

**MINUTES
GILFORD PLANNING BOARD
GILFORD CONSERVATION COMMISSION
WORKSESSION
OCTOBER 24, 2011
CONFERENCE ROOM A
7:00 P.M.**

The Gilford Planning Board and Gilford Conservation Commission met for a Worksession on Monday, October 24, 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, and Richard Sonia; and Alternate Member Dennis Corrigan.

Planning Board members absent were Alternate Members Chan Eddy and Wayne Hall.

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

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

J. Morgenstern led the Pledge of Allegiance and welcomed board members, staff, and others present to the meeting. He explained to Conservation Commissioners that the ZBA suggested a purpose and background statement be included with the proposed amendments to help explain the reason for each amendment and the Planning Board agreed. He said those are available to the Commissioners.

2012 Zoning Amendment Discussion Items:

J. Morgenstern introduced Diane Hanley, Conservation Commission representative, who was prepared to discuss the Conservation Commission's comments on the proposed zoning amendments.

1. Section 5.2.1 Island & Shore Frontage District.

J. Morgenstern asked J. Ayer to read the final wording now proposed in the amendment for Section 5.2.1, Island & Shore Frontage District. J. Ayer reviewed the current wording proposed by the Conservation Commission from the proposed amendment.

D. Hanley, representing the Conservation Commission, spoke about the Commission's comments. She explained the reasoning for adding Appendix C, which included language from the former RSA 483-B, Comprehensive Shoreland Protection Act (CSPA), to be incorporated into Gilford's Zoning Ordinance. She explained that the changes to RSA 483-B, enacted in July

of 2011, contain less stringent regulations and that it is the Commission's opinion that including some of the former RSA 483-B CSPA regulations would be beneficial to the Town of Gilford's ordinance. She spoke about the concept of having more of the municipalities around Lake Winnepesaukee agree on the same regulations to have uniform standards as well as proposing the idea of all of the towns contributing to hiring a person to assist in enforcement of the regulations. She spoke about having a diverse mix of trees and shrubs as the ideal terrain for shorefront vegetation. J. Morgenstern said he would like to see some measurable scientific information documenting the need for the trees and other growth along the shore front. D. Hanley said she will provide the scientific information documenting the need for diverse vegetation and the environmental impacts caused by removing too much vegetation. She explained that the amount and kind of vegetation left along the shorefront is crucial to the reduction of runoff and nutrient loading that happens when too much vegetation is removed.

Discussion ensued about the sedimentation, nutrient loading, and milfoil issues surrounding Gunstock Brook and its impact on Lake Winnepesaukee.

D. Hanley said that the thing that is impairing Winnepesaukee right now, that is going to result in us as a community being ruled by the EPA if we don't address it, is the amount of phosphorous runoff and nitrogen runoff and sediment runoff in Gunstock Brook. She said it is not good now and it is only going to get worse because we do not have a wetland buffer ordinance, and we do not have a good way yet to fix erosion problems in Gunstock Brook. J. Morgenstern asked if Gunstock Brook is an overwhelming problem – if it is contributing the large percentage of the phosphorus and sediment that goes into the lake from the Gilford area. D. Hanley said yes. D. Hanley said that the nutrient loading and sedimentation from Gunstock Brook leads to an increase in dredging of Lake Winnepesaukee and an increase in milfoil growth and algae blooms. If this increase in phosphorus and nitrogen continues to increase at a similar rate as in the past ten (10) years, she said we will have the EPA breathing down our necks as a community to regulate how we do development. She said if we don't regulate ourselves now or in the next couple of years, we might have it forced upon us and she said she doesn't want to see that.

J. Gagnon said that the biggest polluter has to be the farm down by Gunstock Brook given the large amounts of cow manure stored and used there close to the brook. He said he thinks the algae growing at the marina is from the brook that runs from that farm right into the lake. He said he does not understand why someone not even close to the lake cutting their grass is being discussed as a problem and not the farm. D. Hanley said she agrees that should be an issue but said she did not know for sure if it is an issue. J. Gagnon said he is concerned that the farm is not viewed as an issue but cutting trees by the lake is an issue. He said he agrees with J. Morgenstern that there should be some scientific proof of the impact of cutting the trees near the shore. He said he would also like to see some scientific proof of what is happening down by the farm and its effect on Gunstock Brook. He expressed frustration that we can't regulate the farm as an agricultural use or the gas-powered boats in the lake that dump fuel right into the lake, but a shorefront property owner cannot cut trees and put in a lawn and shrubs. He said that he thinks the wrong issues are being looked at.

D. Hanley said those issues are important, but that she also wants the Planning Board to understand that there are unseen impacts on the lake from not retaining appropriate vegetation

along the shore. She said the worst thing to do to the water quality of Lake Winnepesaukee is to cut down the trees along it. She emphasized that it is the worst thing that could be done to the lake's water quality.

J. Gagnon said that this will get the town into legal trouble because the residents of Governor's Island are going to sue the town over the proposed regulations being stricter than the state regulations. He noted that where there were people with money who influenced the change in RSA 483-B (from CSPA to the SWQPA) lowering the environmental standards for shorefront lots, there are people with money who will take the Town to court over this. He expressed concern that the Town will have to pay thousands of dollars in attorney fees to defend it.

