

**GILFORD ZONING BOARD OF ADJUSTMENT  
MINUTES  
APRIL 24, 2007  
CONFERENCE ROOM A  
7:00 P.M.**

The Gilford Zoning Board of Adjustment met in a regular session on Tuesday, April 24, 2007 at 7:00 p.m. in Conference Room A.

Present were: Chairman Andrew Howe, Vice-Chairman Don Chesebrough, Charles Boucher, Richard Foley, Pat LaBonte and Alternate Robert Dion.

Also present was Stephanie Verdile Philibotte, Administrative Assistant.

Chairman Howe led the Pledge of Allegiance and introduced board members and staff.

A. Howe introduced the first case.

**Katherine Tjarks**

Variance request pursuant to Article 5, Section 5.1, Table 2, and sections 5.1.3. (d) and 5.1.4 (a) of the Gilford Zoning Ordinance, to allow the construction of two additions proposed to be located in the required front and side setbacks on Tax Map & Lot #242-151.000. Located at 19 Smith Cove Road. File #Z07-05.

*Tabled from the March 27, 2007 meeting.*

Motion made by D. Chesebrough, seconded by C. Boucher to take the application off the table. Motion carried with all in favor.

A. Howe read a letter from Katherine Tjarks requesting to withdraw her application #Z07-05 for an area variance.

Motion made by C. Boucher, seconded by P. LaBonte to accept the withdrawal request for file #Z07-05. Motion carried with all in favor.

A. Howe introduced the next case.

**Meadowbrook Farm, LLC**

Variance request pursuant to Article 8, Sections 8.2.1.5 and 8.11 of the Gilford Zoning Ordinance to request relocation of a non-conforming sign within a town road right-of-way located at Route 11B and Meadowbrook Lane in the Industrial Zone. File #Z07-06.

S. Smith, representing the application on behalf of the Town of Gilford and Meadowbrook Farms, LLC, gave a brief presentation to the Board. He explained the location for the proposed sign and presented pictures to the Board of the current location of the sign. He gave a brief history of the previous approvals in relation to the property from the Planning Board and Zoning

Board of Adjustment. He explained the proposal is to locate the sign in the location from the previous ZBA decision in 1983. He said at the time of the original approval, the sign would have been placed over the municipal sewer line therefore; it was moved farther back from the approved area. He explained the sign is so far back from the road it is difficult to see. He spoke to the Director of DPW, the Police Department and the Board of Selectmen and they all agreed the best location for the sign would be in the original location. He explained Town Counsel recommended the application come before the ZBA to apply for a variance. He said they would locate the sign outside of the sewer easement area. He explained the Conservation Commission and the Planning Board have recommended to the Board of Selectmen the sign be placed in the proposed location. He said the next step would be to go through public hearings with the Board of Selectmen. He reviewed how the application meets the variance criteria as outlined in the formal application and discussed how relocating the sign would improve public safety and traffic issues.

A. Howe said asked about the traffic situation and how will the sign help the traffic and public safety. S. Smith said because the sign will be more visible and help to avoid traffic problems with people trying to find Meadowbrook. R. J. Harding, representing Meadowbrook Farms, LLC, said Police Chief Markland approached him to relocate the sign to help alleviate the traffic problems.

The Board discussed the police do not always assist in the traffic control for every event.

C. Boucher asked about the sandwich boards that are displayed during a Meadowbrook event. R. J. Harding said they are allowed to put sandwich boards on both sides of the road the day of an event.

D. Chesebrough asked about the dimensions for the proposed sign and asked if the proposed sign conforms to the current zoning ordinance.

S. Smith said the sign proposed is approximately 60 square feet and that is approximately what was approved before.

The Board and S. Smith discussed the size, height and style of the sign and it will be have an electronically changeable reader board. R. J. Harding explained the sign is approximately 58 .5 square feet in size.

A. Howe asked if it is a Master Sign plan that will advertise additional businesses located on site and if it is not, why is the Bayview Industrial Park sign located on the Meadowbrook sign. R. J. Harding said he does not know how the sign got there but he asked Bayview if they wanted to continue to locate the sign with Meadowbrook and they decided to keep it as it is.

The Board discussed the application does not meet the requirements of the current zoning ordinance for setbacks. They discussed the original approval for the sign met the setback requirements under the ordinance at that time. Now the proposed location does not meet the setback requirements of the current ordinance according to section 8.10.5.1.

S. Smith said he discussed the proposed new sign location and application with John Ayer, Town Planner and J. Ayer referred the information to Walter Mitchell, Town Attorney. S. Smith said he completed the application based on the opinion from W. Mitchell.

The Board explained the applicant needs a variance for the setback requirements for the non-conforming sign according to section 8.10.5.1.

