

**GILFORD ZONING BOARD OF ADJUSTMENT
MINUTES
JANUARY 29, 2008
CONFERENCE ROOM A
7:00 P.M.**

The Gilford Zoning Board of Adjustment met in special session on Tuesday, January 29, 2008 at 7:00 p.m. in Conference Room A.

Present were: Acting Chairman P. LaBonte, Robert Dion and Temporary Alternate members: Richard Foley and Donald Spear.

Absent: Chairman Andrew Howe, Vice-Chairman Don Chesebrough and Charlie Boucher.

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

Acting Chairman LaBonte led the Pledge of Allegiance and introduced board members and staff. He appointed R. Foley and D. Spear to replace absent regular members D. Chesebrough and C. Boucher.

A. Howe introduced the first case.

1. **Robert Starace & Craig Bassingthwaighte**

Special exception request pursuant to Article 6, Section 6.13 of the Gilford Zoning Ordinance, to convert three (3) existing dwelling units into a condominium form of ownership on Tax Map & Lot #223-020.000. The property is located at 55 Dockham Shore Rd in the Single Family Residential Zone. File #Z07-21.

Tabled from the December 18, 2007 meeting.

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

Steve Smith, representing the application, gave a brief presentation to the Board. He explained the location of the property and said there is about .76 acres of land area with existing boat slips. He said municipal sewer and on-site water are available to the site. He said it is a pre-existing, non-conforming use. He said all improvements made to the units have been completed with the proper building permits and approvals from the Town of Gilford. He said all units have received certificate of occupancies. He reviewed the special exception criteria as described in the application.

P. LaBonte asked about the sewer system and S. Smith said the system is a gravity system and it is about 28 years old and the artesian well supplies all the units. R. Starace said there are meters connected to all the utilities for all members to share the costs. He asked if they could install separate water meters for the units. J. Ayer said the Department of Public Works will require

separate meters. R. Starace would be willing to install separate meters on each unit.

The Board discussed the units are intended to be used year-round, not just seasonally.

P. LaBonte opened up the hearing for public input.

S. Nix, member of the Winnepesaukee Yacht Club, asked about the status of the docks connected to this application. S. Smith said they will be considered as limited common area and will be assigned to each unit. He said there is a day dock for visitors to use and the docks will not be leased out. S. Nix complimented the applicant on how the site has been improved

With no other comments from the public, P. LaBonte closed the public hearing.

With no other questions from the Board, P. LaBonte introduced the next case.

Mary Curtis

Special Exception request pursuant to Article 4, Sections 4.6.5 & 4.7.6 (e) to allow the operation of a day care facility as a home occupation on Tax Map & Lot #226-095.000. The property is located at 21 Belknap Mountain Rd, in the Single Family Residential District and the Historic Overlay District. File # Z07-23.

Tabled from the December 18, 2007 meeting.

Motion made by R. Dion, seconded by D. Spear, to take the application off the table. Motion carried with all in favor.

Mary Curtis gave a brief presentation to the Board. She explained she is requesting to operate a daycare with the ability to care for one- six children. She said she can be licensed to care for up to nine children but will most likely not have nine at one time. Her hours of operation are from 7:00a.m. - 5:00 pm. She said she operates mostly through the school year. She said she does not advertise and is not planning on installing a sign.

P. LaBonte asked about the ages of the children and she said the children's ages are mostly between 3-11 years old.

D. Spear asked about Historic District approval. She explained she would be installing a picket fence therefore; she has to apply to the Historic District Commission for that approval. J. Ayer added that the HDHC does not have authority over land uses in the zone but they can review this application based on the application for the fence and for visual guidelines.

P. LaBonte opened up the hearing for public input. There being none he closed the public hearing.

With no other questions from the Board, P. LaBonte introduced the next case.

Dianne DiFonso

Variance request pursuant to Article 5, Section 5.1.4, Side Setback Area of the Gilford Zoning Ordinance to construct an addition located in the side setback on Gilford Tax Map & Lot #223-527.000. The property is located at 14 Davis Rd., in the Resort Commercial Zone. File #Z08-01.

Dianne DiFonso gave a brief presentation to the Board and explained the proposal.

P. LaBonte opened up the hearing for public input.

Joseph Bernard, 18 Davis Rd., said he does not oppose the application but he is requesting an engineering review be completed because he has problems with an increase in runoff onto his property from other property owners changing the landscape in the area. He said he has spent a lot of money to fix and protect his property from the runoff.

The Board asked if there would be a foundation installed and D. DiFonso said she is installing tubes and not a full foundation.

P. LaBonte closed the public hearing.

With no other questions from the Board, P. LaBonte introduced the next case.

