

**TOWN OF GILMANTON PLANNING BOARD**  
**THURSDAY, MARCH 12, 2009 – 7 p.m.**  
**MINUTES OF MEETING**

**Present:** Chair Nancy Girard, Selectmen's Rep Don Guarino, Dan Hudson, Marty Martindale, Dave Russell, Alternate Member Pam Fecteau, and Planning Administrator Lynne Brunelle.

**Absent:** Vice-Chair John Funk

Chair N. Girard opened the meeting at 7:05 p.m., introduced the Board members and appointed alternate P. Fecteau as a full voting member. She then explained meeting procedures and addressed the first order of business as the acceptance of minutes.

**ACCEPTANCE OF MINUTES:** The Board members reviewed the minutes of the 2/12/09 meeting and minor changes were made. **Motion:** M. Martindale moved to accept the minutes of 2/12/09 as amended, seconded by D. Russell. Motion carried 5-0-1, N. Girard abstained as she was not in attendance at that meeting.

**PUBLIC HEARING - Ernest & Linda Hudzic:** Request to Subdivide Town Tax Map/Lot #123-10 of 91 acres into six lots of 2.315, 2.086, 2.037, 2.022 & 2.016 acres with frontage on Sawyer Lake Road. The remaining house lot of 80.9 acres is located at 38 Munsey Hill Road in the Rural Zone; PB#0309.

Paul Darbyshire, LLS, was in attendance to present the proposed plan. Mr. Hudzic was also in attendance. The plan depicts five new building lots with proposed driveways, septic and well locations, wetlands delineation, topos, 5' contours, soils and test pits. A request to waive the elevations and topos on the remaining lot was submitted for the Board's consideration, as it is over 80 acres and no development is being proposed. The Hudzic's existing single family dwelling, outbuildings and driveway located on the remaining lot are also shown on the plan.

Mr. Darbyshire continued that the wetlands, delineated by Peter Schauer, were delineated only in the area effecting new development. The lots mostly impacted by wetlands are Lots #1 & #5. In addition, each new lot depicts the minimum buildable area and all calculations exceed the required 30,000 s.f. as they range from 39,554 to 47, 243 s.f. He continued that there will be a 50' right-of-way (ROW) retained between Lots #1 & #2 for future access to the backland. Mr. Darbyshire presented the State of NH Subdivision Approval granted on 3/4/09 and a copy of which was attached to the Board's staff report.

D. Russell inquired about the remaining lot of 80 acres and asked if it includes the other side of the stonewall? Mr. Darbyshire suggested that the Board review the page two of the plan so to see the overview of the land and the shape of the lot. He pointed out that the Hudziacs own an abutting lot of 17 acres (Map/Lot #122-69) which encompasses the land shown on the opposite side of the stonewall and is not included in the remaining lot of 80 acres.

D. Guarino asked if anyone talked to the Road Agent regarding the proposed driveway locations, as he is especially concerned with Lot #5. Mr. Darbyshire indicated that he has not yet spoken with the Road Agent, but in anticipation of this question he presented a sketch depicting the driveway profile/access in relation to existing slopes and wetlands located on the lot. It appears that the driveway will not exceed the minimum 10% grade and will avoid wetlands.

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N. Girard referenced the Road Agent's comments/recommendations in the staff report stating that there is concern regarding proposed driveway locations achieving adequate sight distance, especially Lot #05 meeting 10% grade, and that it is located directly across from another driveway where the road curves/steep hill and traffic tends to go beyond the posted speed limit. Further, the comments made by the Fire Chief reference concerns regarding the driveway location of Lot #05 being directly across from another driveway, just beyond a steep hill/curve where traffic tends to exceed the posted speed limit. He is also concerned with driveway grades exceeding 10% and stressed access of emergency apparatus and life safety issues. The Fire Chief stated that he would like to attend the Site Walk.

Gilmanon Conservation Commission Chair (GCC) Nanci Mitchell referenced the submitted plan noting that the wetlands were delineated by Peter Schauer, CWS, but were not stamped and signed. Mr. Darbyshire responded that the final plan will be. N. Mitchell continued that the legend references the "edge of wetland soils" and "poorly drained soils" instead of "edge of wetlands". Mr. Darbyshire stated that he will adjust this on the final plan.

