



*Town of Gilmanton  
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 27, 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; Desiree Tumas, Administrator; Absent the meeting: Rachel Hatch, Select-Rep.

**Municipal Attendance:** Elizabeth Hackett, ZBA; Nanci Mitchell, GCC; Brian Forst, Budget Committee

**Public Attendance:** (As signed in) George Roberts, Shelagh Connelly, Douglas Isleib, Frank Bosiak, Jessica & Philip Tanner, R. McWhinnie.

**Public Hearings for the Proposed Zoning Ordinances**

*Chair Girard opened the public hearing and called for public comment.*

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

A resident in attendance questioned the feasibility of contractors to develop multi-family units with the current requirements to have the initial acreage plus additional acreage based on the subject property zone.

It was explained that a single building would have to comply with the minimum acreage requirement. A proposal for multiple buildings would be submitted as an open space subdivision and would have lesser acreage requirements. It was additionally, explained that the town does not distinguish the type of multi-family development such as senior housing.

The proposed increase addresses affordable housing requirements in Gilmanton, by converting the larger farmhouses into multi-family. The proposed increase satisfies the State requirement to provide opportunity for the development of affordable housing.

A resident questioned if a multi-family proposal would relieve an applicant from seeking a special exception outside of the Iron Works and Corners permitted zones? It was explained that multi-family proposal outside of the permitted zones in the Iron Works and Corners would still need a special exception.

Chair Girard called for further discussion, hearing none; moved on the next proposed amendment.

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Mrs. Tumas questioned if the Board would like to take the final vote at the end of each subject discussion or when review of all amendments was completed?

Board Members agreed to conduct discussions on each amendment and take a vote on each following discussions on all of the proposed amendments.

- 2. To see if the Town will vote to Amend Article VI Manufactured Housing, Section D-1, 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.**

*Chair Girard called for public comment.*

A resident commented that in addition to his primary residence, he owns another parcel that doesn't abut his primary residence and questions, if he would be able to park his RV on the parcel if it were not abutting his primary residence?

It was explained that he would be able to store the RV on the undeveloped parcel but that a Special Exception would have to be approved by the Zoning Board of Adjustment.

Members of the public questioned if ATV, Snowmobiles and other "recreational vehicles" were included in the ordinance.

It was explained that it would not, given the definition of Recreational Vehicle, which clearly states, "Any transportable vehicle designed for use as a temporary living unit for travel camping recreation, business or similar uses. Such vehicle 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, motor homes, trailer coaches, pickup campers, pop-up camper, travel trailers, and any recreational vehicle defined in RSA 216-1:1."

The amendment is proposed to solve the problem of nonresidents storing their RV on undeveloped parcels without any oversight. The proposed amendment addresses multiple issues including a lack of resources to oversee all the people that store RV's on undeveloped parcels for extended periods of time without care or upkeep.

- 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.**

*Chair Girard called for public comment, hearing none; the Board continued review of the proposed amendments.*

- 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.**

*Chair Girard called for public comment, hearing none; the Board continued review of the proposed amendments.*

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

*Chair Girard called for public comment.*

Conservation Commission Member, Nanci Mitchell reviewed the prohibited uses for the public and pointed out the Aquifer Overlay Zoning Map, recently added to the municipal map collection.

Residents questioned what effect if any the proposed overlay zone would have on residential development. It was explained that there is no effect on residential building permits, as residential development isn't prohibited by the proposed ordinance. The proposed ordinance protects the aquifers in Town by limiting specific commercial developments in those areas.

It was requested that the Board remove the notation "as amended" referring to the State RSA and BMP's.

Board Members agree that the notation "as amended" allows for the ordinance to remain without amendment due to State regulatory changes.

Vice-chair Funk requested the document be amended to reflect APO Zone throughout the document instead of spelling out Aquifer Protection Ordinance Zone.

*Chair Girard called for public comment, hearing none; the Board continued review of the proposed amendments.*

- 6. To see if the Town will vote to Amend Article VII, Non-conforming Uses, Lots and Structure, Sections B-2 and B-4 by clarifying that changes to the non-conforming structure may be accomplished within the existing setbacks, are permitted.**

A resident questioned if deeded setbacks would apply or the current applicable zoning setbacks.

It was explained that the lesser setbacks granted by deed are for the existing structure. If expansion were to be proposed, the current setbacks in place at the time of the proposal would apply based on the zone.

A resident questioned whether the Board had considered the use of building/land ratio's to make determinations on the height of buildings near waterbodies. The Board briefly discussed the suggestion, but said that such ratios were not in use at the present time.

*Chair Girard called for public comment, hearing none; the Board continued review of the proposed amendments.*

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7. **To see if the Town will vote to Delete the existing definition of “Structure” in Article XVI and replace with a new definition. “That which is built or constructed”.**

*Chair Girard called for public comment, hearing none; the Board continued review of the proposed amendments.*

8. **To see if the Town will vote to Amend Article VXI by adding a new definition for “Deck”. “An exterior floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers, or other independent supports and not covered by a roof.**

*Chair Girard called for public comment, hearing none; the Board continued review of the proposed amendments.*

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.**

*Chair Girard called for public comment, hearing none; Vice-chair Funk suggested combining proposed ordinance #4 and #9.*

Mrs. Tumas will check and see if the two can be combined for printing on the ballot. Considering #4 addressed the Town as a whole, #9 applies specifically to the decisions put forth by the HDC.

