

MINUTES
GILFORD PLANNING BOARD
APRIL 5, 2010
CONFERENCE ROOM A
7:00 P.M.

The Gilford Planning Board met in regular session on Monday, April 5, 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, Dennis Corrigan, and Chan Eddy.

Member(s) absent: and Alternates: Carolyn Scattergood and Andrew 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. She read the rules of procedure for the public hearing. She introduced new Alternate Board Member Chan Eddy.

P. Sanfacon introduced the first application.

Theodore Bolotin –

Applicant proposes to subdivide a 27 acre parcel with less than minimum road frontage, from Tax Map & Lot #266-009.001 and Tax Map & Lot #264-007.000 located at 56 Trailview Drive and 874 Cherry Valley Road in the Natural Resource Residential Zone, the Limited Residential Zone and the Single Family Residential Zone. Conditional Use Permit Review pursuant to Section 5.1.2 (d) and Article 21, Conditional Use Permits, of the Gilford Zoning Ordinance, and Subdivision Plan Review. File #201000052.

J. Ayer stated the application is complete.

Motion made by R. Sonia, seconded by R. Vaillancourt, 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 existing design of the lots and the location of the property. He then reviewed the design of the proposed subdivision, which is to subdivide one lot from two existing lots known as #266-009.001 and #264-007.000. He reviewed they are applying for a Conditional Use Permit in order to allow a lot to be created with less than the required road frontage.

J. Morgenstern questioned if the proposed lot meets the requirements of the ordinance. S. Smith explained how the lot does meet the requirements and clarified Section 5.1.2. (d).

J. Gagnon asked about the length of the driveway to the new lot and S. Smith said it was 1600 feet and J. Gagnon said the ordinance only allows 1000. S. Smith said this is a driveway not a road. J. Ayer clarified the requirements in the Minimum Road Standards, approved in 2004, are for a town road, not for a driveway. He said the driveway must meet the minimum driveway standards.

S. Smith reviewed the standards for the Conditional Use Permit and how the proposal meets those requirements. He explained because they are located in the steep slopes/critical elevation area they have proposed to pave anything over 9% grade in order to reduce erosion and runoff.

J. Gagnon asked if the applicant would agree to not further subdivision of the 27 acre parcel. S. Smith said his client has not given him authorization to agree to that.

Regina Nadeau, attorney for the applicant, spoke about not restricting a future subdivision of the lot. S. Smith said the lot should not be restricted to future development just for the sake of restricting development of the lot or the area.

Discussion ensued about the terrain of the lots. J. Ayer reviewed the criteria of the Steep Slope/Critical Elevation Standards from the regulations for the Board.

R. Nadeau spoke about the engineering and design for the project. She said there has been a lot of time and money spent on the proposed design. She said there is a buyer agreement in place based on this design and she is concerned any changes made to the proposed design would negatively impact the agreement and she does not think they could change the plan or add additional restrictions to the subdivision at this time.

S. Smith explained the process for the creation of the subdivision. He said the drainage and engineering were designed to meet the critical elevation development standards. He said they have redirected the drainage on the site to return to the wet areas on the existing lot to prevent runoff onto other properties.

K. Hayes explained some of the drainage elevations and he does not believe runoff will be an issue as the design seems to prevent excessive runoff.

P. Sanfacon opened up the hearing for public input.

Brett Scholbe, 33 Trailview, is concerned where the location of the right-of-way will be. He said the design of that portion of the road is poor for the amount of traffic the road now has. He said the existing design is difficult for a fire truck to access as well as the DPW plow trucks. He said drainage does come onto his property now and he is concerned of future drainage issues.

Erikas Napjus, 53 Trailview Drive, said he is not opposed to the subdivision but he does agree with B. Scholbe as far as the access point to the lot as it is located on the hairpin portion of Trailview. He stated there is a lot of runoff now and he is concerned about it increasing. He is concerned about future development of the lot and how much the area can take with the potential

of adding more residential units and the ability of emergency vehicles to be able to access the lots.

R. Nadeau spoke about the fact she does not know what will happen to the property in three years or what changes to the zoning ordinance or subdivision regulations may take place that could determine what they can and can't do with the property in the future. She said the existing right-of-way is written to be very clear that Dr. Bolotin has specific rights to have access to the back lots for future subdivision.

