

**TOWN OF GILMANTON PLANNING BOARD**  
**THURSDAY, MAY 14, 2009**  
**APPROVED MINUTES**  
**ACADEMY – 7 p.m.**

**Present - Planning:** Chair Nancy Girard, Vice-Chair John Funk, Selectmen’s Representative Don Guarino, Marty Martindale, David Russell, Planning Administrator Lynne Brunelle.

**Present - Zoning:** Chair Elizabeth Hackett, Vice-Chair Carolyn Baldwin, Ron LaBelle, Israel Willard, Alternate Member Wayne Gray, Zoning Clerk Annette Andreozzi.

Planning Board Chair N. Girard opened the meeting at 7 p.m. and explained Joint Hearing procedures. ZBA Chair E. Hackett appointed Alternate W. Gray as a full voting member for the public hearing.

**JOINT HEARING – Paula Gilman Trust – PB#0809/ZBA #07-2009:** Site Plan Review from Planning Board & Special Exception from Zoning Board of Adjustment for Outside Recreational Facility to host private events on property of 52 acres located at 50 Stage Road in the Rural Zone; Map/Lot #424-55.

Paula Gilman was in attendance to present the proposed Site Plan with the assistance of Lisa Robinson, who prepared the plan. Ms. Gilman informed the Board that the property address has been legally changed to 50 Hawkins Lane, as per the Gilmanton Fire Chief and the State of NH Emergency 911 Office. Additional to the Site Plan, a supplemental parking plan was submitted depicting a 190’ x 85’ area having 65 spaces of 8.5’ x 18’ each. There will be seven rows of parking with a minimum of 11’ between rows. In an effort to address safety concerns, the parking plan also shows a 48’ turning area for fire trucks.

Ms. Gilman pointed out that the event field is approximately 1,000’ from the parking area and she will provide a golf cart to transport guests to the field. She may also provide valet parking at some point. In accordance with the ADA, handicap parking will be available adjacent to the event area. She pointed out that for safety purposes, a fence will be constructed along the backside of the pond bordering the event field.

J. Funk asked the applicant to provide orientation of the proposed parking area on the property. Ms. Gilman explained that the parking area will be located at the base of her driveway (Hawkins Lane) to the right as you pull in off of Stage Road. She is limiting the amount of guests to 150 at approximately two guests per car; therefore the number of cars will be about 70.

J. Funk asked if the Fire Chief has seen the plan? Ms. Gilman responded that the Fire Chief has reviewed the plan and visited the site. She understood that he would attend tonight’s meeting to provide his input; however, he was not in attendance.

L. Brunelle referenced the staff report, which reflects comments and recommendations from Town Officials. The initial report from the Fire Chief was “to make sure that parking areas are clear to allow sufficient circulation and access of emergency vehicles/apparatus and turning areas”. He also indicated that he would like to attend a Site Walk, if one is scheduled. Ms. Gilman responded that the plan presented this evening reflects the Chief’s concerns.

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Virginia Ladd from 105 Stage Road was in attendance and expressed concerns regarding road and traffic issues. In her opinion, the intersection of Ms. Gilman's driveway (Hawkins Lane) and Stage Road could not accommodate a fire truck because of two blind knolls. At this time she read a statement into the record reflecting her concerns regarding the proposal due to children riding bikes on Stage Road, which is a narrow country road that can barely accommodate two cars, and the potential traffic, speed, accidents and noise. She does not think the proposal is an appropriate use for this area.

Terry Freeman from 37 Stage Road was in attendance and asked whether alcohol will be served at these events and also expressed concern about noise and traffic. Ms. Gilman responded that the events will predominantly be weddings held mostly in the daytime and not late at night and she has retained an event planner. Any drinking will be monitored and will be governed by the planner/client contract. She has also spoken with the Police Chief and will notify the department when there is an event planned and an officer will be provided to monitor speed/traffic at the client's expense. The planner will also be providing the tent(s) and using industrial generators, which are very quiet.

Ms. Ladd noted that the applicant will also host wine tasting events? Ms. Gilman responded that she listed this as an option on her business plan and if held, the maximum would be 20-30 people. Furthermore, there would be a limit on the number of drinks per individual. Ms. Ladd believes that it doesn't take much alcohol for someone to drive their car too fast and not be able to stop in time, and there are many kids walking/riding bikes along this road.

Ms. Freeman asked how many events will be held between June and October? Ms. Gilman responded no more than twice a month. She indicated that any noise created would not be any louder than ATVs, target practice, cars or trucks currently in use in this area. When asked why she is proposing this use, the applicant responded that it is a way to utilize her farm and pay her taxes.

