

**TOWN OF GILMANTON PLANNING BOARD**  
**THURSDAY, APRIL 9, 2009**  
**APPROVED MINUTES**  
**ACADEMY – 7 p.m.**

**Present:** Chairperson Nancy Girard, Dan Hudson, Marty Martindale, Dave Russell, Alternate Member Pam Fecteau, and Planning Administrator Lynne Brunelle.

Chair N. Girard opened the meeting at 7 p.m., explained public hearing procedures and appointed Alternate P. Fecteau as a full voting member for tonight's meeting.

**ACCEPTANCE OF MINUTES:** The Board members reviewed the minutes of March 12, 2009 and grammatical changes were made. **Motion:** D. Russell moved to accept the minutes of the 3/12/09 meeting as amended, seconded by M. Martindale. Motion carried 5-0.

**CONTINUED HEARING - Ernest & Linda Hudziec:** 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 and the remaining house lot of 80.9 acres located at 38 Munsey Hill Road in the Rural Zone; PB#0309. A Site Walk was scheduled for this evening at 5:15 p.m.

Ernie Hudziec, applicant, was in attendance with his agent Paul Darbyshire, LLS, to present the revised plan. The changes made to the current plan include the removal of the 50' right-of-way (ROW) between Lots 1 & 2. This was replaced with a 50' strip of land instead to eliminate any confusion as to ownership and access issues in the future. Each lot was therefore affected by the additional 50' and as a result the lot sizes/frontage amounts differ slightly as follows:

- Lot #123-10-01 = 2.322 acres with 201.49' of frontage on Sawyer Lake Road
- Lot #123-10-02 = 2.299 acres w/201.32' frontage “
- Lot #123-10-03 = 2.042 acres w/210.14' frontage “
- Lot #123-10-04 = 2.024 acres w/231.88' frontage “
- Lot #123-10-05 = 2.027 acres w/244.24' frontage “

As per Section VI.C.2. of the Subdivision Regulations, in addition to the minimum two acres each lot shall also contain a minimum building site of 30,000 contiguous square feet (s.f.) as follows: Lot #1 exceeds 56,000 s.f., Lot #2 exceeds 54,000 s.f., Lot #3 exceeds 43,000 s.f., Lot #4 exceeds 45,000 s.f., Lot #5 exceeds 45,000 s.f.

Mr. Darbyshire stated that the driveway locations have changed slightly and are depicted on the plan. He met the Road Agent on site last week to look at the proposed driveway locations. As a result, the shared access for Lots #3 & #4 was moved down slope and is now located entirely on Lot #4, which will entail a driveway easement for Lot #3. The access for Lots #1 & #2 have good sight distance. At the Site Walk held earlier this evening, it was decided to move the shared access for Lots #3 & #4 down slope another 30'. In addition, the proposed driveway accessing the remaining land was moved approximately 30' in order to achieve additional sight distance. The Board appreciated that both Fire Chief K.G. Lockwood and Police Chief Phil O'Brien attended the Site Walk as they provided valuable input regarding life safety issues which resulted in relocating the driveways in order to achieve additional sight distance.

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Mr. Darbyshire continued that the plan depicts poorly drained soils with approximately 12,000 s.f. located on Lot #1 and 500 s.f. located on Lot #5. A waiver request was submitted for the requirement that elevations and topos for the remaining land be shown on the plan. State of NH Subdivision Approval has been received and will be referenced on the final plan.

N. Girard asked if the proposed driveways meet the required 10% grade? Mr. Darbyshire responded that the only one that comes close is Lot #5. He had submitted a sketch showing the driveway layout, which is below 10%.

M. Martindale attended the Site Walk and conveyed that the Police & Fire Chiefs' input was helpful as they expressed concerns regarding traffic on Sawyer Lake Road, particularly the amount of traffic exceeding the speed limit of 30 MPH and the hill/curve being factors. After having voiced their concerns, they were reasonably comfortable with the changes made to accommodate sight distance and minimize impacts.

N. Girard asked if there was any discussion about the proposed access for Lot #5 being located directly across from an existing driveway? Mr. Darbyshire responded that it wasn't an issue for the Road Agent, Fire or Police Chief when on site and they agreed that it was the best place to locate it.

D. Hudson expressed concerns regarding allowing only 50' of road frontage between Lots #1 & #2 to access the backland. It was clarified that this lot has additional frontage of 262' further down the road and the purpose of the 50' is to provide a future right-of-way.

D. Hudson also expressed concern regarding the description of "edge of wetland soils" versus "poorly drained soils" and asked for clarification. Mr. Darbyshire explained that they are one in the same as delineated by the Certified Wetland Scientist.

**Motion:** D. Russell moved to close the public hearing for application PB#0309. D. Hudson seconded, motion carried 4-0.

**PUBLIC HEARING – Mark A. Padula:** Site Plan Review for Contractor's Yard on Town Tax Map/Lot #412-17 of 31 acres located at 193 NH Route 106 in the Business Zone; PB#0509.

