

**MINUTES
GILFORD PLANNING BOARD
AUGUST 18, 2008
CONFERENCE ROOM A
7:00 P.M.**

The Gilford Planning Board met in regular session on Monday, August 18, 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.

Member(s) absent: Vice-Chair Carolyn Scattergood, 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 and staff and read the rules of procedure for the meeting.

P. Sanfacon introduced the first case.

Tammy Dunn/Moyers & Hughes Investment Properties, LLC

Applicant is proposing a Boundary Line Adjustment to transfer 12,399 square feet of land from Tax Map & Lot #207-002.000 to Tax Map & Lot #207-002.001. The properties are located at 140 and 150 Young Rd. in the Limited Residential Zone. Boundary Line Adjustment Plan Review. File #2008003060.

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

Bryan Bailey, representing the application, gave a brief presentation. He explained the proposal is to exchange a small piece of land between two properties with existing houses. He explained the location of the properties and how the Boundary Line Adjustment would work. He said there would be an increase in the frontage of the Dunn property along Young Rd. and a reduction of the Moyers' property along Young Rd. He said the abutting property owned by Mr. Wood, has a deeded right-of-way through the Dunn and Moyers property to Young Rd. He said this proposal would eliminate the right-of-way crossing both properties and only cross the Dunn property. He said he showed a 50' easement on the Moyers-Hughes property that was an error and he has removed the easement on the first Boundary Line Adjustment plan set. He revised the plans to reflect the changes identified by J. Ayer with his Site Study Review.

Discussion ensued about the location of proposed Boundary Line. P. Sanfacon asked about the Wood property right-of-way and if it is has descriptions. B. Bailey said it is not described specifically in the deed but it does exist.

P. Sanfacon opened up the hearing for public input. She referred to a letter submitted by Betsy Simons voicing concerns over the proposed plan.

Doris Wood, who lives at 114 Young Rd. requested to speak. She said she sees Ms. Simons as a prejudiced woman who is trying to protect what is not her own within her neighborhood.

J. Ayer said he spoke to Ms. Simons and he said the letter seems to be directed more toward the future subdivision plan.

Cal Dunn, asked if only abutters are allowed to speak and the Board said no, anyone is allowed to speak, but only the abutters are notified in writing.

P. Sanfacon closed the public hearing.

P. Sanfacon introduced the next case.

John & Gina Dineen

Applicant proposes a five (5) foot tall opaque fence within the front setback which requires Planning Board approval pursuant to Section 6.4 of the Gilford Zoning Ordinance, on Tax Map & Lot#218-018.022 located at 318 Edgewater Drive in the Single Family Residential Zone. Fence Plan Review. File #2008003061.

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

David Dolan, representing the applicant, gave a brief presentation. He explained the location of the property and that the proposed wall is located along the road right-of-way. He explained the dimensions of the wall are five (5) feet high and the wall is opaque. He explained the sight distances are approximately four hundred (400) feet in one direction and about three hundred-fifty (350) feet in the other.

J. Gagnon asked about the distance of the wall to the edge of the road. D. Dolan said the wall would be ten (10) feet from the edge of the driving surface of the road which will provide enough distance for a driver to be able to see beyond the wall into the road.

C. Grant is concerned about Sheldon Morgan and Dustin Muzzey not being present at the Site Study meeting to provide input on this application. She is concerned about the snow removal and plowing conditions with the wall.

J. Ayer agreed with C. Grant with her concerns over snow removal, runoff issues and not having DPW commenting on the snow removal, but noted that Mr. Morgan was aware of the wall and had expressed no concerns regarding it. The Board discussed the wall being located behind the existing telephone pole and D. Dolan said it would be located four (4) feet behind the telephone pole.

J. Ayer said there was a favorable response from one of the abutters, who had come into the

office.

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

P. Sanfacon introduced the next case.

Charles R. Barnett

Applicant is proposing to construct a 2,000 square foot garage/storage addition to an existing facility and reorganize parking on Tax Map & Lot #223-538.000 located at 1963 Lakeshore Rd. in the Resort Commercial Zone. Amended Site Plan Review. File #2008003062.

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

William Stack, representing the application, gave a brief presentation to the Board. He reviewed some issues that were discussed at the Site Study meeting. He explained that tools, vehicles and maybe construction materials and supplies would be stored in the proposed addition. He spoke about the fire separation between the residential unit and the storage building. He said they have spoken to the Fire Department and any fire code issues will be addressed through the construction process. He said they will not have a floor drain in the addition and the parking spaces will be relocated to conform to the zoning setbacks.

