

**MINUTES  
GILFORD PLANNING BOARD  
APRIL 18, 2011  
CONFERENCE ROOM A  
7:00 P.M.**

The Gilford Planning Board met for a public hearing on Monday, April 18, 2011, 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; Secretary Richard Waitt; Regular Members Richard Sonia, Richard Vaillancourt, and Jerry Gagnon; and Alternate Members Dennis Corrigan, Chan Eddy, and Wayne Hall.

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 meeting.

**Public Hearings**

P. Sanfacon introduced the first application

1 **Jones and Beach Engineers, Inc./State of New Hampshire DRED**

Applicant proposes to remove existing antennas from the fire tower atop Belknap Mountain and construct a new antenna tower with related equipment, buildings, and infrastructure on Tax Map and Lot #236-015.000 located at 34 Carriage Road in the Natural Resource Residential Zone. Governmental Site Plan Review.

J. Ayer explained this is a Government Site Plan and the standards for acceptance and approval are different and all that is required from the Board is to hold a Public Hearing on the application, but the Board could accept the application as complete if it felt so inclined.

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

Christopher Albert, Jones and Beach Engineers, and Dennis Kupek, White Mountain Engineering, representing the application, gave a brief presentation to the Board. C. Albert distributed drawings to the Board. He reviewed the proposed site plan and the location of the existing towers and buildings associated with the fire tower and telecommunications tower and explained the existing towers will be removed and relocated as well as the existing buildings.

C. Eddy asked about the anchoring systems for the towers and the wind resistance of the structures. D. Kupek explained the towers will meet the wind and ice load requirements for the location and the towers will bolt to rock anchors. They discussed the current customers that utilize the telecommunication tower including various federal agencies, state and local police and

fire departments, the Lakes Region General Hospital, NHDES, NHDOT, and local phone and cable carriers. D. Kupek explained the New Hampshire Electric Cooperative has an existing tower on site that needs to be replaced and through this process, that tower will be replaced. There will be a backup 600 amp generator constructed on site. C. Albert said there will be no vehicular traffic allowed during construction. All work will be completed by using a helicopter. D. Kupek explained they would like the project to be completed by September 2011.

Discussion ensued about the Federal Aviation Association (FAA) regulations in relation to the towers. It was explained to the Board the proposed towers are out of the flight path and pattern so there will not be a requirement for markings and lighting.

J. Ayer informed the Board a resident asked him about the possibility of Carriage Rd. being upgraded during this process. C. Albert said that was something that DRED may discuss in the future but there are no plans at this time to upgrade the road and the construction process will not impact the road.

P. Sanfacon opened the hearing for public input.

Joseph Bernard, 18 Davis Rd., asked about the capacity of the proposed backup generator and if the amount of propane on site will be enough to power the facilities during a power outage. D. Kupek said the generator will provide enough power for the facility and they would like to have enough propane capacity to provide 72 hours of back-up generator power supply. Discussion ensued about how the generator will be tested and D. Kupek said the testing of the generator is automatic and that an automated report confirms the testing.

With no further public comment, P. Sanfacon closed the public hearing. She reiterated that the Board is not required to take action on the application and thanked C. Albert and D. Kupek for their presentation.

P. Sanfacon introduced the next application.

**2 Joyce Keyser and Jeffrey Keyser**

Applicant proposes to open a farm store as a home occupation at the Ramblin' Vewe Farm on Tax Map and Lot #212-052.000 located at 637 Morrill Street in the Single Family Residential Zone. Home Occupation Site Plan Review.

J. Ayer said the application is complete and ready to be accepted. He said there are items missing on the plan but they can be added on the final plan as conditions of approval.

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

Joyce and Jeffrey Keyser, owners, gave a brief presentation to the Board. Joyce Keyser said she has lived on the farm for fourteen years. She said they would like to open a "Farm Stand" on site and have received approval from the farm's trustees. They would be selling items they

produced themselves on site primarily and a few things that are produced off site. She explained they would like to sell wool, lamb, eggs, t-shirts, maple syrup, etc., and other merchandise that will be designed to help promote and financially support the farm and the farm's trust. She would like to offer drinks to people hiking the farm and also act as an information center for the farm.

J. Morgenstern asked where the lamb will be slaughtered. Jeff Keyser said the lamb will be taken to Goffstown and slaughtered and inspected by a USDA facility (which is the only USDA slaughterhouse in the state) and brought back to the farm for sale.

They explained the parking on site and that the Farm has used an open field for overflow parking on site.

