



Planning Board
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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, Member

Planning Board
Minutes of the Meeting
January 19, 2012

Attending Members: Nancy Girard, Chair; John Funk, Vice-chair; Dan Hudson, Member, Marty Martindale, Member; John Weston, Member; Mark Fougere, Town Planner; Desiree Tumas, Administrator. Unable to attend the meeting were Rachel Hatch, Select Rep.; and David Russell, Member.

Attending Public: Ralph Lavin and David Sanborn

Open Meeting

Call to Order @ 7:00 pm.
Introduction of Board Members
Explanation of Meeting Procedures

Approval of Minutes

December 08, 2011 – Regular Meeting

J. Funk moved to approve the December 08, 2012, Minutes of the Meeting as amended, M. Martindale seconded the motion as stated; the motion passed unanimously.

January 12, 2012 – Regular Meeting

D. Hudson moved to approve the January 12, 2012, Minutes of the Meeting as amended, M. Martindale seconded the motion as stated; the motion passed 4-in favor and 1-abstained vote by J. Funk who was not in attendance.

Public Hearing (Continued from 01/12/12)

Board Members discussed the ZBA meeting being held the same evening and Members inability to attend the Planning Board meeting since it was continued from our regular meeting night of January 12, 2012, due to inclement weather. The Board also received information that due to an error with email, ZBA Members did not receive the proposed amendments in a timely manner.

N. Girard entertained a motion to continue the public hearing until January 24, 2012, to allow the opportunity for ZBA Members to attend and/or provide written comment.

M. Martindale moved to continue the public hearing until January 24 @ 7:00 pm, J. Funk seconded the motion as stated; the motion passed unanimously.

There are no additional notice requirements since the public hearing is being continued to a date certain.

1. ***To amend Article IV – Table 1, Zoning District Regulations, Wireless Telecommunications Facilities, by replacing the existing requirement to obtain a Special Exception for this use in the Village, Rural, Conservation and Residential Lake Districts with the requirement to obtain Conditional Use Permit. In addition, amend Article III paragraph K., Personal Wireless Communications Facilities by replacing all references to Special Exceptions and its administration by the Board of Adjustment and replace them with a Conditional Use Permit process administered by the Planning Board.***
2. ***To amend Article IV A & Table 1, Zoning District Regulations & Article X Additional Special Exception Criteria (Cottage Industry) by deleting all references to the requirement of Special Exception for specific uses administered by the Board of Adjustment and replace them with the requirement of a Conditional Use Permit requirement administered by the Planning Board. In addition, amend the Zoning Ordinance to add the following new Article, XVII: Conditional Use Permit Criteria: The Planning Board may, in appropriate cases, and subject to safeguards as determined by the Planning Board, grant a Conditional Use Permit per RSA 674:21-II for a land use in accordance with Article IV, Table 1.***
3. ***To amend Article IX, Board of Adjustment, by adding the following new Section: E. Septic System Plans. The Board of Adjustment shall not require submission of a septic system plan/design (whether or not approved by the State of New Hampshire) as a condition to the filing an application for a variance or special exception.***
4. ***To amend Article III, General Provisions Applicable to All Districts, by adding a new Section Q, to read as follows: NUMBER OF RESIDENTIAL UNITS WHICH MAY BE CONSTRUCTED ON A LOT - Only one single family dwelling unit, or one 2-family dwelling unit, may be constructed on a single lot, except that, a greater number of dwelling units may be allowed as determined by a Conditional Use Permit under the provisions of the multi-family and/or condominium sections of this Ordinance.***
5. ***To amend Article III, General Provisions Applicable to all Districts, by adding a new Section P, to read as follows: to add a Steep Slope Conservation overlay district which shall apply to all areas with a slope greater than 15% where the proposed disturbance exceeds 20,000 square feet. Development of such steep slopes shall require a conditional use permit from the planning board and will be subject to performance standards including that cut and fill of slopes shall not exceed a 2:1 ratio; existing natural and topographic features shall be preserved to the greatest extent possible; driveways may not exceed 10% slope for residential subdivisions and 8% slope for nonresidential uses; and prohibiting the construction of structures on slopes greater than 25% prior to site disturbance.***

6. ***To amend Article IV Table 1, Zoning District Regulations, by replacing the term Church/Community Building with the term House of Worship/Community Building.***

