

**MINUTES  
GILFORD PLANNING BOARD  
WORKSESSION  
AUGUST 29, 2011  
CONFERENCE ROOM A  
7:00 P.M.**

The Gilford Planning Board met for a Worksession on Monday, August 29, 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, Selectmen's Representative Kevin Hayes, Secretary Richard Waitt, Regular Members Jerry Gagnon, Dick Vaillancourt, Dick Waitt, and Richard Sonia, and Alternate Member Wayne Hall.

Planning Board members absent were Alternate Members Dennis Corrigan and Chan Eddy.

Staff present was John Ayer, Director of Planning and Land Use. Staff absent was Stephanie Verdile Philibotte, Technical Assistant.

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

**Discussion Items:**

**Gilford Yacht Club – Amended Condominium Documents—**

Commodore Richard Briggs was present to represent this request. He said the yacht club would like to eliminate the clause in their documents requiring an attendant at the waste water pumpout. The documents require that the Planning Board approve any change to the documents. R. Briggs discussed his letter sent to the Planning Board July 29, 2011. He also handed out a letter from Teresa Ptak, a DES Clean Vessel Act Coordinator/Beach Program Assistant, stating that the NH DES Clean Vessel Act program does not require a pumpout facility to have an attendant.

J. Morgenstern asked what the attendant does now. R. Briggs said he is the club manager and is tasked with this job as well other duties. He does not touch any of the members' boats. The yacht club board thought it would be better to train each boat owner, have each sign a document stating that each has been trained and accepts the responsibilities associated with the pumpout, and have each boat owner take care of pumping out their own boat.

K. Hayes asked what if something spills? R. Briggs said it is possible if it is done improperly. He said the best the club can do is make sure each person is properly trained. There is always a chance of a spill. K. Hayes also asked how boat owners use the pumpout. R. Briggs said about twelve (12) have the pumping out done at the yacht club. He said there are sixty-four (64) slips of which three (3) are now empty. Forty (40) of the boats have heads and thirty-five (35) of those are used. He said most boat owners whose boats have heads get their tanks pumped out at

a marina or when refueling at a gas pump.

K. Hayes asked if they make sure everyone is trained. R. Briggs answered that the yacht club board members met with each person and verified that each knows how to operate the pumpout.

D. Vaillancourt asked if in the future people will continue to be trained. R. Briggs said yes. He also said that there is a notation in the membership records if someone has a head on board their boat and whether they should be using the pumpout.

R. Sonia said what if there is no attendant there, a mistake happens and perhaps there's a spill. What happens then? W. Hall said that it is a suction system so the hose would only suck air and there would be no more effluent to get in the water. Discussion ensued.

J. Morgenstern said that if something did happen, the Town would have to hold the Club responsible. He asked if R. Briggs was okay with that. R. Briggs said yes, that would be acceptable. He also said he understands it would then be up to the yacht club to go after the offending individual.

Motion by P. Sanfacon, second by J. Gagnon, to allow deleting Paragraph 14 of Section 2-707 of the Declaration of Condominium for Gilford Yacht Club, A Condominium, eliminating the requirement for the boat pumpout station to be "manned by a competent operator", and to authorize John Morgenstern to sign a document confirming the deletion.

All were in favor and the motion passed.

### **Discussion of Possible 2012 Zoning Ordinance Amendments—**

J. Morgenstern turned the time over to J. Ayer to discuss zoning amendments. J. Ayer first discussed the Section 5.2.1 amendment that was the subject of the August 1<sup>st</sup> joint meeting with the Conservation Commission. The board discussed the reference to the Comprehensive Shoreland Protection Act (CSPA) proposed at the worksession. It was suggested to make it clear that we are adopting the old CSPA standards in making the reference to the statute.

W. Hall said he is concerned about having both the old and new standards. He said it would be a quagmire to have the Town enforcing the old CSPA regulations while the State enforces the new CSPA regulations. He said he thinks it would be costly to the Town as well. He said we should specify which parts of the old CSPA we are incorporating in our regulations and not all of them. J. Ayer said Code Enforcement Officer David Andrade had expressed a similar concern. He said the Town would now have to hire the professionals to enforce the regulations whereas in the past it has been the State who has had to bear the expense for such professionals.

