

**MINUTES  
GILFORD PLANNING BOARD  
AUGUST 30, 2010  
CONFERENCE ROOM A  
7:00 P.M.**

The Gilford Planning Board met for a Worksession with the Gilford Conservation Commission on Monday, August 30, 2010 at 7:00 p.m. in Conference Room A at the Gilford Town Hall.

In attendance from the Planning Board were: Chair-Polly Sanfacon; Vice Chair-John Morgenstern; Selectman's Representative, Kevin Hayes; Regular Members: Jerry Gagnon, Richard Waitt, Richard Vaillancourt, and Richard Sonia. Alternate(s): Dennis Corrigan. Member(s) absent: Wayne Hall and Chan Eddy.

In attendance from the Conservation Commission were: Chairman-John Goodhue; Vice Chairman-Lee Duncan; and Regular Members: Everett McLaughlin, Chuck Coons, Larry Routhier and Diane Hanley.

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.

**Wetland Buffer discussion**

P. Sanfacon discussed the Wetlands Committee and had J. Morgenstern explain the findings of that Committee. (A report of the committee has been provided to the Conservation Commission and is attached.)

J. Morgenstern spoke about the Planning Board's Wetlands Committee and noted that they reviewed the wetland information the Conservation Commission provided to the Planning Board in 2009. He explained to the Commission that they reviewed a recently approved 10-lot subdivision on Young Rd. and the three McGinley Development Site Plans approved for Gilford Common on Sawmill Rd. They applied the 50-foot wetland setback zoning ordinance amendment proposed by petition for adoption at the 2010 Town Meeting in relation to the two projects to see what the impacts would be to the projects.

E. McLaughlin said his concern is there was not one reference to any of the town's natural resources and protecting those resources through a wetland setback. He asked J. Morgenstern if he considered a river to be a wetland and J. Morgenstern said not for the purpose of what they were looking at. J. Morgenstern said they used the definition of a "wetland" the Commission provided to them. They did not address rivers and streams because they are already addressed in the ordinance. J. Ayer read the section of the zoning ordinance that addresses the 50-foot setback to named brooks

and they are depicted as a solid blue line on the USGS Topographic map.

C. Coons asked if the Planning Board completed site walks on the two properties they reviewed and the Board said yes.

L. Duncan asked if J. Ayer had explained to the Planning Board anything about the Lake Winnepesaukee Watershed Committee wanting Towns in the watershed abutting Lake Winnepesaukee to establish a maximum number for the level of phosphorus in Lake Winnepesaukee. J. Ayer said he had not talked to the Board about establishing a number and the Board said they were not aware of the findings of the committee. L. Duncan explained some of the findings of the phosphorus loading data for Lake Winnepesaukee and how it has increased over the years and may get to a point that the NHDES will mandate that towns create regulations to address the phosphorus or the NHDES will create regulations regardless of what the towns create. He explained how the lower rating for Lake Winnepesaukee would negatively impact the property values and have a large negative economic impact on the Town of Gilford and Belknap County.

Discussion ensued about Gunstock and Poor Farm Brook. D. Hanley said the real problem is runoff from paved parking lots, dirt parking lots, dirt roads, etc and the sediment loading is the main contributing factor to phosphorus loading into the Lake.

D. Corrigan said the information the Conservation Commission gave them states agriculture is the main contributing factor of phosphorus. D. Hanley said that doesn't alleviate the fact the residential properties are also major contributing factors and they should not be left out of new regulations that would create a wetland setback.

The Commissioners all said a wetland setback would prevent a lot of phosphorus loading into Lake Winnepesaukee. D. Hanley explained it is the cheapest and most effective way to reduce phosphorus loading. She explained NH has phosphorus naturally occurring in the soil and it is released through rain events as well as lawn fertilizers, animal waste, agriculture are uses that contribute to phosphorus loading.

Discussion ensued about the cost and maintenance of engineered drainage systems and how a wetland buffer system is more effective and cheaper.

J. Gagnon said current zoning has one and two acre buildable area as a requirement and if you take the wet areas away from that then you would not be able to build on much of the land. He said a lot of the Lakes Business Park would be deemed unbuildable if a wetland setback were imposed and there was a lot of money put into that development and it would not be right to create another restriction on an existing development.

Discussion ensued about one acre zoning versus cluster zoning. D. Hanley explained cluster zoning is more beneficial for the environment. D. Corrigan said the Planning Board is in charge of maintaining the rural character of Gilford and one acre zoning allows for that. P. Sanfacon said cluster zoning has been in existence for many years

and the Board is not against cluster developments. She said it is up to the developers to present those types of proposals to the Board and there hasn't been much call for cluster development.

