



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

**Minutes of the Meeting  
February 10, 2011**

**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

**Attending Members:** Dan Hudson, Member; Marty Martindale, Member; Don Guarino, Alternate Select-Rep, John Weston, Alternate Member; Desiree Tumas, Administrator.

**Attending Public:** (As signed in) Mark Beaudoin, Dean Clark, David Jeffers, LRPC; Bill Price, Theresa Price, Gregory Downing, Charles Price, Carol Foss, NH Audubon; Amanda Dow, NH Audubon.

**Open Meeting**

*Call to Order at 7:00 pm  
Introduction of Board Members  
Explanation of Meeting Procedures*

In the absence of Chair Girard and Vice-chair Funk, ZBA Chair, Elizabeth Hackett was appointed Acting Chair for the Joint Meeting. Chair Hackett went on to explain the Joint Hearing procedure.

Planning Board Acting Chair Hudson explained to the Applicants in attendance that the Planning Board had a 4-Member quorum and did not have a full Board. The Applicants were asked if they were satisfied with the quorum or if they would prefer to continue the hearing until the March meeting when a full Board would be available; Attending Applicants stated they would like to proceed with the quorum.

Acting Chair Hudson appointed Alternate Member Weston to be seated in the absence of Member Russell.

Acting Chair Hudson appointed Alternate Select Rep., Guarino to be seated in the absence of Select Rep., Hatch. Having established a quorum, the Joint Hearing was opened.

**Approval of Minutes**

January 06, 2011 – Public Hearing - Zoning Ordinance Amendments  
January 13, 2011 – Regular Meeting  
January 27, 2011 – Public Hearing – Zoning Ordinance Amendments

So not to delay the scheduled hearings; Board Members agreed by consensus to defer approval of the minutes until the end of regular business.

Taking the Agenda, Out of Order, Acting Chair Hudson entertained a motion to continue approval of the Minutes until other business is completed.

**Member Martindale moved to continue approval of the 01/06/11, 01/13/11 & 01/27/11, until the March 10, 2011, regular meeting, Alternate Member Weston seconded the motion as stated; the motion passed 4-in favor, 0-opposed.**

**Planning Board  
Minutes of the Meeting  
February 10, 2011  
Page 2 of 8**

**Joint Public Hearing w/ZBA**

**PB Case #0311 & ZBA Case #01-2011 – Mark Beaudoin, Applicant & Nicholas North Trust, Owner (Tax Map 416, Lot 29)** - have applied to the Planning Board for subdivision in which they seek approval to subdivide a portion of the 40-acre parcel to create a cemetery.

The Applicant/Property Owner have applied to the Zoning Board of Adjustments for a Variance from Article IV Table 2, to create a lot to be used as a cemetery, which is smaller than the 2-acres required in the rural zone and without any frontage on a Class V road, in the Rural Zoning District. Said property is located in the 40-acre parcel on the southerly side of Halls Hill Rd., Gilmanton Iron Works, in Gilmanton.

Attorney Mark Beaudoin, Esq., came forward and thanked both Boards for facilitating the joint meeting.

Atty. Beaudoin explained the property owner, Nicholas North resides in Ohio, and that Atty. Beaudoin and Land Agent Dean Clark are presenting the proposal to subdivide the cemetery from the 40-acre parcel on Halls Hill Road.

Atty. Beaudoin went on to explain that in May 2010, a burial ground acceptance application was submitted and approved by the Cemetery Trustees. The cemetery is approximately 30' x 25' and consists of two plots in which Col. H. Besse was interred in 1980 and Geraldine Besse was interred in 2004. There is no intent to expand the cemetery and there will be no further interments. There is a stonewall around the cemetery boundary and an iron gate to gain access. It was noted that the stonewall is in need of repair and that once repaired the gate will be reset. Additionally, there are a couple of trees that need to be removed to eliminate the risk of the trees falling and damaging the parameter stonewall and/or the gate.

