

TOWN OF GILMANTON PLANNING BOARD
THURSDAY, NOVEMBER 8, 2007
MINUTES OF MEETING
ACADEMY BUILDING – 7 p.m.

Present: Chairperson Nancy Girard, Vice-Chair John Funk, Selectmen’s Representative Don Guarino, Felix Barlik, Dan Hudson (arrived late), David Russell (arrived late), Alternate Member Marty Martindale; and Planning Administrator Lynne Brunelle (arrived late).

Absent: Doug Isleib, Alternate Members Pam Fecteau and Monica Jerkins.

Chair N. Girard opened the meeting at 7:05 p.m., introduced the Board members and explained meeting procedures. She then appointed Alternate Member M. Martindale as a full voting member for this meeting.

ACCEPTANCE OF MINUTES: The Chair deferred the acceptance of minutes until later in the meeting when the Planning Administrator is in attendance.

PUBLIC HEARING – Patricia C. Soucy: Boundary Line Adjustment to transfer .599 acre from Town Tax Map/Lot #410-9, of 9.224 acres, to Map/Lot #410-8, of 2.059 acres. Property located at 169 Sawtooth Road and 41 Rogers Road in the Rural Zone; PB#1607.

Paul Darbyshire, L.L.S. was in attendance to present the proposed plan. Applicant Patricia Soucy was also in attendance. Mr. Darbyshire explained that the purpose of the boundary line adjustment was to transfer .599 acre from Lot #410-9 (Mallory/Ball) of 9.224 acres, to Lot #410-8 (Soucy) of 2.059 acres. Final acreage and road frontage amounts will be: Mallory/Ball - Lot #410-9 = 8.625 acres with 1312’ of frontage on Rogers Road. Soucy - Map/Lot #410-8 = 2.655 acres with 393’ of frontage on Sawtooth Road.

N. Girard asked if there are any wetlands located on the property? Mr. Darbyshire indicated that there is a brook located on the property and therefore there are some wetlands along the southwestern boundary. He pointed out on the plan the treeline located on the Soucy property and explained that they are attempting to increase their lot size to create a larger buffer.

F. Barlik asked how old the existing house is? Mr. Darbyshire responded that the house was built in 1972. It was noted that although the existing house meets the building setbacks; however, the septic system may encroach into the setback or the abutting lot.

J. Funk asked if the reason for the proposal is therefore to acquire more land in order to accommodate the septic system entirely on the Soucy lot? Mr. Darbyshire confirmed that it is.

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M. Martindale asked why the applicant didn't acquire the additional land to bring the boundary line straight across to Rogers Road? Mr. Soucy responded that he would have liked to have acquired the entire corner; however, the Mallory/Ball's were not interested in parting with that much land.

N. Girard noted that the Audubon Society holds the Conservation Easement to the abutting property and asked if they needed to sign off on this plan? Mr. Darbyshire indicated that they only needed to be notified as abutters, which they were.

At this time, D. Russell joined the meeting.

N. Girard conveyed that the Gilmanton Conservation Commission (GCC) requested that there be no filling or dumping of debris into the wetland located on the south side of the Soucy property.

Mr. Soucy indicated that they do not plan further development of their property, with the exception of a potential garage toward the northeasterly portion of the parcel, and therefore do not anticipate impacting the wetlands.

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

Motion: F. Barlik moved to close public hearing on Application PB#1607. J. Funk seconded, motion carried 5-0.

Deliberation & Decision: The Board members agreed that this was a straightforward application and the following decision was rendered:

Motion: J. Funk moved that the Board made the following findings: that the proposed Boundary Line Adjustment would have no adverse impact on the surrounding properties; that it is simply convenient for the applicants to clarify setback issues. D. Russell seconded, motion carried 5-0.

Motion: J. Funk moved that the application be accepted as complete and 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 permit shall be issued until plan is signed and recorded.

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1. Submission of final plans in accordance with the Town Ordinances and Regulations.
2. 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 further review by the Board or staff.
3. Final plans will not be recorded until the transferring deed is also ready for recording.
4. The applicant is responsible for the payment of any fees required by the Belknap County Registry of Deeds for the recording of the approved plan and/or for any conditions of approval.

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

5. There shall be no filling or dumping of debris into the wetland located on the south side of the Soucy property, Town Tax Map/Lot #410-8.
6. 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.
7. Approval is subject to expiration, revocation and changes in the Ordinances under Town Regulations and the State RSA's.

D. Russell seconded, motion carried 5-0.

At this time L. Brunelle and D. Hudson joined the meeting.

ADMINISTRATOR'S REPORT

Crystal Lake Farms Update: D. Russell informed the Board that he was out on Crystal Lake Road yesterday 11/7/07 and drove past the Crystal Lake Farms subdivision site and observed a ten-wheel dump truck coming out of the road, which is currently under construction. In the dump truck were boulders, which evidently came off the site, that were being deposited on another property located on the north side of the river just below the dam. There was also a trailer truck flatbed on site, but he wasn't sure what it was being used for. D. Russell contacted the office to speak with Code Enforcement Officer Bob Flanders. He left a message on his cell phone yesterday.

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Discussion ensued regarding where the rocks came from and whether the applicant has permission to remove them from the site. N. Girard stated that the issues are why is the applicant working on the road, whether Mr. Rague has permission to dump the rocks on the other property and the fact that this property is waterfront.

