

**TOWN OF GILMANTON PLANNING BOARD**  
**THURSDAY, JUNE 14, 2007**  
**ACADEMY – 7 p.m.**  
**APPROVED MINUTES**

**Present:** Vice-Chair John Funk, Selectmen’s Representative David Clairmont, Felix Barlik, Dan Hudson, Doug Isleib, David Russell, Alternate Members Pam Fecteau, Marty Martindale, Monica Jerkins; and Planning Administrator Lynne Brunelle.

**Absent:** Nancy Girard

In the absence of Chair N. Girard, Vice-Chair J. Funk served as Acting Chair and opened the meeting at 7:06 p.m. The Board members introduced themselves and public hearing procedures were explained.

**ACCEPTANCE OF MINUTES:** The Board members reviewed the minutes from the May 10, 2007 meeting. **Motion:** D. Russell moved to accept the minutes of 5/10/07 as amended, seconded by F, Barlik. Motion carried 5-0-1, J. Funk abstained.

**PUBLIC HEARING – Michael D. & Patricia R. Levesque:** Subdivide Town Tax Map/Lot #409-32, of 48 acres, into two lots of 5 & 43 acres each. Property located at 41 Gale Road in the Rural Zone; PB#0707.

Jeffrey Green, L.L.S., was in attendance to present the proposed plan to subdivide the subject parcel of approximately 48 acres into two lots. The five-acre parcel will have 393’ of road frontage on Gale Road and will encompass the existing house, barn, shed, and driveways in place, as well as any wood cutting equipment currently located there. The remaining land of 43 acres will have 402’ of frontage on Gale Road, a Class V Road, as well as 380’ of frontage on Hill Top Farm Road, a Private Road.

The submitted plan depicts topos, wetlands delineation and soils information for the five-acre lot and the front portion of the 43-acre lot. It was noted that the final plan would need to reflect the proposed building site(s) on the 43-acre lot, to include the minimum 30,000 contiguous square foot area as required by Section VI.C.2. of the Gilmanton Subdivision Regulations.

J. Funk asked what types of wetlands exist on the 43-acre lot? Mr. Green responded that the front of the lot along the road consists of wetland soils and approximately 250’ from Gale Road there is a beaver pond. The topography slopes uphill from there and continues to Hill Top Farm Road. J. Funk asked where would the building site be located and how would it be accessed? Mr. Green responded that there is a deeded 10’ right-of-way (ROW) along the northeast boundary of the property located on a neighboring parcel owned by Dan and Peg Dockham. This ROW could be used to access the “high and dry” land behind the beaver pond. There is also an existing driveway located on the five-acre parcel that could be used as a deeded access to the 43-acre lot.

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J. Funk asked about the site distance for both locations. Mr. Green responded that the road is fairly flat along the frontage of the new lot. Therefore, there is adequate site distance all the way toward Middle Route and at least 200' in the other direction.

M. Martindale inquired whether the calculations were determined for the 30,000 s.f. requirement on the new lot? Mr. Green responded that he did not figure the calculation for the existing lot but did for the proposed lot to be 93,000 s.f. within the setbacks.

J. Funk indicated that the area reflecting this calculation must be shown on the plan. Additionally, the same must be considered for the existing lot taking into account run-off, septic, etc. He asked where the septic tank and leach field are located on this lot? Mr. Green indicated that they are located to the left of the house.

J. Funk asked if there is a building site along the frontage on Gale Road? Mr. Green stated that if you were to ask a contractor if you could build there, he would say yes. However, it would not meet the town regulations regarding the contiguous 30,000 s.f. area.

D. Hudson noticed that there is an existing well located on the new lot, and asked what it is used for? Mr. Green stated that the well is currently not being used. It has been replaced and will be abandoned.

Mrs. Peg Dockham, abutter from Hill Top Farm Road, was in attendance and stated that it was mentioned that Hill Top Farm Road was a Private Road, and she believes it to be a Class VI Road. She continued that the town maintains the first 110' of the road and then it becomes discontinued. Planning Administrator Lynne Brunelle stated that she is pretty sure that this road is not a Class VI Road and that according to the Town Ordinance it is a Private Road. D. Clairmont stated that when his brother was Town Road Agent it was maintained by the town.

Allan Kingsbury, abutter, was in attendance and stated that when he purchased his land on Hill Top Farm Road in the late 1970's he had to upgrade about 125' of the road to town specifications in order to get a building permit. He always understood that beyond that point it is the Dockham's driveway. J. Funk informed the applicant and his agent that the status of this road must be determined prior to moving forward on the application.

