

**Town of Gilford**  
**Planning Board**  
Work Session Minutes  
Gilford Town Hall – Conference Room A  
September 8, 2009

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

P. Sanfacon convened the meeting at 7:00 p.m. with the Pledge of Allegiance, introduced those present and turned the time over to J. Ayer to discuss the agenda.

**Master Plan Review –**

J. Ayer said that although the agenda shows Master Plan discussion, he is not prepared to discuss that unless there is something board members wish to discuss regarding it. He said his understanding is that the board determined not to make significant changes at previous meetings and the only remaining work is a little clean up and finishing off of the earlier review. Board members agreed.

**Zoning Ordinance Amendment Review –**

J. Ayer began with a discussion of three memos from Town Administrator Scott Dunn from the previous months which discussed possible amendments to consider. He said that while he thought they had been discussed already, he wanted to give them a final review to make sure nothing was missed.

The first was an email forwarded from Police Chief John Markland which discussed the possibility of banning methadone clinics in town. The City of Laconia had been having a difficult time with one at the time and it was possible that it would try to locate in Gilford if it cannot operate in Laconia.

P. Sanfacon said she thinks the Lake Business Park specifically prohibits methadone clinics. D. Corrigan said there is a high rate of recidivism with methadone clinics. P. Sanfacon said we should ask the town attorney how to ban a use legally and if it can be done. A. Garfinkle pointed out that banning the use would just move it to the next town.

K. Hayes suggested drafting language to consider at the next meeting. Discussion ensued regarding the comparison of methadone clinics to sexually oriented businesses, the secondary effects of such businesses, and free speech issues.

J. Morgenstern said he is uncomfortable taking a NIMBY (Not In My BackYard) approach to this use. He said the use should be allowed to go somewhere as the use does do some good. Discussion ensued. The board concluded that it should determine a few matters: 1) How

much control over the use should and can they have? 2) Should the use be limited to a zone or distance to other uses? 3) What constraints did Laconia impose with their approval? 4) What problems and other issues did Laconia discover accompany Methadone Clinics?

The next memo discussed was an email dated June 27, 2009 wherein S. Dunn directed J. Ayer to prepare proposals for Planning Board consideration on storm water management, namely 1) regulations that ensure run-off is fully contained in accordance with national standards requiring on-site retention equal to pre-development site conditions; 2) regulations that compel developers and permittees to maintain private systems after construction and inspection, including enforcement options in the event that systems malfunction due to lack of maintenance; and 3) procedures requiring applicants to pay into an escrow account to cover the costs of third party engineering review of their projects.

J. Morgenstern asked about #3. He asked about creating an escrow account and having an engineer on retainer to do third party reviews. Extensive discussion ensued.

J. Ayer said that an RFQ had been published seeking qualified engineers to provide this service and others for the Town. He said the Town Administer is seeking a member of the Planning Board to serve on the review board to select the engineer. Discussion ensued and John Morgenstern volunteered to fill the position.

K. Hayes said regarding the storm water control ordinance that we should check with the state office that reviews AOT (Alteration of Terrain) permits and see if there is language we could use to get the ordinance down to one page. Lengthy discussion ensued.

K. Hayes said he is concerned that no one is required to do inspections of drainage structures and systems once they are built and pass inspection. Someone should have to bear that responsibility.

J. Morgenstern asked if this can really be imposed. J. Gagnon said at his Village West development they inspect theirs and maintain it. K. Hayes said that is good but there is no enforcement mechanism. Discussion ensued.

D. Corrigan suggested that we could put a simple statement regarding enforcement in the zoning ordinance and adopt the more complicated regulation as a part of the Subdivision and Site Plan Review Regulations. Board members agreed that that would be a good way to handle the matter.

Next J. Ayer read pertinent parts of the July 7, 2009 memo from S. Dunn which was written in response to the request that he review how the provisions of Section 6.2, Obnoxious Uses, and the current system of bonding subdivisions and other development work could be improved. The memo recommends a revision of Section 6.2 with greater detail as to what constitutes an obnoxious use and how it is determined. This was discussed at length and alternative changes were also discussed.

D. Vaillancourt asked how many amendments the board is considering. J. Ayer said he is not

sure how many there are that have been discussed over the past several work sessions, but that it needed to be verified and the board would need to determine which ones to go forward with. J. Morgenstern said at the next meeting they should have a list to review.

The memo also recommends changes to the current method of bonding. The board determined they would review bonding at a later date as it applies to an amendment of the Subdivision and Site Plan Review Regulations and not of the zoning ordinance which is more pressing at this time.

A final comment in the memo was S. Dunn's recommendation to eliminate Section 9.1.1 regarding required merger of nonconforming lots. Board members said that it would be inappropriate to make such a change while there is pending litigation (court case involves property owned by Barbara and Ed Aichinger at 558 Edgewater Drive).

#### **Other Business –**

P. Sanfacon read a letter from Town Administrator S. Dunn dated August 18, 2009 regarding Ames Farm. The letter expressed an apology for "perceived misinterpretation of [his] analysis of the ZBA decision on the Ames Farm case". The board gratefully accepted the letter and apology.

P. Sanfacon read a letter from Gilford School District Superintendent Paul DeMinico dated August 27, 2009 regarding the notice of decision from the Planning Board for the site plan of the Meadows athletic fields on Intervale Road. The letter expressed thanks to the board for their support and helpful suggestions.

K. Hayes gave an update as to where the Meadows project sits. He said the Wetlands Bureau asked the school district for three pages of information before they will review the application. Two meetings had been scheduled to discuss the project with DES but they have been cancelled due to conflicts with key people not being able to attend.

#### **Minutes –**

J. Morgenstern said that in the Planning Board minutes for the August 17, 2009 meeting in the discussion regarding Ames Farm, the word "wrote" a letter should be changed to "drafted" a letter. Also the word "draft" should be used in lieu of "write" later in the discussion of preparing a letter regarding the Town Administrator's letter to the editor about Ames Farm.

D. Corrigan said we should schedule a public hearing to amend the Planning Board Bylaws at the next meeting.

J. Morgenstern moved to approve the minutes of August 17, 2009 as corrected. K. Hayes seconded. Motion passed 6-0-1 with J. Gagnon abstaining.

Motion by K. Hayes, seconded by J. Morgenstern, to adjourn at 8:30 p.m. Motion passed unanimously.

Respectfully Submitted,

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