

**GILFORD PLANNING BOARD
DECEMBER 15, 2008
CONFERENCE ROOM A
7:00 P.M.**

The Gilford Planning Board met in regular session on Monday, December 15, 2008 at 7:00 p.m. in Conference Room A in the Gilford Town Hall. This meeting included the second public hearing for the 2009 Zoning Amendments.

In attendance were: Chair- Polly Sanfacon, Vice Chair-Carolyn Scattergood, Regular members: Richard Waitt, Jerry Gagnon, Richard Vaillancourt, and John Morgenstern.

Member(s) absent: Selectmen's Representative-Connie Grant and Alternate David Arnst.

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

P. Sanfacon explained that the **Friends of Gilford Football** application and the **Donald Ames c/o Ames Farm Inn** application will not be heard at this time.

P. Sanfacon introduced the next application and explained it is a conceptual review application.

1. Tammy Dunn and Gilford Young Rd., LLC

Applicants propose a nine (9)-lot subdivision on Tax Map & Lot #207-002.001 and #213-001.000 located at 114 Young Rd and 150 Young Rd. in the Limited Residential Zone. Conceptual Subdivision Review. File #2008003253.

Phil Brouillard, attorney, and Bryan Bailey, surveyor, representing the application, gave a brief presentation to the Board. He explained the proposal is for a nine (9) lot subdivision. He said there would be a 60' ROW and a 1,000-foot cul-de-sac. He explained they located the building areas on the plan, they will need a special exception for one wetland crossing and there will be a 30,000 gallon cistern located on the site for fire protection.

Bryan Bailey, explained where the 15% slope and wetland areas are on the plan. He explained the subdivision would be for 2 properties between the Dunn's and the Moyer's.

C. Scattergood asked about agricultural soils and if they have been located on site and on the plan. B. Bailey said he could not find any prime agricultural soils or any of statewide importance.

R. Vaillancourt asked if the cul-de-sac will be built to Town of Gilford's road standards and B. Bryan said the road and the cul-de-sac will be built in excess of the town's standards.

P. Sanfacon asked about Lot #2 and where the driveway would be located. B. Bailey explained the location for her.

J. Gagnon asked about showing driveways on the final plan. He spoke about other subdivisions that have shown the driveway on the approved plan and if there has to be a change in location to the driveway, the applicant would have to come back to the Planning Board. He said the Board decided not to have the driveways shown on the plan. B. Bailey explained that they would show driveways on one set of plans but would not show them on the final plan.

J. Ayer asked if B. Bailey explained the right-of-way. B. Bailey said between Lots #8 & #9 there is a 50' right-of-way that was neglected off the plan. He said the property owners not involved in the subdivision, would be granted a deeded access to the subdivisions road, not access to the public. He said it will be part of Lot #8 and it is to provide an access way for Mr. Moyers and Mr. Hughes for a future 2-lot subdivision.

P. Sanfacon introduced the first proposed zoning amendment and opened the public hearing.

PROPOSED ZONING AMENDMENTS/PUBLIC HEARINGS

J. Ayer said the Flag Lot amendment was tabled from the last public hearing. He reviewed the revisions suggested by Town Counsel. J. Ayer reviewed section 4 of the flag lot section and he said Town Counsel suggested that the language proposed match an existing ordinance. The Board asked if they “should” or “must” change the language and J. Ayer said it was not clear.

PS opened up the hearing for public input. Being none she closed the public hearing.

Motion made by J. Morgenstern, seconded by C. Scattergood, to schedule a second public hearing for this amendment.

4. **Official Zoning Map and Section 2.5, Rezoning** – Amend the Official Zoning Map of the Town of Gilford and Section 2.5, Rezoning, by changing the zoning of the area at the southerly end of Blaisdell Avenue from the Industrial (I) and Limited Residential (LR) Zones to the Commercial (C) Zone. The area encompasses approximately 90 acres covering all or parts of Tax Map and Lot #201-024.000, #201-030.000, #201-031.000, and #202-003.000. A map and an exact description of the area proposed for rezoning are available for examination at the Town Hall as noted below.

J. Ayer explained this amendment and the location of the property. It was noted there is one residential property abutting the proposed rezone and that property owner has been notified of the proposed change and is not against the proposed rezone.

