

**MINUTES
GILFORD PLANNING BOARD
JANUARY 18, 2011
CONFERENCE ROOM A
7:00 P.M.**

The Gilford Planning Board met for a public hearing on Tuesday, January 18, 2011 at 7:00 p.m. in Conference Room A in the Gilford Town Hall.

In attendance were: Chair, Polly Sanfacon; Vice Chair, John Morgenstern; Selectman's Representative, Kevin Hayes; Regular Members: Jerry Gagnon and Richard Vaillancourt; and Alternate Member Chan Eddy.

Those absent included: Secretary, Dick Waitt; Regular Member Richard Sonia; Alternate Members Dennis Corrigan and Wayne Hall; and Technical Assistant Stephanie Verdile Philibotte.

P. Sanfacon appointed C. Eddy to replace absent Regular Member/Secretary D. Waitt.

Also present was John B. Ayer, Director of Planning and Land Use.

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

Public Hearings

P. Sanfacon introduced the first zoning ordinance amendment.

1. Create Accessory Apartment Regulations – Create a new land use, Accessory Apartment, and related regulations as follows: amend Article 3 by modifying the existing definition of Apartment and creating a new definition for Accessory Apartment; create a new Section 4.6.17, Accessory Apartment, as an accessory use permitted in the Natural Resource Residential zone, Single Family Residential zone, and the Limited Residential zone, and as a prohibited use in all other zones; create a new Section 4.7.6(p), Accessory Apartment, allowing up to one (1) Accessory Apartment per lot in a single-family dwelling or an accessory building under certain conditions, requiring the property owner to occupy either the principle dwelling or the accessory apartment, allowing no more than two (2) bedrooms per apartment, allowing an apartment to be between 300 and 1,000 square feet in area but not exceed 40% of the gross floor area of the building in which it is located, and providing related regulations; and amend Section 6.18, Density of Dwelling Units to Land Area, to accommodate Accessory Apartments.

J. Ayer reviewed the changes made at the First Public Hearing including changing Section 4.7.6.(p)8. to clarify that changing to condominium form of ownership would require the accessory apartment stay an accessory use, and an additional non-substantive change to correct the use of a word, changing "principle" to "principal"

in Section 6.18.

P. Sanfacon opened the public hearing for comment. There being none she closed the public hearing.

C. Eddy moved to recommend that the amendment be placed on the ballot as proposed. Second by K. Hayes. Motion passed with all in favor.

P. Sanfacon introduced the second zoning ordinance amendment.

2. Section 4.7.6(e), Home Occupation – Amend Section 4.7.6(e) to prohibit visibility of most home occupations outside a building, to specify signage limitations for home occupations, to prohibit home occupations from becoming nuisances, to specify screening requirements for certain outdoor uses associated with home occupations, to regulate storage and idling of larger vehicles used in connection with home occupations, and to make other related changes.

J. Ayer reviewed the changes made at the First Public Hearing including expressing vehicle ratings in terms of Gross Vehicle Weight Rating (GVWR), and changing the punctuation to incorporate the sentence “No such vehicle shall be maintained on site.” into the previous sentence to make it clear that it is the vehicles discussed in that sentence that cannot be maintained on site.

P. Sanfacon opened the public hearing for comment. There being none she closed the public hearing.

C. Eddy moved to recommend that the amendment be placed on the ballot as proposed. Second by K. Hayes. Motion passed with all in favor.

P. Sanfacon introduced the third zoning ordinance amendment.

3. Section 5.2.1, Island and Shore Frontage District – Amend Section 5.2.1 by deleting Section (b) in its entirety and replacing it with a new Section (b) requiring uses within 100 feet of the water bodies regulated by Section 5.2.1 (Lake Winnepesaukee, Saltmarsh Pond, Lily Pond, Poor Farm Brook, Meadow Brook, Jewett Brook, Gunstock River, and any other year-round brook) to be subject to the provisions of the Aquifer Protection District as specified in Article 19 whereas they are currently prohibited altogether on lots abutting or within 100 feet of the subject waters; by deleting Section (c)(1) and Section (c)(3) which regulate natural vegetation and erosion along these water bodies, to allow natural vegetation and erosion to be governed by the provisions of Article 19, Aquifer Protection District; and making other related changes.

