



**Planning Board
Academy Building
503 Province Road
Gilmanton, New Hampshire 03237**

Approved: 03/10/11

Desiree Tumas, Administrator
Mark Fougere, Certif. Planner
Nancy Girard, Chair
John Funk, Vice-chair
Rachel Hatch, Select-Rep
Dan Hudson, Member
Marty Martindale, Member
Dave Russell, Member
John Weston, Alternate

**Minutes of the Meeting
January 06, 2011**

Open Meeting

*Call to Order at 6:00 PM
Explanation of Meeting Procedures*

Member Attendance: Nancy Girard, Chair; John Funk, Vice-chair; Dan Hudson, Member
Marty Martindale, Member; John Weston, Alternate seated in the
absence of Member Russell; Mark Fougere, Planner; Desiree Tumas,
Administrator.

Public Hearings for the Proposed Zoning Ordinances

- January 06, 2011, Hearing Date - Notice sent to the paper by December 21, 2010, Laconia Daily Sun on December 23, 2010.
- February 01, 2011 – Last day for planning board to hold final public hearing on adoption or amendment of zoning ordinances.
- February 01, 2011 – Last day for official copy of final proposal to adopt or amend zoning ordinances, to be placed on file at the town clerk’s office.

Pursuant to NH RSA 674:16 I – the following amendments are for the purpose of promoting the health, safety, or the general welfare of the community, the local legislative body of any city, town, or county in which there are located unincorporated towns or unorganized places is authorized to adopt or amend a zoning ordinance under the ordinance enactment procedures of NH RSA 675:2-5.

1. “To see if the Town will vote to Amend the Definition of Multi-Family in Article XVI to change the maximum number of number of families from 4 to 5.”

Following discussions the Board, by consensus agreed to put the proposed amendment forward for a final vote to place the proposed zoning amendment on the March 2011 Ballot.

2. “To see if the Town will vote to Amend Article VI Manufactured Housing, Section D1, Storage and Use of Recreational Vehicles to clarify that the storage is only allowed at a primary residence or at a property abutting a primary residence.”

Following discussions the Board, by consensus agreed to put the proposed amendment forward for a final vote to place the proposed zoning amendment on the March 2011 Ballot.

3. “To see if the Town will vote to Amend Article III,B – Fire Ruined Buildings by allowing the Board of Selectmen to grant extensions.”

Following discussions the Board, by consensus agreed to put the proposed amendment forward for a final vote to place the proposed zoning amendment on the March 2011 Ballot.

4. "To see if the Town will vote to Amend Article VIII, Administration, Enforcement and Penalty, Section A to clarify that the enforcement duty shall be by the Board of Selectmen or its designee.

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Following discussions the Board, by consensus agreed to put the proposed amendment forward for a final vote to place the proposed zoning amendment on the March 2011 Ballot.

5. "To see if the Town will vote to Amend Article III by adding a new comprehensive Groundwater and Wellhead Protection Overlay Zone."

Following discussions the Board, by consensus agreed to put the proposed amendment forward for a final vote to place the proposed zoning amendment on the March 2011 Ballot.

6. "To see if the Town will vote to Amend Article VII, Non-conforming Uses, Lots and Structures, Sections B2 and B4 by clarifying that changes to the non-conforming structure that may be accomplished within the existing setbacks, are permitted.

Following discussions the Board, by consensus agreed to put the proposed amendment forward for a final vote to place the proposed zoning amendment on the March 2011 Ballot.

7. "To see if the Town will vote to Delete the existing definition of "Structure" in Article XVI and replace with a new definition."

Following discussions the Board, by consensus agreed to put the proposed amendment forward for a final vote to place the proposed zoning amendment on the March 2011 Ballot.

8. "To see if the Town will vote to Amend Article XVI by adding a new definition for 'Deck'."

Following discussions, the Board, added, "Not covered by a roof". Following further discussions the Board, by consensus agreed to put the proposed zoning amendment forward for a final vote to place on the March 2011 Ballot.

9. "To see if the Town will vote to Amend Article VIII, Administration, Enforcement and Penalty, Section A, by clarifying that it is the Board of Selectmen or their designee, has the authority to enforce the zoning ordinance decisions of the Historic District Commission."

Following discussions the Board, by consensus agreed to put the proposed amendment forward for a final vote to place the proposed zoning amendment on the March 2011 Ballot.

10. "To see if the Town will vote to Amend Article VII, Paragraph C, Non-Conforming Lots, Paragraph 2, to clarify that the existing requirement to obtain a state approved septic system design must be met prior to the issuance of a building permit by the Town and that only minimal frontage is needed on a Class V road in order to build on it."

Following discussions the Board, by consensus agreed to put the proposed amendment forward for a final vote to place the proposed zoning amendment on the March 2011 Ballot.

11. "To see if the Town will vote to Amend Article IX, Board of Adjustment, Paragraph C by deleting paragraph 2 relating to the expiration of variances."

Chair Girard read an email from ZBA Member, Ronald LaBelle that stated he was opposed to the abolishing the 1-year limit due to concerns regarding the changes to zoning between the approval and completion of an approved use, if the year time limit were extended.

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Chair Girard read a letter from ZBA Chair Elizabeth Hackett that stated she was unclear what the proposal would accomplish and reiterated the concerns related to the changes in zoning between the approval and completion of an approved use.

Ms Hackett also commented to the replacement of non-conforming structure. In particular the increase in height for waterfront properties, questioning who decides whether the proposal interferes with another property owners' views?

It was additionally noted that the comments from Ms Hackett are her own and do not necessarily reflect the views of other members of the ZBA.

Following discussions the Board, by consensus agreed to put the proposed amendment forward for a final vote to place the proposed zoning amendment on the March 2011 Ballot with the following language added.

- C-2 Variance shall expire, if use of construction permitted by Variance is not substantially implemented within four (4) years of the date the ZBA approved the Variance.

12. Are you in favor of the adoption of Amendment #12 as proposed by Petition of the voters of this town: ***To amend Article IX, Board of Adjustment paragraph C, Variances by deleting paragraph 2, as it relates to the expiration of variances, in its entirety?***

Following discussions, having approved the language of #11, the proposed petition warrant article is not necessary and would be redundant to put the petition forward.

13. Are you in favor of the adoption of Amendment #13 as proposed by Petition of the voters of this town: To Amend Article III, General Provisions Applicable to all Districts, by adding a new section O. Biosolids, which would prohibit the stockpiling or landspreading of municipal sewerage sludge, "biosolids" Class A and B, with the exception that Class A sludge, sold in bags for home gardening use, would be allowed.

Following discussions, the Board, agreed by consensus not to support the proposed petition warrant article prohibiting the use of Class B and limiting the use of Class A.

The Board, by consensus agreed to put the proposed petition warrant article forward for a final vote to place the proposed petition warrant article on the March 2011 Ballot.

Adjournment

Motion was made and seconded to adjourn the public hearing at 8:15 PM; the motion passed unanimously.

Respectfully submitted,

Desiree Tumas
Administrator