

**TOWN OF GILMANTON PLANNING BOARD**  
**THURSDAY, OCTOBER 9, 2008**  
**ACADEMY – 7 p.m.**  
**MINUTES OF MEETING**

**Present:** Chair Nancy Girard, Vice-Chair John Funk, Selectmen's Representative Don Guarino (arrived late), Dan Hudson, Marty Martindale, Dave Russell; and Planning Administrator Lynne Brunelle.

**Absent:** Pam Fecteau

Chair N. Girard opened the meeting at 7:06 p.m. introduced the Board members and explained meeting procedure.

**ACCEPTANCE OF MINUTES:** The Board members reviewed the minutes of 8/14/08 and corrections were made. **Motion:** J. Funk moved to accept the minutes of the 8/14/08 meeting as amended. D. Russell seconded, motion carried 5-0. There was not a meeting held in September.

**CONTINUED PUBLIC HEARING – Jason Bellush, applicant; Dorothy Bellush, owner:** Request to Subdivide Tax Map/Lot #408-01, of 45.67 acres, into four lots of 18.79, 10.32, 8.09 & 8.47 acres each; 1,670' of shorefront on Crystal Lake will be subject to a conservation easement. Property located on Mountain Road in the Rural Zone; PB#0508.

Ron Johnson, LLS, was in attendance to present the proposed plan. He explained that the conservation easement area has been removed from the plan because the applicant wants to donate it as a charitable contribution. Mr. Johnson presented another plan depicting the boundaries of the conservation easement, which will be recorded along with the deed referencing the plan specific to the easement. The subdivision plan shows topography with 5' contours, soils information showing total minimum square foot (s.f.) area required, wetlands delineation, 4,000 s.f. septic areas, well sites, test pit information and locations. State of NHDES Subdivision approval was received on 7/14/08. Additionally, all lots are within the Comprehensive Shoreland Protection Area and are therefore subject to the provisions set forth by RSA 483-B. It was also noted that on 5/1/08, a Site Walk was taken by members of the Planning Board and Conservation Commission. Mr. Johnson conveyed that the applicants are seeking conditional approval this evening.

J. Funk asked if the minimum 30,000 s.f. buildable area is shown on the plan? Mr. Johnson responded that on the cover sheet of the plan it references Section VI.C.2. of the Gilmanton Subdivision Regulations the lots meet the minimum building site area as follows: Lot #408-01 = 494,700 s.f.; Lot #408-01-01 = 133,764 s.f.; Lot #408-01-02 = 229,328 s.f.; Lot #408-01-03 = 161,837 s.f.

Gilmanton Conservation Commission (GCC) Chair Nanci Mitchell expressed concern regarding the notice that described the easement as private instead of a public easement. She continued that the conservation easement will be managed by the GCC; therefore, it is not a private easement. The applicants would like to have one dock but they are not sure if the State of NH will permit it because it is so marshy along the shoreline. Nanci continued that she drafted the easement language and is now concerned whether it is written correctly, and further doesn't understand what the hurry is to get the plan recorded.

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J. Funk asked if the plan was being presented without a conservation easement would the Board be addressing it any differently? Nanci responded no, but stated that the property needs to be in one ownership when the easement is recorded, whether it's as one lot or four. N. Girard suggested that the Board grant conditional approval this evening and then wait to sign the final plan when the conservation easement deed is ready. All agreed.

**Motion:** J. Funk moved to close the public hearing on Planning Board application #PB0508. D. Russell seconded, motion carried 5-0.

**Motion:** J. Funk moved that in accordance with Section III.A. of the Gilmanton Subdivision Regulations the Board made the following findings that the proposed subdivision will not effect:

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 of 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 the 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.

**Motion:** J. Funk moved to accept the application as complete and grant 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.

1. Any required Town, State or other agency permits shall be filed with the Town prior to the recording of the plat or issuance of a Building Permit.
2. Submission of final plans in accordance with Town Ordinances and Regulations as follows:
  - a. The final plan shall depict the restriction of "No Further Subdivision" for Lots #408-01-01, #408-01-02, #408-01-03. This restriction shall also be repeated within the language of the transferring deeds.

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- b. The restriction placed on the 1985 subdivision approval shall be depicted on the final plan and repeated within the language of the transferring deeds as follows:  
“It is a condition of approval that no driveway access points shall be within 400’ of the intersection of Lots B & C on Mountain Road” (currently Lot #408-01).
  - c. The final plan shall have affixed the stamp, seal and signature of the Certified Wetlands Scientist.
  - d. A note on the plan shall reflect that all lots in the subdivision are subject to RSA 483-B, the Comprehensive Shoreland Protection Act.
3. 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 to confirm that the 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 a 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. Russell seconded the motion, vote passed 5-0.

