

MINUTES  
GILFORD PLANNING BOARD  
JULY 30, 2012  
CONFERENCE ROOM A  
7:00 P.M.

The Gilford Planning Board met in regular session on Monday, July 30, 2012 at 7:00 p.m. in Conference Room A in the Gilford Town Hall.

In attendance were Chair John Morgenstern, Vice-Chair Polly Sanfacon, Selectmen's Representative Kevin Hayes, Secretary Chan Eddy, Regular Member Jerry Gagnon, and Alternate Member Wayne Hall.

Members absent were Regular Members Richard Vaillancourt and Richard Sonia.

W. Hall was appointed to act as a regular member.

Also present were John B. Ayer, Director of Planning and Land Use, and Sandra Hart, Secretary.

J. Morgenstern led the Pledge of Allegiance, read the rules of procedure for the meeting, and introduced the members of the board and staff.

## **APPLICATIONS**

### **1. Gilford School District**

Applicant proposes to amend the site plan for the proposed athletic fields to be constructed in Sawyers Meadows. Plans include constructing three (3) athletic fields at 263 and 293 Intervale Road on Tax Map and Lot #224-018.000 and #224-018.100 in the Single Family Residential (SFR) Zone and the Aquifer Protection District. Amended Site Plan review, Application # 2012000137 & # 2012000138

### **Presentation:**

Scott Isabelle, Sue Allen, and Tim Bartlett were at the meeting representing the application. S. Isabelle stated that they have a simple plan, which has been significantly reduced from the original plans. He said currently they

have a football field and 5 acres of practice fields and they are looking to expand the existing field. The existing football field will remain the same but they will add sod to it.

S. Isabelle said they will be expanding the 2<sup>nd</sup> field and putting sod on that, which they currently use as a practice field. They will be putting in a new underground sprinkler system for this due to lack of water to that area. This will include a well and pump.

The 3<sup>rd</sup> field will be tilled, leveled, and sodded as well. S. Isabelle reiterated that they are significantly cutting back from what they had proposed originally.

P. Sanfacon asked if this was going to be a phased project. S. Isabelle said he thought that it may be two or possibly three phases, but wasn't sure.

He stated that they had demolished both the farm house and the greenhouse, but they haven't decided what they would be doing with the other buildings yet.

J. Gagnon asked if their fields are still in some of the wetlands. S. Isabelle said there are wetlands nearby and all along the fields. J. Gagnon asked what they would be using for a fertilizer. T. Bartlett stated that the fertilizer they use is environmentally friendly.

K. Hayes asked if they were changing the grades of the fields at all. S. Isabel said they are just keeping it flat with grass and there will be no regrading.

J. Morgenstern said he thought there is a pond on the site they could use for water. S. Isabelle displayed on the plan where the pond is located and said that it is not enough to cover the area which is why they need a new well for the new irrigation system. He said they have not determined where the well will be located.

#### Public Input:

Ray Boelig, treasurer of the Gilford Meadows Condo Association, an abutter, asked if there were going to be any permanent structures such as a scoreboard, lights, and bleachers and where they will be located. S.

Isabelle stated that they currently have a score board on site, and a portable tower that they set up before the games and take it down after each game. The tower looks like rough staging. He said they have portable bleachers that they put away at the end of the season.

R. Boelig asked if there will be phased implementation. S. Isabel stated that they will be doing some fundraising and that the project would need to be complete by 2016.

T. Bartlett stated that they will be using mostly farming equipment to do the work on the fields.

R. Boelig stated that he wanted to know exactly what fertilizer will be used. S. Isabelle stated that he could get him that information. He said it is the same as what they use at the school fields which is also near Gunstock Brook.

Sue Green stated that she is curious as to what the sprinkler system will cost. S. Isabelle replied that it would be about \$250,000 but that covers all the sod and tilling and leveling work.

2. **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 (RC) Zone. Site Plan Review. Application #2011004609. *Tabled from the June 18, 2012 meeting.*

Motion made by C. Eddy, seconded by J. Gagnon, to take the application off the table. Motion carried with all in favor.

Presentation:

Patrick Wood representing Steven Buzzotta/Ellacoya Barn & Grille, stated that they have a new engineer. He introduced John Rokeh of Rokeh Consulting, LLC as their new engineer. He also stated that they have submitted revised site plans.

P. Wood stated that they were working with the Mineral Springs Condo Association and that they were trying to schedule a time to meet for the

review of the sewer pump and to deal with the issues that may have been caused or have some impact with the restaurant.

