



**Planning Board
Academy Building
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Approved: 09/08/2011

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, Member
Jacqueline Heath, Alternate

**Minutes of the Meeting
August 11, 2011**

Member Attendance: Nancy Girard, Chair; David Russell, Member; Marty Martindale, Member; John Weston, Member; Rachel Hatch, Select Rep.; Mark Fougere, Town Planner; Desiree Tumas, Administrator. Absent from the meeting were J. Funk, Vice-chair; Dan Hudson, Member; Jacqueline Heath, Alternate.

Public Attendance: There were no public in attendance.

Open Meeting

*Call to Order at 7:05 pm
Introduction of Board Members*

N. Girard questioned if Alternate Member Jacqueline Heath was planning on attending the meeting.

D. Tumas stated she had not received confirmation regarding attendance from J. Heath.

Board Members briefly discussed her lack of participation since becoming an Alternate Member and R. Hatch, Select Rep., will take up discussions regarding the appointment with the BOS.

Explanation of Meeting Procedures

Public Hearing

PB Case #1011 (Original PB #1407) Ryan Benson/BMMC Contractor Yard/Robert & Dianna Vayda, Property Owner- The Applicant has requested to amend the original site plan approval for a Contractor Yard by adding the storage of four (4) boats October thru June, a pay-dirt processing area, an additional 12' x 20' storage container, garden style shed, and storage of a porta-potty when not in use at a jobsite. Said property is located at 1955 NH Rte 140, in the Rural Zone as shown on Tax Map 416/Lot 20 Gilmanton Iron Works.

N. Girard called Ryan Benson to discuss Planning Board Case #1011; Mr. Benson was not in attendance. Board Members agreed to defer opening the public hearing until after the approval of the Meeting Minutes to allow for a late arrival.

Approval of Minutes

July 14, 2011 – Regular Meeting Minutes

M. Martindale moved to approve the July 14, 2011, Minutes of the Regular Meeting as amended, J. Weston seconded the motion as stated; the motion passed unanimously.

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July 14, 2011 – Work Session Minutes

M. Martindale moved to approve the July 14, 2011, Minutes of the Work Session as amended, R. Hatch seconded the motion as stated; the motion passed unanimously.

August 3, 2011 – Work Session Minutes

J. Weston moved to approved the Minutes of the Work Session as submitted, R. Hatch seconded the motion as stated; the motion passed unanimously.

2nd Call of the Public Hearing

PB Case 1011 (Original PB #1407) Ryan Benson/BMMC Contractor Yard/Robert & Dianna Vayda, Property Owner- The Applicant has requested to amend the original site plan approval for a Contractor Yard by adding the storage of four (4) boats October thru June, a pay-dirt processing area, an additional 12' x 20' storage container, garden style shed, and storage of a porta-potty when not in use at a jobsite. Said property is located at 1955 NH Rte 140, in the Rural Zone as shown on Tax Map 416/Lot 20 Gilmanton Iron Works.

N. Girard made a 2nd call for Ryan Benson to discuss Planning Board Case #1011; Mr. Benson was not in attendance. After confirming that no notification as the to the Applicants attendance had been received Board Members agreed to move forward with the proceedings.

D. Tumas noted that she and Code Enforcement Officer, Bob Flanders, viewed the site taking video of the existing conditions at the beginning of the week. Members were emailed video of the site taken Monday August 8, 2011.

The video provided evidence that additional piles of debris/materials were noted on the site including a pile of trash/garbage that was accumulating next to one of the 12' x 20' storage trailers. Also noted were two watercrafts that were being stored without approval. The material pile that was due to be screened had not been touched and vegetation was well established on the pile.

Mr. Benson had been requested to speak with the Health Inspector regarding the storage of a porta-potty on site when not in use at a jobsite and to meet with ZBA and PB Staff to determine if ZBA approval was necessary for the storage of boats. At the meeting on July 14, 2011, Mr. Benson stated that he would be in the following day or Monday July 18, 2011, to meet with the appropriate staff. Mr. Benson did not meet with the Health Inspector nor did he meet with the PB and ZBA Staff.

With regard to the removal of the various debris piles, D. Tumas sent to Mr. Benson a multiple page document with disposal facilities in the State of NH that accepted C & D materials.

D. Russell questioned if notification of the hearing was sent, in particular to Doug Islieb. Upon review of the notification cards, it was confirmed that Mr. Islieb had signed for the Abutter Letter on July 2, 2011. D. Russell questioned if notification regarding the continuance had been sent.

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It was explained that the Planning Board is not obligated to notify abutters of a continuance. It is the responsibility of the Abutter to attend the meeting at which time the date of the continuance is announced and noted in the Minutes of the Meeting. Town Planner, M. Fougere, confirmed this.

Following discussions pertaining to the information and video provided, N. Girard called for a motion on the application to amend an approved site plan.

J. Weston moved to DENY the application to amend an approved site plan for the following reasons:

- ***Failure to attend the public hearing scheduled on August 11, 2011;***
- ***Failure to comply with the original approval given on October 11, 2007, by not restoring the site to the requirements of the original approval;***
- ***Dumping of at least 3 additional piles on the property, consisting of yard/construction debris/stumps/general garbage;***
- ***Failure to meet with the Health Inspector regarding the storage of a porta-potty on site when not in use at a job site as requested per the application;***
- ***Failure to meet with the Planning Administrator and ZBA Clerk to determine if application is required for the storage of boats as requested per application.***

Before moving forward with the vote on the motion, N. Girard requested the Denial Letter include the requirements to restore the site in accordance with the original approval as well as the Cease and Desist Order, and action to revoke the original approval should the applicant not comply with the requirements outlined by the Planning Board.

J. Weston amended the motion to include in the Denial Letter that Mr. Benson is to restore the site to the requirements of the original approval by the September 8, 2011, regular meeting, or a Cease and Desist Order would be issued and the Board would move forward to revoke the approval in accordance with RSA 676:4-a, Revocation of a Recorded Approval, M. Martindale seconded the motion as stated; the motion passed unanimously.

D. Tumas confirmed that all would be included and a draft copy would be sent to N. Girard for confirmation that all Planning Board requirements are addressed.

N. Girard called for further discussion pertaining to the application, hearing none the public hearing was closed.

**Correspondence
Unscheduled Business**

N. Girard called for further business to come before the Board, hearing none; entertained a motion to adjourn the regular meeting and move on the proposed subdivision regulation Work Session.

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Adjournment

D. Russell moved to adjourn the regular meeting at 7:20 pm and discuss the proposed subdivision regulation amendments, J. Weston seconded the motion as stated; the motion passed unanimously.

Respectfully submitted,

Desiree Tumas
Administrator