

**MINUTES  
GILFORD PLANNING BOARD  
JULY 6, 2009  
CONFERENCE ROOM A  
7:00 P.M.**

The Gilford Planning Board met in regular session on Monday, July 6, 2009 at 7:00 p.m. in Conference Room A in the Gilford Town Hall.

In attendance were: Chair Polly Sanfacon; Vice Chairman-John Morgenstern; Selectmen's Representative Kevin Hayes; Regular Members: Jerry Gagnon, Richard Vaillancourt, Richard Waitt, and Richard Sonia. Alternates: Carolyn Scattergood, Wayne Hall, Andy Garfinkle and Dennis Corrigan.

Member(s) absent: Alternate: 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.

P. Sanfacon introduced the first application. J. Gagnon and J. Morgenstern recused themselves from participating on the application. P. Sanfacon appointed C. Scattergood and D. Corrigan to sit as regular members.

**Crown Castle USA, Inc.**

Applicant proposes to remove two (2) existing telecommunications towers, construct a new 182 foot telecommunications tower, add twenty-four (24) antennas, and expand the equipment shelter by 3600 square feet, on Tax Map & Lot #254-139.000. The property is located on Mount Rowe at 719 Cherry Valley Road in the Resort Commercial Zone. Site Plan Review. File #2009003518. *Tabled from the June 15, 2009 meeting.*

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

J. Ayer said the application is complete.

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

Tom Hildreth, attorney representing the application, gave a brief presentation to the Board. He explained they will remove the existing tower, install a temporary tower to house the antennas until the new tower is constructed. The old tower and temporary tower will be

removed entirely. He explained the new tower will have the strength to support additional antennae and equipment for future expansion. He said the new tower will be the same height as the existing tower and he said he believes the FAA will not require the tower to be painted red and white. He explained the location of the tower, the current fenced equipment compound, equipment shelters within the compound and the area of expansion for the compound for the new tower and additional equipment shelters. He reviewed the approval they received from the Zoning Board of Adjustment for the Special Exception. He told the Board they are willing to comply with the conditions of approval from the special exception, one of which is to allow the Fire Department to hold training exercises before the tower is activated. Jim Donohue, Engineer for the applicant, told the Board that the plans will be reviewed by the Laconia Airport Authority.

D. Corrigan asked if the FAA has approved this application and T. Hildreth said yes. D. Corrigan asked if the service will improve in the area and T. Hildreth explained there may be no improvement for some carriers, and others will not cover a greater service area but the existing service for the area may improve.

Discussion ensued about the location of a future shelter for Gunstock's use at the site. J. Ayer said he is concerned that Gunstock would have to come back to the Planning Board for that approval and asked how long would it be until Gunstock notifies them they would like to build the shelter. J. Donohue said they do not know as Gunstock has not given them a time frame.

J. Ayer spoke about the fact that there will be two towers up at one time for about 6 months. D. Corrigan asked about the conditions of both of the towers. J. Donohue said both towers will be lit.

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

P. Sanfacon announced the next application. J. Gagnon and J. Morgenstern returned to the Board.

**Paugus Bay Plaza Condominium Association**

Applicant is proposing to designate eight (8) existing parking spaces for dedicated outdoor storage of rental trucks for a new commercial retail and truck rental business proposed in Paugus Bay Plaza on Tax Map & Lot #201-001.000 located at 131 Lake Street in the Commercial Zone. Amended Site Plan Review. File #2009003520.

Motion made by R. Vaillancourt seconded by K. Hayes, to take the application off the table. Motion carried with all in favor.

J. Ayer said the application is complete.

Motion made by R. Waitt, seconded by K. Hayes, to accept the application as complete.

Motion carried with all in favor.

Jon Rokeh, representing the application, gave a brief presentation to the Board. He reviewed the parking situation at the site and said that due to the mixed uses the parking on site is adequate. He said they have changed the location of the trucks to be in the back of the parking lot for the ease of parking and to be out of the way from the other uses.

P. Sanfacon asked about the letter from Dana Pendergast, Fire Department, where he expressed concerns over the size of the trucks blocking spaces and reducing visibility for safety issues. J. Rokeh said that was based on the old location of the trucks and now the trucks will be located in the rear of the site.

Discussion ensued about the 24 foot long rental trucks projecting into the travel lane and that the trucks are oversized by about four feet that would be sticking out into the travel lane.

Peter Burr, applicant, explained the 24 foot trucks will be stored at the site and rented rather quickly. He said they are frequently renting the trucks and accepting trucks as part of the rental business.

J. Ayer said with the trucks moved to the back of the lot, they will be closer to the residences in the adjacent manufactured housing park. J. Rokeh said he thinks they will be separated by a substantial distance. J. Ayer said he thought they would be rather close. P. Burr said they have not had complaints at their current location in Laconia.

C. Scattergood asked about the current lot coverage of the property. J. Rokeh did not have those numbers. He said if they have to add more pavement, they can use pervious surfaces that are rated to support fire trucks.

P. Sanfacon opened up the public hearing. There being no public input, she closed the public portion.

The Board entered into the deliberative portion of the meeting.

## **DELIBERATIONS**

### **Crown Castle USA, Inc.**

P. Sanfacon discussed the waiver requests from the checklist by the applicant as follows: 2-3, 8, 11, 12-16, 18-23, 25 and 28.

