

**GILFORD PLANNING BOARD
JANUARY 20, 2009
CONFERENCE ROOM A
7:00 P.M.**

The Gilford Planning Board met in regular session on Tuesday, January 20, 2009 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; Selectmen's Representative-Connie Grant; Regular members: Jerry Gagnon, Richard Vaillancourt and John Morgenstern.

Member(s) absent: Vice Chair-Carolyn Scattergood, Richard Waitt and Alternate David Arnst.

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

P. Sanfacon read a letter from Dean Clark, agent representing the **Alan Beetle/Bertha Mae Enterprises, LLC** application, requesting the application be tabled until the February 2, 2009 meeting.

Alan Beetle/Bertha Mae Enterprises, LLC

Applicants propose to subdivide Tax Map & Lot #223-414.000 into two lots of 1.31 and 1.25 acres, located at 1934 Lakeshore Rd. in the Resort Commercial Zone. Subdivision Plan Review. File #2009003322.

Motion made by R. Vaillancourt, seconded by C. Grant, to table the application until the February 2, 2009 meeting. Motion carried with J. Gagnon abstaining.

P. Sanfacon introduced the first application.

Daniel & Kathryn Hubley

Applicants propose to subdivide Tax Map and Lot #252-031.000 into two (2) lots of 1.34 and 1.47 acres, located at 127 Scenic Drive in the Single Family Residential Zone. Subdivision Plan Review. File #20098003321.

J. Ayer said the application is complete. Motion made by J. Gagnon, seconded by R. Vaillancourt, to accept the application as complete. Motion carried with all in favor.

S. Smith, representing the application, gave a brief presentation to the Board. He explained the location of the property and identified Reed Brook, existing wetlands on site, Scenic Drive and NH Route 11 as it relates to the property. He said the property does have steep slopes and is serviced by municipal sewer. He reviewed the driveway/access easement over the property and explained that it accesses lots behind the subject property. He said another easement exists which benefits the property and provides access to Lake Winnepesaukee with rights to build a

dock or platform. The parent lot would maintain the existing easement rights to the lake but the new lot would not have those rights.

J. Gagnon asked if anyone addressed the issue of having two (2) dwelling units on one (1) lot. S. Smith said it is a seasonal rental. J. Gagnon said the zoning requires there be two (2) acres per dwelling unit in order to subdivide.

J. Ayer said the regulation regarding two (2) acres in this zone requires double the lot size for a two-family dwelling. He said this is not a two-family dwelling but two single-family dwellings. He said he and Code Enforcement Officer D. Andrade reviewed the matter and agreed that this subdivision does not create a non-conformity because the nonconformity is having two single-family dwellings on one lot and it already exists on the property. He said they acknowledge it increases the intensity of the use placing the two units on a lot smaller than two acres, but where one dwelling is a summer rental the negative effects are somewhat mitigated. S. Smith said the applicant would take the kitchen out of the summer rental if the Board requested that as a condition of approval and they would be willing to place a note on the plan that describes the unit as a seasonal rental unit.

P. Sanfacon opened up the hearing for public input. With no public input offered, she closed the public hearing.

J. Ayer reviewed the Site Study comments and P. Sanfacon asked about the waiver for a driveway and the access point. S. Smith said that Sheldon Morgan, Director of Public Works, mentioned at the Site Study meeting that the regulations allow only two (2) lots to be served by a single private drive and if they wanted to use that for access to the new lot they would have to request a waiver as the driveway already serves three (3) lots.

Proposed Fire Prevention Code Changes/Public Hearing

Public Hearing to consider a proposed complete revision of the current Fire Prevention Code including amendments of the fire alarm system requirements, fire suppression system requirements, and general fire safety requirements. Proposed additions include restrictions on the use of outdoor cooking appliances and gated accesses.

Polly Sanfacon introduced the proposed amendment of the Fire Prevention Code. She invited representatives of the Fire and Rescue Department who were in attendance to make a presentation regarding the proposed amendment.

Deputy Chief John Beland explained that the regulations have not been updated since 1989 and the purpose of the hearing is for the Town of Gilford to adopt these updated regulations.