At this time, D. Guarino arrived at the meeting.

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**INFORMAL DISCUSSION – Paula Gilman:** Possible Site Plan Review for Tax Map/Lot #424-55, of 52 acres, located at 50 Stage Road in the Rural Zone.

Paula Gilman was in attendance and presented a preliminary plan of her property located on Stage Road to use for events such as weddings, reunions or other corporate events.

Ms. Gilman pointed out that the proposed parking area would be located near the road in an approximately 250'x 270' grassy area. She described that from there the guests would follow the dirt road, some on foot others by golf cart, past the house to a 1.5-acre field bounded by stone walls. She conveyed that she would eventually like to put a pavilion there and have a horse drawn wagon to transport the bride and groom.

Ms. Gilman continued that she does not want more than 150 people on site, no later than 10:30 p.m. and that the guests are not to go beyond this field, where she pointed out on the plan are apple trees, blueberry bushes, hardwood trees, wetlands, etc. Other events may include educational workshops on sustainable landscape design, organic gardening, yoga retreats, cooking lessons, cut flower demonstrations and designing.

J. Funk asked Ms. Gilman if she would be conducting any of the workshops in the basement of her house? She responded that she had not planned to, but maybe in the future. When asked about outdoor lighting, she responded that no permanent lighting is being proposed. Her event planner would bring a generator on site to provide temporary lighting for each event.

J. Funk asked about lighting for the driveway and parking areas? Ms. Gilman agreed that she would need to provide lighting in these areas but it would most likely be sensor lighting.

Planning Administrator Lynne Brunelle indicated that when the formal application is submitted both the Fire and Police Chiefs will make recommendations regarding lighting and life safety issues. She continued by stating that the Fire Chief spoke with her about tonight's informal discussion and expressed concern regarding the names of the private roads depicted on the plan. His main concern is if the road names have not been accepted by E911 and an emergency call comes in, emergency services won't be able to locate them.

Ms. Gilman responded that the roads were named internally and there are no road signs. She will advise all guests to use 50 Stage Road as the address. L. Brunelle asked if there will be a sign with this address, and if so, will it be lit? Ms. Gilman responded yes, there will be a sign but she doesn't think that it will be lighted.

At this time, the Board reviewed Article IV, Table 1 of the Zoning Ordinance, Table of Uses, to determine whether a Special Exception is required for the proposed use. Ms. Gilman stated that the State of NH considers this as "agro-tourism". The Board members agreed that the proposed use does not completely fall within the guidelines of "Agricultural Use" and/or "Home Occupation". It was determined that the closest description to the proposed use was "Outdoor Recreation Facility" which requires a Special Exception in the Rural Zone. Seeing that Ms. Gilman will need to apply to the ZBA as well as to the Planning Board, a joint hearing may be scheduled to expedite the application.

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**INFORMAL DISCUSSION – Paul DeForest:** Possible Site Plan Review for Tax Map/Lot #405-04, of 25 acres, located at 8 Grant Hill Road in the Rural Zone.

Paul DeForest was in attendance to present the plan and explained that his residence is located at the corner of Middle Route and Grant Hill Road.

Mr. DeForest continued that the 30' x 70' building is located on the discontinued portion of Grant Hill Road. He explained that on 8/1/07 he received a building permit to remove the old Twigg auction barn from Province Road and relocated it onto his property for the intended use as a woodworking shop and for storage. Mr. DeForest conveyed that he takes wood from older homes, brings it back to the site and refurbishes the boards by using a planer and uses the boards in the construction or refurbishment of new homes. He explained that the Code Enforcement Officer determined the use to be a Contractor's Yard. He therefore applied to the Zoning Board of Adjustment (ZBA) and requested a Special Exception. The 8/21/08 ZBA hearing was continued until 9/18/08 at which time the Special Exception was granted.

N. Girard asked Mr. DeForest if he has many abutters? Mr. DeForest responded that yes, he has several abutters. The Harpers are the closest and they have no problem with the proposal as he is out there working on site only a couple of days a month. N. Girard asked what does he plan to do for electricity? Mr. DeForest responded that he may eventually run electricity back there, but he is currently using a generator.

J. Funk conveyed that if the ZBA determined this was a Contractor's Yard, then it requires Site Plan Review by the Planning Board. D. Hudson asked if there would be any outside storage? Mr. DeForest informed him that he has always used that area for storage of timbers, wood, etc. but no heavy machinery or equipment. He conveyed that the ZBA placed a restriction that any outside storage must be 80' from the brook. J. Funk feels that this proposal is of minimal impact and contemplated whether it even meets the criteria of a Contractor's Yard.

