

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

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

Absent: John Funk, Pam Fecteau

Chairperson N. Girard opened the meeting at 7:06 p.m. and explained public hearing procedures.

ACCEPTANCE OF MINUTES: The Board members reviewed minutes from the 2/6/07 and 2/8/07 meetings. **Motion:** D. Isleib moved to accept the minutes of the 2/6/07 Public Hearing as amended, seconded by E. Regan. Motion carried 5-0.
Motion: E. Regan moved to accept the minutes of the 2/8/07 meeting as amended, seconded by F. Barlik. Motion carried 5-0.

PUBLIC HEARING – Elizabeth M. Derby, owner/applicant: Subdivide Town Tax Map/Lot #44-25, of 4.72 acres, into two lots of 1.96 & 2.76 acres each. Property located at 21 Meadow Pond Road in the Village Zone; Application PB#0307.

Ronald A. Johnson, Licensed Land Surveyor (LLS) was in attendance to present the proposed plan. Also in attendance was Elizabeth Derby, applicant. Mr. Johnson explained that the subject property is the second house on the left located on Meadow Pond Road. There exists approximately 800' of road frontage, and the new lot of 1.96 acres will have approximately 324' of frontage. The remaining lot of 2.76 acres will have 475' of frontage with the existing driveway, house, garage and shed. The plan depicts the topography, soils info and calculations. The new lot shows the proposed house and septic siting, location of the proposed well and well radius. The subject property is bounded to the rear by the Meadow Pond State Forest.

Also submitted with the application was test pit information and a request to waive Section VI.C.2. of the Subdivision Regulations regarding the exclusion of the setback areas when calculating the 30,000 s.f. area. As a result of the waiver request, only the 50' wetland setback shall be subtracted from the required area and not the front, side and rear setback areas. D. Isleib asked what this calculation is. Mr. Johnson responded that it is slightly over 30,000 s.f.; however it is not shown on the plan. It was noted that this number and the area it represents needs to be depicted on the final plan.

F. Barlik asked if a waiver was submitted for the new lot of 1.96 acres. Mr. Johnson stated that the property is located in the Village Zone, which requires a one-acre minimum; therefore, a waiver would not be necessary.

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E. Regan asked about the two driveways shown on the remaining lot. Mr. Johnson explained that one is to access the existing house and the other is for agricultural use. The location of the proposed driveway for the new lot has been okayed by the Town Road Agent.

Mr. Johnson stated that State subdivision approval is required but has not yet been received.

Chair N. Girard opened the floor for public input. None of those members of the public present offered input at this time.

D. Hudson indicated that the Town tax map shows what appears to be a woods road at the back of the lot accessing the Town Forest. Mr. Johnson stated that he has not researched it, but he's pretty sure that the State owns that road.

F. Barlik asked that the final plan show the 30,000 s.f. area and the new lot as #44-25-01.

G. Martindale asked why the boundary line between the two lots couldn't be moved over 20' so that the existing treeline and stonewall were to serve as a natural boundary? Mr. Johnson stated that property owner wanted to retain this area as a natural buffer; furthermore, the additional area was needed to meet the minimum 30,000 s.f. area requirement.

N. Girard asked the Board members if they feel that a Site Walk is required or are they comfortable with the proposal? D. Isleib stated that the minimum lot size is met for the Village Zone, there is more than adequate road frontage, and he doesn't think a Site Walk is needed. The other Board members concurred.

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

PUBLIC HEARING – Richard A. Almeida, owner/applicant: Boundary Line Adjustment between Town Tax Map/Lot #38-14 of 3.065 acres, Map/Lot #38-15 of 2.332 acres, and Map/Lot #38-12 of 3.029 acres. Property located at 9 Lakewood Drive in the Rural Zone; Application PB#0407.

Dennis Railland, L.L.S. from Brown Engineering was in attendance to present the proposed plan to transfer .357 acre from Lot #38-12 (Presby) of 3.029 acres to Lot #38-14 (Almeida) of 3.065 acres and to transfer .184 acre from Lot #38-15 (Stephan) of 2.332 acres, to Lot #38-14. The final acreage and road frontage amounts will be: Lot #38-12 (Presby) 2.672 acres with 352.71' of frontage on Mountain Road & Lakewood Drive; Lot #38-14 (Almeida) 3.604 acres with 136.88' of frontage on Lakewood Drive; and Lot #38-15 (Stephan) 2.148 acres with 200' of frontage on Lakewood Drive.

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Mr. Rialland continued that Lot #38-14 has 277' of frontage on Crystal Lake and Lot #38-15 has 291' of lake frontage. He noted that the proposal will not effect the water frontage of either lot. The existing house and driveway locations are shown on the plan; neither of which will be effected by the proposal. He stated that waiver requests were submitted for topographic elevation contours and wetland delineation, as the lots are existing and no new development is being proposed.

