

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

The Gilford Planning Board met in regular session on Monday, July 7, 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 Vaillancourt, and Richard Waitt Alternate David Arnst.

Member(s) absent: Vice-Chair Carolyn Scattergood, John Morgenstern and.

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.

P. Sanfacon introduced the first case.

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

Tabled from the June 2, 2008 meeting.

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

P. Sanfacon spoke about the number of times this application has been tabled over the past several months. She read a letter submitted by Jonathan Ring, agent representing the applicant requesting to be tabled until August 4, 2008.

Motion made by C. Scattergood, seconded by R. Waitt, to table the application until a future date uncertain and have the applicant notify the Planning Board when they are fully prepared to appear before the Board. Applicant must provide funds to re-notice the application for consideration at another public hearing. Motion carried with all in favor.

P. Sanfacon introduced the next case.

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 June 2, 2008 meeting.

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

Attorney R. Dyer, representing the applicant, gave a brief review of the application. He said they are seeking the approval of the as-built plan that shows the uses on site and for the relocation of parking on the site. He discussed that the proposed use as a marina has been withdrawn and there will be no additional slips added to the waterfront. He said they are only going to have the existing eleven (11) slips on sight. He reviewed the historic uses that have been on site including: boat launching, island residents using the docking to access their properties and a boat wash area. He said although zoning had changed, the uses have been in existence and therefore are allowed under the grandfathering status because the uses have evolved naturally on the site.

SS reviewed the progress with the NHDES. He spoke about uses evolving on site and that NHDES would rather not have the Ames Farm park cars on the wet meadow area, but they requested that parking not take place there when the area is wet. He highlighted a specific area located on the south side of the lot behind cabins 1-6, that was reviewed with the NHDES because of wetlands violations there and other issues on site relating to work done on site without permits from the NHDES. He said they are applying for after the fact permits and a restoration plan for the site. He said that has been submitted to the NHDES. He spoke about one of the stonewalls on site and that wall will be removed and they will restore that area. He spoke about the leach field across the street and said the Town of Gilford issued the permit for the septic system but the NHDES did not issue an approval. They are working with the state and the original designer of the septic system to bring it in compliance with the design and construction. He spoke about the NHDOT repairing culverts in the area and they have agreed to help the Ames family when they replace a culvert they will allow Ames to install a different sleeve for the septic system to run under the road.

C. Scattergood asked about the removal of the stonewall and how would they prevent erosion after the wall has been removed. SS said that will depend on the design and they may submit another application to the NHDES to install a wall to assist with the erosion control.

Discussion ensued about the location of boat storage on the plan. S. Smith said there would be winter boat storage in the area that has the parking spaces that are forty (40') feet long. He said that storage area is for winter storage and boats would not be stored there in the summer months

R. Dyer spoke about the boat launching facility and said the staff report discussed that use of the launch may not have been a public boat launch facility before 1984. He said the boat launch has been in use for the public and mentioned one customer that remembers paying to launch a boat since 1973. He said it is important to keep this boat launch open to the public in order to provide public access to Lake Winnepesaukee. He submitted "conditions of approval" that he wrote for the Board to consider. He reviewed the statement they submitted as part of the record dated May 15, 2008. He said they are requesting the site plan be approved as it represents the existing uses on site and would serve as a benchmark of the uses on site.

J. Gagnon asked about proposed condition #4. He said that does not seem to comply with the noise ordinance that states the specific times of day when loud noises are allowed. R. Dyer said they would comply with the Town ordinance.

Discussion ensued about fishing derbies and P. Sanfacon asked about public fishing derbies versus private fishing derbies. R. Dyer said there would be no public fishing derbies on site and if they want a public fishing derby they would have to apply to the Selectmen. He said they are trying to address the concerns of the abutters and not allow public fishing derbies.

P. Sanfacon opened up the hearing for public input.

Fred Nash-resident of Gilford and has a boat slip at Ames and believes Ames Farm should be allowed to keep the public boat launch in order to maintain public access.

Mary Ellen Schafer- Ames family member, remembers the boat ramp being in existence since the 1950's.

