

**MINUTES  
GILFORD PLANNING BOARD  
DECEMBER 6, 2010  
CONFERENCE ROOM A  
7:00 P.M.**

The Gilford Planning Board met for a public hearing on Monday, December 6, 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.

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. *Tabled from November 15, 2010.*

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

J. Ayer discussed the application. He explained the Conservation Commission reviewed the application at their November 16, 2010 meeting. He explained that the Building Inspector reviewed Section 5.2.1 (b) of the Ordinance and discovered that this use is not allowed. He told the Board he believes the applicant may be applying for a variance from that section of the ordinance. J. Ayer explained the new law that states the Planning Board can approve applications without the applicant obtaining approvals from another land use board first; they can approve the application subject to the applicant obtaining other necessary approvals.

Kim Cedarstrom, applicant, asked when Section 5.2.1 (b) of the ordinance was enacted and J. Ayer said he estimates since 1984. K. Cedarstrom asked about all kinds of materials that currently exist in the area that would be prohibited but the businesses in the area are allowed to have them. He mentioned Lowe's, the Airport, the new Hannaford's and all the other businesses that abut Black Brook, that have not been subject to this interpretation of the Section

of the ordinance and have been allowed to operate. He wants to know why he is subject to the interpretation and said he believes it is selective enforcement. He wants to know if any other businesses have had to get a variance. J. Ayer said K. Cedarstrom is correct; he is not aware of other businesses having to get a variance.

D. Corrigan and J. Gagnon believe this is an issue to be discussed in front of the ZBA. J. Ayer said the Board of Adjustment has the ability to make the determination on whether K. Cedarstrom has to get a variance.

K. Cedarstrom said he is not being treated fairly because other businesses have been allowed to operate without getting a variance or having Section 5.2.1 (b) applied to their applications.

R. Sonia commented this interpretation of Section 5.2.1 (b) has been discovered late in the Planning Board review process and he agrees with the applicant's concern over how his application is being treated, that no other applicants had this section applied to their application.

The Board acknowledged the Getty Station application, which is also a car repair and sales business that was approved last year and was not subject to Section 5.2.1 (b) of the ordinance. They discussed how to remedy this situation with possibly re-writing the ordinance but that it does not help this applicant right now.

P. Sanfacon said the Board feels bad for K. Cedarstrom but they cannot help him at this point until the ZBA makes a decision.

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

## **DELIBERATIONS**

### **Wide open spaces revocable trust/kim & holly cedarstrom –**

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

1. The outdoor vehicle display area for the salesroom use shall be marked on site, and shall be the only outdoor area used for such purpose.
2. The maximum number of vehicles allowed to be displayed within the outdoor display area shall be as shown on the plan as "28" 10' x 20' spaces and "12" 6' x 12' spaces.
3. The outdoor area used by the vehicle repair business to store vehicles that have been repaired or that are awaiting repair, shall be marked on site, and shall be the only outdoor area used for such purpose.
4. Containers of five (5) gallons or more used to store regulated substances shall be product-tight and stored on an impervious surface designed and maintained to prevent flow to exposed soils, floor drains, and outside drains (see §19.4.2(c)).
5. The area inside the building used to store regulated substances as defined in Article 19 of the Gilford zoning ordinance, shall be secured against unauthorized entry by means of a door and/or gate that is locked when authorized personnel are not present, and must be

inspected weekly by the facility owner who shall keep a record of such inspections (see §19.4.2(d)).

