

GILFORD PLANNING BOARD
JUNE 16, 2008
CONFERENCE ROOM A
7:00 P.M.

The Gilford Planning Board met in regular session on Monday, June 16, 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 Vaillancourt, and John Morgenstern Alternate David Arnst.

Member(s) absent: Richard Waitt.

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 and staff, and read the rules of procedure for the meeting. She appointed D. Arnst to sit as a regular voting member due the absence of Regular member Richard Waitt.

P. Sanfacon introduced the first case.

1. **Peter Ellis**

Applicant is proposing to operate a Home Occupation to allow retail sale of wine from a store within a residential garage/barn on Tax Map & Lot #202-029.000. The property is located at 27 David Lewis Road in the Single Family Residential Zone. Home Occupation Site Plan Review. File #2008002881.

J. Ayer said the application was complete. Motion made by R. Vaillancourt, seconded by J. Gagnon, to accept the application as complete. Motion carried with all in favor.

P. Ellis gave a brief presentation to the Board. He explained it has taken them seven years to establish a vineyard and now they are looking to operate a small winery that would be open Saturdays and Sundays throughout the summer. He said he would not have any social functions on site because it is too small. He said they have received most of the permits required by state and federal officials and have had inspections completed by the NH Liquor Commission. He said the building is two-story 30' x 30' barn with the first floor below grade that provides a controlled temperature, which will provide storage and processing room for the wine. The tasting room is on the second floor with a restroom and a kitchen area with a dishwasher. He said there would not be any employees only family members.

C. Grant asked about the Site Study issue regarding the ADA requirements for the restroom. J. Ayer said it is primarily a residential property, not a commercial property. P. Ellis said he would have to comply if a complaint was filed. J. Gagnon said handicap porta potties exist and can be installed on site.

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

P. Sanfacon introduced the next case.

2. **Jerry Freeman II**

Applicant is proposing to operate a Home Occupation to allow a transportation business on residential property on Tax Map & Lot#215-001.000 located at 261 Weirs Rd. in the Single Family Residential Zone. Home Occupation Site Plan Review. File #2008002882.

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

J. Freeman II, gave a brief presentation to the Board. He explained the location of the site and how he would operate the business. He bought a truck and he would like to buy a flatbed trailer in the future to begin his business. He explained how he has complied with the ZBA conditions of approval that required installing additional landscaping to provide screening for the truck and trailer. He said he is proposing to use the existing right-of-way to enter and exit with the truck and trailer instead of using Route 11B. He said no loading or unloading of goods or servicing of the truck will take place on site. The proposal is strictly to store the truck and trailer on site as a home occupation.

J. Gagnon asked about the right-of-way and if it is in use. J. Freeman said yes there are 2 houses behind him that use the right-of-way.

J. Ayer spoke about a conversation he had with Brenda Stowe, abutter, who claims she owns the right-of-way and is not in favor of this proposal.

J. Freeman said he spoke to Ms. Stowe on site and he said she explained she was planning on subdividing her property and is not in favor of the proposal. He said if that is the case, he could operate his business without purchasing a trailer, but would like to have the option of buying a trailer in the future if his business is successful.

Discussion ensued about the exiting driveway to the right-of-way and if J. Freeman has been using it as a driveway. He said through the deed research four properties, including his, were given access through the right-of-way.

J. Morgenstern asked if the Board has to make a decision on the use of the right-of-way and whether J. Freeman has the right to use it for his business.

C. Scattergood said they are not being asked to approve the kinds of vehicles on the property they are being asked to approve the use of the property and if J. Freeman subsequently finds out he cannot use the right-of-way that is not an issue for the Board. She said it is J. Freeman's responsibility to verify the use of the right-of-way and he will be limited on site to what he is approved for by the ZBA and the Planning Board. J. Morgenstern agreed and said it is up to J. Freeman, not the Planning Boards, to find out if he has legal access to the right-of-way.

Discussion ensued about noise impacts from the truck. J. Freeman said there is a “No Idle” law in NH so he would not leave the truck running overnight and said he would only warm up the truck for 15-20 minutes.

J. Ayer read Section 17 2.a. of the Ordinance Relating to Noise Control for the Board.

C. Scattergood spoke about one of the ZBA’s conditions of approval limiting the length of the trailer and asked if that was the longest J. Freeman could accommodate on site. J. Freeman said yes.

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

P. Sanfacon introduced the next case. J. Gagnon and C. Grant recused themselves from participation and discussion on the following application.

3. **Tackle Box Storage**

Applicant is proposing to construct a 7,700 square foot warehouse/storage facility on Tax Map & Lot #214-010.000 located at 22 Waterford Place in the Industrial Zone. Site Plan Review. File #2008002883.