J. Rokeh stated that he has worked on this project for about a month, and has reviewed the plans previously submitted by engineer Tom Selling. He said he reviewed all of the information with regard to the abutters and their concerns with the lighting and the parking and proposed some new solutions.

J. Rokeh reviewed his proposed site plan. He added a fence on top of the retaining wall, making it 6 feet tall and also placed parallel parking along the fence. He also added directional arrows for better traffic flow. He said on the northwesterly side of the building the edges of the pavement weren't well defined on the previous plans, so he clarified where all the pavement edges are and added some grading to get the parking lot to drain into a channel.

He said the water will drain into a 1 foot tall berm that will act like a silt sock for erosion control only to direct any of the runoff and force it to go along into a pocket area where it will fill up and overflow. He said there is no real drainage calculation because of the overall analysis.

J. Rokeh said a question the abutters have been bringing up is the dumpster location. He said he reviewed the proposed location and how the trucks would get to it. He then referred to the aerial overlay plan and saw that the dumpster would be located alongside the abutters' dumpster on the other side of the fence. He thought this is a good location.

J. Gagnon stated that the area in front of the building should be marked as a fire lane with no parking allowed out front, because it was never showed as parking on the site plan.

K. Hayes stated that he likes the plan, but doesn't know how they would designate parking areas that are not paved, so people will park in the right areas in the right direction. J. Rokeh stated that they would have to stripe the parking similar to how it is done at the race track's unpaved parking lots.

J. Morgenstern asked about the hook in the proposed berm where the water flows out of the parking lot, particularly wanting to know if that is just

a swale at the bottom of it. J. Rokeh replied that is almost the same as if you were doing erosion control and you would add a 12" silt sock and the only purpose of it is since this is a gravel parking lot, he's making sure that it is graded in such a way that the water flows downward and at least get some sediment out of it and down into the hook before it goes across the property line like it does right now.

J. Rokeh stated that they did do a test pit and the perc rate is almost 3 inches an hour and the water table is down almost 41 inches. He said slowing the water down a small amount during the smaller storm events will catch the water and allow it to perc in, but he didn't design it as a retention pond. He stated that the State of New Hampshire is proposing to fix the ditch line on Route 11 to a point that the water that comes down won't pool up and spill onto the site, but will stay in the right-of-way and continue down Lake Shore Road. He said he turned this into an erosion control measure essentially making sure that no sand gets across the property line. He described the other aspects of the drainage proposal as directing water across the back of the lot to perc in.

K. Hayes asked what was going to happen to the water that's directly behind the building, because it's like a ravine. J. Rokeh said that it slopes off more now than it will after the site work is done noting that the water loops down and around the building. He said they discussed making sure that no sediment comes down and around the building. J. Rokeh referred to his site drainage plan and that they are looking at reducing the amount going in there and will put in something to slow it down.

J. Ayer stated that at the site visit they had discussed possibly putting in a berm to keep any drainage from going down the driveway by the cistern. J. Rokeh stated that they could that, but it would be easier if it were a paved area. He could take a look at doing something like that.

K. Hayes stated that anything we do with gravel will get plowed in the first winter. K. Hayes stated he really has a problem with any kind of infiltration system storm ditches in the winter because they freeze and become a maintenance headache. K. Hayes asked if they could look at some type of infiltration basin that would be easily maintained and cleaned out. J. Rokeh said they can take a look at that.

K. Hayes stated that on the striping plan it would be nice to see cross

hatched areas where the westerly landing comes down and also behind parking spaces 32 and 33.

J. Rokeh discussed the proposed locations for snow storage and he stated that they would be pushing it into the corner and down, but during the winter there are a lot fewer customers so they could actually put it in the center of the parking lot. J. Morgenstern stated that S. Buzzotta has stated in the past that if he needs to he will take the snow off site.

#### Public Input:

Christopher Boldt, of Donahue, Tucker & Ciandella, PLLC, was present to represent Mineral Springs Village. He stated that there have been some improvements but they wish there were more. He said they like the stone wall, parallel parking, and the fence on top of the stone wall.

He said it was discussed at the site walk that this was in all likelihood going to be paved and graded, so that the water was going to go the other way. He said they would like that to be a condition in that area. He said they agree that having a berm along the driveway was discussed so that it did not act as a throat for water coming back to the back of the property.

C. Boldt said they still have concerns on the northerly drainage, and the drainage calculations, in their eyes, are overly ambitious to claim that 81% of this problem is going away by DOT doing the ditch work along the top. He cautioned the board about state projects and said we don't know if or when this is going to happen. C. Boldt said if the Board grants approval, it should be contingent upon the State doing that work. He said none of this site's expansion should happen until the State has actually done what they said, in a single e-mail, might be done.

