

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

The Gilford Planning Board met in regular session on Monday, December 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; Selectman's Representative Kevin Hayes; Regular Members Jerry Gagnon, Richard Vaillancourt, and Richard Sonia; and Alternates Wayne Hall and Dennis Corrigan.

Member(s) absent: Regular Member Richard Waitt, and Alternates Carolyn Scattergood, Andrew Garfinkle, and David Arnst.

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

P. Sanfacon appointed D. Corrigan to sit in place of absent regular member R. Waitt. P. Sanfacon led the Pledge of Allegiance, and introduced Board members and staff.

P. Sanfacon introduced the first application.

1 Raymond Bertholet/Randall Cail

Applicants propose to transfer approximately 10,000 sq. ft. from Tax Map & Lot #212-029.001 to Tax Map & Lot #212-029.002 located at 45 and 43 Watson Rd. in the Single Family Residential Zone. Boundary Line Adjustment Plan Review.
File #20093862.

J. Ayer said the application is complete.

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

Rusty Bertholet, owner representing the application, gave a brief presentation to the Board. He explained the reason for the boundary line adjustment is to bring the properties into compliance with setback requirements for the existing propane tanks and allows more room for snow removal and storage.

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

P. Sanfacon introduced the next application. R. Vaillancourt recused himself from participation on the application as he once listed the property for sale as a realtor. P. Sanfacon appointed W.

Hall to participate on the application as a voting member.

2. Sara Beane

Applicant proposes to subdivide approximately 67 acres into four (4) residential building lots ranging in size from approximately 13 to 21 acres on Tax Map & Lot #240-117.000 located at 213 Potter Hill Rd in the Limited Residential Zone and Natural Resource Residential Zone. Subdivision Plan Review. File #2009003860.

J. Ayer said the application is complete.

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

Dean Clark, representing the application, gave a brief presentation to the Board. He explained the location of the property and the existing easements on the lots will be written and described into the individual deeds for each lot. J. Ayer explained the lots are not flag lots as they all have full frontage, on Potter Hill Rd. and Cherry Valley Rd. but access to three of them is via a single driveway off of Northview Road. He explained the E911 regulations require that where three or more dwellings having access off of one driveway, the driveway has to be named and the houses have to be numbered off that driveway.

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

P. Sanfacon introduced the next application. R. Vaillancourt rejoined the Board.

3. New Earth Real Estate

Applicant proposes to create five (5) Multi-family dwelling units in an existing building on Tax Map & Lot #267-258.000 located at 2645 Lakeshore Rd. in the Natural Resource Residential Zone. Site Plan Review. File #2009003859.

J. Ayer said the application is complete.

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

Doug Hill, representing the application, gave a brief presentation to the Board. He explained the history of uses at the site and said there will be no expansion of the existing structure. He said this is intended to be classified generally as workforce housing and not federally funded, subsidized housing. He told the Board they received special exception approval and several variances from the ZBA. He reviewed the conditions of approval the ZBA imposed and explained there will be a note on the landscape plan reflecting the condition of approval from the ZBA describing the recreation area on site. He explained that there will either be a common laundry area in the building or each apartment will have the ability to support a washer and

dryer.

Dean Clark, surveyor for the project, explained the new septic system the NHDES required them to design and will be installed and the system will be able to support the residential washer use.

P. Sanfacon clarified the proposed rents for the apartments will be in the range of \$600 to \$900 and these units are not federally funded, subsidized housing units. D. Hill confirmed.

The Board discussed propane will be the heat source for the apartments and they may have to install another tank if needed.

J. Morgenstern wants a note added to the plan that the outbuildings are not to be used as dwelling units. J. Ayer would like the lighting described on the plan. D. Clark said they will add those notes to the site plan and landscape plan.

The Board discussed applicants looking to rent the apartments may receive financial assistance to rent the apartments but clarified the units are not federally funded, subsidized housing.

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

P. Sanfacon introduced the next application. D. Corrigan recused himself as he lives on nearby Liberty Hill Road. P. Sanfacon appointed W. Hall to participate in the application.

4. Moyers & Hughes Investment Properties, LLC.

Applicant proposes a two (2)-lot subdivision with lots approximately 12 acres and 38 acres in size on Tax Map & Lot #207-002.000 located at 140 Young Rd. in the Limited Residential Zone. Subdivision Plan Review. File #2009003658.

J. Ayer said the application is complete.

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

Bryan Bailey, representing the application, gave a brief presentation to the Board. He explained the location of the property and said they are proposing a two-lot subdivision. He explained there will be a flag lot associated with the subdivision as the back lot will be accessed through a 50' deeded right-of-way that runs over the abutting property (Dunn property). He showed the existing right-of-way that begins at the Dunn property and runs into the Moyers/Hughes property. He explained the narrowest point of the right-of-way crosses a wetland and they have received a special exception from the ZBA and approval from the NHDES for the wetland crossing to access the second lot.

J. Morgenstern spoke about the flag lot regulations and said the second lot needs a turnaround for the driveway. B. Bailey said it will not be a town road, it will be a private driveway and the

turnaround will be on the second lot near where the house is built and not within the easement. J. Morgenstern said the driveway will be 1100' long and a turnaround is required. B. Bailey agreed, but said that the ordinance calls for putting it in at the development end of the driveway. Until we know where the house (or development) will be, the turnaround location cannot be determined.

