

**MINUTES  
GILFORD PLANNING BOARD  
MARCH 16, 2009  
CONFERENCE ROOM A  
7:00 P.M.**

The Gilford Planning Board met in regular session on Monday, March 16, 2009 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: Richard Vaillancourt, Jerry Gagnon, Richard Waitt, Richard Sonia and John Morgenstern.

P. Sanfacon announced that Carolyn Scattergood will now be sitting as an alternate member and Richard Sonia will be sitting as a regular member. She announced the Selectman's representative has not been chosen as of the date of this meeting.

Member(s) absent: Selectmen's Representative and Alternates: Andrew Garfinkle, Davis Arnst and Wayne Hall.

Also present were John B. Ayer, Director of Planning and Land Use, and Stephanie Verdile Philibotte, Administrative Assistant.

P. Sanfacon led the Pledge of Allegiance, introduced Board members and staff and read the rules of procedure.

P. Sanfacon introduced the first application.

**LRGH Healthcare**

Applicant is proposing to re-stripe parking to create more handicap parking spaces and add a dumpster for recycling materials on Tax Map & Lot#211-002.003 located at 14 Maple St. in the Professional Commercial Zone and Aquifer Protection District. Amended Site Plan Review. File #2009003343.

Steve Smith, representing the application, gave a brief explanation to the Board for the request to table the application. He said at the Site Study meeting there was a mistake on the plan regarding the notification of abutters. He said one of the abutting lots was sold and the ownership had changed. He said he has spoken to the new property owner and he will request the application to be tabled in order for the new owner to be informed of the project. He said he would like the application to be accepted as complete so they can table the application and just re-notice the one abutter.

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

Motion made by R. Vaillancourt, seconded by R. Waitt, to table the application until the April 6,

2009 meeting. Motion carried with all in favor.

P. Sanfacon introduced the next application.

**WJK Realty/Joshua Appleton**

Applicants are proposing to convert an existing Car Repair Facility to an Auto Sales and Light Auto Repair Facility on Tax Map & Lot #213-002.000, located at 1467 Lakeshore Rd. in the Commercial Zone and the Aquifer Protection District. Change of Use Plan Review. File #2009003344.

J. Ayer said the application is complete to be accepted.

Motion made by R. Waitt, seconded by J. Gagnon, 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 use would be for auto sales and light auto repair. He explained there was a mistake on the plan with the front setback as it should be 35' and because of that the vehicle display area will be smaller than originally presented. He said there are 8 parking spaces in the front for customer parking and that area meets all the required setback of 15'. He said they are proposing the canopy be removed and the cement islands. He said there were an agreement between the Morin family (abutting property owner) and Gilford Getty to park cars on the Morin family's property but they propose not to utilize that area for parking vehicles. He said they plan to not use any outdoor areas for storage of materials in order to meet the regulations of the Aquifer Protection Overlay District. He said they have spoken to representatives from PSNH regarding the power line easement area and PSNH does not have any issues with the proposed use and they are waiting for a use agreement from PSNH.

R. Waitt said is concerned about the condition of the property with the same owner and allowing this application to move forward. S. Smith said Joshua Appleton, the applicant, has already begun cleaning up the property. He is asking the Board to not hold the current condition of the property against this applicant.

P. Sanfacon asked what the applicant defines as light auto repair mean. J. Appleton said there would be light repair and auto inspections for the cars he sells and does not want to do extensive repairs on site.

P. Sanfacon asked about landscaping materials that will be proposed. J. Appleton said he has every intention of cleaning the site and installing landscaping to help the site look better.

J. Ayer spoke about the Morin property and he found a site plan that approved the cottages and a residential house. He said there is a mix of uses there and referred to Section 6.5, Landscaping Screening, and those requirements for commercial uses that abut residential properties.

S. Smith explained the agreement to park cars on the Morin property between the Morin family and Gilford Getty will cease once this use is approved.

