

**MINUTES
GILFORD PLANNING BOARD
APRIL 21, 2008
CONFERENCE ROOM A
7:00 P.M.**

The Gilford Planning Board met in regular session on Monday, April 21, 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, Regular Members: Jerry Gagnon, Richard Waitt, Richard Vaillancourt, and John Morgenstern.

Member(s) absent: Selectmen's Representative Connie Grant 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. She explained the Board does not conduct business after 10:00 p.m. but they will try to hear all the applications on the agenda.

P. Sanfacon read a letter from Jonathan Ring, agent of the applicant GCV Realty Holdings, LLC, requesting the application be tabled until the May 5th, 2008 Planning Board meeting.

Motion made by C. Scattergood, seconded by R. Waitt to take **GCV Realty Holdings, LLC** off the table. Motion carried with all in favor.

Motion made by R. Waitt, seconded by J. Morgenstern, to table the application until the May 5, 2008 Planning Board meeting. Motion carried with all in favor.

P. Sanfacon introduced the next case.

2. **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.

Tabled from the March 17, 2008 meeting.

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

Steve Smith, representing the application, gave a brief presentation to the Board. He explained he has submitted revised the plans and removed the marina use from the title of the site plan. He said they are removing the requested use for a marina from the entire application. He also is withdrawing the request for additional docks along the waterfront to the NHDES. He spoke about the septic system across the street and explained there was never an approval for the

system to be installed. They have met with the NHDES and the original engineer of the system and they have agreed to re-submit an application. The weather is not cooperative for the inspection and installation of the system but they will be completing that under the NHDES supervision and guidelines. They are also working on the wetland mitigation requirements for the site with the NHDES and that process is ongoing. He said the latest revised plan represents the uses on the property, the location of the parking areas, and remove parking out of the wetland areas. He said there is proposed parking in the northwest corner of the plan and that is not shown on the 1988 plan. They have relocated the parking to that area in order to remove the parking from any wetland areas on site. They will be seeking approval from the Planning Board for parking in that newly proposed location. He discussed the two launch ramps one that existed in 1988 and one that was approved by the NHDES. He reminded the Board the Inn is no longer in use. They are asking for the plan to be approved as an existing conditions plan with the conditions that the septic system be approved and installed according to the NHDES and the application they have in for an after the fact permit from the NHDES for the wetlands remediation. They are looking to be approved with the proposed conditions of approval submitted by Rod Dyer, attorney for the applicant. He said there will be no public fishing derbies and Ames Farm has requested they be removed from the NHDES website advertising them as sponsors of public fishing derbies. He also said there would be no marine construction business operating on site.

P. Sanfacon asked about public fishing derbies versus private derbies. S. Smith said private derbies will only be for private clubs and will not be open to the public.

Discussion ensued about the boat wash area shown on the revised plan. S. Smith said they will contain the wastewater and would not allow it to drain into the lake. J. Morgenstern would like to see a note on the plan with instructions on how to use the boat wash. S. Smith agreed and they said they would install a sign with instructions on how to use the boat wash.

P. Sanfacon opened up the hearing for public input.

Jim Belanger, 84 Dinsmoor Point Rd.- abutter, spoke about procedure of how the revised site plans for the application have been submitted. He said it has been unfair to the abutters because the revised plans have been presented at the meetings and not been made available for the abutters to review. He also thinks it is unfair to the Board to be presented with revised plans at the meetings.

Stephan Nix, agent representing abutters, said he was informed this morning the application will no longer include the marina use and the abutters have not had an opportunity to review the revised plan. He said even with the removal of the marina use, there are other issues on the site the abutters still have concerns with. He said the newly proposed parking area in the northwest corner was not shown on the 1988 plan and the increase of those parking spaces increases the capacity to 87 spaces. He said it brings up the issue of the legality of an expansion of a non-conforming use and again the abutters have not had an opportunity to review the revised plan. He said simply because there have been uses on site that have existed, without approval, does not make them non-conforming uses entitling them to be grandfathered. He suggested the NHDOT be contacted to address the proposed location of the parking area. He said because of

the increase in parking it turns an accessory use to a primary use. He said they object to any approval of this plan at this time and in order for them to review the revised plan they should be allowed access to the plan.