Discussion ensued about a property owner losing value in their property with the implementation of a wetlands setback and the Planning Board does not think it is fair to impose that on residential property owners. The Board is concerned about wetlands preservation but must balance those concerns with concern about the rights of property owners

The Conservation Commission said their charge is to protect the natural resources of the town and they feel there has to be some way for the Commission and the Planning Board to work together to have a beneficial wetland buffer.

The Planning Board had thought the 2010 zoning amendments submitted by the voters by petition in 2010 had been approved by the Conservation Commission. The Planning Board was informed that this was erroneous information-the Conservation Commission had not approved that amendment which was not approved by the town.

J. Morgenstern said the Planning Board does not want to put a blanket ordinance over the land in Gilford that would seriously affect the values or rights of the property owners. The Commission asked if the Planning Board considered a 25-foot wetland setback when they were reviewing the subdivision and site plans. J. Morgenstern said no and he doesn't think a 25-foot buffer would be beneficial and they did not have any information about a 25-foot buffer. He also noted that in the literature available to the Committee, the recommended size of wetlands seemed to be more politically driven than scientific and is based on data taken in Florida and Western States which is not directly applicable to New Hampshire.

D. Hanley explained the NHDES grant the Commission is currently applying for in order to help fix and address some of the sedimentation and phosphorus issues that are affecting Gunstock Brook and the Lake. She discussed that issue could have been prevented with better regulations and used it as an example of obtaining money in order to plan and prevent erosion issues instead of having to spend a lot of money in emergency repairs.

Discussion ensued between the Commission and the Planning Board working together to come up with some type of solution to mitigate wetland pollution. J. Gagnon pointed out the average requirements for building in the residential areas and said that this provides significant land for pollutant absorption.

J. Morgenstern thanked Lee Duncan for his commitment to the Lake Winnepesaukee Watershed committee and the work he has done.

P. Sanfacon is pleased with the meeting and said the Commission has educated the Planning Board on what they do and hopefully the Commission feels the Planning

Board has educated the Commission on what they do.

J. Morgenstern suggested that the Commission could help the Planning Board take wetlands issues into account in its work by providing the Planning Board with a set of criteria and corrective measures for evaluating plans with respect to wetlands protection. The Commission thought that was a good idea.

D. Hanley spoke about the Planning Board involving the Town's engineering firm to help in the review of plans for runoff and drainage issues. J. Morgenstern said the Board has to ask the Board of Selectmen for permission before they ask the applicant to pay for an engineering review and they have been reluctant to do that because of the cost to the applicant. D. Hanley said they could have UNH, or Belknap County Conservation District speak to the Board about drainage and runoff issues. L. Duncan offered Pat Tarpey, from Belknap County Conservation Commission, to come and speak to the Board. P. Sanfacon agreed and thought it would be helpful.

J. Morgenstern also suggested that an informational sheet that provided guidelines for mitigating wetlands pollution would be helpful to the board. The board could use it to evaluate proposals made to the board and, where necessary, request changes. J. Goodhue thought that was a good idea.

C. Coons said he is concerned the Planning Board is only addressing the commercial developers and not the residential developers. He said they need to address both in this buffer issue. J. Gagnon said that both had been considered and addressed.

J. Goodhue spoke about how in the past a representative from the Planning Board sat on the Conservation Commission and he thinks both Boards should work together and keep in touch more. P. Sanfacon agreed.

P. Sanfacon thanked the Commission and the Commission thanked the Board.

The Commissioners exited the meeting. The Board continued discussing the wetland setback issue.

K. Hayes spoke about the issue of agriculture being a large issue for phosphorus loading and mentioned Mr. Persons spreading sheep manure over his fields and questioned how they would address that.

J. Morgenstern's concern is he does not have any scientific information that quantifies the effect any type of a buffer in NH soils.

R. Sonia said a buffer is not the issue. He thinks phosphorus on site is the issue. J. Morgenstern's concern is the proposed wetland setback regulations as proposed in the petition last year are geared for what has yet to be built. The real problem is dealing with the issues of phosphorus and parcels that have already been developed. He is concerned that existing developments would be grandfathered under any mitigation

proposal.

**2011 Zoning Amendments**

J. Ayer said he does not have any new amendments for the Board. P. Sanfacon referred to the August 2, 2010 meeting minutes where the Board discussed zoning amendments and she would like an email sent out to the Board to prepare for the next meeting.

S. Verdile Philibotte reminded the Board they only meet once in September due to the Labor Day Holiday. And said that is why they have met three times in August.

K. Hayes wants an update on the Sawyer's and Lin Bi site plan applications and violations. J. Ayer said both have applications have been withdrawn and will be resubmitted.

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**Minutes-** Motion made by R. Sonia, seconded by K. Hayes, to approve the minutes from August 16, 2010. Motion carried with J. Gagnon abstaining.

**Adjournment** – Motion made by R. Sonia, seconded by K. Hayes, to adjourn at 8:35 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte  
Technical Assistant