I. Willard stated that there is another business located on this road that generates six commercial vehicles twice a day and he therefore doesn't think the proposed use will create a greater impact. W. Gray agreed that music being played in a field 1,500' off the road wouldn't be any louder than air brakes on the commercial trucks.

D. Guarino made reference to a larger facility located at the other end of Stage Road, Camp Fatima, which generates more traffic and deliveries, etc. C. Baldwin indicated that Hidden Valley Campground traffic also uses Stage Road as a short cut and believes that what is being proposed will create much less of an impact than either one of these examples.

R. LaBelle indicated that he was on site and had no problem with sight distance. He also inquired about why 50 Stage Road was changed to 50 Hawkins Lane? Ms. Gilman explained that when the Fire Chief initially became aware of the proposal he noted all the woods roads on the property were named (internally) and expressed concern that anyone visiting the property may be confused as to their location in an emergency situation. At that time the Chief suggested since the driveway is 1,500' long that the Town rename it Hawkins Lane (as a private road).

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John Pearson, abutter, asked if there were plans for any permanent structures to be constructed in the event field? Ms. Gilman responded no, at this time it will remain an empty field, bounded by stonewalls.

E. Hackett asked about the tents to be used? Ms. Gilman responded that the tent(s) would be put up only for the event, nothing permanent. She continued that her event planner will use only high-end tents, commercial generators and self-contained trailers will be utilized instead of porta-potties.

Ms. Ladd asked how late would the events run? Ms. Gilman indicated that the events will go until about 9:30 p.m.; no music after 9 p.m.

D. Guarino asked the applicant to clarify the number of people attending? Ms. Gilman responded that she initially thought she would accommodate 150, but she has decided no more than 100 guests per event.

J. Funk suggested that if the Board were to approve the application with conditions limiting the number of events per month, number of people per event and setting time limits, would she agree; and if anything changed in the future, would she return to the Board to amend the plan? Ms. Gilman stated that she would agree to these conditions and offered to submit an updated business plan reflecting the limited number of events, guests and times.

Ms. Ladd asked if the applicant was requesting the Town to change the zoning of Stage Road because she would like it to remain as it is and not allowed for commercial uses. J. Funk explained that the property is located in the Rural Zone, and the use being applied for requires a Special Exception from the ZBA.

Ms. Gilman presented documentation from the NH Farm Bureau Federation defining the proposed use as Agricultural, specifically as "Agritourism", which is defined as "attracting visitors to a working farm for the purpose of eating a meal, making overnight stays, enjoyment of the farm environment, education on farm operations, or active involvement in the activity of the farm which is ancillary to the farm operation." According to the State Statute, agricultural uses are exempt from zoning and Ms. Gilman encouraged both Boards to consider incorporating this definition into the Town ordinances because she believes the small farms are being taxed and this is the only way they can produce income and survive as farms.

N. Girard informed those present that the Planning Board intends to perform a Site Walk on Thursday 6/11/09 at 5:30 p.m. She asked Lynne to notify the abutters and to invite the Road Agent, Fire Chief and Police Chief.

**Motion:** I. Willard moved to close the public hearing for ZBA Case #07-2009. C. Baldwin seconded, motion carried 4-0.

**Motion:** J. Funk moved to continue the public hearing for PB Case #0809 until the next regularly scheduled meeting on Thursday 6/11/09 in order to take a Site Walk of the property. M. Martindale seconded, motion carried 4-0.

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**ACCEPTANCE OF MINUTES:**

The Board members reviewed the minutes of the 4/9/09 & 4/16/09 meetings.

**Motion:** D. Russell moved to accept the minutes of 4/9/09 as amended. M. Martindale seconded, motion carried 3-0-2, J. Funk & D. Guarino abstained, as they were not in attendance at the 4/9/09 meeting.

**Motion:** M. Martindale moved to accept the minutes of 4/16/09 as amended. D. Russell seconded, motion carried 4-0-1, J. Funk abstained, as he was not in attendance at the 4/16/09 meeting.

**CONTINUED HEARING – Mark A. Padula – PB#0609:** Site Plan Review to Operate Contractor’s Yard on Map/Lot #412-17 of 31 acres located at 193 NH Route 106 in the Business Zone.

A Site Walk was taken this evening at 6 p.m. All Planning Board members in attendance were present, including D. Hudson, as well as Gilmanton Conservation Commission (GCC) Chair Nanci Mitchell and applicant Mark Padula. Those present viewed the future location of the proposed building, septic, well and fuel tanks. Discussion occurred on site regarding access issues. The applicant met with representatives from the State of NH DOT today and is awaiting input from that department. He asked the Board to continue the public hearing until next month, as he is also waiting for the ZBA to grant a Variance on the frontage issue.

