

Town of Gilford
Planning Board
Work Session Minutes
Gilford Town Hall – Conference Room A
August 3, 2009

Members present: Chair Polly Sanfacon, Vice Chair John Morgenstern, Regular Members Jerry Gagnon and Richard Sonia, and Alternates Dennis Corrigan and Wayne Hall. Also present was John Ayer, Director of Planning and Land Use. Members absent: Dick Waitt, Dick Vaillancourt, Kevin Hayes, Carolyn Scattergood, Andrew Garfinkle, and David Arnst.

P. Sanfacon convened the meeting at 7:05 p.m. with the Pledge of Allegiance, introduced those present and turned the time over to J. Ayer to discuss the Master Plan review.

J. Ayer said that he had reviewed the Executive Summary of the 2004 Master Plan and made comments and suggested changes. The Board reviewed the comments and suggested changes.

J. Ayer began with the 5th paragraph of the Executive Summary. The paragraph says the board would consider annual updates of the Master Plan, but J. Ayer noted this is not practical, especially when it comes to budgeting. He proposed that this be changed to coincide with the current statement of RSA 674:3.II. which says updates should occur every 5 to 10 years.

The Board discussed this at length and determined that it would continue to do annual reviews by reading through the Master Plan at least once a year, but to do updates every 5 to 10 years or more often if needed. The paragraph would be revised to read:

“In the course of working on the 2004 update, the Planning Board determined that the Master Plan requires more regular attention. The Planning Board will review the Master Plan annually and consider updates of the Master Plan every five (5) to ten (10) years, making revisions as they are needed. The Board hopes that regular use of the Plan and regular reviews and updates will keep the Plan a living document.”

The Board discussed whether growth is managed in Gilford as noted in various places in the Plan, including the first paragraph with an asterisk (*). The Board concluded that growth is managed, if only by the creation and operation of the zoning ordinance. It was determined to leave such statements in the Master Plan.

On the second page of the executive summary (page ii) in the second section and third paragraph with an asterisk (regarding Glendale), the word “particularly” was changed to “including”.

The first paragraph on page iii, beginning with “Providing adequate infrastructure...”, the Board removed the reference to a new library in the second sentence, and inserted a reference to “trails” after “walking paths” in the final sentence of the paragraph.

The Board next moved on to the Objectives and Actions section of the Executive Summary. The Board discussed smart growth at length and its applicability to Gilford particularly. It was

concluded that while smart growth may have its strengths and be pertinent in many communities, it may not be well suited to Gilford's needs, and was not particularly applicable to Gilford or its pattern of development. Under Population, the Board chose to eliminate the final clause of the objective which reads "and the principles of smart growth." The Board eliminated Action 1. and renumbered Action 2. to 1.

The Board modified the Housing objective to correct a typo where the word "in" had been omitted, and to eliminate reference to smart growth and to change the case law reference to read "applicable laws". The Board removed the second sentence under Action 1., eliminated Action 2. as it repeated what was already stated in Action 1., and renumbered Action 3. to 2.

The Board moved on to the Economic Base section. J. Morgenstern expressed concern that with one new big box home improvement store in town, the town almost got another right next to it a few years ago. J. Morgenstern said he would like to see more of a mix of uses and types of retailers to encourage diversity and offer more local retail choices. J. Gagnon and R. Sonia said they thought that the market would take care of such things. The retailers will perform their market research and if that research shows that the local economy and demographics can support another home improvement store or other store type, the town may see another such retailer applying for site plan approval. J. Morgenstern said he is aware of such facts, but that he would like to have a little say in how those developments come to fruition and attempt to promote more diversity in the local market.

D. Corrigan proposed that in the objective of the Economic Base section, the words "a mix of" be inserted in the first line between "which" and "retail" to address J. Morgenstern's concerns. J. Morgenstern and the other Board members agreed. The Board also added the words "Continue to" at the beginning of Action 3. which refers to ensuring that properties are properly zoned throughout the town.

Under the Natural Resources section the Board modified Action 3. to read, "Review the natural resources inventory and determine what, if any, further action should be taken regarding the town's natural resources needs. The Board also eliminated Action 4. as it determined that creating a subcommittee should be done on an as-needed basis and should not be an action of the Master Plan.

The Board then reviewed the Historic Resources section. Action 1. was changed to read "In cooperation with the Historic District and Heritage Commission, review the Historic District and Heritage Commission's regulations in Article 14 of the Gilford zoning ordinance and determine their adequacy and determine if modifications are necessary to accommodate the Town's historic needs and changing legislation." The Board also merged the objectives laid out in Action 2. and Action 3. and eliminated Action 3. The new Action 2. reads, "Support appropriate preservation of the Town's historic resources."

