

**TOWN OF GILMANTON PLANNING BOARD  
THURSDAY, AUGUST 13, 2009  
MINUTES OF MEETING**

**Present:** Chairperson Nancy Girard, Vice-Chair John Funk, Gareth Martindale, David Russell, Dan Hudson, and Selectmen Rep Don Guarino.

Chair Girard opened the meeting and explained public hearing procedures.

**CONTINUED HEARING** – Mark A. Padula; PB#0609 - Site Plan Review to Operate a Contractor's Yard on the 31 acre parcel shown as Map/Lot #412-17, located at 193 NH Route 106 in the Business Zone.

The Board reviewed the proposed plan as Mr. Padula explained the proposed use as submitted. Also available is the letter from Ron Martin, which references existing driveways of the parcel known as Map/Lot #412-10. Iron pins have been located at the southerly corner of Mr. Martin's property along Rte. 106. Other access is the existing driveway (owned by the State) that Mr. Padula has been using for 2.5 years. A permit was issued to Ron Martin to have two driveway exits off his property; one for him and one for Mr. Padula, using the same right of way by means of a shared use driveway.

The Board questioned, if there was a deeded easement recorded? Mr. Padula explained the paperwork was in progress. Board Members agreed that a deeded easement of record would be a condition of final approval.

Additionally, the board agreed that a driveway profile and layout including 10% grade and contours should be included on the final plan submitted for approval.

Following discussion of the proposed building and parking, the Board concluded that depiction of the parking and building as well as all setbacks to the property lines would be a condition of approval. Mr. Padula indicated that they have adequate land to accommodate the required setback to support the proposed buildings, tanks and septic, and parking areas including dimensions and surface. Mr. Padula additionally explained that the property would for the most part remain gravel.

Mr. Padula went on to explain the layouts for dumpsters, lighting, signage, and proposed landscaping/screening. Proposed screening consists of bushes or trees, current and future sanitary facilities including location of a proposed well and septic. Porta-potty will continue to be on location.

Additionally, the location and form of storage for any hazardous waste material, fuel, oils, et cetera to be stored on site, as well as containment provisions in case of a spill and disposal method. It was explained that storage on the property consist of half a septic tank and fuel drum sits inside of it, with a lean-two shed, so no water gets in it.

The Board requested the proposed erosion control measures and storm water management plan. The water currently sheets across the driveway, goes into a ditch line, follows the driveway down, and then crosses into a culvert that crosses 106. There is no underground piping.

Board Members questioned the proximity of the driveway easement to the brook. Mr. Padula explained, there is a big culvert approximately 40 to 50 feet from the brook. The Board expressed concern regarding the runoff that may wash into the nearby brook.

Mr. Padula explained that gravel would be used for the driveway, minimizing the amount of runoff. The board questioned if there were any wetlands located on the property. Mr. Padula is unsure of any wetlands.

**Planning Board  
Minutes of the Meeting  
August 13, 2009**

Following further discussion pertaining to the erosion control, the board requested implementing mandated use of erosion controls measures as practiced statewide on all roads.

**OPEN TO PUBLIC COMMENTS**

The Board questioned, if current access issue could be resolved so that the applicant could retain access eliminating a need for the easement. Mr. Padula does not see that happening anytime soon.

The Board questioned if emergency apparatus would encounter any problems entering or exiting the property? The Fire chief attended a site-walk and did not relay any concerns.

Police Chief, O'Brien, Sr. suggested security gate and lighting to reduce vandalism. Motion lights are likely be added but Mr. Padula is opposed to anything further unless deemed necessary by the Board.

Chair Girard called for further discussion, hearing none; closed the public discussion and called for a motion to close the public hearing. ***Motion to Close the Public Hearing was made and seconded; the motion passed unanimously.***

***CONTINUED HEARING – PB# 1109*** - Pamela Welch, applicant & Denise Coulstring, owner: Site Plan Review to Operate Consignment Shop in existing garage on Map/Lot #115-02, of .940 acres, located at 1795 NH Route 140 in the Village Zone.  
A Site walk was conducted on 8/13/09 @ 5:45 p.m.

The Applicant, Pamela Welch feels that the Board is up to date with the proposed use and with the exception of DOT approval all requirements of application have been met. Ms. Welch will follow-up with the DOT and provide the board the necessary written approval.

The Board Chair, called for comments from Board Members that attended the site walk: Vice-Chair Funk noted that there were four parking spaces. The plan shows five, which would be very tight.

The Board concluded, that if there were three parking places in the front in the designated area with a passage to the rear of the property there would be adequate parking to accommodate any overflow. It was suggested that compact vehicles park in the front with any large vehicles being directed to the rear of the building where there is ample space.

