

Approved March 17, 2008
GILFORD PLANNING BOARD
MARCH 3, 2008
CONFERENCE ROOM A
7:00 P.M.

The Gilford Planning Board met in regular session on Monday, March 3, 2008 at 7:00 p.m. in Conference Room A in the Gilford Town Hall.

In attendance were: Chair Polly Sanfacon, Selectmen's Representative Connie Grant, Regular Members Jerry Gagnon, Richard Waitt, John Morgenstern and Alternate David Arnst.

Member(s) absent: Vice-Chair Carolyn Scattergood and Richard Vaillancourt.

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. She appointed D. Arnst to replace absent regular member Carolyn Scattergood.

P. Sanfacon introduced the first application. D. Arnst recused himself from discussion on the application.

Philip A. Roux Trust – Applicant is proposing a Boundary Line Adjustment to transfer 10.30 acres from Tax Map & Lot #208-003.000 to Tax Map & Lot #208-004.000 located at 80 Young Rd., and a (4)-lot subdivision of the remainder of Tax Map & Lot #208-003.000 located at 200 Swain Rd. in the Limited Residential Zone. Boundary Line Adjustment and Subdivision Plan.
Application #2005002675.

Tabled from the January 21, 2008 meeting.

Motion made by J. Gagnon, seconded by R. Waitt, to take the application off the table. Motion carried with all in favor.

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

Ron Johnson, representing the application, gave a brief presentation to the Board. He explained the property has approximately 97 acres in total land area. He said they are proposing a BLA to transfer 10.30 acres from TM&L #208-003.000 to TM&L #208-004.000 and create three large residential building lots on TM&L #208-003.000. He said two of the three lots would need waivers from the 5.1.1 b for prime ag soils of statewide importance and explained the waiver requests. He told the Board there is 1100 SF of wetland impact for access and they received a Special Exception from the ZBA for those crossings. He explained the Conservation Commission reviewed the plan they recommended no further subdivision of the lots take place. R. Johnson explained the only further subdivision on the property is the BLA. He explained the

dual use of the existing easement to the Cookman property as maintaining access to the Cookman property and for proposed Lot #2. He explained the remainder of TM&L #208-003.000 will be transferred to the Town of Gilford in fee simple. He said there is no requirement to obtain NHDES subdivision review because the proposed lots are greater than 5 acres. He told the Board that DPW requested that the drainage be kept open. Get from Site study.

P. Sanfacon asked about the waiver for the agricultural soils. R. Johnson explained because the agriculture soils are broken up throughout the site within the wetlands and existing fields.

J. Ayer spoke about the Chairman of the Conservation Commission requesting to table the application in order to do a site walk based on a request from an abutter.

P. Sanfacon opened the hearing for public input.

James Cookman, abutter, is concerned about the right-of-way that and said he does not want to have his right-of-way to go through any wetlands. J. Gagnon told him determining the location of the right-of-way and related issues are between Mr. Cookman and the landowner it is not an issue for the Planning Board. Mr. Cookman said he spoke about the Army Corps of Engineers installing drainage swales on site at the ZBA meeting and he also spoke to John Goodhue about the site. He said John Goodhue would request the application be tabled until the spring in order to perform a site walk. He said Phil Roux said the lots were too wet to be built upon for residential lots and that is why he installed the drainage swales and tiles to see if the area could be used as pasture for horses. He said delineating wetlands is more of an opinion. He said there was a lot of taxpayer's money spent to try to alleviate the wet areas and he does not feel it is right to subdivide this property for someone else's personal gain.

Discussion ensued about the remaining parcel being transferred to the Town of Gilford.

J. Gagnon spoke about the property being in Current Use and explained when a property is taken out of Current Use, those penalties are deposited into the Conservation Commission Fund.

Regina Nadeau, attorney for the applicant, spoke about the right-of-way and said Mr. Roux and Mr. Cookman can determine the location of the right-of-way. She explained the drainage tiles installed and said the Conservation Commission was aware of the tiles and swales on site and a few members of the Conservation Commission have walked the site.

With more public input, P. Sanfacon closed the public hearing.

P. Sanfacon introduced the next case.

GCV Realty Holdings, LLC – Applicant is proposing to subdivide Tax Map & Lot #254-074.000 into 2-lots with lots ranging in size from approximately 5.05 acres to 18.27 acres located at 20 High Point Lane in the Natural Resource Residential Zone. Subdivision Plan. Application #2005002612.

Tabled from the February 5, 2008 meeting.

Motion made by J. Morgenstern, seconded by C. Grant, to take the application off the table. Motion carried with all in favor.

Jonathan Ring, representing the applicant, gave a brief presentation to the Board. He spoke about the washouts that were reported and they spoke to NHDOT and the DPW and both have said there is no way to tell any washout could be traced to this subdivision. He explained the NOI was submitted for this site in July 2007. He said he was incorrect at a previous hearing when he stated they do not need a NHDES permit. He said the disturbance does exceed 2.5 acres, not including the road, and said they do need a review from the NHDES Site Specific. He said the current application submitted to the NHDES is for 140,000 SF of disturbance.