J. Ayer recommended the Board grant the waiver requests as submitted by the applicant as the details provided on the plan are adequate to make a decision.

Motion made by R. Waitt, seconded by K. Hayes, to grant the following waiver requests: 2-3, 8, 11, 12-16, 18-23, 25 and 28. Motion carried with all in favor.

Motion made by K. Hayes, seconded by R. Waitt, to approve the antenna replacement as defined by the plans submitted, with the following conditions:

- 1 The applicant shall obtain any other federal, state or local approvals that may be required.
- 2 No construction shall take place outside the boundaries of the equipment compound.
- 3 Crown Castle USA, Inc. will make a request to the FAA that they notify pilots there will be two (2) towers on site for a specified time period.

Motion carried with all in favor.

### **Paugus Bay Plaza Condominium Association**

K. Hayes said he is concerned about the 24 foot trucks parking in standard parking spaces. He suggested having a designated truck space at least 8 feet longer than a standard space with additional pavement to support the trucks. He does not want the large trucks to be parked on grass, landscape or the wetland.

Motion made by J. Morgenstern, seconded by K. Hayes, to approve the application with the following conditions:

- 1 The applicant shall obtain any other federal, state or local approvals that may be required.
- 2 The eight (8) spaces shall be located in the southeast corner of the parking lot with three (3) spaces to be extended to the south by a distance of eight (8) feet with the addition of pervious materials capable of handling the size and weights of the trucks measuring over twenty (20) feet from the nose to the rear axle.
- 3 Trucks will only be parked in the eight (8) designated parking spaces and shall not be located elsewhere on the site.
- 4 The trucks will only be backed into the spaces.

Discussion on the motion

J. Gagnon does not want to limit the designation of the location of the trucks. R. Sonia discussed that the trucks should not be parked in other places on the site. C. Scattergood requested that the trucks be backed into the parking spaces. J. Morgenstern agreed to accept additional conditions of approval.

Motion carried with all in favor.

J. Ayer advised the board that a tenancy request had been submitted to him for the retail store that will operate the truck rental business.

### **Other Business**

**Minutes** – Motion made by J. Morgenstern, seconded by D. Waitt, to approve the minutes from

June 1, 2009 Work Session as amended. Motion carried with all in favor.

Discussion on contents of the work session minutes regarding zoning amendments. Minutes were amended to remove the statement that the board did not want to pursue an amendment limiting excavations to create buildable lot area as the Board did not have substantive discussion on the matter.

Motion made by R. Vaillancourt, seconded by K. Hayes, to approve the minutes from the June 1, 2009 Site Walk. Motion carried with all in favor.

Motion made by K. Hayes, seconded by R. Vaillancourt, to approve the minutes from the June 15, 2009 meeting. Motion carried with J. Morgenstern abstaining.

## **5. Other Business**

### **1. Recommendation for Gilford School District SAU #73, Meadows Project-**

D. Corrigan spoke about the Planning Board needing to respond to the presentation as outlined in the RSA's. D. Corrigan explained the Conservation Commission is appealing the permit the Meadows Committee received. K. Hayes clarified the Conservation Commission can use the Town Attorney for the appeal of the Alteration of Terrain permit granted. D. Corrigan spoke about the Planning Board expressing concerns about the environmental impacts of the construction, especially with the approved phasing of the project. K. Hayes would like to have the applicant come back before the Board after they receive other approvals from the NHDES and have the Planning Board make recommendations then. R. Sonia suggested that the Planning Board provide input to the NHDES before the approvals. P. Sanfacon thinks a letter to the School District should be sent.

W. Hall said he expressed these concerns about the phasing at the public hearing. P. Sanfacon suggested that the Board write a letter expressing their concerns about how the phased approach would affect the property and a letter should say that the Planning Board has major concerns about the phasing of the project.

K. Hayes said the applicant can decide on the phasing of the project and discuss the areas with NHDES.

The Board is also concerned about the bridge over Old Lake Shore Rd as a contributing factor to the flooding of the site. J. Ayer will work on a letter and have it for the Board for the next meeting.

### **2. Herb Furnee Subdivision-Marjorie's Walk**

J. Ayer reviewed the situation where the Board allowed 3 occupancy permits to be issued, suspended approval on Furnee's two lots, and restricted issuing any further building permits until the fire pond passed inspection. He said the fire pond has been approved by the Fire Department and now the Board should hold a public hearing to lift the suspension on the

remaining lots. The Board agreed and the public hearing will be held on July 20, 2009.

3. Master Plan discussion- reports from the Department Heads.

J. Ayer explained that he had received responses from the Department Heads and asked if the Board would like to discuss the information at the next meeting. The Board agreed to discuss at the next Work Session.

K. Hayes spoke about previous subdivisions installing detention/retention ponds and the issue of them not being maintained and then they fail. He spoke about enforcement of pond maintenance.

Discussion ensued about having engineered reviews of applications. J. Gagnon said it is already in the regulations and they have not been enforcing it.

J. Ayer discussed the new construction at the Lakes Business Park and said he thought the runoff was in control. He mentioned he had gone to view the flow of Jewett Brook and runoff from the business park during heavy rain the previous week and the park did not appear to be contributing any significant runoff to the high water level in the brook.

**Adjournment** – Motion made by R. Sonia, seconded by K. Hayes, to adjourn at 7:50 p.m.  
Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte  
Administrative Assistant