GILFORD ZONING BOARD OF ADJUSTMENT

MINUTES

SEPTEMBER 28, 2021

 **CONFERENCE ROOM A**

**7:00 P.M.**

The Gilford Zoning Board of Adjustment met on Tuesday, September 28, 2021, at 7:00 p.m. in Conference Room A and via GoToMeeting.

Chairman Bill Knightly led the Pledge of Allegiance.

Members present were Chairman Bill Knightly; Vice-Chairman Larry Routhier; Regular embers Andy Howe, Scott Davis, and Adrianna Antonopoulos; and Alternate Member Kevin Hayes.

Also present were Sandra Hart, Technical Assistant, Daniel Tousignant, Building Inspector/Code Enforcement Officer, and Laura Spector-Morgan, Town Attorney.

B. Knightly stated that the only rule that he has is that when you wish to speak come over to the microphone.

Motion made by A. Howe, seconded by L. Routhier that no new cases would be taken up after 10:30 p.m. Motion carried with all in favor.

The board voted on all the requests to be tabled first.

**1. Applications**

**1.1** **William J. Fidler 2020 Family Tr.**

**Application #2021000276** - Applicant is seeking a Variance from Article 5, Section 5.2 Special District Standards, 5.1.3 Front Setback Area and Table 2 Dimensional Regulations for the construction of a 5,888 square foot Single Family home with walk-out basement, deck and garage. The property is located at 8 Varney Point Road, Left on Tax Map & Lot #223-420.000 in the Single Family Residential (SFR) Zone and the Island and Shore Frontage District. *Tabled from the August 24, 2021 meeting.*

Motion made by L. Routhier, seconded by A. Howe, to take the application off the table. Motion carried with all in in favor.

Presentation

Philip Hastings, of Cleveland, Waters and Bass, P.A., said he thought that the public hearing was closed. He also stated that they did submit the NH DES state approval.

B. Knightly stated that there has been enough information submitted and that the board has heard from the abutters and that they feel that they can make a decision.

Motion made by A. Howe, seconded by L. Routhier, to close the public hearing. Motion carried with all in favor.

\*\*\*At this point, the public attending the meeting online wrote messages via GoToMeeting stating that they could not hear the proceedings of the meeting. L. Spector-Morgan asked what the notice said. S. Hart read the notice. L. Spector-Morgan said that the board could continue with those applications for which the public hearing portion had already been closed and table the others. The board discussed holding a special meeting on October 12, 2021.\*\*\*

The board resumed its deliberation.

A. Howe stated that the board has already discussed that the applicant has done a lot of work to bring the building into more conformance. He said there are still some glaring protrusions into the setbacks primarily on the road side with the large expansion of the garage, and the deck is significantly into the waterfront setback. He said the applicant could have torn down the buildings and built them in the exact same location but the applicant has chosen to extend them instead. He said that he had a hard time believing that such a large building would be needed.

K. Hayes stated that the existing garage building is 1,114 square feet on the plan and the proposed is 2,244 square feet.

A. Howe stated that it is a significant increase, the proposed new setback at the road is 17 feet which is not a lot more than what it used to be and the setback from the lake, which is the toughest setback, looks as if it more than doubled. He said he has a hard time with this. In spite of the fact that the applicant has toned down the application, there is still a significant encroachment in the front and lakeside setbacks, and he just wanted to point that out to the board.

L. Routhier stated that he has more of a concern with the lake setback and not as much with the road setback. He said the original setback was 18 feet, but it extends considerably from the existing property and it affects a much larger area. The encroachment on the waterfront area he said he has a concern with. He said he was looking at the NHDES approval and is torn between the two.

A. Antonopoulos said that she gets excited about aesthetics in the town and doesn’t like looking into so many variances and finds it hard to accept the hardships presented.

B. Knightly stated that his issues are with the existing dwelling and what’s presented. He said he’s torn because they have attempted to conform, but he still has some serious concerns.

A. Howe pointed out with regard to the aesthetics is that they are adding a significantly larger deck to what was there already. He said if the board allows this type of development to continue, it’ll impact the shoreline and it will affect other parcels within the town as to the aaesthetics.

A. Howe stated that there are two variances to be voted on separately.

Variance from Section 5.1.3 (front/road setback)

Motion made by A. Howe, seconded by L. Routhier, to approve the road/front setback because it meets the unnecessary hardship criteria by expanding the existing garage, it is not contrary to the public interest or spirit of the ordinance, substantial justice is done with more cars being off the road, and surrounding property values will not be diminished.

S. Hart took a roll call:

S. Davis - yes

A. Howe - yes

B. Knightly - yes

L. Routhier - yes

A. Antonopoulos - yes

Motion carried with all in favor.

Variance from Section 5.2.1 (rear/shoreland setback)

Motion made by A. Howe, seconded by S. Davis, to deny the request for a variance from Section 5.2 Special District Standard setback. The reasons for the denial (after having heard significant testimony) are that there is no unnecessary hardship, there is a fair and substantial relationship between the ordinance and the application of the restriction to the property, and the proposed use is not reasonable given the extent of the intrusion. He stated that considering the aaesthetics, it would be possible that surrounding property values will be diminished. Substantial justice is not done because there are other ways/opportunities to use the property.

