

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

The Gilford Planning Board met for a Worksession on Monday, November 7, 2011 at 7:00 p.m. in Conference Room A at the Gilford Town Hall.

Planning Board members in attendance were Chair John Morgenstern; Vice Chair Polly Sanfacon; Selectman's Representative Kevin Hayes; Secretary Richard Waitt; Regular Members Jerry Gagnon, Richard Vaillancourt, and Richard Sonia; and Alternate Members Dennis Corrigan and Wayne Hall.

Planning Board member absent was Alternate Chan Eddy.

Also present were John B. Ayer, Director of Planning and Land Use, and Stephanie Verdile Philibotte, Technical Assistant.

J. Morgenstern led the Pledge of Allegiance and introduced Board members and staff.

Discussion of Proposed 2012 Zoning Ordinance Amendments

The Board discussed the following proposed 2012 Zoning Amendments:

Section 5.2.1, Island and Shore Frontage District – J. Ayer reviewed the draft version of the amendment for the Board. They discussed the proposed Appendix C that the Conservation Commission is suggesting be added to the ordinance. The Commission is proposing sections of the former State Comprehensive Shoreland Protection Act (CSPA) to be included in the town's ordinance.

R. Vaillancourt said that it is going to be too confusing for applicants to have two versions of the regulations. J. Gagnon agrees. W. Hall said the town will have to be the ones to enforce the regulations and believes the town will be subject to too many lawsuits if the Appendix C is included. K. Hayes is concerned there will be confusion between the state regulations and what the town imposes.

P. Sanfacon spoke about the possibility that these proposed amendments, as suggested by the Commission, will have the effect of giving the Commission approval power for applications.

R. Sonia spoke about the chance of there being confusion for an applicant knowing which standards they should follow between the State's regulations and the Town's.

Discussion ensued about the state application process before the changes made in July 2011 and the involvement of the Conservation Commission on reviewing the applications. The Board

also discussed the building permit application in Gilford and how the proposed ordinance amendment would impact the applicants.

K. Hayes is in favor of proposing more stringent regulations for protecting the Lake. He agrees there is degradation of Lake Winnepesaukee taking place and he agrees with D. Hanley and the Conservation Commission's position on this proposed amendment.

J. Morgenstern called for an informal voice vote from the Board on whether or not Board members are in favor of proposing more stringent regulations than those existing in the State's new Shoreland Water Quality Protection Act (SWQPA).

D. Corrigan – Yes

W. Hall – No

K. Hayes – Yes

J. Gagnon – No

J. Morgenstern – No

P. Sanfacon – Yes

R. Sonia – Abstain

R. Waitt – No. Mr. Waitt added that he is concerned there would be too much conflict between regulations and the potential to create lawsuits against the Town would increase.

R. Vaillancourt – No

The informal vote was 3-5-1, meaning that the Board is generally not in favor of proposing more stringent regulations than the NH SWQPA.

P. Sanfacon is concerned that if employees of the NHDES are having problems interpreting the July 2011 state regulations, then the town employees and applicants may also have problems interpreting the proposed amendment, if it includes Appendix C, as proposed by the Conservation Commission.

The Board decided to continue to review the Conservation Commission's proposed amendment language for Section 2.2.4 and Section 5.2.1.

Section 2.2.4, Island and Shore Frontage District – J. Ayer reviewed the Commission's comments to add a purpose and intent statement and adding "protect aquatic habitat". The Board agreed to the proposed wording from the Commission that and to make it a paragraph (a).

Section 5.2.1, Island and Shore Frontage District – The Board agreed with proposed language as presented in paragraph (a).

The Board decided that they would utilize a new paragraph (b) in Section 2.2.4 to refer to the language of the second half of Subsection (c)1. J. Morgenstern asked J. Ayer to reword the language for the purpose statement.

Motion made by R. Sonia, seconded by R. Waitt, to send the amendment forward pending revised language presented by J. Ayer. Motion carried by a vote of 8-1. K. Hayes voted

against the motion.

Section 5.1.1, Lot Size and Buildable Area – The Board discussed to what type of lot these regulations would apply. The Board discussed the issue of expanding non-conforming structures that may need new buildable area to accommodate the expansion.

The Board discussed how the proposed requirements would affect applications for building permits for additions. J. Gagnon is against the Planning Board creating regulations requiring applications for an addition on an existing house to show they have enough buildable area or have to create buildable area.

Discussion ensued about how building permits would be reviewed to determine buildable area. J. Ayer said the Building Inspector at this time reviews building permits for meeting the minimum buildable area requirement.

The Board agreed to take out “For new lots” in proposed paragraph (d) and leave the rest of the language as presented except to add the word “runoff” after siltation in the fourth sentence.

Motion made by R. Vaillancourt, seconded by K. Hayes, to move forward with the language as proposed to be amended. J. Gagnon was opposed to the motion. Motion carried by a vote of 8-1.

Section 4.6.5, Home Occupation (as a permitted use in SFR zone) – J. Ayer reminded the Board that some on the ZBA opposed this amendment. The Board decided to move forward with the amendment as presented. Motion made by R. Waitt, seconded by R. Sonia. Motion carried.

Section 4.7.6, Yard Sale – The Board had no issues with the proposed amendment of Section 4.7.6(l) and decided to move forward with the language as presented. Motion made by R. Waitt, seconded by R. Sonia. Motion carried.

Home Occupations/Home Offices/Large Vehicle Parking – J. Ayer explained that the ZBA recommended creating a separate use for Large Vehicle Parking rather than to regulate large vehicle parking as an aspect of home occupations and home offices. He said that he had drafted a new definition for Article 3 for Large Commercial Vehicle, and a new use description for 4.7.6, Accessory Uses, for Large Commercial Vehicle Parking. The use would be a special exception in the residential zones (although prohibited in IR zone) and permitted in commercial and industrial zones. It would require taking out references to parking of large vehicles from the Home Occupation and Home Office use descriptions in Section 4.7.6.

The Board discussed the proposal and determined to have J. Ayer reword and put finishing touches on the affected sections of the ordinance and to bring it back at the next meeting.

Roomers – J. Ayer explained that the definition of Roomers is confusing as it exists in the ordinance and the recent amendment the Board discussed did not improve it much. He said after discussing the definition with David Andrade, Code Enforcement Officer, especially in

regard to a recent ZBA application, they decided it would be helpful to delete the definition of Roomers altogether from the ordinance since there are other similar options available to homeowners who need help making ends meet. For example, the definition of Family would accommodate having unrelated adults living together, the Town has a new Accessory Apartment ordinance, and the Boarding House use is also an option available for a more commercial use of a home. Motion made by R. Sonia, seconded by R. Waitt, to move forward with the amendment as proposed. Motion carried with all in favor.

Minutes

October 17, 2011 – Motion by R. Waitt, seconded by R. Vaillancourt, to approve the minutes of October 17, 2011 as presented. Motion carried with P. Sanfacon abstaining.

October 24, 2011 – Motion made by R. Sonia, seconded by R. Vaillancourt, to approve the October 24, 2011 minutes as presented. Motion carried with all in favor.

Other Business

J. Ayer thanked the Board for their work on the amendments. K. Hayes asked about discussing the Executive Summary for the Master Plan. J. Morgenstern said the Board should be prepared to discuss that in a month.

Adjournment – Motion made by R. Sonia, seconded by K. Hayes, to adjourn at 8:40 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Technical Assistant