

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

The Gilford Planning Board met for a public hearing on Monday, November 15, 2010 at 7:00 p.m. in Conference Room A in the Gilford Town Hall.

In attendance were: Chair-Polly Sanfacon; 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: Vice Chair-John Morgenstern. P. Sanfacon appointed D. Corrigan to replace absent Regular member/Vice Chair John Morgenstern.

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 the first application.

Wide Open Spaces Revocable Trust/Kim & Holly Cedarstrom –

Applicant proposes to expand an existing retail seafood store, create storage space within the existing building, add an Automobile Repair use, and an Automobile Sales use with Outdoor Display area on Tax Map & Lot #214-002.000 located at 2 Lily Pond Road in the Industrial Zone and the Aquifer Protection District. Amended Site Plan Review. File #2010000453.

J. Ayer discussed the waiver requests- He discussed one, the Aquifer Protection District waiver request, and said is not applicable to this application. If it was applicable it would require a variance not a waiver request. He explained the applicant is not proposing any site work or excavation that would impact the regulations of the Aquifer Protection District. He reviewed the waiver request for Checklist Item 16 d.

Motion made by R. Sonia, seconded by K. Hayes, to grant the waiver request for checklist item 16.d.

Motion carried with all in favor.

Discussion ensued on the waiver request for the Aquifer Protection District, section 19.4.2.

D. Corrigan believes there is a change of use and that a drainage plan should be

submitted due to the nature of the business and it is located in the Aquifer Protection District and proximity to Lily Pond.

Motion made by D. Corrigan, seconded by R. Waitt, to not accept the application as complete to have the applicant submit a drainage plan per Aquifer Protection District section 19.4.2.

Discussion on the motion-The Board discussed the nature of the proposed uses and the potential for contamination to the Aquifer, groundwater and Lily Pond. They also discussed making the applicant submit a drainage plan as a condition of approval if they accept the application as complete.

R. Sonia asked if the Board should allow the applicant to proceed by waiving the request with the reservation to be understood that the applicant cannot move forward with the project until the drainage plan is submitted. J. Ayer said it would be quicker for the applicant to have the application heard tonight and the Board can require the plan as a condition of approval.

D. Corrigan withdrew his motion and R. Waitt withdrew his second on the original motion.

The Board discussed the potential of discussing this application with the Conservation Commission due to the location in the Aquifer Protection District and drainage issues.

Motion made by D. Corrigan, seconded by K. Hayes, to grant the waiver request for section 19.4.2 with the reservation that as the Board discusses the application, the Board will again raise the issue for a drainage and stormwater plan as a condition of approval.

J. Ayer suggested as a condition of approval the Board can limit the activities associated with vehicles allowed outside.

Motion carried with all in favor.

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

D. Clark, representing the application, gave a brief presentation to the Board. D. Clark reviewed the location of the site and previous uses on the site. He said Kim Cedarstrom has cleaned up the site significantly. He explained the proposed uses and existing uses on site. He reviewed they will only have 28 vehicles, including boats, snowmobiles, jet skis, etc on the plan.

D. Corrigan asked how many spaces are used for display for the vehicles for sale. D. Clark said 28 spaces for vehicles for sale with 3 spaces for cars waiting for service and 9 spaces for food service. He explained the interior of the building will be separated

with fire rated separation walls and materials.

D. Clark reviewed they will be adding other food services on site. He said the floors do not have floor drains and there will be one vehicle lift inside.

D. Corrigan asked who licenses the food service. He said either the Town of Gilford Health Officer or the NH State Health Officer regulates the food service. He discussed previous situation where gas stations were not allowed to serve food out of windows that face gas pumps and questioned the design of this project. J. Ayer said S. Morgan and D. Andrade, current and former Health Officers, were at the Site Study meeting and did not mention any type of separation that would be needed between food service and vehicle service.

K. Cedarstrom said they are licensed by the NH Dept. of Health and they are inspected once a year. D. Corrigan would like K. Cedarstrom to receive a license from the NH Dept of Health to allow food service in the same building as auto repair. C. Eddy spoke about that being a lot to ask of from the applicant.

P. Sanfacon asked if the fish market and other food service will be seasonal and K. Cedarstrom said yes but the vehicle sales and service will be year round use.