Charlie Moser- 90 Dinsmoor Point Rd. agrees with SN and Jim Bolanger and thinks it is not fair that Ames' keep changing the plan and submitting them at the meetings and not allowing time for the abutters to review the plan.

Dave Nix-an heir to 94 Dinsmoor Point Rd. He spoke about the definition of a guest as it used in relation to Ames Farm and also the difference between private and public fishing derbies. He asked how would the private fishing derbies be supervised to not allow members of the public become a member of that private club the day of the derby.

Joseph Shank-2852 Lakeshore Rd., abutter- he spoke about all the activity that has gone on at the site over the years. He has seen them fill in the wetlands and spoke about how disruptive the fishing derbies are and the problems he has had with patrons of Ames Farm parking jet skis on his beach and moving his approved swim line. He has problems with the parking on the site and the derbies have gotten out of control. He said the property has been under a Cease & Desist Order from the Town of Gilford and they have still not complied with that order. He doesn't think it makes sense to approve this plan at this stage with so many issues that have not been addressed properly. He said all the houses across the street are rented and can't understand why they say the Inn is no longer in use. He does not think it is fair that Ames does not have to abide by any rules and continue to operate over the years.

Rod Dyer, attorney for the applicant, he said this has been a lengthy process dealing with the NHDES and the abutters. He said they decided to remove the marina use and they thought the abutters would be happy with the removal of the marina use and now the abutters are upset because they have not seen the plan. He said they are trying to get a plan on record that deals with non-conforming uses and establish new uses. He said the uses have been a natural evolution of the site, as many other non-conforming uses expand naturally. He spoke about the public fishing derbies being withdrawn for 2008. He said any public fishing derbies they were to hold would have to have an approval from the Town of Gilford. He said they have acted in very good faith with the abutters and he is annoyed the abutters are calling them a "moving target". He is asking the Board to allow them to proceed with this plan as presented.

S. Smith spoke about the private fishing derbies and said they would contact the Town of Gilford for approvals for any type of derby for a private event. He said the proposed parking areas have been on the revised plan for three months and nothing has changed. He said he believes the Board and the Town of Gilford do not want the wetland areas to be used for parking which is why they relocated the parking.

R. Waitt asked if R. Dyer said no fishing derbies for 2008 or if that is forever. S. Smith said they do not plan on any public derbies for 2008 but if they do want to have public fishing derbies in the future they will come to the Town of Gilford and the Planning Board for the proper approvals before they propose any public derbies.

Discussion ensued about the submission of the plans and the availability for the abutters to review the plan.

J. Ayer said he and D. Andrade, Code Enforcement Officer, discussed the plan should be reviewed by the Town's legal counsel before it moves forward. He is concerned about the terms private versus public fishing derbies and how to limit the numbers of the derbies. He also asked what happens if the public exceeds the parking on site and S. Smith said they have not determined that yet. They are trying to obtain approvals for what they have on site and come into compliance with the Town of Gilford's ordinances.

C. Scattergood asked for an explanation of a private fishing derby. S. Smith explained a private fishing derby would be considered when a private citizen calls Ames Farm, gives a certain number of participants that would hold a derby. There would be no advertising for the private derby.

Fred Wernick, renter of dock at Ames Farm and Island resident spoke about other derbies on the lake and said people have to be a member of the organization in order to participate in derbies. He said the activities at Ames Farm are no different than what happens at the Gilford Beach or at the Gilford Town Docks as far as traffic and parking.

P. Sanfacon closed the public hearing.

P. Sanfacon introduced the next case.

3. **Patricia Griffin**

Applicant is proposing to operate a Home Occupation for a home daycare on Tax Map & Lot #213-013.021 located at 23 Liscomb Circle Unit #21 in the Commercial Zone. Home Occupation Plan Review. Application #2008002727.

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

Patricia Griffin, representing the application, gave a brief presentation to the Board. She said she is proposing an in-home daycare to care for up to six (6) children, including her own three (3) children during the school year. The hours of operation will be from 6:30 a.m.-5:30 p.m. Monday - Friday. She explained the location outside where the children are allowed to play and said the school age children are allowed to play on the driveway. She provided pictures of the inside of the house where the day care areas will be located. She explained she is license exempt from the state of NH but the state still review her information.