Steve Parsons, owner of a unit at Diamond View Association, the largest abutter to Ames Farm, spoke about letters written by abutters and wants to know why they have not been read into the record. R. Dyer read a letter into the record referring to launching boats at Ames Farm since 1973.

Peter Ames, Ames Family member, spoke about the boat launch has been in existence since the 1950's.

Representative from Rattlesnake Islands Association- spoke about keeping the boat launch open to the public as an important feature for safety reasons and to maintain public access.

Paul Bordeau, attorney representing abutters: Patricia Nix Ford, Maureen Nix, and Susan Bright-Belanger, discussed the non-conforming use regulations in the Town of Gilford and how it relates that when uses are discontinued they no longer can be considered non-conforming. He referred to letters written by Mr. Ames that stated the site is not a marina it is a motel. He said any uses and activities shown on the site plan dated 1988 cannot be considered as grandfathered uses because the approval of the 1988 plan was based on conditions that were never met by Mr. Ames therefore, the uses on site are not non-conforming.

He spoke about the noise ordinance time frame and suggested that no boats be launched before 8:00 a.m. and that there is a headway speed limit within 500' from the shore and some type of signage for the headway speed limit for courtesy to the abutters.

R. Waitt asked about limiting the boat launch to the island residents and P. Bordeau admitted that the island residents should maintain the ability to use the boat ramp for access. He does not believe the public launching for a fee should continue without receiving a variance.

J. Ayer commented on his staff report and said he did not make a determination on the status of the property. He was providing guidance to the Board.

S. Smith said the Ames Family came to him to ask for his help with their site plan. He said it was his determination and interpretation that the uses are commercial and non-conforming.

Joseph Shank, abutter, spoke about problems on the site but thinks that people should be able to do what they want on their own property, as long as they have the proper approvals. He wants to have this application be finished.

Jeff Banan, lives on Checkerberry Lane, said he bought a boat from Ames Farm and has launched his boat from the site and said the launch has been in existence for years. He has concerns the noise restriction will be hard to enforce.

R. Dyer said there has not been any evidence submitted that any uses on site had been discontinued and they still consider the uses non-conforming.

P. Sanfacon closed the public hearing.

BUSINESS

donald ames c/o ames farm inn

The Board determined the following uses have been legitimately conducted on the subject property prior to the present land use regulations of the town and are therefore grandfathered:

1. The operation of an Inn and hotel/motel with access to Lake Winnepesaukee with attendant recreational and ancillary facilities for guests, their family and friends.
2. Public recreational boat and watercraft launch and short-term parking facilities (boats, trailers and cars).
3. Outdoor seasonal short-and long-term parking of boats and watercraft for residents of Lake Winnepesaukee islands, patrons of the Inn, their guests and families, year-round outdoor boat storage in specific areas, plus use of boat slips by and rental of slips to Island residents.

Motion made by J. Morgenstern, seconded by R. Vaillancourt, to approve the above-referenced application with the following conditions:

1. A total of eleven (11) seasonal docks, one (1) concrete wood pier and two (2) launch ramps are approved. Any additional docks shall require approval from the State of New Hampshire and the Gilford Planning Board.
2. There shall be no public events held on or emanating from the property except for events specifically approved by the town. Specifically, there shall be no Fishing Derbies or fishing events emanating from the property except for events specifically approved by the town. Watercraft will not make excessive noise while leaving the area.
3. Boat parking and storage shall be limited to the designated areas as depicted on the site plan and shall be available only to Ames Farm Inn Patrons, guests, renters, employees, users of the public boat ramp and island residents.
4. Measures will be taken to assure that the boat wash area mandated by the state and shown on the plan will not drain into Lake Winnepesaukee.
5. Appropriate signs are to be placed on the property near the property lines and facing into

the property (away from abutters) that instruct the Ames Farm Inn patrons, guests, renters and employees to stay off the abutters' property and confine their activities to Ames Farm Inn property. Ames Farm Inn shall also use other appropriate means (such as hand-outs) to get this information to patrons, guests, renters and employees. Location of the signs shall be shown on the plan.

