

**MINUTES
GILFORD PLANNING BOARD
MAY 18, 2009
CONFERENCE ROOM A
7:00 P.M.**

The Gilford Planning Board met in regular session on Monday, May 18, 2009 at 7:00 p.m. in Conference Room A in the Gilford Town Hall.

In attendance were: Chair Polly Sanfacon; Vice Chair John Morgenstern; Selectmen's Representative Kevin Hayes; Regular Members Richard Vaillancourt, Richard Waitt, and Richard Sonia. Alternates: Wayne Hall and Dennis Corrigan.

Member(s) absent: Jerry Gagnon, Alternates Carolyn Scattergood, Andy Garfinkle and David Arnst.

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.

Due to the absence of Regular Member Jerry Gagnon, P. Sanfacon appointed Alternate, W. Hall to sit as a regular member.

P. Sanfacon read a letter into the record from Jeff Lewis, engineer for the **McGinley Development, Inc. Boundary Line Adjustment** application and the **McGinley Development, Inc. Site Plan Review** explaining they are withdrawing the Boundary Line Adjustment plan and are planning to merge the 2 lots instead. They are also requesting the site plan application be tabled to June 1, 2009 and June 15, 2009.

McGinley Development, Inc. – Applicant proposes a Boundary Line Adjustment between Tax Map & Lot #210-010.002 and Tax Map & Lot #210-010.003 located at 28 Sawmill Road in the Professional Commercial District and the Aquifer Protection Overlay Zone. Boundary Line Adjustment Plan review. File #2009003389.

Tabled from the April 20, 2009 meeting.

McGinley Development, Inc. – Applicant proposes a Commercial Cluster development including three (3) separate buildings for medical/professional offices on Tax Map & Lot #210-010.002 located at 22 Sawmill Road in the Professional Commercial Zone and the Aquifer Protection Overlay District. Site Plan Review. File #2009003390. *Tabled from the April 20, 2009 meeting.*

Motion made by R. Waitt, seconded by R. Vaillancourt, to take the applications off the table. Motion carried with.

Discussion ensued about how to move forward with the applications. D. Corrigan asked about the 65-day time table required for review. J. Morgenstern asked why the applicant wants to table the applications to two different meetings. J. Ayer said M. McGinley wants to keep the applications moving forward through the process. J. Morgenstern said he submitted the plan for the retaining wall in the first application and now he wants to table that application. He does not understand why the applications should be separated into two meetings. He also said the Board asked the applicant for the building elevations at the first hearing. He wants to have the applications tabled to one meeting and not split the applications over two meetings.

P. Sanfacon said now he wants to merge the lots that are involved with the BLA and that can be done at the June 1, 2009 meeting. She has concerns about discussing two applications at one meeting when one application is requesting to be heard at June 15, 2009.

Motion made by J. Morgenstern, seconded by R. Sonia, to table the **McGinley Development, Inc** Boundary Line Adjustment Plan and the and the **McGinley Development, Inc** Site Plan Application to June 15, 2009 Motion carried with all in favor.

P. Sanfacon introduced the next application. D. Corrigan volunteered to recuse himself because he is a patient of one of the applicants.

Alan Awrich and Sarah Curtis – Applicants propose to transfer .20 acres from Tax Map & Lot #236-007.000 to Tax Map & Lot #236-008.000 and transfer .24 acres from Tax Map & Lot #236-008.000 to Tax Map & Lot #236-009.000 located at 490, 498, and 506 Belknap Mountain Road in the Single Family Residential and Natural Resource Residential Zones. Boundary Line Adjustment Plan Review. File #2009003477.

J. Ayer said the application is complete to accept if the waiver requests are granted.

The Board discussed the waiver requests as follows: the requirement to have a scale of 50 feet or less, to show topography and contour lines on the plan, and to show buildable area.

Motion made by R. Vaillancourt, seconded by R. Sonia, to grant the waiver requests. Motion carried with all in favor.

