

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

**Minutes of the Meeting  
Thursday, January 14, 2010**

**Members Present** Nancy Girard, Chair; John Funk, Vice-chair; Dave Russell, Member; Dan Hudson, Member; Don Guarino, Selectmen's Rep. (@ 7:33 p.m.); Desiree Tumas, Clerk

**Public Attendance** (As signed in) Erica Anderson, LRPC; Tom Argue, Marshall Bishop, Nanci Mitchell, CC-Chair; Matthew Moore

**Open Meeting**

Chair Girard called the meeting to order at 7:10 pm, opening the meeting with introductions of the Planning Board and Zoning Board Members and went on to explain the purpose of the joint meeting with the ZBA.

Chair Girard opened the public hearing calling Thomas Argue to present his plan for a three-lot merger and boundary line adjustment.

**Public Hearings**

**Joint Public Hearing PB Case #0110 & ZBA Case #1-2010 – Thomas Argue et al** - has applied to the Planning Board for a Property Merger/Boundary Line Adjustment in which they seek approval to merge the three existing non-conforming lots and adjust the boundary lines creating two more conforming lots of record. The two resulting lots would have adequate upland area for a single family dwelling with on site water and sewer disposal after the adjustment. Individual Septic Disposal System designs have been approved by NHDES.

The Applicant/Property Owner has applied to the Zoning Board of Adjustments for a Variance from Article IV Table 2, requiring two acres for a buildable lot in the Rural Zoning District, as shown on TM 416 LT's 2, 3, 4. Said property is located on Mountain Road, Gilmanton.

Mr. Argue thanked the Boards for meeting together and went on to explain that he had previously come before the Planning Board and there were questions as to the actual property lines with reference to the wetlands that are between the property line and Crystal Lake. A determination was needed as to the actual lot size and whether or not the wetlands were part of the Argue Family owned properties.

Research determined that the wetlands were not part of the subject parcel. Plans have since been revised to indicate the property boundary line abutting the wetlands. As such, the amended plan comes up approximately 6/100<sup>th</sup> of an acre short of the minimum lot requirements. This shortage of acreage requires a Variance from the ZBA in addition to the Planning Board's approval to merge and adjust the boundary resulting in one lot being 1.946 acres and the other lot being 1.926 acres.

The Applicant has received state septic approval for both resulting lots and there is sufficient upland to support the well, driveway and construct a single-family 4-bedroom dwelling meeting all setback requirements.

The Applicant apologized for not having additional copy of the individual lots created. He was under the impression that Brown Engineering had provided additional copy.

Board Members review the plans provided.

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*Chair Girard excused herself from the Board; she will return shortly. Vice-chair Funk assumes the Acting Chair position until Chair Girard's return.*

Board Members question if there was at least 30,000 square feet of buildable upland. Mr. Argue stated it was his understanding that there is. Mr. Argue will talk with the engineer and have the 30,000 sf area delineated on the plan.

Board Members questioned if the location the dwelling as indicated will be the actual location of the dwelling.

Mr. Argue explained that the indication is for purposes of depiction only. To show, by scale that the lot would support the footprint of a 4-bedroom dwelling meeting all applicable setbacks.

Vice-chair Funk, called for further questions from the Board, hearing none the Board reviewed the submitted plans as well as the newest plans depicting the resulting individual lots.

Vice-chair Funk called for comments from the public; CC-Chair, Nanci Mitchell requests to view the submitted plans. Ms. Mitchell reviewed the plans and questioned if the property was subject to the restrictions of the Shoreland Protection Act.

Following brief discussion and review of the Shoreland Protection Act, Board Members request the addition of the Shoreland Protection Setbacks to the plan.

Following additional discussion Board Members and the Applicant agree the Shoreland Setbacks are adequately met.

Vice-chair Funk called for further discussion from the Board or Public; hearing none redirects to the ZBA requirements.

It was noted for the record that Mr. Argue is representing his brothers and sisters for this application and letters granting Mr. Argue authority to represent each of the siblings with an interest in the property are on file.

Mr. Argue addressed the 5 criteria outlined in RSA 674:33. ZBA Chair Hackett explained that once the presentation was complete the ZBA would move to the conference room downstairs for deliberations and final determination on the application for the variances.

Chair Hackett went on to explain that the Applicant was welcome to attend the discussions and that a decision would be provided.

It was noted that there was a loon nest in the wetland area near the property. Mr. Argue explained that he had observed the nest last season and that the nest was a sufficient distance away that residential development would not be an issue.

It was questioned how the setback distance with regard to the shoreland protection were determined. Board Members reviewed language contained in the Shoreland Protection Act concluding that the high water mark is the start point for the setbacks.