**Motion:** J. Funk moved to continue the public hearing for Case PB#0609 until the next regularly scheduled meeting on Thursday 6/11/09. D. Russell seconded, motion carried 4-0.

**CONTINUED HEARING - John & Claire Wilkens – PB#0509:** Site Plan Review to Operate Kennel on Map/Lot #414-79 of 30 acres located at 741 Province Road in the Rural Zone.

D. Guarino recused himself from the hearing due to conflict of interest. N. Girard indicated that the ZBA closed their public hearing but did not make a decision regarding the Special Exception. They continued discussion until their next meeting, scheduled for Thursday 5/21/09.

The applicant’s attorney, Melissa Guldbrandsen, was in attendance and requested that the Planning Board continue the public hearing until next month in order to allow additional information to be entered into the record.

J. Funk asked what information is pending? Atty. Guldbrandsen indicated that the only thing pending is the State driveway permit. She spoke with the State of NH DOT District 4 today and learned that a letter is forthcoming and the Town should anticipate its receipt before next week’s meeting.

Atty. Guldbrandsen had a question regarding the number of required parking spaces as per the Site Plan Regulations. She stated that the Site Plan currently shows nine parking spaces and asked if this is sufficient? The Board wanted to know how many people will be visiting the property at one time, and when the dogs stay overnight, is it because they are being bred there or just boarded?

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Mrs. Wilkens responded that the dogs will not be coming in off the street to be boarded; they will be the owner's dogs. Therefore, the parking spaces would be for the people coming in for training.

At this time N. Girard acknowledged abutter Joanne Wilkens and her attorney, Patrick Wood. He agreed with the request to continue the public hearing as they are waiting for a response from the State of NH DOT. He will draft a memo highlighting his client's concerns and will forward it to Atty. Guldbrandsen before the next meeting.

The Board members agreed to schedule a Site Walk of the property for Thursday 6/11/09 to immediately precede the meeting at 6:15 p.m.

**Motion:** D. Russell moved to continue the public hearing for Case PB#0509 until the next regularly scheduled meeting on Thursday 6/11/09. M. Martindale seconded, motion carried 4-0.

**INFORMAL DISCUSSION – Daniel Lemieux:** Potential parking/repair of tractor trailers on Map/Lot #124-08, of 17.5 acres, located at 183 Province Road in the Light Business District.

Mr. Lemieux was not yet in attendance; however, Lynne explained that the property is located across the street from the Town Transfer Facility on NH Route 107N in the Light Business District. The property owner would like to park no more than ten tractor-trailers on site and repair them inside the garage. The Board members reviewed Article II.A. of the Zoning Ordinance describing the Zoning Districts in Town which states: *the Light Business District(s) are located just outside the Village District, as shown on the Gilmanton Zoning Map.... The purpose of the Light Business District is to provide for low impact retail businesses, small-scale service businesses, light manufacturing and professional services. The location of these facilities shall be encouraged to utilize shared access to prevent congestion and enhance visual appearance. Specific design standards shall apply as set forth in the Site Plan Regulations to prevent strip development.* J. Funk stated that according to this description the proposal is not consistent with the Light Business District.

At this time, Mr. Lemieux joined the meeting and explained his proposal to park and repair up to ten tractor-trailers on his property. He indicated that it would be well off the road and screened so it would not be an eyesore. N. Girard explained that the Light Business District was not established for this type of impact and this proposal would be more appropriate in the Business Zone located on Route 106. J. Funk stated that even if it is not visible from the road it would still produce noise and fumes and have an impact on traffic. When the Planning Board proposed the Light Business District in 2002 the intention was to bring business closer to the Village without impacting the rural character of that area of Town.

Mr. Lemieux stated that he already has his tractor-trailer coming in and out of the property and there are no problems with sight distance or traffic. He asked if he could establish a repair facility there? J. Funk referenced the Zoning Ordinance and indicated that it is not consistent with this district. Mr. Lemieux informed the Board that when he moved there he thought that he could at least have a repair facility seeing that it is a Light Business District. He stated that he has to figure out a way to somehow make a living and pay his taxes.

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It was noted that as per Article IV, Table 1 of the Zoning Ordinance, “Auto & Truck Repair” is permitted in the Light Business District by Special Exception. Mr. Lemieux stated that there is a good buffer of trees between the road and the proposed site so there will not be any visual impact and it would not increase traffic, so he would like to apply to the ZBA with this request. Lynne informed him that this would also require application to the Planning Board for Site Plan Review and therefore it could be addressed at a Joint Hearing. J. Funk stated that it’s likely that the Planning Board would deny his application because it is an incompatible use with the zone.

