

**MINUTES
GILFORD PLANNING BOARD
DECEMBER 20, 2010
CONFERENCE ROOM A
7:00 P.M.**

The Gilford Planning Board met for a public hearing on Monday, December 20, 2010 at 7:00 p.m. in Conference Room A in the Gilford Town Hall.

In attendance were: Vice Chair, John Morgenstern; Selectman's Representative, Kevin Hayes; Regular Members, Jerry Gagnon, Richard Waitt, and Richard Sonia.

Alternate(s): Wayne Hall and Chan Eddy.

Member(s) absent: Chair, Polly Sanfacon; Regular Member Richard Vaillancourt and Alternate Dennis Corrigan.

J. Morgenstern appointed C. Eddy to replace absent regular member R. Vaillancourt and W. Hall to replace absent Regular Member P. Sanfacon.

Also present were John B. Ayer, Director of Planning and Land Use and Stephanie Verdile Philibotte, Technical Assistant.

J. Morgenstern led the Pledge of Allegiance, introduced Board members and staff, and read the rules of procedure for the public hearing.

J. Morgenstern introduced the first application.

Blue Sky Enterprises, Inc./Raymond and William Reed

Applicants propose a Boundary Line Adjustment to transfer 1.97 acres from a 34.40 acre lot in Gilford (Gilford Tax Map and Lot #205-025.000) to an abutting 3.60 acre lot straddling the Gilford/Laconia town line (Laconia Tax Map and Lot #476-351-5). All of the land to be transferred is within the Town of Gilford. The properties are located at 230 Cotton Hill Road in Gilford, and 85-113 Frank Bean Road in Laconia.~ The Gilford lot is located in the Limited Residential (LR) Zone and the Laconia lot is located in the Industrial Park (IP) District. Boundary Line Adjustment Plan Review.~ File #2010000500.

J. Ayer discussed the waiver requests- Checklist items 14) Contour Mapping, 16.c) Steep Slopes, 16.d) Wetland Areas, 25) Existing vegetative cover and 28) Lot Coverage. He explained the waiver requests are because there are no new building lots being created; land being transferred is vacant and wooded.

J. Morgenstern asked what they would be waiving if they grant the waiver requests. J. Ayer said for this application these items are not applicable at this time for what is being proposed.

Motion made by J. Gagnon, seconded by C. Eddy, to grant the waiver request for checklist items #14, #16.c., #16.d, #25 and #28. 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.

Howard Warren, owner representing the application, gave a brief presentation to the Board. He explained the location of the property on Cotton Hill Rd. and that it has about 32 acres. He explained before they buy property they do a survey and a title search. On this property they found that the well that is used by the abutting property owner, Ray Reed, is actually on the subject property and not on Ray Reed's property. This proposal will allow the well and well radius to be entirely located on the Ray Reed property with clear title. He explained there will be a permanent, vegetative buffer that will not be disturbed between the edge of the required 75 foot radius and the Blue Sky Property that will be written into the deeds and recorded. He explained they created a permanent setback of 25 feet between the subject property and the abutting lot because they did not want to directly abut that lot which is owned by The City of Laconia.

Discussion ensued about the future of the lot and if the land has development potential. H. Warren referred to the notes on the plan that state development is prohibited within the land being transferred.

J. Morgenstern opened the hearing for public input.

Alan Ladieu, who is listed as an abutter, lives on Cotton Hill Rd. He received notice of the meeting. He commented on the fact that Mr. Ayer spoke about the fact that junkyards are not allowed in Gilford and there has been a history of violations on the Reed junkyard property. He presented the Board with pictures showing there are junk cars over the town line and located in Gilford.

Discussion ensued about the aerial photos and that H. Warren's opinion is that the pictures do not accurately show the cars in relation to the Town line. H. Warren said there is a court order on record that regulates how the junkyard is to be operated, including storage and location of cars.

Bill Reed, owner of the other lot involved with the boundary line adjustment, discussed the history of the property and that he has won the right to operate as a junkyard from the courts. He said he would like to have the well be on his property and that is all this application is about. He said he has cleaned up the property and has no plans to expand the junkyard business and he agrees with the proposed buffer zone that will be in place after the adjustment.

Discussion ensued about placing a condition of approval on the plan that states the junkyard use is a non-permitted use in Gilford and shall not be permitted to expand over the town line into parcel A.

