



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

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
Thursday, March 11, 2010**

Members Present: Nancy Girard, Chair; John Funk, Vice-chair; Don Guarino, Selectmen Rep.; Marty Martindale, Member; Dan Hudson, Member, John Weston, Alternate (Seated in the absence of Member Russell) Desiree Tumas, Planning Administrator; Mark Fougere, ACIP.

Public Attendance: (As signed in) Marilyn & Michael Fenollosa, Jack Szemplinski, (Not signed in) Tom Argue

Open Meeting

*Introduction of Board Members
Explanation of Meeting Procedures*

Approval of Minutes

February 11, 2010 – Regular Meeting

Vice-chair Funk moved to approve the February 11, 2010 Minutes of the Meeting as Amended, Member Hudson seconded the motion as stated; the motion passed unanimously.

Public Hearings

PB Case #0310 – Geoffrey & Nancy Rendall (TM/LT #406/32) and Michael & Marilyn Fenollosa (TM/LT #406/31) - Applied for a Boundary Line Adjustment to adjust the boundary between TM 406 LT 32 to TM 406 LT 31. The Applicants also seek approval to subdivide a single 18.98-acre lot placing the remaining 114.41-acres under Conservation Easement. Said property is located at 295 & 365 Guinea Ridge Road in the Rural Zoning District.

Jack Szemplinski of Benchmark Engineering, Inc is in attendance to present the proposed Subdivision, Boundary Line Adjustment and Conservation Easement.

Mr. Szemplinski presented the Board with a waiver from the following regulations:

1. ***Section VI C-2 & 2-a – 30,000 sf building area-*** this regulation requires that each lot contain 30,000 sf of contiguous area with natural soils of 3' above bedrock. The proposed subdivision contains a 2.04-acre, an 18.98-acre and a 114-acre parcel. The 2.04-acre parcel will be adjusted to become part of TM 406/31 with no plans for further development. The 18.98-acre lot will not be developed at this time. The remaining 114-acre tract is under a conservation easement. Both smaller parcels have no wetlands and are suitable for construction in their entirety.
2. ***Section III C-h – Elevations and contours*** – This regulation requires that elevation and contours be shown on the property. We are showing topography on the 2.04-acre lot and a portion of the 18.98-acre lot. The topography shown is adequate to ascertain that these lots meet the minimum requirements as outlined in the Subdivision Regulations.

Mr. Szemplinski explained the Boundary Line Adjustment of 2.08-acres would be conveyed to the abutting lot 31 owned by Michael and Marilyn Fenollosa. The proposed adjustment will provide adequate setbacks to the existing dwelling on lot 31.

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In addition to the BLA, it is proposed to subdivide the remaining parcel into two lots. One lot is proposed to be an 18.98-acre parcel as well as a 114.41-acre parcel that is already under a conservation easement that has already been recorded at the Belknap County Registry of Deeds. Both the land conveyed to lot 31 and the proposed 18.98-acre lot has been excluded from the conservation easement.

It was questioned if the Bounds had been set for the subdivision? It was explained that the Bounds had not been as yet set and that setting the bounds would be scheduled as soon as possible.

Vice-chair Funk questioned why the Board should waive the contours? Mr. Fougere explained that the topography and contours depicted on the plan are sufficient as it shows that there is minimal grade on the property. Mr. & Mrs. Fenollosa confirmed that the property does have a gentle slope.

Board Members questioned the intention of the subdivided portion abutting the Fenollosa lot 31? Mr. Szemplinski explained that the 2.04-acres is a proposed Boundary Line Adjustment that will be conveyed to lot 31 becoming part of the existing parcel. Further clarifying the proposed 2.04-acres is not a separate lot of record.

Chair Girard called for further discussion; Board Members briefly discussed the current setback of the dwelling located on lot 31 concluding that the setback is approximately 15'.

Board Members reviewed the other property owned by the Applicant.

Chair Girard called for further question or discussion, hearing none; entertained a motion to accept the waiver.

Vice-chair Funk moved accept and approve the waivers, Member Hudson seconded the motion; the motion passed unanimously.

Vice-chair Funk moved to close the public hearing, Member Hudson seconded the motion; the motion passed unanimously.

The public hearing is closed and the Board will take up deliberations following the remaining Agenda Items.

Having nothing further, discussions were concluded.