*Chair Girard called for public comment, hearing none; the Board continued review of the proposed amendments.*

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.**

The Board briefly discuss for clarification.

*Chair Girard called for public comment, hearing none; the Board continued review of the proposed amendments.*

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. Adding: Variance shall expire in 4-years without substantial implementation according to the Variance approved.**

*Chair Girard called for public comment, hearing none; the Board continued review of the proposed petition amendment.*

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- 12. 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.**

Chair Girard called for public comment; a resident stated concern regarding amendment of the proposed petition article after the public hearing.

It was explained that the Board does not have purview to change amendments that are set forth by petition. The Board votes to support or not support any petition that is put forth by residents.

Residents stated concern regarding water quality and testing of properties abutting those already approved for the use of Biosolids.

Following brief discussion, it was agreed that the individual property owner is responsible for testing of their own well regardless of the possible use of Biosolids. It was noted that Towns that ban the use of Biosolids ultimately pay higher septic removal costs.

Although an emotional issue, it is understood that education on the use of Biosolids is needed as well as ongoing dialog.

It was additionally noted that there are several weeks before the vote and there is plenty of time to discuss the use of Biosolids with the voters.

*Chair Girard called for further discussion, hearing none; entertained a motion to close the Public Hearing.*

***Member Martindale moved to close the Public Hearing, Member Hudson seconded the motion as stated; the motion passed unanimously.***

Chair Girard explained that the Public Hearing was closed and that the Board would vote whether or not to put the proposed amendments forward to the March 2011 Ballot and will take a vote to support or not support the Petition Warrant Article.

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

***Vice Chair Funk moved to approve the proposed amendment as stated to be placed on the March 2011 Ballot, Member Hudson seconded the motion as stated; the motion passed unanimously.***

2. To see if the Town will vote to Amend Article VI Manufactured Housing, Section D-1, 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.

*Member Martindale moved to approve the proposed amendment as stated to be placed on the March 2011 Ballot, Member Hudson seconded the motion as stated; the motion passed unanimously.*

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.

*Alternate Member Weston moved to approve the proposed amendment as stated to be place on the March 2011 Ballot, Member Hudson seconded the motion as stated; the motion passed unanimously.*

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.

*Vice-chair Funk moved to approve the proposed amendment as stated to be placed on the March 2011 Ballot, Member Martindale seconded the motion as stated; the motion passed unanimously.*

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

*Vice-chair Funk moved to approve the proposed amendment as stated to be placed on the March 2011 Ballot, Member Hudson seconded the motion as stated; the motion passed unanimously.*

6. To see if the Town will vote to Amend Article VII, Non-conforming Uses, Lots and Structure, Sections B-2 and B-4 by clarifying that changes to the non-conforming structure may be accomplished within the existing setbacks, are permitted.

*Member Martindale moved to approve the proposed amendment as stated to be placed on the March 2011 Ballot, Member Hudson seconded the motion as stated; the motion passed unanimously.*

7. To see if the Town will vote to Delete the existing definition of “Structure” in Article XVI and replace with a new definition. “That which is built or constructed”.

*Member Hudson moved to approve the proposed amendment as stated to be placed on the March 2011 Ballot, Vice-chair Funk seconded the motion as stated; the motion passed unanimously.*

- 8. To see if the Town will vote to Amend Article VXI by adding a new definition for “Deck”. “An exterior floor system supported on at least two opposing sides by an adjoining structure and/or posts, piers, or other independent supports and not covered by a roof.**

***Member Hudson moved to approve the proposed amendment as stated to be placed on the March 2011 Ballot, Member Martindale seconded the motion as stated; the motion passed unanimously.***

- 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.**

***Vice-chair Funk moved to approve the proposed amendment as stated to be placed on the March 2011 Ballot, Member Martindale seconded the motion as stated; the motion passed unanimously.***

Vice-chair Funk reiterated the desire to combine proposed amendment #4 & #9, if possible.

- 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.**

***Alternate Weston moved to approve the proposed amendment as stated to be placed on the March 2011 Ballot, Member Martindale seconded the motion as stated; the motion passed unanimously.***

- 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. Adding: Variance shall expire in 4-years without substantial implementation according to the Variance approved.**

***Member Hudson moved to approve the proposed amendment as stated to be placed on the March 2011 Ballot, replacing the petition warrant article put forth by residents of the Town of Gilmanton and subsequently rescinded by the same residents of the Town of Gilmanton, Vice-chair Funk seconded the motion as stated; the motion passed unanimously.***

- 12. 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.**

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***Member Martindale moved Not to Recommend the proposed Petition Warrant Article prohibiting 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, Member Hudson seconded the motion as stated; the motion passed unanimously.***

Mrs. Tumas reminded the Board that they must make a motion and take a vote to approve the rescinded Petition Warrant Article put forth by the Voters of the Town of Gilmanton.

**In the matter of rescinding the Petition Warrant Article put forth by Brett Currier and the Voters of the Town of Gilmanton.**

***Vice-chair moved to approve the request to rescind the Petition Warrant Article put forth by Resident Brett Currier and the Voters of the Town of Gilmanton, Member Martindale seconded the motion as stated; the motion passed unanimously.***

Chair Girard called for further discussion from the Board, hearing none; entertained a motion to adjourn the meeting.

***Member Martindale moved to adjourn the meeting at 7:50 pm, Member Hudson seconded the motion as stated; the motion passed unanimously.***

Respectfully submitted,

Desiree Tumas  
Administrator