Additional concerns were reiterated about the 250-foot setback requirement; the applicant reiterated his agreement to add the Shoreland Protection Act Setback to the plan.

Board Member's stated favorable comments regarding the proposal to have two lots instead of three as well as the benefit to the town by having larger lots.

Selectmen's Rep, Don Guarino arrives and is seated on the Board at 7:33 pm.

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Vice-chair called for further comment from the public, hearing none; redirects to final board discussion, hearing none; entertains a motion to close the public hearing. Board Members will complete final deliberation once the remainder of Board Business was complete.

The ZBA moved to the conference room to deliberate the Variance applications.

Vice Chair Funk called Erica Anderson to discuss services available through the Lakes Region Planning Commission.

**Discussions**

**Erica Anderson** - to discuss the various services available to the Town through the use of Lakes Region Planning Commission.

Ms. Anderson provided Board Members with a brochure titled, "Lakes Region Planning Commission, Planning Regionally Growing Locally" and went on to explain the Commission provides assistance with local growth and development documentation by assisting with zoning ordinance and regulation amendments as well as assistance with the master plan and other municipal documentation.

Also available is technical assistance for application review of substantial development proposals to ensure compliance with state and local regulations and ordinances. Additionally, mapping services are also available.

On average, the yearly dues will cover basic assistance. Approximately 8-16 hours per month in an advisory capacity. If there are more in depth applications or need to utilize the services such as regulation/ordinance amendment consultation, which require more in depth attention and expertise, additional fees may apply.

Board Members question if the services described were included in the yearly dues or at an additional cost.

Ms. Anderson reiterated that the dues would cover approximately 8-16 hours of advisory time monthly. In-depth review or amendment to documentation or regular meeting attendance requiring additional time is billed on an hourly rate depending on the type of service provided. Intermittent assistance would most likely be covered under the yearly dues.

Regional information for projects and planning is also available. Examples given were resource plans, transportation counts as well as other statistical data, which is available to use in conjunction with local development in an area, can be beneficial.

Speaking to the availability grant funding for projects, Ms. Anderson noted that work had been ongoing with Fire Chief Lockwood on the Hazard Mitigation plan.

Board Members agree that they have under utilized the services of LRPC in the past and think the Board could possibly use the services of LRPC in the future.

Board Members noted that the Zoning Ordinance is somewhat outdated and in recent months has caused more variance applications to be reviewed by the ZBA and mis-interpretation of the existing ordinance has caused some issues.

Board Members briefly discussed the need for additional ordinances such as ground water protection and slope ordinances.

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Board Members are interested in additional information regarding the multi-town efforts of Belmont/Tilton/Northfield Aquifer Overlay and will discuss further possible participation. All three towns have approved the proposed warrant article and it will be voted on in March.

Board Members request additional fee for service rates to be reviewed and considered by the Board to compare with the rates that the Town is paying for the use of a Professional Planner.

*Chair Girard, returned at 7:48 pm and is seated on Board.*

Ms. Anderson explained in addition to the Aquifer Overlay experience, she also has experience drafting language for ground water protection with the Town of Holderness.

Ms. Anderson explained, due to the extent of the Aquifer Overlay Ordinance it takes time to amend to meet the individual town needs. The next step is to get the information to the residents in a public forum prior to holding public hearings for warrant article approval.

Board Member discussed the principle features of the State Groundwater Protection model, which has 8 prohibited activities. Ms. Anderson noted that Belmont does allow some uses however; Belmont has a total of 15 prohibited uses.

Board Members questioned groundwater withdrawal ordinances and where the state was with regulations or ordinances.

Ms. Anderson explained that the State Legislature is currently working on language and that it is a work in progress. The State is also considering lower impact groundwater withdrawal regulation as well.

Board Members questioned the cost of dues and whether or not the dues are on a sliding scale. Ms. Anderson explained that demographics determined the dues amount for each city/town.

Board Members questioned how many communities LRPC covered and how many were members. Ms. Anderson explained that LRPC covered 30 communities and all were members of LRPC.

Board Members and Ms. Anderson briefly discussed the need for a Smart Growth Assessment to keep the rural character and to make sure the regulations and ordinances match up with the Master Plan. Additionally noted was that the Town of Gilmanton had a very high Audubon ranking. Board Members noted that they remember when the by-pass was proposed years back there the increase truck use was most noted.

Chair Girard called for further comment or question, hearing none; thanked Ms. Anderson for her presentation. Board Members will compare rates for service between LRPC and the contracted planner when available for future consultation.

Having nothing further, discussions were concluded.

Chair Girard called Marshall Bishop to discuss his proposal to develop a winery, bed & breakfast/restaurant.

