



Town of Gilmanton, New Hampshire
Planning Board
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Approved: 06/13/2010

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
May 13, 2010

- Member Attendance** Nancy Girard, Chair; John Funk, Vice-chair; Rachel Hatch, Select Rep.; Dan Hudson, Member; Marty Martindale, Member; John Weston, Alternate; Desiree Tumas, Administrator.
- Municipal Attendance** Betty Ann Abbott, BOS Chair; KG Lockwood, Fire Chief; Phil O'Brien, Police Chief; Stan Bean, Budget Committee Chair; Gary Lines, Park & Rec Chair.
- Public Attendance** As signed in: Paul Darbyshire, Marty & Dawn Pelletier, Brett Currier, Judi Williams, Cameron Hamel, Dorothy Willard, Frank Joyce, Richard Kordas, Bruce Pearl, Diane Pearl, Russ Pearl.

Open Meeting

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

Approval of Minutes

April 08, 2010 – Regular Meeting

Vice-chair Funk moved to approve the April 08, 2010 Minutes of the Meeting as submitted, Member Martindale seconded the motion as stated; the motion passed unanimously.

Capital Improvement Program Submission

Justin Leavitt – Transfer Station, Paul Perkins – Highway Department, K.G. Lockwood – Fire Chief, Phil O'Brien – Police Chief, Gary Lines – Park & Rec's.

Fire Chief Lockwood, Police Chief O'Brien and Parks and Rec's Chair Gary Lines are in attendance to present the Capital Improvement Program projections. See attached submission copy.

Recycle Center Representative, Justin Leavitt and Road Agent Paul Perkins are not in attendance. A request to attend the June 10, 2010 Planning Board meeting will be sent.

Gilmanton Fire Department:

Chair Girard recognized Fire Chief Lockwood.

Chief Lockwood explained the projected vehicle/equipment/building needs over the next 20 years noting that in previous years sufficient funds were not accrued and some purchases had to be moved out a couple years.

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It was questioned why sufficient funds were not set aside. It was explained that enough money had not been put aside for various reasons and as a result the line items from which each vehicle was purchased were combined into the same fund allowing more flexibility to cover unforeseen vehicle needs should they arise in the interim.

Budget Committee Chair Stan Bean further explained that until 2 years ago only 70% of the projected funds were set-aside in the hopes that the Residents would vote favorably to fund the needs at the time by additional tax dollars.

Chief Lockwood went on to explain that the I.W. Station is for the most part in good shape. However, following an energy efficiency evaluation, it was determined that the I.W. Station needed some updating to make the building more energy efficient. Proposed remedies to make the building more energy efficient are being evaluated.

Board Members briefly discussed without conclusion the current favorable bond rates as well as availability of grants as other means of funding.

Chair Girard thanked Chief Lockwood for his presentation and called for further discussion, hearing none; discussions were concluded.

Gilmanon Police Department:

Chair Girard recognized Police Chief Phil O'Brien.

Chief O'Brien presented the police department Capital Improvement Program projections, noting that next year the "Crown Vic's" currently used will no longer be made and will be replaced with the Charger. The interior difference between the two vehicles will not allow retrofitting of the interior equipment/radios. As a result, additional funds will be required to equip the police vehicles.

Chief O'Brien went on to explain that following discussions with Budget Committee Chair Stan Bean and Budget Committee Member Frank Bosiak the vehicle replacement plan presented was created. Additional funds to replace vehicle equipment have also been considered. As such, it is anticipated that there might be a small amount of funds remaining at the time of projected purchases which, will rollover to begin saving for the next cycle.

Chair Girard thanked Chief O'Brien for his presentation and called for further discussion, hearing none; discussions were concluded.

Gilmanon Parks & Recreation Department:

Chair Girard recognized Chair Gary Lines.

Chair Lines presented the Park & Rec Capital Improvement Program projections, noting the requested irrigation system to the pitchers mound and (6) field heads are needed to maintain the fields due to the number of groups that utilize the field. It was further explained that ample water supply is already available on site.

It was suggested that a pervious paving material be considered for the BBQ area with overhead coverage to allow rain to perk into the area and minimize runoff.

Members of the public noted that due to the amount of park use during the season, it was necessary to resurface the fields last year. The addition of an irrigation system would lend considerable assistance to maintaining the fields.