6. Containers in which regulated substances are stored shall be clearly and visibly labeled and must be kept closed and sealed when material is not being transferred from one container to another (see §19.4.2(g)).
7. Signs not specifically approved in the Master Signage Plan shall be prohibited;
8. The landscaping of this site shall be maintained and kept in an attractive condition to enhance the appearance of this highly visible location.
9. Outdoor vending and other uses not approved as part of this site plan or otherwise duly approved by the Town shall be prohibited.
10. The applicant shall install a stop sign and stop bar at the site egress which shall be reflected on the site plan.
11. This approval shall be conditioned upon the applicant obtaining approval of a Special Exception for the Salesroom, a variance from the requirements of Section 5.2.1(b) prohibiting “storage or use of materials that are pollutants, flammable, poisonous, explosive, or could be injurious to human, animal, fish, or aquatic life...” on this lot, and any conditions of approval pertinent to either of those approvals, or a ruling from the ZBA on the applicability of section 5.2.1 (b) of the Zoning Ordinance if the ZBA determines no variance is required.
12. Vehicles should be washed in one designated area outside with some type of water retention and containment system that includes primary treatment for removal of solids and separation of oils. The proximity of the parking area to the wetlands and Lily Pond demand attention to this runoff in a manner similar to boat washing at marina facilities. Reference may be had to the DES BMP’s for boat washing sites.
13. If there is a change in the impervious surface or an increase in lot coverage, the applicant/owner must return to the Planning Board for a site plan amendment, at which time a Storm Water Management Plan, including engineered plans for a treatment facility, may be required.
14. Snowplowing and snow storage should be directed to the northeastern border of the property. No snow storage is to be located within 50 feet of Lily Pond.
15. The applicant shall obtain any other federal, state, or local approvals that may be required.

Discussion on the motion.

K. Cedarstrom noted he would like to clarify they are selling more types of vehicles than what is described in the definition of a “Salesroom”. K. Hayes said yes that is the Board’s intent to allow the selling of more types of vehicles than what is defined in “Salesroom”.

Motion carried with all in favor.

The Board discussed J. Ayer needs to review the Comprehensive Shoreland Protection Act against the Aquifer Protection District and report back to the Board to determine need for Section 5.2.1 (b) and possibly amending it. The Board may also want to consult with the Conservation Commission on amending that section of the ordinance.

### **Other Business.**

J. Ayer informed the Board that Norm Soucy, the owner of The Gilford Village Store, would like to make some changes to the existing store. He would like to add some seating with a counter and some tables and chairs. The Board discussed the Code Enforcement Officer's concern that Mr. Soucy may have to add a bathroom due to the health regulations. J. Ayer said he will speak to the Health Officer. He said the Building Inspector thinks he may have to add a bathroom and the Fire Inspector has not reviewed any information yet. The Board seemed generally in favor of such a modification and saw no need for Planning Board site plan review.

### **2011 Zoning Amendment discussion**

1.~~~ Accessory apartment-J. Ayer reviewed the comments the Board made from the last meeting. Discussion ensued about whether to allow the apartment in a detached building. The Board also compared the criteria for a bunkhouse versus an accessory apartment. The Board would like to institute a required 25 foot setback for a detached structure that would include an "Accessory Apartment".

2.~~~ Home Occupations-The Board discussed putting limits on what constitutes, or what can and cannot be done as a Home Occupation, including tractor trailer parking.~ (ZBA chair thinks tractor parking without trailer should be OK). J. Ayer reviewed the revised criteria for a Home Occupation. J. Morgenstern would like it to be noted that signs should not be allowed to be illuminated for a Home Occupation. The Board discussed what types of activities and vehicles can be used or stored in relation to a Home Occupation. J. Ayer spoke about the excavation company on Salt Marsh Pond Rd. and noted this amendment came forward because the Board felt that was too excessive for the neighborhood. The Board said that was a mistake and it should not have been allowed. They discussed how to address all potential uses for home occupations and that maybe it should be through a special exception or a Conditional Use Permit.

3.~~~ Excavation to create buildable area- J. Ayer distributed a proposed amendment for "Regarding of Steep Slopes". He reviewed the discussion from the work session the Planning Board had last year with the Conservation Commission and reviewed the Commission's opposition to excavating in order to create buildable area. K. Hayes requested that J. Ayer review the new regulations the NHDES has passed. The Board determined to not move forward with this amendment in 2011.

4.~~~ Parking ratio reductions- To be discussed at another work session

5.~~ Development/Complex Signs- To be discussed at another work session.

**Minutes**- Motion made by R. Sonia, seconded by R, Waitt, to approve the minutes from November, 15, 2010 as amended. Motion carried with all in favor.

**Adjournment** – Motion made by R. Sonia, seconded by K. Hayes, to adjourn at 8:30 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte  
Technical Assistant