D. Clairmont stated that the frontage of Lot #38-14 concerns him because it will leave only 138' on Lakewood Drive. D. Isleib agreed and asked Mr. Rialland to describe the old boundary versus what is being proposed. Mr. Rialland depicted the old and new boundaries, and explained that this lot currently does not have any road frontage. The Zoning Board granted a Variance in 2001 so the Almeidas could build.

D. Isleib asked about a triangular shaped piece of land shown on the plan having frontage on Lakewood Drive. Mr. Rialland explained that this sliver of land is part of Lot #38-15.

D. Clairmont stated that 352' of frontage is being proposed for Lot #38-12 and only 136' for Lot #38-14. He suggested that the boundary between these two lots be readjusted to provide sufficient frontage so both lots are conforming. Mr. Rialland responded that he tried to adjust the lines in order to accommodate the existing driveway, and the rationale was not to make it conforming, but to obtain road frontage.

Discussion continued regarding the fact that the lots are already irregularly shaped, and the Board would rather see that the lots achieve the 200' of road frontage, if feasible.

Richard Almeida was in attendance and suggested that property be swapped for frontage. Scott Presby was also in attendance and agreed to this suggestion and asked the surveyor if all setbacks could still be met? Mr. Rialland thinks that this is possible. It was suggested that the 77.8' sliver of land located at the corner of Mountain Road and Lakewood Drive be included in Lot #38-14 instead of Lot #38-12 instead of swapping acreage. All agreed that this was a good strategy. New plans will be drawn up and the applicants will return next month.

Motion: D. Isleib moved to continue the public hearing, F. Barlik second. Vote passed 5-0.

PUBLIC HEARING – David B. & Debra A. Cornett, owners/applicants: Boundary Line Adjustment to transfer 4.22 acres from Town Tax Map/Lot #29-35, of 9.71 acres, to Map/Lot #29-34, of 7.61 acres. Property located at 41 Lou Lane in the Rural Zone; Application PB#0507.

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Paul Darbyshire, L.L.S. was in attendance to present the proposed plan. The applicants, David and Debra Cornett, also in attendance, own two abutting lots of 9.71 and 7.61 acres located on Lou Lane. They wish to convey 5.48 acres to their daughter and merge the remaining 4.22 acres with theirs. The final acreage and frontage of both lots would be: Lot #29-34 of 11.84 acres will include Mr. and Mrs. Cornett's existing home with 296.6' of road frontage. Lot #29-35 of 5.48 acres and 303.49' of frontage is currently vacant land. The plan depicts the existing house, outbuildings, proposed and existing driveways, proposed and existing well locations, topos, soils information, test pits and wetlands delineation. The required minimum building site of 30,000 s.f. of contiguous area can be achieved; therefore, no waivers are being requested.

Mr. Darbyshire explained that due to the wetlands located toward the front of the lot, a wetlands crossing permit will be required from the State of NH for Lot #29-35 in order to access the building site, no matter where the access is located. A driveway permit was issued by the Town Road Agent and a copy is attached to the Staff Report.

D. Isleib inquired about the 30,000 s.f. area and asked what the amount was? Mr. Darbyshire responded that approximately 58,000 s.f. was achieved without setbacks.

D. Hudson referenced the driveway permit issued 2/28/07 and questioned whether a culvert would be required. Mr. Darbyshire clarified that a culvert may not be required where the driveway meets the road, but one will be necessary approximately 50' in at the wetlands crossing.

N. Girard referenced a question from the Gilmanton Conservation Commission Chair, Nanci Mitchell, asking what is the slope of the driveway? Mr. Darbyshire responded that it is not steep and is gently sloping.

D. Isleib inquired about the woods roads shown on the plan. Mr. Darbyshire responded that they depict the existing trails used by the property owners.

At this time, Chair N. Girard opened the floor for public input.

Charlene Forcier, abutter, asked where the proposed house would be sited. Mr. Darbyshire pointed out the proposed house siting on the plan, approximately 100' off her property line.

D. Hudson asked what the natural flow of run-off is? Mr. Darbyshire responded that it runs off the property in an easterly direction and eventually goes across the road.

N. Girard asked if anyone felt that a Site Walk was necessary? The consensus of the Board was that everyone felt comfortable not taking a Site Walk of the property.

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

DERBY SUBDIVISION – Deliberation & Decision:

N. Girard referenced comments from the Gilmanton Conservation Commission that the data from the updated Belknap County Soils Survey should be shown on the final plan, as should the requirement pertaining to the 30,000 s.f. contiguous area.