Planning Administrator Lynne Brunelle reminded the Board that at the 6/12/08 meeting, the ZBA had requested that the Planning Board review the Table of Uses pertaining to this specific application as Mr. DeForest was coming before the ZBA on 6/19/08. At that time, the Planning Board considered that it could meet the definition of a Cottage Industry, which does not require Zoning Board approval in the Rural Zone. Lynne explained the Code Enforcement Officer's perspective when deeming it a Contractor's Yard, that there would be outside storage for an off-site business. The continued use of refurbishing the boards inside the building by using a planer would be part of the application. The Planning Board agreed that although the proposed use does not meet the traditional definition of a Contractor's Yard, it is probably the closest one listed in Article IV, Table 1. It was mentioned that at the bottom of this table there is a note stating that: *If certain uses have not been listed, they may be allowed in town. How they will be regulated by this ordinance shall be based on characteristics the intended use may share with those uses specified in Table 1.*

Gilmanton Conservation Commission (GCC) Chair, Nanci Mitchell, informed the Board that according to the NH Fish & Game Wildlife Action Plan, this property is located in the Tier II habitat, which is the highest ranked habitat in the biological region.

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She continued that the Commission has reviewed the wetlands, soils and aerial maps and expressed concern because the site is located within wetland soils. She continued that when the gravel was laid it covered up the existing wetlands and therefore the building may not be meeting the appropriate setbacks. There is further concern with what may run off and/or drain into the wetlands in the future.

Mr. DeForest stated that the gravel was put down after the building was up and that area has always been used for storage. He continued that the Code Enforcement Officer came down to the site before the building went up to inspect the footings and had no problems with it. Last summer when he dug the footings, there was no water at 8'.

J. Funk stated that if the Code Enforcement Officer was on site and approved the Building Permit, and the ZBA members were on site and granted the Special Exception; then it is only appropriate that the Planning Board perform a Site Plan Review.

N. Girard indicated that part of that process would entail a joint Site Walk with the Planning Board and the Conservation Commission. J. Funk conveyed that he would have preferred to review this application as a Joint Public Hearing with the ZBA. Planning Administrator Lynne Brunelle stated that this was probably due to the fact that information was provided to the town piecemeal and it was not until after the building permit was issued that the complaint came in from an abutter that indicated ZBA approval may or may not be required.

D. Guarino stated that the Board has been addressing Contractors Yards more frequently and expressed concern regarding what will be on site in the future regarding storage, vehicles, surface of parking area, etc. L. Brunelle responded that with each application the Board requires that these specifics be shown on the Site Plan and the approval will be limited to that use as applied for. In the event that there is a change in use and/or changes to the Site Plan, a new application must be submitted to amend the Site Plan on file.

Mr. DeForest was instructed to return with a formal Site Plan application. D. Hudson conveyed that in the past, the Board has granted waivers of a formal survey and has allowed a hand-drawn sketch with the condition that once the Board performs a Site Walk and determines that wetlands may exist, that they would need to be delineated and possibly surveyed. M. Martindale also suggested that it would be helpful to specify on the Site Plan the proposed use and intensity of heavy equipment, fuel tanks, machinery, etc. on site.

**INFORMAL DISCUSSION – Doug Towle:** Possible Boundary Line Adjustment between Tax Map/Lots #419-65 & #419-68, located at 1218 & 1246 Province Road (NH Rt. 107S) in the Rural Zone.

Doug Towle was in attendance with David Noyes, LLS, who presented a sketch of the two properties located on Province Road. Mr. Towle would like to transfer approximately five acres of woodland from his sister's lot to his for purposes of placing it in current use. He continued that he does not believe that this would require full surveys of both lots, as they have been previously surveyed.

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At this time, Mr. Noyes presented previous surveys from 1975. He thinks that it would be reasonable to request a waiver of the requirements to perform a complete survey to transfer seven acres, which is bounded by stone walls, to the 5.4-acre lot to total approximately 12 acres. He would like to accomplish this by transit and tape survey, otherwise, it would be too expensive to perform a full survey of both lots, as they are not creating a new lot and the land to be transferred is woodland and will remain in current use.

The consensus of the Board was that the waiver is reasonable and that there shouldn't be a problem with this request. Mr. Towle will return with a formal application.

