

**TOWN OF GILMANTON PLANNING BOARD**  
**THURSDAY, MARCH 13, 2008**  
**ACADEMY – 7 p.m.**  
**MINUTES OF MEETING**

**Present:** Chairperson Nancy Girard, Vice-Chair John Funk, Selectmen's Representative Don Guarino, Felix Barlik, Dan Hudson, Doug Isleib, Alternate Member Marty Martindale, and Planning Administrator Lynne Brunelle.

**Absent:** David Russell, Alternate Members Pamela Fecteau and Monica Jerkins.

Chairperson N. Girard opened the meeting at 7:05 p.m. and appointed Alternate Member M. Martindale as a full voting member for tonight's meeting.

**INFORMAL DISCUSSION – Ryan C. Benson:** Follow-Up on Site Plan Review conditionally approved 10/11/07 to establish a Contractor's Yard on Town Tax Map/Lot #416-20, property of Robert & Dianne Vayda, located on NH Route 140 East in the Rural Zone; PB#1407.

Mr. Benson was in attendance to discuss a report from Cynthia Balcius, Certified Soil Scientist (C.S.S.) and Certified Wetland Scientist (C.W.S.) pertaining to wetlands located on the subject property. Ms. Balcius visited the property on 12/1/07 to demarcate the jurisdictional wetlands located on site. Attached to the report was a sketch of the findings in relation to the proposed Contractor's Yard. It was noted that this sketch was not to scale; therefore, the Board found it difficult to determine the location of the wetlands in relation to the gravel parking area where equipment is and/or will be stored.

N. Girard updated those present that the Planning Board had granted conditional approval on 10/11/07 for the Site Plan for a Contractors Yard. A waiver was granted for the requirement that the plan be prepared by a Licensed Land Surveyor (L.L.S.) at a scale of 1" = 20' on a sheet size of 34" x 22" showing a proximity map, all boundary lines, wetlands delineation, topographic and contour lines. However, there was a condition of approval specified that after a Site View, the Board may require that the wetlands be flagged by a Certified Wetlands Scientist and the boundaries of the Contractors Yard shall be 75' from the wetlands. In that case, the applicant shall clear area only to accommodate the Contractors Yard. At their Site View taken on 10/14/07, the Board determined that wetlands did exist but also that buildings should meet a 75' wetlands setback. It was subsequently determined that the appropriate setback from the wetlands should be 50' not 75'.

Gilmanton Conservation Commission (GCC) Chair, Nanci Mitchell was in attendance and conveyed the Commission's concerns regarding the CSS/CWS report and the wetlands located on site. She also wanted to address the fact that the Contractors Yard has been in use throughout the winter devoid of receiving final approval.

**Town of Gilmanton Planning Board  
Minutes of Thursday, March 13, 2008**

Nanci conveyed that according to the Wildlife Action Plan (WAP) the site is located on Tier1, which is the highest ranked for supporting habitat in the State. She continued that the applicant needs to be very careful with the use and/or storage of fuel on site due to the wetlands located on the property and especially the WAP classification. The Commission would like to see the Site Plan drawn to scale and the wetlands delineated. She also questioned whether the proposed storage trailer shown on the plan is considered a structure, if a building permit is required and whether it should meet setbacks?

Mr. Benson responded that he has been using the site but not to the full extent. Currently, no fuel, sand or salt is being stored on site; only vehicles and tools are being stored there.

D. Hudson referenced the definition of “Building” in the Zoning Ordinance as “any combination of materials, whether portable, movable or fixed, having a roof and enclosed within walls, built to form a structure for the shelter of persons, animals or property.” It appears that according to this definition, the 10’ x 20’ storage unit located on site would need to meet setbacks.

N. Girard asked the applicant if the gravel pad could be pulled back in order to meet the wetland setback? Mr. Benson responded that this would be possible. He then asked if the Conservation Commission wants him to use this site at all? N. Mitchell responded that the Commission has no problem with him using the site; they are just concerned about potential impact on the wetlands.

N. Girard acknowledged that they have good reason to be concerned. The problem is that the wetlands are flagged on site but are not delineated on the plan; therefore, the Board is unable to determine the location of the wetlands and buildings on site with respect to the required setbacks.

D. Isleib stated that a building permit is not required for the storage container that is being used to store tools. It is not being used for fuel storage. He continued that he has a storage container located on his property and he didn’t need a building permit for it.

