

**MINUTES  
GILFORD PLANNING BOARD  
AUGUST 16, 2010  
CONFERENCE ROOM A  
7:00 P.M.**

The Gilford Planning Board met for a public hearing on Monday, August 16, 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: Richard Waitt, Richard Vaillancourt, and Richard Sonia.

Alternate(s): Dennis Corrigan and Chan Eddy.

Member(s) absent: Jerry Gagnon and Wayne Hall.

She appointed D. Corrigan to replace absent member J. Gagnon.

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 for the public hearing.

P. Sanfacon introduced David Crane, Arborist from Public Service of New Hampshire.

**Presentation**

David Crane, Arborist from Public Service of New Hampshire. Pursuant to RSA 231:158, will discuss and explain tree removal and trimming along the following Town of Gilford designated scenic roads: Wild Acres Rd. and Cotton Hill Rd

David Crane, Public Service of New Hampshire, explained they are trimming trees along the scenic roads in Gilford. He said they use a 4-5 year trimming maintenance schedule and it has been that long since the last trimming occurred. He explained the purpose is to keep the lines free from damage from trees from weather conditions. They have contacted the landowners and they discuss any questions and concerns the landowners may have.

D. Corrigan commented the company hired is very responsible and they do a good job of cleaning up the trees and debris while they are working.

P. Sanfacon read a letter from Dean Clark, agent representing the Lin & Twei Bi, Amended Site Plan Application, requesting the application withdrawn.

**Lin & Twei Bi**

Applicants propose to add open air dining on the front of the building for 44 additional seats to be used in the summer on Tax Map & Lot #201-002.000 located at 89 Lake Street in the Commercial Zone. Amended Site Plan Review. File #2010000215. *Tabled from the June 21, 2010 meeting.*

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

Motion made by R. Waitt, seconded by K. Hayes, to accept their withdrawal request.

Discussion on the motion.

D. Corrigan asked if this will allow the Code Enforcement Officer to remove the signs out of the right-of-way. He asked if the Board denied the request would it make it easier to enforce. P. Sanfacon said it would not make any difference. J. Ayer said the Town Attorney has been contacted about this issue and they will be contacted again to discuss the next step.

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

P. Sanfacon introduced the next case. She read a letter from Dean Clark, agent representing the Litchfield Dairy Holdings, LLC/Sawyer's Dairy Bar, requesting the application withdrawn

**Litchfield Dairy Holdings, LLC/Sawyer's Dairy Bar**

Applicants propose to add a 20' x 20' seasonal tent and a 10' x 20' storage trailer on Tax Map & Lot #224-014.000 located at 1933 Lakeshore Rd. in the Resort Commercial Zone. Amended Site Plan Review. File #2010000294.

Motion made by R. Waitt, seconded by K. Hayes, to accept the withdrawal request.

Discussion on the motion.

K. Hayes said they still have the tent up and does this withdrawal request mean the tent will come down. J. Ayer said yes the tent will have to come down.

Motion carried with all in favor.

P. Sanfacon introduced the next case. R. Vaillancourt recused himself and C. Eddy was appointed to replace R. Vaillancourt.

**Colin & Mary Robertson**

Applicants propose a two (2) lot-subdivision on Tax Map & Lot #216-093.100 with lots ranging in size from 1.31 acres to 2.98 acres located at 361 Weirs Rd. in the Single Family Residential Zone. Subdivision Plan Review. File #

2010000295.

Motion made by R. Waitt, seconded by R. Sonia, 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 the location and existing conditions on site. He said the lots are served by community water and there has been significant improvements made to the structures. He said the proposal will bring the lots more into conformance. He explained the setback issue and with the exception of the front setback to the farmhouse lot, all setbacks will be met on the lots and each lot will be in conformance because both houses will be on its own lot.

J. Ayer asked about a driveway easement that may be needed to access the house in the back of the farm house lot. He said he thought a driveway easement should be recorded along with the plan when it is recorded. S. Smith explained it would be better to wait until the property owner's finally decide what to do with the new lot and when they decide to sell the lot.

D. Corrigan wants the Board to check with Town Counsel about requiring a driveway easement to be created and recorded. J. Morgenstern said that is not an issue the town should be concerned with and it may be an issue only when, or if, the property is sold.

K. Hayes about where the sewer discharge goes. S. Smith reviewed the plan and said the sewer hooks into one of the man holes on the lot.

P. Sanfacon opened the hearing for public input.

Nancy Lekebush-abutter from 308 Dockham Shore Rd-said her concern is this property is in a deeded association and they are limited to having 62 owners and they have other deed restrictions that she is concerned about those being violated. She wants to know if the second house will be a part of the association.

