

**MINUTES
GILFORD PLANNING BOARD
GILFORD CONSERVATION COMMISSION
WORKSESSION
AUGUST 1, 2011
CONFERENCE ROOM A
7:00 P.M.**

The Gilford Planning Board and Gilford Conservation Commission met for a Worksession on Monday, August 1, 2011 at 7:00 p.m. in Conference Room A at the Gilford Town Hall.

Planning Board members in attendance were Vice Chair Polly Sanfacon, Selectman's Representative Kevin Hayes, Secretary Richard Waitt, Regular Members Jerry Gagnon and Richard Sonia, and Alternate Members Chan Eddy and Wayne Hall.

Planning Board members absent were Chair John Morgenstern, Regular Member Richard Vaillancourt, and Alternate Dennis Corrigan.

Conservation Commission members in attendance were Chairman John Goodhue, Vice Chair Lee Duncan, Diane Hanley, Everett McLaughlin, Carole Hall and John Jude.

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

P. Sanfacon led the Pledge of Allegiance, asked Board members and staff to go around and introduce themselves, and read the rules of procedure for the meeting.

P. Sanfacon said the discussion topic would be amending Gilford zoning ordinance Section 5.2.1, Island and Shore Frontage District, only and they would not be discussing Steep Slopes at this meeting. She turned the discussion over to the Commissioners to review the comments they submitted to the Planning Board for amending the Island and Shore Frontage District regulations.

P. Sanfacon reminded everyone that the Island and Shore Frontage District amendment that passed in 2011 was not perfect and that both boards agreed to revisit the issue in 2012 to refine the changes and improve the ordinance. Those in attendance agreed.

Discussion on the Island and Shore Frontage District –

D. Hanley reviewed the comments the Commission prepared for the Planning Board. She reviewed the description of Section 5.2.1 and that she thought it may be easier to refer to it as a "Setback" so the public may have a better chance to understand the meaning of the ordinance. She does not have sufficient words at this time to replace the current wording, but wanted to know if the Planning Board agrees that the wording is confusing. The Board agreed the current wording is confusing. J. Ayer will work to reword the description.

D. Hanley next referred to the wording of Section 5.2.1(b). She said it is confusing because

property not located within the Aquifer Protection District would now have to comply with those regulations. It is as if the boundaries of the Aquifer Protection District as shown on the map are now the boundaries of the Island and Shore Frontage District. C. Eddy agreed and said it is confusing. J. Ayer said he would like to remove all references to the Aquifer Protection District in this ordinance which would help to eliminate confusion. J. Ayer said he prepared some wording for 5.2.1(b) that replaces the current wording and distributed them to the Board. He is proposing to delete what is currently existing in the ordinance and replace it with “any non-residential use that involves outdoor storage, sale, or use of materials that pose a risk to the abutting surface waters as pollutants or poisons or which could be injurious to fish or aquatic life if not properly contained, stored, or otherwise controlled, are prohibited, except for those activities associated with a boating marina, boat salesroom, or yacht club.”

J. Goodhue questioned the omission of “injurious to human, animal...” J. Ayer said he thought about keeping it but finally proposed to remove it since the water is what is being protected and the aquatic life would be initially affected, but would have no trouble restoring it. E McLaughlin and J. Goodhue would like it included in the wording. J. Ayer agreed.

Discussion ensued about the wording for the “sale or use or outdoor storage”.

J. Goodhue would like “non-residential” stricken and remove wording after “prohibited”. He wants to know why marinas, boat salesrooms and yacht clubs are excluded. The Planning Board would like them included as existing businesses and not subject to the regulation. J. Goodhue does not agree with exempting them. K. Hayes said then you would be prohibiting the boat industry from fueling boats. C. Eddy said any other wording would shut down marina operations. J. Goodhue said it could be reworded to require marinas to operate safely and he would be willing to work on new wording.

C. Hall asked if there are regulations that pertain to boat storage facilities in the ordinance. The Planning Board said “no”. K. Hayes said that those types of regulations should fall under NHDES jurisdiction.

D. Hanley said the NHDES has “Best Management Practices” for marinas that could be referenced. L. Duncan said there are “Best Management Practices” for residential uses also.

D. Hanley asked if a residence running a business would have this regulation apply to them. The Board said that would be reviewed. J Ayer read the current “Home Occupation” regulations. He said storing something hazardous would not be allowed within the current regulations as it should not detract from the residential nature of the area, but there are “Home Occupations” in town that may have storage of materials that would fall under this ordinance where fuel and other petroleum products are involved.

K. Hayes asked if “residential” is added to the ordinance would that prohibit him from putting a quart of oil into his boat while in the water. The Board said yes. The Board will work on the wording and J. Ayer said he will look to add “Best Management Practices” wording into the ordinance.