K. Hayes said it sounds like a job for the Conservation Commission to identify what specific aspects of the CSPA we would adopt. J. Morgenstern asked what points would the Conservation Commission want to adopt. Board members could not be certain. W. Hall said in his opinion there really aren't too many changes from the old CSPA to the new statute (now

named the Shoreland Water Quality Protection Act). Our biggest concern should be to protect the quality of water going into the lake. Otherwise enforcement of all of the details of the CSPA will be very difficult and confusing.

K. Hayes said that the Planning Board should ask the Conservation Commission to recommend the particular aspects of the old CSPA to adopt in our ordinance. J. Morgenstern agreed. He asked J. Ayer to write a letter to the Conservation Commission requesting their input and for W. Hall to review the letter prior to its being sent.

P. Sanfacon said she agrees with the suggestions made and said the Conservation Commission should provide a very specific list of the parts of the CSPA they would recommend the Planning Board incorporate in the zoning ordinance amendment. She further noted that the language used in the amendment should not be in general terms or non-specific descriptive wording, but should cite each CSPA regulation to be incorporated specifically and clearly.

The Board discussed zoning ordinance amendments and other suggestions recommended by the Board of Adjustment. One of the issues was for the amendments to have a purpose statement giving the reason or reasons for the amendment. This would help the ZBA in deciding on variances and other appeals brought before them. Board members proposed that J. Ayer write a purpose statement for each amendment.

The Board discussed the suggestion that agricultural uses be exempt from site plan requirements. D. Waitt expressed concern that it would be difficult to determine the adequacy of parking and restroom facilities provided, to assess traffic issues, and to address other similar issues. K. Hayes suggested that staff check with Police Chief John Markland to see if the police department has had any issues with special functions at either Beans and Greens on Intervale Road, or at the winery on David Lewis Road. If there is a record of problems at these facilities or the events they hold, an amendment could incorporate as a minimum standard that agricultural uses would “need to be a good neighbor” and make the necessary provisions to uphold that standard.

The Board discussed holding a joint meeting with the Board of Adjustment to discuss draft zoning ordinance amendments. The Board determined that it could hold a worksession at 6:00 p.m. prior to its regular meeting of September 19<sup>th</sup>.

J. Ayer briefly reviewed the list of amendments the Board had been considering since the spring. He noted that four (4) amendments have been drafted to the point that they are complete or nearly complete and could advance to hearings with little or no additional work other than the ongoing discussions refining and hammering out final details of the amendments.

### **Non-Public Session—**

Motion by J. Morgenstern, second by K. Hayes, to enter non-public session pursuant to RSA 91-A:3.II.a. regarding possible dismissal of a public employee. Vote on the motion was as follows:

D. Vaillancourt	YES
D. Waitt	YES
R. Sonia	YES
P. Sanfacon	YES
J. Morgenstern	YES
J. Gagnon	YES
K. Hayes	YES
W. Hall	YES

All were in favor and the motion passed.

– Non-Public Session –

**Minutes** –

Motion by K. Hayes to approve the minutes of the August 1, 2011 Planning Board and Conservation Commission Joint Worksession as presented. Second by D. Waitt.

The motion passed with J. Morgenstern and D. Vaillancourt abstaining.

**Other Business** –

J. Ayer reviewed an email from Stephen Nix of the Board of Adjustment with questions and comments regarding draft zoning ordinance amendments. Discussion ensued regarding the draft amendments. J. Morgenstern said he would not like to send around the draft amendments yet as they are still not quite finalized and ready for review. Once they are, he would like to send them to the board chairmen for them to disseminate among their boards' members for review. Planning Board members agreed with this proposal.

**Adjournment** –

Motion by R. Sonia, second by D. Vaillancourt, to adjourn at 8:57 p.m.

All were in favor and the motion passed.

Respectfully Submitted,

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