

TOWN OF GILMANTON PLANNING BOARD
THURSDAY, OCTOBER 11, 2007
MINUTES OF MEETING
ACADEMY – 7 p.m.

Present: Chairperson Nancy Girard, Vice-Chair John Funk, Selectmen's Representative David Clairmont, Dan Hudson, Doug Isleib, David Russell, Alternate Members Pam Fecteau and Marty Martindale, and Planning Administrator Lynne Brunelle.

Absent: Felix Barlik, Alternate Member Monica Jerkins

Chair N. Girard opened the meeting at 7:05 p.m., introduced the Board members and explained meeting procedures.

ACCEPTANCE OF MINUTES: The minutes of the September 13, 2007 meeting were reviewed and corrections made. **Motion:** D. Russell moved to accept the minutes of 9/13/07 as amended, seconded by D. Isleib. Motion carried 5-0.

PUBLIC HEARING – Ryan C. Benson: Site Plan Review to establish a Contractor's Yard on Town Tax Map/Lot #416-20 (previously #35-30) of 27 acres, property of Robert and Dianne Vayda, located at 1955 NH Route 140 in the Rural Zone; PB#1407.

D. Isleib recused himself from the public hearing, as he is an abutter to the property.

Ryan Benson was in attendance to present the proposed plan. He explained that he lives on Crystal Lake Road, which is an area that is not conducive to the outside storage of heavy equipment used for his landscaping business, BMMC Yard. He therefore needs to relocate his equipment to the Vayda property located on Route 140 East, just beyond the Iron Works Village, on the left before Halls Hill Road. There is a roughed-in driveway to access the proposed site, which has already received a driveway permit from the State of NH DOT. He continued that the types of equipment to be stored onsite will be a bobcat, an excavator, a skid steer, pick-up trucks, a plow and sander.

D. Clairmont asked about the 300-gallon skid tank shown on the plan. Mr. Benson explained that the fuel tank will be placed within the bottom of a septic tank, in the event of a spill, it would be contained. It will also include the transfer pump and a roof to protect it from the elements. D. Clairmont asked if sealing concrete will be used on the tank? Mr. Benson responded, yes, that it will be a dry lock impenetrable seal.

N. Girard referenced the submitted site plan and asked if the storage trailer and/or the containers for mulch, stone, loam and gravel are open bins? Mr. Benson responded that the storage trailer will be used to store tools and will therefore be closed and locked. The material bins will be open, however, he will not be selling material from the site. These materials aren't even currently located on site; he just wanted to show it on the site plan for future use.

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J. Funk asked what is the distance between the two driveways, the frontage of the lot and whether there are wetlands along the road. Mr. Benson replied that there is 494' of frontage on Route 140 with approximately 450' between the driveways; therefore, the house site and the proposed Contractor's Yard are on opposite ends of the property. He indicated that the wetlands are located on the abutting property toward Halls Hill Road, which is approximately 500' from the proposed site.

The question was asked what does BMMC mean? Mr. Benson responded that it stands for Breakwater Marine and Masonry Construction.

J. Funk asked if there are other abutters that reside in the area? Mr. Benson indicated that besides the Vaydas, there aren't really many other houses. The closest would be across the street and he has already talked to them about the proposal.

L. Brunelle inquired about the hours of operation, lighting and signage? The hours of operation will be 7 a.m. to 7 p.m. Monday through Friday, with an occasional Saturday. Mr. Benson indicated that the site is more of a staging area and the crew would be accessing the site between 7:30 - 8 a.m. to get equipment and materials to bring to the job site, and will return at the end of the workday. He continued that no outside lighting is being proposed at this time and any signage would be minimal.

D. Clairmont informed the applicant that according to the Zoning Ordinance, signage cannot exceed 9 s.f. He also asked if any sanitary facilities are being proposed? Mr. Benson stated the he is considering a portable toilet onsite, seeing that he has anywhere from 3 to 7 employees. D. Clairmont would encourage the use of a portable toilet.

