

Approved on November 3, 2008
GILFORD PLANNING BOARD
WORKSHOP MEETING
SEPTEMBER 2, 2008
CONFERENCE ROOM A
7:00 P.M.

The Gilford Planning Board met in regular session on Tuesday, September 2, 2008 at 7:00 p.m. in Conference Room A in the Gilford Town Hall.

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

Member(s) absent: Alternate David Arnst.

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 and introduced the Board members and staff. She welcomed Scott Dunn, Town Administrator, who was attending his first meeting. He thanked the Board for their service to the town and offered his assistance at any time to the Board. P. Sanfacon thanked him for taking the time to meet the Board.

Discussion of 2009 Zoning Amendments

J. Ayer explained that Barbara Aichinger is in attendance to continue the discussion regarding the lot merger section of the zoning ordinance.

Carolyn Scattergood announced that she is a member of the Governor's Island Club Board and she was on the Board when the issue of the subdivision arose for B. Aichinger's lot(s). The Board discussed that was not an issue as this is a work session discussion and not a public hearing. B. Aichinger thanked C. Scattergood for disclosing her involvement in the Governor's Island Club. She reviewed discussion from the July 21, 2008 meeting and provided more information to the Board in a packet regarding the lot merger section of the ordinance. She explained the recent court case that decided her situation where the court said there was one lot and she should apply for a subdivision. She reviewed recent court cases itemized in the packet of information she submitted. She discussed the unmerging of lots that has occurred in different communities and that Alton requires a minor subdivision to unmerge the lots that have been involuntarily merged, although nothing exists in their ordinance as of yet. She reviewed other information she solicited from Plan-Link where she asked if other towns have involuntary lot mergers. She spoke about a resident from Mark Island who claimed he had five lots and now has one due to the involuntary merger process. Her proposal is to acknowledge that the Town of Gilford's Zoning Ordinance, Section 9.1.1 be amended. She is suggesting that any non-conforming lot be required to apply to the ZBA for relief. She discussed Section 5 of the Site Plan and Subdivision Regulations and asked if that section of the regulations addresses the merger situation and she is looking for an interpretation on that regulation from the Board. She

said some communities require applicants to go to the ZBA for either a Special Exception or a variance, or have the Planning Director authorize an “unmerge” of lots.

She is proposing to add an additional Section to 9.1.1 in the zoning ordinance allowing the lots to be unmerged as the Town of Gilford seems to already have in its regulations.

J. Ayer spoke about the Town of Gilford having a process in the site plan review regulations that contains language describing how to unmerge, which is really a subdivision. He said the Judge upheld the Town of Gilford’s regulations regarding the lot merger process the town followed. B. Aichinger disagreed.

The Board discussed the information B. Aichinger submitted and complimented her on the information. They said they want time to review it further and discuss it with the Town Attorney.

J. Ayer said the lots that were merged in B. Aichinger’s case were non-conforming and that a subdivision of the lots is unlikely. He said if the Board is in favor of unmerging then the Board is in favor of property rights and restoring property rights to a current owner but not restoring property rights to the previous lots.

The Board discussed the problem of restoring the lots to original condition and agreed that maybe the unmerging process that exists in the Site Plan and Subdivision Regulations is the solution.

J. Ayer explained part of the rationale behind the merging is to eliminate the non-conformity of lots which is a goal of zoning and planning that also relates to density and aesthetics of the property.

B. Aichinger asked the Board to consider rescinding the involuntary lot mergers.

Re-Zone proposals

J. Ayer discussed a rezone of the area at the intersection of Lily Pond Rd. and Route 11 and have it become zoned Commercial not Industrial. He distributed a map for the Board to review of the area with the proposed re-zone in place and what it would look like. J. Ayer said that he would contact Diane Cooper of the Laconia Airport Authority and draft a letter to the property owners in the area to determine the response to the proposed rezone.

J. Ayer discussed a rezone of the area on Blaisdell Ave from Industrial to Commercial. He used the example of Home Depot having to obtain a special exception in that zone in order to operate a retail business in an industrial zone. He distributed a map for the Board to review of the area with the proposed re-zone in place and what it would look like.

Table of Permitted Uses

J. Ayer distributed the existing Section 4.3, Commercial Uses, of the zoning ordinance and reviewed the existing uses with the Board. The Board reviewed the entire commercial uses and

proposed changes to some uses allowed in certain zones.

P. Sanfacon spoke about inviting the ZBA and Conservation Commission to another workshop to work on zoning amendment changes. J. Ayer will contact the ZBA and Conservation Commission.

Adjournment

Motion made by R. Waitt, seconded by J. Gagnon, to adjourn the meeting at 8:50 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Administrative Assistant