P. Sanfacon asked about the question of the fence and J. Ayer said they are going to investigate whether she needs a fence. J. Gagnon is concerned for safety reasons and believes a fence should be installed. P. Griffin said she would install a fence if that is a condition of approval.

Discussion ensued about the number of children that are allowed with the in home daycare. P. Griffin said that she wants to stay a "license exempt" daycare because she does not want to care

for any more than six (6) children.

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

P. Sanfacon introduced the next case.

4. **Winnstock Condominium Association**

Applicant is proposing to amend the site plan to include a 16' x 24' building for water treatment equipment as required by state statute on Tax Map & Lot #242-332.000 & #242-364.000 located at 49 & 50 Scenic Drive in the Single Family Residential Zone. Amended Site Plan Review. Application #20082728.

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

Richard Schaetzel and Brendan Riley, representing the application, gave a brief presentation to the Board. They explained they have been mandated by the State of New Hampshire to replace the water treatment equipment. They are re-applying to the Planning Board because their original approval expired in January 2007.

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

P. Sanfacon introduced the next case.

5. **Thomas Francoeur**

Applicant is proposing to amend the site plan to add a 10' x 10' area for outdoor sales on Tax Map & Lot #224-082.000 located at 348 Intervale Rd. in the Resort Commercial District. Amended Site Plan Review. Application #20082750.

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

Thomas Francoeur, representing the application, gave a brief presentation to the Board. He explained Allstate Insurance is requesting he apply for an outside vending area to support their promotion during Bike Week and also for future vending purposes. He said they are going to take down an existing sign and replace it with a temporary banner and that banner will be removed when the tent comes down.

T. Francoeur said he would be agreeable to the proposed length of times for the outside vending site suggested by J. Ayer as a condition of approval.

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

P. Sanfacon introduced the next case.

6. **Waldo Peppers c/o Bruce Foster**

Applicant is proposing to convert existing auto sales facility to restaurant use with 100 seats on Tax Map & Lot #201-019.000 located at 1457 Lakeshore Rd. in the Commercial Zone and Aquifer Protection District. Change of Use and Amended Site Plan Review. Application #20082751.

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

Steve Smith, representing the application gave a brief presentation to the Board. He said they have reduced the number of seating to 99 to prevent having the building sprinkled for fire suppression. He said that might change when a formal building permit is submitted. He said they are proposing to use existing gravel display area as the parking area. He said they sent a plan to PSNH for review and their comments were the dumpster needs to be relocated and they will provide further comments. They have applied for another driveway permit from the NHDOT because of the change in use. He spoke about the plane that is on the building at the Weirs Beach location and the owners want to move the plane to the Gilford site. He explained the gravel parking area will remain on site and they will bring in more gravel to supplement the changes in the parking and they will be adding more landscaping to the site.

Walt Hutchinson, owner of the property explained how they are removing an existing garage door as part of the change in the use.

C. Scattergood asked if the plane is considered advertising. The Board discussed whether the plane would be considered advertising or what section of the ordinance would apply to locating the plane on the roof. J. Ayer read the definition of a sign and the Board discussed the definition as broad.

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

P. Sanfacon introduced the next case.

7. **Gilford Village Knolls II Limited Partnership**

Applicant proposes to construct an 8' x 8' shed on Tax Map & Lot #226-078.002 located at 41 Potter Hill Rd. in the Single Family Residential Zone and Historic District. Amended Site Plan Review. Application #20082752.

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

Anthony Furrillo, representing the application, gave a brief presentation to the Committee. He said there is a community garden on site and they are looking for permission to locate a shed to store equipment and materials.

Steve Smith, representing the application, gave a brief presentation to the Board, said they made a change to the plan to expand the footprint of the shed to 8' x 14' based on suggestions from the Site Study meeting. HE submitted those plans at the meeting.