D. Hudson asked the applicant if he has considered fencing to avoid vandalism? Mr. Benson stated that he may put a cable across the driveway or eventually a wooden fence with a gate.

J. Funk asked the applicant to describe the lay of the land. Is the lot wooded or sloped, and will the site be appropriately screened from the road? Mr. Benson responded that the property slopes away from the road and it is sufficiently wooded so that the site will not be seen from the road or from the Vayda's house. He indicated that the State of NH DOT asked him to cut some trees back along the frontage in order to achieve line of sight.

D. Isleib stated that he is an abutter and he thinks the proposed site is a good location for a Contractors Yard. There are not many houses in the area and the surrounding lots are wooded.

D. Hudson expressed concern that in the future the site may grow into a larger business.

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D. Clairmont asked if the applicant received a Special Exception from the Zoning Board of Adjustment? L. Brunelle referenced the Zoning Board's Notice of Decision from September 20, 2007 and explained that it was granted for the specific use as a Contractors Yard. If there is expansion of the site or change of use, the applicant will be required to return to both the Zoning and Planning Boards for further approvals.

Discussion continued regarding where the dumpster and portable toilet would be located on the site. The applicant agreed to place these items on a cleanable impervious surface, such as concrete, toward the back of the site out of view from the road or abutters.

Mr. Benson indicated that none of the vehicles will be maintained on site; therefore, there will not be any waste oil storage. As discussed earlier, there will be a 300-gallon fuel tank on site, which will be placed in a concrete berm.

D. Hudson asked the applicant if he plans sand and/or salt storage on site? Mr. Benson responded yes, he intends to store a mixture of salt and sand in the bins that are two and three courses high.

Gilmanton Conservation Commission (GCC) Chair Nanci Mitchell was in attendance and informed the Board that the adjacent property is a Town-owned lot with significant wetlands. She is concerned that potential runoff from the salt/sand pile will contaminate the wetlands, especially if it's being stored in an open area.

Mr. Benson stated that the new driveway is 500' from Halls Hill Road, where the wetlands are located, and as you go further into the site, the farther it is from the wetlands. N. Mitchell referenced an aerial photograph which shows the wetlands close to the stonewall, depicted on the plan as the eastern boundary.

Mr. Benson responded that the driveway to the site is 160' long and veers to the left, away from the stonewall and the wetlands. N. Girard expressed concern with the salt leaching out from the cinder blocks as runoff into the wetlands because it can be very damaging to water. Mr. Benson suggested that he store the salt/sand inside a bin and construct a roof over it. D. Clairmont indicated that the mixture is not a large concentration of salt in the sand, maybe 1:25.

D. Hudson stated that the wetlands issue is a tricky one. On one hand, he wouldn't want the Board to require that the property be surveyed; however, the Board also doesn't want to jeopardize the wetlands. He contemplated whether the Board could consider having the wetlands flagged by a Certified Wetlands Scientist (CWS) and then provide a report confirming the appropriate setbacks from the site. All agreed that this would be acceptable, as it has occurred in previous Site Plan applications.

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Mr. Benson agreed to this, as long as it doesn't hold him up because he would like to move forward in this process so he may get the site established before winter.

M. Martindale asked what is the grade of the proposed driveway? Mr. Benson responded that it is 5% or 6% and pitch away from the road so it drains naturally.

D. Clairmont asked the other Board members if they wanted to take a Site Walk? D. Russell responded that the GCC indicated that both Boards would get a better perspective of the wetlands if a Site Walk were taken. J. Funk suggested that the Board grant conditional approval pending a Site Walk and the verification of wetlands by a CWS. All agreed that this was a reasonable request of the applicant.

Motion: J. Funk moved to close the public hearing pending a Site Walk to determine the location of any wetlands that may be located on the site. D. Russell seconded the motion, vote passed 5-0.