The Board asked how long the apartment has existed and Charles Barnett said it has been there a few years. He said he received a building permit and all the inspections were completed.

J. Gagnon spoke about the property being located in the Aquifer Protection District and the land use restrictions related to the protection of the aquifer. J. Ayer reviewed some of the items that are not allowed to be stored within the Aquifer Protection District.

C. Barnett said that the building would be used for storage of vehicles, especially in the winter and for supplies related to his construction business. He said he would not be repairing any vehicles on site.

J. Ayer asked if he had heard correctly that there is an apartment in the dwelling. Mr. Stack said yes.

Discussion ensued about the approval of a building permit for the apartment. J. Ayer reviewed the file and explained the apartment was never approved. The original site plan shows only a single-family dwelling, garage, and an office area with a bathroom and a luncheonette, not an apartment. He explained there is not enough lot area to support a two family dwelling.

J. Ayer asked if there would be downcast lighting and W. Stack said yes. J. Ayer spoke about filing paperwork with the FAA about the application. They discussed siltation devices will be installed before and during construction.

P. Sanfacon said ten (10) parking spaces are required since the applicant has to eliminate the apartment. W. Stack said yes they could relocate the parking to conform to the setbacks and parking requirements. W. Stack submitted building elevations to the Board. J. Ayer said Mr. Stack needs to identify the type of business on the plan.

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

BUSINESS

Tammy Dunn/Moyers & Hughes Investment Properties, LLC

Motion made by C. Grant, seconded by J. Gagnon, to approve the Boundary Line Adjustment.

J. Ayer said B. Bailey addressed all of his concerns with the plans through the revised plans.

Motion carried with all in favor.

John & Gina Dineen

R. Waitt asked about obtaining input from Sheldon Morgan, DPW Director, for this application since he was absent from the Site Study meeting.

C. Grant and P. Sanfacon expressed their concerns over the absence of the DPW Director, the DPW Operations Director and no representative from the Police Department at the Site Study meeting. They discussed at least one representative from those departments should attend those meetings.

Motion made by R. Vaillancourt, seconded by J. Gagnon, to approve the application without any conditions.

P. Sanfacon called for the vote and the motion passed by a vote of 3-2.

J. Ayer explained there has to be a majority vote of the Board members and the vote has to be four (4) members. P. Sanfacon read from the Planning Board By-Laws and a majority vote of members present is what is required to carry a motion.

Charles R. Barnett

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

1. Relocation of the parking spaces out of the parking setback.
2. The Planning Board being satisfied with the architecture of the proposed addition.
3. Applicant agrees to comply with fuel storage and the requirements of the

Aquifer Protection District.

4. The specific business type being noted on the plan.
5. Any other federal, state or local approvals that may be required

Motion carried with all in favor.

Minutes

Motion made by R. Waitt, seconded by J. Gagnon, to approve the minutes of June 16, 2008 as amended. Motion carried with all in favor.

Motion made by R. Waitt, seconded by R. Vaillancourt, to approve the minutes of July 7, 2008 as amended. Motion carried with C. Grant abstaining.

Motion made by R. Vaillancourt, seconded by R. Waitt, to approve the minutes of July 21, 2008 as presented. Motion carried with all in favor.

Other Business

R. Vaillancourt spoke about the guidelines that were approved by the State of NH for windmills and the Board should be aware and begin reviewing and learning more information about them. J. Ayer said he has found some model ordinances from other states that he will review.

a. John Scannell request-J. Ayer explained J. Scannell owns a campground on Old Lakeshore Rd. with an existing two unit home on site and he wants to add a third unit, for which he already started construction. J. Ayer said J. Scannell was told he has to apply and receive a special exception from the ZBA to construct a Multi family unit and then apply to the Planning Board. J. Ayer read a letter submitted by J. Scannell to the Planning Board.

Motion made by C. Grant, seconded by R. Vaillancourt, to authorize J. Ayer to send a letter to John Scannell explaining he needs to go through the planning process and submit a revised set of plans in order to continue with the proposed multi family building.

Adjournment

Motion made by R. Waitt, seconded by R. Vaillancourt, to adjourn the meeting at 8:20 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Administrative Assistant