

**GILFORD ZONING BOARD OF ADJUSTMENT
MINUTES
SEPTEMBER 25, 2007
CONFERENCE ROOM A
7:00 P.M.**

The Gilford Zoning Board of Adjustment met in special session on Tuesday, September 25, 2007 at 7:00 p.m. in Conference Room A.

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

Also present was John Ayer, Director of Planning and Land Use and Stephanie Verdile Philibotte, Administrative Assistant.

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

A. Howe introduced the first 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.

Motion made by D. Chesebrough, seconded by P. LaBonte, to take the **Patrick Murphy** application off the table. Motion carried with all in favor.

A. Howe said since there was no one in attendance to represent the Patrick Murphy application, the Board decided to deliberate on the application, noting the public input portion of the application has been completed.

D. Chesebrough spoke about the applicant not providing the documentation the Board asked for to allow the applicant to maintain the location of the deck. He said the original approval included the RSA provision to remove the deck and ramp when the need no longer exists.

A. Howe called for a motion.

Motion made by R. Dion, seconded by C. Boucher, to **deny** the application for an Area Variance based on the following findings:

1. Per RSA 674:33, Section V (b) and the original approval, the ramp and landing shall be removed when no longer serving the handicapped. The Board decided the need is no longer present to maintain the deck in the current location.
2. The applicant did not provide the medical documentation requested by the Board to allow it to find a need if it exists.
3. The applicant could not meet all the requirements of an Area Variance,

specifically the requirement: “The proposed use would not diminish surrounding property values.” The Board found the ramp and deck devalue the surrounding properties.

Discussion on the motion.

The Board discussed alternative remedies for the applicant including making a smaller landing.

A. Howe called for a vote on the motion. 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. Variance request was **denied**

First Freewill Baptist Church & Society a.k.a Gilford Baptist Church,

A. Howe read a letter into the record from Steve Smith, agent representing the First Freewill Baptist Church & Society a.k.a Gilford Baptist Church, requesting to withdraw their application.

Motion made by D. Chesebrough, seconded by R. Dion, to accept the withdraw request from the **First Freewill Baptist Church & Society a.k.a Gilford Baptist Church, Case #Z0-17.**

Motion carried with all in favor.

A. Howe introduced the next case.

William & Sally Bickford

Special Exception request according to Article 4, Section 3.20 of the Gilford Zoning Ordinance to operate a Restaurant, Public Assembly on Gilford Tax Map & Lot # 214-046.000 located at 15 Airport Rd. in the Industrial Zone. File #Z07-18.

Bill Bickford, representing the application gave a brief presentation to the Board. He explained they are proposing to open a restaurant serving breakfast and lunch and they will not serve dinner or alcohol. They plan on enclosing the existing drive-thru window from the bank and convert it to additional restaurant space and storage including construct a walk in cooler. B. Bickford showed the Board how the business will connect to existing utilities and the parking spaces will remain unchanged. He explained the reconstruction of the bathrooms and they will include handicapped bathrooms. He explained the proposed patio area for limited outdoor seating. They plan on doing some landscaping to it and maintain it as a green area. He said they are planning on having seating for 70 people. They have reviewed the parking spaces and standards and said they have enough spaces for the seating proposed. B. Bickford said they may have to

add some pavement to the site (along the Route 11 frontage) in order for trucks to access the site. He said the hours of operation will be from 6 a.m.- 2 p.m.

B. Bickford reviewed and explained how the application meets the Special Exception criteria. He explained the existing septic tank can be used for the grease from the restaurant and they will install a grease trap inside the building. He said there is an on site well and the building will be handicap accessible. He said they are going to reclaim the existing road between the brook and the site when they adjust the parking layout to have a center lane at about 24'. The future office on site will be accessed through the redesigned center lane.

D. Chesebrough spoke about the Airport District Special Exception 5.2.4 standards and stated for the record how the Airport Authority supports the proposal and how the application meets the Airport District Special Exception standards.

A. Howe opened up the hearing for public input, there being none he closed the public portion and the Board entered into deliberations.

Board Deliberations

The Board discussed the proposal as favorable to the area and suitable for the site.

William & Sally Bickford

Motion made by D. Chesebrough, seconded by R. Dion, to approve the application as the applicant has met all the criteria for a Special Exception 11.2 a-f.

With no discussion on the motion, 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. Special Exception has been **granted**.

APPROVAL OF AUGUST 28, 2007 MINUTES

Motion made by C. Boucher, seconded by P. LaBonte, to approve the minutes from August 28, 2007 as amended. Motion carried with A. Howe abstaining.

Other Discussion

D. Chesebrough spoke about the problems and violations with electronic signs that flash and change messages and said they should not allow any more diode signs until the ordinance has been amended. He noted there are signs in Town that violate the ordinance because the signs are not constructed with diffuser panels.

J. Ayer agreed and spoke about all signs should include diffuser panels and gave a brief history of how signs got approved without having diffuser panels. He explained there was a misinterpretation of the definition of a diffuser panel by the Code Enforcement Officer. J. Ayer said the Code Enforcement Officer acknowledged signs have been approved without a diffuser included.

D. Chesebrough and C. Boucher are not in favor of allowing the signs that include diodes. C. Boucher spoke about the diodes being a distraction and a safety hazard.

A. Howe said the ZBA can make a recommendation to the Planning Board to not allow signs that include diode (LED) lighting and changing messages.

Motion made by D. Chesebrough, seconded by P. LaBonte to formally request the Planning Board consider amending the Sign Ordinance to prohibit diodes (LED) on all signs for the following reasons:

- 1) The sign ordinance should be designed and written to not affect the rural character of the Town of Gilford and the ZBA believes these types of signs negatively affect the rural character of the Town of Gilford.
- 2) Diode (LED) signs can be a safety hazard.
- 3) Several surrounding communities have already outlawed these types of signs.

Motion carried with all in favor.

A. Howe spoke about the old airport sign and said he would like to have Section 8.2.1.5 (d) removed from the ordinance.

Motion made by A. Howe, seconded by P. LaBonte, to recommend the Planning Board strike from the Zoning Ordinance Section 8.2.1.5 (d) for the following reason:

- 1) The section of the ordinance was approved and designed to meet the circumstances of a specific sign in a specific location. The sign no longer exists and the circumstances that lead to the approval of the sign should not be encountered again.

Motion carried with all in favor.

A. Howe and J. Ayer spoke about the Planning Board and the ZBA should cooperate on proposed zoning changes in the future. The Board agreed.

J. Ayer discussed the Lyman Brewer subdivision on Stark Street that received a Special Exception for a wetlands crossing. He gave a brief explanation of the PSNH easement issue and how the applicant has to move the driveway out of the PSNH easement. He said the Planning Board has recommend the applicant repeat the application process with the ZBA and the Conservation Commission due to the changes to the plan. The ZBA agreed and decided the applicant has to go through the application process with the changes to the project.

ADJOURNMENT

Motion made by C. Boucher, seconded by P. LaBonte, to adjourn the September 25, 2007 Zoning Board of Adjustment meeting at 8:20 p.m. Motion carried with all in favor.

Respectfully submitted,

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