

**MINUTES
GILFORD PLANNING BOARD
OCTOBER 5, 2009
CONFERENCE ROOM A
7:00 P.M.**

The Gilford Planning Board met in regular session on Monday, October 5, 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: Jerry Gagnon, Richard Waitt, and Richard Sonia. Alternates: Dennis Corrigan, Carolyn Scattergood, Wayne Hall, and Andy Garfinkle.

Member(s) absent: Richard Vaillancourt 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. She appointed alternate A. Garfinkle to replace absent regular member Richard Vaillancourt.

P. Sanfacon introduced the first application.

1 Steven Weeks Revocable Trust, Steve Weeks, Trustee –

Applicant proposes a four (4) 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. Subdivision Plan Review. File #2009003707. *Tabled from the September 21, 2009 meeting.*

Motion made by R. Waitt, seconded by R. Sonia, to take the application off the table. Motion carried with all in favor.

Ron Johnson, representing the application, gave a brief presentation to the Board. He reviewed the 4-lot subdivision and explained they are proposing to use the "flag lot" ordinance requirements for two of the lots. He explained Mr. Weeks is willing to allow the Town of Gilford access through one of the lots for emergency vehicles only but the public will not have access through that lot to access to the Town of Gilford's property. R. Johnson said they will be willing to reconstruct the old woods road in order to accommodate emergency vehicles when they construct the driveway for the house lot. RJ noted that there will be the maximum clearance for emergency vehicles. RJ said Mr. Weeks may or may not construct a gate but he reserves a right to do so in the future. He said there will be an

easement from the end of the 50' right-of-way to the town property boundary and that will be noted on the plan and it will be included in the deed for lot #3.

P. Sanfacon asked that the applicant be required to cooperate with the Gilford Fire Department regarding the gate type and accessibility.

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

J. Gagnon recused himself from deliberating on the application as he was not at the first public hearing.

P. Sanfacon noted for the record that W. Hall participated in the first public hearing and will act as a voting member during deliberations.

R. Sonia asked about the repair of the dry hydrant. R. Johnson said Mr. Weeks will repair it and would accept that as a condition of approval.

DELIBERATIONS

Steven Weeks Revocable Trust, Steve Weeks, Trustee –

The Board discussed that the Town of Gilford should be granted access for emergency vehicles.

Motion made by K. Hayes, seconded by W. Hall, to approve the application subject to the following:

1. Finding that Lots 3 and 4, which have no frontage on a public road, meet the requirements of Section 5.1.2(d) of the Gilford zoning ordinance, the Planning Board hereby grants Conditional Use Permit approval for Lots 3 and 4.
2. The shared driveway serving Lots 3 and 4 shall be constructed and maintained as required by Sections 5.1.2(d) 2, 3, and 4 of the Gilford Zoning Ordinance.
3. Setback lines, buildable areas, and an easement for the existing Lot 2 farmhouse well on Lot 4 (if necessary and still in use) shall be shown on the plan.
4. The dry hydrant at the fire pond shall be repaired prior to issuance of any building permits.
5. An easement shall be provided to the Town of Gilford for emergency access to the adjoining conservation property. This shall not be an easement for access by the public. The length of the easement shall be developed at the same width and section, but not less than twelve (12) feet as the proposed driveway but need not be paved. Permission is granted to install a gate in a location to be determined by the owner as well as a "lock box" or "key" be installed for emergency vehicles.
6. These conditions of approval shall be placed on the plan, as well as DES approval information and Gilford ZBA special exception approval information.
7. The applicant shall obtain any other federal, state, or local approvals that may be required.

Discussion on the motion

Discussion ensued on whether to add a “lock box” or “key” for the gate. The Board decided to include the addition of the “lock box” or “key” be provided to the Town of Gilford for access.

Motion carried with all in favor.

Other Business

Minutes –Motion made by R. Waitt, seconded by R. Sonia, to approve the minutes from September 21, 2009, as amended. Motion carried.

PUBLIC HEARING FOR BY-LAW'S

P. Sanfacon announced the Board would **Review and amend the Planning Board's By-Laws.** She opened the hearing for public input regarding the Planning Board By-Laws.

D. Corrigan explained he reviewed the existing by-laws to make sure that the by-laws comply with current RSA's. He reviewed the proposed changes as outlined in the draft by-laws.

Motion made by J. Morgenstern, seconded by K. Hayes to adopt the amended By-Laws.
Motion carried with all in favor.

Zoning Amendments

J. Ayer reviewed the workforce housing amendment and said they will work with the consultant. He reviewed other amendments that will not be considered for 2010.

P. Sanfacon explained to Barbara Aichinger that the Planning Board voted not to address a proposed merger zoning ordinance change this year because the Board felt it should not be considered while the case was still in court.

Proposed Amendment- 6.22 Storm Water Management

The Board discussed whether including NHDES standards. D. Corrigan suggested that other regulations that the town can adopt in addition to the state regulations be included in the site plan and subdivision regulations.

Proposed Amendment-6.20 Fire Protection for Residential Property-

J. Ayer reviewed comments from the fire chief that recommended “a subdivision of three (3) lots or more must have an acceptable water supply with 2,000 linear road feet of the access to the further most lot”. The Board thought that recommendation was excessive. J. Ayer said they have not seen anyone come develop several lots and then come back a few years later and

develop more lots in order to avoid fire regulations. The Board discussed the intent of the ordinance was to remove the option of fire ponds. The Board discussed existing subdivisions being able to install fire ponds. J. Ayer recommended a change that the Board agreed to.

Proposed Amendment for Accessory Buildings in the Setback-

J. Ayer explained this is more of a house keeping item and the proposed changes are to clarify the existing regulations. The Board discussed if this includes bunkhouses and J. Ayer said yes. J. Morgnestern said the he would not permit accessory buildings that are used for sleeping or dwelling units to be located closer to the side property lines. J. Gagnon said it should not include buildings that house animals. The Board agreed. J. Ayer will work on rewording the proposed setback amendment for clarity.

Proposed Amendment Regarding Steep Slopes-

The Board discussed the amount of area that should be allowed to re-grade in order to create buildable area. K. Hayes suggested no more than 5,000 SF. W. Hall spoke about retaining walls and used the retaining wall behind the Marriott as an example of height regulations for retaining walls. The Board suggested the height of retaining walls be located in another section of the ordinance. J. Gagnon is opposed to the entire steep slope ordinance.

Proposed Amendment Regarding Obnoxious Uses and Unlicensed/Commercial Vehicles-

6.2 Nuisances-

The Board discussed rewording a section for clarity about existing uses. D. Corrigan agreed to rewrite the section. J. Gagnon suggested that this section be located in the blue pages of the ordinance

6.6 Unlicensed and Commercial Vehicles

K. Hayes asked about a section that would prohibit commercial vehicles from being parked overnight. J. Ayer said yes. K. Hayes suggested removing that section.

P. Sanfacon suggested that other Board members from the ZBA and the Conservation Commission attend the next workshop to discuss zoning amendments in the first meeting of November.

P. Sanfacon thanked the Board for their attendance and participation in the Law Lecture Series

Adjournment – Motion made by R. Sonia, seconded by K. Hayes, to adjourn at 9:10 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Technical Assistant