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

Sarah Curtis, representing the application, gave a brief presentation to the Board. She said there are a few existing buildings found to be in violation of the setbacks within three lots. They are proposing to adjust a few boundary lines in order to have all buildings comply with current setbacks.

K. Hayes asked if there is a shared driveway and S. Curtis said yes there is a shared driveway that has an easement.

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

P. Sanfacon suggested the Board act upon the application. The Board agreed.

Alan Awrich and Sarah Curtis

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

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

Motion carried with all in favor.

P. Sanfacon introduced the next case. R. Vaillancourt recused himself and P. Sanfacon appointed D. Corrigan to replace R. Vaillancourt.

Paugus Bay Plaza – Applicant is proposing a Master Signage Plan to include one freestanding sign and eight (8) wall signs and one (1) end wall sign on Tax Map and Lot #201-001.000. Location: 131 Lake Street. Commercial Zone. Master Signage Plan Review. File #2009003446.

J. Ayer said the application is complete to be accepted

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

Jon Rohke, representing the application, gave a brief presentation to the Board. He explained they have revised the application to show the existing freestanding sign and eight (8) wall signs with an electronic changeable copy sign. He said they are aware the sign can only change every five (5) minutes. They are proposing 316 square feet of sign area for the property. e he

J. Morgenstern asked about the situation with the resort condominium association owners. Rod Dyer, attorney representing the applicants, explained the Master Association will be changed and there will be two (2) representatives from the resort units and two (2) from the commercial units and independent representatives sitting on the new Association. Both sets of representatives have agreed to cooperate with the current Master Sign Plan application. He said the resort unit owners understand the need for the commercial unit owners to have adequate signage and will cooperate with the process. He said both commercial and resort unit owners also recognize and agreed to cooperate in this process and with each other in the future.

D. Corrigan asked about the internal signs not being visible three feet away. J. Rohke said the signage at the rear end of the building has been determined to not be visible from at least three (3) feet from the abutting properties.

D. Corrigan asked if the signs could be seen from the manufactured housing park that abuts the site. J. Rohke said no the residents of the manufactured housing park will be looking parallel along the building and not see the signs.

K Hayes asked about the existing violations within the building within the resort owners. J. Ayer said they are trying to work toward a solution.

J. Ayer asked about existing signs along the front of the building that are located under the roof area and are not visible from the road. J. Rohke said they are currently not included in the Master Sign plan but they can include them in the total calculations.

R. Dyer said if the condition is to remove signage not included in this application then they will do that and comply with the Board's conditions.

J. Ayer reminded J. Rohke the Master Sign plan guidelines call for uniform colors and design. J. Rohke said they will comply with those standards.

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

DELIBERATIONS

Paugus Bay Plaza

Motion made by R. Sonia, seconded by R. Waite, to approve the application the following conditions:

- 1 All signs not shown on the Master Signage Plan and which are not otherwise exempt from regulation by the Town, shall be removed not less than 30 days after the issuance of a permit to install any wall sign approved as a part of this Master Signage Plan.
2. The electronic changeable copy sign (also referred to as an end wall sign) shall be mounted so it is placed in a frame consistent in color, shape and dimensional elements as the freestanding sign at the front of the building.
3. The channel-letter wall signs shall be consistent in color and design elements as the freestanding sign at the front of the building.
4. The applicant shall obtain any other federal, state, or local approvals which may be required.

Discussion on the motion

J. Morgenstern added the condition: The signs under the overhang are to be added to the total calculations and included in the Master Sign plan.

P. Sanfacon called for a vote on the amended motion.

- 1 All signs not shown on the Master Signage Plan and which are not otherwise exempt from regulation by the Town, shall be removed not less than 30 days after the issuance of

a permit to install any wall sign approved as a part of this Master Signage Plan.

- 1 The electronic changeable copy sign (also referred to as an end wall sign) shall be mounted so it is placed in a frame consistent in color, shape and dimensional elements as the freestanding sign at the front of the building.
- 1 The channel-letter wall signs shall be consistent in color and design elements as the freestanding sign at the front of the building.
- 4 The applicant shall obtain any other federal, state, or local approvals which may be required.
- 5 The signs under the overhang are to be added to the total calculations and included in the Master Sign plan.

