

**Gilmanton Planning Board  
Academy Building  
503 Province Road  
Gilmanton, NH 03237**

**2<sup>nd</sup> Public Hearing  
2010 Proposed Zoning Amendments**

**Minutes of the Meeting  
Wednesday, January 27, 2010**

**Members Present:** John Weston, Alternate Member; Marty Martindale, Member; Nancy Girard, Chair; John Funk, Vice-Chair; Dan Hudson, Member; Mark Fougere, Professional Planner, Desiree Tumas, Clerk; Tim Warren, Town Administrator.

**Public Attendance:** (As signed in) Dana P. Twombly and Jessica Day

Called to order at 7:05 pm

Chair Girard opened the meeting explaining that the Public Hearing is a special session for Zoning Ordinance Amendments. The Planning Board has had three meetings including two public hearings to consider the proposed amendments as well as hear public comment. According to the public hearing schedule to amendment proposed language for Zoning Ordinance, this is the final hearing to amend the ordinance.

*Pursuant to 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 in authorized to adopt or amend a zoning ordinance under the ordinance enactment procedures of RSA 675:2-5.*

**To see if the Town will vote to amend the Zoning Ordinance, Article VI Manufactured Housing Section D, Storage and Use of Recreational Vehicles, as follows:**

1. Delete the existing language in paragraph 1 and replace it with: *A permanent resident of the Town of Gilmanton may store or park one (1) Recreational Vehicle owned by the resident on his/her property.*
2. Amend Paragraph 2 to clarify and expand the requirements for Recreational Vehicles to dispose of septage in a legal and proper manner, along with ramifications for failure to follow said requirements; and to make minor grammatical changes and clarifications.

Chair Girard open discussions recognizing Selectmen's Rep. Guarino who questioned if residents would be in violation if they had both a camper and an RV; Vice-chair Funk explained prior to the recent amendments the ordinance only allowed one RV to be stored and if two are stored on a single property that it would be a violation of the ordinance before as well as after the proposed amendments.

Vice-chair Funk went on to explain that the amendments address septage containment, removal and remedy for violations should they occur.

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Board Members reviewed the zoning ordinance definition, "**Recreational Vehicle**": *Any transportable vehicle designed for use as a temporary living unit for travel, camping, recreation, business, or other similar uses. Such vehicles may or may not (1) have wheels, (2) be motorized, (3) have self contained electrical, running water and/or sanitary facilities, and (4) be designed to be connected to outside plumbing, heating, electrical or sanitary facilities. Examples of recreational vehicles include, but are not limited to, motorhomes, trailer coaches, pickup campers, pop-up camper, travel trailers, and any recreational vehicle defined in RSA 216-1:1.*

Following brief discussion regarding the definition, Chair Girard recognizes, Jessica Day of Sawyer Lake.

Ms. Day stated that she had not known about the previous hearings and was only recently made aware of this public hearing and went on to state that the proposed language would make it more difficult to regulate the residents who camp on Sawyer Lake.

Chair Girard assured Ms. Day that the notice requirements were fulfilled.

Chair Girard recognized Dana Twombly who explained that there are 6 residents of Sawyer Lake allowed to camp on their otherwise undeveloped parcel. The lake association has been in conflict with one resident regarding the removal of the unregistered camper and the inability of enforcing the regulations of the association has not been fair to the law abiding residents around the lake.

It was noted that of the campers who were under the grandfathered status in 1996, would lose the status if the camper were to be removed from the lot. Over time the number of grandfathered campers is now limited to the 6.

Mr. Twombly went on to explain the difficulty with the proposed language is that the amended ordinance would allow a resident to store the camper on another property owned other than the primary residence.

Board Members pointed out that the recreational vehicle being used or stored must be legally registered and a permit from the town must be obtained for use under the prior ordinance. The change being proposed goes to the addition of language pertaining to septage containment, removal, and remedy.

It was additionally noted that the Code Enforcement Officer (CEO) has no authority to enforce the lake association regulations. The association oversight board must carry out enforcement of the lake association regulations.

Members of the public questioned if the ordinance language could be amended; it was explained that the Planning Board must either approve the language as it is or table the ordinance until next year. It was explained, the state notice requirements would not allow time for another public hearing prior to the Warrant Article submission deadline.

Speaking on behalf of the Sawyer Lake Residents, Ms. Day suggested, the Board require removal of the RV at the completion of the 120 day permitted period. Ms. Day reiterated her concern regarding the proposed language as it is written because she feels that including "non-paying guest" will turn Sawyer Lake into a campground and requests the Board table the ordinance until next year.

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Chair Girard again reiterated the Board is limited to non-substantive changes in the ordinance as we are at the end of a legal term and there is no time to properly notice another public hearing prior to the warrant-filing deadline.

Chair Girard again reiterated understanding of the concerns express on behalf of the Sawyer Lake residents. However, the proposed language amendments, which include stricter oversight of the septage generated, are for the greater good of the lake residents.

Vice-chair Funk added that the Board didn't change the existing language pertaining to the number of allowable RV's stored. It has always been a single recreational vehicle. The proposed amendment relating to the septage is to tighten up the regulation by providing regulation of the septic as well as remedy for violations.

Vice-chair Funk again reiterated that the Board hears and is not rejecting the concerns stated. However, this was the third meeting, second public hearing and due to time constraints are unable to make further substantive amendments.

Vice-chair Funk suggested that at the late stage the Board move forward as the amendment is more protective to the lakes.