J. Ayer reviewed the changes made at the First Public Hearing including those recommended by representatives of the Conservation Commission. The changes included not deleting Section 5.2.1(c)(1), but instead clarify that vegetation removed must be replaced by “equally effective erosion control measures” and to delete the

reference to “preserving natural beauty”. Another change was to not delete Section 5.2.1(c)(3) but to keep it.

P. Sanfacon opened the public hearing for comment.

Diane Hanley, Gilford Conservation Commission, proposed that the Planning Board consider several additional changes. D. Hanley agrees with the change in the first sentence. She believes this section needs more discussion as to what was intended. She said that the Planning Board should hold off on amending Paragraphs C.1. and C.3., and look at them with the Conservation Commission and the Zoning Board of Adjustment to reduce confusion and to clarify the sections.

P. Sanfacon noted that substantial changes cannot be made to the amendments at this point. She said the Planning Board can either move forward with the amendment as it stands, or no amendment of Section 5.2.1 this year.

J. Gagnon asked if the Conservation Commission would prefer the Planning Board hold off on the amendments until next year. D. Hanley said she is not sure. She said they can see there’s a problem. In a few places in the Town the Island and Shore Frontage District and the Aquifer Protection District overlay one another such as at 2 Lily Pond Road. J. Gagnon asked again if the Conservation Commission would prefer making an amendment of this section this year or not, and noted the point that the amendment can move forward as it is or it will have to wait until next year. J. Morgenstern said he would prefer to go with this amendment now and make further revisions and repairs later. D. Hanley said she was okay with that. J. Morgenstern said he was okay with that too. C. Eddy said he agrees with fixing this now and improving it further later. Other Board members agreed.

D. Hanley continued with her review of issues. Another concern she expressed is that the only copy of the Aquifer Protection District map is in John Ayer’s office and not accessible to the general public. J. Ayer said that in fact there is a copy of the map in the hallway outside the DPLU offices and noted that S. Verdile Philibotte also has a copy of the stratified drift map the ordinance was based on originally. D. Hanley said she would like to see the aquifer layer on Maps Online labeled more clearly. J. Ayer said he didn’t think it was available on Maps Online but he would check to verify.

D. Hanley said another concern is that with the amendments to Section 5.2.1, the Town is protecting surface water with ground water controls. She provided a list of suggestions which she submitted in writing. A copy of her list is incorporated with these minutes.

P. Sanfacon said given the very snowy weather, and the fact that the Planning Board cannot change anything on the proposed amendments, this discussion would be good to have at another time.

D. Hanley said that if she were to summarize her recommendations, then, she would

recommend only changing the first line and review the other changes later.

P. Sanfacon closed the public hearing.

C. Eddy moved to recommend that the amendment be placed on the ballot as proposed with no further amendments. Second by R. Vaillancourt. Motion passed with all in favor.

P. Sanfacon introduced the fourth zoning ordinance amendment.

4. Article 7, Off-Street Parking – Amend the minimum parking requirements for many land uses to reduce the amount of parking required in most cases and to increase it in other cases; add a new Section 7.5.3.27 to create parking requirements for Boat Storage facilities; and to make other related changes.

J. Ayer noted the changes that were made at the First Public Hearing including deleting the reference to Automobile in Section 7.5.3.4 and making no change to the resultant Marine Light Repair Shop parking ratio; make no changes to Greenhouse or Lumberyard ratios; and revise the Boat Storage parking ratio so it is only one (1) space per 10,000 square feet of gross floor area with a minimum of five (5) spaces.

P. Sanfacon opened the public hearing for comment. There being none she closed the public hearing.

C. Eddy moved to recommend that the amendment be placed on the ballot as proposed. Second by K. Hayes. Motion passed with all in favor.

P. Sanfacon introduced the first application.

5. Chad & Melanie Anderson – Applicant proposes to operate a Mortgage Field Servicing business (which generally includes but is not limited to, cleaning, repairing, and securing properties that have been foreclosed on or abandoned) as a Home Occupation within a residential dwelling unit pursuant to Sections 4.6.5 & 4.7.6 (e) Home Occupation of the Gilford Zoning Ordinance on Tax Map & Lot#213-037.000 located at 60 Old Lakeshore Rd. in the Commercial Zone. Home Occupation Site Plan Review. File #2011000002.

The applicant requested being tabled to the February 7, 2011 meeting. K. Hayes moved to table to February 7, 2011. Second by Chan Eddy. Motion passed with all in favor.

