

**MINUTES
GILFORD PLANNING BOARD
OCTOBER 18, 2010
CONFERENCE ROOM A
7:00 P.M.**

The Gilford Planning Board met for a public hearing on Monday, October 18, 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): Dennis Corrigan, Wayne Hall and Chan Eddy.

Member(s) absent:

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 Pat Tarpey from the North Country Resource Conservation & Development Area Council and said she will be giving a presentation.

PRESENTATIONS

Pat Tarpey-North Country Resource Conservation & Development Area Council-Wetlands discussion.

She explained she works part time for the LRPC in order to be involved with the development of the Lake Winnepesaukee Watershed Management Plan. She explained Gilford, Meredith and Laconia along with the North Country Resource Conservation & Development Council, the NHDES and the EPA are working in a partnership under the federal 319 grant program to study the watershed of Lake Winnepesaukee. She explained this grant is mainly focused on the phosphorus loading of freshwater bodies. She said phosphorus is an identifiable contributing factor in vegetative growth including a contribution to the increased milfoil content of the regions

freshwater bodies. She reviewed the negative economic and environmental impacts of phosphorus such as algae blooms, milfoil growth, loss of recreation and business due to poor water quality. She reviewed some sources of phosphorus and spoke about a few of the contributing factors for phosphorus that the Lake Winnepesaukee Watershed Management Committee has focused on the erosion and sedimentation, septic systems, and storm water runoff. She explained the NHDES has set phosphorus level maximum of 8ug/l of phosphorus loading for Lake Winnepesaukee and have said that a community that has surpassed that level of 8 for phosphorus loading, the NHDES will halt development within the town until the town can prove that site is not continuing to increase the phosphorus loading. She mentioned a newspaper article from August 2010 that reported towns around the Lake that have milfoil issues have seen a reduction in property values and how phosphorus adds to the growth of milfoil. She reviewed sampling information that was obtained from the Lake through an ongoing sampling program through UNH to show the phosphorus loading and showed the Board the removal efficiencies of vegetative buffers.

J. Morgenstern asked how successful the Comprehensive Shoreland Protection Act has been with buffers. She said if the buffer and regulations are adhered too, they work well. She added that the NHDES is understaffed and cannot keep up with the regulatory work needed.

J. Morgenstern asked if they have looked at how these issues can be mitigated. P. Tarpey said yes they have applied for two grants to the NHDES to help with Gunstock Brook however, they were not chosen for grant money but they are actively pursuing additional grant monies.

P. Sanfacon thanked P. Tarpey for her time and presentation. P. Tarpey thanked the Board.

The Board took a five minute break.

P. Sanfacon introduced the first application.

Lin & Twei Bi

Applicants propose to add a picket fence along the frontage of their property, relocate 36 seats previously approved for the patio to 9 tables to be placed in the lawn, and to create 16 new gravel

parking spaces on Tax Map & Lot #201-002.000 located at 89 Lake Street in the Commercial Zone. Amended Site Plan Review. File #2010000337.

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

P. Sanfacon explained there was a presentation at the last public hearing and the Board completed a site walk on October 14, 2010. R. Vaillancourt said he did not attend the site walk but he was able to go to the site on his own and he was at the previous public hearing.

D. Clark, representing the application, gave a brief presentation to the Board. He said he has spoken to Dave Andrade, Code Enforcement Officer, about creating some type of protective barrier around the pond and they are prepared to do that.

P. Sanfacon read a letter into the record from Jolene Young, an abutter, located at #21 Eastern Shore Condominiums, who spoke out against the proposal to have outside bands.

D. Corrigan spoke about the site walk and that the property owner discussed having bands on the major holiday weekends in the summer.

C. Eddy went to the site and took sound measurements and said the music was noticeable louder when the doors were left open. He noted that there were no bands performing on the patio.

K. Hayes said he was at the site at 11:00 PM and said when the doors were opened the music was louder. C. Eddy agreed. K. Hayes said he did walk to the Eastern Shores site to observe as well.

P. Sanfacon opened the hearing for public input.

Louise Draper, abutter, spoke about her concerns over having bands on the patio and the noise and lighting. She is not that concerned over the inside music, she is more concerned about what is being planned outside for the patio area; such as is there a bar planned outside, how many people will be allowed out there, the lighting, etc.

Discussion ensued about what the Board is reviewing at this time. The Board discussed the application in front of them is for outside seating and parking not for outside entertainment. K. Hayes said any applications for entertainment would be presented to the Board of Selectmen.

J. Ayer explained the Board could discuss that during deliberations and they had previously approved a site plan (Ellacoya Bar & Grill) with conditions regarding the hours for when live music can be played.

Lin Bi, owner, spoke about outside bands. The Margate runs outside bands all summer and they have to stop at 10:00 PM. He said the music is not always enjoyable and that he has had customers complain that the music from the Margate could be heard inside the restaurant. He said they have been approved for an outside bar. He is concerned that his restaurant is not being viewed the same way as the Margate is since the neighbor's have not complained about the Margate's music as they have China Bistro's music despite the fact that the Margate's music is loud.