PUBLIC HEARING – Van E. Hertel, Sr.: Request to Subdivide Town Tax Map/Lot #405-21 (previously #13-05) of 240.51 acres, into two lots of 174.19 & 66.32 acres each. Property located on Middle Route in the Conservation Zone; PB#1507.

Ronald A. Johnson, L.L.S. was in attendance to present the proposed plan depicting boundaries, stone walls, topography, 30,000 s.f. area, test pits, proposed and existing driveways. The 174-acre lot will have 403' of frontage on Middle Route, as well as frontage on Rogers Road, a discontinued road. The 66-acre lot will have 404' of frontage on Middle Route, as well as on the discontinued end of Grant Hill Road. Mr. Johnson stated that a waiver was requested for the 2' contours and wetlands delineation due to the large acreage of the proposed lots.

L. Brunelle noted that the Board is somewhat familiar with the property as a Site Walk was performed in May 2005 in conjunction with the Duby/Ferrante preliminary plan proposal. J. Funk recalled that was an open space subdivision proposal for 20 house lots, which did not seem appropriate for the property.

J. Funk reviewed the Board's findings in accordance with Section III.A. of the Gilmanton Subdivision Regulations and asked Mr. Johnson to explain the character of the surrounding properties. Mr. Johnson indicated that there are houses across the street and most lots are already developed; however, there are still large lots located in the area.

Greg Parker, abutter from across the street, asked Mr. Johnson to point out the intersection of Grant Hill Road and Middle Route on the proposed plan. Mr. Johnson informed him that Grant Hill Road will serve as the access to the 66-acre lot.

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Mr. Parker expressed concern that the property will be sold and then cut up into house lots. He continued that there is currently a significant logging operation occurring on the property and he wondered if the logging road would eventually become an access to future lots.

Van Hertel, applicant, was in attendance and stated that he's selling the lots separately so hopefully they will remain as large single-family lots. He believes that topography, soils, ledge and slope of the land does not make it conducive to development. Furthermore, since it is located in the Conservation Zone, which requires a minimum of 10 acres and 400' frontage per lot, it is not very feasible.

Mr. Parker informed Mr. Hertel that there are wetlands located on the Grant Hill Road side of the property and runoff from the clear cutting has drained into the wetlands and is now effecting the beaver pond. Mr. Hertel stated that the largest wetland area is about 2000' from Middle Route. N. Girard asked where the logging is being done? Mr. Hertel pointed out on the plan that logging is occurring approximately 1500' in on the logging road, just beyond test pit #1 located on the 174-acre lot. He continued that the majority of the cut was oak and pine, and left the soft wood.

GCC Chair Nanci Mitchell asked if there are any culverts along the existing logging road? Mr. Hertel responded that there may be one or two. N. Mitchell informed him that he may need to apply for a different permit if the road will access a building site than what is existing. She conveyed that the Commission does not support development on higher elevations and would like to see the remaining land restricted as "no further subdivision".

D. Hudson inquired about the driveway grades, the 25% slopes and whether they were factored into the 30,000 s.f. area. Mr. Johnson stated that the driveways will meet the required 10% slope or less and that 15% slopes or less were factored into the 30,000 s.f. calculation.

There being no further input from the Board or those members of the public present, the Chair entertained a motion to close the public hearing.

Motion: D. Russell moved to close the public hearing, seconded by J. Funk. Motion carried 5-0.

Chair N. Girard addressed the two Informal Discussions on the agenda before the Continued Public Hearing.

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INFORMAL DISCUSSION – Robert Loranger: Potential Subdivision of Town Tax Map/Lot #416-32 (previously #35-18) of approximately 19 acres, property of Wayne Cosentino, located on Halls Hill Road in the Rural Zone.

Robert Loranger was in attendance to discuss the possibility of subdividing Map/Lot #416-32, of 19.12 acres, as an Open Space Subdivision. The property has 515' of frontage on Halls Hill Road and a small amount of frontage on NH Route 140 East.

