

**Approved March 17, 2008**  
**GILFORD PLANNING BOARD**  
**JANUARY 7, 2008**  
**CONFERENCE ROOM A**  
**7:00 P.M.**

The Gilford Planning Board met in regular session on Monday, January 7, 2008 at 7:00 p.m. in Conference Room A of the Gilford Town Hall.

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

Member(s) absent: Vice-Chair Carolyn Scattergood.

P. Sanfacon appointed D. Arnst to sit in the place of absent regular member C. Scattergood.

Also present were 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 introduced the first application.

**GCV Realty Holdings, LLC**

Applicant is proposing to subdivide Tax Map & Lot #254-074.000 into 2-lots with lots ranging in size from approximately 5.05 acres to 18.27 acres located at 20 High Point Lane in the Natural Resource Residential Zone. Subdivision Plan. Application #2005002612.

*Tabled from the December 3, 2007 meeting.*

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

Jonathan Ring, representing the application, gave a brief presentation to the Board. He spoke about the site walk the Board completed on December 13, 2007. He said they are proposing a shared driveway instead of the previous proposal that would have required a waiver from the Planning Board and the Board of Selectmen for setback requirements from the Minimum Road Standards.

J. Gagnon spoke about the applicant needing permits from the NHDES for the site work that was completed, including site work from the original approval.

J. Ring said he did not have a DES permit for this application but he could provide one from a subdivision his company had completed a few years ago for a different project. J. Gagnon said they want a letter for this subdivision.

J. Ring said the shared driveway now proposed for the new lot would go through the road right-of-way only and not be located close to the proposed property line. He said he does not have any information regarding how much area has been disturbed for this new subdivision and the work from the original 7-lot subdivision at this site.

J. Gagnon is concerned about the site being stable due to the amount of snowfall this winter and what will happen in the spring during the thaw. He said there was already a washout on a section of Route 11-A since the site work for the subdivision had been started which may have been related to this project. He would like to have the exact amount of area disturbed. J. Ayer also said they would need exact information for the area disturbed.

C. Grant asked about nine lots being advertised on the subdivision sign at the site and said they do not have approvals for those lots yet. P. Sanfacon agreed and would like the applicant to be aware they do not have approval for nine lots.

P. Sanfacon opened the hearing for public input.

Jack Stephenson spoke about continuing the process of changing the land contours in order to make an area buildable. He said there are a lot of homes built in Gilford that exceed the slope limits and the Planning Board should consider the issue of changing the land in order to create more buildable area to have safe buildable lots.

P. Sanfacon closed the public hearing.

## **BUSINESS**

### **GCV Realty Holdings, LLC**

J. Gagnon wants to table the application in order to get more information from the applicant regarding the amount of land area disturbed and whether or not the applicant needed approvals from the NHDES.

Motion made by J. Gagnon, seconded by R. Vaillancourt, to table until Feb 5, 2008, in order for the applicant to provide information from the NHDES, which he said he would provide to the Board at the site walk.

Discussion on the motion.

C. Grant asked if the information requested from the NHDES would provide the answers the Board is looking for as far as how much land area has been disturbed. J. Ayer clarified the agent was supposed to have his engineer write a letter to the NHDES explaining the proposal to see if a NHDES approval was required for the work that was completed for the entire subdivision.

J. Gagnon wants proof from the NHDES that the application does not need approval for the

amount of land area that was disturbed for the previous subdivision and the current one.

J. Ring asked where the washouts were and J. Gagnon explained where the washouts were on Route 11-A.

P. Sanfacon called for a vote on the motion. Motion carried with all in favor.

### **Other Business**

#### **PROPOSED ZONING AMENDMENTS/PUBLIC HEARINGS**

J. Ayer introduced the first zoning amendment. He reviewed the Concord NH Supreme Court case revolving around the electronic changeable copy signs. He said the Town could allow changeable copy signs for time and temperature information only, they could not allow changeable copy signs at all, or they could continue with the current zoning proposal. J. Ayer said Town Counsel thought the term “superimposed” was unclear and should be addressed. He spoke about the Board being able to move forward with the current zoning amendment and change in only one word, changing “Superimposed” to “Overlapping” in paragraph (b) of Section 8.4.8.3.

