

**GILFORD ZONING BOARD OF ADJUSTMENT
MINUTES
JANUARY 31, 2011
CONFERENCE ROOM A
7:00 P.M.**

The Gilford Zoning Board of Adjustment met on Monday, January 31, 2011, at 7:00 p.m. in Conference Room A.

Present were: Chairman, Andrew Howe; Vice Chairman, Scott Davis and Regular Members: Ellen Mulligan, Robert Dion and Mark Corry.

Also present was: David Andrade, Building Inspector and Stephanie Verdile Philibotte, Technical Assistant.

Absent Member(s).

Chairman Howe led the Pledge of Allegiance.

A. Howe introduced the first application.

1. Kevin Leandro

Variance request pursuant to Article 4, Section 4.7.6 (n), of the Gilford Zoning Ordinance to allow the applicant to park a vehicle over the one ton maximum weight limit in relation to a Home Office use on Tax Map & Lot #226-010.000 located at 98 Gunstock Hill Rd. in the Single Family Residential Zone. File #Z01-11. *Tabled from January 25, 2011.*

Kevin Leandro, applicant, gave a brief presentation to the Board. He explained the location of the property (the old Weeks property), the history of the property and the proposed use.

A. Howe explained the purpose of zoning and the basic requirements that everyone has to follow according to the zoning regulations.

K. Leandro explained he parks a dump truck on the property for his Home Office use. He reviewed the variance requirements and how his proposed use meets those requirements. He said he is strictly a Home Office use as he has no employees, no shipments to the house, and there are no customers that come to the house. He said his truck does not negatively impact the neighborhood because it is barely visible from the road or abutters' houses. He said he bought the property with two driveway entrances and the existing driveway is hard packed for the use of the large truck. He said he cannot find a suitable location in the area that has power so he can store the truck.

A. Howe asked D. Andrade about the section of the ordinance and when did the "Home Office" ordinance change. D. Andrade said he thought it changed about 3 years ago and that the intent of the "Home Office" was to have the use be as less intrusive as possible and that typical "Home

Office” uses do not have vehicles over one ton in weight. He said that Public Works Director, Sheldon Morgan, would like the applicant to contact him to make arrangements to figure out what arrangements will have to be made in order to accommodate the size of the truck in case the truck does damage to town roads.

Discussion ensued about the proposed changes to the “Home Occupation” ordinance and the issue of large trucks and screening and how it relates to this application. R. Dion is concerned about the visual impacts of having the truck parked there and proposed some type of screening.

E. Mulligan asked about the site distance he has when he pulls out of the driveway. K. Leandro said he can see all the way up to Schoolhouse Hill Rd. but that he heads the opposite way to get to the by-pass when he exits the property.

A Howe opened the hearing for public input.

Louis Ricciardiello-abutter, lives at 93 Gunstock Hill Rd and said he is in support of the application.

Skip Murphy, not an abutter, Gilford resident, drives by the house and he said he cannot see the truck when it is parked there and is in support of the application.

With no further input from the public, A. Howe closed the public hearing.

The Board entered into the deliberative session.

DELIBERATIONS

1. Kevin Leandro

The Board discussed the application.

S. Davis spoke about the discussion the DPW Director would like to have with the applicant regarding site distance, potential damage the truck may inflict on the road, and if there was ever a second driveway permit issued, and therefore he believes the application should be tabled until these issues can be resolved. The Board discussed the driveway permit and site distance issues are not really a part of this application and should not be approved with a condition of approval that would include a driveway permit be obtained (if needed) or the site meets site distance.

The Board asked the applicant what his time frame is for having permission to have the truck parked there. K. Leandro said he has a little leeway in time but would not want to be held responsible to get a driveway permit if one was never issued for the second driveway entrance.

A Howe discussed the nature of this neighborhood and that in this particular neighborhood is laid out in a way that the houses are not on top of each other and that the applicant has parked the vehicle in a way that is not that visible to the neighborhood. He personally does not see a problem with the application but is concerned the applicant cannot meet all the criteria of a

variance and that is what the Board has to review and consider in approving the application. M. Corry agrees.

The Board discussed the application as it compares to the "Home Occupation" standards and D. Andrade explained this type of use is not considered a typical home occupation as it is not conducted entirely within the home. The Board asked about the former Doloff property that was a previous construction company that was approved as a "Home Occupation". D. Andrade said that property was grandfathered. D. Andrade had the Board read the "Home Office" Occupation and decide if their interpretation would require a variance for this applicant.

Motion made by M. Corry, seconded by E. Mulligan, to interpret Section 4.7.6 (n) of the ordinance to mean the use of vehicle is not in violation, the vehicle is being parked on site and not being used on site therefore, the Board finds there is no violation of the "Home Office" ordinance and there is no need for the variance application.

S. Verdile Philibotte polled the members.

M. Corry-Yes
E. Mulligan-Yes
R. Dion-Yes
S. Davis-Yes

A Howe-abstained.

Motion carried with all in favor. The **Kevin Leonardo** variance application **was vacated**.

OTHER BUSINESS

MINUTES

Motion made by E. Mulligan, seconded by S. Davis, to approve the minutes of December 28, 2010 as presented. Motion carried with M. Corry and R. Dion abstaining.

ADJOURNMENT

Motion made by E. Mulligan, seconded by M. Corry, to adjourn the January 31, 2011, Zoning Board of Adjustment meeting at 8:20 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Technical Assistant