It was briefly discussed that sign placement directing customers to the rear be visibly placed for clarity. Depending on the signage proposed, application may be required to apply for a sign permit, according to the zoning ordinance. The applicant was directed to speak with the Building Inspector for sign requirements.

A copy of the building permit application was provided and there is a section for signage size and description. The Board made it clear that a sign permit must be received prior to erecting any signage on the property to avoid fines.

The board concluded that the proposed parking plan must be included on the final plan submitted for approval.

It was noted that the dimensions onsite are the minimum acceptable even for compact cars. The Board encouraged the applicant/owner to cut back hedge to give a few more feet.

**Planning Board  
Minutes of the Meeting  
August 13, 2009**

The board called for further comments or questions:

The Board questioned if there was a protocol to follow for a business that opens for business prior to Site Plan Approval. The Applicant and Owner have been operating this business on the site without the site plan approval. In other cases people that were operational and were told to shut down before they got the approval. Why was this handled differently? Protocol for such action could not be determined.

The Board questioned if anyone from the town went to the applicant to say that they needed to get a site plan approval. Ms. Welch replied, yes, she received a telephone call from Code Enforcement Officer, Bob Flanders stating he had received a complaint and instructed her as to what she needed to do and application for Site Plan Review was submitted. However, the business still opened the next day; nobody told them they could not open.

Board Members stated, that there is a lack of protocol; it was suggested that code enforcement officer could more consistent in conveying to the Board when an applicant can continue operating and when they need to shut down to avoid public confusion and perceived favoritism.

The Applicant explained, to make her point clear; she made multiple phone calls to the Town Hall and inquired if they needed anything additional prior to opening and was told they can do anything they want in the village. The Board questioned, whom she spoke with and she was unsure. The Applicant was told they did not have to do anything. There were no forms, we did not have to pay anything, and we could do whatever we want. Having been told there were no requirements, they put an advertisement in the paper and the day before they opened the Building Inspector called.

It was additionally noted that there is a problem with people in the Town Offices answering questions they are not qualified to answer. Many issues come before the Board due to miscommunication in that someone was misinformed.

Linda Hoffman, questioned the minimal amount of space for the proposed parking area and if there were setback requirements for parking spaces.

The Board feels when they conducted the site walk; there is sufficient space available, where the five parking spaces are depicted on the plan. It was again suggested that smaller vehicles park in the front with larger vehicles being directed to the rear of the building. It was further explained that there are no setback for parking. The Board will consider placing conditions on the final plan to address this concern.

Chair Girard called for further public discussion, hearing none; called for a motion to close the public hearing; ***Motion to close the public hearing was made and seconded; the motion passed, unanimously.***

***CONTINUED HEARING*** - Laurie Henderson; PB#1209: Site Plan Review to operate childcare facility on the 122 acre property located at 120 Middle Route, shown as Map/Lot #409-76, located in the rural Zone.

A Site walk was scheduled on 8/13/09 @ 6:15 p.m.

**Planning Board  
Minutes of the Meeting  
August 13, 2009**

Mrs. Henderson explained that the Zoning Board made the determination that the proposed “pony parties” were considered childcare which is a commercial venture and subject to site plan review. Mrs. Henderson explained the pony parties and the proposed childcare are two very different uses with different hours of operation as well as different locations on the property.

Mrs. Henderson went on to explain the four facets to the business plan, as follows: Agricultural - (1) pony parties and (2) riding lessons; (3) childcare/educare for three and four years olds (limited to six children per state regulation) and (4) Craft Collective. The educare has nothing to do with the agricultural part of the business.

Board Members agree the proposed “pony parties” facet of the business is an agricultural use. Additionally, the Department of Health and Human Services do not consider “pony parties” to be childcare and therefore do not regulate “pony parties”.

Prior discussion concluded that the septic location would prohibit exiting by the pony paddock and additionally an open exit would allow animal’s access to the road if they were to get out of the paddock. Liability then becomes an issue.

General approval of the childcare is a concern with regard to the amount of traffic coming in. Mrs Henderson reiterated that at the most, six children are permitted per state regulation for in home childcare; the Board was satisfied with the state regulation limiting the number of children in an in-home childcare setting.

Mrs. Henderson further explained, childcare is not under appeal, conducting the pony parties is the issue with approval. Although Mrs. Henderson was granted special exception with the ZBA, she hopes to be granted a rehearing so the pony party facet may function an agricultural business not a commercial use.

ZBA discussed the other two facets of the business plan, however it does not reflect in the minutes and Mrs. Henderson is having it rectified and redistribute to the board.

