

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

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

Present were: Chairman, Andrew Howe; Vice-Chairman, Don Chesebrough; Regular members: Charlie Boucher, P. LaBonte, and Robert Dion.

Absent: John Ayer, Director of Planning and Land Use.

Also present was Stephanie Verdile Philibotte, Administrative Assistant.

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

A. Howe introduced the first case.

1. **Gilford Young Road, LLC/Tammy Dunn**

Variance request pursuant to Article 5, Section 1.2 (c) Minimum Lot Dimension, to create a lot with less than required road frontage on Tax Map & Lot #207-002.001 located at 150 Young Road in the Limited Residential Zone. File #Z08-07.

Bryan Bailey, representing the application, gave a brief presentation to the Board. He explained the location of the site and said the variance application is to allow a subdivision with the reduction of road frontage by sixty-eight (68) feet on the Class V portion of Young Rd. He explained the Gilford Young Road, LLC property, consists of approximately 200 acres but has no frontage on Young Rd. except for a non-descript right-of-way over other abutting properties. He said there is a plan in the future to develop the 200-acre property owned by Mr. Wood/Gilford Young Road, LLC known as Tax Map & Lo#231-001.000. He said this variance proposal, including a future Boundary Line Adjustment, will clear up the right-of-way issue and allow all three properties to become unencumbered and allow the owners to pursue independent development options.

D. Chesebrough asked if the proposed sixty (60) foot right-of-way being would be wide enough to meet town standards. B. Bailey said yes the required frontage for town requirements is fifty-(50) feet.

B. Bailey reviewed the variance criteria as submitted in the formal application.

A. Howe asked for clarification of the application. He said they are requesting a variance from the regulations to allow a property owner to develop the property. B. Bailey said yes that is correct. A. Howe said he does not see a hardship in this application.

A. Howe opened up the hearing for public input.

Dorris Wood, owner one of the properties, said the three property owners want to do what they want with their land and they should be allowed to complete the proposal.

B. Bailey said the hardship criteria used to be based on a hardship inherit on the property. He said now the criteria have changed. He said the current zoning requirements are an imposition to the owners.

Robert Wood, owner of the lot land locked and said he has a hardship because he is land locked.

A. Howe said Mr. Wood is not the owner of the property or the applicant representing the application in front of them and would like to hear from the applicants.

Discussion ensued about the hardship criteria and the Board discussed there is no hardship with this application. A. Howe said there is no hardship to the Dunn property because they have required frontage. He said because the Wood property has an unclear right-of-way does not mean there is a hardship in the application. He said B. Bailey is including both pieces of property into one variance and the two properties are not related to a hardship. B. Bailey said yes he is including both properties in the variance hardship request. The Board disagreed with that theory.

Jim Cookman, Jr.-abutter to the Dunn property, asked if they were creating a lot. B. Bailey said no they are reconfiguring an existing lot.

Steve Oliver, Swallow Rd. Belmont abutter- asked to see the lines again for the proposal.

Jim Cookman Sr. abutter on Young Rd.- he said he is opposed to the application.

Bernie Moyers-owner of Lot #207-002.000 said he is trying to sell the property and said the deed is unclear as to the location and dimensions of the right-of-way and has lost potential sales because of that issue.

A. Howe read a letter into the record from Betsy Simon, 111 Young Rd. opposing the application.

D. Chesebrough said what is proposed on the plan makes sense but he agrees with A. Howe that there is no hardship on the Dunn property and suggested the application be tabled.

With no other comments from the public, A. Howe closed the public hearing.

A. Howe introduced the next case.

2. **TD Bank North/ Erin Realty, LLC**

Special Exception request pursuant to Article 11, Special Exceptions, Section 11.2; Article 4, Sections 4.6.14 & 4.7.6 (m) of the Gilford Zoning

Ordinance, to allow a Drive-Through window for a proposed bank on Tax Map & Lot #201-006.001. The property is located at 1402 Lakeshore Rd. in the Commercial Zone. File #Z08-08.

Greg Michael, attorney, representing the application, gave a brief presentation to the Board. He explained the location of the site and that the proposal is for a bank with a drive through window. He reviewed the criteria of a special exception and how the proposal meets the criteria as formally submitted in the application.

A. Howe asked if they received a permit from the NHDOT for the revised entrance off of Route 11. G. Michael said they applied for a permit and the NHDOT seemed favorable to the proposal of having right turns only for the entrance off of Route 11.

C. Boucher is not in favor of the proposed entrance off of Route 11. P. LaBonte said they should have an entrance only, not an exit onto Route 11. He said the traffic to the site should enter and exit the site utilizing the traffic light.

D. Chesebrough asked if they are tearing down the existing building. G. Michael said yes they are.

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

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

Board Deliberations

Gilford Young Road, LLC/Tammy Dunn

The Board discussed the application and the site plan.

A. Howe said the applicant is asking the Board to waive the zoning requirements based on the potential to develop a different lot, not the applicant's lot, in the future. He said and he does not see a hardship. The Board agreed there is no hardship presented in the application.

A. Howe suggested the applicant could withdraw the application or ask to table the application and get advice from the Planning staff. B. Bailey said they would like to table the application to confer with legal counsel and said they are fully aware that any changes made to the plan means the application will have to be re-noticed.

Motion made by C. Boucher, seconded by P. LaBonte, to table the application until the May 27, 2008 meeting. Motion carried with all in favor.

TD Bank North/ Erin Realty, LLC

The Board discussed the application and the site plan. D. Chesebrough said the applicant has met all the criteria of a special exception and should be approved.

Motion made by D. Chesebrough, seconded by P. LaBonte, to approve the application as having met all the special exception criteria in section 11.2 a-f and Article 4, Sections 4.6.14 & 4.7.6 (m).

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. The special exception **was granted.**

APPROVAL OF FEBRUARY 26, 2008 MINUTES

Motion made by P. LaBonte, seconded by C. Boucher, to approve the minutes as presented from until the February 26, 2008 meeting. Motion carried with all in favor.

Election of Officers

Motion made by P. LaBonte, seconded by C. Boucher, to nominate A. Howe as Chairman. Motion carried with all in favor.

Motion made by C. Boucher, seconded by R. Dion, to nominate D. Chesebrough as Vice-Chairman. Motion carried with all in favor.

Motion made by D. Chesebrough, seconded by C. Boucher, to nominate R. Dion as Secretary. Motion carried with all in favor.

Other Business

D. Chesebrough discussed zoning ordinance section 8.10.1.2 Illumination was not amended by the Town of Gilford.

He said under that paragraph *diodes* (take out diodes replace with lights) lights are (take out not) are *not* required to be covered by a diffuser panel. He said he thinks an error *has been made in interpreting the ordinance* take out (and has been in the ordinance by mistake). He said J. Ayer should not allow any permits to be issued for those signs until further review by legal counsel.

Amended paragraph should read- He said under that paragraph lights are not required to be covered by a diffuser panel. He said he thinks an error has been made in interpreting the ordinance. He said J. Ayer should not allow any permits to be issued for those signs until further review by legal counsel.

Motion made by D. Chesebrough, seconded by C. Boucher, to approve the minutes as amended.

Motion carried with all in favor.

ADJOURNMENT

Motion made by C. Boucher, seconded by D. Chesebrough, to adjourn the April 29, 2008 Zoning Board of Adjustment meeting at 8:40 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Administrative Assistant