J. Gagnon asked J. Ayer to speak about the unresolved sanitary problems currently on site. J. Ayer said he does not know every detail of the enforcement issues but the biggest issue is the storage of junk vehicles and he noted most of them have been removed. He also spoke about the outside storage of hazardous materials as part of the enforcement issues and noted that J. Appleton has removed those materials. J. Ayer spoke about a condition of approval being the site plan should not be allowed to move forward until the site is in compliance and the Code Enforcement Officer is satisfied with the condition of the property.

P. Sanfacon opened up the hearing for public input.

Philip Morin, executor of Phyllis Morin, abutter, said the house on his property has not been lived in for 3 years and the property has been listed as a commercial property by a local realtor. He said they have no objections to the proposed use. He spoke about the agreement to park cars on his property, that was made many years ago by his father, and that he is voiding this past agreement to store cars on that section of the property. He submitted a letter he wrote to the current property owner regarding the voidance of that agreement and requested that vegetative screening be installed along that shared property line

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

P. Sanfacon introduced the next application.

**Gregory P. Francke/AT&T Wireless**

Applicants are proposing to co-locate AT&T antennas and associated equipment at an existing Wireless Communications (cell phone) Facility on Tax Map & Lot #210-013.001 located at 429 Gilford Ave in the Natural Resource Residential Zone. Amended Site Plan Review. File # 2009003346.

J. Ayer said the application is complete to be accepted.

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

Pete DeMarco, representing the application, gave a brief presentation to the Board. He said AT&T is proposing to co-locate in the existing telecommunications tower. He said all equipment would be located within the current equipment compound. He explained the previous approval from Verizon and how it relates to this application. J. Ayer explained if this plan were approved without the Verizon approval information and equipment shown on it, Verizon would have to come back to the Planning Board. P. DeMarco said Sprint, Verizon, and AT&T are the three carriers on the existing pole.

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

P. Sanfacon introduced the next application.

**Astoria Properties**

Applicant proposes to construct a 16,031 square foot professional office building on Tax Map & Lot #204-003.009 located at 369 Hounsell Ave in the Lakes Business Park in the Industrial Zone. Site Plan Review. File #2009003345.

J. Ayer said the application is complete to be accepted.

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

Greg Kirsch, representing the application, gave a brief presentation to the Board. He explained the size and location of the proposed building within the Lakes Business Park. He said it is set up to have 8 separate units but they do have the option to be flexible with the number of units and the size of them. He showed the Board there would not be any entrances at the front of the building and therefore there will be no parking in the front of the building. He said this will allow for more landscaping in front and cars will not be so visible. He explained they received a special exception for the use and a variance for a reduction in the parking requirements with the condition that if the number of parking spaces is determined to be inadequate based on a review by the Code Enforcement Officer or the Director of Planning and Land Use in a manner similar to Section 7.2.1 and 7.2.2, Shared Parking Uses of the Gilford Zoning Ordinance, the applicant or its successor will install parking spaces to meet the required number, up to 107 spaces. He reviewed the landscape plan and showed where additional landscaping would be located because they were granted the variance to reduce the parking. He said he guarantees the required number of parking spaces will not be needed and the businesses in the building will have adequate parking.

P. Sanfacon spoke about the fact this application is for a condominium and it needs to be reviewed as a subdivision but they have not reviewed this application as a subdivision. J. Ayer said he spoke to Town Counsel today and Town Counsel said it is a subdivision. G. Kirsch said he is confident this project is not a subdivision and does not need to go through the subdivision review process.

J. Gagnon said the proposed landscaping would not work in this area due to all the snow removal and storage. He said they lost 2 parking spaces due to snow storage and the landscaping interfering with snow storage at Village West. He suggested they plant grass only in the front and to not plant trees or shrubs because they will be ruined from the snow plowing. G. Kirsch does not agree with J. Gagnon. J. Gagnon said G. Kirsch is not going to be the long-term owner of the property and it will be up to the future owners to take care of the site and is asking G. Kirsch to have his engineers revise the landscaping.