L. Brunelle commented that when the Building Inspector issues a Trailer Coach Permit, he needs to make sure that the trailer coach meets setbacks in accordance with Article VI.D.2. of the Zoning Ordinance.

J. Funk referenced the definition of “Structure” in the Zoning Ordinance, which states “anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include, but are not limited to, buildings, walls, mobile homes/manufactured housing, presite built housing, antennas, satellite dishes and permanent signs.” He stated that although the storage trailer doesn’t seem to meet the definition of “structure” it certainly fits the description of “building” and would therefore need to meet setbacks.

**Town of Gilmanton Planning Board  
Minutes of Thursday, March 13, 2008**

D. Hudson suggested that the site be surveyed, to not only protect the owner and applicant, but to also document the boundaries and the wetlands delineation, as well as for longevity and enforcement purposes. The consensus of the Board agreed to incorporate the wetlands delineation onto a survey.

Paula Gilman, Conservation Commission member, conveyed her concern regarding the excavator stored on site due to a potential fuel leak, or of salt leaching into the wetlands. She suggested that the applicant locate an upland area to store these items away from the wetlands. She referred to Nanci Mitchell's statement made earlier regarding the fact that the property is located in the highest ranked habitat in the state and the wetlands eventually flow into Crystal Lake.

Mr. Benson stated that he thought that he had met the criteria and now he needs a survey and it's coming up to the busiest time of year for his business. N. Girard stated that the applicant is willing to relocate the site to accommodate the Board and meet wetland setbacks; however, these setbacks cannot be determined without the survey.

M. Martindale asked if it would be acceptable to take measurements from the wetland flags and determine the setbacks from there. D. Isleib agreed.

D. Hudson stated that this would take a lot of time and skill, but would not be accurate. He continued that the Board initially waived the survey requirement to save the applicant time and money. The conditional approval was contingent upon the C.W.S. report, which revealed that there are wetlands on site and now the Board would like to see the wetlands depicted on a survey.

J. Funk asked if the applicant owns or rents the site? Mr. Benson responded that he rents the site from the Vayda's. J. Funk suggested that it would be in his best interest to have it surveyed. N. Girard is concerned about the additional cost to the applicant but agreed that a survey would be beneficial for the town, the property owner and the applicant.

Mr. Benson could reduce costs by referencing the 1986 boundary survey and by depicting only a three to five acre area and delineate the wetlands. He intends to "slide" the gravel pad over about 25' toward the northern boundary line/stonewall. Nanci Mitchell conveyed that the abutting property is town owned and is very wet. She also indicated that in the process of relocating the site, the applicant must obtain a Dredge & Fill Permit from the State of NH-DES.

J. Funk asked when will the site be fully operational? Mr. Benson responded that they hope to begin work in the spring, or when the snow melts, and anticipates that it will take a year to complete. Mr. Benson conveyed his intentions to re-establish the site and taking appropriate erosion control measures by planting grass and shrubbery.

**Town of Gilmanton Planning Board  
Minutes of Thursday, March 13, 2008**

L. Brunelle informed the applicant that when the survey is complete, he will need to submit it to the town for another public hearing so abutters may be notified. The Board thanked Mr. Benson for coming in.

**INFORMAL DISCUSSION – Clairmont Asphalt & Paving Co.:** Follow-Up on Site Plan Review approved 1/29/04 to operate a Service Business/Contractor's Yard on Town Tax Map/Lot #411-01 & Stockpile Materials on adjacent Lot #411-03. Property located on NH Route 140 West in the Rural Zone; PB#3003.

Caroline Clairmont and David Clairmont Jr. were in attendance to discuss a potential amended Site Plan for the stockpiling of materials occurring on property adjacent to Clairmont Asphalt & Paving Company. Mr. Clairmont explained that they had met with the Conservation Commission regarding their wetlands application submitted to the State of NH-DES to widen the access so that trucks entering and exiting the property could do so safely and simultaneously. They are coming before the Board for guidance as to whether the plan requires a change of use.

Mr. Clairmont presented the appendix to the Site Plan showing the stockpiled materials located behind the existing building, the proposal to widen the existing access road and the area of wetlands that would be impacted.

D. Hudson asked Mr. Clairmont if the change was due to the anticipation of more trucks coming in and out of the site or was it just to address safety issues? Mr. Clairmont responded that it was more likely to address safety issues than to increase traffic.

