



**Planning Board
Academy Building
503 Province Road
Gilmanston, 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, July 08, 2010**

Member Attendance: Nancy Girard, Chair; Dan Hudson, Member; Marty Martindale, Member; David Russell, Member; John Weston, Alternate Member seated in the absence of Vice-Chair Funk; Rachel Hatch, Select Rep.; Mark Fougere, Planner; Desiree Tumas, Administrator

Municipal Attendance: Betty Ann Abbott, Select Chair; Don Guarino, Selectmen; Tim Warren, Town Administrator; Justin Leavitt, Transfer Station; KG Lockwood, Fire Chief; Phil O'Brien, Police Chief; Stan Bean, Budget Committee; Tracy Tarr, Conservation Commission; Nanci Mitchell, Conservation Commission, Laurie Churchill, Conservation Commission; Erin Hollingsworth, Conservation Commission; Joe Derreck, Conservation Commission.

Public Attendance: (As signed in) Frank Bosiak, Brian Forst, Marilyn Ray, Phil Ray, Tim Towle, Anne Sellin, William Heath, David Cheney, Ralph Cheney, Attorney Regina A. Nadeau, Kurt Rague, Ned Beecher, NEBRA; Gail Ober, Sheila McDermott, Chryl Giardini, Mary MacDonald, Jeffrey K. Geary, Daniel Sanborn, Jeffrey L. Green, David Clairmont, Bruce Pearl, Diane Pearl, Russ Pearl.

Open Meeting

The meeting was called to order at 7:07 pm

Following the introduction of Board Members, Chair Girard went on to explain the meeting procedures.

Approval of Minutes

June 10, 2010 – Regular Meeting

Member Hudson moved to approve the June 10, 2010 Minutes of the Meeting as presented, Member Russell seconded the motion as stated; the motion passed unanimously.

Public Hearings

Capital Improvement Program Approval

Phil O'Brien, Police Chief; K.G. Lockwood, Fire Chief; Justin Leavitt, Transfer Station; Paul Perkins, Highway Department; Tim Warren, Town Projections; John Fauci, Superintendent, SAU 79; Gary Lines, Park & Rec. (Absent from discussions were John Fauci, Gary Lines, and Paul Perkins)

Chair Girard recognized Fire Chief Lockwood who provided a review of the Fire Department Capital Improvement Program Projections with little amendment from the projections provided at the June 10th discussions.

Chair Girard recognized Rachel Hatch, SAU Secretary, in the absence of Mr. Fauci to review the School Capital Improvement Program Projections with little amendment to the projections provided at the June 10th discussions.

Board Members revisited the possibility of the SAU Offices utilizing space in the Old Town Hall as was discussed by the Buildings Committee. Mrs. Hatch explained the SAU for practical purposes would rather be located at the school.

The Board briefly discussed for clarification, the possibility of enclosing the backside of the school creating additional space for classes and offices.

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Chair Girard called Gary Lines; Mr. Lines had explained over the phone that he would not be available for the meeting and that someone would attend in his place. It was requested that the Board move on with the next person.

Chair Girard recognized Justin Leavitt who provided the Recycle Center's Capital Improvement Program Projections. Mr. Leavitt explained that following further review of the projections provided at the June 10th discussions, some of the projections could be moved out while others need to be moved up.

Mr. Leavitt explained, now that the Center accepts a wider range of plastics, there has been an increase in the amount of plastics now being sorted for recycling.

Members of the public questioned the recycling of glass; it was explained that due to the sorting by color requirement and a lack of proper equipment to handle the load; glass is not processed as much as the plastics. The glass that is processed by crushing is used when doing town roads for added savings.

Chair Girard called for further discussions; Mr. Bean noted that any line items that are moved up would require additional funds each year to meet the need and likewise for items move out would require less funds each year to meet the need.

Board Members revisited the possibility of additional land purchases in the future to redirect the traffic pattern for safety reasons. Selectperson Abbott suggested further discussion with the Select Board regarding the paving and circulation of the traffic within the Recycle Centers grounds.

The Board and Members of the Budget Committee briefly discussed without conclusion the appropriateness of land acquisitions specifically for the Recycle Center or any other Municipal Land Acquisition being included in the CIP. It was suggested that land acquisitions be considered under the Board of Selectmen, not individual departments.

Chair Girard called for further discussion, hearing none; Police Chief O'Brien was recognized.

