

**MINUTES
GILFORD PLANNING BOARD
SEPTEMBER 21, 2009
CONFERENCE ROOM A
7:00 P.M.**

The Gilford Planning Board met in regular session on Monday, September 21, 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: Dennis Corrigan, Carolyn Scattergood, and Wayne Hall.

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

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

P. Sanfacon led the Pledge of Allegiance, introduced Board members and staff, and read the rules of procedure. She appointed C. Scattergood to replace absent regular member Jerry Gagnon.

P. Sanfacon introduced the first application. R. Vaillancourt announced that at one time he had a business relationship with the applicant and asked if he should recuse himself. The applicant had no issue with it and the Board decided there was no conflict. D. Corrigan discussed the "juror standards" and asked R. Vaillancourt if he believes he could act on the application and not be perceived as not having a conflict. R. Vaillancourt said yes he can act on the application fairly. The Board agreed.

- 1 **Steven Weeks Revocable Trust, Steve Weeks, Trustee** – Applicant proposes a four (4) lot subdivision on Tax Map and Lot #238-005.000 with lots ranging in size from 5.24 acres to 16.21 acres. The applicant is also seeking a Conditional Use Permit approval pursuant to Section 5.1.2 (d) of the Gilford Zoning Ordinance, for two (2) lots to have less than the standard minimum frontage required in the zone. The property is located on 30 Weeks Road in the Natural Resource Residential and Single Family Residential Zones. Subdivision Plan Review. File #2009003707. *Tabled from the August 17, 2009 meeting.*

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

J. Ayer said the application can be accepted as complete.

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

Ron Johnson, representing the application, gave a brief presentation to the Board. He explained the waiver requests that were submitted and discussed the waivers from checklist item #2 requiring a 1"=50' scale or less (such as 1"=40' or 1"=30') where 1"=100' is provided, checklist item #28 regarding showing buildable lot area, and a waiver request from the buildable area restrictions of Section 5.1.1(b) regarding agricultural soils of statewide importance for all the proposed lots. He explained there was a previous waiver granted for the parent lot but it was unclear in the record whether that waiver would be granted to the current proposed subdivision.

Discussion ensued about whether the previous waiver granted covers the proposed subdivision lots now or was it only for the parent lot that was previously approved. The Board agreed to discuss the waiver requests individually.

C. Scattergood spoke about the Board waiving prime agricultural soils and agriculture soils of statewide importance, that there has been some criticism in the past about the Board granting those waivers.

D. Corrigan asked if the Board has ever done a site walk here and the Board said no. J. Ayer explained this land is part of the Weeks Woods conservation property and when the larger parcel (261 acres) was being conserved, the idea was to leave Mr. Weeks with the ability to subdivide the remaining 40 acres of land into four (4) lots. He explained that the site was extensively studied on foot and from the air by the Town Administrator, members of the Land Conservation Task Force and Conservation Commission, and others working on the project. In 2005 the 261 acre parcel was accepted and purchased by the Town of Gilford and placed into a conservation easement. He said it seems that the work of the people employed in the Town's behalf at that time could be relied upon today by the Planning Board in its review of this application.

R. Johnson explained some of the land is currently being used to graze cattle but the majority of the land consists of steep slopes and wetlands. J. Ayer said the main house and land will remain in agriculture use and such land is not suitable for agriculture use due to the location of the scattered pockets of wetlands and the restrictions that are in place with the conservation land.

Motion made by K. Hayes, seconded by J. Morgenstern, to grant the waiver requests to change scale. Motion carried with all in favor.

Motion made by K. Hayes, seconded by R. Sonia, to grant the waiver request for the 1 acre of prime agricultural soils per lot. Motion carried with all in favor.

Motion made by C. Scattergood, seconded by R. Vaillancourt, to grant the waiver request to not have to show lot coverage, item #28 from the checklist. Motion carried with all in favor.