N. Mitchell continued that she tried to correlate the updated Belknap County Soil Survey (BCSS) with the 1968 BCSS data as shown on the plan. She believes that the Board should be using the updated soils maps by accessing them through the Web Soils Survey or Soils Data Mart websites. Nanci continued that she recently spoke with Joe Homer, Assistant State Soil Scientist, who conveyed that the 1968 soils maps are "historic" and the updated BCSS is considered the most current and what the town should be using.

Mr. Darbyshire does not agree as he finds the old BCSS to be more accurate in the field. He thinks that if the Board were to require the updated soils survey, it would be better off to require a High Intensity Soil Survey (HISS). N. Girard stated that this issue couldn't be resolved at this time but should be addressed and suggested that a work session with the Planning Board, Conservation Commission, Joe Homer and local surveyors be held for that purpose.

Patrick Hackley, abutter, was in attendance to support his neighbor and commend the surveyor for well thought-out plan. He has lived in the Sawyer Lake area for 11 years and drives Sawyer Lake Road everyday and has concerns regarding the proposed driveway locations, particularly for Lots #1 & #2. He suggested that staking the driveway locations would be helpful until the Site Walk but he is mostly concerned about public safety. No matter how much that hill is sanded in the winter, even a four-wheel drive will fishtail and this could create a hazardous situation.

Mr. Hackley referenced the 50' ROW between Lots #1 & #2, but he is concerned about sight distance and suggested that the ROW be considered between Lots #3 & #4 or #4 & #5. Mr. Darbyshire responded that if the ROW were to go between Lots #3 & #4 it would disrupt the field and if it were to go between Lots #4 & #5 it wouldn't provide access to the backland, which defeats the purpose of the ROW. Mr. Darbyshire offered to stake the proposed ROW, which will help with determining the sight distance. Mr. Hackley continued that Sawyer Lake is the most densely populated area in town and on any weekend day in the summer that road is constantly active with cars, boats, campers, etc.

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Sawyer Lake Road is very narrow, especially at the entrance to Province Road (Rt. 107) and this needs to be taken into consideration for long-term growth and impact. Mr. Hackley also wanted to emphasize that any new homes that will be built in this subdivision will not be part of the Sawyer Lake Village District and will therefore not have beach rights.

D. Hudson referenced the 2/12/09 minutes from the Informal Discussion regarding the fact that the 50' ROW is not for another subdivision but for the applicant's son to build a single-family dwelling; therefore, it isn't as much of an impact on traffic.

At this time the Site Walk was scheduled for Thursday 4/9/09 at 5:15 p.m. Mr. Hackley suggested that everyone park/meet at the clubhouse at the top of the hill on Sawyer Lake Road. N. Girard asked Lynne to notify abutters.

**Motion:** D. Hudson moved to continue the public hearing until the next regularly scheduled meeting on April 9, 2009 so that the Board can perform a Site Walk of the property. D. Russell seconded, motion carried 5-0.

**INFORMAL DISCUSSION – Claire Wilkens:** Potential Site Plan Review for dog training facility in existing kennel building located at 741 Province Road in the Rural Zone.

Claire Wilkens was in attendance to discuss the use of the existing kennel building located on her property for canine training. She thought that this would be considered as an agricultural use as it is similar to having horses in a barn that will be boarded and trained. They received a Special Exception in 1987 to use the kennel and would like to continue this use without any retail, grooming or boarding at this time. She is leasing the building to an individual who will be selling German Shepards via the internet then they would return to have them trained.

P. Fecteau asked if this is what the building is currently being used for? Mrs. Wilkens responded yes but doesn't understand why she needs to come back to the town for approvals that have already been granted. N. Girard responded that since the kennel has not been in use for several years, the previous approvals just need to be updated.

D. Hudson asked how many dogs would be trained at one time? Mrs. Wilkens responded that the dogs are trained for police and/or homeland security on Saturdays and Sundays, maybe five dogs at a time. D. Russell referenced the 6/12/08 minutes when Mrs. Wilkens came before the Board informally and it was explained that the appropriate procedure would be application to the ZBA for a Special Exception and the Planning Board for Site Plan Review.

