

**MINUTES
GILFORD PLANNING BOARD
MARCH 15, 2010
CONFERENCE ROOM A
7:00 P.M.**

The Gilford Planning Board met in regular session on Monday, March 15, 2010 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 Waitt; Richard Vaillancourt and Richard Sonia. Alternate(s): Wayne Hall and Dennis Corrigan.

Member(s) absent: 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 led the Pledge of Allegiance, introduced Board members and staff. She read the rules of procedure for the public hearing.

P. Sanfacon announced the **McGinley Development, Inc** Site Plan Review applications will be tabled until the April 5, 2010 meeting on the condition the applicant receives the special exception approvals from the ZBA on March 23, 2010.

McGinley Development, Inc.

Applicant proposes a Commercial Cluster Development consisting of professional office, general office and personal service uses for a total of six (6) separate buildings with a combined floor area of approximately 31,848 square feet on Tax Map & Lot #210-010.002 located at 22 Sawmill Road in the Aquifer Protection Overlay District and the Professional Commercial Zone. Site Plan Review. File #201000055.

McGinley Development, Inc.

Applicant proposes a Commercial Cluster Development consisting of three (3) separate retail buildings with a combined floor area of approximately 16,220 square feet on Tax Map & Lot #210-010.004 located at 25 Sawmill Road in the Aquifer Protection Overlay District and the Professional Commercial Zone. Site Plan Review. File #201000056.

McGinley Development, Inc.

Applicant proposes a Commercial Cluster Development consisting of one (1) separate retail building with approximately 8,400 square feet of gross floor area on Tax Map & Lot #210-011.002 located at 21 Sawmill Road in the Aquifer Protection Overlay District and the Professional Commercial Zone. Site Plan Review. File #201000057.

Motion made by R. Vaillancourt, seconded by R. Sonia, to table the McGinley Development, Inc Site Plan Review applications until the April 5, 2010 meeting on the condition the applicant receives the special exception approvals from the ZBA on March 23, 2010. Motion carried with

all in favor.

P. Sanfacon introduced the first application. J. Kevin Hayes recused himself from participating on the application. The alternate Selectmen's Representative was not present. There were enough regular members for a quorum.

J. Kevin Hayes

Applicant proposes to operate a civil engineering business as a home occupation within a residential garage pursuant to Sections 4.6.5 & 4.7.6 (e) Home Occupation of the Gilford Zoning Ordinance on Tax Map & Lot #228-016.020 located at 7 Given Drive in the Single Family Residential Zone. Home Occupation Plan Review. File #201000050.

J. Ayer said the application is complete.

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

J. Kevin Hayes gave a brief presentation to the Board. He explained he is proposing to create a home occupation in existing space above his residential garage. He said he plans to add a dormer to the garage. He said the home occupation will not negatively impact the traffic patterns in the neighborhood because he will not see many customers on site and it will not impact septic and water services on site as there will not be a restroom.

J. Gagnon asked if the ZBA implemented any conditions of approval with the special exception and K. Hayes said no.

D. Corrigan asked if there will be a sign for the business. K. Hayes said there will be a small sign providing direction to the office above the garage.

J. Gagnon asked if there were any covenants in the original subdivision approval that might restrict him from operating the business and K. Hayes said no.

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

The Board deliberated on the **J. Kevin Hayes** application so J. Kevin Hayes could return to the Board.

J. Kevin Hayes

The Board discussed the application.

Motion made by R. Waitt, seconded by J. Morgenstern, 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.

Discussion on the motion.

D. Corrigan said since the Planning Board members are appointed by the Board of Selectmen, the members of the Board should take note of a potential ethical issue, and that by their vote on the case they believe they have no ethical issue.

P. Sanfacon called for the vote.

Motion carried with all in favor.

J. Kevin Hayes returned to the Board.

P. Sanfacon introduced the next application.

Buffalo Road, LLC & Shawn and Barbara Simoneau

Applicants propose to relocate a driveway right-of-way on Tax Map & Lot #202-033.000 located at 400 Morrill Street, which provides access to Tax Map & Lot #202-033.001 located at 398 Morrill Street, in the Single Family Residential Zone. Right-of-Way Relocation Plan Review. File #201000051.

J. Ayer said the application is complete.

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

Steve Smith, agent representing the application, gave a brief presentation to the Board. He explained there was a mistake in the location of the driveway and it did not follow the original right-of-way approved with the subdivision. This proposal is to re-locate the right-of-way to where the driveway was located. He said the current property owners will have the deeds re-written and recorded in order to represent the new location of the right-of-way and driveway.

J. Gagnon asked about the status of the house on the subject lot and whether it was a single family unit or a two-family unit. S. Smith said he is not aware of the existing house being a two-family unit.

Discussion ensued about the status of the existing house on Tax Map & Lot #202-033.001. J. Ayer said the property owners can be contacted to verify if the house is a single family unit or a two-family.

K. Hayes asked about how the subdivision was approved without having the proper frontage. J. Ayer explained Section 5.1 of the ordinance and how lots can be approved according to the regulations.

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

P. Sanfacon introduced the next case.

Steve Smith, agent for the **Theodore Bolotin** subdivision application, explained the mistake he made in the original notice of the application and said they will re-notice the application for April 5, 2010.

P. Sanfacon introduced the next application.

McGinley Development, Inc.

Applicant proposes a Boundary Line Adjustment to transfer approximately 8,820 square feet from Tax Map & Lot #210-010.002 located at 22 Sawmill Road to Tax Map & Lot #210-010.004 located at 25 Sawmill Road in the Aquifer Protection Overlay District and the Professional Commercial Zone. Boundary Line Adjustment Plan Review. File #201000054.