Chief O'Brien reviewed the police department's projections and would like to increase the cruiser line item from \$23,000.00 to \$25,000.00 explaining that as the vehicles are replaced the radios will eventually need to be replaced with up to date digital portable and mobile units. In the meantime, funds would be needed to retrofit existing equipment into new vehicles until such time as the digital equipment can be purchased.

Employment needs were questioned; Chief O'Brien explained there's no foreseen increase of full time employees. However, there are a few part time positions to fill.

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

Chair Girard recognized Road Agent, Paul Perkins: Mr. Perkins was unavailable. Speaking on behalf of the Highway Department was Town Administrator, Tim Warren.

Mr. Warren explained the only change was to the Grader line item. The increase is due to the cost over time estimates.

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

Chair Girard recognized the Park and Recreation Department, hearing no response; recognized Betty Ann Abbott to speak to the Select Boards projections.

Mrs. Abbott explained that the BOS has been working with the Town Buildings Capital Improvement Committee who is aggressively reviewing the municipal buildings and they will provide a detailed presentation to the BOS during budget discussions in the fall.

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Mrs. Abbott also explained that there are currently only two Bonds that the town is paying on. One is the school Bond which is expected to be paid in 2017 and the Public Safety Building which is expected to be paid in 2020.

Mrs. Abbott went on to explain the purpose of the CIP to clarify the function of the Planning Board and BOS in the approval process.

Chair Girard called for further discussion, hearing none; again called Park and Recreation Department. Having no one come forward; Chair Girard called the Agenda out of order and recognized, Ned Beecher of NEBRA.

Chair Girard read into the record letters from Residents and/or Property Owners, Frank Bosiak, Sr.; Daniel Sanborn; Brian Forst, and Tim Towle. (See copies attached)

Ned Beecher, North East Biosolids & Residuals Association – Informational discussion related to the local Agricultural Use of Biosolids.

Mr. Beecher provided a PowerPoint presentation, Biosolids Management. Copy is available at the Planning Board Office during regular business hours for public review.

Members of the public were provided the opportunity to ask questions pertaining to the spreading of biosolids that at times was a spirited debate regarding the unconfirmed health risks as well as the odors produced as a result of biosolids use.

It was noted that several members of the public were not afforded the opportunity to speak at the public hearing conducted by RMI on May 25, 2010. It was then explained and reiterated that the public hearing was a matter of compliance for Applicant, Jim Downs and was not intended to be a public question and answer period.

Members of the public thanked the Planning Board for the opportunity to hear the presentation. It was explained that a speaker was sought to discuss the other side of Biosolids use for the August or September meeting. Information pertaining to future presentations can be obtained either by notice published in the paper and/or website.

Members of the Conservation Commission and the public expressed concern regarding the lack of groundwater testing despite the caution used during the approval process to ensure the spreading of Biosolids were not done in geologically unsuitable areas of a site. Also noted was the lack of testing for Class A Biosolids despite low levels of pathogens.

Chair Girard called for further discussions, hearing none; Chair Girard, thanked Mr. Beecher for his informative presentation.

The Board took a 7-minute recess to allow people to exit the conference room. Upon returning the meeting to order; Chair Girard called Bruce and Diane Pearl.

Continued from June 10, 2010 - 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 Jeff Green, Land Agent for the applicant who came forward to explain the existing conditions as well as the proposed Boundary Line Adjustment. The Applicant has not applied for a driveway permit and has submitted three waivers. It was noted that the Waivers were submitted the day of the meeting and copy was not included in the Application Report.

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It was also noted that the dates of the waivers submitted predate the submission date and it was requested that waivers with the correct date of submission be provided.

The following Waivers were submitted:

- Section VI-C-1-c requiring topographic detail with contours at 5' intervals of the undeveloped back lot conveyed to Tax Map 405, Lot 16.
- Section VI-C-1-d showing the Wetlands of the undeveloped back lot conveyed to Tax Map 405, Lot 16.
- Section VI-C-2 requirement for 30, 000 sf contiguous buildable area of Tax Map 405, Lot 20.

Board Members noted that State Septic Approval does not negate the local requirements, nor does it guarantee approval by the Planning Board. Every waiver as it pertains to each application, is reviewed and following due diligence, is discussed and voted on based on the unique merits of each individual case.

Board Members revisited the case fact that the application should have been heard in a joint meeting of the ZBA and Planning Board, which would have avoided the ZBA ruling without consideration of the Planning Board requirements of a Boundary Line Adjustment.