At this time the Board members reviewed Article IV, Table 1 of the Zoning Ordinance (Table of Uses) and it was determined that the proposed use falls under the description of a "Service Business" defined as "a business which provides a service rather than a product to customers for compensation". Both applications could be heard at a Joint Hearing on the same night.

Mrs. Wilkens still believes that the proposal falls within the definition of agricultural use. It was noted that since a Special Exception was applied for and granted in 1987 means that it wasn't considered an Agricultural use at that time.

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In addition, changes have occurred as to ownership, boundaries and impact of use; therefore, the best thing the property owner can do is to obtain the appropriate approvals. Mrs. Wilkens will contact Lynne for assistance in filing the applications in time for a Joint Hearing with the ZBA.

**INFORMAL DISCUSSION – Mark Padula:** Potential Site Plan Review for Contractor’s Yard at 193 NH Route 106 in the Business Zone.

Mark Padula was in attendance to discuss a Site Plan application with the Planning Board. He owns property on NH Route 106 and would like to construct a 40’ x 70’ garage to be used for the storage of heavy equipment for his business. It was noted that since a Contractor’s Yard is a permitted use in the Business Zone, it does not require application to the ZBA, but does require Site Plan Review. On the submitted plan, the Board would like to see the proposed garage, building setbacks, location of boundary lines, wetlands if any, access/egress, parking area size and surface, equipment to be stored there, if using or storing fuel and/or oil, need to show the location and type of storage in a bermed area, etc. At this time, the Board agreed that the plan can be hand-drawn because it is for personal use. However, as in previous applications, if the Board performs a Site Walk and determines that additional information needs to be provided (surveying, wetland delineation, engineering, etc.) then the applicant will be expected to comply.

Discussion occurred regarding the fact that the lot lacks the required frontage of 200’ by 5’ and therefore will require a Variance from the ZBA. It was also noted that the site is not accessed at the point of frontage; it is accessed via the State of NH ROW. Mr. Padula is currently applying for a revised driveway permit from the State of NH DOT. The previous permit was approved as a temporary logging access and then as a residential access.

Mr. Padula informed the Board that at this time he does not plan to install a well or septic, but may have a porta-potty on site. He asked about whether he could have a washing station on site and was informed that if he did, it would need to be shown on the plan and be adequately bermed so that run-off couldn’t drain into wetlands and/or the aquifer.

Mr. Padula will contact Lynne to complete the appropriate applications. It was decided that a Joint Hearing would not be necessary as the ZBA would not need to consider the use but only the lack of 5’ of frontage for the Business Zone.

**ADMINISTRATOR’S REPORT:**

**Site Plan – Globe Transmissions:** Planning Administrator Lynne Brunelle informed the Board that Code Enforcement Officer Bob Flanders recently reported that Globe Transmissions located on South Road is running a full-fledged business, which requires a Site Plan Review. Lynne has spoken to the owner and informed him of this requirement, but will follow-up with another letter.

**Ferland/Green/Lantz Plans:** Lynne informed the Board that the final plans for the Boundary Line Adjustment have been received and are ready for the Chair’s signature. Once the deeds are ready to be recorded she will register the plan at the BCRD.

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**OTHER BUSINESS:**

**Natural Resource Audit:** N. Girard reported that she spoke with Andy Fast from the UNH Cooperative Extension Forest Services regarding obtaining an intern to perform a Natural Resource Audit on the Town's Master Plan, Zoning Ordinance, Subdivision and Site Plan Regulations. He is currently in contact with the UNH professor and will get back to us.

**Groundwater Withdrawal Ordinance:** D. Russell referenced the recent House Bill #312 regulating groundwater withdrawal and doesn't think the town needs to adopt its own language at this time because it is so well regulated by the State. The Board still intends to establish an Aquifer Protection Overlay District.

**ADJOURNMENT**

On a motion made by D. Russell and seconded by M. Martindale, vote passed unanimously. Meeting adjourned at 9:15 p.m.

Respectfully submitted,

Lynne R. Brunelle