

GILMANTON PLANNING BOARD
THURSDAY, FEBRUARY 8, 2007
ACADEMY BUILDING
MINUTES OF MEETING

Present: Chairperson Nancy Girard, Vice-Chairman John Funk, Selectmen's Representative Ella Jo Regan, Felix Barlik, Dan Hudson, Doug Isleib, David Russell, Alternate Members David Clairmont, Pamela Fecteau, Marty Martindale; and Planning Administrator Lynne Brunelle.

Chairperson Girard opened the meeting at 7 p.m. and explained public hearing procedures.

ACCEPTANCE OF MINUTES: The Board members reviewed the minutes from the 1/11/07 meeting. **Motion:** D. Russell moved to accept the minutes of 1/11/07 as amended. E. Regan seconded, motion carried 6-0.

PUBLIC HEARING – Dayne F. Thompson, owner/applicant; Thomas & Barbara D. Reed, owners: Boundary Line Adjustment to transfer 3.574 acres from Town Tax Map/Lot #04-30, of 280 acres, to Tax Map/Lot #04-31-01, of 15.9 acres. Property located on Sargent Road in the Rural Zone; Application PB#0107.

Paul M. Darbyshire, L.L.S. was in attendance to present the proposed plan. Also in attendance was applicant Dayne Thompson. Mr. Darbyshire stated that he came before the Board on 1/11/07 with a preliminary plan. The proposal entails the transfer of 3.57 acres from the Reed's property, of 280 acres, to the Thompson property, of 15.91 acres, to create a lot of 19.48 acres. Mr. Thompson intends to subdivide this lot into two lots having 4.40 acres and 200' of road frontage, and 15.08 acres with 231.5' of frontage on Sargent Road. The proposed subdivision was submitted as a separate application and is the next agenda item before the Board this evening.

Mr. Darbyshire continued that the plan depicts soils information, topos, test pit information and locations, as well as wetlands delineation. A waiver request was submitted to waive the requirement that topography and contours be shown on the backland of the 15-acre parcel, Map/Lot #04-31-01. He indicated that test pits were performed on the backland and he is sure that the minimum building site of 30,000 contiguous s.f. can be achieved.

F. Barlik asked where the gravel site and/or restoration area is located in regards to the wetlands shown on Lot #04-31-01. Mr. Darbyshire pointed out where the road to the gravel site, restoration area, spring, etc. is located on the plan. The wetlands are located adjacent to the restoration site.

D. Hudson inquired whether the new ROW would also serve as access to the gravel site? Mr. Darbyshire indicated that the existing road will become the driveway for the new Lot #04-31-03; therefore, the gravel site will be accessed by Lot #04-31-01.

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D. Hudson asked how wide is the driveway? Mr. Darbyshire responded that the ROW is 50' and the existing gravel road is approximately 12' wide. L. Brunelle informed the Board that Nanci Mitchell, Chair, Gilmanton Conservation Commission (GCC) submitted written notes pertaining to the driveway and culverts, which are included in the staff report. At this time N. Girard read her comments into the record, as follows:

1. The plans need to be stamped by the Certified Wetland Scientist.
2. The plans should show the updated Belknap County Soils Survey information.
3. A Wetlands Permit will be required for the new access to the gravel pit.
4. Should the minimum 30,000 s.f. area be shown on Lot #04-31-03? It appears that part of this lot drops 30' in 120'.
5. Is the existing culvert under the existing access road adequate in size?
6. Should there be a new culvert near the beginning of the existing access road where there is often standing water?

N. Girard asked L. Brunelle if she spoke with the Town Road Agent in regards to culverting. Lynne responded that she spoke with him regarding the access to the gravel site but did not reference this plan specifically. However, the Road Agent had no issues when she discussed it with him in the fall. Lynne located the approved driveway permit dated April 2005, which stated "no culvert needed, slopes away from road". Discussion continued regarding this issue and there was a question regarding which access the GCC is referring to and that wetlands permitting would be required.

J. Funk referenced item #4 of the Commission's comments pertaining to the 30,000 s.f. and asked where a building would be sited on this lot? Mr. Darbyshire explained that a test pit was performed near the sap house toward the back of Lot #04-31-01 where there exists a field with good upland soil. D. Hudson thinks that if the preliminary work has been performed, then the building site should be shown on the plan.

Erin Walsh, abutter, asked where her property was located in relation to the Boundary Line Adjustment/Subdivision. It was determined that she abuts the property across the street.

