

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

The Gilford Planning Board met for a public hearing on Monday, February, 7, 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; Secretary, Dick Waitt; Regular Members: Richard Sonia, Jerry Gagnon and Alternate Member Wayne Hall.

Those absent included Regular Member Richard Vaillancourt; Alternate Members Dennis Corrigan and Chan Eddy.

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 for the meeting. P. Sanfacon appointed W. Hall to replace absent Regular Member R. Vaillancourt.

Public Hearings

P. Sanfacon introduced the application.

1 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. *Tabled from January 18th, 2011*

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

J. Ayer explained the application is complete.

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

Chad & Melanie Anderson, representing the application, gave a brief presentation to the Board. They explained they would like to be able to have their business in compliance with the town

regulations and continue operating. C. Anderson said all of the business they conduct is outside of the house, work requests are received via email, there are no goods or services exchanged from the dwelling, and all business is conducted in a “mobile point of service” manner. M. Anderson said they have some equipment on site and they have a two car garage that they use to store most of the equipment, but not the really large equipment, such as the vehicles and a few lawnmowers.

J. Gagnon asked how large the equipment is. C. Anderson said they have (2) two large trucks that are over one ton but under the CDL requirement and the largest truck is 24 feet long. He said the trucks are dump truck style and they are parked along the side of the garage.

P. Sanfacon asked about an existing sign on the property advertising the stone wall. M. Anderson said that is from the contractor that built their stone wall and they will have it removed.

J. Morgenstern asked how long have they been in business. M. Anderson said they have operated the business since 1999.

K. Hayes asked if the area where the two trucks are parked is paved, gravel or grass. C. Anderson said the area is gravel. He said they have an asphalt area on site and they could be parked on the asphalt but he likes to keep them out of the yard area so they are not visible.

P. Sanfacon said she noticed the applicants have cleaned up a lot of the materials in the back and asked if that was the applicant’s materials or Mr. Colby’s (the neighbor). C. Anderson asked if she meant behind the house. P. Sanfacon said yes behind the house. M. Anderson said that is all Mr. Colby’s. C. Anderson explained they have a permit to construct an addition to the house and acknowledged there have been construction materials and debris stored on site but they have cleaned it up and made the site more orderly.

J. Ayer spoke about the proposed 2011 zoning ordinances amendments affecting the “Home Occupation” regulations and determined this application does not fall under the proposed changes but falls under current regulations since their application was submitted prior to the posting of the public hearing notice for the zoning ordinance amendment.

J. Gagnon commented the applicant’s should be aware of the 2011 zoning changes relating to vehicle size for future reference for their business and the vehicle size would be limited. J. Ayer said since their application was in before the posting of the public hearing, they will be grandfathered. J. Gagnon clarified for the current size of the vehicles will be grandfathered but the applicant’s will not be allowed to have larger vehicles in the future. The applicants said they are not going to operate any vehicles larger than what they currently have.

J. Morgenstern asked if there have been any complaints submitted to the Planning Office about this property and the business. J. Ayer said yes and a violation letter was sent to the owners from the Code Enforcement Officer informing them to come into compliance and that is what triggered the current application to the Planning Board. J. Ayer said the Code Enforcement Officer went to the site and discussed with the applicants a suggested location for the storage of

the work vehicles on site. The applicants said they can store the vehicles out of sight and would be willing to install lattice or screening for the vehicles and equipment.

Discussion ensued about the zone the property is located in as being the Commercial Zone and about the other existing businesses in the neighborhood.

P. Sanfacon would like the sign that advertises the stone work on site to be removed. The applicants said they would remove the sign.

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

P. Sanfacon introduced the next application.

2. 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. *Tabled from January 18th, 2011.*

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

J. Ayer explained the application is complete.

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

John and Diana Goodhue, representing the application, gave a brief presentation to the Board. J. Goodhue explained the business is located in the basement of their residence in a work area of about 600 square feet. She has a few sewing and knitting machines in the work area. J. Goodhue explained they have a few customers a week and they are not there for a long time. They have no employees and ample parking for customers. He explained they have received approval for the sign from the Historic District and Heritage Commission.

R. Waitt spoke about the high quality work Diana Goodhue does. D. Goodhue explained she owns a company her son operates in Massachusetts and on a few occasions she will do work for the company, but that is not part of this application.

R. Sonia asked D. Goodhue how long has she been in business at her home. D. Goodhue said it is hard to say because she has been mostly doing the sewing work for her friends and people that know her. She explained she has not gone out and advertised for the business and because of that she doesn't believe she has been operating as an actual business. J. Gagnon asked if she has anyone (employees) working with her and D. Goodhue said no.

R. Sonia asked why they came in for the “Home Occupation” permit. J. Goodhue said because they needed a permit for the sign. They also needed review and approval of the sign from the Historic District and Heritage Commission. R. Sonia and J. Ayer reported that the Historic District and Heritage Commission spoke in favor of the application.

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

P. Sanfacon introduced the next application.

3. 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. *Tabled from January 18th, 2011.*

S. Verdile Philibotte explained she phoned and emailed the applicant to remind him of the meeting, but had not received a response. P. Sanfacon suggested the Board go into deliberations on the first two items in order to give Kevin Resca a chance to appear.

The Board entered the deliberative session of the meeting.

DELIBERATIONS

1 Chad & Melanie Anderson

J. Gagnon said the applicant should be notified they cannot use a truck larger than what is currently used and if they want a larger truck they would have to come back to the town for approval.

P. Sanfacon again noted that the sign that advertises the stone work on site should be removed.

J. Gagnon asked about the storage of the vehicles on site and screening. J. Ayer reviewed the “Home Occupation” standards describing the requirements for the storage of vehicles. He explained the vehicles cannot be in “plain view” of the neighbors’ properties.