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**Discussions**

**Marshall Bishop** – Tax Map 420/Lot 103 - Conceptual Discussions pertaining to the development of a winery, bed & breakfast & restaurant

Mr. Bishop presented the Board with a narrative of the proposed development plan for a winery, B&B/restaurant at the location of the existing alpaca farm and vineyard. Currently the property receives visitors to the Alpaca Farm on an ongoing basis and Mr. Bishop would like to expand the use of the farm.

Development of the site is proposed as follows: (See attached copy for full description)

**Phase I** will consist of converting the 3-bay garage into the winery. Although there will be some construction in the kitchen area, the focus will be on the winery & wine tasting area. Parking area will have to be incorporated along with fire lanes. During the construction period they will be in touch with Chief Lockwood to obtain the life and safety regulations, input and guidance to insure the public will always be safe.

**Phase II** will consist of converting the downstairs portion of the home into a dining, gathering and function area. Gatherings and functions will consist of weddings, wedding receptions, business meetings, seminars and the like. Additionally, they would like to have dining services open to the public on Friday & Saturday nights with one sitting each night. On special nights there will be story telling by local talent.

**Phase III** will consist of completing the up and downstairs to include 2-suites and 2-bedrooms to be part of the B&B. These suites and rooms will be available for the wedding parties, functions or to any person wishing to spend a night in the Peyton Place Home.

Mr. Bishop explained that farming developed the community and with the proposed amendments to the zoning ordinance it will better allow farmers to expand their use of their property. Mr. Bishop thanked the Board for making sure farming remains in the town.

Mr. Bishop went on to explain that he already has an outlet to sell wine or jelly produced from the grapes grown on the property. Board Members explained that the agricultural uses does not require site review however, the buildings used would be subject to site review.

Mr. Bishop continued to explain he plans to develop the property in phases and has already spoken with the Building Inspector and all agree public safety has to be at the forefront. It is anticipated that the proposed amendments to the zoning ordinance will relieve the ambiguity in the Agritourism language. It was noted that any proposal for functions would be subject to ZBA approval.

Mr. Marshall is proposing to put the winery in the upper northeast corner of the parcel and perhaps in the future if the need presented to build a single family dwelling for the family once the B&B was established.

Board Members noted that the grading of the property may be an issue and that it would cause a major disturbance of the land to create switchbacks that would require extensive backfill. Mr. Bishop showed on the plan where the existing driveway entrance and parking were.

Mr. Bishop went on to explain that he has been working with NHDES with regards to the wetlands that were filled in. It is Mr. Bishop's intent to continue working with the town to develop the winery and B&B/restaurant.

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Board Members noted that all DES issues would need to be resolved before Planning Board review.

Also discussed was the use of the name "Peyton Place" and possible copyright or trademark infringement was discussed. It was suggested that Mr. Marshall contact an intellectual property attorney before using the name officially.

Chair Girard called for further comment, hearing none; thanked Mr. Bishop for attending and sharing his proposal with the Board.

Having nothing further, discussions were concluded.

Chair Girard called Don Guarino and Paul Darbyshire to discuss the public safety building update.

**Site Walk Discussions**

**Don Guarino** to provide update on the Proposed Public Safety Building Site

Paul Darbyshire is in attendance to provide an update on the Public Safety Building proposal and explained that the current proposal is to construct an 80' x 80' building with a counter clockwise traffic pattern around the building as depicted on the latest plan. (See attached copy) The proposed isle on the right side of the building will be 24' wide to accommodate apparatus up to 40' long. The largest piece of fire apparatus currently owned by the town is 36'. Also proposed is a 20' wide travel space on the left side of the building. The parking is in accordance with the ADA, providing two handicap parking spaces at the main entrance of the building.

The actual location of the building is in a state of flux, however, the other aspects depicted on the plan are consistent.

With regard to the paving of the parking area, porous pavement was previously discussed. However, UNH has done extensive work that is still in progress and the drawbacks noted were the deterioration with the use of salt and plowing. Also noted was the extensive maintenance of the porous pavement in that it is necessary to vacuum the porous paved area at least twice a year.

Additionally, it is unknown how the porous pavement would hold up with the constant heavy load of fire apparatus traffic. Another alternative being explored is the possible use of geotech. Additional information will be forthcoming.

Selectmen Rep., Guarino noted that the BOS have spent considerable amount of time discussing the use of new methods such as a rain garden to help mitigate the runoff.

Conservation Commission Chair Mitchell questioned what percentage of the lot would end up impervious. It was explained that approximately 1 acre would become impervious as a result of the proposed development. To assist in the mitigation of run-off it is proposed that the run-off would be directed to the edge of the parking. Culverts are proposed at the entrance and the run-off mitigation plan is a work in progress and has not been finalized as yet. It was noted that no grant funds have been awarded to date and funding is still pending selection.