They said the farm store will be open six days a week from 2:00 PM-7:00 PM but it will not be a year-round operation.

J. Ayer explained because they are located in the SFR zone, they have to apply for a Special Exception through the ZBA and they will be presenting that application at the end of the month to the ZBA.

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

P. Sanfacon introduced the next application. R. Waitt recused himself from participating on the application. P. Sanfacon appointed Alternate W. Hall to act as R. Waitt's replacement.

### 3 **Steven Buzzotta**

Applicant proposes to expand the existing restaurant (Ellacoya Barn and Grille) to accommodate an additional eighty-five (85) patrons, add 859 square feet to the building, and reconfigure the parking area to accommodate a total of seventy-seven (77) parking spaces on Tax Map and Lot #267-210.000 located at 2667 Lake Shore Road in the Resort Commercial Zone. Site Plan Review

J. Ayer said there are several significant changes that will need to be made to the plan due to building additions being located within the setback and the buffer, and parking being located within the setback. He explained the proposed addition in the front will be eliminated and the other two additions will require the applicant to seek variances. He said the applicant will need to revise the plan to show the changes and to note the changes in parking. He also said picnic tables shown on the plan will no longer be used and will be removed from the plan. He said that while the plan will need to be revised, the application is complete. The Board may choose to accept it as complete or table the matter until the plan is updated to show the revised proposal.

Motion made by R. Vaillancourt, seconded by R. Sonia, to accept the application as complete.

Discussion on the motion.

J. Morgenstern is bothered that a long list of items is missing from the site plan. He does not agree that they should be added as conditions of approval. He spoke about not accepting the application as complete and not having the applicant move forward with this plan because it is not complete. He and P. Sanfacon believe the applicant should be tabled in order to obtain the variances and update the plan. K. Hayes said he would prefer to hear the presentation tonight and schedule a site walk. J. Gagnon disagrees he does not think the application should move forward either.

P. Sanfacon called for the vote. Motion carried by a vote of 6-1 with J. Gagnon voting against the motion.

Tom Selling, agent representing the application, gave a brief presentation to the Board. He explained the existing uses on site and the proposal. He presented the Board with architectural drawings and pictures of the site.

J. Ayer asked T. Selling to speak about the seating for the outside patio. T. Selling explained the outside seating was approved for 32 seats but actually seats only 12 or so, so the number will be reduced on the plan and that seating will be utilized inside the restaurant.

K. Hayes asked if the building is currently sprinkled and S. Buzzotta said it is not, but due to the renovations, it will have to be sprinkled.

J. Morgenstern asked about the need for the variance for the cistern addition. J. Ayer said if the cistern were a below-grade cistern only, it could be built where it is shown, but the applicant proposes an above-grade building addition on top of the cistern. In order to add that building which encroaches into the buffer, they will have to obtain a variance. He said the existing building that is located within the buffer is considered existing non-conforming (grandfathered).

P. Sanfacon opened the hearing for public input.

Nancy Malcowitz, President of Mineral Springs, an abutting property owner, told the Board they received no notification for this application. P. Sanfacon explained the application will be tabled and they will have plenty of time to review the plans.

Discussion ensued about what items are missing from the plan. J. Morgenstern explained since there are so many items missing from this plan, the Board normally does not accept and hear the application.

P. Sanfacon closed the public hearing.

P. Sanfacon introduced the next application. R. Waitt returned to the Board.

4 **G.G. Real Estate Investment General Partnership**

Applicant proposes a two- (2) lot subdivision with Lot 1 containing 1.220 acres and Lot

2 containing 1.248 acres on Tax Map and Lot #203-250.000 located at 332 Morrill Street in the Single Family Residential Zone. Subdivision Plan Review.

J. Ayer said the application is complete.

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

Dean Clark, agent representing the application, gave a brief presentation to the Board. He explained this proposed subdivision is from a previously approved subdivision. He said they relocated a driveway from the previous subdivision that an abutter had a concern about and is reflected on this plan.

J. Gagnon asked about the remaining lot size from the main lot and D. Clark explained that lot is not part of the proposed subdivision.

P. Sanfacon opened the hearing for public input.

Jack Landow, abutter, asked about the location of the subdivision. D. Clark clarified the location of the lot being subdivided.

With no other public comment, P. Sanfacon closed the public hearing.