It was noted that in the event that the Reeds intend to subdivide in the future, they would need to upgrade the ROW and meet town road standards in order to access their property. George Gray, abutter, asked what will happen to the remaining backland? Property owner, Barbara Reed, was in attendance and stated that they hope to put it in a conservation easement.

Motion: D. Isleib moved to close the public hearing, seconded by F. Barlik. Vote passed 6-0.

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PUBLIC HEARING – Dayne F. Thompson, owner/applicant: Subdivide Town Tax Map/Lot #04-31-01, of 19.486 acres, into two lots of 4.405 & 15.081 acres each. Property located at 312 Sargent Road in the Rural Zone; Application PB#0207.

The Board members agreed that any questions or concerns had been addressed during the previous public hearing. Those members of the public present did not provide additional input.

Motion: D. Russell moved to close the public hearing, seconded by D. Isleib. Vote passed 6-0.

DELIBERATION/DECISION – Thompson/Reed Boundary Line Adjustment & Thompson Subdivision: The Board members deliberated the two applications and rendered the following decisions:

Motion: J. Funk moved that the Board grant the request to waive Section III.C.1.h. of the Subdivision Regulations requiring that topography and contours be shown on the remaining backland for Map/Lot #04-31-01. D. Russell seconded, motion carried 6-0.

Motion: J. Funk moved that the Board accept the application for the Boundary Line Adjustment as complete and grant conditional approval as it appears to meet all the technical details of the Ordinances and Regulations of the Town of Gilmanon 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. Submission of final plans in accordance with the Town Ordinances and Regulations with the exception of the waiver that was granted.
2. Final plans will not be recorded until the transferring deeds are also signed and ready for recording.
3. The applicant is responsible for any fees required by the Belknap County Registry of Deeds for the recording of the approved plan and/or any conditions of approval.
4. A compliance hearing shall be held by the Board prior to signing plans, and prior to the approval becoming final, if any conditions of approval are beyond Administrative in nature or would require discretion on the part of the Board staff to determine if the conditions have been complied with.

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

5. 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.
6. Approval is subject to expiration, revocation and changes in the Ordinances under Town Regulations and the State RSA's.

D. Russell seconded, motion carried 6-0.

Motion: J. Funk moved that in accordance with Section III.A. of the Subdivision Regulations, the Board made the following findings that approving the Subdivision would 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 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 land and buildings in the general vicinity of the proposed subdivision; or
- (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.

D. Russell seconded the motion, vote passed 6-0.

Motion: J. Funk moved that the Board grant the request to waive Section III.C.1.h. of the Subdivision Regulations requiring that topography and contours be shown on the remaining backland for Map/Lot #04-31-01. D. Russell seconded, motion carried 6-0.

Motion: J. Funk moved that the Board accept the Subdivision application as complete and grant conditional approval as it appears to meet all the technical details of the Ordinances and Regulations of the Town of Gilmanton with the following conditions:

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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. If a wetlands permit is required by the State of NH DES for the construction of the access road located on Lot #04-31-01, the permit must be submitted to the Town prior to the issuance of a building permit.
2. Submission of final plans in accordance with Town Ordinances and Regulations to include the following:
 - (a) Lot #04-31-01 shall show the location of the test pit(s).
 - (b) Both lots shall have the wetlands delineated to the extent necessary in order to calculate the minimum building site of the contiguous 30,000 square feet. This area shall also be depicted on the plan.
 - (c) The final plan shall reference the updated Belknap County Soils Survey information.
 - (d) The final plan shall have the stamp, seal and signature of a Certified Wetland/Soils Scientist.
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. All existing culverts on either Lot #04-31-01 or #04-31-03 shall be repaired and/or maintained in accordance with Town standards.
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 to be removed upon attaining permanent stabilization.

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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. Russell seconded, motion carried 6-0.

PRELIMINARY PLAN DISCUSSION – Terry O’Connor, agent: Proposed Subdivision of Town Tax Map/Lot #63-32, into two lots. Property of Patricia Bosiak located on Upper City Road in the Rural Zone.

Terry O’Connor, from Granite State Surveying, was in attendance to present a preliminary plan to subdivide a two to three acre lot from the property, of 47 acres located on Upper City Road, a Class V town-maintained road. The property is also bounded by Sanborn Hill Road, a Class VI road. The preliminary plan depicts the proposed 2.6-acre lot having 590’ of road frontage on Upper City Road and approximately 425’ of water frontage on Rollins Pond. It was noted that since Rollins Pond exceeds ten acres, the property is therefore subject to the Shoreland Protection Act, which requires a 250’ buffer from the shoreline where no clear-cutting may occur. The plan also depicts topography, proposed septic, well and house siting, as well as stonewalls on the property.