D. Hudson asked Mr. Green to characterize the land along the frontage of Hill Top Farm Road. Mr. Green stated that he could not answer to that and referred the question to Mr. Levesque who explained that there are some wet areas then it slopes to higher ground. L. Brunelle asked if there exists a potential building site on Hill Top Farm Road, and if so, shouldn't that information be shown on the plan? Mr. Green responded that they may be able to locate one; however, it's more likely that the building site will be off Gale Road.

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M. Jerkins asked about the deeded ROW and how far does it go back on the property? Mr. Green responded that no distance is stated in the deed, only that it is 10' wide. He understands that it had been used to access approximately half the property where there is a jog in the stonewall.

Mr. Dan Dockham, abutter from Hill Top Farm Road, was in attendance and stated that in 1975 he bought 94 acres on a Range Way, the road didn't have a name. He researched the old deeds and as it was sold this changed from Range "Way" to Range "Road". The only reason the town allowed them to build on it was because they owned 21' of frontage on Gale Road, none on Middle Route. Allan Kingsbury bought the property at the end of the "road" and that property was pie-shaped with the point on Middle Route. It was considered unbuildable because he had no road frontage, but he was told that if he upgraded his "road" frontage to town specs then the town would maintain it. That's when they named it Hill Top Farm Road. He has no recollection of it ever being a town road but it is has always been used as their driveway and privately maintained.

J. Funk stated that whatever term was used, range way, discontinued, abandoned, etc. the town records will be researched to determine the current status of that road.

Mr. Levesque informed the Board that he currently has a buyer for the 43-acre parcel who would like to preserve the property. He continued that if there's a question on whether it's a town or a private road, the lot meets the minimum requirements of the ordinance and he would like to move forward with the subdivision proposal.

Gilmanton Conservation Commission (GCC) Chair, Nanci Mitchell, was in attendance and stated that the soil types indicated on the plan consisting of the 43-acre parcel are Pillsbury 3-8% and Millsite-Woodstock-Henniker complex 3-15%. These have complex characteristics and are poorly-drained and well-drained combinations. She would think that they would be buildable; however, both the upper (Hill Top Farm Road) and lower (Gale Road) building sites need to be delineated with topos and contours. N. Mitchell continued that if this parcel is going to be used as conservation land, she suggested it be subdivided as a woodlot and avoid the additional surveying.

With no further input from the Board or those members of the public present, the Chair entertained a motion to close the public hearing. It was noted that since a Site Walk should be taken, the public hearing shall be continued. The Site Walk was scheduled for Thursday, June 28<sup>th</sup> at 6 p.m. on Gale Road. Lynne Brunelle and Nanci Mitchell informed the Board that they would both be on vacation that week and therefore unable to attend the Site Walk.

**Motion:** D. Russell moved to continue the public hearing for the next regularly scheduled meeting on Thursday, July 12, 2007. F. Barlik seconded, motion carried 5-0.

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**PUBLIC HEARING – Paul M. & Carol G. Darbyshire:** Subdivide Town Tax Map/Lot #414-74, of 24.4 acres, into three lots of 3.04, 9.48 & 11.90 acres each. Property located on NH Route 140 in the Rural Zone; PB#0807.

Paul Darbyshire, L.L.S. was in attendance to present the proposed plan to subdivide his property located on NH Route 140 East, opposite Sawtooth Road. There is a discontinued road that abuts the property on the western boundary. With the exception of the front, the other property lines are bounded by stone walls. The proposed Lot 1 of 3 acres will have 215' of frontage and a shared access with Lot 2, of 9.4 acres and 200' of frontage. This driveway is pre-existing and has been there for about 20 years; however, there is currently a 16-17% slope issue that will need to be addressed. He continued that Lot 3 of 11.9 acres will have 380' of frontage and its own access, but a driveway easement would be required over Lot 2. Mr. Darbyshire met with the State of NH Dept. of Transportation (DOT) regarding the permits and they do not foresee a problem getting one new permit and the other one renewed. Both driveways slope down away from Route 140 and achieve adequate line of sight. State of NH DES Wetlands permitting will be required for both driveways.

The plan depicts topography, soils, wetlands delineation and test pit information. Mr. Darbyshire explained that one test pit was taken on Lot 1 because there is only one suitable building site on that lot where 43,170 s.f. of contiguous area is achieved. Several test pits were taken on Lot 2 and the plan depicts a suitable building site toward the back of the lot where 50,596 s.f. of contiguous area was located; however, other potential building sites can be located on this lot. Two potential building sites are depicted on the plan for Lot 3; one toward the front of the lot has 28,285 s.f. The other, which is toward the back of the property, has 75,839 s.f. and a nice view.