The lot is irregularly shaped, resembling a backwards “Z” and he was asked how this would be accomplished? Mr. Loranger responded that the lots would have five one-acre lots with 100' of frontage on Halls Hill Road. The remaining 14 acres would be placed in a Conservation Easement.

D. Russell thinks that the uphill lot would be quite steep, as it follows the road, which is very steep. D. Clairmont believes that Halls Hill Road has about a 10% slope along this section. D. Russell indicated that if the slope of the land exceeds 15% it cannot be considered as buildable land.

J. Funk asked what portion of the lot would be open space? Mr. Loranger pointed out that the backland is all wooded. J. Funk referenced Article V.B.1. of the Zoning Ordinance, which states that the minimum is 20 acres in order to apply as an Open Space Subdivision. He further stated that one of the objectives of this type of development is to preserve open space, to protect scenic views, to conserve land that protects water quality, etc. and this doesn't seem to be the case. The Board also observed that the 100' road frontage allowance in the Open Space Subdivision Ordinance was intended to be applicable only to roads within the subdivision.

L. Brunelle informed the Board that there is an abutting sliver of vacant land consisting of 1.6 acres and 155' of road frontage on NH Route 140 in which Mr. Loranger may attempt to purchase in order to achieve 20.72 acres. In that instance, he will have the entire property surveyed and will then return to the Board for another consultation.

INFORMAL DISCUSSION – David Noyes, L.L.S.: Possible Subdivision of Town Tax Map/Lot #415-69 (previously #50-79) of 24 acres, property of Parker Albee, Jr. located on Stone Road in the Rural Zone.

David Noyes, L.L.S. was in attendance to present an updated conceptual plan to subdivide 23.5 acres on Stone Road. Mr. Noyes came before the Board informally in August 2007 and had originally proposed five lots and is now proposing only three lots of 11.2, 7.2 and 5.1 acres each. He explained that the 11-acre lot is being sold to an abutter with the condition that there be “No Further Subdivision”.

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When asked why not simply perform a Boundary Line Adjustment simultaneously with the Subdivision, Mr. Noyes indicated that the abutter would like to keep it as a separate lot. He continued that the other two lots will have restrictions that they meet a certain setback from the road.

Mr. Noyes asked whether the Board would require 2' contours on the plan. He didn't feel they were necessary, due to the size of the proposed lots and the fact that wetlands have been already been delineated. The soils are Metacomet, Dixfield Variant and Pillsbury; all are fine, sandy loam, which are good soil types for septics. Additionally, there aren't any slopes exceeding 10%; therefore, the Board agreed that 2' contours are not necessary.

Mr. Noyes thanked the Board for their time and will return with a formal application.

CONTINUED PUBLIC HEARING – Crystal Ridge, LLC: Final Plan Review for Open Space Subdivision of Town Tax Map/Lot #415-29 (previously #34-03) to subdivide 35 acres into four lots of 1.49, 1.81, 9.89 & 20.81 acres each; the 20-acre lot to be maintained as permanent open space. Property located at 117 Crystal Lake Road in the Rural Zone; PB#1406.

Ron Johnson, L.L.S. was in attendance to present the plan updated from the outcome of the September 13, 2007 meeting and in response to the Planning Administrator's letter of September 27, 2007. (Items in *italics* indicate that the condition has been met. Items in **bold** text indicate that the condition is still outstanding.)

1. Kathleen Surowiec, C.W.S., shall sign, stamp and seal the updated plan to reflect her report of August 2007 when she redelineated and/or reconfirmed the wetlands located on Town Tax Map/Lot #415-29.3. *Has been updated.*
2. Ron Johnson, L.L.S., shall recalculate the buildable area for Lot #415-29 excluding the area utilized for the proposed fire pond, the existing barn and the hammerhead turnout. The contiguous 30,000 s.f. area shall also be recalculated for Map/Lot #415-29.2 and only wetland setbacks shall be applied. *Has been recalculated and updated for Phase 1; however, the number of units that may be allowed for Phase 2 will be addressed at a later time.*
3. A written report shall be submitted by the Fire Chief responding to the submitted road plans, specifically, the required hammerhead turn-out. *Has been received.*
4. All culverts shall be upgraded and stabilized. *Has been met with the exception of the 36" culvert for Crossing "A".*
5. Silt fences shall be erected in accordance with the State of NH Best Management Practices and erosion control measures shall be installed, maintained and replaced every 45 days or less as needed. **Ongoing.**