C. Boldt said the other concern on drainage is the berm, that it is subject to removal at the first snow fall. He also said because it is dirt and at the edge of the pavement bollards should be placed in front of it. C. Boldt said he told P. Wood earlier that they would be amenable to a 3 foot high berm along this boundary line and half way between parking spaces 5 & 6 which they believe would give enough of a drainage channel so that it would stay on the Ellacoya Barn and Grille lot. He said a fence could be placed on top of that with vegetation. He said the location for that within the 15 foot vegetated buffer could be discussed and agreed upon.

C. Boldt continued further saying they object to the dumpster being within the drainage area and the vegetated buffer. He acknowledged the Mineral Springs dumpster is on the other side of the fence but noted that they are not asking for an expansion and they are not a commercial operation. He said this is not a provision that should be considered as waivable by the Board. He added that it was a condition of the variance that the buffer had to be maintained. He said their suggestion is to keep the dumpster where it is currently.

C. Boldt revisited the issue of the sewer. He said he respectfully reminds the Board that the Zoning Ordinance says appropriate sewage is a concern on commercial site plans.

J. Morgenstern stated that if C. Boldt wants to discuss the issue of sewer he should talk to the Town's attorney who has advised the Board that it is an issue they do not need to address.

C. Boldt stated for the record that it is a requirement in the Zoning Ordinance, Article 13, Section 13.3. He also said it is a DES requirement. He said they refer to it as FOG – Fats, Oils and Grease – then passed out the Municipal Eco Link June 2012 issue. He asked that the Board have the town engineer review the plans that J. Rokeh has submitted. He then said that John Jackman, engineer with Hoyle Tanner, also had some information to present.

J. Jackman passed out a memorandum to the Board which he said had been sent to J. Ayer in an email. J. Morgenstern asked J. Ayer when we got these. J. Ayer replied today. J. Morgenstern asked if they expected the board members to read these now and stated that the Board has a rule against this kind of thing, because the Board can't absorb this stuff when they get it at the meeting. He asked the board members whether we should accept this. C. Eddy stated that he would need a little time to absorb it. K. Hayes stated that we can accept this and we could digest it for the next meeting.

J. Jackman stated that he has concerns about a few things. One is that it is not clear what impact NH DOT's ditch work will have on the site. He sees in the proposed plan that they have a stone wall. He said if it is raised and the apron is paved heading toward the road, that would help move drainage past the property even if DOT does nothing. More detail in

the drawing would be beneficial. He agrees with the Board regarding providing infiltration and drainage to address the additional gravel parking and buildings. He is concerned that during the winter the proposed system will freeze up and stormwater will pond without a catch basin for infiltration. It will ice up and become an issue.

K. Hayes stated that the dumpster is an issue and asked J. Rokeh if there was chance it could be moved closer to upper left hand corner, so that it abuts Route 11 instead of the condos. J. Ayer stated that there is no setback requirement for a dumpster. P. Wood stated that they could look into that.

J. Ayer asked J. Rokeh to explain the request for a waiver for the parking spaces. J. Rokeh stated that having 19 foot parking spaces for the angled parking only allows them to create better circulation. He illustrated where these spaces are and what the benefits are.

J. Morgenstern said it would be helpful to have a progress report for the August 13<sup>th</sup> work session meeting and Board members agreed. J. Rokeh said he could provide that.

J. Ayer stated that the Town would need a plan back by August 9<sup>th</sup> or 10<sup>th</sup>.

3. **Body Design By Joy, LLC**

Applicant proposes a 3,840 square foot, 2-story building and related site improvements associated with a proposed personal training and wellness center at 25 Sawmill Road, Tax Map and Lot # 210-010.004 in the Professional Commercial (PC) Zone. Site plan, Application # 2012000199

J. Gagnon stated that he had to recuse himself from this application.

J. Ayer stated that the application is complete and ready to be accepted.

Motion made by C. Eddy, seconded by P. Sanfacon, to accept the application as complete. Motion carried with all in favor.

Presentation:

Jeff Lewis from Northpoint Engineering was representing the applicant Body Design By Joy, LLC. He stated that this was a straight forward site

plan application and he described the proposal. He displayed a plan of the property to the Board. He said the applicant currently operates the business out of her home and is looking to expand the business. J. Lewis said they are proposing a small two-story building that will mimic the “post office” building across the street, with the main entrance and covered walkway. The parking will be towards the side and the back of the building.