F. Barlik asked if the location of the access point would change? Mr. Clairmont indicated that the intent is to straighten out the road somewhat and to move it closer to the westerly property line.

D. Isleib stated that the applicant is attempting to create a safer situation so why subject them to reapplication? N. Girard stated that according to the Site Plan Regulations, the plan needs to show the stockpiles, setbacks to the boundary lines and wetlands, and the reclamation date. According to David Clairmont Sr.'s letter of 7/25/03, the stockpiles were there temporarily for a period of five years.

After considerable discussion it was determined that this would be considered a modified Site Plan and that the Clairmonts should return to the Board with an amended application for a public hearing. In the meantime, the Clairmonts are pursuing a wetlands application from the State of NH-DES. D. Hudson asked if they would be required to amend the State of NH-DOT driveway permit? Mr. Clairmont conveyed that this is currently in process. It was suggested that Mr. Clairmont include the minutes of tonight's meeting so the State is aware of the applicants' intentions and that the Planning Board has been included in the process.

**Town of Gilmanton Planning Board  
Minutes of Thursday, March 13, 2008**

The applicant will return with the amended plan when the wetlands permit is approved. The Board thanked the Clairmonts for coming in.

**INFORMAL DISCUSSION –Thomas Dow, Jr.:** Discuss potential Site Plan Review for Town Tax Map/Lot #411-201 to establish Cottage Industry. Property located on Canaan Road in the Rural Zone.

Mr. Dow was in attendance seeking direction from the Board regarding a potential on site business. He would like to use a portable sawmill and construct pallets to be delivered and sold off site. According to Article IV, Table 1 of the Zoning Ordinance, a Sawmill is a Permitted Use in the Rural Zone. The assembly of the 4' x 8' skids will occur on the property, eventually inside a barn. Mr. Dow will deliver the pallets with his pick-up truck to be sold via an off site contract.

A “Cottage Industry” as defined in the Zoning Ordinance is “the production, assembly, packaging and shipping of materials for sale off-site. Use does not include on-site retail or showroom use. See Article X.” The Board reviewed Article X.A. regulating Cottage Industries and determined that the proposal generally falls within the guidelines; however, it will require a Special Exception from the Zoning Board and Site Plan Review by the Planning Board.

Mr. Dow is proposing to construct a barn on his property to assemble and store the pallets. In the event that his contract increases, he will then purchase commercial property to assemble, store and sell the pallets. At this time, Mr. Dow presented a copy of his surveyed 2.8-acre lot showing the two potential locations to construct a 24' x 30' post and beam barn. The one closer to the road would be easier for utility access and there is the potential for neighbors to hear the noise. The barn proposed for behind the house would require a wetlands crossing but any noise would be buffered.

J. Funk asked where the wood was coming from and by what means? Mr. Dow responded that some of the wood will be cut from his property, but if he needs more, it will be delivered. That would be one load from a logging truck every other month. There will be no tractor-trailers; he will use his F-250 pick-up truck to deliver the pallets.

F. Barlik asked what kind of wood, what about slash and what if there is a fire? Mr. Dow responded that he uses mainly hemlock, pine and occasionally oak. The slash will be sold to his grandfather as scrap wood, therefore, there won't be any slash laying around to provoke a fire. He would need to make sure that his driveway could accommodate a fire truck.

L. Brunelle indicated that when the Site Plan application is submitted, she forwards the plan to other departments for input, including Fire, Police and Highway Departments.

**Town of Gilmanton Planning Board  
Minutes of Thursday, March 13, 2008**

J. Funk asked if he anticipated any inconvenience to the abutters. Mr. Dow stated that he would discuss the plans with his neighbors before moving forward with the proposal. He continued that he does not anticipate a lot of noise and would work Monday through Friday between the hours of 8 a.m. to 4 p.m. for only four hours a day, one day a week for a partial contract and at least three days a week for a full contract. He is currently assembling 100 pallets a month with a partial contract.

F. Barlik asked if the driveway is paved or gravel and whether a logging truck could access the lot? Mr. Dow indicated that his driveway is gravel and he is not concerned about getting a logging truck in and out of the site. L. Brunelle conveyed that part of the Site Plan application process is to have the Fire Chief review the plan and determine whether fire apparatus could access the site, in this case, the barn in the event of a fire. The Chief may make specific recommendations regarding required width, slope and turning radius.