Chair Lines also explained, for the most part, the work would be done by volunteers and that most of the requested funding would go to materials needed to complete the proposed projects.

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Chair Girard thanked Chair Lines for his presentation and called for further discussion, hearing none; discussions were concluded.

Chair Girard thanked the attending Department Heads for their attendance and presentations for the Capital Improvement Program. It was additionally noted that submission of the projected capital improvements would be scheduled each year following Town Meeting to maintain the integrity of the CIP document.

Public Hearings

PB Case #0410 – Town of Gilmanton has applied for a Site Plan Review seeking approval to develop the property shown as **(TM 413//LT 113)** and construct the Gilmanton Public Safety Building. Said property is located at 297 NH Route 140, in the Light Business District. The proposed plan can be viewed at the Selectmen's Office during regular business hours.

Chair Girard recognized Land Agent Paul Darbyshire who presents the final plan design for the Public Safety Building.

Concerns regarding the current runoff in the vicinity of NH Route 140, Allen's Mill Road and Mary Butler Lane were expressed by, Residents who live in the vicinity of the building site. Additionally stated were efforts to gain assistance from the NH DOT have fallen on deaf ears and attending Residents request assistance from the Select Board to intervene and hopefully get the State DOT to remedy the know runoff/flooding issues.

Chair Girard instructed the Residents to contact Town Administrator Tim Warren to schedule time to discuss the issues at the next available Select Board Meeting.

Chair Girard redirected to Mr. Darbyshire who continued his presentation.

Board Members discussed without conclusion the current speed limit 40 MPH in front of the property with the 50 MPH zone approximately 1000' past the property and if the 30 MPH speed limit coming out of the corners could be extended.

Board Members briefly discusses the suggestions put forth from the Planning Board concluding that the suggestions had come too late in the plan design and that in the interest of keeping the overhead costs below \$900,000.00 as was promised to the residents the design, plan and layout presented is the final.

At the conclusion of Mr. Darbyshire's presentation, Chair Girard called for further discussion or comment from the public, hearing none; entertained a motion to close the Public Hearing and take up Deliberations following the remainder of scheduled business.

Vice-chair Funk moved to closed the public hearing, Member Martindale seconded the motion as stated; the motion passed unanimously.

PB Case #0510 – Bruce & Diane Pearl has applied for a Boundary Line Adjustment seeking approval to adjust the boundary of the property shown as **(TM 405//LT 16 & 20)**. Said property is located at 787 Middle Route and on the corner of Middle Route and Grant Hill Road, in the Conservation Zoning District.

Chair Girard recognized Land Agent Jeffrey Green who presented the proposed Boundary Line Adjustment Plan explaining that the plan had received a Conditional Variance from the Zoning Board of Adjustment on April 15, 2010 approving the proposed 5.549-acre adjustment creating a non-conforming lot of record. The basis of which is a land swap of backland.

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The Condition of Approval for the Variance was, "The 27.5 acres that is separated from the 5.549 acres will not be subdivided and no buildings will be placed there."

It was questioned if a note of the condition had been added to plan? Mr. Green explained, "No further subdivision" note was added and will be amended to include no buildings.

Board Members questioned why a Joint ZBA and Planning Board Meeting were not entertained and no clear answer was provided. Board Members agree a joint meeting is most effective as the same presentation is provided to both Boards at the same time. Additionally the Board agreed it is the responsibility of the land use staff to facilitate scheduling a joint meeting when approval from both land use boards is required.

Chair Girard redirected to Mr. Green who went on to present the proposed plan explaining that septic approval had been received from NH DES and with the Variance they could begin developing the site. It was determined that the septic approval was based on Lot 20's 31.1-acre configuration not the resulting 5.549.

Mr. Green went on to explain that the resulting lot size of 5.549-acres would not allow for the 30k contiguous upland required without including the setbacks.

Abutter's stated concern regarding septic setbacks to the stream/wetlands on the property. Mr. Green reiterated that the he had already received septic approval.

Board Members stated concern regarding the wetlands and stream that make-up the resulting 5.549-acre lot and entertained a site-walk with consideration of the requested upland waiver. A site-walk was scheduled for Monday May 17, 2010 beginning on site at 5:15 pm.

Following brief discussions regarding the site walk, Chair Girard called for further discussion, hearing none; entertained a motion to continue the public hearing until the June 10, 2010 Planning Board Meeting to allow time to conduct the site walk for further evaluation of the site before making a final decision.