P. Sanfacon read a note on the plan that states the proposal would have to meet all regulations of the association. N. Lekebush said they will be adding another resident to The Association and that the By-Laws and Covenants can only be changed every 10 years and she is concerned the approval of this subdivision would violate the covenants. P. Sanfacon explained the applicant is proposing a subdivision that meets the requirements of the town's regulations and the Planning Board cannot be held to the association's covenants.

J. Morgenstern asked if both houses were there at the creation of the association. N. Lekebush said she is not sure there were two houses there at the time but there were two structures at that time.

Ron Lekebush- is concerned about the other 62 association owners and they should have been noticed for this proposal. P. Sanfacon said other lot owners in the association would not be noticed because they are not physical abutters to the subject lot as the Lekebush's are. S. Smith said it is a pre-existing, non-conforming lot, not an illegal lot and the Planning Board has no authority to make decisions on association regulations.

P. Sanfacon closed the public hearing with no further input.

P. Sanfacon introduced the next case.

**Hannaford Bros. Co. C/o William E. McKenny**

Applicants propose to construct new retail space approximately 47,000 SF in size with a drive thru window on Tax Map & Lot #201-024.000 located at 1407 Lakeshore Rd. in the Commercial Zone. Amended Site Plan Review. File #2010000297.

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

Bill Stack, agent representing the application, gave a brief presentation to the Board. He explained the location of the proposed store and it was previously approved in 2005-2006. He said all the grading, landscaping, lighting, site work, pavement, parking, etc. has been complete when Lowe's was built. He said this proposal is for a smaller store than what was originally approved and will include a pharmacy with a drive-up window. He said they are going to request a waiver for the wetland delineation as the plan was already approved. He said they will add a note it is located in the Aquifer Protection District and they will add striping and "No Parking" lane per the fire department request. He discussed the color of the canopy and they would like to use the original color that was approved.

B. Stack explained the sign will be added to the existing sign along Lakeshore Rd.

Discussion ensued about the size of the store and if it would be attached to Papa Gino's. B. Stack said it will be connected to Papa Gino's.

William McKenny, Hannaford representative, discussed architecture and said it is very similar to what the Board approved a few years ago, even though the size has been reduced.

K. Hayes asked how this store will compare to the existing store. W. McKenny said the existing store is bigger in square feet but this store will have more sales square footage area than the original store.

B. Stack showed the Board where the drive-up window will be located and they

discussed the traffic pattern in the parking lot. B. Stack said they may add another "Stop" sign and relocate the "stop bar" because they agree with some safety comments made at the Site Study meeting.

J. Morgenstern asked about the design and layout for snow removal and snow storage and he thinks the design around the parking spots near the drive through should be redesigned.

Discussion ensued about parking and if the parking requirements were adequate. The Board determined there was adequate parking on site.

W. McKenney said they would like to keep the plan as is and not remove green space due to their NHDES groundwater permitting requirements.

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

### **DELIBERATIONS**

#### **Colin & Mary Robertson.**

R. Vaillancourt recused himself from deliberations. P. Sanfacon appointed Chan Eddy to replace R. Vaillancourt.

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

1. Any other federal, state or local approvals that may be required.

Motion carried by a vote of 6-1 with D. Corrigan voting against the in motion.

#### **Hannaford Bros. Co. C/o William E. McKenny**

Motion made by R. Waitt, seconded by R. Vaillancourt, to grant the waiver request.  
Motion carried with all in favor.

Motion made by R. Sonia, seconded by K. Hayes, to approve the application subject to:

1. The applicant obtaining a special exception for the drive through window.
2. These conditions of approval being placed on the site plan.
3. The applicant obtaining any other federal, state, or local approvals that may be required.

D. Corrigan brought up the following issues he believes should be included in the motion:

4. A note should be placed on the plan indicating the site is located in the

Aquifer Protection District.

5. Note on the plan regarding installation of directional signs.
6. Installation of pedestrian safety signs.

R. Sonia and K. Hayes agreed to the amended motion. Motion carried with all in favor.

### **Other Business**

J. Ayer spoke about the 2011 budget. He said the 2011 American Planning Association Conference is being held in Boston and he would like some Board members to attend. P. Sanfacon and J. Morgenstern spoke about attending as well as a few other members and J. Ayer will get more information for the Board.

J. Morgenstern asked if J. Ayer contacted the Conservation Commission about a joint meeting and J. Ayer said he would.

**Minutes-** Motion made by R. Waitt, seconded by R. Sonia, to approve the minutes from August 2, 2010. D. Corrigan wants "ordinances" changed to "statutes" on page 2.

Motion carried with R. Vaillancourt abstaining.

P. Sanfacon said there were several items that J. Ayer was going to work on for the Board like the excavation regulations, parking requirements, property pin verification on approved plans. She would like an update

**Adjournment** – Motion made by R. Sonia, seconded by K. Hayes, to adjourn at 8:20 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte  
Technical Assistant