In the Community Facilities section, Action 2. was amended by replacing the word "Provide" at the beginning of the sentence with "Support providing". As this section refers to the Capital Improvement Program (CIP), J. Gagnon brought up having D. Corrigan replace J. Gagnon on the CIP committee. D. Corrigan said he had talked with two selectmen and his wife, Phyllis, who is

a budget committee member, about him serving on the CIP committee. His wife said she did not care who served on the CIP committee, and that she would continue to review the budget items with objectivity no matter what. The selectmen said that they did not see a conflict of interest and, given the shortage of volunteers to serve on Town boards and committees, they were happy to have a willing participant serve on the committee.

In the transportation section, Action 1 was amended to read "Support and plan for enhancing Route 11 from the improved portion of Route 11 near Ellacoya State Park in Gilford to the improved portion of Route 11 near Minge Cove in West Alton." The Board discussed this matter at length, noting that alternative routes have been considered over the years, including enhancement of Route 11-A instead of Route 11. The Board settled on the above wording with the comment that it would likely support an improved roadway in either location, and that if the time came that the Route 11-A option were seriously propounded by the State, the Board could still vote to support enhancement of that route.

P. Sanfacon thanked J. Ayer for his conducting the Master Plan review and asked if there were anything else to come forward. J. Ayer said that given the hour he would not review the zoning ordinance amendments he had cited in the packet materials that had been sent out the week before. He did briefly discuss the changes, however.

One is an amendment to regulate excavations performed to create buildable lot area. P. Sanfacon said she thought this would take a lot of thoughtful discussion among Board members. Others agreed.

Another amendment would be regarding workforce housing. J. Ayer said he had again written to Ben Frost with NH Housing Finance Authority about getting some funding to hire a consultant to help the Town write a zoning amendment, and that he hoped to hear back from him soon.

He also mentioned the anticipated Ames Farm Inn amendment petition that may be in the form of a rezone or a text amendment. He also reported to the Planning Board that the Town Administrator said he would like J. Ayer to write the amendment for Ames to make sure it is in the proper form. That way if the amendment is approved, it will function properly and have the proper form for the zoning ordinance. Board members expressed concern that J. Ayer should not write the amendment for Ames. They said Ames should draft an amendment and then J. Ayer could review Ames' proposal before it is submitted. The Board discussed the matter briefly.

J. Ayer also said that he would be drafting regulations regarding engineering and drainage control as had been discussed at an earlier Planning Board meeting and more formally in an email from the Town Administrator.

P. Sanfacon noted that minutes from the July 20, 2009 meeting were next on the agenda. She also noted that at one time Board members received minutes from the other land use boards. She said she would like to see that the Planning Board again receive the minutes of both the Board of Adjustment and Conservation Commission meetings, and of the Historic District and Heritage Commission only when minutes from the latter contain information pertinent to the

Planning Board.

Motion made by R. Sonia, seconded by J. Morgenstern, to approve the minutes of July 20, 2009 with corrections to change the word “slop” to “slope”, correct the spelling of Lily Pond Road, and change “whom” to “who” in reference to a member of the Board recusing himself. Motion passed 5-0-1 with W. Hall abstaining as he was not present at the July 20th meeting.

J. Morgenstern brought up the amendment of Section 9.1.1 suggested by Barbara Aichinger regarding required merger of nonconforming lots. The Board discussed the options of amending the section or eliminating it, and that it would bring it up again at a later meeting.

J. Morgenstern expressed concern with a recent letter to the editor which questioned the Planning Board’s authority to make findings regarding grandfathering. J. Morgenstern said that the Board does have that authority. P. Sanfacon and D. Corrigan agreed that the Planning Board has the authority to determine if a use is grandfathered. Board members expressed concern that the public may now challenge the Planning Board on grandfathering matters based on what the letter said. The Board discussed the matter briefly. D. Corrigan offered to look into the legal aspects of the matter and report back.

D. Corrigan asked the Board what they would like to do regarding his serving on the CIP Committee. P. Sanfacon said she would accept a motion. R. Sonia moved to have Dennis Corrigan replace Jerry Gagnon as representing the Planning Board on the CIP Committee. J. Morgenstern seconded. Motion passed 5-0-1 with D. Corrigan abstaining.

Motion by R. Sonia, seconded by J. Morgenstern, to adjourn at 8:55 p.m. Motion passed unanimously.

Respectfully Submitted,

John B. Ayer, AICP
Director of Planning and Land Use