- A. **Section 8.4.8, Changeable Copy Signs** – Amend Section 8.4.8, Changeable Copy Signs, by adding to the existing Section 8.4.8 regulations regarding Electronic Changeable Copy Signs. The proposed regulations limit the frequency at which messages are allowed to change; restrict hours of operation; and prohibit certain display methods including, but not limited to, flashing and image movement.

Discussion ensued about the ZBA’s opinion of the Board interpreting the zoning ordinance and how the Board could work with the ZBA for next year’s zoning amendment process.

P. Sanfacon said the public hearing is still open for discussion on this revised amendment. With no further public input, P. Sanfacon closed the public hearing.

Motion made by J. Morgenstern, seconded by J. Gagnon, to recommend the proposed zoning amendment be placed on the ballot as amended and prepared.

Motion carried with all in favor.

J. Ayer introduced the proposed Zoning Ordinance Change/Rezone submitted by petition, which is as follows:

- A. Amend the Official Zoning Map of the Town of Gilford by changing from the Resort Commercial (RC) Zone to the Single Family Residential (SFR) Zone the area along the southwesterly side of Route 11, a/k/a Lake Shore Road, generally between the Alton town line and Highland Drive. A map and an exact description of the area proposed for rezone are available for examination at the

## Town Hall.

J. Ayer spoke addressed concerns raised at the last public hearing regarding this proposed zoning change regarding it meeting the purpose and intent of the Master Plan, and if this proposal is spot zoning. He said the uses that exist there seem to be appropriate for the area and any commercial uses that exist would be grandfathered uses and still be allowed to exist. He also reviewed the traffic section of the Master Plan providing safe and adequate roads. He spoke about that section Route 11A not being able to handle any more commercial development and increased traffic flow to the area. He reviewed the Master Plan's objectives and actions and said this re-zone appears to be supportive of them and is not contrary to the Master Plan in his opinion. He said this proposal does not meet the definition of spot zoning citing an article regarding spot zoning from the American Planning Association and comments regarding spot zoning from Town Counsel. He said the area is developed with mostly single-family residential uses. He said that if the Board does vote to recommend adoption of this amendment, the Board should include findings of fact such as it meeting the intent of the Master Plan and that it is not spot zoning.

J. Gagnon expressed concern with the rezone saying that there is not enough land area to support commercial development in the Town because the majority of the town is zoned residential. He said that residential uses cost the Town of Gilford money and would like to see more of a balance with the zones. He is concerned there is not enough balance in the types of zones in Gilford. He would rather see the Table of Permitted Uses updated instead of changing the zone. J. Ayer said he agrees with J. Gagnon that there is a limited amount of commercially zoned land in Gilford, but said in his opinion the existing uses in this area fit the proposed zone change. He also said the road in this area is narrow, hilly and windy and not conducive to extensive commercial development.

R. Waitt said he is a member of the Lakes Region Transportation Committee and said there are no plans in the near future for Route 11A to be updated. He said it could be longer than 20 years before there is any change or improvements made to that section of the road.

R. Dyer and Catherine Broderick, attorneys representing the Ames Farm, discussed the rezone. C. Broderick said if the zone were changed, Ames Farm would lose available commercial uses on property they own across the street from their existing business. She reviewed how commercial uses help stabilize the town's tax base.

Peggy Ames, granddaughter of Don Ames, spoke about her family's history at the Ames Farm Inn.

Jack Stephenson spoke about the proposed changes to the zoning map in 1988. He said at that time it was Resort Commercial and said there was a lot of discussion about the zone change then. He said the main argument in 1988 was to do away with spot zoning that has happened in that area and that that entire area is appropriate to be zoned Resort Commercial.

Jim Bolanger, 84 Dinsmoor Point Rd., said the proposal is for a change in zone across the street from Ames Farm, not changing the zone for Ames Farm. He said the land in question has been

zoned RC for many years and there has not been any development in that area because that area is not suitable for commercial development. He said he agrees with J. Gagnon on the need for commercial uses, however, this area would not be suitable for commercial development.

