

**MINUTES
GILFORD PLANNING BOARD
OCTOBER 19, 2009
CONFERENCE ROOM A
7:00 P.M.**

The Gilford Planning Board met in regular session on Monday, October 19, 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; Jerry Gagnon, Richard Waitt, and Richard Sonia. Alternates: Dennis Corrigan, and Wayne Hall,

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

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 alternate A. Garfinkle to replace recused regular member Richard Vaillancourt.

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

P. Sanfacon read a letter from Rick Gagnon requesting the application be withdrawn.

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. Change of Use and Amended Site Plan Review. File #2009003727.

Tabled from the September 21, 2009 meeting.

The Board accepted the withdraw request.

P. Sanfacon introduced the next application.

Matjrm II, LLC and Joan M. Carnevale, Trustee of the Joan M. Carnevale Trust

Applicants propose a boundary line adjustment between Tax Map & Lot #205-006.002 and #205-006.003 to accommodate the setback line for the house on Lot #205-006.003 located at 13 and 21 Pinnacle Drive in the Limited Residential Zone. Boundary Line Adjustment Plan Review. File #2009003774.

J. Ayer said the application can be accepted as complete after the waiver requests are completed.

J. Gagnon said that one of the owners listed sold the property and is no longer the owner and is concerned that the new owner of one of the abutting lots wasn't notified. The applicant said the owner listed on the list is the same owner.

The Board discussed the waiver requests.

Motion made by K. Hayes, seconded by R. Waitt, to grant the checklist waiver requests as follows:

- 1 Item 14, showing contour mapping;
- 2 Item 16.c., showing steep slopes; and
- 3 Item 16.d., wetland areas established by soil scientist,
- 4 To allow stamp and signature to be provided later but prior to recording.

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

Mark Thompson, representing the application, gave a brief presentation to the Board. He said that they are proposing to do a boundary line adjustment between the two lots. He said he did not realize there was a fifty foot front setback and that the property pins were not in the correct location. He said they thought the boundary lines would have been identified when the bank completed a mortgage survey plan. Since the sale of the property did not require a mortgage, there was no need for a survey. He said they made a mistake in the location of the house so this application is to remedy the issue of the house not meeting the setback and that the driveway will not be fifteen feet away from the abutting property boundary.

J. Ayer said the driveway has to be fifteen feet from the property line and said to have it located any closer, that requirement would have to be waived by the Planning Board and the Board of Selectmen.

Joan Carnevale, owner of Lot #21 Pinnacle Drive, she explained she did not know there was a problem with the location of the property pins in relation to the location of her driveway. She also did not think the other house was going to be built so close to the setback line.

J. Gagnon asked how the driveway permit was issued if it was not shown in the same location as the approved plan. J. Ayer did not know.

The Board discussed what to do with the issue of the driveway being too close the property line.

The Board explained the Planning Board and the Board of Selectmen have to waive the requirement for the driveway to be located too close to the property line.

J. Gagnon suggested an easement be created to allow the driveway to be located closer to the property line. M. Thompson does not agree with creating the easement for the driveway.

R. Vaillancourt wants it clarified as to what they are proposing. M. Thompson said he will put into the covenants for both lots that nothing can be built along that side of the house.

J. Gagnon is concerned about the snow removal and storage issues for J. Carnevale.

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

P. Sanfacon introduced the next application

Paugus Bay Plaza Condominium Association

Applicant is proposing to expand number of designated parking spaces for parking of rental trucks and trailers from eight (8) to twenty (20) 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 #2009003775.

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

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

Jon Rohke, agent representing the application, gave a brief presentation to the Board. He explained there have been some changes to the proposal since the original approval. He said that another regional truck rental business closed and the inventory was designated to this location. He explained the changes to the site that were made in order to accommodate the additional trucks. He said that the Code Enforcement Officer and J. Ayer have been monitoring the site to see if the trucks interfere with parking on site. J. Rohke explained the longer trucks have to be parked in back of the spaces in order to be able to maneuver the longer trucks on site. He said the fire department requested that a twenty foot aisle be created and maintained in order to allow access for the fire trucks.

R. Vaillancourt asked what they plan to do with people dropping off trucks at night. J. Rohke said the staff will move the trucks the next day so they will be located in the proper spaces.

J. Morgenstern said he returned a truck there and he had a hard time being able to see where the trucks were supposed to be located. He would like to see more signage on site identifying the parking spaces.

J. Rohke explained that a map will be distributed with each rental identifying where the trucks should be parked.

The Board discussed that there needs to be signage to direct people to the correct location to park the trucks.

Peter Burr, applicant, explained they review the correct location with the rental customers for where to return the trucks. P. Sanfacon said that does not help the people who are returning the trucks that were not rented from P. Burr.

J. Ayer explained he had monitored the site for a month and said the site seemed to remain in compliance with the original approval.

K. Hayes asked about future expansion. P. Burr explained there is another dealer in the region (Pembroke) that will be able to assist with the overflow of trucks if that becomes an issue.