Vice-chair Funk moved to continue the Public Hearing until the June 10, 2010 Planning Board Meeting to facilitate a site walk Monday May 17, 2010, Member Martindale seconded the motion as stated; the motion passed unanimously.

Chair Girard thanked Mr. Green for his presentation and confirmed the site walk on Monday May 17, 2010 reiterating that the hearing would be continued at the June 10, 2010 meeting. Having nothing further, discussions are concluded.

The Planning Board - Application Process and Fee Schedule updates for recommendation to the Board of Selectmen for adoption. Full description of the proposed changes is on file in the Town Clerks Office and the Selectmen's Office.

Board Members reviewed the suggested administrative changes to the Planning Board Application process. Following Board discussion, Chair Girard called for further questions or comments, hearing none; entertained a motion to approve the administrative changes for recommendation to the BOS.

Vice-chair Funk moved to approve the administrative changes to the Planning Board Application process for recommendation to the BOS for adoption, Member Hudson, seconded the motion as stated; the motion passed unanimously.

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Voluntary Property Merger

PB Case #0610 - TM 414/LT's 19 & 20 Property Owner Mark Warren seeks approval to voluntary merge two properties located 27 Willowgrass Lane located in the Rural Zoning District.

Board Members reviewed the letter submitted by Mark and Audra Warren requesting a voluntary merger of the property shown as TM 414/LT's 19 & 20.

Board Members were reminded and provided Minutes of the Meeting from July 13, 2006 when the same request to merge the same subject properties came before the Board. The August 10, 2006 Minutes of the Meeting when a verbal request to rescind was received through the Administrator was received. As well as Minutes from the September 14, 2006 Meeting when the Board rescinded the approval to merge the properties.

Following discussions, Chair Girard called for further discussion, hearing none; entertained a motion to approve the Voluntary Merger of the properties shown as TM 414/LT's 19 & 20.

Vice-chair Funk moved to accept and approve the request to merge the properties shown as TM 414/LT's 19 & 20 at the property owner's request, Member Martindale seconded the motion as stated; the motion passed unanimously.

Documents to be filed with the Registry of Deeds will be drafted and submitted. Mr. & Mrs. Warren will be responsible for the \$18.00 fee.

Having nothing further, discussions were concluded.

Administrative Business

Regional Notice: Town of Loudon Planning and Zoning Board Office: NH Motor Speedway has submitted an application seeking approval to allow a 2011 winter snowmobile event – Sno Bowl II. Public Hearing will be held May 20, 2010 at 7:00 pm.

Following review of the Regional Notice and Minutes provided from the Loudon Planning Board, Board Members agree there is no need for input.

Deliberations

PB Case #0410 – Town of Gilmanton has applied for a Site Plan Review seeking approval to develop the property shown as **(TM 413//LT 113)** and construct the Gilmanton Public Safety Building. Said property is located at 297 NH Route 140, in the Light Business District. The proposed plan can be viewed at the Selectmen's Office during regular business hours.

Board Members discussed the presentation given by Land Agent Paul Darbyshire noting that a Landscape Plan had not been discussed.

Board Members requested Mrs. Tumas contact Mr. Darbyshire to follow-up on the Landscape Plan. Report will be provided at the June 10, 2010 Meeting.

Vice-chair Funk moved that the application be accepted as complete and granted conditional approval as it appears to meet all of the technical requirements of the Ordinances and Regulations of the Town of Gilmanton with the following conditions:

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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 permit shall be issued until the plan is signed and recorded.

1. *Any required Town, State or other agency permits shall be provided to the Planning Office before the final plan can be signed and recorded*
2. *Submission of final plans in accordance with Town Ordinances and Regulations with the exception of any waivers that were granted.*
3. *Appropriate signage, landscaping and/or screening shall be shown on the final plan in accordance with the Site Plan Regulations and at the Boards discretion.*
4. *All fuel tanks and/or waste oil produced, used or stored on the property shall be kept within a bermed area on an impervious surface; the location of which shall appear on the final plan.*
5. *A compliance hearing shall be held by the Board prior to signing the plans 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.*
6. *Applicant is responsible for any fees required by the Belknap County Registry of Deeds for recording the approved Site Plan and/or any Conditions of Approval.*