Steve Nix, 19 Riley Rd. spoke about the character of the land and the amount of resort commercial zoning being limited. He spoke about the public hearing process of a petitioned warrant article and complimented J. Ayer's description of the land included in the proposed re-zone. S. Nix said the area should be surveyed for what uses exist and what the terrain is like. He said Route 11A is a very narrow road and is the major travel lane for all the goods and services that come into Gilford. He said it does not make sense to have a commercial zone in the area with a road that cannot support the increased traffic that commercial uses will bring. He said the area lacks infrastructure to support commercial uses and is concerned the Town of Gilford's emergency services would have a difficult time servicing commercial uses. He spoke about uses that would still be allowed for the proposed zone and reviewed the Master Plan describing the location of the property and if it is zoned correctly or not. He commended Peggy Ames for "calming" the waters regarding discussion about this zoning change and said he has deep roots in the area also.

R. Dyer spoke about the uses currently allowed and that exist and how that would change with the change in zoning. He said he is requesting the Board not recommend approval of this area at this time but consider future recommendations that may be able to accommodate commercial and residential.

S. Smith said the RC zone allows for mixed use and that is important to the Town of Gilford and encourages the Board to not recommend the petitioned article.

J. Stephenson spoke again about the proposed zone change and expressed how he is not in favor of it.

P. Sanfacon closed the public hearing.

Motion made by J. Gagnon, seconded by D. Arnst, to not recommend the petitioned zoning ordinance amendment until 2008 and to study the proposal further.

Discussion on the motion.

J. Gagnon spoke about the fact that it takes more than a few public hearings to change the zoning ordinance and would like to have more time to review it.

The Board discussed the reasons for and against the petitioned amendment and decided to not recommend the change at this time.

C. Grant asked J. Ayer if he still recommends the proposed petition and J. Ayer said yes.

P. Sanfacon spoke about researching the zone change and possibly creating an overlay district.

P. Sanfacon called for a vote on the motion. Motion carried with all in favor.

J. Ayer introduced the remaining Other Business Items

- B. Theodore Bolotin – Discussion for conceptual review for an eight (8)-lot subdivision for Tax Map & lot #266-009.100 located off of Trail View Drive.

J. Ring, agent representing the applicant, explained the proposal is for an 8-lot subdivision.

J. Gagnon said the reason why the Board approved only a 2-lot subdivision for this property many years ago was because the terrain is too steep. He said the Board told the applicant he would have to create a road off of Route 11 in order to access the proposed lots. He said the police and fire departments had serious concerns about safety access and were not in favor of creating another road in that location. He said he would not be in favor of this subdivision if it were presented formally.

J. Ring thanked the Board for their time.

- C. John Goode-Discussion for conceptual review for a commercial marina for Tax Map & Lot #242-182.000 off of Roberts Rd.

S. Nix, representing the applicant, explained that this residential lake-front property received approval for a condominium conversion, but that they are considering a change of use to a commercial marina. He said there is enough land area to support additional docks and parking. He said it would be a launch-and-load service only and in the winter it would be used for boat storage. He said one house on site will remain and the other house on site would be converted into a bathroom/shower facility. C. Grant asked if people would be able to stay overnight on their boat and S. Nix said he would research that.

C. Grant discussed how that area is extremely congested and can be very dangerous. She has serious concerns about adding more traffic and congestion to the area.

Discussion ensued about the number of boat slips proposed and how many boats would be docked there. S. Nix said the slips are allowed to be 12' wide but theoretically smaller boats could fit in the slips.

C. Grant said it would be very difficult for the applicant to change the use of Dock Rd. in order to access the ramp.

R. Waitt said that area is very congested and has safety concerns over this proposal.

Discussion ensued about determining hours of operation and what type of launching could take place – either only commercial, or commercial and recreational.

### **Minutes**

The Board decided to table the minutes from December 17, 2007 until February 5, 2008.

Discussion ensued about the Energy Committee's proposal to create tax incentives for alternative heating sources. The Energy Committee invited the Planning and Zoning Boards to attend their informative meeting. P. Sanfacon would attend the meeting and let the Energy Committee know the Board is interested in cooperating with any proposals they may come up with for alternative energy sources and see how it relates to planning and zoning.

J. Ayer said there is nothing in the zoning ordinance limiting the height of wind turbines and said the Board may wish to consider discussing a zoning amendment for 2008 to address that.

**Adjournment**

Motion made by R. Waitt, seconded by J. Gagnon, to adjourn the meeting at 9:40 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte  
Administrative Assistant