Dana Pendergast, Fire Prevention Officer, gave a brief presentation to the Board explaining all the major changes that would be occurring. He explained there are regulations that are more restrictive for commercial buildings and one reason for that is for ease of enforcement.

J. Gagnon is concerned about the new regulations for commercial buildings with smaller offices.

Deputy Beland said the fee system is geared for the owners that have a blatant disregard for a malfunctioning alarm system. He said the Fire Chief is willing to work with owners who do have a malfunctioning alarm system that they can't figure out what the problem is.

Discussion ensued with the requirement in 2010 that all single-family residences will be required to sprinkled. J. Gagnon and R. Vaillancourt are against the requirement. D. Pendergast said it is a requirement in the state life safety requirements and building code, and added that whether or not it's in the town's code, the requirement will be in place and fully enforceable.

Discussion ensued regarding Section 8.02.1.1 of the proposed fire code regarding using a public water supply for sprinkler systems. The language should be changed slightly for clarity. In the phrase "in locations where a public water supply does not presently exist" the word "presently" should be removed, because it was unclear if that referred to the public water supply needing to exist when the ordinance was passed or at the time of the request. The explanation was that it was at the time of the request, so the Board said deleting "presently" would help clarify that. It was pointed out that the word "be" in the phrase "all new construction of nonresidential structures shall be have..." appears to be out of place and that it should be deleted for clarity. Also, as Inspector Pendergast pointed out that a water supply, such as from a water tank, would also be required as part of a sprinkler system if municipal water were not available, that should be stated in the ordinance. Mr. Pendergast said it is implied in the ordinance because that is part of a sprinkler system as required elsewhere by the code. J. Morgenstern said he thinks it should be clearly stated here in the ordinance.

C. Grant said she is in favor of the regulations because currently the Town of Gilford has to maintain the fire ponds and cisterns for these subdivisions after they are built. If sprinkler systems are required, fire ponds and cisterns will not be necessary and maintenance of the sprinkler systems will be the homeowners' responsibility and will not be the Town of Gilford's responsibility.

The Deputy Chief said these regulations also take into account fire fighter safety as being very important and a primary reason behind the sprinkler regulations. He said that second floor collapses are the most dangerous and impact the lives of fire fighters. The sprinkler systems will allow the first fire fighters on the scene to access the fire under safer conditions.

P. Sanfacon opened the hearing for public input. With no public input offered, she closed the public hearing.

BUSINESS

Daniel & Kathryn Hubley

Motion made by C. Grant, seconded by J. Morgenstern, to approve the application subject to the following conditions:

- 1) The seasonal rental be maintained as a seasonal rental and not eligible for a condo conversion at any time in the future.

- 2) Any other federal, state, or local approvals that may be required.

Motion carried with all in favor.

PROPOSED FIRE PREVENTION CODE CHANGES

Motion made by C. Grant, seconded by J. Morgenstern, to recommend placing the proposed Fire Prevention Code changes on the ballot with the following amendments:

1. To delete the word “presently” from Section 8.02.1.1.
2. To delete the word “be” in Section 8.02.1.1 from the phrase “all new construction of nonresidential structures shall be have...”.
3. To add the words “and water supply” to Section 8.02.1.1 so the phrase reads “have an automatic fire sprinkler system and water supply as required by the adopted codes.”

Discussion on the motion. R. Vaillancourt is against the sprinkler system section but will vote to keep it in because the entire ordinance is needed.

Motion carried with R. Vaillancourt, P. Sanfacon, C. Grant, J. Morgenstern voting in favor of the motion and J. Gagnon voting against the motion.

Minutes

Motion made by R. Vaillancourt, seconded by J. Gagnon, to approve the minutes from January 5, 2009 as amended. Motion carried with all in favor.

Other Business

J. Ayer distributed a list of the finalized proposed warrant articles to show the Board what the questions will look like on the ballot.

Adjournment

Motion made by R. Vaillancourt, seconded by C. Grant, to adjourn at 8:25 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Administrative Assistant