

Approved March 3, 2008
GILFORD PLANNING BOARD
FEBRUARY 19, 2008
CONFERENCE ROOM A
7:00 P.M.

The Gilford Planning Board met in regular session on Tuesday, February 19, 2008 at 7:00 p.m. in Conference Room A in the Gilford Town Hall.

In attendance were: Chair Polly Sanfacon, Vice-Chair Carolyn Scattergood, Selectmen's Representative Connie Grant, Regular Members Jerry Gagnon, Richard Waitt, Richard Vaillancourt.

Member(s) absent: John Morgenstern and Alternate David Arnst.

Also present were 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 staff, and read the rules of procedure for the meeting.

P. Sanfacon introduced the first application.

Mary Curtis

Applicant is proposing to operate a Home Occupation for a home daycare on Tax Map & Lot #226-095.000 located at 21 Belknap Mountain Road in the Single Family Residential District and the Historic District and Heritage Commission Overlay District. Home Occupation Plan Review. Application #2008002678.

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

Mary Curtis, applicant, explained her proposal to the Board. She explained she hopes to operate a daycare out of her home Monday-Friday from 7 a.m.- 5 p.m. She said the children's ages are from pre-school to kindergarten and some up to the age of 12 years old. She usually picks up the children and when they are dropped off at her house the times are staggered to avoid traffic and parking problems. She said there is a play area in the backyard with a swing set but they frequently use the Town of Gilford playgrounds and the beach. She said she does not care for infants and there are no other employees. She said the maximum number of children she would care for would be nine (9).

P. Sanfacon asked if there is any cooking for the children and M. Curtis said no she provides snacks periodically.

J. Ayer asked about the proposed fence. She said she has to apply to the HDHC for approval for the fence and is prepared to make an application to that Board.

C. Grant said parking is not an issue at the site even between the busy pick up and drop off times. She said it would be a good business for the Town of Gilford.

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

P. Sanfacon introduced the next case.

Debra Lynn Harvey

Applicant is proposing to operate a Home Occupation for a seasonal art studio and retail shop on Tax Map & Lot #230-044.000 located at 714 Belknap Mountain Road in the Limited Residential Zone. Home Occupation Plan Review. Application #2008002679.

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

Debra Lynn Harvey, applicant, gave a brief presentation to the Board. She said the business would probably be open from Friday to Sunday seasonally from May up to Christmas. She said she would not have any employees. She explained she belongs to The League of NH Craftsmen and sometimes would have craft events there. She described the business would be located in the breezeway only of the house and she would like to have a small sign.

P. Sanfacon opened up the hearing for public input.

Devitt Liptak, abutter from 733 Belknap Mountain Rd-had questions about the retail use and signage. D. Harvey said she is allowed a small sign in front. J. Ayer said she would be limited to 1.5 feet for a sign. D. Liptak also asked about the use as a retail store and said since a retail store is not allowed in the zone, would D. Harvey have to get a variance.

J. Ayer explained it is not considered a retail store because the home occupation is a secondary/accessory use to the property and she is limited to sell what she makes on site.

P. Sanfacon closed public hearing.

P. Sanfacon introduced the next case. J. Gagnon recused himself from discussion on the application as he is an abutter.

GHM Properties, LLC/Belknap Landscape Company

Applicant is proposing to add structures, parking areas and outdoor storage areas for nursery materials to the existing site located on Tax Map & Lot #204-080.200 at 51 Country Club Road in the Professional/Commercial Zone, Aquifer Protection Overlay District and the Island and Shore Frontage District. Application #2008002680.

P. Sanfacon asked if the application was complete. J. Ayer explained the application is lacking

building elevations for all the proposed buildings as they have elevations for one building.

P. Sanfacon read the letter from the Conservation Commission requesting the application be tabled in order for them to review the original plan and conduct a site walk with the Planning Board. She explained to Stephan Nix, agent representing the application, the application might be tabled based on the site walk request from the Conservation Commission. S. Nix acknowledged the application might be tabled.

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

Stephan Nix, representing the applicant, explained this proposal is for Phase 2 of the original plan that was approved in 2002. He explained the location and the layout of the site. He explained the proposed 60' x 100' building will be used for storage and vehicle repair. The building also will have bathroom and shower facilities. He said they are requesting a waiver for parking since they can stack the employee's cars. He spoke about the existing 40' setback from Jewett Brook and said they are prepared to change the building location in order to meet the proposed 50' setback zoning change. He spoke about the salt storage shed and how it is designed. He said the site is located in the Aquifer Protection District and they said they are prepared to make changes to the salt shed design to prevent infiltration into the aquifer. They will have those changes for the Board at the next meeting. He showed the Board the locations of the new well and septic system. He said Hayden McLaughlin, owner, will prepare and provide an Aquifer Protection District Management Plan to explain how they will comply with the Aquifer Protection District regulations.

