

**MINUTES  
GILFORD PLANNING BOARD  
MAY 16, 2011  
CONFERENCE ROOM A  
7:00 P.M.**

The Gilford Planning Board met for a public hearing on Monday, May 16, 2011, at 7:00 p.m. in Conference Room A in the Gilford Town Hall.

In attendance were Chair John Morgenstern; Vice Chair Polly Sanfacon; Selectman's Representative Kevin Hayes; Secretary Richard Waitt; Regular Members Richard Sonia, and Richard Vaillancourt; and Alternate Members Dennis Corrigan, Chan Eddy, and Wayne Hall.

Member absent was Jerry Gagnon.

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 meeting. He appointed Alternate C. Eddy to replace absent Regular Member J. Gagnon.

**Public Hearings**

J. Morgenstern introduced the first application. R. Waitt recused himself from participating on the application because he is an abutter. J. Morgenstern appointed Alternate W. Hall to act in place of R. Waitt.

**1. 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.

*Tabled from the April 18, 2011 meeting.*

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

Tom Selling, agent representing the application, reviewed the revised plans and said the proposed addition on the west side has been changed to be more in line with the building and the parking has been realigned to meet the required 15 foot setback from the property line. He said the screening will remain the same, they have relocated the dumpster and it will be enclosed with an 8 foot high stockade fence for screening. The addition on the east side will be located above an underground cistern for fire suppression for the entire building. He said due to the proposed increased seating capacity, the cistern is required. He explained one of the existing apartments is being converted into additional restaurant space. He said due to the concerns from the abutter, Mineral Springs, there will be engineering controls to contain and treat the runoff crossing the western side of the parking lot onto the Mineral Springs property. He said the issue was discussed at the site walk held at the property at 4:00 p.m. earlier today. He said they are willing to work with the abutter and come up with a cost-effective solution to alleviate the concerns of Mineral Springs. He said there is a 20 foot wide fire lane with no parking allowed in order for the fire equipment to be able to access the building. He said the cistern is large enough to have approximately 15 minutes of fire protection until fire equipment arrives on site.

K. Hayes asked if there is a grading plan for the parking areas. T. Selling said no but explained they will grade the expanded parking two feet downward in order for headlights to be cast downward so they do not shine into the neighboring condo windows and if that is not successful the applicant will add additional screening.

R. Vaillancourt asked if there is existing lighting in the parking area and T. Selling said no, they are working to reduce the glare for neighbors and not proposing any additional parking lot lights. They will work with the abutter, Mineral Springs, if the headlights and noise from the parking lot becomes bothersome.

K. Hayes said he is concerned about the drainage on the east side. T. Selling said they will address that when regrading.

K. Hayes asked about the sewer system and where the effluent discharges from the site. T. Selling said it enters into Mineral Springs' sanitary septic system. T. Selling said they are going to work out a plan with the abutter for the sewage disposal. K. Hayes asked if the existing septic system will handle the additional load from the restaurant expansion. T. Selling said he could not

answer at this time.

J. Ayer said one of D. Pendergast's concerns was the 20 foot wide fire lane should extend between the rocks at the side of the building addition and parking space #43.

Discussion ensued about parking bumpers and whether they are needed. T. Selling said there will not be a significant grade change with the reconstruction of the parking lot and doesn't think parking bumpers are needed. C. Eddy noted the area R. Sonia is talking about is an upward grade.

J. Morgenstern spoke about the applicant removing some vegetation at the northerly corner of the lot abutting Rte 11 for visibility entering and exiting the site. T. Selling agreed to that.

Discussion ensued about the outdoor seating and T. Selling said they are reducing the outdoor seating from 32 to 16 and would be willing to have a condition of approval that limits them to that number.

K. Hayes asked about the handicap parking spaces and T. Selling identified the handicap spaces and said they will relocate space #30 from behind the building for a handicap space that was inadvertently removed toward the front of the building. Discussion ensued about the parking requirements, the new parking ratios approved at the 2011 Town Meeting, and relocating space #30. K. Hayes asked if spot #43 should be a handicap space and T. Selling said he designated handicap spaces that were closer to the entrances to the store and restaurant. J. Ayer noted that the numbering of the parking spaces skips space #33, but also noted that the reduced parking ratios approved this year would reduce the parking required for the store by roughly 1.5 spaces, so he could still move space 30 and renumber the spaces without violating the parking regulations.