Mark Padula was in attendance to present the proposed plan to establish a Contractors Yard on his property located on Route 106. Although he has 31 acres and 195' of road frontage, the actual area being utilized is 2.5 acres, which is being accessed by a State ROW. He has submitted a ZBA application for a Variance for the required 200' road frontage. He has also reapplied for a driveway permit for the State of NH DOT to reclassify the existing access from residential to commercial. Mr. Padula plans to construct a 40' x 80' garage for the storage and repair of heavy equipment. He also intends to have fuel tanks on site, one gas and one diesel, 400 gallons each. These will be located on a concrete pad, appropriately bermed and covered by a roof. No septic or well are being proposed at this time.

D. Russell asked the applicant to elaborate on the access and frontage issues.

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Mr. Padula explained that there used to be a house on Lot #412-12 but the State took it by eminent domain when Route 106 was upgraded. At that time the previous owner obtained a ROW to access the backland, which is now his property. He continued that this is an easier and safer place to access the property than where his frontage is located, which is too steep.

N. Girard asked how he determined the setbacks shown on the plan? Mr. Padula stated that he located the pin where three lots meet and measured from that point. He is in the process of getting a boundary survey of the property but doesn't think it will be completed in time for the Site Plan.

P. Fecteau asked what type of building is he proposing for the site? Mr. Padula conveyed that he hopes to construct a 40' x 80' steel building with 4' frost walls, concrete floors with radiant heat. No water or septic is being proposed at this time; he intends to use a porta-potty as shown on the submitted Site Plan. There is currently a box trailer on site with his sign on it. No other signage is proposed at this time.

D. Hudson asked if there is power running to the site and if/when a septic is installed, where would it be located? Mr. Padula responded that there is no electricity yet, but he will be connecting to an existing drop on an abutting lot. The septic would be located to the right of the proposed building. It would be a chambered system so he can drive on it.

N. Girard asked if there are any wetlands located on or near the site? Mr. Padula responded that the site is steep and dry, but there are wetlands on abutting lots as well as across the street.

D. Hudson indicated that he would like to perform a Site Walk, all agreed. The Site Walk was scheduled to take place on Thursday, May 14<sup>th</sup> at 6 p.m. to immediately precede the meeting.

**Motion:** D. Hudson moved to continue the public hearing for application PB#0609 to the next regularly scheduled meeting so that the Board may conduct a Site Walk. M. Martindale seconded, motion carried 4-0. Mr. Padula informed the Board that the public hearing for the ZBA to consider the Variance for lacking 5' of road frontage is next week April 16<sup>th</sup>.

**PUBLIC HEARING – Chris Keith:** Site Plan Review for Equipment Storage in proposed 40' x 70' barn on Town Tax Map/Lot #414-61 of 57 acres located at 541 Meeting House Road in the Rural Zone; PB#0709.

Chris Keith was in attendance to present his Site Plan to construct a 40' x 70' storage barn on his property located on Meeting House Road. He conveyed that the Historic District Commission (HDC) granted approval on 3/3/09. Before a Building Permit can be issued, he needs Site Plan approval from the Planning Board to store his equipment inside the barn. Mr. Keith will be constructing a new driveway where there is an existing breach in the stonewall for purposes of accessing the barn. The Road Agent issued a Driveway Permit for this access on 3/30/09.

D. Russell asked about sight distance of the new driveway? Mr. Keith responded that there is good sight distance, about 400' one way and 500' the other. The Road Agent's report indicates that the new access is approximately 325' downhill from the existing driveway.

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George Roberts, abutter, noted that the submitted Site Plan does not show setbacks and asked where will the barn be located in relation to the abutting lot? How far will it be from the road? Mr. Keith responded that it will be at least 25' from the stonewall, which borders the lot line, and 250' from the road. Mr. Roberts informed the Board that this abutting lot is for sale and he is concerned with what will be stored outside the barn. Will there be any storage of oil or fuel on site? Mr. Keith responded no, there will be no storage of oil or fuel. He plans on storing wood, his tractor and excavator under the shed roof on the gable end of the barn, but it will be built to Historic District Regulations and aesthetically pleasing in a true New England style.

D. Hudson referenced the 12/16/08 minutes of the Informal Discussion where the applicant stated there would be no outside storage whatsoever. He asked the applicant if the equipment will be taken on and off the site on a daily basis? Mr. Keith responded that last year his excavator left storage in May and didn't come back until November. He further stated that if equipment is being stored under a roof, he considers it as being inside.

Mr. Roberts is concerned with what the future owner of the abutting lot will see. The plan does not indicate the setbacks and says that it is wooded, but the building site is the upper left corner of the lot and they would be able to see the gable end and/or shed roof from that vantage point.