Motion carried with all in favor.

Other Business Herb Furnee subdivision. R. Vaillancourt recused himself from the discussion.

J. Ayer gave a brief presentation to the Board and explained the approval of the subdivision included the installation of a fire pond. He said the pond was not holding water and because there were building permits issued before the pond was functional for fire protection; the Planning Board stepped in and agreed to allow the existing permits to continue and receive Certificates of Occupancy. Some of the owners signed an agreement that would release the Town of Gilford from liability if there was a fire. The Board decided in October of 2007 that no more building permits would be issued until the fire pond issue has been resolved. He said the Fire Department tested the pond but it did not pass the test. Mr. Furnee has not completed the repairs to the fire pond to date.

Ellen Mulligan, representing the Zebuhrs the owners of one of the lots that are waiting for a building permit. She explained they want the Town of Gilford to release the bond in order to allow people who have bought lots to be able to obtain building permits. She is upset that Mr. Furnee has surpassed his deadline given by the Planning Board of April 8, 2008. She wants to know why the town has let this go on without a remedy and leaving people with lots they cannot build on. She wants to know why Mr. Furnee has been allowed to continue past the deadline the Board had issued in 2008.

P. Sanfacon read a letter from the Fire Chief, Jim Hayes, which states any bond must remain in place for two years in order to ensure continued, proper operation of the pond and the hydrant therefore; the bond cannot be used to issue building permits. She said the town can research entering into a similar release agreement with the current owners that was issued in the past. That agreement stated the owners release all liability against the Town of Gilford if there was a fire without protection in place and working.

K. Hayes said the bond is in place to make the fire pond work.

W. Hall is concerned that if they use the bond to fix the pond they might take away Mr. Furnee's rights to be able to have the opportunity to fix the pond.

P. Sanfacon said the Board needs to research this to see what they can do to remedy the situation.

D. Corrigan wants Town Counsel to review the Bond to see what the conditions of forfeiture of the bond are. The Board agreed.

K. Hayes said the bond was put in place to fix the pond and Mr. Furnee should be notified that the Bond is going to be forfeited and he has to fix the pond as soon as possible. Also, Town Counsel should be contacted to review the bond to see what the conditions of forfeiture of the bond are.

Motions made by R. Sonia, seconded by J. Morgenstern to have the Town Planner find out what the status of the bond is and notify the developer he has three weeks to have the pond pass the Fire Department's testing. If it does not pass the Fire Department's test, the Planning Board has decided to request the Board of Selectmen take appropriate action to make the fire pond operational in accordance with the Fire Department. Motion carried with all in favor.

Minutes –Motion made by R. Sonia, seconded by J. Morgenstern, to table the minutes from May 4, 2009, until June 1, 2009. Motion carried with all in favor.

Lot Merger request Dennis Michaud

Merger request for Tax Map & Lot #225-029.000.

Motion made by R. Sonia, seconded by W. Hall, to have the Chair sign the Lot Merger Request for Tax Map & Lot #225-029.000. Motion carried with all in favor.

R. Waitt invited the Planning Board to do a site walk at the newly renovated Gilford Community Church and new Community Center.

The Board decided to visit the Church on June 1, 2009 at 5:00 p.m.

J. Morgenstern suggested the Board do a site walk to the McGinley subdivision. The Board decided to do a site walk on June 15, 2009 at 5:00 p.m.

R. Waitt said the LRPC Annual Meeting will take place on June 22, 2009 at 6:00 p.m. at the Laconia Country Club.

Discussion ensued about Workforce Housing and the creation of an ordinance to address the issue.

The Board decided to apply for a grant to help with the research and creation of a Workforce Housing Ordinance. J. Ayer will contact Greg Dickerson and Ben Frost for assistance.

Adjournment – Motion made by R. Sonia, seconded by K. Hayes to adjourn at 8:45 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Administrative Assistant