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

P. Sanfacon introduced the next case.

8. **Beetle Enterprises, LLC c/o Alan Beetle**

Applicant proposes to change existing retail space to a personal service use (Laundromat) on Tax Map & Lot #214-003.000 located at 18 Weirs Rd. in the Resort Commercial Zone and Aquifer Protection District. Change of Use Review. Application #20082755.

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

Steve Smith, representing the application, gave a brief presentation to the Board. He explained the proposed use meets the parking requirements. He said the proposed Laundromat would occupy storage space that was used by Sears. He said any other fire safety codes would be addressed with the submission of the building permit. The hours of operation will follow the hours of the plaza but may have reduced hours in the wintertime.

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

P. Sanfacon introduced the next case.

9. **McGinley Development c/o Opechee Construction**

Applicant proposes to build a 75-room, 3-story hotel on Tax Map & Lot #210-010.001 located at 14 Sawmill Rd. in the Professional Commercial Zone and the Aquifer Protection District. Site Plan Review. Application #2008002756.

J. Ayer explained that the application can be accepted as complete but there are waiver requests that the Board will have to address.

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

Marc Woglom, representing the application, gave a brief presentation to the Board. He explained the location of the site and gave the Board an update on how the Variance for a reduction in parking was denied. He explained the shared parking situation with the Post Office would work well because the hours of operation are different. He reviewed the requests for the waivers for the shared parking and the reduction in size for a few parking spaces in order to accommodate the Fire Department's request for a second entrance/exit.

R. Vaillancourt asked if there will be any function rooms in the hotel and M. Woglom said there will only be one or two small conference rooms for use by the guests with no function rooms available for public use.

R. Waitt asked about the pitched roof and how it relates to snow load. M. Woglom said specific locations are reviewed when you determining snow load and this building will meet all codes for snow load.

M. Woglom said sewer and water service the site and the storm water drainage will be handled on site before being discharged into the drainage system that enters Jewett Brook. He said the lighting on site would match existing lighting at the Franklin Savings Bank. P. Sanfacon asked about the discussion of lighting that took place at the Site Study meeting. M. Woglom said there would be no rear door for access in the back of the building therefore they do not have to install lighting in the back of the building.

P. Sanfacon asked about the Commercial Cluster Ordinance. J. Ayer referred to the Commercial Cluster Ordinance as written and read it for the Board.

Discussion ensued about an easement requirement for the shared parking and entryway. J. Ayer said an easement is required for both and that should be noted on the plan.

Discussion ensued about having a 9' wide parking space and if that is adequate for vehicles to use. M. Woglom said they could have the employees utilize those parking spaces.

J. Gagnon spoke about drainage and is very concerned about the impacts to Jewett Brook and he suggested notifying Laconia about this application. M. Woglom said when you design drainage systems you look at off site contaminants and off site flow. He said downstream rivers flood long after a storm event has passed and said detention of stormwater on site sometimes is appropriate. In this case he said NHDES has reviewed this site, the site as a whole, and determined releasing the water before Jewett Brook reaches peak is more appropriate, instead of holding the water with detention and releasing it after the storm event, which would cause flooding. He said another engineering review of the drainage plan would prove their drainage plan is correct for the site. He said they would not be against an independent review of their drainage plan.

C. Scattergood spoke about S. Morgan's concerns that the drainage plan is only designed for a 10-year storm. M. Woglom said they use a 10-year event because that happens more frequently. He said he doesn't think that S. Morgan knows the site was reviewed by the NHDES.

C. Scattergood spoke about the fact that this winter numerous businesses did not remove snow from their sites and just kept piling it up and taking up more parking spaces. She wants to know how to prevent this and what is a reasonable amount of parking to be allowed.

J. Gagnon asked about signage and M. Woglom said they are proposing zoning complaint signs on the building and they would use one of the 2 non-conforming signs on site. J. Ayer said if they are going to use the non-conforming sign they should show it on the plan. M. Woglom said the signs are shown on the existing conditions plan.

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

hearing.

P. Sanfacon introduced the next case.

10. **Dianne Scannel**

Applicant proposes a two (2) lot subdivision on Tax Map & Lot #226-010.000 located at 98 Gunstock Hill Rd. and the corner of Morrill St. in the Single Family Residential Zone. Subdivision Plan Review. Application #2008002758.

