

**GILFORD ZONING BOARD OF ADJUSTMENT
MINUTES
DELIBERATIVE SESSION
FROM THE MAY 29, 2007 MEETING
JUNE 4, 2007
CONFERENCE ROOM A
7:00 P.M.**

The Gilford Zoning Board of Adjustment met in special session on Monday, June 4, 2007 at 7:00 p.m. in Conference Room A. The meeting was for Board deliberations on applications tabled from the May 29, 2007 meeting.

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

Also present was Stephanie Verdile Philibotte, Administrative Assistant.

Chairman Howe led the Pledge of Allegiance and introduced board members and staff. He explained the ZBA adjourned the regular meeting of May 29, 2007 at 10:38 p.m. and at that time, the public input portion of the hearing was closed. He explained the purpose of this meeting is for the Board to hold the deliberative session on the applications.

Chairman Howe clarified that the McGinley application was tabled to the June 26, 2007 meeting and deliberations on that application would take place at that time.

Board Deliberations

Meadowbrook Farm, LLC

C. Boucher said he measured the Meadowbrook sign that exists today and noted the height of the power lines. He said the current sign is about 13' from the ground and the proposed sign is 20' from the ground. He said the power lines would be in front of the sign. He suggested they drop the height of the proposed sign so it does not interfere with the power lines. He said he measured the height of the Patrick's sign and Meadowbrook's sign on Route 11.

P. LaBonte spoke about the variances being applied for are for off site signs and setbacks.

C. Boucher spoke about the use of the sandwich boards would not be necessary if the proposed sign is approved. A. Howe asked the Board if they should restrict the use of sandwich board and C. Boucher said yes.

P. LaBonte asked if Meadowbrook is opened all year and C. Boucher said yes they have functions on site in the winter.

D. Chesebrough has no problem with the off site sign location and the setback issue and believes it is appropriate for the location however, he questions whether other sections of the proposed

sign will conform with the zoning ordinance. He does not want to approve a sign that does not conform to the zoning ordinance.

A. Howe asked if S. Smith had submitted new plans to DPLU showing the distances for the side setback distances that the Board asked for at the last meeting. S. Verdile Philibotte said no. A. Howe said that should be a part of the approval that the side setback distances are shown on a revised plan.

Motion made by C. Boucher, to approve the application as submitted for a variance from Article 8, Sections 8.2.1.5 (d) Offsite signs and 8.10.5.1 & 2 Front and Side Setbacks of the Gilford Zoning Ordinance has having met all the criteria with the following condition(s):

1. Applicant to submit revised plans to the Department of Planning and Land Use showing distances for the setbacks.
2. The new sign shall be no higher than the bottom of the utility lines.

A. Howe called for a second to the motion. With no second on the motion the motion failed.

P. LaBonte said the proposed sign would be located to close to the road and it is too high.

The Board discussed the proposed height of the sign and what an acceptable height for visibility for vehicle traffic would be. They discussed the off site variance request as being acceptable but they discussed concerns over the setback requests.

A. Howe clarified the Board has concerns about the setback variance requests about how close to the road the sign will be and the proposed height.

The Board discussed the Town of Gilford's opinion on locating the sign to be out of the sewer line area as favorable to the applicant.

R. Dion said he believes the proposed sign it is too close to the road. D. Chesebrough said if they have to move the sign it should be located in a place where it will be affective for visibility and safety. He agrees with the location of the sign and the variance request for setbacks; but he is concerned the proposed height of the sign would interfere with the utility lines.

A. Howe called for another motion.

Motion made by C. Boucher, seconded by P. LaBonte, to approve the application as submitted for an Area Variance from Article 8, Sections 8.2.1.5 (d) Offsite signs and 8.10.5.1 & 2 Front and Side Setbacks of the Gilford Zoning Ordinance has having met all the criteria and subject to the following condition(s):

1. Applicant to submit revised plans to the Department of Planning and Land Use showing distances for the setbacks.
2. The new sign shall be visible underneath the power lines.

Discussion on the motion.

D. Chesebrough spoke about the action the Board took now is an application for off site signs and front and side setbacks and has no bearing on any other aspects of the zoning ordinance as far as design and construction. He said any other approvals on the application must comply with the zoning ordinance.

S. Verdile Philibotte polled the members.

R. Dion-No

P. LaBonte-Yes

C. Boucher- Yes

D. Chesebrough-Abstain

A. Howe- Yes

Motion carried with a vote of three in favor, one against and one abstention, 3-1-1. The variances have been approved.

A. Howe introduced the next case.

The Home Depot USA Inc./ James Irwin & Sons

D. Chesebrough spoke about the area being mostly a retail use; the request is justified and meets the requirements for a special exception.

Motion made by D. Chesebrough, seconded by R. Dion, to grant the Special Exception for retail use has having met all the criteria for a special exception as outlined of Section 4.3.22 and Section 4.7.3 (v) of the Gilford Zoning ordinances.

Discussion on the motion.

D. Chesebrough clarified the information submitted in the formal application and stated the applicant has met all the requirements of a Special Exception.

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.

A. Howe introduced the next case.

The Home Depot USA Inc./ James Irwin & Sons

A. Howe spoke about the complete application and commended Home Depot's efforts to address environmental and vehicular traffic issues. He spoke about a restriction to not allow the conversion of any parking spaces to another use. He also said due to the location of the wetlands on site, he asked the Board to restrict the use of the site to only what is proposed, with no future expansion on site or allows the use to intensify.

D. Chesebrough spoke about the calculations for the parking and feels the parking amounts are adequate for the proposal.

Motion made by D. Chesebrough, seconded by C. Boucher, to approve the application as the applicant has met all the criteria for an area variance from Section 7.5.3.22 of the Gilford Zoning Ordinance to reduce the number of required parking spaces for Retail Store Parking requirements from 681 to 381 parking spaces with the following condition(s):

- 1) The approved number of parking spaces shall be used for vehicle parking only.
- 2) The square footage of the building shall not be increased and the use of the site shall not be intensified without submitting another application to the ZBA.

With no discussion on the motion, A. Howe called for the vote.

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.

ADJOURNMENT

Motion made by D. Chesebrough, seconded by C. Boucher to adjourn the June 4, 2007 Zoning Board of Adjustment meeting at 7:48 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Administrative Assistant