R. Johnson continued with the presentation and explained the location of the property to be

subdivided, the location of the existing Littlefield Trust lot within the proposed subdivision, the previous boundary line adjustment granted which enlarged the Littlefield lot, the special exception granted by the Zoning Board of Adjustment for two (2) proposed wetlands crossings, and the NHDES approval for the two proposed wetland crossings. He explained Lot 1 has 200' of frontage on Weeks Rd., Lot 2 has over 400' of frontage on Weeks Rd., and Lots 3 & 4 comply with the "flag lot" portion of the ordinance (Section 5.1.2(d)) and the driveways will meet the minimum road standards and setbacks.

K. Hayes asked about the driveway to Lot 4 and why it is located through the wetland instead of avoiding the wetlands. R Johnson said the proposed driveway location is due to the views on that lot and they are jurisdictional wetlands. K. Hayes asked J. Ayer if there are slope issues to be concerned about and J. Ayer said there are no slope issues with the proposed lots.

P. Sanfacon opened the hearing for public input.

Richard Campbell, abutter, he said he is concerned about the Town-owned conservation land above this land and he said that land is very difficult to access and the only access is through portions of the proposed subdivision. He hopes that the Town can reach an agreement to maintain and continue public access to the conservation land up the hill above the proposed subdivision.

P. Sanfacon said that is a valid point for the Board to address and it could be a discussion item.

J. Ayer advised that the Board discuss the easement issue with R. Johnson and allow him to speak to the subject before closing the public hearing and going into deliberations.

R. Johnson said the owner does not want to grant unlimited access public access but he will grant emergency access if he is asked. He said the Littlefield's do not want the land to have public access as well.

R. Sonia said it seems reasonable to ask the applicant to have access granted for the public.

K. Hayes said the road that leads to the existing easement area is private.

D. Corrigan asked if the police and fire departments would be allowed access. He is concerned about emergency vehicles not being able to access the town property if the road is not extended to the boundary of the Town property. R. Johnson said the emergency vehicles will be able to access the house lots and they have provided turn around areas according to the Town's standards, but Mr. Weeks has no intention of extending access to the public.

K. Hayes asked if Fire Chief Jim Hayes, who was present in the audience, could show the Board where the fire department currently accesses the Town's conservation property. Chief Hayes said they currently have access to the site over the Evvard property at 21 Weeks Road.

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

P. Sanfacon introduced the next application.

2. **Rick Gagnon** – Applicant proposes to add Used Car Sales with parking for 100 cars to an existing Auto Repair/Truck Rental business located on Tax Map & Lot #13-089.000 located at 64 Annis Drive in the Commercial Zone. Amended Site Plan/Change of Use Review. File #2009003727.

J. Ayer said the application should be tabled until October 19, 2009 but the applicant has not requested the application be tabled in writing. He said the applicant was told the Board would not hear the application and if the Board does not table the application, the applicant will be charged another noticing fee. The Board decided to table the application.

Motion made by J. Morgenstern, seconded by R. Vaillancourt, to table the application until October 19, 2009. Motion carried with all in favor.

P. Sanfacon introduced the next application.

3. **Town of Gilford Fire Department** – Town of Gilford Fire Department proposes to construct a 40'x 25' (1,000 square foot) multi-level fire training facility. The facility will be located on Tax Map & Lot #215-025 at the Town Recycling Center on 150 Kimball Rd. in the Industrial Zone. Governmental Site Plan Review. File #2009003728.

J. Ayer said the application does not have to be accepted as complete as it is a municipal project.

Chief James Hayes and Deputy Chief John Beland were present to represent the application. Chief Hayes gave a brief presentation to the Board. He explained the location of the site and referred to an aerial picture of the site showing the Board where the training facility will be located and explained it will be in the back of the property past the existing town recycling center. He explained the proposed structure will be designed to have numerous configurations for training purposes and enable the department to do smoke and hose line training and maintenance. He explained now the department currently has to travel to Concord for any training and that is problematic for staffing and financial reasons. He said this location is very beneficial to the department as it is located on town property and within the heart of the town. He explained the structure will be built upon crushed stone in order to allow the water to runoff and to prevent it from rusting. He said the structure will be constructed of steel box shipping containers and they interlock with each other for construction and they can change the configuration for training purposes which is very beneficial for the department.