Board Members suggested continuing the hearing to allow time to review the submitted waivers since they were not submitted in a timely manner.

Following brief discussions, Board Members agree to complete deliberations at the end of the meeting.

Chair Girard called for further discussion, hearing none; entertains a motion to close the public hearing and take up deliberations following the remainder of business scheduled on the agenda.

Select Rep. Hatch moved to close the public hearing and continue deliberations following the remainder of scheduled business, Member Martindale seconded the motion as stated; the motion passed unanimously.

Chair Girard explained to Mr. Green and the Applicant that the Board would resume deliberations at the end of the meeting and render a decision at that time.

Having nothing further, discussions were concluded and Chair Girard called the next discussions.

Discussions

David Clairmont – (TM 411/LT 3) To discuss modification to the PB Case #3003 - Original Site Plan Approval – December 11, 2003.

Chair Girard recognized, David Clairmont who came forward to explain he would like to move forward with amending his original approval to temporarily stockpile materials associated with the business for the property shown as Tax Map 411, Lot 3, and seeks guidance from the Board.

It was explained that in order to amend his original site plan approval, application would have to be submitted and the same notification and public hearing process applies.

Mrs. Tumas explained she is available during regular business hours to assist Mr. Clairmont in the application process.

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

Don Guarino - (TM 419 /LT 35) To discuss preliminary plans for a February Ice Festival.

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Chair Girard recognized, Don Guarino who came forward to discuss preliminary plans to have an Ice Festival in conjunction with Meetinghouse Brewery. Provided weather is favorable, Mr. Guarino would like to create an ice climbing wall and other activities to be ongoing over a weekend in February 2011.

Mr. Guarino believes the proposal to be an Agritourism activity that will be conducted for the one weekend, yet to be determined in February 2011.

Mr. Guarino went on to explain he has spoken with Fire Chief Lockwood about the parking plan and intends further discussions once a parking plan has been devised.

Board Members suggested Mr. Guarino speak to Police Chief O'Brien regarding traffic control. Also discussed was the possibility of emergency personnel onsite during the festival.

Mr. Guarino reiterated that the plans are preliminary and the activity would be dependent upon the winter weather cooperating.

Mr. Guarino will schedule further discussions as the planned activities are secured and life and safety issues are addressed.

Having nothing further, discussions were concluded.

Kurt Rague – (TM 415/LT 29) To discuss resubmission of the Crystal Lake Farms Subdivision withdrawn by the Applicant in July of 2009.

Chair Girard recognized Kurt Rague; Attorney Regina Nadeau, Mr. Rague's attending representative stepped forward. Attorney Nadeau explained she understood the complexities of the case and the circumstances of Mr. Rague's withdrawal of the Crystal Lake Farms Subdivision Application that was conditionally approved last year.

Attorney Nadeau on behalf of Mr. Rague seeks the Planning Boards guidance to move forward with a revised subdivision that would not include the complexities of a Conservation Easement. Instead, Mr. Rague would like to submit a traditional 4-lot subdivision design.

It was explained that Mr. Rague would have to submit a subdivision application and follow the process of abutter notification public notice and hearing. It was further explained that the Town of Gilmanton now utilizes Technical Review of all applications with the assistance of Mark Fougere, AICP. At the time of the technical review, a determination would be made as to any additional requirements, based on the application submitted.

Mrs. Tumas explained that she is available during regular business hours to review the application process.

Having nothing further, Chair Girard thanked Mr. Rague and Attorney Nadeau and discussions were concluded.

Deliberations

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.

Board Members briefly revisited the manner in which the applicant chose to seek approval from the ZBA prior to coming before the Planning Board despite the recommendation to seek a joint hearing.

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The Board went on to discuss the non-conforming lot that is created and determined that although the land transfer creates a non-conforming lot the backland conveyed will not be further subdivided nor have buildings or structures built upon, per the ZBA decision. Further consideration was given to the Conservation Commission not having objected to the proposal due to the preservation of the backland.

The Board then discussed the waivers submitted:

- Section VI-C-1-c requiring topographic detail with contours at 5' intervals of the undeveloped back lot conveyed to Tax Map 405, Lot 16.

Board Members stated no objection to accepting the waiver submitted, due to the case fact that the 20 acres of backland will not be further subdivided and no building will take place per the ZBA Approval.

- Section VI-C-1-d showing the Wetlands of the undeveloped back lot conveyed to Tax Map 405, Lot 16.