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

Steve Smith, representing the application, gave a brief presentation to the Board. He explained the location of the site and noted there is a large wetland on site. He spoke about locating a permit for an added driveway but has not been able to discuss the situation with S. Morgan.

P. Sanfacon asked how this lot meets the requirements of the flag lot ordinance.

Discussion ensued that the lot meets the requirements and the spirit of the ordinance.

P. Sanfacon opened up the hearing for public input.

Miriam York, abutter, said the area has a very high water table and she has to run a sump pump all year round. She is very concerned about the drainage impacts to her property with the development of this lot. She has concerns about the location of potential septic system and how drainage will affect that.

S. Smith said the house could be designed to minimize drainage but that is not in his control. S. Smith said he would put a note on the plan that the drainage design has to take into consideration the proximity to the abutter's property and not drain toward it.

With no other input from the public, P. Sanfacon closed the public hearing.

BUSINESS

Donald Ames C/O Ames Farm Inn

Motion made by J. Gagnon, seconded by J. Morgenstern, to table the deliberation session on the application until the May 5, 2008 meeting. Motion carried with all in favor.

Patricia Griffin

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

1. Installation of an appropriate fence for safety reasons.
2. Applicant shall obtain written approval from the Mountain View Housing Cooperative for the use.

3. Obtain any other federal, state, or local approvals that may be required.

Motion carried with all in favor.

Winnstock Condominium Association

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

1. Subject to any other federal, state, or local approvals, that may be required.
2. Applicant shall place the waterline across Scenic Drive in a manner acceptable to the DPW Director.

Motion carried with all in favor.

Thomas Francoeur

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

1. The tent shall be erected for no more than 10 consecutive days at a time.
2. The tent shall be erected for no more than six (6) such times in any calendar year.
3. The temporary sign must be removed when the tent comes down.
4. A note shall be added to the plan listing these conditions as well as the site is located in the Aquifer Protection District.

Motion carried with all in favor.

Waldo Peppers c/o Bruce Foster

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

1. Obtain any other federal, state, or local approvals that may be required.
2. The Board determined the plane is not a sign and is permissible.
3. The plane shall be restored and maintained in a good condition while on display.

Motion carried with all in favor.

Gilford Village Knolls II Limited Partnership

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

1. Subject to any other federal, state, or local approvals that may be required.
2. Plan to reflect an 8' x 14' size pad.

Motion carried with all in favor.

Beetle Enterprises, LLC c/o Alan Beetle

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

1. Obtain any other federal, state, or local approval that may be required.

Motion carried with all in favor.

McGinley Development c/o Opechee Construction

Motion made by R. Waitt, seconded by J. Morgenstern, to the grant waivers for Sections IX.B.11 and IX.B.9.a. of the Planning Board's Subdivision and Site Plan Review Regulations, to allow flatter roof pitches as shown on the submitted plans, and to allow eleven (11) nine- (9) foot wide parking spaces as proposed. Motion carried with all in favor.

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

1. The site plan shall be revised to show a second means of site egress as agreed to with the fire chief.
2. Show on the site plan the non-conforming sign they are making use of and the other sign is to be removed.
3. An easement shall be provided for shared parking and access prior to signature on the final plan.
4. Subject to any other federal, state, or local approvals that may be required.

Motion carried with all in favor.

Dianne Scannel

Motion made by J. Morgenstern, seconded by J. Gagnon, to approve the application and determined that proposed Lot 2 meets the requirements of Section 5.1.2(d) regarding lots with reduced frontage.

The Board voted to approve the application with the following conditions:

1. Obtain any other federal, state, or local approvals that may be required.
2. Add a note to the plan stating, "Any building located on either lots shall take drainage into consideration and water flow shall be redirected to the wetlands away from abutting lots".

Motion carried with all in favor.

Minutes

Motion made by C. Scattergood, seconded by J. Gagnon, to table the approval the minutes of

April 7, 2008 until the May 5, 2008. Motion carried with all in favor.

Other Business

Adjournment

Motion made by R. Waitt, seconded by R. Vaillancourt to adjourn the meeting at 10:30 p.m.
Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Administrative Assistant