J. Ayer said he thinks the Board could accept the application as complete.

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

S. Smith, representing the application, gave a brief presentation to the Board. He explained the Prime Wetlands location in relation to the proposed storage facility and said there is about 34,128 SF of buildable area on the site. He said there would be no employees at the facility. He said because they are adjacent to the Prime Wetlands, they have to apply to the NHDES for a permit. He explained the roof drains and parking area and how they will be designed to recharge the groundwater. He is requesting approval from this Board conditioned on receiving an approval from the NHDES.

C. Scattergood asked about the drainage swales and if the design would control runoff so there is no increase in runoff between pre and post construction. S. Smith said they are not draining onto any other properties so that does not apply to this site. She asked about security in the area and S. Smith said he has not had any issues and pointed out that there will be a gate to the proposed storage area that will have a lock box for emergency access.

R. Vaillancourt asked what would be stored there. S. Smith said materials and equipment for Steve Grant’s kitchen cabinet business.

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

P. Sanfacon introduced the next case.

4. **Michael McGinley**

Applicant is proposing to amend a site plan in order to relocate a building, create seven (7) new parking spaces and remove three (3) spaces on Tax Map & Lot #210-010.002 located at 22 Sawmill Rd. in the Professional Commercial Zone and Aquifer Protection District. Amended Site Plan Review. File #2008002884.

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

P. Fluet, representing the application, gave a brief presentation to the Board. He explained the recent ZBA approval for a variance to locate the building 10' into the required 50' front setback. He showed the Board the new layout for parking and explained Phase 1 and Phase 2. He said Phase 2 is labeled as conceptual as it has not been approved yet. He reviewed the changes made to the plan as suggested by J. Ayer.

P. Sanfacon asked about the "one-way" traffic pattern discussed at the Site Study meeting. P. Fluet said it was on the plan from the original approval. Discussion ensued that the Phase 1 approval included the "one-way" traffic pattern.

J. Gagnon asked how the site would accommodate a tractor-trailer during Phase 1. P. Fluet suggested they could use the second entrance and J. Gagnon suggested reducing the size of the landscaping radius for a truck at the second entrance.

Discussion ensued about the one-way traffic pattern and P. Fluet asked if it could be changed to two-way of this application. P. Sanfacon said they are not in front of the Board to ask for that to be changed at this time. J. Ayer said during Phase 1 the traffic is to be shown as "one-way".

Discussion ensued about the site being compliant with the ADA requirements. P. Fluet said he has added a Permanent Detectable Warning Mat in the front of the building going from the sidewalk to Sawmill Rd. He was not certain if they are required on other access points around the building.

Discussion ensued about having the building staked by a surveyor because of the new location of the building from the variance being granted and the building was moved closer to the side setbacks and having the Code Enforcement Officer verify the building location.

J. Ayer said once the building is staked, normally the surveyor would provide a paper copy certifying the location of the building.

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

BUSINESS

Peter Ellis

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

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

Motion carried with all in favor.

Jerry Freeman II

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

1. All of the conditions of approval for the special exception being met
2. Any other federal, state or local approvals that may be required.

Discussion on the motion.

J. Morgenstern added, "There shall be no loading or unloading or major repair work to the truck and equipment on site."

C. Grant and R. Vaillancourt agreed to the amended motion to approve the application with the following condition(s):

1. All of the conditions of approval for the special exception being met.
2. Any other federal, state or local approvals that may be required.
3. There shall be no loading or unloading or major repair work to the truck and equipment on site.

Motion carried with all in favor.

Tackle Box Storage

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

1. Exterior lighting shall be down-cast lighting.
2. All concerns of the Conservation Commission shall be addressed to the satisfaction of the Conservation Commission.
3. This approval is subject to any other federal, state or local approvals that may be required. Particularly approval by the NHDES.

Discussion on the motion.

Discussion ensued regarding whether to approve the application because a complete application has not been submitted to the NHDES or the Conservation Commission for review and comment. The Board has reservations about not having comments from the Conservation Commission before approving the application. R. Vaillancourt thinks the NHDES approvals are sufficient. J. Morgenstern said a NHDES approval would address the Conservation

Commission's concerns.

Motion to approve was amended by C. Scattergood, seconded by R. Vaillancourt, as follows:

1. Exterior lighting shall be down-cast lighting.
2. This approval is subject to any other federal, state or local approvals that may be required; specifically including approval by the NHDES.

Motion carried with all in favor.

Michael McGinley

The Board discussed the one-way traffic pattern for Phase 1. J. Morgenstern does not want to overturn any Fire Department requirements. D. Arnst said the traffic pattern could be changed during Phase 2.