C. Scattergood asked since they are repairing vehicles on site, what type of preventative measures would be taken if there are oil and gas spills. S. Nix said H. McLaughlin would address those issues in the Aquifer Protection District Management Plan.

Discussion ensued about the temporary structures on site and S. Nix said they are temporary and they are moved from the site depending on need for a particular job. J. Ayer said he and David Andrade, Building Inspector and Code Enforcement Officer, discussed the structures as meeting the definition of "Outdoor Storage" in the zoning ordinance. P. Sanfacon said she would like to see designated areas for those buildings on the site.

J. Ayer spoke about the existing salt storage building and said there are no building permits or site plan approvals on file for that structure. He said if there isn't an approval in the file, the building would not have grandfathered status to be located 40' from Jewett Brook. He said the building would have to be relocated to meet the 50' setback.

R. Waitt spoke about seepage from the salt shed and that is a major concern for the protection of the aquifer. S. Nix said they would address that in the Aquifer Management Plan. He said there is pavement under the shed now but they can add more paved area around it to help prevent seepage.

J. Ayer asked about lighting and areas where new pavement will be installed. S. Nix showed the

Board where there will be about 80' of additional pavement in the entrance area. H. McLaughlin said they might have some spot lighting from the buildings that would be directed to the back of the site, not toward the road. They discussed the possibility of adding an internally lit sign. P. Sanfacon said the location of the sign should be noted on the plan.

P. Sanfacon opened up the hearing for public input.

J. Gagnon, abutter, spoke about how often Jewett Brook has flooded down to Union Ave the past few years. He said that entire area was severely flooded and Jewett Brook has become very sensitive to flooding. He said he hopes the Board would be aware of that issue as an important one when reviewing the application.

P. Sanfacon asked about the proposed rain gardens and how they work. S. Nix explained they are gardens that are located under and around the buildings along the existing flow of water. He said they would consist of types of plants that will absorb and slow down the flow of water.

Discussion ensued about the site walk. S. Nix explained to the Board there are large piles of compost located now on site that they will see when they perform the site walk. He assured the Board those piles will be removed and they are not permanent to the site.

P. Sanfacon closed the public hearing.

P. Sanfacon introduced the next case. C. Grant, R. Vaillancourt and J. Gagnon recused themselves from participating on the DeDucca application.

Ron DeDucca

Applicant is proposing to subdivide Tax Map & Lot #203-246.000 into two (2) lots ranging in size from 1.03 acres to 1.45 acres located at 290 Morrill Street in the Single Family Residential Zone. Subdivision Plan. Application #200800681.

With C. Grant, J. Gagnon, and R. Vaillancourt recusing themselves on this matter, there was not a quorum of Board members available to hear the application.

Motion made by C. Scattergood, seconded by R. Waitt to table the application until March 3, 2008. Motion carried.

P. Sanfacon introduced the next case. C. Grant and J. Gagnon, R. Vaillancourt returned to the Board as voting members.

John P. Rogers

Applicant is proposing to subdivide Tax Map & Lot #228-007.000 into four (4) lots ranging in size from 2.89 acres to 3.44 acres located at 281 Saltmarsh Pond Road in the Natural Resource Residential Zone. Subdivision Plan. Application #2008002682.

Motion made by R. Waitt, seconded by C. Scattergood, 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 explained Mr. Rogers donated land to the Town of Gilford as a Conservation Easement and within that easement property there was land that was excluded with the intention of creating a future subdivision. He said that is the plan in front of the Board now. He explained they have met with DPW about the driveway locations and said the existing snowmobile trail will be relocated within the easement property.

P. Sanfacon asked about the view easement. D. Clark explained Mr. Rogers thought at one time he may be able to create some views but realized they would be not able to due to the terrain.

Discussion about the road frontage and D. Clark explained the lots have enough road frontage to meet the zoning requirements.

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

P. Sanfacon introduced the next case.

Lin & Twi Bi

Applicant is proposing to add approximately 2111 square feet of new space to the existing Oriental Gardens Restaurant located on Tax Map & Lot #201-002.000 at 89 Lake Street in the Commercial Zone and Aquifer Protection Overlay District. Amended Site Plan Review. Application #2008002683.