P. Sanfacon closed the public hearing.

P. Sanfacon announced the Board will deliberate on the **Theodore Bolotin** application

For discussion, motion made by K Hayes, seconded by R. Sonia.

The Board discussed the application. J. Gagnon spoke about the access point and the steepness of the access point and suggested an on-site inspection take place before the Board makes a final decision.

K. Hayes withdrew his motion to approve, R. Sonia withdrew his second. They agreed to hold an on-site review before approving the application.

Motion made by J. Morgenstern, seconded by K. Hayes, to table the application until April 19, 2010 in order to hold an on-site inspection of the property. Motion carried with all in favor.

The Board chose to hold a site walk on April 19, 2010 at 5:30 PM. K. Hayes would like the Fire Chief and the DPW Director (or their designee) to attend the site walk. Motion carried with all in favor.

P. Sanfacon introduced the McGinley Development, Inc. 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.

Motion made by R. Waitt, seconded by R. Sonia, to take the **McGinley Development, Inc.** applications off the table for discussion. Motion carried with all in favor.

J. Ayer explained the history of these applications. He said it has been the Board's policy to not accept applications as complete until the applicant has obtained a special exception from the ZBA. The applicant went to the ZBA for the special exception and the ZBA tabled the application until the applicant gets an NHDES permit.

K. Hayes asked about the usual motion the Board uses that states, "Subject to any other state, local, and federal approvals". He asked doesn't that motion cover this issue. J. Ayer agreed it does cover the issue.

R. Vaillancourt said the Board changed the process already to not have the applicant go before the Planning Board once, then to the ZBA then back to the Planning Board in an effort to help the applicants and save them time.

J. Ayer reviewed some options for the Board to review and adopt as the new policy.

The Board discussed pending legislation that will prevent Planning Boards from requiring applicants to obtain other permits before an application can be accepted as complete.

J. Ayer explained that Town Counsel suggested the applications be tabled until April 19, 2010 and have the Board hear the applications at that public hearing.

The Board discussed the proposed policies prepared by J. Ayer.

Discussion ensued about the existing Letter of Denial process and J. Ayer said he will speak with Town Counsel about incorporating the existing wording of the denial process and where to place it, either into the regulations or the Board's By-Laws. The Board agreed.

Motion made by J. Gagnon, seconded by R. Vaillancourt, to table the **McGinley Development, Inc** applications until April 19, 2010 in order for the Board to accept the applications as complete and hear them at that time without requiring the applicant to first obtain the special exception from the ZBA and re-notice the abutters at the Town's expense. Motion carried with all in favor.

Other Business

Election of Officers

Motion made by J. Morgenstern, seconded by R. Vaillancourt, to nominate P. Sanfacon to serve as Chair. Motion carried with all in favor.

Motion made by K. Hayes, seconded by J. Gagnon, to nominate J. Morgenstern to serve as Vice-Chair. Motion carried with all in favor.

Motion made by K. Hayes, seconded by J. Gagnon, to nominate R. Waitt, to serve as Secretary. Motion carried with all in favor.

Motion made by J. Gagnong, seconded by K. Hayes, to nominate R Sonia to serve as Planning Board Representative to the HDHC. Motion carried with all in favor.

Wetlands Buffer Ordinance

J. Morgenstern spoke about the proposed Wetlands Buffer Ordinance. The Board discussed using the existing critical elevation regulations as a model for the wetlands ordinance.

Voluntary Lot Merger Request, TML# 227-040.000.

Motion made by R. Sonia, seconded by K. Hayes, to authorize the Chair to sign the Voluntary Lot Merger Request, for TML# 227-040.000. Motion carried with all in favor.

J. Ayer reviewed the discussion item for **Stormwater Regulations.** He said he has found some regulations that the Board may be interested in reviewing. He also spoke about the Board getting back into Master Plan Discussion at future work sessions.

Minutes

Motion made by R. Sonia, seconded by K. Hayes, to approve the minutes from March 15, 2010 as amended. Motion carried with all in favor.

Adjournment – Motion made by R. Sonia, seconded by K. Hayes, to adjourn at 8:35 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Technical Assistant