seen multiple land use increases on the site for the past 20-25 years, including redirecting a brook onto his property, commercial marine uses on site, dump trucks working on site early in the morning, parking boats and trailers in the wetlands, and the location of the swim line for Ames Farm has encroached onto his property and his swim line area. He has had the NH Marine Patrol at his property and had to file complaints several times against D. Ames. He cannot explain how the number of docks increased, the commercial marine business that is now operating out of the Ames property. He said the site has never been a full-fledged marina and he has never seen a boat wash area until this year.

Charlie Moser, abutter, said he has known the Ames Farm property for 52 years. He said the changes that have happened in the last 10-15 years have been very intense to the site and said the site has changed, the wetlands have changed and the Board should be aware of that before the Board makes any final decision. He submitted rebuttal information and reviewed that for the Board. He reviewed a letter from D. Ames dated 1999 where he states he is not a marina. C. Moser said the only plan that exists for the site is dated 1988 and that should be what is used for a baseline for the site. He reviewed correspondence from the NHDES to D. Ames where the DES refers to the 1988 site plan as being the only plan of record. He discussed the site should be considered one of regional impact and the Town of Alton and abutters should be notified of the proceedings surrounding this property. He reiterated the site couldn't claim to be non-conforming when they never received approval to establish any of the current uses on site. He said the surrounding area is predominately residential and the commercial uses on site are not conducive to the surrounding residences. He said D. Ames has expanded the site into the wetlands for boat storage and trailer parking. Since 1988 he said they have added docks and they have 30-35 fishing derbies a year that negatively impact the surrounding properties.

Discussion ensued about the septic system and if it is approved. D. Andrade explained the subsurface application submitted to the NHDES was never completed or approved for operation, according to the NHDS records.

P. Sanfacon closed the public hearing.

P. Sanfacon introduced the next case.

Jerry Barrows and William & Sally Bickford

Applicant is proposing to convert a former bank into a restaurant and construct a new 6900 SF office building on Tax Map & Lot #214-046.000. Location: 15 Airport Rd. in the Industrial Zone. Site Plan Review. Application #2005002439.

Motion made by C. Scattergood, seconded by J. Gagnon, 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 the proposal is for a restaurant and new office building. He said the uses will be under a lease basis due to the relationship with the Airport Authority and the ownership of the property. He reviewed some of the changes to the site including; changing direction of the parking spaces, reconfiguring the stormwater system and connection into the municipal sewer system. He

explained the proposed office building will be 43' away from the existing brook.

The Board discussed the traffic pattern and S. Smith said they have confirmed a fire truck can access the entire site as the traffic pattern will be one-way around the building. They will make some changes to the pavement in order to facilitate the trucks.

Jerry Barrows, applicant, provided some information about the site and said the office building will probably be 2-stories.

Discussion ensued about architectural designs for the office building and suggested the roof be peaked and aesthetically similar to the existing building.

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

BUSINESS

Donald Ames C/O Ames Farm Inn

The Board discussed scheduling a site inspection before they make any decisions.

C. Scattergood asked if there were any moorings on site, if so, that would affect the parking requirements. The Board agreed.

Motion made by J. Gagnon, seconded by R. Vaillancourt, to schedule an on-site inspection on Friday, October 26, 2007 at 3:30 pm with a rain date being Monday, October 29, 2007 at 3:30 pm. Motion carried with all in favor.

Motion made by R. Waitt, seconded by J. Gagnon to table the application until the November 5, 2007 meeting. Motion carried with all in favor.

Jerry Barrows and William & Sally Bickford

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

- 1) The applicant shall obtain any other federal, state or local approvals, which may be required.

Discussion on the motion

J. Gagnon spoke about the applicant agreeing to work with the Town of Gilford on architectural designs for the office building. S. Smith agreed. Motion carried with all in favor.

Other Business

Review of Porous Asphalt for Paving- J. Ayer explained he attended a UNH presentation on porous pavement. The presentation was to demonstrate how well the material works, explain

the materials used and how it works as a drainage system. The cost is about 30% more than conventional concrete and UNH recommends not using it on heavy turning areas or areas with high traffic. He spoke about the maintenance being needed about once a year and that includes having the site vacuumed. S. Smith said as far as the Community Church application, UNH will work with them for the design of the site to ensure the design meets the porous asphalt standards.

S. Nix, representing the Community Church, explained they are proposing to use porous bituminous pavement instead of gravel for the parking areas. They are asking the Board to make a determination if the porous bituminous parking lot material would not be counted toward the maximum amount of lot coverage allowed.

Motion made by C. Scattergood, seconded by R. Vaillancourt, to allow porous bituminous parking lot material not to be counted toward the maximum amount of lot coverage allowed for the Gilford Community Church application. Motion carried with all in favor.

Motion carried with all in favor.

Minutes

Motion made by R. Vaillancourt, seconded by J. Gagnon, to approve the minutes from October 1, 2007 as presented. Motion carried with C. Grant abstaining.

Adjournment

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

Respectfully submitted,

Stephanie Verdile Philibotte
Administrative Assistant