PB Case #0210 – Peter & Nancy Amaral (TM/LT #126/22), Maurice & Gloria Munsey (TM/LT #126/24) and Michael Amaral & Teresa Ferrara (TM/LT #126/25) – Applied for a Boundary Line Adjustment to adjust the boundary between the three subject properties. Said property is located on Powder House Lane, 4 Powder House Lane and 400 Province Road in the Rural Zoning District.

Mrs. Tumas explained that as a result of the Technical Review conducted on March 03, 2010 it was concluded that the applicant would need to receive approval from the Selectmen to develop on a private road. Land Agent Paul Darbyshire submitted a written request to withdraw the application without prejudice.

Board Members are all in agreement to accept the written request to withdraw PB #0210 without prejudice.

Having nothing further, discussions were concluded.

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Discussions

Thomas Argue et al – Tax Map 416 Lot 2, 3, 4 – **PB 0110** – Mountain Road- Requests a Waiver from Section VI:C-2 and VI:C-2(a).

Mr. Argue explained the written waiver was submitted and he seeks approval of the waiver because the contiguous building area is close to complying with the requirements of 30,000 sf and the two newly created lots far exceed the contiguous buildable square footage of the three grandfathered lots they were created from. Additionally, plot plans were presented and reviewed by the Planning Board during the Boundary Line Adjustment hearing for these lots that show a four bedroom house, artesian well, septic system and driveway all fit easily within the required setbacks, including the required setback between the septic and the well.

Test pits were completed and observed by a Gilmanton Inspector, and submitted to the state for septic system approval. The state approved the plans whose soil profile reported high quality sand and gravel to a depth that would handle the proposed system.

Mr. Argue went on to explain that the following calculations and figures have been added to the plan.

The breakdown of the total area of the 1.928-acre parcel:

Total area after the adjustment:	83,879 sf or 1.925-acres
Wetlands:	18,509 sf
Total uplands:	65,370 sf
Buildable w/in Setbacks:	16,723 sf
Contiguous uplands:	63,448 sf

The breakdown of the total area of the 1.948-acre parcel:

Total area after the adjustment:	84,853 sf
Wetlands:	19,547 sf
Total uplands:	65,306 sf
Buildable w/in Setbacks:	8,262 sf
Contiguous uplands:	38,916 sf

Board Members agree to be cautious in approving a waiver not to set precedence. They proceeded to review the individual lot plans that were provided at the public hearing. They noted that if the sideline setbacks were included, the contiguous area would be greater.

They also noted that the State Septic Standards for approval had been received, but observed that the approval standards differed from local requirements and such approval would not be dispositive in and of itself. After reviewing all the circumstances, and in particular the significant upland area, the Board Members concluded that the final design of the two lots made a bad situation better by decreasing three non conforming lots into two larger, more conforming lots.

Chair Girard called for further discussion or questions, hearing none; entertained a motion to accept and approve the submitted waiver.

Vice-chair Funk moved to accept and approve the waiver, based on the subdivision consolation on the plans which excluded the wetlands, Member Martindale seconded the motion as stated; the motion passed unanimously.

Having nothing further, discussions were concluded.

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David Clairmont – Tax Map 411 Lot 3 – DES Wetlands and Non-site Specific Permit 2009-01570. Original Planning Board Site Plan Approval Letter of December 24, 2003.

Mrs. Tumas explained that she had received copy of the DES Wetlands and Non-site Specific Permit Approval #2009-01570.

The Approval Letter and Minutes of the Meeting concluded that Mr. Clairmont was to come back to the Planning Board if there were to be any changes to the originally approved plan and/or when DES approval was granted to expand the egress/ingress.

Approval Letter Item # 14 on page 2 of the Approval Letter, which states: “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. Major changes may be allowed after review by the Planning Board at a public hearing and abutters shall be notified.”

The March 13, 2008 Planning Board Minutes of the Meeting, page 5, paragraph 1, which states: “The applicant will return with the amended plan when the wetlands permit is approved.”

Mrs. Tumas asked the Board if they would like a letter sent requesting Mr. Clairmont come before the Planning Board to discuss his intentions for the site now that DES has approved his wetlands application.

Board Members questioned if commercial stockpiling was occurring on the abutting lot (411/3) because the applicant had represented that any stockpiling on the site was either personal or temporary in connection with the development of the Clairmont Paving Business (411/1). Currently there is no approval for the abutting property to be used as a Contractor Yard. Additionally, suggested that a cease and desist order could be put in place if the stockpiling of materials was still ongoing since testimony states the stockpiles were for personal use and that a residential dwelling was intended for the abutting lot.