Motion made by R. Vaillancourt, seconded by C. Grant, 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 explained the applicant has to install a sprinkler system by April 1, 2008 due to the NH Fire Marshal regulations. He submitted sprinkler system plans for David Andrade, Building Inspector and Code Enforcement Officer. He said they are trying to separate the restaurant area from the lounge area and that is the reason for the separate entrances. He showed the Board the proposed smoking area that would include a stockade fence for security reasons. He explained they are going to reconfigure some parking spaces by removing a few in order to allow the fire truck access. He told the Board Mr. Bi is trying to separate the two uses on the site in order to enhance the site for the patrons.

Discussion ensued about the outside smoking area. Mr. Bi explained the proposed roof for the smoking area will be the same height as the building and there will be a stockade fence for safety reasons. He said there would be a double door for the entrance to the area so the smoke does not enter the building.

J. Ayer said a condition of approval could include the outside smoking area is subject to the NH State Fire regulations and the Building Inspector's approval. The Board agreed.

C. Scattergood spoke about the proposed design and Mr. Bi said the additions will be more oriental in nature and the roofs and building will have Chinese ornaments and features added to them. He also said they will be doing interior renovations for the entire building due to the addition of the sprinkler system.

C. Grant spoke about the parking requirements and asked about the hours of operation between the restaurant and the lounge. Mr. Bi explained how the parking situation works based on the different hours of operation between the lounge and the restaurant. He said for 20 years they have not had any issues with not enough parking. J. Ayer said it would be up to the Board to decide if this application can meet the shared parking standards. C. Grant asked how many spaces are they short if the site is filled to capacity. D. Clark said 39 spaces. Mr. Bi said they have a company car that drives the employees so they do not take up parking spaces.

J. Ayer asked about lighting and Mr. Bi said they would not add any lighting to the site. J. Gagnon asked about adding more lighting in the back of the parking lot and Mr. Bi said they have a large light pole located there.

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

BUSINESS

Mary Curtis

Motion made by R. Waitt, seconded by C. Grant, to approve the application with the conditions that the applicant obtain any other federal, state, or local approvals that may be required, which shall include Historic District and Heritage Commission approval for the fence.

Motion carried with all in favor.

Debra Lynn Harvey

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

1. Applicant to keep the exits and sidewalks clear for patrons at all times.
2. Applicant to obtain any other federal, state, or local approvals that may be required

Motion carried with all in favor.

GHM Properties, LLC/Belknap Landscape Company

Motion made by C. Grant, seconded by R. Vaillancourt, to table the application until the April 7, 2008 meeting. Motion carried with J. Gagnon abstaining.

Ron DeDucca

With C. Grant, J. Gagnon, and R. Vaillancourt recusing themselves on this matter, there was not

a quorum of Board members available to hear the application.

Motion made by C. Scattergood, seconded by R. Waitt to table the application until March 3, 2008. Motion carried.

John P. Rogers

Motion made by R. Vaillancourt, seconded by R. Waitt, to approve the application with the condition that the applicant obtain any other federal, state, or local approvals that may be required.

Motion carried with all in favor.

Lin & Twi Bi

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

- 1) Additional lighting shall be provided in the parking lot if needed.
- 2) The applicant shall meet all the State requirements for the proposed smoking area.
- 3) Applicant shall obtain any other federal, state, or local approvals that may be required.

Discussion on the Motion:

The Board discussed allowing the proposed shared parking situation and monitoring it for one year. J. Ayer reminded the Board that according to the shared parking regulations, if there is a shortage, the applicant has to come back before the Board for a compliance hearing and would then be required to comply with the regulations either by adding spaces or reducing demand.

The Board discussed the applicant submitting revised building elevations for the March 3, 2008 meeting for the Board to review and approve for the Lake Street side and the north side of the building.

The motion was revised by adding the following condition:

- 4) The applicant shall submit revised building elevations for the Lake street side and the north side of the building for the March 3, 2008 meeting for the Board to review and approve.

Motion carried with all in favor.

Minutes

Motion made by R. Waitt, seconded by R. Vaillancourt, to table the minutes of January 7, 2008 until March 3, 2008. Motion carried with all in favor.

Motion made by R. Waitt, seconded by R. Vaillancourt, to approve the minutes of February 5, 2008. Motion carried with C. Grant and C. Scattergood abstaining.

Adjournment

Motion made by C. Grant, seconded by R. Vaillancourt, to adjourn the meeting at 9:05 p.m.
Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte

Administrative Assistan