**GILFORD ZONING BOARD OF ADJUSTMENT**

**MINUTES**

**July 26, 2022**

**CONFERENCE ROOM A**

**7:00 PM**

The Gilford Zoning Board of Adjustment met on Tuesday, July 26, 2022, at 7:00 PM. The public, applicants, and the board members were present in person.

William Knightly chaired the meeting and welcomed everyone. He led the Pledge of Allegiance.

Present were Chairman Bill Knightly, Members Scott Davis, Andrew Howe, and Adrianna Antonopoulos; Alternate Members Kevin Hayes and Richard Grenier.

Absent Member: Vice-Chairman Larry Routhier

Also present were Sandra Hart, Technical Assistant; and George Lane, Building Inspector.

K. Hayes was asked to sit in for L. Routhier.

[Recorder’s note: Because agenda item 1.8, Application #2022000328, was tabled at the previous meeting due to time constraints, the agenda for July 26, 2022 begins with agenda item 1.8.]

**1. Applications**

# 1.8 Susan and William Icely / Application #2022000328

Applicants are seeking a variance from Article 5, Section 5.1.1(e) and/or Article 6, Section 6.22 to allow filling and excavating slopes over 25% to create buildable area for a lot at 182 Sagamore Road on Tax Map & Lot #252-153.000 in the Single Family Residential (SFR) Zone. Tabled from the June 28, 2022 meeting.

K. Hayes moved to take application #2022000238 off the table. Second by S. Davis. The motion passed unanimously.

The application and the facts supporting the application were read into the minutes.

A map of the proposed was reviewed, and the fill slope, including the leach field.

There were no questions from the public.

K. Hayes moved to approve Application #2022000328. Second by S. Davis. The members wanted to make sure that the applicant would make sure that best management practices would be in place. B. Knightly requested a roll call vote.

 The motion passed unanimously.

## 1.1. Gerald P. Spindel, Trustee, Gerald P. Spindel Revocable Trust / Application #2022000319

Applicant is seeking (1) a variance from Article 5, Section 5.1.4, Side Setback Area, paragraph (a), and Table 2, Dimensional Regulations, to allow a proposed addition to have a side setback of 1.3 feet from the westerly property line and a 20.43 food side setback from the easterly property line where a minimum side setback of 25 feet is required; and, (2) a variance from easterly property line where a minimum side setback of 25 feet is required; and (2) a variance from Article 2, Section 7.1.1.2 to allow parking within 15 feet from any property line where a minimum parking setback of 15 feet is required, on property located at 123 Weirs Road on Tax Map & Lot #220-091.000 in the Resort Commercial (RC) Zone and Island and Shore Frontage District. *Tabled from the June 28, 2022 meeting.*

K. Hayes moved to take Application #2022000319, Gerald P. Spindel, Trustee, Gerald P. Spindel Revocable Trust, off the table. Second by S. Davis. The motion passed unanimously.

Brian Bailey presented the application. He reported that they have revised the addition to the house and felt that the board would be pleased with the changes. The original proposal was modified and the existing garage was removed from the plan. The proposed garage will be ten feet from the property line, on the side that abuts 135 Weirs Road, and thirteen feet from the property line that abuts 121 Weirs Road.

There were no questions from the board.

There were no questions from the public.

K. Hayes moved to approve the modified plan and proposal for 10’ feet off the westerly side and 13’ feet off of the easterly side for Application #2022000319, Gerald P. Spindel, Trustee, Gerald P. Spindel Revocable Trust. Second by A. Howe. A roll call was taken.

The motion passed unanimously.

##  1.2 Cutler Family Real Properties, LLC / Application #2022000320

Applicant is seeking a variance from Article 4, Section 4.2.9, Dormitory, to allow a dormitory use in a 2,000 square foot detached accessory building to house up to ten (10) seasonal employees from May through September. The dormitory use is not a permitted use in the SFR Zone. The property is located at 158 Weirs Road on Tax Map & Lot # 223612.100 in the Single Family Residential (SFR) Zone. *Tabled from the June 28, 2022 meeting.*

A. Howe moved to take Application #2022000320, Cutler Family Real Properties, LLC off the table. Second by K. Hayes. The motion passed unanimously.

C. Drescher presented the application and reviewed the exception. He discussed the previous use of the building, which had been a dance studio. The applicant is requesting a mixed use of the building for a dormitory. He stated that the requested proposal would keep the area residential, which was a reasonable use. He noted that this would be considered workforce housing because that is what the use would be.

A. Howe felt that the argument was weak because this is an accessory use of the building and stated he was not clear on why the application was brought to the board. He felt it best that the use of the building was changed to something other than a dormitory.

G. Lane spoke about the history of the application and noted that it could be referred to as workforce housing. He spoke about what might be needed if it were to be workforce housing, such as required fire panels, egresses, etc., appropriate codes and upgrades.

It was suggested that the application was tabled, and that the applicant sit before the Planning Board.

Alice Boucher, abutter, asked for clarification about the difference between workforce housing and dormitory. A. Antonopoulos thought that the use would not stay with the property. G. Lane spoke about restrictive covenants, which could be placed on the deed and recorded so that the property did not become commercial. There was a brief discussion about the restrictions that could be placed on the approval. A. Boucher said that Attorney Spector-Morgan stated that the hardship goes with the property not the owner, but she disagrees with that.