R. Vaillancourt asked if it will generate revenue for the department. Chief Hayes said any revenue earned by the facility will only be enough to help maintain the structure and replenish materials for training. He said other departments in the area will be allowed to use the site on the condition a Gilford Fire Department employee must be on site. He said

it is the only facility in the state designed in this way. There are a few other training facilities in the state, one is at the State fire training academy and the City of Nashua has one but they are both made of concrete.

The Board was in favor of the project and said it is a very beneficial project for the Town of Gilford. J. Morgenstern commended the Chief and the Deputy Chief for a very well planned and organized project.

Motion made by R. Vaillancourt, seconded by R. Waitt, to issue a letter of support for the project to the Fire Department, the Town Administrator and the Board of Selectmen. Motion carried with all in favor.

The Board entered into the deliberative portion of the meeting.

DELIBERATIONS

Steven Weeks Revocable Trust; Steve Weeks, Trustee –

K. Hayes said he would want the easement to be extended to the Town conservation easement property. R. Waitt, R. Vaillancourt, and R. Sonia agreed. R. Sonia wants the Board to be clear in the description of the area for the easement. K. Hayes is concerned about the limited access points. J. Morgenstern said it defeats the purpose to have the property in conservation easement with no access. P. Sanfacon spoke about the money dedicated to procure the property and there should be access to the property. R. Vaillancourt said the land was bought with the understanding there would not be access to the land over this property. K. Hayes would like to see the easement extended for town safety equipment vehicles. R. Vaillancourt agreed. W. Hall asked about a future property owner not being allowed to block that safety access. R. Sonia wants the Board to be clear with its decision about access. K. Hayes said the existing driveway is not a public road; if it were currently a public road it would be different.

The Board discussed whether the Town of Gilford should be granted access for emergency vehicles.

Motion made by J. Morgenstern, seconded by K. Hayes, to table the application until October 5, 2009 in order to resolve the issue of extending an easement to the Town of Gilford for safety and maintenance purposes. Motion carried with all in favor.

OTHER BUSINESS

Minutes – Motion made by R. Waitt, seconded by K. Hayes, to approve the minutes from September 8, 2009, as amended. Motion carried with C. Scattergood and R. Sonia abstaining.

Zoning Amendments – J. Ayer distributed a list of zoning amendments to be discussed at the next Planning Board work session on October 5, 2009. The Board had asked for a complete list of the amendments being considered so they could winnow it down to a manageable number of key amendments. He also explained there is a grant available to create the Workforce Housing

ordinance and hopes to begin working on it this year. He discussed the storm water ordinance could be included in the Subdivision regulations, the fire pond ordinance should be addressed this year as it is already drafted, the steep slope ordinance should also be addressed but mentioned the Board's practice to limit the amendments to only four on the ballot. Other proposed zoning amendments he explained were easy to propose. P. Sanfacon said she is hesitant to restrict time limits on projects due to the economic times. J. Ayer said it does not make sense to address the reduced parking ratio because it will be lengthy to draft changes and no work had yet been done on it. He discussed the removal of abandoned signs and that maybe it is not warranted due to the economic state currently. J. Ayer will check with the Town Attorney about Banning Methadone Clinics. It was suggested to combine Keeping of Unregistered Vehicles and Obnoxious Uses into one amendment.

D. Corrigan spoke about the CIP Committee. He said the town departments have done a wonderful job of pushing town needs off for another year.

J. Ayer distributed binders that Barbara Aichinger, a tax payer who owns property at 558 Edgewater Drive, prepared for Board members. The binders contained information she had found regarding the history of non-voluntary lot mergers and alleged unmerges in Gilford. B. Aichinger did not have an application for review, only this information she wanted the Board to have.

Adjournment – Motion made by R. Sonia, seconded by K. Hayes to adjourn at 8:30 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Technical Assistant