Board Members stated no objection to accepting the waiver submitted, due to the case fact that the 20 acres of backland will not be further subdivided and no building will take place per the ZBA Approval.

- Section VI-C-2 requirement for 30, 000 sf contiguous buildable area of Tax Map 405, Lot 20.

Board Members revisited the case fact that state septic approval does not guarantee approval by the Planning Board. Although the 30,000 sf cannot be delineated within the setbacks, using the area within the setbacks provides approximately 20,500 sf of contiguous area. It was additionally noted that wetlands are not included within the setback configuration.

Board Members agree not developing or further subdividing the backland is a benefit to the neighborhood and the Town.

Board Members noted that this was the third public hearing and having applied due diligence; Chair Girard entertained a motion accept and conditionally approve the proposed Boundary Line Adjustment.

Member Hudson moved that in accordance with Section III.A of the Gilmanton Subdivision Regulations, the Board made the following findings:

- 1. The proposed Boundary Line Adjustment will not negatively impact the adequacy of water supply, drainage, sewage disposal and streets.***
- 2. The proposed 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 of funds.***
- 3. The proposed Boundary Line Adjustment would not negatively impact the provisions for the harmonious development of the Town and its environs.***
- 4. The proposed Boundary Line Adjustment will not negatively impact the preservation of wildlife habitat, natural and man-made of the proposed Boundary Line Adjustment.***
- 5. The proposed Boundary Line Adjustment will not negatively impact the character and use of land and buildings in the general vicinity of the proposed Boundary Line Adjustment.***
- 6. The proposed Boundary Line Adjustment will not negatively impact the character of the town as a small rural community, nor the Town's well being, prosperity and sound financial condition.***
- 7. The configuration of the existing Map 405, Lot 20 is irregular with the majority of the parcel accessed only via a narrow approximately 83' wide constriction. However, after the Boundary Line Adjustment, the***

remaining lot will be similar in configuration to abutting lots, that were created based on earlier zoning regulations.

8. *Although 30,000 sf of contiguous area cannot be delineated within the setbacks on Lot 20, 30,000 sf contiguous would potentially be available on the backland of Lot 20 under a revised configuration, however development of the backland would be more disruptive to the surrounding environs than use of the upland area adjacent to Middle Route.*
9. *Approving the non-conforming Lot with the addition of the backland transferred to Lot 16 and prohibited from further subdivision will have a net benefit on the environs in the Boards opinion.*

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

Member Hudson moved to approve the Waiver to Section VI-C-1-c, Member Martindale seconded the motion as stated; the motion passed unanimously.

Member Hudson moved to approve the Waiver to Section VI-C-1-d, Member Russell seconded the motion as stated; the motion passed unanimously.

Member Hudson moved to approve the Waiver to Section VI-C-2, Member Martindale seconded the motion as stated; the motion passed unanimously.

Member Martindale 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 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 Ordinance and Regulations with the exception of any waivers that were granted.*
3. *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 of staff.*
4. *Applicant is responsible for any fees required by the Belknap County Registry of Deeds for recording the approved survey and/or any Conditions of Approval.*

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

5. *Property owner shall install all required traffic control; fire, life safety and health facilities and systems and systems required by the Board and/or by other applicable Codes and regulations.*
6. *The Applicant shall be responsible for removing the tree in the South West corner of Lot 20 along Middle Route in accordance with the Road Agents recommendations.*
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:

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- 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.**
- 9. Approval is subject to expiration, revocation and changes in the Ordinances under Town Regulations and the State RSA's.**
- 10. Submission of accurately dated Waivers.**

Member Russell seconded the motion as stated; Chair Girard called for further discussion, hearing none; called for a vote on the motion made by Member Martindale and seconded my Member Russell; **the motion passed unanimously.**

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

Administrative Business

Belmont Model Warrant Article Language Related to Agricultural Use of Biosolids

Material provided to the Planning Board Members to review for discussions at a later time.

John Weston, Planning Board Alternate - LRPC Annual Meeting

No discussions were taken up due to the late hour of the meeting. Alternate Member Weston will provide information at the next scheduled Planning Board Meeting.

Correspondence

June 2010 Municipal EcoLink from NHDES – FYI – New DES Rules

Materials provided for information purposes.

Unscheduled Business

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

Adjournment

Select Rep., Hatch moved to adjourn the meeting at 11:40 pm, Alternate Member, Weston seconded the motion as stated; the motion passed unanimously.

Respectfully submitted,

Desiree Tumas
Planning Board Administrator