D. Chesebrough said the applicant has to apply for a new variance for the setback because they do not meet the requirements of section 8.11 of the ordinance.

C. Boucher has concerns this application made it through the Board of Selectmen, the town planner and the town attorney without identifying the additional variances needed.

R. Dion asked about off site signage and shouldn't it apply to this application.

The Board reviewed additional sections of the ordinance for the applicant to assist them with a new application. They cited sections: Setback, 8.10.5.1, Illumination, 8.10.1.2 and 8.2.1.5 (d) offsite signs.

S. Smith said there has been a problem in classifying what type of sign it is. The Board described the sign as a freestanding sign.

The Board gave the applicant options to either withdraw the application or table the application. They explained if the applicant withdraws the application they could resubmit a new application to include the additional variances.

A. Howe will meet with Town Planner and inform him of the Board's position and R.J. Harding will contact Town Planner in a week.

Motion made by D. Chesebrough, seconded by R. Dion, to accept withdraw of application #Z07-06. Motion carried with all in favor.

A. Howe introduced the next case.

**Lyman Brewer Properties**

Special exception request pursuant to Article 15, Section 15.4.2 (a) of the Gilford Zoning Ordinance, to allow a proposed driveway to cross a wetland on Tax Map & Lot #202-045.300 & 202-045.301. The property is located at 157 Stark Street in the Single Family Residential Zone. File #Z07-07.

Bryan Bailey, representing the application, gave a brief presentation to the Board. He explained the location of the proposed subdivision and the reason for the wetland crossing. He said the crossing is to install a culvert for driveway access and will impact approximately 880 square feet of wetland. He said the crossing is at the narrowest part of the large wetland on site and instead of impacting the wetland with more crossings, they are proposing an easement across another proposed lot for continued access. He reviewed the special exception standards for a wetland

crossing as outlined in the formal application.

R. Dion asked about the engineering method used to determine the 18” culvert and if it will be large enough to handle the water based on the difference in elevations from the culvert to Stark Street.

B. Bailey said they use federal standards and for a driveway and it is based on a 10-year storm event. He said the terrain of the property changes significantly to prevent runoff on to Stark Street.

A. Howe asked if the applicants have appeared before the Conservation Commission.

B. Bailey said an application has been submitted to the NHDES as a Minimum Impact Expedited permit. They have not been to the Conservation Commission for the crossing but they are preparing a Standard Dredge and Fill application for the subdivision plan and that application would be presented to the Conservation Commission.

A. Howe opened up the hearing for public input.

Marlene Kidd, abutter-Country Side Dr-has concerns about how wet the area has been recently and there is still standing water in the woods. She is worried about too much development based on the current water conditions.

B. Bailey said the proposed crossing is located in the watershed that flows away from Country Side Drive. He explained the watershed of the land is divided into two sections and the crossing is located in the wetland that flows toward Stark Street.

Jean Rasso, abutter Stark Street, concerned about how many lots will be created. B. Bailey said it is a 4-lot subdivision and explained the location of the new lots.

The remaining lot will have access off Sleeper Hill and they will impact a wetland in order to access buildable area on that lot.

A. Howe asked what kind of materials (i.e. rip-rap) would be used at the end of the culvert for drainage assistance. B. Bailey said he has not seen any of the plans for that type of detail but will provide plans for the Board.

A. Howe closed public hearing.

### **Board Deliberations**

#### **Lyman Brewer Properties**

D. Chesebrough would like to see some wording included that the outflow from the proposed culvert be properly design to ensure minimum impact of erosion and runoff to the area and that it will not exceed current standards for runoff.

P. LaBonte spoke about more runoff being generated on the property and that will lead into the drainage system installed along Stark Street.

The Board discussed the entire wetland on the site and how development could impact the area.

Motion made by D. Chesebrough, seconded by C. Boucher, to the approve application has having met all the criteria for a special exception as outlined of Section 15.4.2 (a) of the Gilford Zoning ordinances with the following condition:

- 1) The outflow pipe size for the culvert is constructed in accordance with standard practices to minimize the impact from the discharge.

S. Verdile Philibotte polled the members.

R. Dion-yes  
P. LaBonte-Yes  
C. Boucher- Yes  
D. Chesebrough-Yes

A. Howe abstained. Motion carried with all in favor.

### **APPROVAL OF MARCH 27, 2007 MINUTES**

Motion made by D. Chesebrough, seconded by P. LaBonte, to approve the minutes from March 27, 2007 as presented. Motion carried with all in favor.

### 3. **ADJOURNMENT**

Motion made by D. Chesebrough, seconded by P. LaBonte to adjourn the April 24, 2007 Zoning Board of Adjustment meeting at 8:40 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte  
Administrative Assistant