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6. The slopes on either side of the roadway entrance shall be seeded, mulched and stabilized in accordance with Town Regulations, at a slope not to exceed 2:1, and in a manner satisfactory to the Code Enforcement Officer, the Board of Selectmen and/or their designee. **Has not been met.**
7. No site disturbance or site work shall be performed until all conditions of approval are met, appropriate permitting obtained, and the final plan for Phase 1 is signed and recorded. No work shall commence on Phase 2. **Ongoing.**
8. You or your agent, Tom Varney, P.E., shall contact the State of NH-DES Water Division - Alteration of Terrain Bureau at 271-2973 to initiate application procedure for an Alteration of Terrain permit. **Has not been met.**
9. Please submit a check, made payable to the Town of Gilmanton, in the amount of \$20,650.00 for purposes of the third-party engineer, Hoyle, Tanner & Associates, Inc., to review the submitted road plans and perform inspections during road construction. All road construction shall conform to recommendations made by Hoyle, Tanner & Associates, Inc., the Board of Selectmen and/or their designee. **Has not been met.** *As per the agreement with the Board of Selectmen on 10/1/07, a deposit of \$10,000 shall be submitted to the Town of Gilmanton for the payment of engineering and inspection costs for Phase 1. Once these funds are depleted all work shall cease until more money is deposited to cover additional costs.*
10. A Performance/Road and Restoration Bond or Irrevocable Letter of Credit in the amount of \$93,000.00 shall be submitted for Phase 1 of the proposed roadway to secure to the Town the actual construction and installation of improvements within a specific period of time, as determined by the Board of Selectmen. The bond or letter of credit may be released in phases in accordance with the construction schedule, as approved by Hoyle, Tanner & Associates, Inc., the Board of Selectmen and/or their designee. **Has not been met.** *However, the Board of Selectmen agreed on 10/1/07 that a Road Bond or Irrevocable Letter of Credit in the amount of \$75,000 would be submitted to the Town to secure the actual construction and installation of improvements.*

GCC Chair N. Mitchell indicated that there currently is not a drainage easement and contemplated whether one should appear on the final plan or within the language of the Conservation Easement deed. Discussion occurred and it was determined that it will be depicted on the final plan.

Motion: J. Funk moved to close the public hearing. D. Isleib seconded the motion, vote passed 5-0.

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BENSON SITE PLAN – Decision: The Board deliberated on the proposed application and the following decision was rendered. D. Isleib recused himself from both the deliberation and the vote.

Motion: J. Funk moved that the request to waive Section VII.B.3.a.b.g.h.i. of the Site Plan Regulations requiring that the plan be prepared by a licensed land surveyor at a scale of 1" = 20' on a sheet size of 34" x 22" showing proximity map, all boundary lines, wetlands, topographic and contour lines be granted due to the small scale of the proposed site located in the Rural Zone. D. Russell seconded, motion carried 4-0-1, D. Isleib recused.

Motion: J. Funk moved that the application be accepted as complete and be granted conditional approval as it appears to meet all the technical requirements of the Ordinances and Regulations of the Town of Gilmanton with the following conditions:

Conditions to be complied with or secured (as appropriate) prior to plan being signed and recorded. No site improvements shall commence and no building permits shall be issued until the plan is signed and recorded.

