

TOWN OF GILMANTON PLANNING BOARD
TUESDAY, FEBRUARY 5, 2008
ACADEMY – 7 p.m.
PUBLIC HEARING
APPROVED MINUTES

Present: Chair Nancy Girard, Vice-Chair John Funk (arrived late), Felix Barlik, Doug Isleib, Alternate Member Marty Martindale; and Planning Administrator Lynne Brunelle

Absent: Dan Hudson, David Russell, Selectmen’s Representative Don Guarino, Alternate Members Pamela Fecteau and Monica Jerkins

Chairperson N. Girard opened the meeting at 7:15 p.m. and appointed Alternate Member M. Martindale as a full voting member. L. Brunelle explained that Vice-Chair J. Funk had a meeting in Concord and should arrive at approximately 7:30 p.m.

PUBLIC HEARING – Amendments to Zoning Ordinance: Purpose - To Amend Article VII of the Gilmanton Zoning Ordinance regulating Non-Conforming Uses, Lots & Structures by clarifying provisions relating to (i) the increase or enlargement of a non-conforming use or structure, (ii) the repair, rebuilding or replacement of a non-conforming structure that is destroyed by fire or rendered unusable by an act of nature and (iii) the building of structures on non-conforming lots.

Chair N. Girard opened the public hearing and noted that the Board held a Work session on Tuesday 1/22/08 to address comments that were made at the first public hearing that was held on Thursday 1/17/08.

N. Girard asked Planning Administrator L. Brunelle if Town Counsel had an opportunity to review the recent changes? Lynne responded yes, Atty. Laura Spector acknowledged the changes and accepted them as appropriate. She was particularly pleased to see that the Board made reference to the Comprehensive Shoreland Protection Act (CSPA) RSA 483-B in paragraph VII.D.

At this time, N. Girard referenced a letter from Paul Darbyshire regarding the proposed amendment, specifically, paragraph VII.B.4. He questions the fact that ZBA approval is not required to obtain a building permit to repair, rebuild or replace a non-conforming structure that is destroyed by fire; however, one-year extensions may be granted by Special Exception (by the ZBA). Further discussion revealed that “*One-year extensions may be granted by Special Exception for good cause shown*” meaning that it would be at the discretion of the Building Inspector whether ZBA approval was necessary depending upon whether “good cause” existed.

It was also noted that the town should consider requiring a survey for all building and zoning applications, as it would alleviate many property issues.

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Pete Pinckney, from Places Mill Road, was in attendance and stated that the proposed language makes no reference to the minimum required frontage. N. Girard reviewed paragraphs VII.C.2. & C.3. and explained that this falls under “any other approvals required under all applicable Town and State laws and regulations”.

L. Brunelle conveyed that Code Enforcement Officer Bob Flanders was unable to attend tonight’s Public Hearing. He supports the amendment; however, he would have liked to have seen the reference to RSA 674:41 pertaining to the issuance of building permits on Private Roads remain as it was written in the first draft.

Lynne also conveyed that she emailed the proposed language to the ZBA, invited them to attend the hearing and requested they forward their comments to her prior to tonight’s meeting. The only response was from Carolyn Baldwin, who commented on the height requirement referenced in paragraph VII.B.2.

At this time, J. Funk arrived at the meeting and N. Girard updated him on the discussion. J. Funk suggested to include the word “setback” before “requirements” in VII.C.3. to clarify that paragraph. It was noted that this is strictly a clarification and it does not change the intent of the proposal.

Motion: F. Barlik moved to close the public hearing, seconded by D. Isleib. Vote passed 5-0.

Motion: F. Barlik moved to add the description “setback” before “requirements” in paragraph VII.C.3. for purposes of clarification and to recognize that it is not a substantive change. D. Isleib seconded, motion carried 5-0.

Motion: J. Funk moved that the proposed amendment be presented as a Warrant Article on the Town Meeting ballot. M. Martindale seconded, motion carried 5-0.

ADMINISTRATORS REPORT: L. Brunelle informed the Board that there have not been any new applications received for the next meeting. In addition, both individuals who were scheduled for Informal Discussions cancelled. Chair Girard determined that since no immediate business needs to be addressed, there will not be a meeting on Thursday 2/14/08.

ADJOURNMENT: On a motion made by D. Isleib and seconded by M. Martindale, vote passed unanimously. Meeting adjourned at 8:25 p.m.

Respectfully submitted,

Lynne R. Brunelle