J. Gagnon said for the first subdivision, they cleared more then 100,000 SF for the construction of the road and downhill from the road for the lots. He said they never got an approval from NHDES for the clearing and excavation for the road and the original lots.

Discussion ensued about the location of the washout at the bottom of the Mountain Drive and Route 11A.

P. Sanfacon asked if the Alteration of Terrain permit application to the NDHES was for all the area disturbed to date. J. Ring said it does not include the road that was installed in the fall. He said the 140,000 SF was for the work done for Lot #254-074.000 as part of the 2-lot subdivision.

C. Grant said there needs to be clarification on the amount of area cleared for the road and additional clearing done last fall versus what the applicant actually applied for to the NHDES. She does not want to move forward until there is more information from the NHDES.

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

P. Sanfacon introduced the next case. J. Gagnon, C. Grant recused themselves from discussion 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.

Tabled from the February 19, 2008 meeting.

Motion made by R. Waitt, seconded by D. Arnst, to take the application off the table. Motion carried with all in favor.

Motion made by R. Waitt, seconded by D. Arnst, 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

proposed location of the driveway and the area for the house lot.

P. Sanfacon asked about the location and installation of the driveway. D. Clark said they changed the location of the driveway. He said the new location is safer due to the site distance and they will contact the DPW for assistance upon installation.

J. Ayer spoke about the abutter, Thurston, who is concerned about the wetlands impacts. D. Clark explained there was a pond built on another site that could have added to the increase in water.

P. Sanfacon read a letter from the Thurston's concerning the impacts to their well from the subdivision into the record and noted D. Clark has addressed that issue.

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

BUSINESS

Philip A. Roux Trust

D. Arnst recused himself from discussion on the application.

Discussion ensued about the waiver for the agriculture soils.

Motion made by J. Gagnon, seconded by J. Morgenstern, to waive the Agriculture Soils because of the size and location of the agriculture soils. Motion carried with all in favor.

J. Ayer said the property still could be used for agriculture uses even with the waiver granted for agriculture soils. He said one of the potential buyers plans on using the land for horses.

Motion made by R. Waitt, seconded by J. Morgenstern, to grant the waiver for scale, topography, wetlands delineation and full boundary survey on other lots. Motion carried with all in favor.

J. Ayer asked the Board about the Conservation Commission's request to table the application until the spring. The Planning Board declined to table the application for a site walk. They discussed that the Conservation Commission had the application in front of them and decided upon it. P. Sanfacon said there was discussion about the pasture tiles and drainage swales at that meeting.

Motion made by J. Morgenstern, seconded by C. Grant, to approve the Boundary Line Adjustment and Subdivision application with the following conditions:

1. Allow the "lands classified by the Federal U.S. Soil Conservation Service as... agricultural land of statewide importance... to be included in the calculation of buildable area" because "the size, location or adjoining use make the parcel unsuitable for agricultural use."

2. Move to approve the application subject to the ZBA and DES approvals that have already been granted, and any other federal, state, or local approval that may be required.
3. None of the lots are further subdivided, except Boundary Line Adjustments between the owners of the lots is allowed.

Motion carried with all in favor.

GCV Realty Holdings, LLC

J. Gagnon said the Board should have more information regarding the road construction, tree removal, and grading that already took place on site from the original subdivision. J. Morgenstern spoke about the amount of area that was disturbed for the road and lots from the original subdivision should be calculated.

Discussion ensued about how much area was disturbed for the 2-lot subdivision and how to determine that area from the original 7-lot subdivision. J. Ayer will contact the NHDES to discuss that issue.

Motion made J. Gagnon, seconded by J. Morgenstern, to table the application until April 21, 2008 in order for the applicant to provide more information regarding the road construction, tree removal, and grading that already took place on site from the original subdivision.

Motion carried with all in favor.

Ron DeDucca

C. Grant and J. Gagnon recused themselves from participating on this application.

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

1. Subject to any other federal, state, or local approvals that may be required

Motion carried.

Minutes

Motion made by C. Grant, seconded by R. Waitt, to table the minutes of January 7, 2008 until March 17, 2008. Motion carried with all in favor.

Motion made by C. Grant, seconded by R. Waitt, to approve the minutes of February 19, 2008. Motion carried with all in favor.

Other Business

Lin & Twi Bi- Review of proposed building design and elevations of Oriental Gardens.

Lin Bi provided the Board with building design and elevations and explained the small change in the entranceway.

Motion made by C. Grant, seconded by J. Gagnon, to approve the proposed building design and elevations. Motion carried with all in favor.

Adjournment

Motion made by R. Waitt, seconded by C. Grant, to adjourn the meeting at 8:55 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Administrative Assistant