S. Hart took a roll call:

S. Davis - yes

A. Howe - yes

B. Knightly - yes

L. Routhier - no

A. Antonopoulos - yes

Motion carried with a 4-1 vote.

 **1.2** **Stones Throw Realty, LLC**

 **Application #2021000355** - A Variance is being requested from Article 5. Dimensional Regulations, Article 7. Off-Street Parking, Article 17. Architectural Design Standards, 5.2 Special District Standards, 5.2.1 Island and Shore Frontage District (a) Section 5.3 Building Standards, 5.3.1 Building Heights to construct a new building. The property is located at 40 Weirs Road, on Tax Map & Lot #223-539.000 in the Resort Commercial (RC) Zone. *Tabled from the August 24, 2021 meeting.*

Motion made by A. Howe, seconded by L. Routhier, to table the application to the October 12, 2021 meeting due to the new plans having been just submitted for review. Motion carried with all in favor.

 **1.3** **NAQ Guilford, LLC**

 **Application #2021000522**

Applicant is seeking a Special Exception pursuant to Article 6, Section 6.13, Condominium Conversion, of the Gilford Zoning Ordinance, to allow conversion of an existing house and six (6) seasonal cabins to condominium ownership on property located at 46 Glendale Place on Tax Map & Lot #242-196.000 in the Resort Commercial (RC) Zone. *Tabled from the August 24, 2021 meeting.*

B. Knightly stated that a letter was submitted requesting that the application be tabled.

Motion

Motion made by L. Routhier, seconded by A. Howe, to table this application to the October 26, 2021 meeting. Motion carried with all in favor.

Motion made by A. Howe, seconded by L. Routhier, to table the following three applications – #2021000525, #2021000526, and #2021000527 – to the October 26, 2021 meeting. Motion carried with all in favor.

**1.4 MG Holdings, LLC**

 **Application #2021000525**

Applicant is seeking a Variance from Article 6, Section 6.22.3 to allow excavation and/or filling of slopes greater than 25% to allow construction of a house on property located at 69 White Birch Drive on Tax Map & Lot #253-366.000 in the Single Family Residential (SFR) Zone. *Tabled from the August 24, 2021 meeting.*

**1.5 MG Holdings, LLC**

 **Application #2021000526**

Applicant is seeking a Variance from Article 6, Section 6.22.3 to allow excavation and/or filling of slopes greater than 25% to allow construction of a house on property located at 77 White Birch Drive on Tax Map & Lot #253-365.000 in the Single Family Residential (SFR) Zone. *Tabled from the August 24, 2021 meeting.*

**1.6 MG Holdings, LLC**

 **Application #2021000527**

Applicant is seeking a Variance from Article 6, Section 6.22.3 to allow excavation and/or filling of slopes greater than 25% to allow construction of a house on property located at 94 Sagamore Road on Tax Map & Lot #252-143.000 in the Single Family Residential (SFR) Zone. *Tabled from the August 24, 2021 meeting.*

**1.7 Heidi Kephart**

 **Application #2021000591**

Applicant is requesting an appeal from an Administrative Decision of the Gilford Planning Board for a conditional site plan approval made on July 19, 2021 for A to Z Fitness, LLC at 314 Old Lake Shore Road on Tax Map & Lot #224-068.000 in the Resort Commercial (RC) Zone and Aquifer Protection District.

B. Knightly stated that there was a letter submitted by Attorney Stephen Nix requesting this matter to be tabled to the next meeting.

Motion made by S. Davis, seconded by L. Routhier, to table the application to the October 26, 2021 meeting. Motion carried with A. Howe recusing himself from the application.

**1.8 Jeremy Bonin of Bonin Architects & Associates, PLLC**

 **Application #2021000592**

Applicant is requesting a Variance from Article 9, Section 9.3.2(b), and Article 5, Section 5.1.4, Side Setback Area, and Table 2, Dimensional Regulations, to allow a side setback of approximately 17.29 feet where a minimum side setback of 25 feet is required, at 305 Dockham Shore Road on Tax Map & Lot #216-006.000 in the Single Family Residential (SFR) Zone and the Island and Shore Frontage District.

Motion made by A. Howe, seconded by L. Routhier, to table the application to the October 12, 2021 meeting. Motion carried with all in favor.

**MINUTES**

August 24, 2021

Motion made by L. Routhier, seconded by A. Howe, to approve the minutes of August 24, 2021. Motion carried with S. Davis abstaining.

**ADJOURNMENT**

Motion made by A. Howe, seconded by L. Routhier, to adjourn the Zoning Board of Adjustment meeting of September 28, 2021 at 9:28 p.m. Motion carried with all in favor.

Respectfully submitted,

Sandra Hart, Secretary