Discussion ensued about screening and R. Sonia spoke about the possibility of the neighbors being upset with the vehicles on site and having them be parked where they can’t be seen from abutting properties. The Board discussed the nature of the site and how it is in the open view from the road and neighbors. J. Ayer said there are some screening things that can be added. R. Sonia acknowledged the property is in a commercial zone and he wanted to make sure the neighbors would not get upset with the business operation. P. Sanfacon said there has been some real mess in the back area of the property that the Anderson’s didn’t create. She said she is not sure the neighbor (Mr. Colby) would have a valid complaint regarding the condition of the Anderson’s property due to the business operating there due to the messy conditions on Mr. Colby’s property.

Motion made by K. Hayes, seconded by R. Sonia, to approve the application subject to the condition(s):

- 1 The applicant obtains any other federal, state or local approvals that may be required.

Discussion on the motion.

K. Hayes said he would like to amend the motion to include a condition so trucks on site adhere to the amendment pertinent to this issue which is proposed by the planning board for this year's warrant.

J. Morgenstern said he doesn't think the Board can require that since the proposed ordinance change has not yet been passed. K. Hayes agreed and withdrew his amendment.

Motion carried with all in favor.

2. Diana Goodhue

Motion made by J. Morgenstern, seconded by R. Sonia, to approve the application subject to the condition(s):

- 1 The applicant obtains any other federal, state or local approvals that may be required.

Motion carried with all in favor.

3. Kevin Resca

Discussion ensued about how to handle the application due to the fact the applicant did not appear at the meeting. P. Sanfacon said the Board could be considerate to the applicant and table the application again. J. Gagnon said they could take the application off the table and re-table the application again.

J. Ayer said yes the Board could do that if they wanted. He also said if the Board does not table the application again, they could schedule the application for next available meeting and require the applicant to pay for the re-notice of the application, which might be the proper way to handle it. However, this application was based on a zoning violation and he thinks it would be beneficial if the Board can resolve this application quickly.

The Board decided to take the application off the table and re-table the application.

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

Motion made by R. Waitt, seconded by J. Morgenstern, to table the application until the February 28, 2011. Motion carried with all in favor.

P. Sanfacon would like J. Ayer to inform the applicant that the Board was kind enough to table his application because the Board usually denies applications that are not represented. J. Ayer agreed.

Minutes

January 18, 2011 – Motion by J. Morgenstern, seconded by R. Waitt, to table the minutes of January 18, 2011, until February 28, 2011. Motion passed with W. Hall and R. Sonia abstaining.

Other Business

J. Ayer discussed a few topics with the Board.

1. The 2011 Deliberative Session – J. Ayer reminded the Board that the deliberative session will take place the next night on 2/8/11.
2. Distribution of Planning Board Meeting Minutes – The Board would like the minutes to be reviewed and edited by J. Ayer and S. Verdile Philibotte before they are sent to the Board, so the “first draft” of the minutes is a “cleaner” version for them to review. The first draft should be e-mailed or otherwise made available to the Board within a week of the meeting date. The Board will provide comments back to S. Verdile Philibotte who will incorporate the changes into a “second draft” that will be sent to the Board in packets for the Board to approve at the meeting. The Board decided a week should be enough time for the minutes to be reviewed and re-distributed to the Board.
3. Distribution of Packets – S. Verdile Philibotte discussed the options of having the Board members pick up their packets, continue mailing packets, or having the applications scanned and emailing them to the Board. The Board seemed in favor of having the packets available to be picked up on the Wednesdays prior to the meeting date. S. Verdile Philibotte will send out an email to the Board members informing them when the packets are ready to be picked up. She suggested after 2:00 PM. The Board and J. Ayer agreed with that.
4. Distribution of Large Plan Sets at Meetings – S. Verdile Philibotte and P. Sanfacon discussed having the Board use the 11x17 plan copies at the meeting. It was agreed that it is easier for staff and the Board to have the Board use the smaller plans during the meeting. S. Verdile Philibotte explained the large plans will be available at the meeting so the Board can request to use the large plans if they want to.
5. Publication of Notice – P. Sanfacon discussed publishing the “notice” of

the Planning Board's Public Hearings in the newspaper. She acknowledged it is not in the budget to be able to do that this next year, but she is in favor of some type of notification being made easily available to the general public.

- 6 Large Vehicles for Home Offices – J. Ayer discussed the recent ZBA interpretation of the “Home Office” regulations saying that large trucks may be parked at a home where a home office exists as the ordinance only prohibits their use on site, not their being parked on site. He noted that the Planning Board may want to consider addressing that as an amendment for 2012, particularly where it appears to contradict the new “Home Occupation” provisions proposed for adoption in 2011.
- 7 Chairman to Sign Plan for Belmont Subdivision – J. Ayer explained there was a Boundary Line Adjustment plan submitted by Ron Johnson for the Chairman to sign, which did not require an approval from the Gilford Planning Board. The plan was a Boundary Line Adjustment plan between lots located in Belmont and one of the abutting lots was located in Gilford. J. Ayer would like the Board to authorize P. Sanfacon to sign the Boundary Line Adjustment plan.

Motion made by K. Hayes, seconded by R. Sonia, to authorize the Chair to sign the Boundary Line Adjustment plan in Belmont that included property in Gilford that was an abutter to the subject lots. There was no approval required from the Town of Gilford.

Motion carried with all in favor.

Adjournment – Motion made by R. Sonia, seconded by K. Hayes, to adjourn at 7:50 p.m.
Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Technical Assistant