P. Sanfacon closed the public hearing.

P. Sanfacon introduced the next application.

Gail Wood

Applicant proposes to operate a Marina/Boat Slip Rental using existing moorings for six (6) boats, with associated parking at her residence on Tax Map & Lot #242-180.000 located at 15 Roberts Road in the Resort Commercial Zone.

Site Plan Review. File #2010000397.

J. Ayer said there should be 6 existing boat slips and 4 moorings for this application.

J. Ayer said there are waiver requests before the application can be accepted as complete. He recommended the Board grant the waivers and reviewed them as follows:

Waiver requests: 2. Drawing scale. Drawing was done by applicant and is not to scale.

5. Graphic, bar type drawing scale. Same reason as above.

7. Legend. No symbols were used.
8. Stamp blocks.
11. through 16. Survey details.
18. Drainage. There is no drainage on site.
23. Road details. Not applicable.
24. Structures to scale. There is no scale.
28. Lot coverage percentage. Cannot calculate this

herself.

Motion made by R. Sonia, seconded by K. Hayes, to grant the waiver requests. Motion carried with all in favor.

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

Gail Wood, property owner representing the application, gave a brief presentation to the Board. She explained she has lived there for 29 years and that the Town of Gilford has requested she submit a site plan to the Town of Gilford for the parking for the moorings and boats slips she rents to the public. She is also required to show parking for the two-family residence on the site plan. She reviewed the NHDES approved boat slips and parking spaces on the plan as well as the NH Dept of Safety approved moorings and parking spaces and the parking for the residences.

P. Sanfacon asked if the parking spaces were 10' x 20' and G. Wood said yes. She said the plan was completed to scale in 1987.

J. Gagnon has concerns about the plan as far as the parking. The Board may be approving a plan with 21 parking spaces and that she only needs 12 spaces. He is concerned the site is too small for all the extra parking. He is also concerned about the site and the existing lot coverage.

J. Ayer said the Town of Gilford does not regulate parking spaces for residential uses but it does for commercial uses.

K. Hayes asked about the boathouse and if she has anymore area along the shoreline to moor additional boats. G. Wood said no the terrain does not allow for that.

R. Sonia said he agrees with J. Gagnon about the parking on site and is

concerned about the lot coverage.

J. Ayer said the applicant is trying to be accommodating for the Board and show the site has enough parking.

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

DELIBERATIONS

Lin & Twei Bi

K. Hayes asked: if the Board approve the 36 seats in the front what is the maximum number of people that will be allowed in the patio area.

J. Ayer said they could ask the fire department what the requirements are for the square foot per person allowed. K. Hayes said his concerned about an entertainment permit being approved and having too many people in the patio area when a band is playing. He is concerned about the safety issues that could develop.

The Board discussed limiting the number of patrons on the patio. R. Sonia spoke about limiting the outside music and if it was within this Board's purview at this time. The Board asked if outside entertainment and bands are within the Board of Selectmen's purview. D. Corrigan believes that, since the applicant has discussed having outside music and he believes having outside music is a safety issue, than this application is within the purview of the Planning Board because the Planning Board reviews applications for safety issues.

C. Eddy is of the opinion that, if the Board is going to allow music outside, they may want to do more research with acceptable noise levels.

J. Gagnon suggested a condition of approval be that outside music not be allowed.

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

1. The fence shall be relocated to its proposed location prior to October

26, 2010.

2. No entertainment or playing of music shall be conducted outdoors.
3. The applicant shall obtain any other federal, state, or local approval that may be required.
4. This approval is for nine (9) tables with 36 seats with a maximum of 45 customers plus wait staff allowed on the patio at any given time.
5. An adequate safety arrangement around the pond.

Motion carried with all in favor.

Gail Wood

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

- 1 Approve the application subject to the applicant obtaining any other federal, state, or local approval that is required.
- 2 No selling boat slips separately from the house.
- 2 Site Plan revised to show the appropriate required (12) parking spaces.

Discussion on the motion- D. Corrigan said the existing parking in the setback is grandfathered.

Motion carried with all in favor.

Other Business- J. Ayer said there is a proposal to increase the fees for the DPLU.

Minutes- Motion made by R. Sonia, seconded by K. Hayes, to approve the minutes from August 30, 2010 as amended. Motion carried with all in favor.

Motion made by R. Waitt, seconded by R. Sonia, to approve the minutes from October 4, 2010 as amended Motion carried with J. Gagnon abstaining.

Motion made by R. Sonia, seconded by K. Hayes, to approve the minutes from October 14, 2010 as presented Motion carried with all in favor.

Adjournment – Motion made by R. Sonia, seconded by K. Hayes, to adjourn at 8:50 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Technical Assistant