

**GILFORD ZONING BOARD OF ADJUSTMENT
MINUTES
AUGUST 23, 2011
CONFERENCE ROOM A
7:00 P.M.**

The Gilford Zoning Board of Adjustment met on Tuesday, August 23, 2011, at 7:00 p.m. in Conference Room A.

Present were: Chairman-Andrew Howe, Vice Chairman-Scott Davis. Regular Members: Ellen Mulligan, Mark Corry, and Alternate(s): Paul Kiely and Bill Knightly.

Absent Member(s): Stephan Nix.

Also present was: David Andrade, Building Inspector/Code Enforcement Officer, Stephanie Verdile Philibotte, Technical Assistant.

Chairman Howe led the Pledge of Allegiance and introduced the Board members and staff. He explained he will not preside as Chairman on the Steve Buzzotta application. He appointed P. Kiely and B. Knightly to act as Regular Members on the Steve Buzzotta application. e appointed He appointed P. Kiely

S. Davis introduced the first application.

1. Steven Buzzotta

Variance request from Article 5, Section 6.5 to allow the expansion of an existing restaurant into the required 50 foot buffer area on Tax Map & Lot #267-210.000 located at 2667 Lakeshore Road in the Resort Commercial Zone. File # Z11-13.

Steven Buzzotta, property owner and Ken Choice, General Manager of Ellacoya Bar and Grill, were in attendance to represent the application. He explained the engineer from Life Safety Fire Protection, who wrote the letter the Board considered as new evidence, is in attendance to answer any questions the Board may have.

S. Davis asked why the cistern has to abut the barn and other questioned about the insulation of the piping

Jeff Denis, Life Safety Fire Protection, Sprinkler System designer, said he is not an engineer but he is here to speak of the need for the cistern to be constructed in the proposed location. He said the site does not lend itself to locate the cistern in any other spot because of the slope of the site. The cistern can really only function according to the NFPA requirements, and to meet those requirements, the cistern has to be built against the building, in the proposed location. E. Mulligan asked why. J. Dennis said because of the piping has to be buried at least five (5) feet below the ground according to NFPA Regulations, Section 24. The cistern has to be level and they have to have the cistern close to the barn in order for the piping to reach the water supply. S. Davis asked if adequate insulation could be placed around pipe. J. Dennis said the NFPA

requires that depth for burial of the pipes based on this region. He said there is not enough existing grade on site to allow the pipes to be run right from the cistern to the water supply, if the cistern were located farther away from the building. He said because the system is gravity fed, they need the distance and depth in order for the cistern to work.

B. Knightly asked if the foundation of the addition is the cistern and J. Dennis said yes.

M. Corry asked if the cistern is moved forward and only the last 5 feet of the cistern be located was against the barn, would that allow the cistern to function.

Discussion ensued about moving the location of the cistern forward toward Lakeshore Rd. It was determined through discussion that if that were done, it would create other site plan issues that would negatively impact the layout and design of the site; for example, they would be encroaching into the mandatory fire lane and parking spaces would have to be removed with the relocation of the cistern.

P. Kiely asked if the cistern could be located in the basement and J. Dennis said no it is too big and it would interfere with existing equipment.

S. Davis asked if they eliminate 2 parking spaces and eliminate 6 seats, they could move the cistern and the addition could be relocated and not encroach into the buffer as much as they are requesting.

Ken Choice-general manager of Ellacoya Bar and Grill said the location of the addition/cistern is based on the function and current layout of the restaurant. It will allow the customers to enjoy the downstairs of the restaurant and maintain an aesthetic design of the building as well as the historic features of the structure. S. Buzzotta said based on the current design and construction of the old barn, the location of the cistern cannot be located anywhere else on site. He said the site has a difficult layout and if the cistern is in another location, he would have to take out more existing trees. He said the proposed addition and layout match aesthetically and structurally with the restaurant and the entire site.

S. Davis spoke about the issue that at some point there comes a time when the site cannot support additional uses or existing uses that are intensified, and currently there are several uses on site that the owner can utilize.

S. Davis opened the public hearing, with no input. The Board entered into deliberations.

DELIBERATIONS

Variance Request- Steven Buzzotta

Motion made by B. Knightly, seconded by E. Mulligan, to table the application until September 27, 2011 in order for the applicant to complete the hardship portion of the application. Motion carried with all in favor.

OTHER BUSINESS

A. Howe briefly discussed the letter the Board received in their packet from Weldon Bosworth in response to the ZBA's decision on File#Z11-11. D. Andrade told the Board that he wrote Mr. Bosworth a letter and explained the proper process for appealing the ZBA's decision.

2012 ZONING AMENDMENTS -

S. Verdile Philibotte updated the ZBA on Planning Board 2012 zoning amendment process. She distributed worksheets outlining the amendments the Planning Board have discussed and the status of them as of August 8, 2011. She explained the Planning Board has been working on amendments since April and so far they have met with the Conservation Commission regarding amending Section 5.2.1 Island & Shore Frontage District and Section 5.1.1 Lot Size and Buildable area. She recommended the ZBA review the information she provided and decide if they want to contribute to the discussion. The ZBA decided they want to participate in amendment process for Sections 5.2.1 and 5.1.1.

A. Howe would like to have a discussion with the Planning Board and have the Planning Board provide them the reason and intent of the amendments to the ordinance. A. Howe would like the intent to be clear within the ordinance. The Board agreed. The Board would also like clearer language in amendments, saying the language is lengthy and hard to follow.

S. Nix thought the ZBA would be involved earlier in the amendment process this year. He would like the language of the ordinance from the Planning Board earlier in the process so the ZBA can review and provide comments. The ZBA would like the intent on the ballot.

The Board would like to be included in the discussion regarding "Exempting Agricultural Uses from Zoning regulations and site plan reviews"

The Board wants to be included in the discussion regarding the Planning Board's proposal to not require a special exception for a home occupation in the Single Family Residential Zone. The ZBA's opinion is the nature of single family residential neighborhoods should be maintained as much as possible and having the additional review process is important.

The Board discussed that all applications for a Special Exception should include complete site plans showing utilities, etc. as that is part of the criteria for a special exception.

The Board also would like the Planning Board to work on the definition of "Roomer" and "Family" and hope to clarify their definition and meaning and they are included in the discussion.

MINUTES

Motion made by S. Davis, seconded by E. Mulligan, to approve the minutes from July 19, 2011 meeting. Motion carried with all in favor.

ADJOURNMENT

Motion made by M. Corry, seconded by E. Mulligan, to adjourn the August 23, 2011, Zoning Board of Adjustment meeting at 8:25 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Technical Assistant