Mrs. Tumas stated that she was unaware of the status of the abutting lot but would look into it.

The Board requested a letter be sent to Mr. Clairmont requesting he schedule time to discuss his intentions now that DES approval has been received.

Having nothing further, discussions were concluded.

Workforce Housing – Mark Fougere, AICP

Mark Fougere provided the Board Members the following outline on the Workforce Housing Findings:

The new Workforce Housing legislation took effect on January 1, 2010. (RSA 674:58 – 674:61). This statute requires that communities allow for a reasonable and realistic opportunity for the development of workforce housing, including multi-family housing. For Gilmanton, workforce housing is defined as being affordable to a family earning \$67,300 a year (owner occupied), which translate into a home purchase price of approximately \$211,000. For lower income families (\$36,340), the maximum affordable rent including utilities is \$910. Owner occupied workforce housing units must be permitted in a majority of the land area zoned for residential uses. In addition, multi-family uses must be permitted, although a specific minimum area is not required.

The statute does provide a provision that allows communities to take into consideration their existing housing stock if it is “sufficient to accommodate its faire share of the current and reasonable foreseeable regional need”. If such a finding is determined, then “the municipality shall be deemed to be in compliance with the statute”.

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The goal of the following analysis is to determine if the Town of Gilmanton’s existing housing stock is “sufficient” and therefore in compliance with the statute.

A) Existing Zoning:

Single & Duplex Homes

Single-family homes are permitted in every zoning district, with the minimum one-acre lot area required in the Village, Light Business, Business and Residential Lake Districts. The Rural District requires 2 acres and the Conservation District requires 10 acres. These minimum lot areas can be reduced to 1 acre, along with reduced frontage requirements, if an Open Space Subdivision is proposed.

Duplex units are allowed in every zoning district; however, a special exception is required for this use in the Conservation District. This use requires an additional acre, above the minimum lot area required in each zoning district. For example, in the Village District a duplex would require 2 acres, while in the Rural District, three acres would be required.

Multi-Family Uses:

New construction multi-family uses are allowed by Special Exception in the Village and Rural Districts. Adding units to existing homes is also allowed by Special Exception in the Village, Rural, Conservation and Business Districts. In addition to the minimum lot area required for each District, an additional 1 acre is required per additional dwelling unit.

Existing Housing Stock

As outline in Table One, it is estimated by Office of Energy and Planning (OEP) that Gilmanton has a total of 2,158 housing units of which 94.11% are single family, 3.61% are multi-family and 2.27% are manufactured housing. In the Gilmanton Labor Market Area (LMA) and region, the community has the highest percentage of single family homes to total housing units and the lowest percentage of multi-family & manufactured units.

**Table One¹
Gilmanton and Area Housing Stock**

Town	Single Family	% Total units	Multi-Family	% Total units	Man - ufact.	% Total units	Total Units
Gilmanton	2,031	94.11%	78	3.61%	49	2.27%	2,158
Alton	3,754	89.40%	241	5.74%	204	4.86%	4,199
Barnstead	2,222	90.18%	113	4.59%	129	5.24%	2,464
Belmont*	2,048	58.46%	538	15.36%	917	26.18%	3,503
Gilford*	3,694	75.77%	569	11.67%	612	12.55%	4,875
Laconia*	4,928	52.01%	4,282	45.19%	265	2.80%	9,475
Loudon	1,664	80.82%	112	5.44%	283	13.74%	2,059
Meredith*	3,822	80.56%	627	13.22%	295	6.22%	4,744
Pittsfield	1,093	61.20%	575	32.19%	118	6.61%	1,786

*Labor Market Areas (LMA)

Home Values – Owner Occupied

In reviewing Gilmanton’s housing sales over the last year (Oct./08 – Sept./09)², a majority of the sales have been for homes selling under \$211,000 for non distressed sale properties, with the median sales price being \$194,000. Table Two outlines data from all (including bank sales) MLS sales of homes between October 1, 2008 – September 30, 2009, with the median sales price being \$199,000. Reviewing

¹ Office of Energy and Planning, 2008 estimated housing units.

² From Assessing Department.

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owner occupied units currently on the market (Table Three), 43.5% of the units are listed for sale under \$211,000.