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

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

Jeff Lewis, agent representing the application, gave a brief presentation to the Board. He explained the proposal is to transfer approximately 8,820 square feet from Tax Map & Lot #210-010.002 located at 22 Sawmill Road to Tax Map & Lot #210-010.004 located at 25 Sawmill Road.

K. Hayes asked if the boundary line would have to be relocated again in the future. J. Lewis said he does not foresee the boundary line changing again.

Discussion ensued if both lots would have enough frontage after the adjustment. J. Lewis explained both lots will have the required frontage.

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

DELIBERATIONS

The Board discussed the application.

Buffalo Road, LLC & Shawn and Barbara Simoneau

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

1. Subject to the applicant recording the plan within one (1) year after its approval date.
2. Obtaining any other federal, state, or local approvals that may be required.

Motion carried with all in favor.

McGinley Development, Inc. Boundary Line Adjustment Plan

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

1. Subject to the applicant recording this plan prior to commencing any site work.
2. Obtaining any other federal, state, or local approval that may be required

Motion carried with all in favor.

With Board Deliberations completed, P. Sanfacon allowed Jeff Lewis to give a brief presentation about the proposed site plan applications.

Conceptual review of the **McGinley Development, Inc** Site Plan Review applications

McGinley Development, Inc.

Applicant proposes a Commercial Cluster Development consisting of professional office, general office and personal service uses for a total of six (6) separate buildings with a combined floor area of approximately 31,848 square feet on Tax Map & Lot #210-010.002 located at 22 Sawmill Road in the Aquifer Protection Overlay District and the Professional Commercial Zone. Site Plan Review. File #201000055.

McGinley Development, Inc.

Applicant proposes a Commercial Cluster Development consisting of three (3) separate retail buildings with a combined floor area of approximately 16,220 square feet on Tax Map & Lot #210-010.004 located at 25 Sawmill Road in the Aquifer Protection Overlay District and the Professional Commercial Zone. Site Plan Review. File #201000056.

McGinley Development, Inc.

Applicant proposes a Commercial Cluster Development consisting of one (1) separate retail building with approximately 8,400 square feet of gross floor area on Tax Map & Lot #210-011.002 located at 21 Sawmill Road in the Aquifer Protection Overlay District and the Professional Commercial Zone. Site Plan Review. File #201000057

He explained there will be a Phase 2 on Lot #210-010.002 will be a mixture of professional and medical office uses, with shared parking throughout the development. He explained they are not ready to move forward with the site plan applications because they need to obtain special exception permits for the wetland impacts from the town. They also need NHDES Alteration of Terrain Permits approvals for each lot.

R. Vaillancourt asked about the other building that was previously shown to be located close to the steep slope by the hotel. J. Lewis said they reduced the size of the building and moved the parking further away from the slopes.

R. Sonia asked if there would be an internal access road between the bank and the retail uses on

Lot #210-011.002. J. Lewis explained there would not be an access road because the existing bank has reservations about mixing traffic on their site. He said he believes the traffic design within the site will handle the traffic flow.

Minutes

Motion made by R. Watt, seconded by R. Vaillancourt, to approve the minutes of January 4, 2010 as amended. Motion carried with P. Sanfacon abstaining.

Motion made by R. Sonia, seconded R. Waitt, to approve the minutes of January 19, 2010 as presented. Motion carried with J. Kevin Hayes, Richard Vaillancourt, and Wayne Hall abstaining.

Motion made by K. Hayes, seconded by R. Waitt, to approve the minutes of February 1, 2010 as presented. Motion carried with J. Morgenstern abstaining.

Other Business

R. Waitt discussed the Annual LRPC meeting and discussed the Household Hazardous Waste collection and possibilities of having another collection site in Belmont.

J. Ayer reviewed the election results from Town Meeting held on March 9, 2010. He explained the Workforce Housing amendment did not pass, as well as the petitioned Wetlands Amendment and the Island and Shore Frontage District. All of the amendments proposed by the Planning Board passed.

Discussion ensued about the failure of the Workforce Housing amendment and how the Town of Gilford will handle the obligation to provide the housing. The Board discussed in the future allowing in-law apartments to become rental units as they see the need for affordable rental units in town. P. Sanfacon suggested proposing in 2011 the need for more rental unit properties.

J. Ayer reviewed the process for which the town will handle the lot un-merger process. The Board discussed people for whom lots were merged, should be aware that when the lots are un-merged and become two lots, the owners may not have a buildable lot, not be able to obtain a septic plan or a sewer hookup and their taxes may increase.

Discussion ensued about the date the annual meeting is held and the election of officers. For 2010 the annual meeting will be held on April 5, 2010 and the election of officers will take place.

K. Hayes spoke about the wetlands setback not passing but as a Board, they need to address the issue and work with the Conservation Commission and develop a proposal the public will approve.

R. Vaillancourt said he believes since the lot un-merger ordinance passed and the wetlands ordinance failed residents are in favor of private property rights.

J. Gagnon gave an example; anything proposed within 20' of wetlands should have a scientific review of the application to determine the boundary and value etc. of the wetland.

J. Morgenstern would like to have some guidelines on how to determine and indentify the criteria for a wetland area and buffer.

K. Hayes said it would be better if the Conservation Commission works with the Planning Board to draft another wetlands buffer ordinance.

Adjournment – Motion made by R. Sonia, seconded by K. Hayes, to adjourn at 8:15 p.m.
Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Technical Assistant