J. Ayer asked about the notes on the plan regarding the size of the cistern fixtures. They seemed to refer to a different size fitting different from the pipe size. T. Selling said he would make sure that the pipes and connections are all sized correctly and that the plan is revised as needed.

R. Sonia asked if there was an "Entrance" sign on the west side and T. Selling said they try to encourage customers to use the east side entrance as that entrance is more accommodating for patrons.

J. Morgenstern opened the hearing for public input.

Bob Veilleux, representing the abutter Mineral Springs, spoke about the site walk and thanked the Board and the applicant for allowing them to attend. He said they are supportive of the restaurant but they still have concerns and referred to the list of concerns he submitted and said that most of their concerns were addressed but there are still some remaining. He discussed the drainage that comes from both sides of the restaurant and discharges onto their property and hopes that can be addressed. He also has a concern over the gravel parking increasing runoff. T. Selling said with their additions they will exceed the impervious surface requirements and removing asphalt to create gravel parking area will bring them into compliance. B. Veilleux said on the east side they have a concern over headlights from the cars and the additional noise from the parking area affecting their nearby condo units, and they would like to have the fence elevated to reduce noise and light. He is concerned about snow removal and wants to know where they will store the snow on site. He is concerned about the increase in seating capacity and impacts from noise in the parking lot and added load on the septic system. T. Selling said current seating capacity is 60 and they are increasing to 89. B. Veilleux said they currently manage the septic issue through a deeded right and that was based on the use of the property as a residence and not as a store and restaurant. They have issues with grease and maintenance on the sewer system and they would like to make sure the system can handle the additional load. He explained the deed states S. Buzzotta is responsible for a percentage of maintenance but that was based on the previous uses and that figure does not include the restaurant.

J. Morgenstern spoke about similar concerns over the septic system being able to handle the additional load. B. Veilleux said they are willing to work with S. Buzzotta. T. Selling said S. Buzzotta is willing to work out an arrangement for the septic system.

K. Hayes asked about having the applicant investigate hooking into the existing sewer system across the street. T. Selling said he did not research that and is not sure where the sewer is located.

B. Veilleux, spoke about the recent rain over the weekend and submitted pictures of the site to show how the water runs off the site onto Mineral Springs' property.

With no further public comment, J. Morgenstern closed the public hearing.

J. Morgenstern introduced the next application.

**2. Deems & Jill Buell and Jill Buell**

. Applicant proposes to complete a Boundary Line Adjustment in order to correct dock permit problem by transferring approximately 5,451SF feet from Tax Map and Lot #219-008.000 to #219-007.000 and also transferring approximately 5,451 SF from Tax Map & Lot #219-007.000 to #219-008.000 located at 29 and 30 Mark Island in the Island Residential Zone. File #2011000128. Boundary Line Adjustment Plan Review.

J. Ayer said the application is complete and ready to be accepted, but there are missing items that are minor which could be added to the plan as a condition of approval. He said the existing structures should be shown, but only part of the house is. The docks, the entire house, and any other structures should be shown.

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

Deems and Jill Buell, owners, gave a brief presentation to the Board. D. Buell said they bought the properties in 1991 and they completed a Boundary Line Adjustment then to correct a setback issue, and in doing that they created another boundary line issue. They discovered the boundary line issue when they wanted to install a new dock. He said they are going back closer to the original property line and the adjustment will be an even exchange of property in order to accommodate the proposed dock.

J. Morgenstern opened the hearing for public input. There being none he closed the public hearing.

J. Morgenstern introduced the next application.

**3. Hush Entertainment, LLC**

Applicant proposes to utilize existing courtyard for outdoor special events and to include five (5) 10'x10' promoter tables for June 15-June 18 for Bike Week 2011. Other dates to use the courtyard have not been determined. The property is located at 15 Kimball Rd in the Single Family Residential Zone. File #2011000129. Site Plan Review.

J. Ayer said the application is complete.

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

J. Ayer said there was a previous court case involved with this property and the court ruling was that no entertainment was to be allowed outside on the patio. He said that Town Counsel rendered an opinion that this application would not infringe upon that court ruling. He said he would recommend the Board consider imposing a condition of approval that no music is allowed outside as part of this application.

Dean Clark, representing the application, gave a brief presentation to the Board. He explained the proposal and noted it is not related to the previous area involved with the court ruling. He said the area will be used during 2011 Bike Week for promoter tables and other function dates are to be determined. He said they are cleaning up some areas of the site through this application.