1. Any required Town, State, Federal or other agency permits shall be provided to the Planning Office before final plan may be signed or recorded.
2. Submission of final plans in accordance with Town Ordinances and Regulations with the exception of any waivers that have been granted.
3. Appropriate signage and/or screening shall be shown on the final plan in accordance with the Site Plan Regulations and at the Board's discretion.
4. All fuel tanks stored on site shall be kept within a bermed area and on an impervious surface; the location of which shall appear on the final plan.
5. The dumpster and portable toilet used on site shall be kept on an impervious surface and shall be appropriately screened; the location of which shall appear on the final plan.
6. If it is determined by the Board after a Site View, wetlands shall be flagged by a Certified Wetlands Scientist. The boundaries of the Contractors Yard shall be 75' from any wetlands. Applicant shall clear area only to accommodate the Contractors Yard.
7. A compliance hearing shall be held by the Board prior to signing the plan and prior to the approval becoming final to determine if any conditions of approval are beyond administrative in nature or would require discretion on the part of the Board or staff.

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8. Applicant is responsible for the payment of all fees required by the Belknap County Registry of Deeds for registering the approved Site Plan and/or the Conditions of Approval.

Construction conditions to be complied with subsequent to plan being signed and recorded:

9. Property owner shall install all required traffic control, fire, life safety and health facilities and systems required by the Board in addition to other applicable Codes and Regulations. There shall be at all times a portable toilet located on site.
10. All dumpsters shall be located on a solid cleanable surface such as concrete, shall be of sufficient size to contain all materials, shall be kept closed, and shall be appropriately screened.
11. The use of the property is limited to that of a Contractors Yard in accordance with the Special Exception granted by the Zoning Board of Adjustment (ZBA) on 9/20/07. Hours of operation will be 7 a.m. to 7 p.m. Monday through Saturday. The site will be used to support the applicant's business, BMMC Yard, but shall not be a retail business with no on site sales. Any change of use shall require further approvals from the ZBA.
12. No lighting shall be used on site without further approvals.
13. All signage must be in conformance with the Town Ordinances and Regulations.
14. Landscaping shall be maintained, shall be kept in a sightly manner and not allowed to deteriorate.

General conditions to be complied with subsequent to plan being signed and recorded:

15. No changes shall be made to the approved plan unless application is made in writing to the Town. Minor changes may be allowed following review by the Planning Board. Major changes may be allowed after review by the Planning Board at a public hearing and abutters shall be notified.
16. The Planning Board shall have the power to modify or amend its approval of a Site Plan upon its own motion to do so.
17. Approval is subject to expiration, revocation and changes in the Ordinances under Town Regulations and State statutes.

D. Russell seconded the motion, vote passed 4-0-1, D. Isleib recused.

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At this time, the Board members agreed to schedule a Site Walk for Sunday, October 14th at 12 p.m. Lynne will contact Mr. Benson to confirm and will post the public notice.

HERTEL SUBDIVISION – Decision: The Board deliberated on the proposed application and the following decision was rendered.

Motion: D. Russell moved that the Board make the following findings in accordance with Section III.A. of the Gilmanton Subdivision Regulations and that the proposed subdivision will not adversely impact:

1. The adequacy of water supply, drainage, sewage disposal and streets.
2. The ability of the town to provide street maintenance and snow removal, schools, fire protection and other services without excessive expenditure funds.
3. The provision for the harmonious development of the town and its environs.
4. The preservation of wildlife habitat, natural and man-made features and open space.
5. The character and use of land and buildings in the general vicinity of the proposed subdivision in evaluating the suitability of the subdivision.
6. The impact of the proposed subdivision on the character of the town as a small rural community and on the town's well-being, prosperity and sound financial condition.

J. Funk seconded the motion, vote passed 5-0.

Motion: D. Russell moved that request to waive Section III.C.1.f.h. of the Subdivision Regulations requiring that 2' contours and wetlands delineation be shown on the plan be granted because of the large acreage of the proposed lots. J. Funk seconded the motion, vote passed 5-0.