P. Sanfacon introduced the next application.

6. Diana Goodhue – Applicant proposes to operate a Sewing, Alterations and Craft business as a Home Occupation within a residential dwelling unit pursuant to Sections 4.6.5 & 4.7.6 (e) Home Occupation of the Gilford Zoning Ordinance on Tax Map &

Lot#226-111.000 located at 84 Schoolhouse Hill Rd. in the Limited Residential Zone. Home Occupation Site Plan Review. File #2011000003.

The applicant requested being tabled to the February 7, 2011 meeting due to heavy snow. K. Hayes moved to table to February 7, 2011. Second by R. Vaillancourt. Motion passed with all in favor.

P. Sanfacon introduced the next application.

7. Tackle Box Storage – Applicant proposes to subdivide a 19 acre lot into two (2) lots, one of which containing approximately 16 acres of land, will be given to the Town of Gilford Conservation Commission under RSA 36-A for conservation purposes on Tax Map & Lot #214-010.000 located 22 Waterford Place in the Industrial Zone. Subdivision Plan Review. File #2011000004.

J. Gagnon stated that he was going to recuse himself from the discussion since he sold the property to the current property owner, Steve Grant of Tackle Box Storage, several years ago.

R. Vaillancourt moved to accept the application as complete. Second by C. Eddy. Motion passed with all in favor.

Steve Smith of Steven J. Smith & Associates, was present to represent the application. He noted that the applicant was seeking a waiver of the application and abutter notification fees since the land was being given the Conservation Commission. J. Ayer said he had reviewed the request with Town Administrator Scott Dunn who said one option could be for the Planning Board to approve the waiver.

K. Hayes moved to waive the application and abutter notification fees. Second by C. Eddy. Motion passed 5-0 with all in favor.

S. Smith explained the proposed application. He noted that the proposal was to give to the Town a sixteen (16) acre parcel of conservation land. He said the remaining lot would meet all setback requirements. There will be an easement across the lot being retained by Tackle Box Storage for access to the conservation lot for maintenance purposes, but only for foot traffic.

P. Sanfacon opened the public hearing for comment. There being none she closed the public hearing.

R. Vaillancourt moved to approve the application subject to the applicant obtaining any other federal, state, or local approvals that may be required. Second by K. Hayes. Motion passed 5-0 with all in favor.

J. Gagnon rejoined the Board.

P. Sanfacon introduced the next application.

8. DRT Realty Trust – Applicant proposes to reconstruct and relocate Unit #4 of Clearwater Cove Condominium located on Tax Map & Lot #222-005.004 located at 171 Dockham Shore Rd. in the Single Family Residential Zone. Amended Site Plan Review. File #2011000005.

J. Ayer said this application was ready to be accepted as complete.

C. Eddy moved to accept the application as complete. Second by R. Vaillancourt. Motion passed with all in favor.

S. Smith explained the proposal. He said a condominium conversion of this property was done in the 1990's. The subject unit is the only one that has not been upgraded in the project. The plan is to completely remove and rebuild the unit. The changes have been approved by the State and the Homeowners Association.

P. Sanfacon said she had nothing from the Association authorizing the change which she usually gets. S. Smith said the letter is in the file and that it had been approved quite a while ago (a year or more). P. Sanfacon asked if what is being done is what was approved. S. Smith said it is the same. He further noted that there was a note in the file that the Planning Board would prefer to have the changes proposed with this amendment shown on an amended site plan, not after the fact on an as-built plan.

S. Smith said the new president of the Association thought the building should be twisted a little more on the lot to improve the view of Lake Winnepesaukee by the back unit (Unit 10). S. Smith said he would like to be allowed some leeway by the Planning Board to move the building slightly as needed. He said there will be no increase in lot coverage and it will not be located closer to the lake.

J. Morgenstern asked if everyone was okay with this plan. S. Smith said yes, except that the building may need to be twisted a little. J. Morgenstern clarified that he wanted to know if everyone, including the owners of Unit 10, are okay with either the plan in its current format or with the unit twisted a little. S. Smith said yes that everyone was okay with the plan as it is or with the building twisted somewhat. He said that they would be holding the northwest corner of the unit and pivoting it slightly if needed. He said he submitted a letter with photographs on February 9, 2010 to David Andrade showing the property and what was being considered.

P. Sanfacon said she wanted to know if the Association took a formal vote because this unit is being relocated into an area currently designated as common land. S. Smith said yes they did. He understands P. Sanfacon's concerns but reiterated that the Association is okay with the proposal.