**Table Two
All Sales Oct/2008 – Sept./09**

Sales Price	Sales	% of Total Sales
\$211,000 & Under	23	63.8
\$211,001 - \$250,000	4	11.1
\$251,000 - \$399,000	5	13.8
\$400,000 +	4	11.1
Total Sales	36	-

**Table Three
Single Family on the market – Dec./09**

List Price	Number	% of Total
\$211,000 & Under	27	43.5
\$211,001 - \$250,000	7	11.2
\$251,000 - \$399,000	15	24.1
\$400,000 +	13	20.9
Median: \$269,000	62	-

Rental Units

As outlined in Table One, there are only 78 multi-family housing units in the community. A majority of these are duplex units (approximately 26 duplex structures with 52 units). Data on rents is limited given the lack of inventory. Advertised rents for one and two bedroom apartments range from \$750 - \$1,000 a month, with some of these costs including utilities. Reviewing data from the region (Table One), Gilmanton has the highest percentage of single family homes and the lowest percentage of multi-family units. The market for rental units has historically been weak, with investor interest in purchasing multi-family units almost non-existent. This lack of investor interest has led to little new multi-family construction activity in the community.

Regardless of local market conditions, the workforce housing statute requires that reasonable opportunities for multi-family housing exist in a community. As noted above, multi-family and duplex units are allowed in the community, but density requirements can reduce the ability to create such units in an affordable manner. Options should be explored to expand the ability to allow for the development of multi-family units in the community, building off of the existing zoning ordinance requirements that are currently in place.

Conclusion

At this time, ample opportunity exists in the community to purchase owner occupied housing units at a price that is consistent with statutory guidelines. As noted in Table 2, a majority of recent sales have been under \$211,000 and likewise a majority of homes for sale are also under this price point. Based on this data, amendments to land use ordinances and regulations are not necessary at this time and there are presently reasonable and realistic opportunities to purchase workforce housing in the community. As the housing market is not a static environment, it is recommended that sales data be reviewed in the late summer of each year to evaluate current market conditions. This will provide the community with ample time to review the local land use regulations and propose changes if deemed appropriate and necessary.

For future planning, it is recommended that the Planning Board explore options to expand the potential for multi-family development. These options could include: accessory dwelling units, allowing the conversion of larger homes into multi-family dwellings and increased density.

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Board Members confirmed compliance with the January 01, 2010 legislative requirements and thanked Mr. Fougere for his presentation.

Board Members agree to revisit the Workforce Housing requirements on a yearly basis for compliance with the requirements set by the legislation.

Having nothing further, discussions were concluded.

Zoning Amendments – Mark Fougere, AICP

Mr. Fougere reminded the Board that due to time constraints the Board was unable to complete all the Zoning Ordinance for the 2010 vote. The following were tabled for discussion at a later time:

Wetlands Protection Ordinance
Aquifer Ordinance
Steep Slopes and Ridgeline Protection
Water Withdrawals
Stormwater Management
Light Pollution

Board Members were requested to put the remaining ordinances that were tabled for discussion at a later time into a fixed order to begin working on over the next few months. Following discussion, Board Members agreed that Night Sky's, Steep Slopes and Ridgelines and Stormwater Management could be addressed in the Site Plan and Subdivision Regulations.

Wetlands and Aquifer Ordinance will require designation of the prime wetlands by the Conservation Commission prior to regulations being formulated and put in place.

Water withdrawals were discussed concluding that the options were limited due to the current regulation of water withdrawals and the limited control allowed to local municipalities.

Administrative Business

Capital Improvement Program – Future Planning for Updating

Board Members were reminded that the CIP needed to be updated and that arrangements would be made to begin working on updating the document.

“Renovation, Repair and Painting” rule - 40 CFR Part 745[1], Subpart E. - General – FYI

Board Members were provided a copy of the most recent information available regarding the April 22, 2010 effective date for information purposes only.

There were no discussions.

17th Annual Spring Planning & Zoning Conference – Saturday May 8, 2010 @ The Radisson Hotel in Nashua, NH. Online Registration begins, March 15, 2010

Board Members were provided copy of the conference brochure. Online registration begins on March 15, 2010.

If Board Members wish to attend they were requested to contact Ms. Tumas for scheduling and payment by the Planning Department.

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Unscheduled Business

Board Members were reminded that they would need to conduct the Officer elections at the April 08, 2010 regular Planning Board meeting. Discussions will be added to the April 08, 2010 Meeting Agenda.

