

**GILMANTON PLANNING BOARD**  
**THURSDAY, MAY 10, 2007**  
**ACADEMY BUILDING – 7 p.m.**  
**APPROVED MINUTES**

**Present:** Chairperson Nancy Girard (arrived late), Selectmen’s Representative Dave Clairmont, Felix Barlik, Dan Hudson (arrived late), Doug Isleib, David Russell, Alternate Members Pam Fecteau & Marty Martindale; and Planning Administrator Lynne Brunelle.

**Absent:** John Funk

D. Russell informed the Board that Chairperson N. Girard will be arriving late and appointed him as Acting Chair in the absence of Vice-Chair J. Funk. The meeting was called to order at 7:05 p.m.

**ACCEPTANCE OF MINUTES:** The minutes from Thursday, April 17, 2007 were reviewed and corrections made. **Motion:** D. Isleib moved to accept the minutes of 4/17/07 as amended, F. Barlik seconded. Motion carried 4-0.

At this time, N. Girard arrived and assumed the Chairmanship.

**INFORMAL DISCUSSION – Paul Darbyshire:** Possible Subdivision of Town Tax Map/Lot #414-74 (Old #27-74) located on NH Route 140 in the Rural Zone.

Paul Darbyshire was in attendance to present the preliminary plan. He and his wife, Carol, own 24 acres located on NH Route 140 East, opposite the entrance to Sawtooth Road. He is proposing a three-lot subdivision of 3.048, 9.485 and 11.901 acres each. There are some steep slopes located on the property, some of which exceed 12%, which are depicted on the plan as shaded areas. Several test pits have been performed to determine appropriate building sites. He explained that the proposed building site for Lot #1, of 3 acres, is approximately 100’ from the road. The proposed building site for Lot #2, of 9 acres, is located approximately 800’ from the road in order to achieve mountain views. There are two potential building sites on Lot #3, of 11 acres. One is approximately 300’ from the road, the other approximately 1000’. Proposed driveway locations are also depicted on the plan. The existing driveway accessing Lot #3 exceeds the 10% slope as required by the Subdivision Regulations. The other proposed access will be a common entrance for two driveways accessing Lots #1 & #2. Mr. Darbyshire is in the process of obtaining driveway permits from the State of NH DOT.

D. Isleib asked if it would be possible to access the three building sites from one driveway? He stated that the property is located on a curve in the road on a hill; there may be a problem with the State issuing two separate permits within 200’ of each other. D. Isleib also expressed that even if there is adequate site distance, he thinks that the Board should take a Site View. All agreed that when the formal application is submitted a formal Site View will be scheduled.

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D. Russell inquired about the woods road shown on the plan. Mr. Darbyshire responded that this is known as the Old Highway, which was discontinued in 1893. It therefore reverted to the abutting property owners at the centerline of the road.

D. Isleib asked if the proposed septic systems would be above ground? Mr. Darbyshire responded yes, due to the water table, the septic(s) would need to be above ground. He indicated that the best soils are located on Lot #1 and further stated that he had considered an Open Space Subdivision, but doesn't think it would work for this property due to the slopes, constructing a road, etc.

D. Isleib asked whether the required 30,000 s.f. area could be achieved for each lot. Mr. Darbyshire stated that the wetlands have been delineated and all three lots meet or exceed the requirement. The 50' wetland setback has been included in the calculations; however, these figures are not shown on the preliminary plan.

Mr. Darbyshire plans to submit a formal application for the June meeting and hopes to meet with the State prior to that meeting. He thanked the Board for their input.

**INFORMAL DISCUSSION – Joanne Wilkens:** Potential Re-Subdivision of Town Tax Map/Lot #414-78 (Old #49-02) located on Province Road in the Rural Zone.

Joanne Wilkens was in attendance and presented the Boundary Line Adjustment plan for Laurose MacFadyen Trust approved by the Planning Board in 2003. Mrs. Wilkens stated that her mother passed away last year and she would like to make a minor change to the plan. She and her brother, John Wilkens, were supposed to share a driveway and divide the existing 1.9-acre lot so that she would own the house and barn and he would own the kennel. A Variance was granted by the ZBA in 2001 (and renewed in 2002) for encroachment of the 20' side setback from the barn. She explained that once the Boundary Line Adjustment was in effect, the 1.1-acre portion of the lot, encompassing the house and barn, was supposed to be merged with the abutting 99-acre woodlot.

Mrs. Wilkens explained that she would rather not have the two lots merged and wishes to have the 1.1-acre lot in her name/her childrens' names, and keep the woodlot in her name only. In order to achieve this, the Planning Board would need to approve the 1.1-acre lot, which is non-conforming as it is located in the Rural Zone where the town requires a 2-acre minimum lot size. She continued that she would rather not have to resurvey the property and perform another Boundary Line Adjustment in order to achieve the additional .9-acre. Furthermore, she is considering placing a conservation easement on the woodlot.

Discussion occurred and N. Girard asked if this could be accomplished by deed? Planning Administrator Lynne Brunelle stated that the deed would need to reference a plan.