The Statute requires a 25' buffer around the cemetery boundary, which has been provided. \$5,000.00 will be held in perpetuity to cover the costs of maintenance and there will be no additional tax burden as a result of the Town accepting the cemetery. Provision for a right-of-way to access the cemetery is provided and depicted on the proposed plan.

Acting Chair Hudson called for further comments or questions from the Planning Board Members, hearing none; Attorney Beaudoin addressed the ZBA Criteria.

Following the ZBA presentation, it was questioned why the triangle portion at the property line was not included in the proposed area to be subdivided for the cemetery.

It was explained that the requirement is to provide a 25' buffer beyond the parameter stonewall and that the neighbor grazed animals in the area noted. Additionally, there is an approximate 45' buffer to the property line and adding the corner would not provide for the minimum acreage.

Members of the ZBA questioned oversight of the imposed conditions. It was explained that the oversight of the Planning Board is such that a plan is not recorded until all conditions have been satisfied. If the applicant does not comply with the outlined conditions of the plan, then the applicant runs the possibility of revocation for failure to comply.

**Planning Board  
Minutes of the Meeting  
February 10, 2011  
Page 3 of 8**

Attorney Beaudoin assured both Boards that the conditions would be addressed and that Mr. North was in the process of finalizing plans with a contractor to complete all repairs to the wall/gate and have trees removed as soon as the snow is no longer a hindrance.

Board Members discussed a possible bond for the repairs and the Board was reminded that \$5,000.00 was proposed and would more than adequately cover repair costs. Attorney Beaudoin reiterated that Mr. North would satisfy the conditions of approval. Chair Hackett stated that she was satisfied with the oversight of the Planning Board and was confident repairs would be made accordingly.

ZBA Chair called for further discussion from the public, hearing none; entertained a motion to close the ZBA portion of the joint hearing.

***Member Levesque moved to close the public hearing, Member Baldwin seconded the motion as stated; the motion passed unanimously.***

Acting Chair Hudson called for further discussion, hearing none; entertained a motion to close the Planning Board portion of the joint hearing.

***Member Martindale moved to close the public hearing, Alternate Weston seconded the motion as stated; the motion passed, 4-in favor, 0-opposed.***

Having closed the public hearing, it was explained that the ZBA would reconvene in the conference room to deliberate and the Planning Board would recess for 5 minutes before beginning deliberations.

**Recess at 7:32 pm  
Reconvene at 7:36 pm**

Acting Chair Hudson reiterated that Alternate Member Weston and Alternate Select Rep, Guarino were seated as voting members.

Acting Chair Hudson called for further Board discussion; Members briefly discussed the repairs that were needed, and the funds being placed in perpetuity.

Acting Chair Hudson again called for further discussion, hearing none; entertained a motion to address the requested waivers.

- **Sections III C-1(d); IV C-1(c) and (d) requiring a metes and bounds description of the existing and proposed lot on the same plan.**

***Member Martindale moved to approve the request to waive Sections III C-1(d); IV C-1(c) and (d) requiring a metes and bounds description of the existing and proposed lot on the same plan, Alternate Member Weston seconded the motion as stated; the motion passed 4-in favor, 0-opposed.***

- Section III C-1(f) requiring the subdivision plan to show the means of providing water supply, disposal of sewage and surface drainage.

*Member Martindale moved to approve the request to waive Section III C-1(f) requiring the subdivision plan to show the means of providing water supply, disposal of sewage and surface drainage, Alternate Member Weston seconded the motion as stated; the motion passed 4-in favor, 0-opposed.*

- Section III C-1(h) requiring the subdivision plan to show elevation of significant points and contour lines.