6. The well location and radius shall be shown on the plan.
7. The term "Boat Service Area" shall not appear on the plan. The State mandated boat wash area shall be designated "boat wash area".
8. The owners of the Inn shall take care not to unduly disturb their abutters and neighbors and shall take steps to make their patrons, guests, renters and employees aware of this policy.
9. Applicant shall obtain all necessary local, state, and federal permits which may be required including:
 - a. State of NHDES approval for wetlands filling that has been done.
 - b. State of NHDES approval for wetlands mitigation.
 - c. State of NHDES approval for the septic system.
 - d. State of NHDES well approval or confirmation that the current system is adequate.
10. All watercraft launched or emanating from Ames Farm shall maintain headway speed for a minimum of 150' from the shoreline or such distance as mandated by the State of New Hampshire.

Discussion on the motion.

J. Gagnon spoke about the NHDOT agreement that should be added as a condition of approval. J. Morgenstern and R. Vaillancourt agreed to add it to the motion. P. Sanfacon wants one of the conditions of approval to state there is a 150' distance from the shoreline limit for the headway speed. The Board discussed adding this condition to the motion. J. Morgenstern and R. Vaillancourt agreed to amend the motion. The amended motion is as follows:

1. A total of eleven (11) seasonal docks, one (1) concrete wood pier and two (2) launch ramps are approved. Any additional docks shall require approval from the State of New Hampshire and the Gilford Planning Board.
2. There shall be no public events held on or emanating from the property except for events specifically approved by the town. Specifically, there shall be no Fishing Derbies or fishing events emanating from the property except for events specifically approved by the town. Watercraft will not make excessive noise while leaving the area.
3. Boat parking and storage shall be limited to the designated areas as depicted on the site plan and shall be available only to Ames Farm Inn Patrons, guests, renters, employees, users of the public boat ramp and island residents.
4. Measures will be taken to assure that the boat service area mandated by the state and shown on the plan will not drain into Lake Winnepesaukee.
5. Appropriate signs are to be placed on the property near the property lines and facing into the property (away from abutters) that instruct the Ames Farm Inn patrons, guests, renters and employees to stay off the abutters' property and confine their activities to Ames Farm Inn property. Ames Farm Inn shall also use other appropriate means (such as hand-outs) to get this information to patrons, guests, renters and employees. Location of the signs shall be shown on the plan.

6. The well location and radius shall be shown on the plan.
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 - a. State of NHDES approval for wetlands filling that has been done.
 - b. State of NHDES approval for wetlands mitigation.
 - c. State of NHDES approval for the septic system.
 - d. State of NHDOT agreement.
 - e. State of NHDES well approval or confirmation that the current system is adequate.
10. All watercraft launched or emanating from Ames Farm shall maintain headway speed for a minimum of 150' from the shoreline or such distance as mandated by the State of New Hampshire.

The Board discussed limiting the hours for launching. They determined they are not in favor of limiting the hours of operation for the boat launch.

P. Sanfacon requested the members be polled as to their vote.

S. Verdile Philibotte polled the members

R. Vaillancourt-Yes

R. Waitt-Yes, with the changes discussed by the Board

P. Sanfacon-Yes

C. Scattergood-Yes

J. Gagnon- Yes

J. Morgenstern-Yes

Motion carried with all in favor.

Minutes

Motion made by J. Gagnon, seconded by C. Scattergood, to table the minutes of June 16, 2008 until July 21, 2008. Motion carried with all in favor.

Other Business

- a. Barbara Aichenger- J. Ayer discussed her pending request to discuss the Lot Merger Ordinance with the Board. They determined she should write a letter to the Planning Board.
- b. Sign Ordinance- J. Ayer discussed the need to work on amending the sign ordinance for 2009. He spoke about the off premise sign section to be addressed. The Board discussed off premise real estate signs and how to regulate them.
- c. Natural Resource Inventory- J. Ayer said that the Conservation Commission has recruited

Nancy Rendall to complete an inventory of the Town and is requesting input from the Planning Board.

d. Johan Ayer agreed to write a letter to the editor of the Gilford Steamer providing clarification of the action taken by the Board with regard to the proposed sale of land to Gilford Village Knolls.

Adjournment

Motion made by R. Vaillancourt, seconded by J. Gagnon, to adjourn the meeting at 9:25 p.m.
Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Administrative Assistant