Mr. O’Connor referenced Section VII.D. of the Subdivision Regulations regarding fire protection and conveyed that there is an existing dry hydrant across the pond, approximately 600’ from the proposed lot. The forthcoming survey will further define this location, in addition to determining the minimum 30,000 s.f. contiguous area and wetlands delineation. There are no steep slopes and a test pit/perc test have already been performed. They anticipate submitting a waiver request for some of the survey requirements for the remaining land of approximately 45 acres.

N. Girard referenced an aerial photo and commented that the property is wooded up to the pond. She asked that the surveyor pay close attention to the requirements of RSA 483:b (Shoreland Protection Act) especially as it pertains to the removal of trees/basal area.

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Patricia Bosiak was in attendance and indicated that the existing house and barn are located on the easterly portion of the property, at the corner of Upper City Road and Sanborn Hill Road.

F. Barlik asked why the proposed lot is only 2.6 acres, and suggested that a 5-acre lot would be more characteristic for that area of town. E. Regan agreed and asked why not a four to five acre lot considering that it's located on a great pond? Mr. O'Connell responded that this is just a conceptual configuration at this time and that Ms. Bosiak does not want to take too much from the original lot. Furthermore, the lot is located in the Rural Zone requiring a two-acre minimum lot size, which is being met.

J. Funk asked what are the future plans for the remaining acreage? Ms. Bosiak responded that she has no desire to subdivide or develop the remaining land at this time. J. Funk referenced the Subdivision Regulations, which suggest the submission of a master plan for the remaining land to include considerations for its future use. He doesn't want to see the land cut up into little lots and would hope that the applicant would want to maximize the beauty of the property.

Lydia Harmon was in attendance and conveyed that Ms. Bosiak has no intentions of selling out to a developer and would rather see it remain as open space.

D. Hudson stated that part of the Planning Board's purview is to ensure that the subdivision meets the character of the neighborhood and asked what the other lot sizes are in the area. At this time, the Board reviewed the tax maps and determined that to the west of the subject parcel, smaller lots of two to five acres exist on Rollins Pond Road. However, the majority of the lots to the east are larger sized, exceeding five acres. J. Funk commented that a larger lot may be more appropriate for the neighborhood and that long-term planning is crucial for retaining the rural character of the town.

Ms. Harmon asked why does the Board want a five-acre lot if the property is located in a two-acre zone? N. Girard explained that two acres is the bare minimum, but the trend is that people are going with larger lot sizes and siting the houses back off the road, etc. Furthermore, based on the recently updated Master Plan, the number one objective of the citizens surveyed is to preserve the rural character of the town.

Mr. O'Connor asked if the Board would be more receptive to a four to five acre lot. N. Girard responded yes, it would be more suitable for this area of town. D. Russell suggested doubling the 250' buffer from the pond as per the Shoreland Protection Act and possibly make the lot 500' x 600'. D. Isleib indicated that if they were to double the water frontage it may also double the taxes. D. Clairmont suggested that if the applicant were to increase the road frontage instead of the water frontage it would minimally impact the appearance from the road.

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N. Girard inquired about the trail shown on the plan. Ms. Bosiak explained that this is a snowmobile trail on the property, which she intends to keep open. Mr. O'Connor thanked the Board for their time.

INFORMAL DISCUSSION – David Clairmont: Potential Boundary Line Adjustment of Town Tax Map/Lots #24-01 & #22-32. Property of Clairmont Family Land Trust located on Province Road and Currier Hill Road in the Rural Zone.

D. Clairmont recused himself as a Board member to present a preliminary plan of potential boundary line adjustments for property owned by his family. The proposal would include reducing the acreage of Lot #24-01-01, of 5 acres, leaving 2.5 acres with the existing house. The 358' of frontage on Province Road (NH Route 107 North) would also be reduced and the balance merged with existing 55' of frontage on Lot #24-01 to achieve conformity. He continued that Lot #22-32, located on Currier Hill Road, has 130' and 150' of non-contiguous frontage; however, in order to create a conforming lot, they would need to adjust the boundary(s) of Lot #22-33, of 5 acres and 360' of frontage. If this is not possible, then Mr. Clairmont is considering constructing a road in order to obtain access to the backland.