*Member Martindale moved to approve the request to waive Section III C-1(h) requiring the subdivision plan to show elevation of significant points and contour lines, Alternate Member Weston seconded the motion as stated; the motion passed, 4-in favor, 0-opposed.*

*Member Martindale moved that the application be GRANTED final Planning Board Conditional Approval pending ZBA Approval as well as the following:*

*Conditions to be complied with or secured (as appropriate) prior to the final plan being signed and recorded. No site improvements shall commence and no building permits shall be issued until the final plan is signed and recorded.*

- 1. Submission of plans in accordance with Town Ordinances and Regulations.*
- 2. All Conditions of approval will be outlined on the plan submitted for recording.*
- 3. Any required State or other agency permits shall be filed with the Town prior to the recording of the plat or issuance of a Building Permit.*
- 4. The Board shall hold a compliance hearing prior to signing the plans, and prior to the approval becoming final if any conditions of approval are beyond Administrative in nature or would require discretion on the part of the Board Staff to determine if the conditions had been complied with.*
- 5. Compliance with the conditions of approval as specifically outlined in the Trustees of Cemeteries letter dated, January 16, 2011*
- 6. Applicant is responsible for any fees required by the Belknap County Registry of Deeds for the recording of the Mylar and/or conditions of approval.*

*General conditions to be complied with subsequent to the final plan being signed and recorded:*

**Planning Board  
Minutes of the Meeting  
February 10, 2011  
Page 5 of 8**

7. ***Copies of all deeds conveying the lots and containing the approved language must be provided to the Board at the time of recording the plan.***
8. ***No changes shall be made to the approved plans unless application is made in writing to the Town. The Planning Board may allow minor changes following review. The Planning Board at a public hearing may allow major changes after review and abutters shall be notified. The applicant is responsible for the payment of any fees for notification of the public hearing.***
9. ***Approval is subject to expiration, revocation and changes in the Ordinances under Town Regulations and the State RSA's.***

***Alternate Member Weston seconded the motion as stated; the motion passed, 4-in favor, 0-opposed.***

Acting Chair Hudson called for further discussion, hearing none; the deliberations were concluded.

**Public Hearing**

**PB Case #0211 – Property Owners, Charles A. Price (Tax Map 415, Lot 33) and Wm. & Theresa Price (Tax Map 416, Lot 69)** – have applied for a Boundary Line Adjustment in which they seek approval to convey 35.6-acres from 415-33 to 416-69 in the Rural Zoning District. Said properties are located at 18 & 86 Shannon Road, Gilmanton Iron Works in Gilmanton.

Acting Chair Hudson recognized William Price who introduced, his wife Theresa Price, his brother Charles Price and neighbor Gregory Downing they are in attendance to support the proposed Boundary Line Adjustment.

Mr. Wm. Price explained that the purpose of the proposed BLA is to convey 35.6 acres that were willed to Charles Price when their father passed away, several years ago. The 35.6 +/- acres that are being conveyed will create a 37.59-acre parcel and leave a remaining 241-acre parcel.

Acting Chair Hudson called for comments from the Board; Alternate Select Rep., Guarino questioned the gaps in the stonewalls surrounding the parcel.

It was explained that the gaps in the stonewall are approximately 250' and 300'.

Acting Chair Hudson called for public comment, hearing none; called for final Board discussion, hearing none; entertained a motion to close the public hearing.

***Member Martindale moved to close the public hearing, Alternate Member Weston seconded the motion as stated; the motion passed, 4-in favor, 0-opposed.***

Acting Chair Hudson redirected the Board to deliberations and called for further comment from the Board.

**Planning Board  
Minutes of the Meeting  
February 10, 2011  
Page 6 of 8**

Alternate Select Rep., Guarino again questioned distance of the gaps in the stonewall.

Having closed the public hearing, Acting Chair Hudson entertains a motion to reopen the hearing to allow further discussion with the Applicant.

***Alternate Member Weston moved to reopen the public hearing to receive additional information from the applicant, Member Martindale seconded the motion as stated; the motion passed, 4-infavor, 0-opposed.***

Alternate Select Rep., Guarino again questioned the gaps stating concern regarding the parcel being clearly marked.

Mr. Price reiterated the gaps in the stonewall are approximately 250' and 300'. The distance is such that the stonewall clearly indicates the property boundary.

Acting Chair Hudson called for further discussion, hearing none; entertained a motion to close the public hearing.

***Alternate Member Weston moved to close the public hearing, Member Martindale seconded the motion as stated; the motion passed, 4-infavor, 0-opposed.***

Acting Chair Hudson called for further discussion, hearing none; entertained a motion to approve the proposed boundary line adjustment.

