**GILFORD ZONING BOARD OF ADJUSTMENT**

**MINUTES**

**May 24, 2022**

**CONFERENCE ROOM A**

**7:00 PM**

The Gilford Zoning Board of Adjustment met on Tuesday, May 24, 2022, at 7:00 PM. The public, applicants, and the board members were present in person and via GoToMeeting.

William Knightly chaired the meeting and welcomed everyone. He led the Pledge of Allegiance. He advised the attendees that there were five members of the board present. Richard Grenier was appointed to sit in as an alternate to the board.

Present were board members William Knightly, Scott Davis, Richard Grenier, Andrew Howe, and Adriana Antonopoulos.

Also present were Sandra Hart, Technical Assistant, and George Lane, Building Inspector. Present on GoToMeeting was Krista Argiropolis, Recording Secretary.

**1. Applications**

# 1.1. Native Timberworks Carpentry and Design, LLC / Application #2022000156

Applicant is seeking a variance from Article 5, Section 5.14, Side Setback Area, paragraph (a), and Table 2, Dimensional Regulations, of the Gilford Zoning Ordinance, to allow an existing house to be replaced with a new house that will have side setbacks of approximately 10 feet on the northwest side and approximately 21 feet on the southeast side where a minimum side setback of 25 feet is required on each side. The property is located at 39 Lockes Island on Tax Map & Lot #243-036.000 in the Island Residential (IR) Zone and Island and Shore Frontage District. *Tabled from the April 26, 2022 meeting.*

R. Grenier moved to take application #2022000156 off the table. Second by A. Howe. The motion passed unanimously.

Scott Elliott, applicant and builder, spoke for the application. He reviewed the placement of the deck and the encroachment to the setbacks. The deck and patio area will be at ground level, however, there are a lot of stumps and uneven ground. The new house is a story and a half, so it is a smaller footprint of living space on the second floor, but the house is overall more square footage. One hundred eighty (180) square feet of the deck is into the setback. There are no new encroachments to the shoreline. The reading of the application was presented at the April 26, 2022 meeting.

There were no comments from the public.

R. Grenier moved to approve application #2022000156, based on the testimony received, to grant the variance with the condition that there be no more encroachment than 9.5 feet on the northern side and 21.6 feet on the southern side. Second by S. Davis, with an amendment that the southerly side would be the closest encroachment to the property line with the new construction. R. Grenier agreed to the amendment.

W. Knightly requested a roll call vote.

* + Member Scott Davis – in favor
	+ Alternate Member Richard Grenier – in favor
	+ Member Andrew Howe – in favor
	+ Member Ariana Antonopoulos – in favor
	+ Chair William Knightly – in favor The motion passed unanimously.

**1.2 William J. Fidler 2020 Family Trust, William J. Fidler / Application #2022000263** Applicant is seeking a variance from Article 5, Section 5.2.1, Island and Shore Frontage District (a), to remove two non-conforming structures and construct a new single residential structure 18 feet from the shoreline where 50 feet is required and only 18 feet exists. The property is located at 8 Varney Point Road Left on Tax Map & Lot # 223420.000 in the Single Family Residential (SFR) Zone and the Island and Shore Frontage District.

The board briefly discussed the application.

S. Davis moved to reject application #2022000263. Second by R. Grenier. S. Davis spoke about his concern and noted that the roof line was lower than the original application that was denied in September of 2021 under a previous application, but that there was not a material change from that previous application. The board discussed the proposed variance and the setbacks and roofline in the revised application.

W. Knightly requested a roll call vote.

* Member Scott Davis – opposed
* Alternate Member Richard Grenier – opposed
* Member Andrew Howe – in favor
* Member Ariana Antonopoulos – in favor
* Chair William Knightly – opposed

The motion failed by a vote of three opposed and two in favor, so the board heard the case.

The applicant, William J. Fidler, and attorney Jeffery Christianson, spoke for the application. The property dates back to 1923 and there are two pre-existing, non-conforming buildings on this property. He spoke to the benefits of the proposed structure, noting that it would provide general improvements through the deck not being impervious, the neighbors’ views being improved through the removal of the garage, and the new structure would be updated, modern, and up to code. He spoke about the environmental concerns, compliance with side-setbacks, and road setback variance. The area of this property where the deck is is near the lake. This is further from the lake than the existing building. It is a lower height from the current building, and design changes have been made to address the concerns brought to the board from the public at an earlier meeting.

Merrill Fay of 5 Varney Point Road Left, abutter, spoke about the application. He noted that there was only a three (3) foot reduction in the width of the building and only a four (4) inch difference in the height of the building. He noted that the other abutters have made upgrades or changes to their properties over the years but all have stayed within their original footprints. M. Fay spoke about erosion concerns, parking space, and issues with parking on the street.

Doris Federspiel, abutter at 12 Varney Point Road Left, spoke about the iron pipe that was found and noted that it was put in by her surveyor. She stated that a post was put in about a foot from the pipe. She said extending the property line using that as a basis for the property corner would cut into the property on an angle. She spoke about the retaining wall and felt it was incorrectly placed and questioned the surveyor.

There was no further comments from the public.

There were no further questions from the board, however there was discussion about the additional space added to the house within the original footprint.

R. Grenier moved to approve the requested variance, Application #2022000263 based on the evidence before the board, all of the variance criteria having been met. Second by A. Antonopoulos.

W. Knightly requested a roll call vote.

* Member Scott Davis – in favor
* Alternate Member Richard Grenier – in favor
* Member Andrew Howe – opposed
* Member Ariana Antonopoulos – in favor
* Chair William Knightly – in favor

The motion passed by a vote of four in favor and one opposed.

# Other Business

2.1 Election of Officers

A. Howe moved to appoint William Knightly as chair for another term and Larry Routhier as vice chair. Second by S. Davis.

There was a roll call vote.

* + Member Scott Davis - in favor
	+ Alternate Member Richard Grenier - in favor
	+ Member Andrew Howe - in favor
	+ Member Adriana Antonopoulos - in favor
	+ Chair William Knightly – in favor The motion passed unanimously.

2.2 Discussion on remote participation and continuance of GoToMeeting

R. Grenier moved to stop GoToMeeting. Second by A. Howe. There was a brief discussion about the online attendance and it was noted that only the recording secretary was online at this time, but that virtual attendance had significantly declined. The motion passed unanimously.

# Approval of Meeting Minutes

S. Davis moved to approve the meeting minutes of April 26, 2022. Second by R. Grenier. The motion passed with three in favor and two abstaining.

# Adjournment

R. Grenier moved to adjourn. Second by S. Davis. The motion passed unanimously.

The meeting adjourned at 8:30 PM.

Respectfully Submitted,

Krista Arg~~i~~ropolis

Recording Secretary