R. Vaillancourt has concerns about the driveway onto Lily Pond Rd. having a lot of traffic using that entrance. D. Clark said that area will not be parking for patrons; it will only be used by employees.

D. Corrigan asked if the music will be amplified and D. Clark confirmed there is amplified music played on the premises but said there will be no additional amplification beyond what currently exists.

J. Ayer spoke about the unregistered and other junk type vehicles that are on the site that need to be addressed and the cars need to be removed. He said D. Andrade has written a letter to the property owner instructing him to remove the cars.

Discussion ensued about closing off the looped driveway in this vicinity during events and D. Clark said the Fire Department has no issues with them doing so because they can still access the building.

Discussion ensued about the proposed events related with this site plan. D. Clark said that is why they submitted a site plan so they can have the approved area in place and not just apply for a special events permit every time they want to hold an event.

J. Ayer spoke about buffering requirements and that the Board may wish to consider additional screening such as landscaping. He acknowledged that D. Clark stated they are proposing to install fencing between the parking spaces and on-site rental dwelling units which will provide some screening of this additional use of the site.

D. Corrigan spoke about buffering and that the Board should consider requiring buffering of this applicant.

J. Morgenstern opened the hearing for public input.

Barry Dame, abutter, is concerned with the parking and the junk cars and he would like to see those cars cleaned up as part of this approval.

Anne Snow, abutter, wants to make sure there is no loud music outside. She also thanked the staff and Board for researching the court case referenced earlier.

Autumn Ylvisaker, also representing the application, said the operating hours for the outside area will be during the day and early evening and there will not be music played outside.

J. Morgenstern closed the public hearing.

## **DELIBERATIONS**

### **1. Steven Buzzotta**

K. Hayes spoke about not approving the application until the grading plan and the septic issues are finalized.

D. Clark spoke as a member of the public and said the sewer system runs to Rte 11 and Terrace Hill Rd. and the restaurant could hook into the sewer system there.

J. Morgenstern said that may become a viable alternative for the restaurant. T. Selling said they have to work out the prorated septic maintenance costs between S. Buzzotta and Mineral Springs on the pump station.

Motion made by K. Hayes, seconded by R. Vaillancourt, to table the application until June 6, 2011 in order for the applicant to complete a suitable agreement regarding the sewer maintenance issues and submit a drainage/grading plan.

Discussion on the motion.

The Board discussed wanting the agreement on the drainage and the sewer system submitted before the plan is approved, so that the Board will have enforcement authority if it is needed and to have the applicant have enough time to submit the plans for the drainage.

R. Vaillancourt asked if the applicant should be notified of what the Board is asking of the applicant. J. Ayer said that will be in the notice of decision. The Board discussed having the applicant tie into the existing sewer system. Motion carried with all in favor.

**2. Deems & Jill Buell**

Motion made by K. Hayes, seconded by R. Sonia, 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.

**3. Hush Entertainment, LLC**

Discussion ensued about what the applicant is applying for and for how long. J. Ayer explained they are only requesting use of the area for the 2011 Motorcycle Week.

Motion made by K. Hayes, seconded by R. Waitt, to grant the waiver requests for Checklist Items #11, #22 and #23 and approve the application subject to the following conditions:

1. The outdoor courtyard area can only be used June 15 through June 18 during the 2011 Motorcycle Week.

Discussion on the motion.

The Board discussed allowing no music or entertainment outside and wanted that to be included in the motion. K. Hayes and R. Waitt agreed to amend the motion to include:

2. No music or entertainment is allowed outside.

Discussion on the amended motion.

The Board discussed the issue of the junk cars located in the satellite parking lot. They determined this problem should be addressed as a Code Enforcement issue not a Planning Board issue and that the Planning Board does not have the authority to require the applicant to clean up the site as part of the site plan approval process since the applicant does not own the property or the junk vehicles.

Motion carried with all in favor.

### **Minutes**

May 2, 2011 – Motion by R. Waitt, seconded by K. Hayes, to approve the minutes of May 2, 2011 as amended. Motion carried with R. Sonia abstaining.

### **Other Business**

There was no other business to discuss.

**Adjournment** – Motion made by R. Sonia, seconded by K. Hayes, to adjourn at 8:40 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte  
Technical Assistant