P. Sanfacon opened the hearing for public input.

Kim Cedarstrom, owner of property on Lily Pond, and wanted to know if any of that property would be considered in this rezone of Blaisdell Ave. J. Ayer explained it could not be included in the Blaisdell Ave proposed rezone, as the properties are too far apart. J. Ayer explained that the Airport Authority was against any changes to the zone along Route 11 and Route 11C. He explained they might consider a combination zone in the future.

With no other public input P. Sanfacon closed the public hearing.

Motion made by C. Scattergood, seconded by J. Gagnon, to place Amendment 4 on the ballot as presented. Motion carried with all in favor.

P. Sanfacon introduced the next proposed zoning amendment and opened the public hearing.

5. **Article 3, Definitions** – Amend Article 3, Definitions, by adding a new definition for “Bunkhouse” which is, generally, an accessory building to a single-family dwelling providing sleeping quarters for guests staying in the principle building. The amendment proposes that bunkhouses shall not contain bathroom or kitchen facilities, exceed 180 square feet, or be converted into cottage colony units. It also proposes that only one (1) bunkhouse be permitted per lot.

J. Ayer explained the proposed amendment and the comments from Town Counsel.

P. Sanfacon opened the hearing for public input.

Barbara Aichinger, Governor’s Island, said she is concerned that people have efficiency apartments above garages and how would this ordinance impact those apartments and how would it change the owner’s.

The Board explained property owners are not allowed to have efficiency apartments anyway and this proposed amendment is defined differently from an efficiency apartment.

Motion made by J. Morgenstern, seconded by J. Gagnon, to place Amendment 5 on the ballot as presented. Motion carried with all in favor.

Small Wind Energy Systems Ordinance

J. Ayer explained Town Counsel’s comments on the model ordinance and the differences between the model ordinance and the state statute.

J. Morgenstern discussed examples of dB levels to show what can be compared to 65dB. The Board agreed to the level of 40 dB, which is the equivalent noise level to a living room. The Board noted the current RSA prohibits any regulations that restrict or put unreasonable limits on the Small Wind Energy Systems and “setting a noise level lower than 55 dB...” is stated in the law.

The Board discussed how to control the noise levels and the different level at night versus the day. They also discussed how to control the noise and speed.

The Board discussed how to regulate the noise level. J. Gagnon said it should be on the application what the Town’s regulations are and the applicant should be able to measure or know the dB level from the property line and list it on the application.

R. Waitt spoke about size and he did not see any size limitations in the RSA. J. Morgenstern said there are some maximum heights for the system itself and the tower height.

J. Kinney O'Rourke asked if they are going to be allowed in all districts. J. Ayer said the HDHC does not want to allow them in the Historic Overlay District.

J. Morgenstern said the Board should go through each district and decide where they should be allowed.

J. Ayer reviewed the zones for the Board. P. Sanfacon asked if there are zones that the Board feels strongly about not allowing the windmills. The Board agreed they should not be allowed in the HDHC.

C. Scattergood is against having them along the waterfront properties. P. Sanfacon said that based on the setback requirements, they may not be able to meet the setback requirements anyway.

Motion made by J. Morgenstern, seconded by J. Gagnon to hold a public hearing on January 5, 2009 for the Small Wind Energy Systems. Motion carried with all in favor.

Barbara Aichinger recommended calling someone in Bedford who owns a windmill for advice.

BUSINESS

Minutes

Motion made by R. Waitt, seconded by J. Gagnon to approve the minutes from October 20, 2008 as presented. Motion carried with C. Scattergood and J. Morgenstern abstaining.

Motion made by R. Waitt, seconded by C. Scattergood, to approve the minutes from November 3, 2008 as presented. Motion carried with P. Sanfacon abstaining.

Motion made by R. Vaillancourt, seconded by J. Morgenstern, to approve the minutes from November 17, 2008 as presented. Motion carried with R. Waitt and C. Scattergood abstaining.

Motion made by J. Morgenstern, seconded by R. Waitt, to approve the minutes from December 1, 2008 as amended. Motion carried with all in favor.

Toy Box Site Plan Approval extension

Motion made by J. Gagnon, seconded by C. Scattergood, to grant the extension request for the Toy Box Site Plan approval to May 21, 2010. J. Ayer asked that the motion include that this is the last extension request the Board will grant without having the applicant come back before the Board. Motion carried with all in favor.

Adjournment

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

Respectfully submitted,

Stephanie Verdile Philibotte
Administrative Assistant