P. Sanfacon opened the public hearing for comment. There being none she closed the public hearing.

C. Eddy moved to approve the application subject the applicant obtaining any other federal, state, or local approvals that may be required. Second by K. Hayes. Motion passed with all in favor.

P. Sanfacon introduced the next application.

9. Kevin Resca – Applicant proposes to operate Outside Winter Boat Storage on Tax Map & Lot #242-143.100 located at 14 Glendale Place in the Resort Commercial Zone. Site Plan Review. File # 2011000006.

The applicant requested being tabled to the February 7, 2011 meeting. C. Eddy moved to table to February 7, 2011. Second by K. Hayes. Motion passed with all in favor.

P. Sanfacon introduced the next application.

10. Bastille Enterprises, LLC and Edward & Louise Bastille – Applicant proposes to transfer approximately 33,721 square feet of land from Tax Map & Lot #253-015.000 located at 550 Cherry Valley Rd. to Tax Map & Lot #253-016.000 located at 580 Cherry Valley Rd. in the Limited Residential Zone. Boundary Line Adjustment Plan Review. File #2011000007.

The applicant requested being tabled to the February 28, 2011 meeting. C. Eddy moved to table to February 28, 2011. Second by K. Hayes. Motion passed with all in favor.

P. Sanfacon introduced the next application.

11. Meadowbrook Farm LLC, R.J. Harding – Applicant proposes to add a multi-stall bathroom and a “Second Stage Garden” entertainment stage to the Meadowbrook U. S. Cellular Pavilion facility on Tax Map & Lot #224-009.000 located at 52 Meadowbrook Lane, Unit #2, in the Resort Commercial Zone. Amended Site Plan Review. File #2011000008.

J. Ayer said the application was ready to be accepted as complete. Motion by C. Eddy to accept the application as complete. Second by R. Vaillancourt. Motion passed with all in favor.

Peter Howard of Steven J. Smith & Associates, and R.J. Harding of Meadowbrook Farm, LLC, were present to represent the application. P. Howard described the proposal. He said that a new 30 foot by 50 foot building will be built north of the pavilion. It will serve as a bathroom for VIPs and stage crew. It will give them a lounge, a clean-up area, and a private bathroom. They intend to connect to existing sewer and water lines. The plan will also put on record the second stage that has been used for a few years. This is a stage away from the main stage where they have played music before and after the main events. They used to play past the 11:00 p.m. curfew, but they have

stopped that and do not want to violate their curfew. There will be no bands playing after 11:00 p.m. on the second state in the future.

K. Hayes asked about the sewer line. He said there is a second sewer line on the plan that is an existing line. Why do they not show connecting to that sewer line? P. Howard said they are not sure of the depth of the sewer line and they would like to extend the line in the future if possible. They think the existing line is not deep enough. He said they will verify it when they are under construction.

K. Hayes asked if there will be any increase in parking. P. Howard said no. The bathroom will be built over some parking spaces but other parking spaces have been proposed to replace them. K. Hayes also asked if there will be an increase in decibels. P. Howard said there will be no increase in decibels.

P. Howard reviewed the floor plan for the bathroom. S. Smith said that the wetlands shown on the plan were approved on another plan that was stamped and would not be stamped on this plan.

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

R. Vaillancourt moved to approve the application subject to the applicant obtaining any other federal, state, or local approvals that may be required. Second by C. Eddy. Motion passed with all in favor.

Minutes

December 6, 2010 – Motion by J. Gagnon, second by K. Hayes, to approve the minutes of December 6, 2010. Motion passed with all in favor.

December 20, 2010 – Motion by J. Morgenstern, second by K. Hayes, to approve the minutes of December 20, 2010.

January 3, 2011 – Motion by J. Morgenstern, second by K. Hayes, to approve with minor changes the minutes of January 3, 2011.

Other Business

J. Gagnon discussed beginning zoning amendments earlier next year. Board members agreed. P. Sanfacon said the Planning Board needs to follow through with the Conservation Commission and further review Section 5.2.1 with them to consider additional amendments next year. J. Morgenstern said he hopes they understand that the Planning Board is not trying to meld the Aquifer Protection District regulations with the surface water regulations of Section 5.2.1.

Adjournment – Motion made by K. Hayes, seconded by R. Vaillancourt, to adjourn at

8:00 p.m. Motion carried with all in favor.

Respectfully submitted,

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