C. Dresher thought that they could restrict it, so the use remains seasonal.

William Spencer spoke about the application and felt that the permit was pulled after the applicant had already started work. He felt that the applicant knew the situation with the building when it was purchased. He felt the town was laid back about this issue and that this would set a precedent. A. Howe noted that the board did not feel there was a hardship but that the applicant had the opportunity to get state approval. The applicant noted they could pursue that option.

K. Hayes moved to table Application #2022000320 indefinitely. Second by A. Howe. The motion passed unanimously.

## 1.6 Robert Luntz / Application #2022000326

Applicant is seeking (1) a variance from Article 5, Section 5.1.3(a) to allow construction of a brise soleil (louvers projecting horizontally from the house to overhang the driveway) to have a drop setback of 6 feet, 10 inches, where the standard minimum front setback required is 35 feet and where the New Hampshire Housing Appeals Board allowed a minima from set back of 12 feet; and (2) a variance from Article 7, Section 7.1.1.2, to allow parking within 15 feet of the front property line where a minimum front setback of 15 feet is required. The property is located at 98 Belknap Point Road on Tax Map & Lot #242215.000 in the Single Family Residential Zone and the Island and Shore Frontage District. *Tabled from the June 28, 2022 meeting.*

S. Davis moved to take application #2022000326, Robert Luntz, off the table. Second by A. Howe. The motion passed unanimously.

There was a brief discussion about the applicant’s request to table the application until August 23, 2022.

K. Hayes moved to table Application #2022000326, Robert Luntz, until the August 23, 2022 meeting of the Gilford Zoning Board of Adjustment. Second by A. Howe. The motion passed unanimously.

**1.7 Daniel J. Donovan & Pricilla A. Donovan, Trustees of the Daniel J. Donovan Revocable Trust and Priscilla A. Donovan Revocable Trust / Application #2022000327.**

Applicants are requesting variances from Article 5, Section 5.2.1, Island and Shore Frontage District, and Section 9.3.2, Destruction, Demolition, to allow reconstruction of a preexisting nonconforming dwelling that is proposed to be 1,960 square feet in area whereas the existing dwelling is 1,265 square feet in area where the Zoning Ordinance does not allow the nonconforming area of a rebuilt structure to exceed the dimensional size of the original building footprint, and which is proposed tone 9.5 feet from the rear (lake) property line whereas the existing dwelling is 10 feet from the rear property line where the Zoning Ordinance requires a minimum lake setback of 50 feet. The property is located at

125 Dockham Shore Road on Tax Map & Lot #222-039.000 in the Single Family Residential (SFR) Zone and Island and Shore Frontage District. *Partial application was tabled from the June 28, 2022 meeting.*

The applicant withdrew the application prior to the meeting.

## 1.9 Cody Kretschmer / Application #2022000404

Applicant is seeking a variance from Article 5, Section 5.1.3, Front Setback off of Easy

Street to allow a 9 foot encroachment into the 35 foot setback and from Section 5.1.4, Side Setback to allow a 15 foot setback where a 25 foot setback is required to add a 12 foot x 16 foot addition for a walk-in-cooler at 7 Belknap Mtn. Road on Tax Map & Lot #226-099.000 in the Single Family Residential (SFR) Zone and in the Historic District & Heritage Commission District.

The applicant read the application into the record. Granting the variance would not be contrary to the public interest because The Village Store is in the public’s best interest since it has served the Town of Gilford since the 1830’s. In order the store to continue serving the public, the variance is required to make it viable in today’s changing market. The spirit of the ordinance is observed because this is a one-story addition and will not be more aesthetically invasive on the adjacent property. There is already a privacy fence in place on the side of the building where the building expansion is proposed. The proposal is to expand the building such that the side setback is reduced from 31 feet to 15 feet. Due to the privacy fence this will not greatly change the impact of this building on the neighbor’s property. Substantial justice is done because it will allow the current owner to effectively manage a successful business without hurting the property values of the surrounding neighbors. The values of surrounding properties will not be diminished because the property has a better likelihood of continuing to be successful, rather than to have a failed business and vacant building, which would diminish property value. In addition, the structure will be the same architecture as the existing building, which has been approved by the Historic District and Heritage Commission. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because without this variance there are no other opportunities to expand and offer more services. The proposed walk-in cooler is necessary to provide the ability for more costeffective purchases and food storage, which is essential to the success of this business. There is no fair and substantial relationship that exists between the general purposes of the ordinance provision and the specific application of that provision to the property. The proposed use is a reasonable use because the changing market demands for a specialty Village Store require more efficient cold storage to continue to make it viable. The special conditions of the property is that this store is probably the only opportunity zone for this use and has served the town’s residents since 1830.

It was noted that the application was also reviewed by the Historic Committee and it was approved.

The board discussed the site plan and noted that the setbacks were not shown on the site plan. There was no delineation between the current site map and the proposed. The walk-in cooler addition will have a fifteen-foot side setback where a twenty-five-foot side setback is required and approximately and encroachment into the front setback off Easy Street.

S. Davis moved to table Application #2022000404, Cody Kretschmer, for the August 23, 2022 meeting. Second by A. Howe. The motion passed unanimously.

**2. Other Business**

There was no other business.

# Approval of Meeting Minutes

R. Grenier moved to approve the meeting minutes of May 24, 2022. Second by A. Howe. The motion passed with three voting in favor.

# Adjournment

K. Hayes moved to adjourn. Second by S. Davis. The motion passed unanimously.

The meeting adjourned at approximately 8:15 p.m.

Respectfully Submitted,

Krista Argiropolis

Recording Secretary