**OTHER BUSINESS**

**Crystal Lake Farms Subdivision Plans:** Lynne informed the Board that she received updated copies of the subdivision plan, road plan and drainage calcs from Mr. Rague. The most recent update to the subdivision plan was 1/29/09 which shows a “proposed fire pond” and the fire pond has been constructed because the Fire Chief went out and inspected it. GCC Chair Nanci Mitchell conveyed that she recently met with Mr. Rague and received a copy of his Forestry Plan. She intended to walk the easement area, however, the plan calculations don’t include and/or exclude the fire pond. Lynne informed the Board that she contacted Ron Johnson, LLS and asked for an updated plan that no longer refers to the pond as “proposed” and also reflects appropriate calculations for the wetlands/buildable area. Lynne will also forward a letter to the applicant informing him that the updated plan is required before Nanci can walk the easement area in addition to any changes that may be required to the easement language, if necessary.

**GILMAN SITE PLAN:**

At this time, Fire Chief K.G. Lockwood joined the meeting to provide input regarding the Gilman Site Plan. Chair N. Girard informed him that the public input had already been closed but she entertained a motion to reopen the public hearing to allow his input.

It was noted that the ZBA approved the Special Exception for an Outdoor Recreational Facility to host private events with the condition that traffic control will be provided at the beginning and end of all events, at the clients’ expense.

**Motion:** J. Funk moved to reopen the public hearing for Case PB#0809 to allow for public input. M. Martindale seconded, motion carried 4-0.

The Fire Chief was in attendance to explain how 50 Stage Road became 50 Hawkins Lane. He explained that when he first saw the “overview” plan of the property it showed interior roads having names similar to other roads in town. This concerned him so he went out to the property and noticed that Ms. Gilman’s house was located well off the road, approximately 1500’, and decided to bring it up to the Selectmen. He suggested that it be renamed Hawkins Lane and it was accepted at an E911 public hearing as 50 Hawkins Lane, a private road. The Chief also reviewed the submitted Site Plan and parking plan, and he thinks it is very well laid out from an emergency standpoint.

The Board thanked the Fire Chief for his input.

**Motion:** J. Funk moved to continue the public hearing for Case PB#0809 until the next regularly scheduled meeting on Thursday 6/11/09. M. Martindale seconded, motion carried 4-0.

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**ADMINISTRATOR'S REPORT**

**Hudziec Subdivision Plans:** Lynne informed the Board that the final plans have been received for this application and will be signed by the Chair this evening.

**Keith Site Plan:** Lynne informed the Board that the final plan has been received for this application and will be signed by the Chair this evening.

**Bingham Farm Road:** D. Russell informed the Board that he received a call from Harry Tomasian (Arlington Development) regarding the status of Bingham Farm Road. Lynne updated the Board that the subdivision is now 51% built-out and their next step is to petition the Town at the 2010 Town Meeting to accept it as a Class V town-maintained road.

**Henderson Property:** Lynne informed the Board that the Code Enforcement Officer forwarded a letter to Laurie Henderson informing her that she was in violation of the Zoning Ordinance because she is offering "pony parties" at her home on Middle Route where they feed, pet and ride the ponies. Lynne believes this would fall under the definition of Home Occupation and/or Agricultural Use. The Board members discussed previous meetings when Mrs. Henderson came before them to informally inquire about the proper procedure(s) to establish an in-home Child Care and/or Day Camp, which requires a Special Exception and Site Plan Review. The Code Enforcement Officer believes that these approvals should be received before Mrs. Henderson can offer the pony parties. Discussion continued that although the intended use of the farm falls within the Town's definition of "Agricultural Use" (RSA 21-34:a) and the State's definition of "Agritourism", there is concern regarding safety and building codes. The Board members agreed that Mrs. Henderson should submit the appropriate applications as discussed in previous meetings. Extensive discussion ensued regarding the fact that many agricultural uses are currently in operation in Town without having to go before the Zoning or Planning Boards. These include farm stands, sap houses/maple syrup sales, flower shops, green houses, horse back riding lessons, alpaca farms/sale of alpaca products, goat's milk/cheese, etc. Lynne stated that Gilmanton's Master Plan describes the Town as "a small rural community" where agricultural uses are not only allowed but also encouraged. Article IV, Table 1 of the Zoning Ordinance permits agriculture in all zones. She asked if these uses now need ZBA and Planning Board approval? J. Funk suggested that property owners meet with the Board informally to determine whether it is an agricultural use and/or home occupation.

**ADJOURNMENT**

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

Respectfully submitted,

Lynne R. Brunelle