She continued that even if he has permission, it is a State issue because it would be a violation of the Shoreland Protection Act. N. Girard would like to contact Dick deSeve at the State of NH-DES and ask him to look into it. She asked if there was evidence of any silt fencing or erosion control? D. Russell responded that he didn't see any and suggested that we send Bob Flanders out there.

L. Brunelle informed the Board that Bob recently had surgery to have his knee replaced and is therefore out on medical leave. She did convey, however, that Administrative Assistant, Tim Warren contacted Kurt Rague and asked if he was working on the road. Mr. Rague informed him that he was stabilizing the slopes as per the Planning Board.

D. Russell stated that it does not appear that he is working on the slopes on the Crystal Lake Road end of the property. He is cutting into the slope of the proposed road further in to the site and is off-loading materials onto another property within 50' of the river. The question is has the applicant obtained the necessary approvals do so? N. Girard does not believe so and wants to get the State involved as soon as possible. At this time, she called Dick deSeve who agreed to take a drive-by tomorrow morning and possibly take a few pictures.

L. Brunelle informed the Board that she received an email from Hoyle, Tanner & Associates (HTA) requesting a meeting with her to discuss the parameters of their engineering services to be provided to the Town at the applicant's expense in regards to the proposed road construction. N. Girard read the email aloud and it was clear that HTA is realizing the same frustration with the applicant that the Board has experienced.

NEEM Gravel Pit Restoration: L. Brunelle updated the Board on the restoration of the Northeast Earth Mechanics gravel pit located on Dayne Thompson's property on Sargent Road. She explained that according to the Planning Board's approval, restoration of the site was to be completed by 10/31/07. As he did last year, Jim Locke Sr., CEO of Northeast Earth Mechanics contacted the Town Road Agent and informed him that the area had been restored. Road Agent Paul Perkins had not inspected the site; however, Mr. Locke forwarded a letter to Lynne indicating that the Road Agent had not only inspected the site but also deemed the area as "stable". Lynne forwarded a letter to Mr. Locke reminding him that his point of contact was the Selectmen's Office and that Code Enforcement Officer Bob Flanders had inspected the property on 10/1/07 and determined that the area had not been reclaimed. Unfortunately, Bob was out on medical leave; therefore, he could not revisit the site.

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Therefore, Lynne had asked Selectmen's Representative D. Clairmont if he would go out to the site and take pictures of the reclamation area. At this time, the Board viewed the pictures, reviewed the reclamation plan and determined that even though the slope appears to be stabilized, the conditions set forth in the site plan still have not been met. Lynne contacted Town Counsel to address the possibility of calling the \$5,000 bond so that the town could hire someone to restore the site. It was determined that the bond submitted was in the form of a surety bond and it was recommended that in the future, the Planning Board should only accept a cash bond or Irrevocable Letter of Credit. The Board agreed to have Lynne forward a letter to NEEM requiring that they meet the restoration plan by 7/1/08. Lynne will remind the Board to schedule a Site Walk in June 2008.

2008 Budget: L. Brunelle reported that the 2008 budget will not exceed a 2% increase, as the Selectmen requested. Most line items will be level funded. It was noted however, that dues for Lakes Region Planning Commission (LRPC) will increase to \$2,827 from \$2,786 in 2007, up from \$2,761 in 2006. The majority of the Board agreed that maybe it's time to reconsider the town's membership in LRPC.

Doyle Letter: Lynne referenced a letter addressed to the Gilmanton Snowmobile Association from Suzanne Doyle regarding their property located at 258 Loon Pond Road that was subdivided in April 2006. Due to the significant amount of wetlands located on the property, the proposed lots could not meet the requirements of the Subdivision Regulations. However, the Planning Board granted a waiver of this requirement, which provided for one building lot and another wood lot. The Doyles appealed the Planning Board's decision to Superior Court and the decision was reversed. The town in turn appealed to Supreme Court and the Planning Board's decision was upheld. In light of this, the Doyles have chosen to deny any snowmobiles access to the trails located on their property.

Benson Site Plan: Lynne reported that she spoke with Ryan Benson regarding his Site Plan for a Contractor's Yard located on NH Route 140, which received conditional approval on 10/11/07. The Site Walk taken on 10/14/07 revealed that there are potential wetlands located on site. The applicant will therefore need to contact a Certified Wetlands Scientist (CWS) to determine whether the 75' wetlands setback must be met. Mr. Benson contacted the office to inform her that Cynthia Balcius, CWS will be visiting the site sometime next week and will subsequently forward a report.

ACCEPTANCE OF MINUTES: The Board members reviewed the minutes of the 10/11/07 meeting and corrections were made. **Motion:** J. Funk moved to accept the minutes of 10/11/07 as amended. D. Russell seconded, vote passed 5-0-1, F. Barlik recused.

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OTHER BUSINESS

Zoning Amendments: A Work Session was scheduled for Wednesday 11/28/07 from 7 to 9 p.m. to discuss proposed zoning amendments for vote at the upcoming Town Meeting.

ADJOURNMENT

On a motion made by F. Barlik and seconded by M. Martindale, vote passed unanimously. Meeting adjourned at 9:20 p.m.

Respectfully submitted,

Lynne R. Brunelle