William Ferry Revocable Trust

Variance request pursuant to Article 3, Definitions, Accessory Building of the Gilford Zoning Ordinance to construct a 36' x 36' garage on a lot of record located on Tax Map & Lot #221-031.000 on Broadview Terrace in the Single Family Residential Zone. File #Z08-02.

Stephan Nix, representing the application, explained he would like to have the application tabled until the next meeting in order to have a five-member board present.

Motion made by R. Dion, seconded by R. Foley to table to Feb 26, 2008. Motion carried with all in favor.

P. LaBonte introduced the next case.

Edward and Antonia Kulcsar

Equitable Waiver request pursuant to Article 5, Section 5.1.3 and Table 2 of the Gilford Zoning Ordinance on Tax Map & Lot #212-016.014 located at 23 Farm View Lane in the Limited Residential Zone. File #Z08-03.

Matthew Roy, representing the application, gave a brief presentation to the Board. He explained he made a mistake in building the garage and it was not identified until the mortgage company prepared a plot plan which showed the garage encroached into the setback. He said some of the benchmarks were cleared from the site and they made a mistake measuring the setback distances.

J. Ayer asked what the square footage is of the section of the garage that is located in the front

setback. M. Roy said about 16 SF encroaches into the front setback.

P. LaBonte opened up the hearing for public input. There being none he closed the public hearing

With no other questions, P. LaBonte announced the Board would enter into the deliberative portion of the meeting.

Board Deliberations

Robert Starace & Craig Bassingthwaite

The Board discussed the application and the site plan.

Motion made by R. Dion, seconded by D. Spear, to approve the application as having met all the special exception criteria in section 11.2 a-f and section 6.13 and include the following condition(s):

- 1) Each unit shall have individual water meters installed.

S. Verdile Philibotte polled the members.

R. Dion- Yes

R. Foley- Yes

D. Spear-Yes

P. LaBonte- abstained.

Motion carried with all in favor. The special exception **was granted.**

Mary Curtis

The Board discussed the application and the site plan.

Motion made by R. Foley, seconded by D. Spear, to approve the application as having met all the special exception criteria in section 11.2 a-f and include the following condition(s):

- 1) The daycare shall be limited to a maximum of nine children as the New Hampshire Department of Health and Human Services license allows.
- 2) The applicant shall obtain Historic District & Heritage Commission approval for the fence.

S. Verdile Philibotte polled the members.

R. Dion- Yes

R. Foley- Yes

D. Spear-Yes

P. LaBonte- abstained

Motion carried with all in favor. The special exception **was granted.**

Dianne DiFonso

The Board discussed the application and the site plan.

R. Dion spoke about the abutter requesting an engineering report be submitted before an approval is granted.

The Board discussed options related to the runoff issue for the application.

J. Ayer and the Board discussed the hardship criteria the applicant has to meet. He asked the Board to review how the applicant meets the hardship criteria if the Board approves the application.

Motion made by R. Dion, seconded by D. Spear, to approve the application as having met all the area variance criteria and allow relief of eight (8) feet from the side setback requirement and include the following condition(s):

- 1) The addition shall be designed so water will be diverted away from the abutting properties.
- 2) The addition shall be constructed on piers not with a full foundation.
- 3) The owner shall install roof piping that directs runoff toward David Road.

S. Verdile Philibotte polled the members.

R. Dion-yes

R. Foley-yes

D. Spear-yes

P. LaBonte- Yes

Motion carried with all in favor. The variance **was granted.**

William Ferry Revocable Trust

Application was tabled until the February 26, 2008 meeting.

Edward and Antonia Kulcsar

The Board discussed the application and the site plan. The Board discussed the house could have easily been located farther away from the road at the beginning of construction. The Board questioned why the Building Inspector didn't observe the mistake at the time of the foundation

inspection for the garage. The Board discussed the garage foundation was not done at the same time as the house foundation.

Motion made by D. Spear, seconded by R. Dion, to approve the application as having met all the Equitable Waiver criteria.

S. Verdile Philibotte polled the members.

R. Dion-Yes

R. Foley-Yes

D. Spear-Yes

P. LaBonte- Yes

Motion carried with all in favor. The equitable waiver **was granted.**

APPROVAL OF DECEMBER 18, 2007 MINUTES

Motion made by R. Dion, seconded by D. Spear, to table the minutes from December 18, 2007 until the February 26, 2008 meeting. Motion carried with all in favor.

ADJOURNMENT

Motion made by R. Foley, seconded by D. Spear, to adjourn the January 29, 2008 Zoning Board of Adjustment meeting at 9:15 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Administrative Assistant