J. Ayer reviewed the need to maintain a clear fire lane and that if the plan is amended in the future that a new surveyed plan should be submitted. He would like the owner to be aware of that requirement.

P. Sanfacon reviewed a letter from DPW Director, Sheldon Morgan, discussing that on site, the Flea Market business repeatedly puts an a-frame sign out to advertise and it makes it difficult to see traffic while exiting the site. He would not like to see any advertising signs block the sight distance to the site.

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

DELIBERATIONS

Matjrm II, LLC and Joan M. Carnevale, Trustee of the Joan M. Carnevale Trust

Motion made by K. Hayes, seconded by R. Sonia, to waive Sections 2.B. and 18. of the Town of Gilford Minimum Road Standards which require a fifteen (15) foot side setback for driveways.

And approve the application subject to:

- a. The applicant shall obtain a waiver from the Board of Selectmen prior to recording the plan to allow the driveway to be set back less than fifteen (15) feet from the side property line. Failure to obtain this waiver will result in this approval being void.
- b. The plan shall be stamped and signed by a certified wetlands scientist prior to recording the plan.
- c. The applicant shall obtain any other federal, state, or local approval that may be required.
- d. That there is no building or structure located within 15 feet of the lot line.

Discussion on the motion.

R. Vaillancourt wants a condition added that snow be allowed to be stored on #Lot 2. K. Hayes does not agree and does not want that included in the motion.

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

J. Gagnon moved, seconded by R. Vaillancourt to amend the motion to include a 15' easement for snow storage from the driveway on Lot #3, that abuts Lot #2.

Discussion on the amendment.

K. Hayes said he wants to know how high the existing berm is. M. Thompson said there is 8 feet of level area from J. Carnevale's driveway and they have planted trees to enhance the buffer.

Discussion ensued about the snow storage issue. P. Sanfacon explained the Board is in deliberations and would like to call for the vote on the amendment to the original motion.

R. Vaillancourt, R. Waitt, R. Sonia, J. Gagnon voting in favor and P. Sanfacon, J. Morgenstern and K. Hayes voting against the amended motion. Motion passed for the amendment to be included into the original motion.

The Board than voted on the original motion as amended and it carried with all in favor.

Paugus Bay Plaza Condominium Association

Motion made by R. Sonia, seconded by K. Hayes, to grant the following waivers from the checklist: 12, 13, 14, 15, 16d, 16f, 18, 19, 25, 27, 28.

Discussion on the motion.

J. Morgenstern is concerned about the waiver request for Item #27 additional signage on site he is concerned about signage on the back and side of the building. D. Corrigan said that waiver can be added as a condition of approval.

P. Sanfacon called for the vote. Motion carried with all in favor.

Motion made by R. Sonia, seconded by R. Waitt, to approve the application subject to the following:

- 1 Rental trucks and trailers shall be parked only within the approved twenty (20) parking spaces designated for rental truck parking which shall be clearly identified by either painting of the spaces or posting of signs.
- 2 Clearly visible and legible signage leading to and identifying unequivocally where trucks are to be parked and be placed on site and on the site plan.
- 3 Maintain a twenty (20) foot clear fire lane between parking next to the building and the subject truck parking area.

- 4 Any future site plan amendments shall require submittal of a revised and updated surveyed site plan.
- 4 The applicant shall obtain any other federal, state, or local approvals that may be required.

Discussion on the motion.

J. Morgenstern said that #2 should include, “Maintain a twenty (20) foot clear fire lane between parking next to the building and the subject truck parking area and add another condition of approval: “Clearly visible and legible signage leading to and identifying unequivocally where trucks are to be parked be placed on site and on the site plan.

R. Sonia and R. Waitt accepted the amendments by J. Morgenstern. P. Sanfacon called for the vote.

Motion carried with all in favor.

Other Business

Minutes –Motion made by R. Sonia, seconded by K. Hayes, to approve the minutes from October 5, 2009, as amended. Motion carried with R. Vaillancourt abstaining.

P. Sanfacon discussed the next workshop meeting for zoning amendment discussion with the ZBA and the Conservation Commission. J. Gagnon does not agree and wants the agenda to be clear because he reminded the Planning Board that the Law Lecture series discourages the Boards working together.

P. Sanfacon said it is important for all the Boards to be included in the zoning amendment process. She said it is late in the year to add more zoning amendments but wants the ZBA and Conservation Commission’s input.

P. Sanfacon and J. Morgenstern said they are discussing general matters in the meeting and that it is acceptable for the intent of this particular meeting.

J. Ayer will contact the LGC for clarity about the issue of the Planning Board and Zoning Board meeting.

J. Ayer said there is still work to do on the proposed amendments and suggested that additional meetings be held.

P. Sanfacon and J. Ayer reviewed the following proposed amendments:

1. Stormwater Regulations be located in the ZO and use the NHDES standards
2. Acceptability of Fire Ponds
3. Accessory buildings allowed in the setback
4. Steep slopes
5. Obnoxious uses and unlicensed vehicles

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