

**MINUTES  
GILFORD PLANNING BOARD  
MAY 4, 2009  
CONFERENCE ROOM A  
7:00 P.M.**

The Gilford Planning Board met in regular session on Monday, May 4, 2009 at 7:00 p.m. in Conference Room A in the Gilford Town Hall.

In attendance were: Chair Polly Sanfacon; Vice Chair John Morgenstern; Selectmen's Representative Kevin Hayes; Regular Members Richard Vaillancourt, Richard Waitt, and Richard Sonia; and Alternates: Andy Garfinkle, Wayne Hall and Dennis Corrigan.

Member(s) absent: Jerry Gagnon, Alternates Carolyn Scattergood and David Arnst.

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

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

P. Sanfacon read a letter into the record from Rod Dyer, Attorney for the Alan Beetle/Bertha Mae Enterprises, LLC applications, requesting the applications be tabled until the June 15, 2009 meeting.

**1. Alan Beetle/Bertha Mae Enterprises, LLC**

Applicants are requesting a Revocation of an approved Site Plan for Bertha Mae Enterprises on Tax Map & Lot#223-414.000 located at 1934 Lakeshore Rd. in the Resort Commercial Zone. File #2009003324. *Tabled from the March 2, 2009 meeting.*

**2. 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. *Tabled from the March 2, 2009 meeting.*

Motion made by R. Waitt, seconded by R. Sonia, to take the applications off the table. Motion carried with J. Gagnon abstaining.

Motion made by R. Vaillancourt, seconded by J. Morgenstern, to table the Alan Beetle/Bertha Mae Enterprises, LLC applications until the June 15, 2009 meeting. Motion carried with J. Gagnon abstaining.

J. Ayer introduced Ben Frost, AICP, from the NH Housing Finance Authority and explained he will be giving a presentation on Workforce Housing. He explained that there is regulation requiring workforce housing in municipalities zoning ordinances.

B. Frost explained the RSA relating to Workforce Housing. He said the object of the recent RSA, was to codify the 1991 Britton vs. The Town of Chester decisions and the NH Supreme Court said every municipality should provide for reasonable and affordable housing and every municipality has the responsibility to provide its fair share of affordable housing. He said Chester's ZO now addresses affordable housing.

He reviewed the existing RSA and determined how zoning ordinances fulfill this law. He said affordable housing can be defined is an owner family of four making \$100,000.00 of the area medium income. He said senior housing does not count as affordable housing and developments with the majority of the housing having less than two bedrooms, meaning at least half of the units have to have more than 2 bedrooms, before the developer can benefit from the protection of affordable housing. He reviewed "reasonable and realistic opportunities". He said the definition of "economic viability" means a developer has to be able to make a profit building the affordable housing. He explained all towns must make provisions to adopt workforce housing regulations. He said this RSA allows five units per structure as opposed to existing multi-family housing regulations that only requires three. He said municipalities cannot require developers to build a certain amount of housing but the municipalities must come up with provisions to induce affordable housing development including existing inclusionary zoning. He explained the "fair share" portion of the RSA relates to the housing market in the region. He said it looks at the current housing available and the future housing that could be available. If the municipality already meets the requirements in the current regulations, they are not required to create additional regulations to accommodate workforce housing. He reviewed the application process, the approval process, and the appeal process for workforce housing applications.

He then took questions.

J. Gagnon asked if there are specific standards for this law and B. Frost said there are not it is up to the municipalities to determine that.

D. Corrigan asked what the "good news" "bad news" scenario is. B. Frost said that the "good news" is that if municipalities adopt their own inclusionary zoning they would be meet the requirements of the RSA. The bad news is that if the municipality does not adopt any regulations, the developer can sue and obtain "builders remedy" which means they do not have to obtain any further approvals from the Planning Board or follow any local regulations.

R. Waite spoke about LRPC and that Laconia has the opinion that they have supplied their "fair share" of affordable housing and B. Frost agreed.

Discussion ensued about why Gilford should be required to provide affordable housing when it is based on regional needs. He urged the Board to NOT base the state of the current real estate market as a reason to not research the requirement to provide and create affordable housing regulations.

D. Corrigan spoke about the people that would benefit from these regulations, i.e. the firemen, policemen, teachers, municipal employees that qualify for affordable housing.

Discussion ensued about how to prevent approved workforce housing from being resold at a later date at a higher price or “flipping” houses making them no longer affordable. B. Frost said the Planning Board can require a deed restrictions stating the house is considered affordable and cannot be resold at a higher profit. He said they have many examples of conditions of approval available for Planning Boards and he would be happy to help provide some to the Board.

With no other questions from the Board, Ben Frost thanked the Board for their time. The Board thanked him for attending.

### **Other Business**

P. Sanfacon spoke about the planning board regulations being updated especially with respect the acceptance of an application.

Discussion ensued about the practice of accepting applications that have been changed and not meeting the RSA requirements.

P. Sanfacon said if the applicants come out of Site Study and the application materials are not complete, the application should not move forward to the Planning Board meeting.

K. Hayes would like the applications to be 100% complete at the time of submission or it will not be accepted by the Board. R. Sonia agreed.

J. Morgenstern said he was bothered that there were a lot of items to be corrected/resolved that came out of a recent Site Study meeting and that J. Ayer did not have a chance to review the corrections before the matter came to the Board. He wants J. Ayer to be able to review the plans after they are fixed from Site Study comments.

The Board discussed changing Site Study meeting dates in order to provide more time for the applicants to make changes to the plans with enough time to meet the RSA requirements.

J. Ayer will work out a schedule to change the site study meetings. D. Corrigan volunteered to draft wording for the Board by-laws procedures to reflect the changes.

**Minutes** –Motion made by R. Waitt, seconded by K. Hayes, to approve the minutes from April 20, 2009. Motion carried with J. Gagnon and R. Vaillancourt abstaining.

**Adjournment** – Motion made by R. Sonia, seconded by K. Hayes to adjourn at 8:50 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte  
Administrative Assistant