

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

The Gilford Zoning Board of Adjustment met in special session on Tuesday, July 24, 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: Jon Rohke, Rod Dyer and Catherine Broderick, representing the Paugus Bay Plaza Association application and Patrick Murphy representing himself

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 (3) voting members and offered the applicants the option of being heard tonight or to reconvene when there is a full board. Both applicants agreed to move forward with a three (3) member Board.

A. Howe introduced the first case:

Paugus Bay Plaza Condominium Association

Variance request pursuant to Article 8, Signs, Section 8.10.5.1, Front Setback Area of the Gilford Zoning Ordinance to construct two freestanding signs within the required front setback on Gilford Tax Map & Lot #201-001.000 located at 131 Lake Street in the Commercial Zone. File #Z07-15

Jon Rohke, representing the application, gave a brief presentation to the Board. He explained the application is for a Master Sign Plan and they have been in front of the Planning Board to receive the denial of jurisdiction. They are now proceeding to the ZBA for a variance for two (2) new freestanding signs. He said the existing freestanding sign is 17-18' tall and about 7' wide, it would be replaced with another freestanding sign in the same location and an additional freestanding sign would be located at another site along the road frontage. He said the freestanding signs would be internally lit. He said the property has been converted into a condominium and the applicant would like to clean up the site and provide more sign space for the businesses located on site.

R. Dion asked if the applicant has been to the Police Department about the signs and J. Rohke said the application has been through the Site Study process and no comments were received.

Catherine Broderick, representing the application, reviewed the area variance criteria for the Board as outlined in the application.

R. Dyer, representing the application, explained the condominium status with resort units and commercial units existing in one building. He explained they are looking to remove the existing sign and replace it with 2 conforming signs, except for the setback requirements. He said it is reasonable to have 2 signs on the property because they have adequate frontage and it is crucial for the property owners to have a decent sign to effectively communicate their messages and businesses to the public. He spoke about the ordinance referring to guidelines for safe and attractive signs.

R. Dion asked about the design of the sign and S. Cotran, owner explained the 2 signs would have 2 posts at the base so traffic can see through the sign. J. Rohke said the base of the sign will be about 5-5 1/2' off the ground or whatever the ordinance requires the applicant will comply.

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

C. Boucher said both sides of the sign have to be the same business and the lights can be on during business hours only. S. Cotran agreed and said they will comply with whatever the ordinance and Board decide.

J. Rohke explained if the signs are located to comply with the ordinance setback requirements they would be located within the driving area of the parking lot.

The Board asked about the applicant investigating the NHDOT's input and J. Rohke explained the signs are not located within the State of NH right-of-way.

A. Howe introduced the next case.

Patrick Murphy

Variance request pursuant to Section 5.1.4, Front Setback Area of the Gilford Zoning Ordinance to maintain existing deck located in front setback on Gilford Tax Map & Lot #264-001.000 located at 991 Cherry Valley Rd. in the Limited Residential Zone. File #Z07-16.

Patrick Murphy, representing himself, explained the history of the application and said the use for the deck and ramp exists today as he and his wife have medical conditions that they have to utilize the deck and ramp. He explained he cannot make the deck smaller because of a culvert located under the deck that is owned by the NHDOT and the NHDOT is not willing to relocate the culvert.

Howe explained the Board's original decision to allow the handicap ramp and deck with the condition the deck and ramp be removed when the handicap need is no longer required, as cited in the RSA.

The Board asked if the original front door is useable and P. Murphy said it only goes to the upstairs portion of the house. P. Murphy explained the house has been reconfigured to use the front door to access only upstairs and a door was created to enter the house through the handicap

ramp and deck. He said he would not be able to reduce the size of the deck to 4'x 4' due to the culvert underneath.

A. Howe opened up the hearing for the public input.

Elaine Gagnon, abutter, who objects to the application and said the deck and ramp is utilized to store junk and not for the original purpose. She is concerned because property values in the area are being devalued due to the condition of the property.

Valerie Feldman, abutter, does not mind the deck and ramp if it is used for handicap access but does object to the deck and ramp being used to store garbage. She said sometimes the deck and ramp are impassible due to the amount of garbage. She said the entire condition of P. Murphy's property has reduced her property values and it is not aesthetically pleasing for her.

Board Deliberations

Paugus Bay Plaza Condominium Association

A. Howe discussed the importance of having 2 signs for traffic, consumer assistance, to benefit the businesses and safety reasons and does not see a problem with the application for 2 signs.

The Board discussed relocating the sign on site to meet the setback requirements but agreed the proposed locations seem to be most beneficial to the site.

Motion made by R. Dion, seconded by C. Boucher, to approve the application for Paugus Bay Plaza Condominium Association as the applicant has met all the criteria for an area variance.

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

R. Dion-yes

P. LaBonte-yes

C. Boucher- yes

A. Howe- abstain Motion carried with all in favor. The variance was granted.

Patrick Murphy

R. Dion spoke about the specific requirements for a variance and said, "the proposed use would not diminish the surrounding property values". He referred to the pictures submitted and testimony from the abutters that spoke about the values being diminished due to the condition the property is in, specifically addressing the aspects of the application by noting the pictures show garbage stored on the deck and ramp.

The Board discussed the definitions of handicap and disabled to determine the status of the existing ramp and if P. Murphy and his wife qualify to maintain the deck and ramp for their own physical limitations.

P. LaBonte said his Mrs. Murphy uses a cane and he considers that to be a person whom is handicapped. R. Dion suggested requesting a doctor's verification that the wife is considered handicapped.

A. Howe said the existing deck and ramp were specifically designed to accommodate a wheel chair. He said the Town of Gilford has requested the deck be reduced to a size of 4' x 4'. He asked about another door to the house shown in the pictures. P. Murphy said there are shelves blocking the door from the inside. A. Howe asked if the shelves were removed from the inside could they access the first floor of the house and P. Murphy said yes.

C. Boucher asked about returning the interior of the house to be able to enter the first floor of the house from the front door.

The Board discussed with the applicant the configuration of the interior of the house and that there is no access to the upstairs of the house from the first floor. A. Howe asked if you wanted to access the second floor from the first floor, you would have to go outside and P. Murphy said yes.

Motion made by R. Dion, seconded by P. LaBonte, to table the application until the August 28, 2007 meeting so the Board can receive medical confirmation from a doctor that due to Mrs. Murphy's medical condition there is still a need for deck and ramp to access the house.

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

R. Dion-yes
P. LaBonte-yes
C. Boucher- yes
A. Howe- abstain

Motion carried with all in favor. The application is tabled until August 28, 2007.

APPROVAL OF JUNE 26, 2007 MINUTES

Motion made by P. LaBonte, seconded by R. Dion, to approve the minutes from June 26, 2007 as amended. Motion carried with all in favor.

The Board received a request for the Demers Condominium Conversion to extend the approval dated August 22, 2006 for one year.

The Board discussed if the applicants had a compelling reason for the extension. S. Verdile Philibotte told the board the applicants cite the real estate market as the reason for not completing the application. The plans and condominium documents have to be recorded in order to complete the application.

Motion made by C. Boucher, seconded by R. Dion to **deny** the request for the Demers extension, as the Board decided there is no compelling evidence provided to justify the extension.

A. Howe called for a vote on the motion, motion carried with all in favor.

ADJOURNMENT

Motion made by C. Boucher, seconded by P. LaBonte, to adjourn the July 24, 2007 Zoning Board of Adjustment meeting at 8:25 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Administrative Assistant