Motion: D. Russell moved that the application be accepted as complete and be granted conditional approval as it appears to meet all the technical requirements of the Ordinances and Regulations of the Town of Gilmanton with the following conditions:

Conditions to be complied with or secured (as appropriate) prior to the plan being signed and recorded. No site improvements shall commence and no building permits shall be issued until the plan is signed and recorded.

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1. All required Town, State or other agency permits shall be submitted to the Planning Office before the final plan can be signed and recorded.
2. Submission of final plans in accordance with Town Ordinances and Regulations with the exception of any waivers that have been granted.
3. A compliance hearing shall be held by the Board prior to signing the plans, and prior to the approval becoming final, to determine if any conditions of approval are beyond administrative in nature or would require discretion on the part of the Board or staff to confirm that conditions have been complied with.
4. The applicant is responsible for the payment of any fees required by the Belknap County Registry of Deeds for recording the plan and/or any conditions of approval.

Construction conditions to be complied with subsequent to the plan being signed and recorded:

5. All utility and road construction shall be carried out under the provisions of the Town Ordinances and Regulations unless otherwise agreed to by the Town.
6. Property owner shall install all required traffic control, fire, life safety and health facilities and systems required by the Board and/or by other applicable Codes and Regulations.
7. All temporary erosion control facilities shall be removed upon attaining permanent stabilization.

General conditions to be complied with subsequent to the plan being signed and recorded:

8. No changes shall be made to the approved plans unless application is made in writing to the Town. Minor changes may be allowed following review by the Planning Board. Major changes may be allowed after review by the Planning Board at a public hearing and abutters shall be notified.
9. Approval is subject to expiration, revocation and changes in the Ordinances under Town Regulations and the State RSA's.

D. Isleib seconded the motion, vote passed 5-0.

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CRYSTAL LAKE FARMS LLC – Decision: The Board decided which conditions still needed to be addressed before the final plan could be signed and recorded. The updated language appears in *italics*.

Motion: J. Funk moved that the following conditions be updated for the Crystal Lake Farms LLC Open Space Subdivision Plan prior to the final plan being signed or recorded:

1. All required Town, State or other agency permits shall be filed with the Town prior to the recording of the plan or issuance of a Building Permit. *Applicant must submit and diligently prosecute a completed application for Alteration of Terrain Permit to the State of NH DES for current and all future phases prior to the recording of the plan or issuance of a building permit. Additionally, as a reminder for Phase 2, a State of NH DES Wetlands Permit for the 36” culvert must be received for Crossing “A”.*
2. A Conservation Easement Deed shall be prepared in a form satisfactory to the Board, and accepted by the Conservation Commission and Board of Selectmen. The Conservation Easement Deed must be executed and recorded at the same time as the plan is recorded. *The Conservation Easement Deed language, updated title opinion and completion of baseline documentation pending.*
3. The language of the deed restrictions for each lot and the management of the common land must be approved by the Board prior to the plan being signed and recorded, and shall become part of the approval. *Until such time that the proposed road is accepted by the Town, each lot in the subdivision must be subject to a recorded road maintenance agreement to be reviewed and approved by the Board.*
4. Submission of final plans in accordance with Town Ordinances and Regulations. *The plan shall note the future drainage easement and culvert maintenance.*
5. A compliance hearing shall be held by the Board prior to signing the plans, and prior to the approval becoming final, to determine if any conditions of approval are beyond administrative in nature or would require discretion on the part of the Board or staff to confirm that conditions have been complied with.
6. The applicant is responsible for the payment of any fees required by the Belknap County Registry of Deeds for recording the plan, any conditions of approval and/or the conservation easement deed. *The recording fee to register the plan is \$28.50; the fee to record the Conservation Easement Deed of 18 pages is \$80.*