It was suggested that the Board, CEO, and members of the lake association have discussions over the summer to address the issues by creating more protective language.

Ms. Day of the Sawyer Lake Association stated she appreciated the Boards work thus far thanking the Board for the additional protective measures related to septage containment, removal and remedy. Additionally stating concern regarding the term, "non-paying guest" in that the permissive language will encourage a campground atmosphere.

It was questioned if the location of the language could be adjusted to place the language pertaining to the Residential Lake District at the beginning of the ordinance.

Board Members discussed rearranging the language without conclusion.

Board Members and residents of Sawyer Lake again discussed without conclusion the lingering issue presented to the lake association when it comes to enforcement of the local ordinance with consideration of the association regulations.

Board Members again reviewed the requirements and reiterated the language related to the legal registration of the RV is another level to compel compliance.

Members of Sawyer Lake continue to discuss the issue of a resident of Sawyer Lake who refuses to remove the RV despite the unregistered status. Following discussions with BOS and CEO, it was understood that after the 120 days had elapsed the RV would be removed. The RV still remains on the property to this day.

Board Members agree that the proposed language will provide the CEO more authority to enforce the septic controls and registration status of the RV.

Members of the Sawyer Lake Association questioned if once the amendment is approved; if residents do not apply for a permit each year would they lose their grandfathered status? It was additionally questioned which regulations were applicable with consideration of the lake association regulations and if the CEO would be able to enforce the permitting process.

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Board Members confirmed that if a resident does not apply for a camping permit over a single year the grandfathered status is then lost.

With regards to the enforcement, the CEO has recently been approved to work three days a week instead of just two. However, the CEO can only enforce the Town's Zoning Ordinance and has no authority to enforce regulations created by a local association. Only the association creating the regulations has the authority to enforce such requirement.

It was additionally noted that if the association is having difficulty enforcing the regulations they might want to seek legal counsel for a remedy.

Mrs. Tumas read into the record, an email received from Ron LaBelle. (See attached copy)

It was explained that RV's and ATV's have separate definition and ATV's are not a consideration related to the proposed Zoning Ordinance amendment.

Members of the public questioned monitoring of the septage during storage; currently there are not any ordinances pertaining to the storage of RV's.

It was suggested that it would be helpful to have an inventory of vacant lots around the lakes in Town so that alternatives may be considered in the future.

It was explained that the Zoning Ordinance is not a static document and that it is reviewed yearly to address issues that arise over time.

Board Members redirected to amendment discussions, reiterating the Board encourages public discussion extending an invitation to the residents of Sawyer Lake to a meeting over the summer to discuss ordinance proposals.

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

Mr. Fougere noted that during the course of the amendments, the language pertaining to adequate water systems was inadvertently removed.

Board Members reviewed the previous language concluding that at no time was removing the language pertaining to adequate water systems discussed. It is requested that Mr. Fougere replace the language pertaining to adequate water systems.

Chair Girard called for further comment, hearing none; entertains a motion to approve the proposed amendment as presented including the reinsertion of the language pertaining to adequate water system.

***Member Funk moved to approve the proposed zoning amendments as presented including the reinsertion of the language omitted pertaining to adequate water system, Member Martindale seconds the motion as stated; the motion passed unanimously.***

Having nothing further, discussions are concluded.

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Chair Girard read into the record the remaining proposed ordinance amendments:

2) Are you in favor of the adoption of Amendment #2 as proposed by the Gilmanton Planning Board for the town Zoning Ordinance as follows:

- a) Amend Article IV of the Zoning Ordinance, Zoning District Regulations, Table 1, by **deleting** the land use term "Agriculture Traditional" and replacing it with *Agriculture*.
- b) Amend the Article XVI of the Zoning Ordinance, Definitions, by **deleting** the definition Agriculture – Traditional.
- c) Amend Article XVI of the Zoning Ordinance, Definitions, by adding to the current definition of "Agriculture" as follows: As defined in RSA 21:34-a, **including agritourism uses.**

Amend Article XVI of the Zoning Ordinance, Definitions, by adding the following definition: ***Agritourism - means attracting visitors to a working farm for the purpose of eating a meal, making overnight stays, enjoyment of the farm environment, education on farm operations, or active involvement in the activity of the farm which is ancillary to the farm operation. Said operation shall comply with all applicable state and local laws, ordinances and regulations.***

Chair Girard explained the Board has discussed and amended the language and called for further comment, hearing none; entertains a motion to approve the proposed amendment as presented

***Member Martindale moved to approve the proposed amendments as presented, Vice-chair Funk seconds the motion as stated; the motion passed unanimously.***

Chair Girard called for further business to come before the Board; Mrs. Tumas explained she had received correspondence from Lakes Region Planning Commission offering advertisements of the proposed ordinances on NHPR.

Following brief discussion, all Members concur that it would be a good idea to take part in the offering of advertisement on NHPR

Chair Girard called for further discussion or business to come before the Board; Member Hudson questioned approval of the minutes.

Mrs. Tumas explained that due to the nature of the public hearing to receive comment pertaining to the Zoning Ordinance amendments, approval of the minutes would be taken up that the regular meeting on February 11, 2010.

Chair Girard called for further discussion or business to come before the Board, hearing none; entertains a motion to adjourn the meeting.

***Member Martindale moved to adjourn the meeting at 8:02 pm, Member Hudson seconds the motion as stated; the motion passed unanimously.***

Respectfully submitted,

Desiree Tumas  
Planning Board Clerk