***Member Martindale moved that the application be GRANTED final approval, as it appears to meet all of the technical requirements of the Ordinance and Regulations of the Town of Gilmanton. Conditions to be complied with or secured (as appropriate) prior to the final plan being signed and recorded. No site improvements shall commence and no building permits shall be issued until the final plan is signed and recorded.***

- 1. Submission of plans in accordance with Town Ordinances and Regulations.***
- 2. Any required State or other agency permits shall be filed with the Town prior to the recording of the plat or issuance of a Building Permit.***
- 3. The Board shall hold a compliance hearing prior to signing the plans, and prior to the approval becoming final, if any conditions of approval are beyond Administrative in nature or would require discretion on the part of the Board Staff to determine if the conditions had been complied with.***
- 4. Applicant is responsible for any fees required by the Belknap County Registry of Deeds for the recording of the Mylar and/or conditions of approval.***

***General conditions to be complied with subsequent to the final plan being signed and recorded:***

- 5. Copies of all deeds conveying the lots and containing the approved language must be provided to the Board at the time of recording the plan.***
- 6. No changes shall be made to the approved plans unless application is made in writing to the Town. The Planning Board may allow minor changes following review. The Planning Board at a public hearing may allow major changes after review and abutters shall be notified. The applicant is responsible for the payment of any fees for notification of the public hearing.***
- 7. Approval is subject to expiration, revocation and changes in the Ordinances under Town Regulations and the State RSA's.***

***Alternate Member Weston seconded the motion as stated; the motion passed, 4-in favor, 0-opposed.***

Acting Chair Hudson thanked Mr. Price and discussions were concluded.

**Public Hearing (Continued from January 13, 2011)**

(The Applicant has submitted a written request to continue the public hearing until March 10, 2011)

**PB Case #0111 Kurt & Tracy Rague and Sylvain & Carolyn Goulet** - applied to the Planning Board for Subdivision, in which they seek approval to subdivide the 38 acre parcel, show as Tax Map 415/Lot 29, in the Rural Zone, creating 4-lots. Said property is located on Crystal Lake Road, Gilmanton Iron Works.

Having received a written request to continue the hearing until March 10, 2011, Acting Chair Hudson entertained a motion to continue the hearing as requested.

***Member Martindale moved to continue the public hearing at the applicants request until March 10, 2011, Alternate Member Weston seconded the motion as stated; the motion passed, 4-in favor, 0-opposed.***

**Discussions**

David Jeffers, Lakes Region Planning Commission, Carol Foss & Amanda Dow, NH Audubon - to discuss the Smart Growth Assessment.

Acting Chair Hudson recognized David Jeffers, who provided copies of the Smart Growth Assessment that was completed with the assistance of Carol Foss and Amanda Dow of the NH Audubon.

Smart Growth recommendations have been made based on the various municipal documents, understanding that the documentation is in the process of being updated. Mr. Jeffers also provided copies of the Telecommunication Tower Overlay.

**Planning Board  
Minutes of the Meeting  
February 10, 2011  
Page 8 of 8**

Acting Chair Hudson thanked Mr. Jeffers, Ms. Foss and Ms. Dow for their research and work to complete the assessment, and stated that the Board would review and take into consideration the recommendations made.

Acting Chair Hudson called for further discussion, hearing none; discussions were concluded.

**Administrative Business**

Member Term Limits due to expire in March: Marty Martindale, Member; Rachel Hatch, Selectmen's Rep.; and Don Guarino, Alternate Selectmen's Rep.

Information provided to remind and update the Board Members. No discussions were taken up. Member Martindale submitted his request to be reappointed as a Member. The request will be forwarded to the Board of Selectmen.

**Correspondence  
Unscheduled Business  
Adjournment**

***Member Martindale moved to adjourn the meeting at 8:50 pm, Acting Chair Hudson seconded the motion as stated; the motion passed, 4-in favor, 0-opposed.***

Respectfully submitted,

Desiree Tumas  
Administrator