P. Sanfacon opened up the hearing for public input.

Paul Morin, asked about the 8 tenants and if it will increase the medical professionals to the area or will it be existing doctors moving to the site. G. Kirsch said he cannot predict what types of

professionals will move into the building but the condominium documents will reflect what types of professional uses are allowed and not allowed.

G. Kirsch explained the shared driveway shown on the site and that it was subdivided that way and because of the slopes on Housel Ave. He said there would be a maintenance agreement regarding the shared driveway to the abutting lot.

Steve Long, engineer, explained the drainage system. He said water will sheet flow from the parking lot will be directed into a swale, then a retention pond, into a level spreader, then to a vegetative buffer, and then water will enter the wetland area and then into Jewett Brook. He said the soils are very sandy in the area, which should mean a lot of runoff would percolate, and not run off site, and added that the pond has been designed to handle a 25-year storm event. J. Gagnon expressed strong concerns about runoff getting into Jewett Brook from the business park; often resulting in flooding in downtown Laconia, and that this site may contribute to that problem. S. Long said there is a large swale along Housel Ave as well, which contributes a significant amount of runoff into Jewett Brook, which would likely be more of a factor in flooding Jewett Brook than runoff from this site.

Discussion ensued about lighting and S. Young explained the downcast lighting is sufficient for the site.

Rod Dyer, representing Lakes Business Park, said the Board voted unanimously to approve the project and they are in favor of the design. He also noted for the record he would bring J. Gagnon's drainage and snow storage concerns back to the Lakes Business Park.

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

P. Sanfacon introduced the next application.

**Rodney Guerin, George Bousquet, Scott Bousquet, Steve Cotran**

Applicants are proposing to convert existing Medical Manufacturing space for a Flea Market, Vendor Spaces and Craft Fairs on #Tax Map & Lot 201-001.000 located at 131 Lake St. in the Commercial Zone. Change of Use Plan Review. File #2009003347

J. Ayer said the application is complete for acceptance.

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

Rodney Guerin, representing the application, gave a brief presentation to the Board. He explained it would be an upscale flea market with new material and even antiques.

P. Sanfacon asked about the application requesting craft fairs and an auction and craft fairs and auctions are very different from the flea market request. R. Guerin said they only listed those as part of showing their whole business plan and they are requesting a flea market at this time.

Discussion ensued about the visual aspects of a flea market and R. Guerin assured the Board his vendors will be clean, the sites will be clean and there would not signs or merchandise displayed outside. He said they plan to operate on the weekends and maybe a few holiday weekends.

Discussion ensued about parking and P. Sanfacon asked J. Ayer if there was a way to calculate parking for this use. J. Ayer said there is, but given the lack of tenants in the building, the availability of parking in the parking lot, and the limited days of operation of this use, parking would not be an issue.

P. Sanfacon asked about the fire and safety code issues. Rod Dyer, representing the application, said he met the fire alarm installer on site and that he said that all the fire alarms issues have been taking care of. J. Ayer said he spoke to Dana Pendergast, Gilford Fire Inspector, and all the issues have been taken care of except for final testing. R. Dyer agreed final testing has to be done and requested the Board approve the application conditioned upon the final testing being completed and approved by the Fire Department.

Discussion ensued about signage for the site and R. Guerin said he knows they are only allowed a small sign on site and no outdoor signage is allowed. J. Ayer reviewed the condition of approvals regarding signage requirements.

R. Sonia asked about the food issue and R. Guerin said they are planning on having a steamed hot dog facility with no fryers. J. Ayer said if they want more for food service they have to get the proper approvals from the NH Department of Health.