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All agreed. It was suggested that Mrs. Wilkens seek a Variance from the ZBA for the non-conforming lot and hopefully they will take into account that this is a pre-existing non-conforming lot with an historic home located on it, etc. The Board further explained that if the lot is considered non-conforming, it would require Zoning Board approval if any future changes are proposed. Interior renovations are acceptable, however, they could not expand, add a porch/deck, etc. without zoning approval.

N. Girard explained that Mrs. Wilkens' next step is to apply to the ZBA for the Variance then the Planning Board can formally approve the plan. Mrs. Wilkens thanked the Board for their input.

**WORK SESSION – Amendments to Town Regulations:** Potential changes to the Subdivision and/or Site Plan Regulations.

L. Brunelle explained that the purpose of the work session was to address the required amendments to the Subdivision and Site Plan Regulations resulting from the Town Meeting vote to adopt a Floodplain Management Ordinance. Due to a family emergency, Lynne was unable to attend the Work Session held on Thursday, May 3, 2007 at which time the Board instead discussed the Planning Board Rules of Administrative Procedure. Lynne conveyed that the Fire Chief has asked her several times whether the Site Plan and/or Subdivision Regulations have been amended to reflect the appropriate language for the Flood Plain Management Ordinance. The Board members determined that they would like to address the Administrative Procedures first.

To begin this discussion, Lynne distributed copies of the "Riggins Rules of Conduct for Public Hearings" with suggested Do's and Don'ts for Board members. The first item addressed was whether the Chair should vote and if/when s/he should recuse her/himself from the discussion. N. Girard always follows the practice not to vote unless there is a tie, which is the protocol described in our Rules. It was noted that our Rules also state that if the Chair is disqualified to sit on any particular matter before the Board, if possible, s/he should not chair any portion of that particular meeting but should appoint the Vice-Chair to serve as Acting Chair instead. D. Russell asked why is it acceptable for other Board members to recuse themselves from a hearing and/or discussion and then return, and not the Chair? D. Hudson interprets this procedure as whomever recuses themselves from a public hearing/discussion shall not participate in the deliberation and/or vote later in the meeting. D. Isleib disagrees and stated that the procedures clearly state that the Chairman should not chair any portion of that particular meeting. He referenced the Planning Board Rules of Procedure from the Deering, NH and suggested that the Board members to review and consider.

Discussion occurred regarding the rule that a Board member should always, in advance of any deliberations, fully disclose the nature and extent of any matter, which may disqualify that member from deliberating or making a decision.

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The Board members agreed that it is not necessary to state the reason(s) why they are recusing themselves and will remove this requirement when the Rules are amended.

Extensive discussion ensued regarding application procedure, suggested protocol for informal discussions, and amending the Site Plan and Subdivision applications/checklists in an effort to provide the applicant with explicit directions and required timelines. It was suggested that the Board hold a Work Sessions each month and address the Subdivision and Site Plan Regulations individually.

**OTHER BUSINESS**

**Lyme Disease:** F. Barlik addressed the Board, in his capacity as Animal Control Officer, and conveyed discussions with local veterinarians that there has been a significant increase in Lyme Disease. They're seeing as many cases in one week as there were the entire season last year; so please get your pet inoculated. He also suggested that the Board members be additionally careful on Site Walks.

**ADMINISTRATORS REPORT**

**Televised Meetings:** Planning Administrator Lynne Brunelle referenced a memo from Administrative Assistant, Tim Warren, asking the Town Boards and Committees whether they would like to have their meetings videotaped and televised on the Community Access Channel. N. Girard stated that she has no problem with it. D. Hudson also has no problem with it, but he doesn't think our meetings are conducive to taping due to length. D. Clairmont suggested that every month a different meeting could be recorded and that would give the public an idea of the correlation between the Town Boards and Committees. It was agreed to further discuss this issue at a later date.

**Almeida Plans:** Lynne informed the Board that the final plan for the Almeida Boundary Line Adjustment has been received and are ready for the Chair's signature this evening.

**Blue Sky Plans:** Lynne informed the Board the Karen Feltham, from Blue Sky Enterprises, dropped off plans for a Boundary Line Adjustment for property located in Belmont which abuts the Gilmanton town line. She asked that the Chair sign the plan for recording purposes only.

**ArcView Training:** Lynne informed the Board that Adam Kurowski from LRPC will be coming into the office to provide training based on the GIS and the new tax map data. He will also finalize the updated zoning maps for the town.

**Class VI Roads Committee:** Lynne informed the Board that Ella Jo Regan, Committee Chair, had asked her to arrange a Work Session in order to schedule road walks for the final five Class VI Roads remaining. The meeting was held on Tuesday 5/8/07 and Lynne emailed the dates of the scheduled road walks. The next meeting Work Session will be held after Ella Jo returns from her trip.

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**ADJOURNMENT**

On a motion made by D. Clairmont and seconded by F. Barlik, vote passed unanimously.  
Meeting adjourned at 9:15 p.m.

Respectfully submitted,

Lynne R. Brunelle