Motion made by J. Morgenstern, seconded by R. Vaillancourt, to approve the amended site plan subject to any state, local and federal permit.

Discussion on the motion. The Board reviewed J. Ayer's recommended conditions of approval and decided to include them as the final conditions of approval.

Amended motion.

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

1. Phase II is not approved and a note stating this shall be provided on the plan.
2. Traffic shall be one-way until Phase II is developed. The one-way traffic pattern shall be clearly shown on all sheets of the plan showing the proposed parking lot and driveway areas.
3. The propane tanks shall be placed in a safe location and manner, which are acceptable to the Fire Chief.
4. Parking to be shared with the adjacent hotel use on Tax Map and Lot # 210-010.001 and the related easement area shall be shown on the plan. Also, a note providing the easement document's recording information shall be provided on the plan.
5. The building location shall be staked by a surveyor prior to commencing construction to allow the Code Enforcement Officer to confirm compliance with the minimum side setback and the varied front setback. Also, an as-built plan shall be prepared by a surveyor and submitted to the Planning Board for review and approval prior to issuance of a certificate of occupancy.
6. Subject to any other federal, state or local approvals that may be required.

7. Subject to the Board of Selectmen granting permission to locate the sidewalks in the road right-of-way.

Motion carried with all in favor.

Minutes

Motion made by J. Morgenstern, seconded by C. Grant, to approve the minutes of June 2, 2008 as presented. Motion carried with all in favor.

Other Business

- a. Peter Ellis Voluntary Lot Merger Request- P. Sanfacon explained the request to the Board.

Motion made by R. Vaillancourt, seconded by J. Gagnon, to authorize Chairman Sanfacon to sign the Ellis Lot Merger request. Motion carried with all in favor.

- b. Sale of the Library property- P. Sanfacon recused herself from the discussion. C. Grant explained the plan is to sell land owned by the Town of Gilford for \$150,000.00 to Gilford Village Knolls for future senior housing project. She explained according the Planning Board and the Conservation Commission are to provide comments on the sale of any land owned by the Town of Gilford.

The Board pointed out there is a need for the proposed type of senior housing is included in the Town of Gilford's Master Plan. The Board recognized that Gilford Village Knolls has to apply for and receive federal funds in order to buy the property. If they do not receive the federal funds, the town would have to sell the land to someone else or find another use for it.

C. Scattergood is concerned this decision is only being made by the Board of Selectmen without people knowing about it. C. Grant explained two public hearings were held and the responses were favorable from residents but she admitted there were a few people whom spoke out in opposition. C. Scattergood is concerned the process did not include an open bidding process.

J. Gagnon said the price (\$150,000) is fair in this real estate market and the Town of Gilford would benefit from the sale at this price.

Motion made by J. Morgenstern, seconded by J. Gagnon, to recommend the use of the land by Gilford Village Knolls as planned is appropriate.

Discussion on the motion.

C. Scattergood asked if C. Grant should be voting on this and C. Grant said she would recuse herself from voting. Motion carried with C. Grant recusing herself.

- b. Samoset As-built- J. Ayer explained Samoset has an urgent need for more building

permits for more decks. He reminded the Board that for every five (5) decks built, Samoset is required to submit an as-built plan for the Planning Board to review and approve. He said in the past the Board has allowed staff to review and approve the as-built plans and he wanted to confirm the Board would allow him to continue that practice and the Board agreed to allow J. Ayer to review and approve the Samoset as-builts. Tom Makmon, resident and president of Samoset Association, explained they would be submitting two sets of as-built plans twice a year to catch up with the deck construction. The Board thanked him.

- c. Kim Cedarstrom Property- Flea Market Site, Lily Pond Rd.- J. Ayer explained a vending area was approved in 2006 for food vendors in the back of the property but nothing was approved to be located in the parking lot area in the front. He said the site plan amendment allowed them to have food vendors in the back outside on Fridays, Saturdays and Sundays only. J. Ayer told the property owner he would ask the Board if the property owner could relocate the tent to the back of the property to the approved vendor areas and allow a non-food vendor to vend there for Bike Week only. J. Ayer said he explained to the property owner he can only utilize the site for what it was approved for; which is food vendors located in the back and allowed on Fridays, Saturdays and Sundays only and if they wanted to have other vending locations and types on site they would have to apply for another site plan amendment. The Board agreed to allow the property owner to locate a non-food vendor to the back of the property.

Adjournment

Motion made by J. Morgenstern, seconded by R. Vaillancourt, to adjourn the meeting at 9:20 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Administrative Assistant