P. Sanfacon opened closed the public hearing.

## **BOARD DELIBERATIONS**

### **WJK Realty/Joshua Appleton**

Motion made by R. Vaillancourt, seconded by R. Waitt, to approve the application with the following conditions:

1. This approval shall not be effective until after the Code Enforcement Officer issues a notice that the site complies with all applicable codes including zoning regulations.
2. The applicant shall obtain any other federal, state, or local approval that may be required.

Discussion on the motion.

J. Morgenstern wants to add vegetative screening to the condition of approval. J. Ayer read the definition of screening from the ordinance. J. Morgenstern and P. Sanfacon disagree with requiring dense screening as defined in the ordinance.

Revised motion to include the following condition:

3. Install vegetative screening along the fifty-eight (58) foot long vehicle display area and the Morin Property to be a total of six (6), six (6) foot tall evergreen trees.

Motion carried with all in favor.

**Gregory P. Francke/AT&T Wireless**

J. Gagnon asked J. Ayer to follow up on the information on the assessor's card for the property and questioned why the property is listed in current use.

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

- a. The plan shall be revised to include the Verizon site plan details approved in 2008.
- b. The applicant shall obtain any other federal, state, or local approvals that may be required.

Motion carried with all in favor.

**Astoria Properties**

P. Sanfacon is concerned about the condominium situation and not having reviewed the plan as a subdivision. J. Morgenstern agrees and wants to table the application until there is an answer from Town Counsel or have the Board approve it with the condition they have to get the condominium approved.

J. Ayer brought up the situation with OPA recently. He said that condominium did not need condominium approval from the Board for a change in the condominium and that their attorney spoke with Town Counsel and Town Counsel changed his opinion on the condominium process. P. Sanfacon said that situation was different versus this one. She said the Board needs an opinion from Town Counsel before they can act.

Motion made by J. Morgenstern, seconded by J. Gagnon, to table the application until the April 6, 2009 meeting in order to get another opinion from Town Counsel.

Discussion on the motion.

Discussion ensued regarding the time frame to table the application. J. Morgenstern said they just got the condominium documents at the meeting tonight and regardless if they approve it or not, they would still have to have Town Counsel review the documents.

Motion carried with all in favor.

**Rodney Guerin, George Bousquet, Scott Bousquet, Steve Cotran**

Motion made by C. Scattergood, seconded by R. Vaillancourt, to approve the application with

the following condition(s):

- a. No signs shall be erected without a sign permit issued by the Building Inspector.
  - b. No vehicle-mounted signs shall be used to advertise this business.
  - c. No outdoor vending or outdoor display of merchandise shall be allowed.
  - d. No food vendors shall be permitted at this site unless properly licensed for vending indoors at this location.
  - e. The applicant shall obtain any other federal, state, or local approvals that may be required.
  - f. A statement from the fire inspector stating that fire codes have been completed.
- Motion carried with all in favor.

**Minutes** –Motion made by R. Sonia, seconded by J. Gagnon, to approve the minutes from March 2, 2009. Motion carried with R. Vaillancourt and C. Scattergood abstaining.

### **Election of Officers.**

P. Sanfacon spoke about elections at the annual meeting, which traditionally takes place after Town Meeting.

Motion made by R. Vaillancourt, seconded by J. Gagnon, to nominate P. Sanfacon as Chair. Motion carried with all in favor.

Motion made by J. Gagnon, seconded by R. Sonia to nominate J. Morgenstern as Vice Chair. Motion carried with all in favor.

Motion made by C. Scattergood, seconded by J. Gagnon, to nominate R. Waitt as Secretary. Motion carried with all in favor.

Discussion ensued to have R. Waitt remain the rep on the HDHC. All agreed.

Discussion ensued about a representative from the Planning Board serving on the Conservation Commission. J. Ayer said he didn't know if that was a requirements or an allowance.

**Adjournment** – Motion made by R. Sonia, seconded by R. Vaillancourt, to adjourn at 9:10 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte



Administrative Assistant