

Town of Gilford
Planning Board

Gilford Town Hall, Conference Room A
47 Cherry Valley Road, Gilford, NH

Work Session Minutes
April 4, 2011

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

Chair Sanfacon convened the meeting at 7:00 p.m., led the Pledge of Allegiance, and introduced those present. She then turned the time to J. Ayer to lead a discussion of the possible zoning amendments for 2012.

J. Ayer reviewed a list of seven (7) possible amendments he had prepared including No Keeping of Larger Vehicles for Home Offices; Section 5.2.1, Island and Shore Frontage District; Accessory Building Setbacks; Reduced Setbacks for Smaller Lots; Excavating to Create Buildable Area; Development/Complex Signs; and Home Occupations not a Special Exception in the SFR Zone.

Section 5.2.1 – Chair Sanfacon said that Conservation Commission Chair John Goodhue called her to discuss when they would meet with the Planning Board to review this amendment. He said the Commission would like to spend a little more time reviewing it themselves before they can determine when they will be available to meet with the Planning Board. J. Goodhue will get back in touch with the Planning Board once they are ready.

Home Office Vehicles – J. Ayer read Section 4.7.6(n) which contains the current regulations for Home Offices. The section says that only vehicles used on site may be up to a one-ton capacity. If it is not used on site, it may be permitted to be there as recently determined by the Board of Adjustment. The intent was that if one has a home office and uses a vehicle in conjunction with that home office, that vehicle should not be kept on site unless it has a rated capacity of one ton or less. A home occupation using or keeping a larger vehicle at a home would have to obtain home occupation approval from the Planning Board. J. Morgenstern suggested adding two words: “or stored” after the word “used” so it is clear that the larger vehicles can't be at the home unless approved by the Planning Board. A discussion ensued on the meaning of Home Office versus Home Occupation. Board members agreed that the confusion needed to be eliminated as to what constitutes a home office and a home occupation.

P. Sanfacon asked how do we regulate what people park in their driveway? J. Morgenstern said it is just a convenience for someone to not have to drive to a place to get their work truck but to keep it at home instead. How to set a limit was discussed and board members determined the size, not the use, should be the method.

The Board also discussed possibly limiting the maximum number of vehicles allowed for a home office. The Board determined a maximum of one (1) was enough and that more would trigger a need for home occupation review by the Planning Board. Extensive discussion ensued.

Home Occupation Not Special Exception in SFR Zone – J. Ayer pointed out that Home Occupations are a special exception only in the SFR zone which can be onerous for many people having to attend a second meeting that lengthens their review process and does not necessarily discover anything different from what the Planning Board review discovers, benefit the neighborhood, or alter the outcome of the proposal. The Board agreed that Home Occupations should not be a special exception in the SFR zone.

Accessory Building Setbacks – J. Ayer pointed out that a recent variance application was denied by the Board of Adjustment for lack of a hardship. It proposed a garage with a three (3) foot encroachment into the rear setback. The Building Inspector pointed out after the application was denied that if the garage were detached from the main house by any amount, the proposed garage could be built on the spot proposed in the application. J. Ayer proposed that the Planning Board review this matter and consider if it needs to be addressed and how to address it.

The Board discussed the matter and could not determine how to address it at this point. J. Ayer will look into what other communities do regarding this for a future discussion. He also pointed out that this discussion at the Board of Adjustment meeting brought forward a discussion by ZBA members that the Planning Board ought to look at reducing setbacks for undersized nonconforming lots, such as many of those in Gunstock Acres or along Ridgewood Avenue.

Board members decided to discuss the signs amendment next.

Development and Complex Signs – The Board discussed this amendment briefly. J. Ayer explained that it would be for projects such as Gilford Common where one main sign for all the businesses in the development would be erected at the entrance to the site. It would be an off-premise sign. Board members discussed this briefly. They asked the Code Enforcement Officer for a proposal to help them see how this amendment could work.

C. Eddy left the meeting at this time (7:50 p.m.).

Reduced Setbacks for Smaller Lots – J. Ayer advised the Board of the ZBA's suggestion to reduce setbacks for small lots. Board members commented that they would need a good reason to change the setbacks. J. Morgenstern said he can see no good reason to reduce setbacks for small lots. He said rather than change the whole ordinance for a few small lots that need reduced setbacks, the property owners should be seeking variances. Board members agreed that on the few smaller lots where development needs to encroach into the current setbacks, that should be the time for a variance.

Excavation to Create Buildable Area – This is an amendment that has been considered for a few years. Board members agreed that if they cannot resolve it this year, it should not be brought up again. J. Ayer asked if the Board would consider a reduction in the minimum amount of

buildable area from one acre to perhaps a half acre. Board members said they would not want to reduce the buildable area, but that they would rather cap the amount of excavation. J. Gagnon said state regulations address this matter. J. Ayer said he would discuss the matter with J. Gagnon to review the state regulations.

J. Ayer asked if the Board would consider prohibiting excavations of slopes over a certain grade. J. Gagnon said no. A brief discussion ensued regarding development. Board members determined to have J. Ayer return with further state regulation information and a proposed amendment.

Minutes – Motion by D. Waite, second by R. Sonia, to approve the minutes of March 21, 2011. Motion passed.

Adjournment – Motion by R. Sonia, second by D. Vaillancourt, to adjourn at 8:11 p.m. Motion passed.

Respectfully Submitted,

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