7. ***To amend Article VVI Definitions, by adding the follow new terms – Kennel: A commercial establishment in which dogs and other domesticated animals are housed, bred, boarded (overnight), trained and/or sold, all for a fee or compensation and Kennel Day Care: A commercial establishment in which dogs and other domesticated animals are housed (not overnight) and trained and/or sold, all for a fee or compensation. In addition, amend Article IV Zoning District Regulations, Table 1, by adding the following new uses, Kennel & Kennel Day Care, broken down by District as follows: Village – Not Permitted, Rural –Conditional Use Permit, Conservation – Conditional Use Permit, Limited Business-Conditional Use Permit, Business – Conditional Use Permit and Residential Lake – Not Permitted.***

Discussions

1. **Ralph Lavin (414-5) The Applicant request a determination of a Insignificant Change of Use to add storage of firewood product on the pavement next to the existing salon while maintaining the required access as approved.**

N. Girard recognized R. Lavin who explained that he would like to amend his approved site plan and seeks a determination from the Board as to whether or not the proposed change would be insignificant which would require determination on the record or significant which would require a public hearing to amend an approved site plan.

R. Lavin went on to explain that he would like to store cut “green wood” product on the paved area to the right of the existing salon. The proposed area would be approximately 30’ x 30’. It was explained that the 20’ emergency egress would be maintained at all times.

There is sufficient paved area and plenty of parking for salon customers. Personal items were moved off the pavement to allow space for the cut “green wood”.

When questioned if the wood would be stored year-round? R. Lavin explained that he would like to store the “green wood” on a year round basis for easy access and loading for delivery. It is expected that demand would continue through the spring and lessen towards summer.

N. Girard recognized D. Sanborn who commented on the small lot and visibility of the operation to abutters in the winter. D. Sanborn requested some manner of screening to minimize the abutters view. Also expressed were concerns regarding contamination of the small pond from run-off. It was determined that the small pond is manmade and not a part of natural wetlands.

N. Girard reviewed the criteria for an insignificant change of use.

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The Board expressed the following concerns:

- Obtaining an opinion from Fire Chief Hempel regarding fire concerns with consideration of the proposed storage location and the existing salon. Chief Hempel will be contacted for comment.
- Screening of the “green wood” pile.
- Noting the location of the proposed “green wood” storage on the plan.
- Consideration of height restriction of the pile of “green wood”.

Impassioned discussion ensued pertaining to the impact, associated regulations and application of the regulations and ordinances.

Point of order was called directing R. Lavin and D. Sanborn to speak to the Board and not direct discussion between them. It was additionally explained that everyone is afforded the opportunity to speak and order will be maintained during the Planning Board meeting.

N. Girard redirected discussions calling for further comment from the Board.

D. Hudson made the point that R. Lavin has an approved site plan and now is requesting a change to that approval. The Board's determination is based on the information provided and the Board must make all consideration of the proposed amendments.

Board Members agreed that any changes would have to be noted on the plan. It was suggested that additional thought be given to any other possible amendments to the plan and requested R. Lavin include all proposed changes on the plan.

Screening methods were discussed and it was suggested that evergreen trees be used instead of a fence that could inadvertently be damaged while loading or unloading the wood product.

M. Martindale commented that although consideration of the commercial nature of the operation needs to be made; abutters also have the option to put up a fence or other method of screening when they may be offended or aggrieved by the happenings on an abutting property.

It was suggested that the Board continue discussions until the next meeting to allow time to receive comment from Chief Hempel and afford additional time to consider any other amendments that R. Lavin may want to do with the operation and to discuss amending his site plan with the land agent.

Board Members agree to conclude discussions and continue the review when the amended site plan is provided and the Board can then apply the criteria of the Insignificant Change of Use and make an informed decision regarding the impact of the proposed changes.

N. Girard entertained a motion to continue discussions until the January 24, 2012, meeting.

M. Martindale moved to continue discussions until January 24, 2012, J. Funk seconded the motion as stated; the motion passed unanimously.

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Correspondence

1. **Notice of Supreme Court Decision – Right to Know Law**

Information was obtained from NH LGC and provided for information purposes.

2. **Town Report – Approval of the Planning Board write-up. (Deadline – January 20, 2012)**

J. Funk moved to approve the Planning Board write-up for the Town Report, D. Hudson seconded the motion as stated; the motion passed unanimously.

3. **Approval for Payment – Dues for the NH Planners Association. (\$40.00)**

M. Martindale moved to approve the \$40.00 payment for the annual dues for the NH Planners Association, D. Hudson seconded the motion as stated; the motion passed unanimously.

**Unscheduled Business
Adjournment**

N. Girard called for further business to come before the Board, hearing none; entertained a motion to adjourn.

D. Hudson moved to adjourn the meeting at 8:25 pm, M. Martindale seconded the motion as stated; the motion passed unanimously.

Respectfully submitted,

Desiree Tumas
Administrator