

**MINUTES
GILFORD PLANNING BOARD
AUGUST 17, 2009
CONFERENCE ROOM A
7:00 P.M.**

The Gilford Planning Board met in regular session on Monday, August 17, 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 Carolyn Scattergood, Wayne Hall, Dennis Corrigan and Andy Garfinkle.

Member(s) absent: Jerry Gagnon and Alternate David Arnst.

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

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

P. Sanfacon introduced the first application. P. Sanfacon appointed Alternate C. Scattergood to sit in the place of absent regular member J. Gagnon.

P. Sanfacon introduced the first application.

1 **Steven Weeks Revocable Trust, Steve Weeks, Trustee**

Applicant proposes a five (5) lot subdivision on Tax Map and Lot #238-005.000 with lots ranging in size from 5.24 acres to 16.21 acres. The applicant is also seeking a Conditional Use Permit approval pursuant to Section 5.1.2 (d) of the Gilford Zoning Ordinance, for two (2) lots to have less than the standard minimum frontage required in the zone. The property is located on 30 Weeks Road in the Natural Resource Residential and Single Family Residential Zones. File #2009003707.

P. Sanfacon read a letter from Ron Johnson, agent representing the application, requesting the application be tabled until the September 21, 2009 meeting.

Motion made by K. Hayes, seconded by R. Vaillancourt, to table the application to the September 21, 2009 meeting. Motion carried with all in favor.

P. Sanfacon introduced the next application.

2 **Gunstock Acres Common Property Trust**

Applicant proposes to install an access/egress control gate in the existing driveway leading to the Gunstock Acres beach area on Tax Map & Lot #267-011.000 located at 2684 Lake Shore Rd. in the Single Family Residential Zone. File #2009003708.

J. Ayer said the application is complete.

Motion made by R. Vaillancourt, seconded by R. Waitt, to accept the application as complete. Motion carried with all in favor.

John O'Brien, representing the application, gave a brief presentation to the Board. He explained what the proposal is and said they are concerned about security issues for the beach, which is why they are proposing the gate. He said the residents/members will have access cards, as well as the Gilford Police and Fire Departments. He said there is a dumpster in the area they are looking to secure due to the problem of garbage being left around the dumpster after hours. He explained they are going to locate the gate closer to Samoset and install a trip pad for the gate to open for exiting traffic and a card reader for entering traffic. He said a key box will be located on the pole for the gate so the Fire Department can have access. D. Corrigan would like that to be a condition of approval.

J. Ayer said that the Building Inspector is concerned the gate might be located in an area so it will meet the setbacks, or at least not encroach over the property line.

P. Sanfacon opened up the hearing for public input; being none, she closed the public hearing.

The Board entered into the deliberative portion of the meeting.

DELIBERATIONS

Gunstock Acres Common Property Trust

Motion made by K. Hayes, seconded by R. Waitt, to approve the application with the following condition(s):

- 1 The lock box shall be mounted to the post at the entry gate.

Motion carried with all in favor.

Other Business

Minutes –Motion made by R. Waitt, seconded by R. Sonia, to approve the minutes from August 3, 2009, as presented. Motion carried with C. Scattergood and R. Vaillancourt abstaining.

D. Corrigan reported the Board of Selectmen approved his appointment as the Planning Board representative on the Capital Improvement Program Committee.

2010 Zoning Amendments.

J. Ayer discussed the proposed zoning amendment regarding Section 5.1.1 and noted that the definition of “Steep Slopes” is located in the Zoning Ordinance, but the term is only used in the Site Plan and Subdivision Regulations. As a reason for the proposed zoning amendment, he cited the GCV subdivision off Mountain Drive where there was an excessive amount of excavation in order to create buildable area. He noted there are NHDES violations on the site due to the excavation.

He reviewed the proposed amendment of Section 6.20 regarding Fire Protection with the proposed change to not allow fire ponds anymore and instead provide other sources of fire protection, particularly cisterns.

He reviewed the Storm Water Management Ordinance. He said it is based on a model ordinance from the State of NH DES. He explained the current ordinance only requires a 10 or 25-year storm event and these regulations would increase that to a 50-year storm event and also propose to require an engineering review for applications. J. Ayer said the proposed Storm Water Management Ordinance should be located in the Site Plan and Subdivision Regulations because it is currently located there. It is easier to amend, and it is not required to go to Town Meeting for approval. He said Public Hearings are required for approval if the regulations were to be located in the Site Plan and Subdivision Regulations. J. Ayer said if the regulations are located in the zoning ordinance there is no fine for violations. He said he will discuss with the Town Attorney where these proposed regulations would be best located, either in the Zoning Ordinance or the Site Plan and Subdivision Regulations.

J. Morgenstern has concerns about the size of the ordinance and does not want to put regulations in place just to put regulations in place. R. Vaillancourt said he is concerned about enforcement of another ordinance, since there is no enforcement currently. K. Hayes said the issue of fire ponds not being maintained has created drainage problems in certain areas around town and used the Stonewall Village pond impacting drainage issues at the Airport Deli as an example. R. Sonia said a 13 page ordinance is overkill and that there are a lot of acronyms that are confusing to read. He suggested there be a table identifying the acronyms. P. Sanfacon agreed.

J. Ayer reviewed the proposed 2010 DPLU Budget for the Planning Board and discussed line items that relate to the Planning Board.

Discussion about the letter to the editor regarding the letter Town Administrator Dunn wrote about Ames Farm.

J. Morgenstern asked D. Corrigan to look into whether the Planning Board had the power to “grandfather”. D. Corrigan referred to RSA 674:19 as providing the Planning Board the power to “grandfather”. He discussed the Ames Farm application where the ZBA overturned the Planning Board’s decision to approve the application. He referred to a letter written by Scott Dunn that appeared in the Laconia Daily Sun where it misrepresented the abilities of the Planning Board and its ability to “grandfather”. D. Corrigan drafted a letter and distributed it to the Board. He explained that he spoke to K. Hayes about the letter. K. Hayes said if J. Ayer wants to draft a letter to the Board of Selectmen on behalf of the Planning Board it will be discussed with S. Dunn. He explained the purpose of the letter was to clarify why there is no

public launching at Ames Farm because they have received a lot of calls and complaints about not being able to launch at Ames Farm.

Discussion ensued about how to clarify for the record the Planning Board has the ability to “grandfather”. K. Hayes said he will discuss it next week and he will bring the letter to the Board of Selectmen’s meeting.

Adjournment – Motion made by R. Sonia, seconded by K. Hayes to adjourn at 7:55 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Technical Assistant