D. Hanley said that “Best Management Practices” are more flexible than regulations and they provide options to people to use what best fits their situation.

D. Hanley referred to 5.2.1(c) and wanted to clarify the intent of the Board and she does not think that what is currently worded is legal. She thinks that erosion control measures should not include storm water erosion control. She explained that vegetation is superior in erosion control over catch basins. J. Ayer said he thought the reason to change that wording was to allow someone who removes vegetation to replace it with vegetation or to construct an effective erosion control system. K. Hayes said he thought it was only during construction period. D. Hanley said that the permanent nature of erosion control measures should include the introduction of natural species that could be used to replace the removed vegetation and should be considered throughout the entire construction process.

Discussion ensued as to what type of vegetation should be used for replacing vegetation removed and if it is repetitive of the NHDES rules. D. Hanley said the Board can be more restrictive than the NHDES and since the changes to the CSPA have allowed an increase in vegetation removal, she encouraged the Board to have more stringent regulations in place to address this issue.

J. Ayer said he has some wording for the first section of (c) and he suggested taking “Natural Beauty” out of the ordinance and rewording that section as the objective stated is to address erosion and sedimentation.

K. Hayes said again, he believes this section is for the construction phase. D. Hanley suggested another section of the ordinance could suggest what to do after construction with guidelines of what types of plantings could be utilized to reduce runoff and erosion issues.

K. Hayes and D. Hanley spoke about the 2011 changes to the Comprehensive Shoreland Protection Act (CSPA (RSA 483-B)) that have made the statute less restrictive. D. Hanley said she would like to see Gilford be proactive and have an ordinance that would assist in the replanting of vegetation after construction by offering compatible native NH plantings that would be beneficial to the environment and reduce runoff and erosion. P. Sanfacon said she does not think they can tell people what to plant, but can only make suggestions.

Discussion ensued about the possibility of instituting more restrictive regulations than the NHDES. P. Sanfacon reiterated that they can only suggest what applicants should do as part of the approval process.

L. Duncan spoke about the phosphorous loading in Lake Winnepesaukee and said if the classification of the Lake changes and is downgraded in quality from what it is now, it would degrade the value of lake properties and it would have a negative economic impact to the Town of Gilford and the entire area. He said there should be regulations in place to help control erosion and phosphorus loading into the Lake.

K. Hayes said he would be in favor of utilizing the 2009 CSPA and incorporating them into their regulations, and he would deal with enforcement through the Planning Board process. J. Goodhue agreed.

D. Hanley agreed with utilizing the 2009 CSPA and suggested vegetative covers could be added.

Discussion ensued about Gilford's involvement with the Lake Winnepesaukee Watershed Association, and if Gilford adopted this type of language what other communities would do the same. The Commission said yes, they believe that other communities would follow suit. The Board agreed.

J. Gagnon does not want Gilford to be the only town to pass these regulations. D. Hanley said other towns in the Lakes Region have instituted stricter regulations than the State has and J. Goodhue cited as an example the fact that Moultonborough prohibits boathouses. The Commission will provide some other examples for the Planning Board.

R. Waitt spoke about this being a warrant article and the Board confirmed that.

J. Ayer reviewed the proposed language for Section 2.2.4, which is a description of the Island and Shore Frontage District. They discussed removing "protect aesthetics" and replacing it with different language.

The Commission asked about meeting to discuss the "Steep Slopes" and the Planning Board said they do not have to meet with the Board but that the Board is seeking comments from the Commission.

Minutes

July 18, 2011 – Motion by R. Waitt, to approve minutes as presented.

Discussion on the motion.

P. Sanfacon discussed how some wording on page 3, was confusing regarding R. Sonia comments on the 15,000 square feet discussion.

The Board and S. Verdile Philibotte worked to clarify the wording.

R. Waitt amended his motion to approve the minutes as amended by the Board. Seconded by K Hayes. Motion carried with J. Gagnon and W. Hall abstaining.

Other Business

J. Ayer discussed a request from Gilford Yacht Club. The Board decided to have the Yacht Club attend a meeting to explain their proposal. The matter will appear at the August 29th Worksession meeting.

J. Ayer said the Laconia Elks Lodge would like to construct an awning over their two back

doors, one being a smoking area and the other being the kitchen entrance. K. Hayes asked why this is a Planning Board issue and J. Ayer said it is because it would affect their building footprint which would effect a change to the approved site plan.

Motion made by K. Hayes, seconded by R. Sonia, to have J. Ayer administratively review and approve the Elks Lodge request. Motion carried with all in favor

Adjournment – Motion made by R. Sonia, seconded by K. Hayes, to adjourn at 8:25 p.m. Motion carried with all in favor.

Respectfully submitted,

Stephanie Verdile Philibotte
Technical Assistant