Discussion ensued about other towns in the Lakes Region that are planning to propose similar regulations in order to have more stringent regulations to protect water quality. J. Goodhue said we've got to look at the big picture and protect the lake. P. Sanfacon asked that if Gilford is the only town to pass a regulation like this, what have we gained. Further discussion ensued. Board and Commission members agreed that they don't want to see the lake die.

D. Hanley discussed the sediment loading that occurred in Black Brook because of Lowe's and the problems that sediment loading created for the public water supply in Paugus Bay, including milfoil blooms. She said the City of Laconia is now having problems with milfoil getting into the water intake. She said that the sediment will need to be removed at a cost of over \$100,000. She explained that if we kept a better handle on the Lowe's excavations at the time it was being developed and after it is developed, and how it is stabilized, we would have avoided all of the problems that she discussed. She said that they cannot treat the milfoil with chemicals due to the water intake being so close, so the milfoil must be hand pulled which is more expensive than chemical treatment. She emphasized that the Laconia water supply is being influenced by problems in that brook. She said that also translates into problems for Gilford water drinkers.

J. Morgenstern asked what could be done differently so this doesn't happen again. D. Hanley cited geotechnical engineers who could discuss erosion controls. She said it could involve required oversight during construction by engineers that inspect the site and report back to the Town at the cost of the developer. She said that is commonly done in New Hampshire. J. Morgenstern said that could be easy to do with the engineer retained by the Town.

J. Gagnon spoke about the wetland area in Jewett Brook in the Business Park that has never been cleaned out and because of that the wetland is not functioning properly. He said if they were cleaned out they would function better and prevent flooding. D. Hanley agreed and spoke about the recent study completed by Laconia that identified sediment and erosion issues of Jewett Brook and that the Town of Gilford is also studying Gunstock Brook to identify the causes of sediment and erosion issues.

J. Morgenstern asked D. Hanley if the regulations they are proposing will mean requiring land owners to replant trees and vegetation. D. Hanley said, no, they are proposing these regulations on future development, not on lots already developed.

S. Verdile Philibotte spoke about the study that was completed on Jewett Brook regarding

sedimentation and the scientific information has been completed. She said that scientific information has been provided to the Planning Board from the City of Laconia. She also spoke about the Gunstock Brook study that is being conducted that will also provide scientific information on the causes and issues facing Gunstock Brook. She said that completing that study will allow the Town of Gilford to apply for additional grant monies to help repair areas most susceptible to erosion and sedimentation.

2. Section 5.1.1, Lot Size and Buildable Area.

J. Morgenstern explained that the motivation for this amendment was a bad experience with a developer who regraded a lot of land to create buildable area. He would like to put in a stop-gap to prevent that sort of thing from happening again.

D. Hanley said the items enumerated 1, 2, and 3 are development standards and are in an odd place. She said it is unclear which regulations homeowners have to follow when developing a single family lot of record. She would like to see that section have clearer language. She also said it would be helpful for the Town to have a stronger steep slopes ordinance. She cited a map of steep slopes in Gilford which she provided for Board members. She pointed out that there are a lot of steep slopes in Town.

They discussed forming a committee to work on an ordinance for 2013. D. Hanley spoke about including a broad cross section of community members, not just board members, to serve on such a committee.

J. Gagnon said most towns allow development on slopes up to 25% slope and he would like to see a map of 25% slopes in town. D. Hanley said all of the regulations she saw from this area start regulating at 15% slopes. J. Gagnon cited Laconia's ordinance which allows development on slopes over 15%. J. Morgenstern read from the Laconia ordinance which allows development on slopes up to 25%.

J. Morgenstern and the Planning Board thanked D. Hanley for all the work she has done on these amendments. The Board discussed the need for the steep slopes ordinance and what to propose for the ballot.

J. Morgenstern thanked the Commissioners for their time and their work on the amendments.

Pat Tarpey, Executive Director of the Lake Winnepesaukee Watershed Association, who had consulted with D. Hanley and the Commission regarding these amendments, spoke about the cumulative effect of the all the lots and land uses that are involved in a watershed. She mentioned the state has identified phosphorous levels to help determine the health of the state's waters and how phosphorus loading into the Lake is related to runoff and erosion inland. She discussed the Town of Moultonborough's willingness to combat milfoil and erosion and sedimentation problems, by voting in 2011 to appropriate \$200,000 each year for the next five (5) years to remove milfoil. Discussion ensued.

Minutes –

None at this time.

J. Morgenstern asked if there was any other business. J. Ayer said the Board's next Worksession will be on November 7, 2011, and noted that the Filby application would not be discussed at that meeting as it was not ready. J. Morgenstern said the Board will have two (2) subjects for that meeting – finishing up the zoning ordinance amendments and start working on amending the Master Plan. J. Morgenstern said he would like the Board to review the Executive Summary and introduction for the Master Plan and come prepared to discuss it.

Adjournment –

Motion by R. Sonia, second by K. Hayes, to adjourn at 8:30 p.m. Motion carried with all in favor.

Respectfully Submitted,

Stephanie Verdile Philibotte
Technical Assistant