**INFORMAL DISCUSSION – Maureen Ebner & Thomas Argue:** Possible Boundary Line Adjustment between Tax Map/Lots #416-02, #416-03 & #416-04 located on Mountain Road in the Rural Zone.

Tom Argue and his sister Maureen Ebner were in attendance and described their desire to merge three non-conforming lots located on Mountain Road into two, and create two more conforming lots. There exists a perennial stream on Lot #416-03 and it was suggested that it be used as the boundary line between the two lots. Each lot would not quite meet the required two acres, but would exceed the required 200' of road frontage, as well as achieve the required 150' of water frontage. There is an extensive area of marshland, which will be considered to be placed in a conservation easement. GCC Chair N. Mitchell indicated that this will require extensive surveying, wetlands need to be delineated and the easement area must be flagged. D. Hudson conveyed that each lot must achieve the required 30,000 s.f. contiguous area, including setbacks. It was also noted that the required 4:1 width to length lot ratio would be waived due to the waterfront and the proposed easement area.

Mr. Argue and Ms. Ebner will return with a new survey clarifying the waterfront lot area before moving forward with a formal application.

**INFORMAL DISCUSSION – Paul & Maureen Osborne:** Possible Boundary Line Adjustment between Tax Map/Lots #414-09 & #410-38 located at 53 Seibel Road in the Rural Zone.

Maureen Osborne was in attendance and presented the preliminary plan. She stated that her brother would like to move back to town, and she and her husband own 11 acres of backland that abuts their house lot, which they would like to sell him. In order to obtain 200' of road frontage on a Class V Road, they would need to perform a boundary line adjustment to transfer 200' of frontage on Seibel Road and approximately two acres of land. Ms. Osborne continued that it is not steep in the proposed area and there is already a logging road in existence.

J. Funk referenced the Subdivision Regulations pertaining to the creation of irregularly shaped lots and suggested that in this instance, the applicants are not trying to shoehorn a new lot into this space, but they are just providing access. Furthermore, it is not a steep access and is therefore not creating a dangerous situation. All agreed that it was an acceptable proposal.

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L. Brunelle asked the Board whether topos, contours and/or wetlands delineation would be required, considering it is a boundary line adjustment and both lots are existing. N. Girard stated that since waivers will be granted in the other boundary line adjustment application, then the Board could consider the same waivers for this proposal as well, seeing that both lots are existing, exceed ten acres, etc. She asked Lynne to request that the Town Road Agent go on site to determine whether the logging road is an appropriate location for a driveway and if it meets the regulations for driveway grade. Mrs. Osborne will return with a formal application.

**ADMINISTRATOR'S REPORT**

**Abbott Site Plan:** Planning Administrator Lynne Brunelle reported that the Board had previously reviewed and approved the final Site Plan for Nate and Betty Ann Abbott. The Chair will sign the mylar tonight to be recorded at the Belknap County Registry of Deeds (BCRD).

**Darbyshire Subdivision Plan:** L. Brunelle reported that the final plans for the Paul and Carol Subdivision had been previously reviewed and approved by the Board. The Chair will sign the mylar tonight to be recorded at the BCRD.

**Upcoming Seminars/Conferences:** L. Brunelle updated the Board on upcoming Conferences and Workshops. Discussion occurred regarding HB 342, which was recently passed and requires towns to provide for Workforce Housing. This will be a topic at many of these conferences and workshops. Lynne will return with information to be addressed at future discussions regarding potential zoning ordinance amendments.

**Zoning Amendments:** Discussion occurred regarding the recently updated Zoning Ordinance Article VII and whether it requires additional modification at this point. N. Girard asked Lynne to put it on the agenda for the November meeting. Lynne will email the Zoning Board and inform them of the upcoming discussion.

Lynne also informed the Board that the Selectmen had inquired about the Growth Management Ordinance (GMO). She continued that the GMO specifies July 1<sup>st</sup> of each year as the date the Planning Board determines the number of building permits allowed for 2009, and as of October 1<sup>st</sup> we had not posted a number yet. Lynne explained that she had requested the bedroom inventory information from the Town Assessor and he suggested that to ensure that this number was accurate, that the Board consider changing the posting date to October 1<sup>st</sup>. Lynne noted that in 2008 the GMO allowed 42 building permits for new single-family dwellings and to date, only 5 have been issued. The Board members agreed that since the GMO expires in March 2010, it doesn't seem worth the effort to bring it before Town Meeting just to change the date.

**ADJOURNMENT:** On a motion made by D. Russell and seconded by D. Hudson, vote passed unanimously. Meeting adjourned at 10:20 p.m.

Respectfully submitted,

Lynne R. Brunelle