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

7. *Property owner shall install all required traffic control; fire, life safety and health facilities and systems required by the Board and/or by other applicable Codes and regulations.*
8. *All dumpsters shall be located on a solid cleanable surface such as concrete, shall be of sufficient size to contain all materials, shall be kept closed, and shall be appropriately screened.*
9. *The use of the property is limited to those indicated in the applicant's testimony at the public hearing and submitted documents.*
10. *All exterior lighting shall be shielded, pointed downward to avoid abutters and traffic.*
11. *All signage must be in compliance with the Town Ordinances and Regulations.*
12. *Landscaping plan shall be submitted and maintained not allowed to deteriorate.*

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

13. *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.*
14. *The Planning Board shall have the power to modify or amend its approval of a Site Plan upon its own motion to do so.*
15. *Approval is subject to expiration, revocation and changes in the Ordinances under Town Regulations and the State RSA's.*

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

Unscheduled Business

PB Case #0909 – TM 124/LT 8 Property Owners, J. Daniel & Linda Lemieux have requested a one year extension on the conditional approval to gravel the “Overflow Parking” area depicted on the submitted plan.

Mr. Lemieux sent a written request seeking a one-year extension to gravel the “Overflow Parking” area since it is not being used.

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Mrs. Tumas explained that she and Building Inspector, Bob Flanders conducted a site visit on April 14, 2010 to confirm compliance with the conditional approval granted July 09, 2009. The site visit concluded that all conditions of approval had been met with the exception of graveling the "Overflow Parking" area.

Mr. Lemieux explained that he is not using the "Overflow Parking" area and indicated that he would like to wait a year to gravel the "Overflow Parking" area. Mrs. Tumas discussed the purpose of gravel use to mitigate runoff and control erosion in the area. Photos were taken of the area for the Planning Board file. It was further explained that Mr. Lemieux would have to send a written request for the extension to the Planning Board for consideration at a regular meeting. Written request dated May 11, 2010 was received on May 13, 2010.

Additional discussion concluded all other conditions of approval had been satisfied; Chair Girard entertained a motion to grant a one-year extension for the conditional approval to gravel the "Overflow Parking" area of the site.

Member Martindale moved to approve a one-year extension for the condition of approval of July 09, 2009 to gravel the "Overflow Parking" area as outlined in the Planning Board Letter of Decision dated, July 13, 2009, Member Hudson seconded the motion as stated; the motion passed unanimously.

PB Case #1609TM 412/Lot 20 – Bernard Lynch, Contractors Yard - Conditional Approval to remove travel trailers from the property.

Mrs. Tumas explained Mr. Lynch had left for Florida in the fall without removing the trailers as was conditionally approved on October 08, 2008 and outlined in the Decision Letter dated, October 09, 2009. Through an exchange of emails and phone calls, Mr. Lynch agreed to remove the trailers in the spring upon his return from Florida on about mid-May 2010.

Following up on the conditional approval, a written reminder dated March 17, 2010 was mailed Certified, Return Receipt to both Mr. Lynch's Florida and NH address requesting compliance with the conditional approval upon his return from Florida.

In response to a voicemail left and email sent again requesting compliance with the conditions of approval set forth by the Planning Board. Mr. Lynch has requested the Board allow the "older" trailer to remain on the property for storage use. There is no electric power, no bathroom, no heat or running water and is not intended to be used as a residence. Mr. Lynch would like to move the other trailer to the roadside in the hopes of someone picking it up for free.

Following discussions Board Members concluded the trailers should be removed as soon as possible as was conditionally approved on October 08, 2009. Board Members agree to allow 30 days to remove the trailers at which time, if the trailers are not removed, the Board may take action pursuant to Site Plan Regulation Sections X Penalty, XIII Enforcement and/or NH RSA 676:4-a Revocation of Recorded Approval.

Chair Girard called for further discussion, hearing none; entertained a motion to deny the request and uphold the conditional approval.

Vice-chair Funk moved to deny the request allowing one of the trailers to be used for storage and the other trailer to be moved to the roadside and offered for free, upholding the conditional approval of October 08, 2010, Member Hudson seconded the motion as stated; the motion passed unanimously.

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Adjournment

Member Hudson moved to adjourn the meeting at 10:30 pm, Member Martindale seconded the motion as stated; the motion passed unanimously.

Respectfully submitted,

Desiree Tumas
Planning Board Administrator