K. Hayes had the applicant explain how they will handle and store vehicle fluids on site. Applicant said they have a company come and collect used oil, antifreeze, transmission fluids etc., and they are transferred to barrels and a company comes and removes the barrels. K. Hayes confirmed there are no floor drains on site and that the vehicle service area will be in the back of the building.

R. Sonia asked if there are preventative measures inside to control a spill and applicant said yes there is a berm located inside to help control any spills.

Discussion ensued about the Conservation Commission reviewing this application and providing comments. The Board said they have yet to discuss that issue.

J. Ayer reviewed section 19.4.2 c of the Aquifer Protection District. He discussed the Board could impose a condition of approval requiring the applicant to create and maintain an inspection log. The applicant said they would be able to do that. J. Ayer clarified the types of vehicles that can be sold on site, such as; ATV's, snowmobiles, and motorcycles.

Discussion ensued about proposed signs and J. Ayer said the applicant has submitted a Master Sign Plan.

K. Hayes asked how far the parking/display area is from Lily Pond and D. Clark said they are about 100' away and they discussed there is an adequate buffer in place from the parking area to the pond.

R. Vaillancourt asked about snow removal and D. Clark said there are areas in front and

in the back within the parking areas that can be used. He said it most likely will not be an issue as some uses are seasonal.

J. Ayer suggested the parking spaces be identified as parking for vehicles waiting for service and spaces for the food service use.

The Board discussed there are a total of 40 spaces allocated for the vehicle parking. The applicant agreed to install a "stop bar" and "stop sign".

K. Hayes said he does not have an issue with this application as far as buffers are concerned. He thinks the setbacks are adequate.

D. Corrigan thinks K. Cedarstrom should contact the NH Dept of Health in order to get permission to have food service with vehicle repair in the same building.

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

DELIBERATIONS

Wide open spaces revocable trust/kim & holly cedarstrom –

J. Gagnon asked if Con Com has looked at this plan and J. Ayer said no. J. Gagnon said after all the discussions they have had he thinks the Conservation Commission should look at the plan. K. Hayes said since they were not at Site Study, they should review it tomorrow night at their meeting.

The Board discussed tabling the application in order for the Conservation Commission to review the plan and provide input to the Planning Board.

D. Corrigan suggested the Conservation Commission come up with criteria for the Planning Board to review this application. J. Gagnon thinks the Board should not finalize the decision tonight without obtaining Conservation Commission's input. P. Sanfacon agrees. P. Sanfacon and J. Gagnon suggested telling the Conservation Commission the Planning Board has reviewed the plan thoroughly and the Board is requesting their assistance and input. J. Ayer asked S. Verdile Philibotte what her opinion was as to how the Conservation Commission may respond to the request from the Planning Board for the Commission to review the plans. S. Verdile Philibotte said she believes the Commission would be open to reviewing the plan and providing input at their meeting on November 16, 2010.

Motion made by R. Sonia, seconded by R. Waitt, to table the application until December 6, 2010, in order for the Conservation Commission to provide input. Motion carried with all in favor.

J. Ayer discussed since the application took longer than expected to discuss and

present and the fact that J. Morgenstern is absent, maybe the Board should postpone discussing the zoning amendments.

Other Business- 2011 Board meeting schedule. J. Ayer reviewed some of the different dates proposed for the 2011 meeting schedule due to holidays in January and February.

Motion made by R. Sonia, seconded K. Hayes to approve the 2011 Meeting Schedule. Motion carried with all in favor.

2011 Zoning Amendment discussion

Workforce Housing- J. Ayer asked the Board why they felt the Workforce Housing zoning amendment. The Board said the public perception about what Workforce Housing is misunderstood and that is why it failed. K. Hayes said at this time it may be difficult to convince the public to pass this type of zoning amendment. The Board discussed moving forward with the "Accessory Apartment" zoning amendment.

Steep Slope- K. Hayes thinks it is worth it to propose to the public. J. Gagnon does not agree with 15%. Slope ordinance.

Minutes- Motion made by R. Sonia, seconded by K. Hayes, to approve the minutes from October 18, 2010 as amended. Motion carried with all in favor.

Motion made by R. Sonia, seconded by K. Hayes, to approve the minutes from November 1, 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