Decision: PB #0310

Board Members agree that the proposal to adjust the boundary by adding 2.04-acres to the abutting lot 31 and subdivide the remaining acreage into two lots one an 18.98-acre buildable parcel and a 114.41-acre parcel that is already under a conservation easement that has been recorded.

The Boundary Line Adjustment improves the abutting lot by providing adequate side setbacks to the existing dwelling.

The 114.41-acre Conservation Easement abuts an existing conservation easement enlarging the tract of conservation land in the area and the 18.98-acre lot is more than sufficient to develop at a later time.

Chair Girard called for further discussion or comment, hearing none; entertains a motion to accept and approve the application and plan as submitted.

Vice-chair Funk moved that in accordance with Section III.A of the Gilmanton Subdivision Regulations, the Board made the following findings:

- 1. The proposed subdivision/boundary line adjustment will not negatively impact the adequacy of water supply, drainage, sewage disposal and streets.***
- 2. The proposed subdivision/boundary line adjustment will not negatively impact the Town's ability to provide street maintenance and snow removal, schools, fire protection and other services without excessive expenditure funds.***
- 3. The proposed subdivision/boundary line adjustment will not negatively impact the provisions for the harmonious development of the town and its environs.***
- 4. The proposed subdivision/boundary line adjustment will not negatively impact the preservation of wildlife habitat, natural and man-made features and open space.***
- 5. The proposed subdivision/boundary line adjustment will not negatively impact the character and use of land and buildings in the general vicinity of the proposed subdivision/boundary line adjustment.***
- 6. The proposed subdivision/boundary line adjustment will not negatively impact the character of the town as a small rural community and on the town's well being, prosperity and sound financial condition.***

Member Hudson seconded the motion as stated; the motion passed unanimously.

Vice-chair Funk moved to grant the request to waive Section VI C-2 & 2-a and Section III C-h of the Subdivision Regulations requiring that each lot contain 30,000 sf of contiguous area with natural soils of 3' above bedrock and requiring that elevation and contours be shown on the plan for the remaining land because one lot is 114.41 and under a conservation easement and the other is 18.98-acres, Member Hudson seconded the motion as stated; the motion passed unanimously.

Vice-Chair Funk moved to accept the application as complete and grant conditional approval as it appears to meet all the technical requirements of the Ordinance and Regulations of the Town of Gilmanton with the following conditions:

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

- 1. All required Town, State or other agency permits shall be filed with the Town prior to the recording of the plans or issuance of a Building Permit.**
- 2. Submission of final plan in accordance with Town Ordinances and Regulations with the exception of any waivers that may have been granted.**
- 3. A compliance hearing shall be held by the Board prior to signing the plan, and prior to the approval becoming final, to determine if any conditions of approval are beyond administrative in nature or would require discretion on the part of the Board or staff to confirm that conditions have been complied with.**
- 4. The applicant is responsible for the payment of any fees required by the Belknap County Registry of Deeds for recording the plan and/or any conditions of approval.**

Construction conditions to be complied with subsequent to the plan being signed and recorded.

- 5. All utility and road construction shall be carried out under the provision of the Town Ordinance and Regulations unless otherwise agreed by the Town.**
- 6. Property owner shall install all required traffic controls, fire, life safety and health facilities and systems required by the Board and/or by other applicable Codes and Regulations.**
- 7. All temporary erosion control facilities shall be removed upon attaining permanent stabilization.**

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

- 8. No changes shall be made to the approved plan unless application is made in writing to the Town. Minor changes may be allowed following review by the Planning Board. Major changes may be allowed after review by the Planning Board at a public hearing and abutters shall be notified.**
- 9. Approval is subject to expiration, revocation and changes in the Ordinances under Town Regulations and State RSA's.**

Member Hudson seconded the motion as stated; Chair Girard called for further discussion, hearing none; called for a vote on the motion made by Vice-chair Funk and seconded by Member Hudson; **the motion passed unanimously.**

Adjournment

Chair Girard called for further discussions to come before the Board, hearing none; entertained a motion to adjourn the meeting at 9:54 pm.

Vice-chair Funk moved to adjourn the meeting at 9:54 pm, Member Hudson seconded the motion as stated; the motion passed unanimously.

Respectfully submitted,

Desiree Tumas
Planning Board Administrator