Mr. Dow thanked the Board for their time.

**ACCEPTANCE OF MINUTES:**

**Motion:** D. Isleib moved to accept the minutes from the 1/17/08 meeting as presented, seconded by F. Barlik. Motion carried 5-0-1, D. Hudson abstained.

**Motion:** M. Martindale moved to accept the minutes from the 1/22/08 meeting as presented, seconded by J. Funk. Motion carried 4-0-2, F. Barlik and N. Girard abstained.

**Motion:** J. Funk moved to accept the minutes of the 2/5/08 meeting as presented, seconded by D. Isleib. Motion carried 5-0-1, D. Hudson abstained.

**ADMINISTRATOR'S REPORT**

**Crystal Lake Farm Subdivision:** Planning Administrator Lynne Brunelle reported that an Administrative Order was issued by the State of NH-DES on 2/20/08 for violating RSA 485-A:17 by significantly altering more than 100,000 s.f. of terrain without proper permitting. The Alteration of Terrain (AoT) application was submitted the same day and apparently, the plan was not the most recent and therefore did not include all the impacts on the property. On 3/3/08, Ana Herrero, Compliance Inspector, recommended that Mr. Rague withdraw the AoT application and resubmit it with the correct corresponding plan. In the spring, a site inspection will occur with Ms. Herrero, the State Wetlands Scientist, Bob Flanders, Nanci Mitchell, Lynne Brunelle and anyone else from the Planning Board, if interested.

Lynne also reported that Mr. Rague submitted a quote from Fluet Engineering Associates P.C. for the Board of Selectmen to consider as the third-party engineer to oversee road construction for the Crystal Lake Farm Subdivision. The town had already retained Hoyle, Tanner & Associates Inc. to oversee this project but Mr. Rague objected and stated that they were high-priced. The Board of Selectmen decided to stay with HTA.

**Town of Gilmanton Planning Board  
Minutes of Thursday, March 13, 2008**

**Abbot Site Plan:** L. Brunelle presented the final plan and accompanying documents for the Board's review and approval. As per the Board's conditional approval on 8/10/06 the following items need to be addressed:

- (1) Submission of final plans in accordance with Town Ordinances and Regulations.
  - (a) Note #7 on the final plan shall depict the accurate front setback for the Business Zone as 50';
  - (b) The final plan shall depict the new Town Tax Map/Lot numbers;
  - (c) The final plan shall depict the size and location of the 4,000 s.f. area for septic loading;
  - (d) The final plan shall depict all proposed exterior lighting;
  - (e) The final plan shall depict all proposed landscaping and screening;
  - (f) The final plan shall depict the surface of the parking area(s) and the percentage of impervious surface;
- (2) A plan to mitigate any run-off into the wetlands on site shall be submitted, acceptable to the Conservation Commission.

Lynne will forward a letter to Nate Abbott, applicant and his agent, Paul Darbyshire, L.L.S. informing them of this.

**Darbyshire Subdivision Plan:** L. Brunelle presented the final plan and accompanying documents for the Board's review and approval. Considering the complex and controversial nature of this application, the Board decided to postpone their review until the next meeting when more time can be devoted to it.

**Surficial Geological Map:** L. Brunelle presented the Surficial Geologic Map of the Gilmanton Iron Works Quadrangle prepared by David Wunsch, State Geologist. The Board members reviewed the map and commented on how it may be used for planning purposes. Lynne informed the Board that the GIS information is available on CD-ROM.

**OTHER BUSINESS:**

**Adoption of Amendment to Article VII:** L. Brunelle reported that the amendment to Article VII proposed by the Planning Board was adopted by ballot vote. It will be interesting to see its effect on Building Permits and/or Zoning applications.

**Class VI Road Committee:** There will not be a Class VI Road Committee meeting this month. The next meeting will be Wednesday, April 16, 2008.

**Clairmont Site Plan:** Discussion occurred regarding the timelines of the Site Plan process, specifically, when the addendum showing the stockpiling on the abutting lot was submitted.

**Town of Gilmanton Planning Board  
Minutes of Thursday, March 13, 2008**

**Next Meeting:** The next Planning Board meeting is Thursday, April 10, 2008.

**ADJOURNMENT:**

On a motion made by D. Hudson and seconded by M. Martindale, vote passed unanimously. Meeting adjourned at 10:35 p.m.

Respectfully submitted,

Lynne R. Brunelle