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

P. Sanfacon introduced the next application. D. Corrigan returned to the board.

5. Lyon's Den Restaurant & Tavern Inc. – Lauren Lyons

Applicant proposes to convert existing deli/store to a residential dwelling unit on Tax Map & Lot #242-185.000 located at 25 Dock Road in the Resort Commercial Zone. Change in Use Plan Review. File #2009003857.

J. Ayer said the application is complete.

Motion made by K. Hayes, seconded by R. Sonia, 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 location of the property and the previous uses on the site. He said there was an approval for an 84 seat restaurant that expired before being utilized. With that approval, the parking requirements were approved for one space for every four seats in the restaurant. At this time S. Smith is requesting those parking requirements be applied to the current change of use.

J. Ayer reviewed the 1998 approval and the allowed parking requirements at that time. He said converting the store and storage to a dwelling nets an increase in one more parking space available for restaurant use. He said the restaurant use is grandfathered and they are not proposing any changes to the restaurant portion of the site plan at this time.

The Board discussed the parking requirements from the 2002 approval that expired and whether it was appropriate to allow one space for every four seats in the restaurant for the change in use plan.

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

DELIBERATIONS

Raymond Bertholet/Randall Cail

Motion made by J. Morgenstern, seconded by R. Sonia, to grant the waiver requests from the checklist for the following items: #12, 14, 15, 16d, 16h, 20. Motion carried with all in

favor.

Motion made by D. Corrigan, seconded by K. Hayes, to approve the application with the following condition(s):

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

Motion carried with all in favor.

Sara Beane

R. Vaillancourt recused himself from participation on the application. W. Hall participated as a voting member.

Motion made by J. Morgenstern, seconded by K. Hayes, to approve the application with the following condition(s):

- 1 The applicant obtaining Selectmen's approval for the name of the common driveway for Lots 2, 3 and 4; and modifying the plan to show the road name and addresses for Lot 2, 3, and 4.
2. The applicant obtaining any other federal, state, or local approval that may be required.
3. Locus to be revised to show the location of the site in better context of local area.

Motion carried with all in favor.

New Earth Real Estate

R. Vaillancourt rejoined the board as a voting member. W. Hall stepped down.

Motion made by D. Corrigan, seconded by K. Hayes, to approve the application with the following condition(s):

1. Approve the application subject to the lighting being down-cast lighting.
- 2 The applicant obtaining any other federal, state, or local approval that may be required.
- 2 Outbuildings shall not be used for living or sleeping quarters.

Motion carried with all in favor.

Moyers & Hughes Investment Properties, LLC.

D. Corrigan recused himself. W. Hall participated as a voting member.

Motion made by R. Sonia, seconded by R. Vaillancourt, to grant the waiver requests from

the Subdivision and Site Plan Regulations for the following items: Section VII-A, A; Section VII-A, B.2, and Checklist Item #20. #12, 14, 15, 16d, 16h, 20. Motion carried with all in favor.

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

1. The applicant obtaining any other federal, state, or local approval that may be required.
2. Finding that proposed Lot #207-002.002, which has no frontage on a public road, meets the requirements of Section 5.1.2(d) of the Gilford zoning ordinance, the Planning Board hereby grants Conditional Use Permit approval for said Lot.
3. The shared driveway serving proposed Lot #207-002.002 shall be constructed and maintained as required by Sections 5.1.2(d) 2, 3., and 4. of the Gilford zoning ordinance. A turnaround shall be provided at the development end of the driveway on proposed Lot #207-002.002.
4. These conditions of approval shall be placed on the plan.

Motion carried with all in favor.

Lyon's Den Restaurant & Tavern Inc. Lauren Lyons

D. Corrigan rejoined the Board. W. Hall stepped down.

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

- 1 The applicant obtaining any other federal, state, or local approval that may be required.

Discussion on the motion.

J. Morgenstern wants to include the verification the parking requirements are based on 1 space for 4 Seats in the restaurant.

K. Hayes will not accept that language to be included in the current motion. Discussion ensued. J. Morgenstern withdrew the suggested language.

Motion carried with all in favor.

Other Business

1. **Setting the Public Hearing Date for the 2010 Zoning and Fire Code Amendments.**

Motion made by R. Sonia, seconded by R. Vaillancourt, to approve January 4, 2010 as the date to hold the public hearing for the Petitioned and Town-proposed Zoning Amendments and Fire Code Amendments.

2. **Hubley Boundary Line Adjustment – Scenic Drive.**

Request for a one (1) year extension for the Hubley Boundary Line Adjustment, approved on January 20, 2009.

Motion made by R. Sonia, seconded by K. Hayes, to approve the request for a one (1) year extension. Motion carried with all in favor.

3. **2010 Meeting Schedule.**

Staff discussed the changes to the 2010 meeting schedule for the July and September meetings. Motion made by R. Sonia, seconded by R. Vaillancourt to approve the changes to the 2010 meeting schedule to include scheduling no meeting the first week of July and by scheduling a meeting for Monday, August 30 (which is the fifth Monday in August) in lieu of the meeting usually scheduled for Tuesday, September 7. Motion carried with all in favor.

4. **Petitioned Warrant Articles.**

J. Ayer briefly explained the three petitioned zoning amendments submitted and distributed them to the Board.

Minutes

Motion made by R. Sonia, seconded by K. Hayes, to approve the minutes from December 7, 2009, as amended. Motion carried with all in favor.

Adjournment

Motion made by R. Sonia, seconded by K. Hayes, to adjourn at 9:10 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Technical Assistant