L. Brunelle addressed the Board by making three points: (1) any outside storage of equipment and materials would be considered a Contractors Yard, which requires ZBA approval in the Rural Zone; (2) the Site Plan Regulations provide for landscaping and screening, therefore the Board can require that the wooded buffer remain or that appropriate screening be planted; (3) it would be helpful for the Board and abutters to take a Site Walk.

Extensive discussion occurred regarding whether the excavator being stored under the eaves is considered as outside storage. Mr. Roberts conveyed from an HDC standpoint, if it can be seen then it needs to meet the regulations.

To expedite the application, the Board agreed to schedule the Site Walk for Monday, April 13<sup>th</sup> at 6 p.m. and to continue the discussion until the April 16<sup>th</sup> meeting. If, for some reason, the Board/applicant/abutter cannot reach an agreement, then the application will be continued until the May 14<sup>th</sup> meeting.

**Motion:** D. Hudson moved to continue to public hearing for PB#0709 until the Planning Board's next meeting scheduled for April 16, 2009 to allow the Board to conduct a Site Walk. D. Russell seconded, motion carried 4-0.

**DECISION – Hudziec Subdivision:**

**Motion:** D. Russell moved that in accordance with Section III.A. of the Gilmanton Subdivision Regulations, the Board makes the following findings:

1. The proposed subdivision will not negatively impact the adequacy of water supply, drainage, sewage disposal and streets.

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2. The proposed subdivision will not negatively impact the Town's ability to provide street maintenance and snow removal, schools, fire protection and other services without excessive expenditure funds.
3. The proposed subdivision will not negatively impact the provision for the harmonious development of the town and its environs.
4. The proposed subdivision will not negatively impact the preservation of wildlife habitat, natural and man-made features and open space.
5. The proposed subdivision will not negatively impact 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 proposed subdivision will not negatively impact the character of the town as a small rural community and on the town's well being, prosperity and sound financial condition.
7. The proposed driveways were relocated as a safety measure due to existing conditions of the road and the excessive speed over the posted limit.

P. Fecteau seconded, motion carried 4-0.

**Motion:** D. Russell moved to grant the request to waive Section III.C.1.h. of the Subdivision Regulations requiring that elevations/topography be shown on the plan for the remaining land because it exceeds 80 acres and no development is being proposed at this time. D. Hudson seconded, motion carried 4-0.

**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:

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 plan or issuance of a Building Permit.
2. Submission of final plan in accordance with Town Ordinances and Regulations with the exception of any waivers that may have been granted.
3. A compliance hearing shall be held by the Board prior to signing the plan, 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.

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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 shall 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 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 RSAs.

M. Martindale seconded, motion carried 4-0.

**ADMINISTRATOR'S REPORT**

**Benson Site Plan:** Planning Administrator Lynne Brunelle informed the Board that Ryan Benson inquired about posting a sign on the BMMC site (Contractor's Yard) located on NH Route 140 East. She indicated that signage was not included as part of the Planning Board's Site Plan approval on 8/14/08. Since the proposed sign exceeds the 9 s.f. allowed by Zoning Ordinance Article III.F.8. Mr. Benson must obtain a Variance from the ZBA before he comes before the Planning Board to show the size and location on his Site Plan.

**Ferland Boundary Line Adjustment:** Lynne reported that Barbara Ferland recently discovered that the approved/recorded Boundary Line Adjustment plan is incorrect. Apparently, the surveyor shot a portion of the boundary between Ferland and Green in error. Lynne asked if they need to reapply to both the Planning and Zoning Boards or just record the corrective plan/deeds? It was determined that the Ferlands need to submit a new application/plan to the Planning Board and record the corrected deeds with the updated plan. There is no need for them to reapply to the ZBA as the Variance for reduced lot size was already granted on 2/19/09.

**Crystal Lake Farms Subdivision Update:** Lynne referenced the 4/8/09 letter from Hoyle, Tanner & Assoc. (HTA) regarding the road plans for this project.

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The letter indicated that the required information had been submitted and HTA therefore recommends approval. However, the Board was unable to perform their review of the letter and plans, as none of the updated information was provided to the Town. Lynne will obtain copies of the most recently revised Subdivision Plan, Road Plan and Erosion Control Plans.

**Updated Fee Schedule:** Lynne informed the Board that the Board of Selectmen recently approved updated application and abutters fees, as advertising and postage costs have increased.

**LRPC Questionnaire:** Lynne distributed a survey submitted by Lakes Region Planning Commission (LRPC) requesting the Board to collectively respond to questions pertaining to the needs of the community and the region in the next five years. The survey will be presented to LRPC by Gilmanton's Commissioner, Stan Bean.

**Updated Zoning Maps:** Lynne distributed a reduced zoning map created by LRPC for the Board's review and comment. There are still several items that need to be changed and the Board suggested the Lynne go to LRPC and address these issues personally.

**ADJOURNMENT**

On a motion made by M. Martindale and seconded by D. Russell, vote passed unanimously. Meeting adjourned at 9:35 p.m.

Respectfully submitted,

Lynne R. Brunelle