Findings:

Motion: D. Russell moved that in accordance with Section III.A. of the Gilmanton Subdivision Regulations the Board made the following findings that the proposed 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 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 in evaluating the suitability of the subdivision.
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. Isleib seconded, motion carried 5-0.

Waiver Request:

Motion: D. Russell moved that for purposes of calculating whether the proposed lots in the subdivision meet the minimum requirements in accordance with Section VI.C.2. of the Subdivision Regulations, the Board waive the building setback exclusion from the 30,000 s.f. requirement for Lot #44-25-01. Therefore, only wetland setbacks shall be applied. E. Regan second, motion carried 5-0.

Conditional Approval:

Motion: D. Russell moved to accept the application as complete and grant 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:

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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. All required Town, State or other agency permits shall be filed with the Town prior to the recording of the plat or issuance of a Building Permit. Subdivision Approval from the State of NH-DES is required.
2. Submission of final plans in accordance with Town Ordinances and Regulations:
 - (a) The final plan shall depict the correct Town Tax Map/Lot Numbers as follows: the new lot of 1.96 acres shall be shown as Map/Lot #44-25-01; the remaining lot of 2.76 acres shall be shown as Map/Lot #44-25.
 - (b) The final plan shall depict the 30,898 s.f. contiguous area for Map/Lot #44-25-01 and the 44,951 s.f. contiguous area for Map/Lot #44-25-00.
 - (c) The final plan shall reference the updated NRCS Soils.
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 the 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.
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 plan 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 State RSA's.

F. Barlik seconded, motion carried 5-0.

CORNETT BOUNDARY LINE ADJUSTMENT – Deliberation & Decision:

Discussion occurred regarding the Conservation Commission's request to view the wetlands located on Lot #29-35 after the snow melts, and the fact that this may be addressed as a condition of approval. D. Hudson addressed a driveway slope issue, that at one point the driveway is at 14% or 15% grade. Mr. Darbyshire believes they can move the driveway toward the property line where it is more level to alleviate the slope. N. Girard explained that the driveway may not exceed 10% slope, and beyond the wetland crossing it exceeds that grade. The Board would like it if the driveway were graded to a more conforming slope. Mr. Darbyshire thinks 10% can be achieved at this point. It was also noted that erosion control measures must be taken so that sediment does not run off into the wetlands.

Conditional Approval:

Motion: F. Barlik moved to accept the application as complete and grant 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 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.
2. Final plans will not be recorded until the transferring deeds are also signed and ready for recording.
3. 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 conditions of approval.

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4. 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 staff to determine if the conditions have been complied with.

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. A wetlands permit shall be obtained prior to construction of the driveway. The driveway shall meet the requirements of Section VI.B.12 of the Subdivision Regulations and shall not exceed a slope of 10%.
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.

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 5-0.

ADMINISTRATORS REPORT

Crystal Lake Farms: Planning Administrator Lynne Brunelle had distributed a draft letter to Kurt Rague regarding the Crystal Lake Farms Subdivision for the Board's review and comment. Changes were made and N. Girard suggested that Lynne include J. Funk's changes before sending it out.

Final Plans for Hoodlet/Purcell: L. Brunelle informed the Board that the final plans for the Hoodlet/Purcell Subdivision have been received and will be signed tonight.

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Final Plans for Blake: L. Brunelle informed the Board that plans have been received for the Blake Subdivision. At this time the Board members reviewed the plan and addressed specific issues pertaining to the wetlands setback, 30,000 s.f. requirement and wetlands delineation. N. Girard stated that some of the conditions of approval have not been met requiring that the 30,000 s.f. calculations and area be depicted on the plan. L. Brunelle conveyed that she had spoken to the surveyor, Fred Wheeler, regarding whether the wetlands setbacks had been applied to the calculation. N. Girard indicated that she cannot sign the final plan until it complies with Condition 2.a. of the Board's decision.

OEP Conference: L. Brunelle informed the Board that the State Office of Energy & Planning Conference is on Saturday, April 28, 2007. Any Board members interested in attending need to complete the registration form and return to her for submission.

OTHER BUSINESS

Selectmen's Representative: Chair N. Girard acknowledged that it was Ella Jo Regan's last Planning Board meeting as Selectmen's Representative. She thanked her for her service and applauded her for all she has contributed to the Town. Ella Jo thanked the Board and commended all the Town's volunteer Boards and Committees.

ADJOURNMENT

On a motion made by D. Russell and seconded by E. Regan to adjourn, motion passed unanimously. Meeting adjourned at 8:50 p.m.

Respectfully submitted,

Lynne R. Brunelle