J. Gagnon would like D. Andrade or J. Ayer to do a site inspection before the property is transferred verifying that there are no cars located in the Town of Gilford. H. Warren agreed. J. Ayer said that can be added as a condition of approval.

J. Morgenstern closed the public hearing. Alan Ladieu interrupted and asked the public hearing not be closed yet because he would like to speak again. He said he was notified as an abutter but an immediate abutter to the property, Irene LaChance, was not notified for the hearing. He said he reviewed the town records and noticed the properties are rotated in the town records and maps. He said it looks like he is the immediate abutter to the subject property but in fact he is not. He is asking that the town records be corrected.

J. Morgenstern expressed concern about moving forward with the application due to incorrect abutter notice. J. Ayer said he thinks the Board can move forward. He discussed RSA 676:4 and said the abutter's list has to be obtained from the town records no more than 5 days prior to the submission of the application. He said if that is what the town's assessing records show, even if they are wrong, then the abutter list is legitimate.

A. Ladieu said he has spoken to I. LaChance and she has no objection to the proposal. J. Morgenstern said it really is a matter of the legal status of the hearing as an abutter has not been notified.

Discussion ensued about the status of the town's records. The surveyor and the applicant verified the abutter's list and that the town records may be incorrect.

The Board recessed in order for J. Ayer to obtain a copy of the town tax map.

The meeting reconvened and J. Ayer confirmed there is a mistake in the town records in that the tax map shows the lots reversed from how the recorded subdivision was drawn. He said he believes the Board can move forward with the application as the applicant met his legal obligation..

DELIBERATIONS

Blue Sky Enterprises, Inc./Raymond and William Reed

Motion made by K. Hayes, seconded by R. Waitt, to approve the application with the following condition(s):

- 1 The applicant obtains any other federal, state, or local approvals that may be required.
- 2 Note #6 to be added to the plan stating that the Junkyard use is a non-permitted use in Gilford and shall not be allowed to encroach into Parcel A. To be added as a note on the plan and as a deed restriction
- 2 Any current encroachment of the junkyard use shall be removed prior to recording of the plan.

Motion carried with all in favor.

Other Business- 2011 Zoning Amendment discussion

J. Ayer asked the Board to review the proposed alternatives he drafted.

Section 5.2.1 Alternative 1- J. Ayer spoke about the changes he made to this version, saying he used wording from the existing Aquifer Protection District language to help clarify the intent. The Board discussed the length of this proposal.

Section 5.2.1 Alternative 2- J. Ayer said he used the same theory by using Aquifer Protection District language for alternative #2. Wayne Hall said the real issue is the interpretation of the 100 foot area. The Board discussed the first line should read “Land within one hundred (100) feet of Lake Winnepesaukee...”

Section 5.2.1 Alternative 3- The Board discussed the brief language of version #3 but that it only applies to Lake Winnepesaukee.

The Board decided on Alternative #2.

Motion made by K. Hayes, seconded by C. Eddy, to recommend Alternative #2 with the changes to be discussed at the public hearing. Motion carried with all in favor.

Home Occupation- K. Hayes asked for clarity regarding having an outside play area for a day care. J. Ayer said they are allowed. Discussion ensued about not allowing changeable copy signs for a Home Occupation. The Board also discussed the “nuisance” provision of the ordinance and how it would apply to a home occupation. Discussion ensued about the size of the trucks that should be allowed. The Board discussed the setback requirements as being the controlling factor for the use on site.

Motion made by R. Sonia, seconded by K. Hayes, to recommend the changes to the Home Occupation to be discussed at the public hearing.

Accessory Apartments- J. Ayer discussed revisions he made and that he removed the requirement that the building had been issued a Certificate of Occupancy for at least 3 years, and reviewed other changes. Discussion ensued about requiring a building permit. J. Ayer said he would talk to D. Andrade about the requirement of getting a building permit.

Motion made by K. Hayes, seconded by R. Waitt, to recommend the proposed changes to the Accessory Apartments. Motion carried with all in favor.

Parking Requirements- The Board discussed the proposed changes. They asked J. Ayer to do a calculation for how the changes would affect Hannaford and Lowe’s for the next meeting.

Steep Slopes- J. Gagnon spoke about it being dropped for 2010 amendments. The Board agreed.

Minutes- Motion made by R. Sonia, seconded by K. Hayes, to table the minutes from December 6, 2010. Motion carried with all in favor.

Adjournment – Motion made by R. Sonia, seconded by K. Hayes, to adjourn at 9:30 p.m.
Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Technical Assistant