P. Sanfacon introduced the next application.

**5 Litchfield Dairy Holdings LLC**

Applicant proposes to amend restaurant site plan for Sawyer's Dairy Bar to show two (2) locations in which to erect tents (one location is twenty (20) feet by thirty (30) feet and the other is approximately twenty-eight (28) feet by thirty-seven (37) feet) to be used for outdoor dining and parties; also to show the location of an eight (8) foot by twenty (20) foot storage unit; and to make other related site plan changes on Tax Map and Lot #224-014.000 located at 1933 Lake Shore Road in the Resort Commercial Zone. Site Plan Review.

J. Ayer said the application is complete.

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

Dean Clark, agent representing the application, gave a brief presentation to the Board. He explained the existing conditions on site. He explained the location of the tent on site and he clarified that Sawyer's will not be holding special events on site but if large parties show up, they will use the tent and it will also be used for overflow dining if needed. The tent will be up for the entire season (approximately 10 weeks from the end of June through August). D. Clark explained they are asking for approval for two tent locations, but will have only one tent up at a time. They wish to reserve the right to locate the tent on one

approved tent site or the other.

K. Hayes asked if the parking has to be recalculated due to the additional seating with the addition of the tent. J. Ayer said at Site Study it was discussed that this proposal may not meet the parking requirements, but the owner explained the customer turnover on site has been increased, the number of picnic tables has been reduced, and this is not intended to accommodate more customers so much as it is intended to give an outdoor place to go for customers already there, and therefore the Site Study Committee did not see a need to require more parking.

W. Hall made a comment about a note on the plan describing the tent location and suggested the wording be changed to state, "Alternate Tent Site location" and that a note be added to say "no more than one tent on site at a time". The Board and D. Clark agreed.

Jack Landow asked if there were going to be flaps/side walls on the tent and D. Clark said there will not be as that may raise issues with the fire code.

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

## **DELIBERATIONS**

### 2. **Joyce Keyser and Jeffrey Keyser**

Motion made by K. Hayes, seconded by R. Waitt, to approve the application, subject to the following conditions:

1. Amend the final plan to include stamp blocks, applicant name and property address, north arrow, and location of sign.
2. Obtain any other federal, state, and local approvals that may be required including special exception approval from the Board of Adjustment.

Motion carried with all in favor.

### 3. **Steven Buzzotta**

Motion made by J. Morgenstern, seconded by K. Hayes, to table the application to the May 16, 2011 meeting to allow the Board to hold a site walk and to allow the applicant to revise the site plan. Motion carried with all in favor. The Board did not determine a date for the site walk, but said it will determine that at its May 2, 2011 work session provided the revised site plan has been submitted.

J. Ayer informed the Board that Fire Inspector, Dana Pendergast, had sent him some written comments and questions that will need to be addressed as well. J. Ayer said he will discuss them with the applicant so they may be addressed on the plan as needed.

4. **G.G. Real Estate Investment General Partnership**

Motion made by K. Hayes, seconded by R. Waitt, to approve the application, subject to the applicant obtaining any other federal, state, or local approval that may be required.

Motion carried with all in favor.

5. **Litchfield Dairy Holdings LLC**

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

1. The applicant shall remove the off-site picnic tables from the site plan.
2. The applicant shall obtain any other federal, state, or local approvals that may be required.
3. The note describing the tent location shall be changed to state, "Alternate Tent Site location" and a note shall be added to the plan saying "No more than one tent shall be on site at a time".

Motion carried with all in favor.

**Minutes**

April 4, 2011 – Motion by R. Waitt, seconded by K. Hayes, to approve the minutes of April 4, 2011.

Motion passed with all in favor.

**Other Business**

**Election of Officers** –

Motion made by P. Sanfacon, seconded by R. Vaillancourt, to nominate John Morgenstern as Chairman. Motion carried with all in favor.

J. Morgenstern and the entire Planning Board thanked P. Sanfacon for her many years of dedicated service as chair and gave her a round of applause. J. Ayer noted that the first annual town report to show Polly Sanfacon serving as Planning Board Chair is the 2000 annual report, indicating that she served as chair for eleven consecutive years.

Motion made by J. Gagnon, seconded by K. Hayes, to nominate Polly Sanfacon as Vice Chair. Motion carried with all in favor.

Motion made by P. Sanfacon, seconded by R. Sonia, to nominate Richard Waitt as Secretary.

Motion carried with all in favor.

The Board discussed attending the OEP Spring Conference.

J. Gagnon spoke about the new tax maps and suggested a copy of the tax maps be included with the applications. J. Ayer agreed and said he could include them with the staff report.

**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