

**Approved November 19, 2007**  
**GILFORD PLANNING BOARD**  
**NOVEMBER 5, 2007**  
**CONFERENCE ROOM A**  
**7:00 P.M.**

The Gilford Planning Board met in regular session on Monday, November 5, 2007 at 7:00 p.m. in Conference Room A.

In attendance were: Chair, Polly Sanfacon; Vice-Chair, Carolyn Scattergood; Selectmen's Representative, Connie Grant; Jerry Gagnon; Richard Waitt; Richard Vaillancourt; John Morgenstern and Alternate David Arnst.

Member(s) absent:

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

Chair P. Sanfacon opened the meeting, led the Pledge of Allegiance, introduced the Board members, and staff and read the rules of procedure for the meeting.

P. Sanfacon read a letter from RCC Atlantic, Inc requesting an extension for the temporary COW to be extended until December 31, 2007. Motion made by R. Waitt, seconded by R. Vaillancourt, to grant the request for the extension. Motion carried with all in favor.

P. Sanfacon introduced the first application.

**1197 Union Ave. Associates and Traditional Catholics of New Hampshire**

Applicant is proposing a Boundary Line Adjustment between Tax Map & Lot #202-003.000 and 201-031.000 located at Blaisdell Ave. and Terrill Ave (In Laconia. in the Industrial Zone. Boundary Line Adjustment Plan. Application #2005002137.

Motion made by C. Scattergood, seconded by J. Gagnon, to take the application off the table. Motion carried with all in favor.

P. Sanfacon read a letter from Matt Fagginger-Auer, agent for the application, requesting the application be withdrawn at this time. The Board accepted the withdrawal of the application.

P. Sanfacon introduced the next case.

**Donald Ames C/O Ames Farm Inn**

Applicant is submitting an as-built plan/amended site plan for review on Tax Map & Lot #266-107.000 located at 2800 Lakeshore Rd. in the Single Family Residential Zone. Amended Site Plan Review. Application #2005002438.

Motion made by C. Scattergood, seconded by J. Morgenstern, to take the application off the table. Motion carried with all in favor.

P. Sanfacon read a letter from Steve Smith, agent for the application, requesting the application be continued until November 19, 2007.

Motion made by R. Waitt, seconded by R. Vaillancourt, to table the application until November 19, 2007. Motion carried with all in favor.

The Board decided to schedule an on-site inspection for the Ames Farm application on Friday, November 9, 2007 at 12:30 p.m.

### **Other Business**

1) Georgie Johnson of Johnson Surveying, agent representing Janet Elkin and Newt Gardner owners of 42 Alpine Drive. She explained the property owner had mistakenly built a stonewall within the Town of Gilford's right-of-way. She said there has been a portion of the wall removed from the right-of-way and the owners are willing to remove additional sections of the walls encroaching in the right-of-way. However she said there are 2 stonewalls located at the entrance to the house that cannot be easily moved and the owner is willing to provide an easement to the Town of Gilford in order to use that area to turn vehicles around if needed. She said Alpine Drive is not a through street and since the Town of Gilford will convey the property to the owner, that will relieve the Town of Gilford of any liability if the walls were located on town property.

C. Grant spoke about when the applicant appeared before the Board of Selectmen and she said the abutters all spoke in favor of the proposal for the owners to maintain the stonewall in its location.

Motion made by C. Scattergood, seconded by R. Waitt, to recommend to the Board of Selectmen they approve the suggested changes of the ownership for the right-of-way and changes to the site plan for 42 Alpine Drive. Motion carried with all in favor.

J. Ayer spoke about the changes in the easement location to the Lyman subdivision. He brought the Board up to date on Mr. Lyman's request to not return to the Planning Board as the Board had previously decided. The Board reiterated its previous decision to require the applicant to submit a new application to the Planning Board showing the changes in location of the easement.

2) Discussion of 2008 Zoning Amendments

a. Junk and Old Vehicles- J. Ayer reviewed a request from the Board of Selectmen regarding proposing a junk ordinance. He reviewed other towns' regulations addressing junk and vehicles. He said he asked Town Counsel for their opinion. Town Counsel's opinion said there is a state law addressing junk yards and automobiles and recommends the Town of Gilford not create another ordinance. The reason being if there is a discrepancy between the Town of Gilford's regulations and the state regulations it would cause confusion in a legal situation. Town Counsel said the Town of Gilford can enforce the state regulations

Discussion ensued about the amount of support from residents to enact a junk ordinance.

P. Sanfacon spoke about clarifying the process for the Town of Gilford in order to enforce the state law. She said if the process is long and cumbersome it would be difficult for the Town to enforce.

b. Flag Lot amendment-J. Ayer reviewed the proposed changes to the ordinance. The Board discussed the proposed changes.

c. Increase shore front setback from 40' to 50' to match new RSA. J. Ayer explained the setback from the brooks would now be increased to 50' because the state is passing a new law effective April 1, 2008.

d. Establish electronic changeable copy signs-J. Ayer reviewed the ZBA's request for the Planning Board to prohibit changeable copy signs and LED signs. He explained he and P. Sanfacon wrote a letter to the ZBA explaining the Planning Board had already decided on the proposed zoning amendments and invited the ZBA to participate in the ordinance amendments for 2008. The Board reviewed the changes and J. Ayer will revise the proposed amendment.

e. Creation of time limit to complete site plans and subdivisions- D. Arnst suggested a developer submitting a project plan that includes a time frame for completion. J. Gagnon spoke about the smaller commercial sites around town that were approved years ago and have not completed the work, now the sites become storage areas.

The Board decided to suggest the proposed changes be put into the Site Plan regulations and not be located in the zoning ordinance.

f. J. Ayer explained B. Aichinger's written request to amend the zoning ordinance. J. Ayer brought the Board up to date on the Aichinger court case. He spoke about the Planning Board's policy of not addressing the proposal due to the court case against the Town of Gilford. He said Town Counsel said the proposal does not apply to the Planning Board it is more of an issue for the Assessing Department.

### **Minutes**

Motion made by C. Grant, seconded by J. Gagnon, to table the approval of the minutes from October 15, 2007 until November 19, 2007. Motion carried with all in favor.

### **Adjournment**

Motion made by R. Vaillancourt, seconded by R. Waitt, to adjourn the meeting at 9:15 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte  
Administrative Assistant