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7. Road to be constructed to Town Class V specifications, in accordance with the submitted road plans, the construction of which shall be inspected by a registered professional engineer to be appointed by the Board of Selectmen at the applicant's expense. No building permits shall be issued for the residential lots until the road adjacent to these lots is completed and accepted by the Board of Selectmen and/or their designee. The remainder of the road may not be completed until Phase 2 of the proposal is approved by the Planning Board. *A check in the amount of \$5,000 was received on 10/12/07 for purposes of retaining Hoyle, Tanner & Associates (HTA) to review the updated road plan. After its review and findings have been provided to the Board of Selectmen and Planning Board, any remaining money may be used toward a deposit to total \$10,000 as per your agreement with the Selectmen on 10/1/07 to be used for the payment of engineering and inspection costs for Phase 1. Once these funds are depleted all work shall cease until more money is deposited to cover any additional cost. It was also agreed that a Road Bond or Irrevocable Letter of Credit in the amount of \$75,000 would be submitted to the Town to secure the actual construction and installation of improvements. The Irrevocable Standby Letter of Credit was received on 10/15/07. The Planning Board agreed to the submission of \$5,000.00 for purposes of retaining Hoyle, Tanner & Associates (HTA) to review the updated road plan. After its review and findings have been provided to the Board of Selectmen and Planning Board, any remaining money may be used toward a deposit to total \$10,000 as per the agreement with the Board of Selectmen on 10/1/07 to be used for the payment of engineering and inspection costs for Phase 1. Once these funds are depleted all work shall cease until more money is deposited to cover any additional cost.*
8. All utility and road construction shall be carried out under the provisions of the Town Ordinances and Regulations, as well as by the authority of the Town Fire Chief, Police Chief and/or Road Agent. *In accordance with the recommendations of the Town Fire Chief in his 10/10/07 memo: (1) The hammerhead turnout must be constructed using the dimensions noted in the most recent and current plan (35' x 50') submitted to the Planning Board; (2) This area must be constructed to allow for year-round access and have adequate load capacity suitable to handle the weight of responding equipment; (3) This area must be maintained and free of any obstructions that will limit the intended use of this area at any time.*
9. Property owner shall install all required traffic control, fire, life safety and health facilities and systems required by the Board and/or by other applicable Codes and Regulations.
10. All temporary erosion control facilities to be removed upon attaining permanent stabilization. *In accordance with the updated SWPPP, to be reviewed by HTA.*

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General conditions to be complied with subsequent to the plan being signed and recorded:

11. No changes shall be made to the approved plans unless application is made in writing to the Town. Minor changes may be allowed following review by the Planning Board. Major changes may be allowed after review by the Planning Board at a public hearing and abutters shall be notified.
12. Approval is subject to expiration, revocation and changes in the Ordinances under Town Regulations and the State RSA's.

D. Russell seconded the motion, vote passed 5-0.

ADMINISTRATOR'S REPORT

NorthEast Earth Mechanics Gravel Site Restoration: Planning Administrator Lynne Brunelle informed the Board that Code Enforcement Officer Bob Flanders performed a Site Visit of the NEEM Gravel Site on October 1, 2007 and determined that the restoration had not been completed as per the Planning Board's approval of October 5, 2005. The restoration of the site is due on October 30, 2007 and the bond expires on October 28, 2007. The Board directed Lynne to determine what the conditions of the bond are and whether another contractor may fulfill the requirements in the event that the Town calls the bond.

2008 Budget: Lynne informed the Board that the Selectmen requested all departments to keep their 2008 Budget requests to a 2% increase. Lynne informed the Board that Selectmen requested that each department contribute \$400 toward a new Town website, to be taken out of the 2007 Budget, if possible.

OTHER BUSINESS

Zoning Amendments: Lynne reminded the Board that it's the time of year to begin thinking about potential zoning amendments for Town Meeting. She suggested that the Board consider a schedule for upcoming Work Sessions to discuss the proposed amendments.

ADJOURNMENT

On a motion made by J. Funk and seconded by D. Hudson, vote passed unanimously. Meeting adjourned at 11:05 p.m.

Respectfully submitted,

Lynne R. Brunelle