J. Lewis said the site is over 3 acres in size and they are developing only a small portion of it. He said the building will have 3,840 square feet gross floor area with 35 parking spaces. He said the plan leaves as much of the green space undisturbed on the lot as possible. There are some low quality wetlands on the site which buffer the brook in the back just off of the property line.

J. Lewis said they are required to get an Alteration of Terrain permit through the NH Department of Environmental Services. He said they have just over 50,000 square feet of disturbance.

J. Lewis explained to the board where the two treatment swales are on the lot. He said the stormwater sheet flows off the edges of the parking lot and across the lawn into the swales which treat the runoff before it goes into the wetlands.

J. Ayer stated that the use could be considered either a Club or a Personal Service Shop. He noted that in the staff report it calls it a Club, but in talking with J. Lewis and reviewing how the business is conducted it could be viewed as a Personal Service Shop. He said there is really no issue with that because both uses are allowed in the zone. He said that the parking ratios are different and there is ample space on site for more parking, but the parking as proposed using the Personal Service Shop requirements appears to be adequate for the building. J. Lewis stated that the PC zone allows a Personal Service use to have a building with a public access floor area of only 3,500 square feet. He said this building has less than 3,500 square feet public access floor area so they comply.

K. Hayes asked if there was 6 inch fire service or 2 inch domestic service. J. Lewis stated that they are showing a 6 inch service right now, and that’s before development.

J. Ayer suggested that the Planning Board add the condition of approval to require that the final revised site plan be submitted and signed within 90 days of approval.

Public Input:

With no public input, J. Morgenstern closed the public hearing.

**Deliberations**

**Gilford School District**

J. Morgenstern asked if there was anything to say to the School District regarding this application. Board members didn't have anything.

J. Morgenstern asked J. Ayer to write a letter asking for the District to provide the composition of the fertilizer that will be used and to express the Board's concerns especially of the use of phosphorus.

J. Gagnon stated that it's clear there is no lighting proposed, but it is a concern of the abutters and the Board. J. Morgenstern stated that they weren't showing any lighting on the plan.

**Steven Buzzotta**

Motion made by K. Hayes, seconded by C. Eddy, to table the application to the August 27, 2012 meeting.

K. Hayes stated that a preliminary progress report should be made for the work session meeting on August 13, 2012. K. Hayes stated that there are two issues, one being the dumpster and the other is the drainage. They discussed the location of the dumpster and how the truck would get to it at different locations of the site.

J. Morgenstern stated that last time C. Bolt stated that the Board could deny the application, but J. Morgenstern noted that if the Board does deny this application then there won't be any site improvements.

K. Hayes stated that it would be great to get a grease trap in the parking lot that could be pumped out. J. Ayer stated that they currently have two grease traps.

K. Hayes stated that to him the big issue is to get the drainage taken care off, so that no more spillage goes off the site. He understands what they're required to do, but any improvements they can make to the subsurface within the water table would be a big help.

K. Hayes asked if it were possible it may work better to put the dumpster out by the road. It can be screened somehow, and the traffic pattern seems to work better. He said they also have the issue of the drainage that comes down behind the building. He stated that it is his sense that the Board is okay with the 19 foot parking spaces to make the situation work.

Motion carried with all in favor.

### **Body Design By Joy, LLC**

Motion made by K. Hayes, seconded by C. Eddy, to approve the application as presented subject to the following conditions:

- 1) The public access area of the building doesn't exceed 3,500 sq. ft. and that note should be shown on the plans.
- 2) The site plan shall be approved subject to all State, Local and Federal permits as required.
- 3) The plan has to be signed within 90 days.

Motion carried with J. Gagnon having recused himself.

J. Morgenstern asked to reopen the Buzzotta case for a minute with regard to the State and the improvements they say they are to make in the roadway. He asked if the Board approves the application, when will the State do what they say they are going to do. J. Ayer asked if he should contact the state and ask them about the work proposed. K. Hayes suggested calling the person who wrote the e-mail and ask him about the work.

### **Other Business**

J. Morgenstern asked J. Ayer if he would send out a note to Richard Sonia telling him we wish him well.

## **Minutes**

Motion made by C. Eddy, seconded by P. Sanfacon, to approve the minutes of July 2, 2012. Motion carried with all in favor.

## **Adjournment**

Motion made by W. Hall, seconded by C. Eddy, to adjourn at 8:37 p.m. Motion carried with all in favor.

Respectfully submitted,

Sandra Hart, Secretary