Mr. Darbyshire stated that the tan shaded areas depicted on the plan represent 25%-33% slopes located on the property. The purple shaded areas represent slopes which exceed 33%. The proposed driveways will meet the required 10% with switchbacks that may exceed 10%. State of NH DES Subdivision approval will be required for Lot 1 because it is less than five acres.

J. Funk asked if the proposed driveway easement for Lot 2 is due to the wetland? Mr. Darbyshire responded, yes, the easement is due to the wetland but it was also needed to meet the required 200' of road frontage.

D. Hudson asked how long are the proposed driveways for each lot? Mr. Darbyshire informed the Board that Lot 1 would be approximately 400' from the shared access point and Lot 2 approximately 850'. Lot 3 would be approximately 500' for the front site and 1,000' for the back.

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GCC Chair N. Mitchell indicated that the final plan must be stamped by a Certified Wetlands Scientist. She also asked if there is a perennial stream located on Lot 3? Mr. Darbyshire responded yes, there is an intermittent stream located on this lot, flow is depicted on the plan. N. Mitchell also asked what is the elevation of this lot and would the building site be visible? Mr. Darbyshire stated that it is approximately 1,250' but he cannot see any houses from there. The abutters to the west, the Philpots, may be able to see the house on Lot 1 in the winter, but not the other two.

With no further input from the Board or those members of the public present, Acting Chair Funk entertained a motion to continue the public hearing. A Site Walk was scheduled for Thursday, June 28<sup>th</sup> at 7:15 p.m.

**Motion:** F. Barlik moved to continue the public hearing until the next regularly scheduled meeting on Thursday, July 12, 2007. D. Isleib seconded, motion carried 5-0.

**OTHER BUSINESS**

**Subdivision for Crystal Ridge LLC:** The Board members reviewed minutes from their Work Session with Kurt Rague regarding the Open Space Subdivision so that N. Mitchell and L. Brunelle could address updates on the application. GCC Chair N. Mitchell informed the Board that Kate Surowiec, C.W.S. contacted her and told her that Mr. Rague would like her to accompany Kate on site to redelineate the wetlands. When N. Mitchell contacted Ms. Surowiec, she indicated that she had not delineated the entire parcel. The original delineation occurred six years ago and it appears that two people have delineated the wetlands. A letter was forwarded to Mr. Rague informing him that Kate Surowiec was to redelineate the wetlands on the entire parcel, and Ms. Surowiec is now requesting the Board to define "redelineate". It was determined that this means the edge of the wetland(s) needs to be reconfirmed, and if all wetlands on the property have not been delineated, they must be in order to determine the buildable area in accordance with Article V of the Gilmanton Zoning Ordinance regulating Open Space Subdivisions.

The Board asked Lynne to forward a letter to Mr. Rague requesting that, for purposes of calculating buildable area, the wetlands be redelineated and any steep slopes and/or ledge be confirmed by survey.

**WORK SESSION – Amendments to Town Regulations:** Potential changes to the Subdivision and Site Plan Regulations – Flood Plain Management Ordinance for National Flood Insurance Program.

L. Brunelle informed the Board that a resident recently attempted to obtain flood insurance and was unable to because the town has not completed the process of adopting the Flood Plain Management Ordinance. She continued that not only does the ordinance need to be adopted as part of the Zoning Ordinance by Town Meeting, but it must also be adopted by the Planning Board as part of the Subdivision and Site Plan Regulations.

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She had explained this issue to the Board at the last meeting; however, there were Board members who felt that amendments to the Planning Board Rules of Administrative Procedure should be addressed first. J. Funk asked Lynne to make recommendations as to where the amendments would be appropriate and what permits would be affected for review at an upcoming meeting.

**ADMINISTRATOR'S REPORT**

**Cell Tower Inquiry:** Planning Administrator Lynne Brunelle informed the Board that she received a call from Jim George of Industrial Communications inquiring about erecting an 140' tall cell tower on a 22-acre parcel located on Joe Jones Road. Lynne stated that she forwarded the Zoning Ordinance and referenced Article III.K. regulating Personal Wireless Communications Facilities to him, as well as the Site Plan Regulations, and suggested he schedule an Informal Discussion with the Planning Board.

**New Zoning Map:** Lynne presented a preliminary zoning map provided by Lakes Region Planning Commission (LRPC) reflecting updated information from the digitized tax maps. The Board discussed potential changes relating to colors, cross hatching, etc. to differentiate the Zones from the Historic Districts.

**ADJOURNMENT**

On a motion made by F. Barlik and seconded by D. Russell, vote passed unanimously. Meeting adjourned at 9:30 p.m.

Respectfully submitted,

Lynne R. Brunelle