

**GILMANTON PLANNING BOARD**  
**THURSDAY, JULY 10, 2008 – 7 p.m.**  
**MINUTES OF MEETING**

**Present:** Chair Nancy Girard, Vice-Chair John Funk, Selectmen's Representative Don Guarino (arrived late), David Russell, Marty Martindale, and Planning Administrator Lynne Brunelle.

**Absent:** Dan Hudson, Pam Fecteau

Chairperson N. Girard opened the meeting at 7:05 p.m. and introduced the Board members present.

**ACCEPTANCE OF MINUTES:** The Board deferred the acceptance of minutes for the 5/8/08 meeting due to lack of majority vote. The minutes from the 6/12/08 meeting were reviewed and minor corrections were made. **Motion:** D. Russell moved to accept the minutes of 6/12/08 as amended, M. Martindale seconded. Motion carried 3-0-1, N. Girard abstained, as she was not in attendance at that meeting.

**CONTINUED PUBLIC HEARING – Jason P. Bellush, applicant; Dorothy M. Bellush, owner:** Request to Subdivide Town Tax Map/Lot #408-01, of 45.67 acres, into four lots of 18.79, 10.32, 8.09 & 8.47 acres each; with 1,670' of shorefront on Crystal Lake subject to a private conservation easement. Property located on Mountain Road in the Rural Zone; PB#0508.

Jason Bellush contacted N. Girard by phone, as well as forwarded an email to Lynne, requesting that the public hearing be continued until the September meeting.

**Motion:** J. Funk moved to continue the public hearing for PB#0508 until the regular Planning Board meeting scheduled for Thursday, September 11, 2008. D. Russell seconded, motion carried 4-0.

**INFORMAL DISCUSSION – Barbara Ferland & Robert Green:** Possible Boundary Line Adjustment between Town Tax Map/Lots #110-43 & 110-44 located on Justamere Lane in the Rural Zone.

Barbara Ferland, Robert Green and Kenneth Lantz were in attendance to discuss a potential boundary line adjustment between Lots #110-43, of 1.10 acres, owned by the Ferlands; #110-44, of .15 acre, owned by Mr. Green; and #110-45, of .29 acre, owned by Mr. Lantz. The boundaries of the Ferland's lot would be adjusted with both abutters to increase the acreage of both Mr. Green's and Mr. Lantz's lots. Mr. Lantz is considering returning to the Board to request an additional boundary line adjustment or subdivision as a separate application.

Mrs. Ferland conveyed a concern expressed by their surveyor, Ron Johnson, regarding State approvals involved in the proposed boundary line adjustment.

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Planning Administrator Lynne Brunelle explained that Mr. Johnson's concerns related to obtaining State Subdivision and/or Septic Approval(s), meeting the requirements of the recently updated Comprehensive Shoreland Protection Act (CSPA) as well as the required minimum 30,000 s.f. contiguous area as per the Town's Subdivision Regulations.

Mr. Lantz asked since the lots were subdivided in the 1950's wouldn't they be considered as "grandfathered", so why would they require State Subdivision Approval? J. Funk explained that the lots are considered as pre-existing non-conforming lots; however, since they are proposing to change the acreage, they will require a Variance from the Zoning Board of Adjustment (ZBA). He suggested that when they are ready to submit their applications, Lynne will coordinate a Joint Hearing with the ZBA and Planning Board so they may be heard simultaneously.

At this time, Don Guarino joined the meeting.

**INFORMAL DISCUSSION – Laurie Henderson:** Possible Site Plan Review for Town Tax Map/Lot #409-76 located at 120 Middle Route in the Rural Zone.

Mrs. Henderson was not in attendance; therefore, the Chair moved on to the next agenda item. In the event that Mrs. Henderson arrives, the Board may take up the informal discussion at that time.

**ADMINISTRATOR'S REPORT**

**Acceptance of Minutes:** Planning Administrator Lynne Brunelle suggested that the Board review the minutes of the 5/8/08 meeting now that a majority vote may be achieved with the arrival of D. Guarino. **Motion:** D. Guarino moved to accept the minutes of 5/8/08 as presented, N. Girard seconded. Motion carried 3-0-2, J. Funk and D. Russell abstained, as they were not in attendance at that meeting.

**Letter to the Editor:** The Board referenced the upcoming Special Town Meeting Election to be held on Tuesday, July 22, 2008 for purposes of voting on the proposed amendment to Article VII. J. Funk suggested that the Board submit a Letter to the Editor explaining the reason for the proposal and supporting the amendment, as follows:

*"At the 2008 Town Meeting, the Gilmanton voters adopted an amendment to Article VII of the Zoning Ordinance, which addresses non-conforming uses, structures and lots. Subsequent to the meeting, the Zoning Board of Adjustment became concerned that some of the amendments could lead to the development of some non-conforming lots that would not be in the best interest of the town. The Board of Selectmen convened a meeting of the Planning Board, Zoning Board and Conservation Commission to discuss possible remedies. The Planning Board was tasked with the responsibility of proposing an amendment to address the problem. After the first public hearing it became apparent that the public wanted to utilize the amended article as the basis to move forward toward an effectively functioning ordinance. (continued next page)*

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*“With that goal in mind, a public workshop was held where language was drafted and posted for a second hearing where positive public input was received. With the support of other Town Boards, the Planning Board has recommended that Article VII be amended as suggested. A copy of the proposed amendment is posted publicly at the post offices and on the town website. All of those involved in this process consider this to be an extremely important issue and recommend that the voters of the community vote “YES” on Tuesday, July 22, 2008.”*

D. Guarino asked if the Planning Board can submit a Letter to the Editor supporting their own proposal? J. Funk conveyed that this is a statutory board, which can propose and support an ordinance, because we don't interpret or enforce the ordinance. Discussion continued whether the letter will be submitted by the Planning Board as a whole or by Nancy Girard as the Planning Board Chair. All agreed to submit the letter by Nancy Girard as the Planning Board Chair.

**Rague Conservation Easement Deed:** The Board members reviewed the CE Deed language for the Crystal Lake Farms/Kurt Rague Open Space Subdivision. It was suggested that the following language be added to paragraph 3.D. on page 5, as it pertains to the drainage easement: *“Following completion of such activity, the party performing the work shall restore the land to its original condition.”* The Board asked Lynne to send the language to GCC Chair, Nanci Mitchell, for consideration.

**ADJOURNMENT**

On a motion made by M. Martindale and seconded by D. Russell, vote passed unanimously. Meeting adjourned at 8:10 p.m.

Respectfully submitted,

Lynne R. Brunelle