

**GILFORD ZONING BOARD OF ADJUSTMENT
MINUTES
JUNE 26, 2007
CONFERENCE ROOM A
7:00 P.M.**

The Gilford Zoning Board of Adjustment met in special session on Tuesday, June 26, 2007 at 7:00 p.m. in Conference Room A.

Present were: Chairman, Andrew Howe; Charles Boucher, Pat LaBonte and Robert Dion.

Absent: Vice-Chairman Don Chesebrough.

Also present was Stephanie Verdile Philibotte, Administrative Assistant.

Chairman Howe led the Pledge of Allegiance and introduced board members and staff. He spoke about only being three voting members and offered the applicant the option of being heard tonight or to reconvene when there is a full board.

Chairman Howe read a letter into the record from Attorney Regina Nadeau requesting the John Jolin application be withdrawn as they decided to not move forward with the application at this time.

Motion made by C. Boucher, seconded by P. LaBonte, to accept the withdraw request of the **John Jolin** application. Motion carried with all in favor.

Michael McGinley

Special Exception request pursuant to Sections 4.3.22 and 4.7.3 (v), Retail Store, of the Gilford Zoning Ordinance to construct a retail store on Gilford Tax Map & Lot #210-010.002 located at 22 Sawmill Rd. in the Professional Commercial Zone. File # ZO7-13.

Tabled from the May 29, 2007 meeting.

Motion made by P. LaBonte, seconded by R. Dion, to take application off table. Motion carried with all in favor.

Brief discussion ensued about whether the applicant would table the application to another meeting in order to have a full voting Board. P. LaBonte said M. McGinley would not have a problem presenting the application tonight. M. McGinley agreed to move forward with the three-member board.

Paul Fluet, representing the application, gave a brief presentation to the Board. He explained they are planning on submitting a full site plan application for the Planning Board meeting in July. He presented a site plan to the Board and explained the plan will support shared parking under the commercial cluster development and explained the variety of proposed uses, including a full service Post Office, and retail and professional uses. He explained the square footage of

the buildings as follows: Bldg #1 has 2,560 on the first floor, Bldg #2 has 2,560 on the first floor and 5, 440 on the second floor, Bldg #3 has 2, 880 on the first floor and 6,120 on the second floor, Bldg #4 has 2,880 on the first floor.

A. Howe spoke about the ZBA's role in the Special Exception process and asked about the design of the entranceways so they can accommodate the fire trucks and emergency vehicles.

P. Fluet explained the roads are designed to be 24' in width. He also spoke about two (2) hydrants on site that would be able to service the buildings for this particular development.

M. McGinley spoke about meeting with D. Andrade, Building Inspector, and that D. Andrade has no problems with the site as proposed. M. McGinley also met S. Morgan on site and said he is pleased with the proposed site and the area designated for snow storage. He said they have met with the Fire Department and included a second exit to the Post Office. He said all the buildings will be sprinkled for fire safety and will meet all other building codes.

P. LaBonte said the Franklin Savings Bank is a very nice building and complimented M. McGinley on the development. R. Dion asked if the other buildings will be designed similarly to Franklin Savings Bank and M. McGinley said yes.

P. LaBonte said the Board is concerned over the percentage of retail space in the development. M. McGinley said he wants the Board to consider the marketing of the property from a retail perspective and he wants retail to be located on the first floors but does not want to limit the available space for professional uses on the second floor.

A. Howe clarified the Board is concerned about where the retail spaces would be located. He offered to have the ZBA to decide on the percentage of the retail space instead of specific locations for retail.

M. McGinley would prefer the retail uses to be on the first floor and he does not want to go through the special exception process for every lot. A. Howe said the Board is not willing to provide 100% retail for the site because it would not meet the intent of the ordinance for the zone.

P. LaBonte spoke about his perception of the entire site 60% professional and 40% retail.

M. McGinley said the market would support a higher percentage of retail due to the professional offices existing and proposed in the same zone. P. Fluet requested they be allowed 75% for retail space.

A. Howe suggested M. McGinley apply for a variance for the entire project and discuss the option with the Planning Department.

A. Howe opened up the hearing for the public input being none he closed the public hearing.

Board Deliberations

Michael McGinley

P. LaBonte spoke about the split being 60%-40% for professional versus retail. He does not want the site to be overcome with just retail spaces. He said that would not meet the intent of the zoning ordinance.

R. Dion said the percentage for each use is arbitrary because the ordinance does not specify the amount.

The Board discussed other large medical facilities already approved in the same zone as professional uses.

A. Howe suggested the Board make a motion that includes any approval of this application should not set a precedent in the future for the amount and types of uses.

M. McGinley spoke about the Professional Commercial zone being created during the 1980's when the area did not have municipal water and sewer service. Now the area does have municipal water and sewer and that has benefited to the growth of the area. He said he has four (4) letters in the file now from existing businesses expressing interest in retail spaces on the site, and said the ZBA and Planning Board governs any other large retail use proposed to locate on the site so he would not be able to locate a large retail store.

The Board discussed potential percentages for the retail uses and the fact this application is for one lot. They are concerned about the amount of retail space in the future exceeding the allowed amount and only leave professional uses. The Board discussed the applicant being able to come back to the Board for another special use request for another lot or for a change in the percentage of retail and professional uses. A. Howe is concerned about the intent of the zone being upheld regarding the uses. C. Boucher spoke about the applicant coming back to the Board in the future for a variance if more retail or professional space is needed.

Motion made by C. Boucher, seconded by R. Dion, to approve the application as submitted for a Special Exception request pursuant to Sections 4.3.22 and 4.7.3 (v), Retail Store, of the Gilford Zoning Ordinance to construct a retail store on Gilford Tax Map & Lot #210-010.002 located at 22 Sawmill Rd. in the Professional Commercial Zone has having met all the criteria and subject to the following condition(s):

1. Fifty-fifty split for retail and professional space based on the square footage of the buildings excluding the Post office.

With no discussion on the motion, S. Verdile Philibotte polled the members.

R. Dion-yes

P. LaBonte-yes

C. Boucher- yes

A. Howe- yes Motion carried with all in favor. The Special Exception was approved.

APPROVAL OF MAY 29, 2007 AND JUNE 4, 2007 MINUTES

Motion made by P. LaBonte, seconded by C. Boucher, to approve the minutes from May 29,

2007 and June 4, 2007 as amended. Motion carried with all in favor.

ADJOURNMENT

Motion made by P. LaBonte, seconded by C. Boucher, to adjourn the June 26, 2007 Zoning Board of Adjustment meeting at 7:58 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Administrative Assistant