N. Girard asked for a description of the property, i.e. topography, slope, wetlands, etc. Mr. Clairmont responded that some of the property is sloping, while other areas are level, with some wetlands. He continued that he would like to retain the lot having frontage on Province Road, which abuts the Town Transfer Facility, located within the Light Business District.

The family currently owns five lots, and there will remain five lots after the boundary line adjustment. There is even the possibility that it may be reduced to four lots. Two of these lots currently have single-family dwellings on them, one has two garage structures, and the remaining lot has no structures on it.

Mr. Clairmont explained that an exterior boundary survey is currently being performed and asked whether the Board would consider this proposal as a Boundary Line Adjustment or Subdivision application. J. Funk believes it would be regarded as a Boundary Line Adjustment because it's a transfer of ownership between family members and no additional lots are being created. N. Girard agreed, but the plan would need to be well thought-out. Mr. Clairmont thanked the Board for their input.

ADMINISTRATOR'S REPORT

NEEM Restoration: F. Barlik reported that Jim Locke, Sr. of NorthEast Earth Mechanics (NEEM) recently approached Dayne Thompson regarding restoration of the gravel site located on Sargent Road. Mr. Thompson was quite troubled by Mr. Locke's comments and contacted Felix to inform him that Mr. Locke doesn't think the reclaimed area requires further restoration.

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Planning Administrator Lynne Brunelle informed the Board of a similar telephone conversation with Mr. Locke. She informed him that NEEM will need to re-grade, re-seed and stabilize the restoration site in the spring, and then forward a written description to the Planning Office of what work was performed and when.

Discussion continued regarding the fact that NEEM should have done the seeding earlier in the season in order for it to become established before winter. Lynne agreed and suggested that the Board schedule a site inspection in the spring, as well as 60 days prior to the bond expiration of 10/27/07.

Crystal Lake Farms Road Construction: L. Brunelle informed the Board that Kurt Rague contacted her regarding the proposal from Hoyle, Tanner Associates, selected by the Selectmen as the third-party engineer to perform the construction inspections on the proposed road. Mr. Rague was not happy with the amount of the proposed costs; however, Lynne referred the phone call to Administrative Assistant Tim Warren, as the applicant would need to go before the Board of Selectmen with any complaints or concerns regarding this issue.

New Tax Maps: L. Brunelle informed the Board that she spent a considerable amount of time with Cartographics Inc. last Friday going over the new tax maps, making sure that the zones and districts are accurately represented on the maps.

Possible Boundary Line Adjustment - Terrell Way: L. Brunelle informed the Board that Barbara Rice, from 32 Terrell Way (Map/Lot #38-10-22) contacted her regarding a potential Boundary Line Adjustment. She and her abutter, Anne Hammond (Map/Lot #38-10-22) wish to purchase Lot #38-10-34, of .53 acre located across the street from them and share it by merging half of the lot with each of theirs. Discussion ensued regarding whether the Board could approve this proposal and the fact that there are other properties that have been merged across the road in both the Shellcamp and Sawyer Lake communities. J. Funk stated that the applicants would need to determine ownership of Terrell Way, a private road. Lynne will contact them and explain that the burden of proof is on the owners to prove that they own the fee under the road. She will also research whether the proposal would require ZBA approval.

Proposed Warrant Articles: L. Brunelle presented the final draft language of the proposed Zoning Amendments to the Board for review to determine whether the wording accurately reflects the intent of the proposed amendments. Some of the Board members indicated their intent to forward letters to the Editor in an effort to explain the proposed amendments. The Board also requested Lynne to contact Town Counsel and ask if letters may be distributed at Candidates Night and/or have a representative from the Planning Board in attendance to answer questions from the public. Lynne informed the Board that she is not aware if a date/time has been scheduled for Candidate's Night yet.

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NFIP: L. Brunelle informed the Board that if the Floodplain Management Ordinance passes at Town Meeting, which will qualify the Town for enrollment in the National Flood Insurance Program (NFIP), the next step would be to amend the Subdivision and Site Plan Regulations. This may be adopted by the Board after at least one public hearing.

2007 RSA Books: L. Brunelle informed the Board that the 2007 Land Use Regulation books arrived and will be distributed tonight.

ADJOURNMENT

On a motion made by E. Regan and seconded by D. Russell, vote passed unanimously. Meeting adjourned at 10 p.m.

Respectfully submitted,

Lynne R. Brunelle

The minutes were approved by unanimous vote at the Planning Board's 3/8/07 meeting.