It is Mr. Darbyshire's expectation that the plans should be finalized and ready for review at the March 11, 2010 Planning Board Meeting.

Mr. Darbyshire reminded the Board that an accurate depiction of the proposed building could be seen in the Town of Salisbury at the intersection of NH Rte 127 & Rte 4.

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Board Members questioned if the building was being constructed for upward expansion in the future. Mr. Darbyshire explained that there are no plans to construct the building for a second floor in the future. In the bay area of the building there is a mezzanine area for storage and the upper floor over the offices would have to be handicap accessible if upward expansion were entertained.

Board Members discussed the necessity of the project being reviewed by the Planning Board, concluding that it is not necessary for the municipality to undergo site plan review, it is a courtesy to do so and the Planning Board thanked Mr Darbyshire for his presentation.

Board Members questioned if drainage calculations were available for review; it was explained that the drainage calculations have not been completed as yet but it is expected that they will be available for the March meeting.

Chair Girard called for further comment from the public, hearing none; redirects to final Board discussion, hearing none; thanked Mr. Darbyshire for attending.

Having nothing further, discussions are concluded.

**Administrative Business**

1. The Board was reminded that BOS are expecting their recommendations regarding the Site Walk to upgrade Sawtooth Road.
2. Chair Girard is requested to attend the BOS meeting on Monday January 25, 2010 beginning at 7:30 pm to meet persons interested in possibly serving on the Planning Board or Zoning Board of Adjustment.
3. **Shawn Ford** – Called questioning if a commercial business that has been approved by the Planning Board requires additional review if the business is purchased by a new owner. It is the Clerks understanding that the site plan approval goes to the property and wants to confirm with the Board for an official determination.

Board Members agree that the approved site plan goes to the property not the owner of the property.

Mrs. Tumas, explain to Mr. Ford that should there be any intent to change the use, even insignificantly, it was recommended that he come to the Board for determination as to whether or not the change was insignificant or would require additional review.

Having nothing further discussions were concluded.

4. **Update – Loudon, NH – NHMS – Winter Snowmobile Races**  
As requested, a letter stating the Planning Board concerns was sent. The Loudon Planning Board gave a one-time approval to run the snowmobile races. The original approval ending races in the month of October was specific to car racing.

Having nothing further discussions were concluded.

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**Approval of Minutes**

Board Members briefly discussed whether or not to include who states specific comments in the minutes, concluding that it is more important to be concise about the content than who said what.

**December 10, 2009**

***Member Russell moved to approve the December 10, 2009 Minutes of the Meeting as submitted, Vice-chair Funk second the motion as stated; the motion passed unanimously.***

**January 07, 2010 – Zoning Amendments**

***Vice-chair Funk moved to continue approval of the January 07, 2010 Minutes of the Meeting until the February 11, 2010 Planning Board Meeting, Member Russell seconds the motion as stated; the motion passed unanimously.***

**Unscheduled Business**

Member Russell noted that he had been by the Lynch Contractor Yard approved in October and questioned if there was a time limit placed on the removal of the dilapidated trailers from the site.

Mrs. Tumas will review the October Minutes and let the Board know.

Having nothing further, discussions were concluded.

**Adjournment**

Having nothing further, Chair Girard entertains a motion to adjourn.

***Vice-chair Funk moved to adjourn the meeting at 9:20 pm, Member Hudson second the motion as stated; the motion passed unanimously.***

**Deliberations**

**Joint Public Hearing PB Case #0110 & ZBA Case #1-2010 – Thomas Argue et al -**

*As the Board departed, Mrs. Tumas noted that the Board did not deliberate on the Merger/Boundary Line Adjustment Application. Members Russell, Hudson, Vice-Chair Funk and Selectmen's Rep Guarino are available to convene and deliberate on the application.*

*Vice-chair Funk calls the available Members to order.*

Mrs. Tumas reminded the Board Members that the ZBA Approved the requested Variances and the conditions of approval recommended by the Planning Board were:

1. Depict on the plan the shoreland protection act setbacks
2. Depict on the plan the 30,000 sf buildable area

Vice-chair Funk called for further discussion, hearing none; entertains a motion to conditionally approve the Merger/Boundary Line Adjustment.

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***Vice-chair Funk moved to accept the application as submitted and conditionally approve the Merger/Boundary Line Adjustment pending the addition of the shoreland protection act setbacks and depict the 30,000 sf buildable area on the plan, Member Russell seconds the motion as stated; the motion passed unanimously.***

***Having no further business, Vice-chair Funk moved to adjourn, Member Russell seconds the motion as stated; the motion passed unanimously.***

Respectfully submitted,

Desiree Tumas, Clerk  
Planning Board