Mrs. Henderson stated concern regarding the inconsistency of Code Enforcement in that there was no correspondence certified or otherwise. There were no phone calls regarding the concerns of Code Enforcement. The Code Enforcement Officer just confiscated the sign. Mrs. Henderson feels that this is inconsistent with other business ongoing in the town.

**A motion was made to close the public discussion with no second heard.**

The Applicant was question about Best Management Agriculture Practices being used. Mrs. Henderson will go to the state website for further information on these BMP’s.

The Applicant has received a special exception for the pony party and childcare facet from the ZBA to operate in a commercial capacity for the pony parties. The Applicant fully sees Pony Parties and Lessons as an Agriculture use and requests a decision of whether the board agrees. The Craft Collective that has been deemed home occupation and will continue. The Board will conduct a site walked next month. Concern over the ZBA decision holding up the Planning Board’s decision on agriculture/agri-tourism vs. commercial was expressed. Code enforcement is looking at an appeal of administrative order as he is of the opinion that pony parties are a part of childcare.

**Planning Board  
Minutes of the Meeting  
August 13, 2009**

Agricultural activities do not require a site plan review, its non-traditional agriculture that is required to come forward. The Applicant reiterated that the proposed use is agri-tourism and not a commercial use. It was further explained that there were other ramifications if the proposed use is determined to be a commercial use instead of agricultural/agri-tourism.

Mr. Henderson questioned why they needed to come back for approval of the Craft Collective business aspect of the plan. The Board, regardless of the Home Occupation status, stated concern regarding parking issues and restrictions. It was noted that there have been no objections from abutters.

With regard to parking for the pony parties and childcare, it was explained that pony party parking would be in the childcare lot and craft barn parking was available near the entrance. It was further explained that the hours of use for each proposed used do not coincide and parking was not an issue.

Questions were raised whether to take action on everything tonight. The Board was in agreement regarding all issues.

Chair Girard called for further discussion, hearing none; closed the public discussion.

**PUBLIC HEARING** - Jane Sisti, applicant for Gilmanton Community Church; PB #1509:  
Site Plan Review to operate food pantry and thrift store in existing 1560 S.F. building located at 1817 NH Route 140, Map/Lot #115-05 of .22 acre in the Village Zone.

Jane Sisti explained that due to an increased need the Gilmanton Community Food Pantry at the church that has grown and that they are looking to purchase the old fire station that abuts the fellowship house property abutting the church. They would like to open a food pantry and thrift shop in this building. The property has previously been used as a retail venture as well as a woodworking shop. There would be no change in the use of the building.

At this time there are no proposed change to the exteriors of the building. There would be interior renovations required to facilitate the proposed uses. As far as parking there are three spots off the right side facing the building to be used by volunteers. It was noted that traffic issues do exists and that it is proposed that people park in the church parking lot. An elevated walking from the church parking lot (appox. 30 parking spaces available) to the new building is proposed.

Handicap Parking was briefly discussed without conclusion.

**Board Questions:**

1. Walkway – what type of material would be used?
  - ◆ Would be wooden, similar to a deck with rails to also fit handicap requirements.
2. Parking – initial parking instinct would be from people to park in the square.  
There are no crosswalks; it was suggested previously but denied.  
Parking signage would need to be clearly addressed and stressed by the church.  
Fire department may be able to help with posting due to the fire hydrant.
3. Deliveries – any anticipated, including drop-offs.
  - ◆ Not at this time.
  - ◆ No front of building/ drop-off parking.
4. Question hours of operation?
  - ◆ 2 days during the week then a slight Saturday or maybe an alternating evening.

**Planning Board  
Minutes of the Meeting  
August 13, 2009**

5. Any outside lighting?
  - ◆ Some lighting – light shown on Steve’s plan, light beside or above door, spotlight on the front right-hand side of the building.
  - ◆ Evening hours would require outside lighting.
6. Length of the walkway and maintenance during inclement weather?
  - ◆ Approx. 40 Feet (not drawn to scale)
  - ◆ Would be maintained by church maintenance.

**The Board called for further public comment, hearing none; the public discussions were closed and redirected to the Board.**

It was noted that the building hasn’t been used for retail for more than a year. The proposal is going to the Zoning Board next week seeking approval for retail use, with a special exception.

Following brief discussion regarding the necessity of a site walk, the Board determined it would not be necessary. No abutters were in attendance.

The Board went on to discuss screening of the walkway and if there would be removal of any vegetation. It was explained that minimal vegetation would be removed to construct the walkway.

Chair Girard called for further comment, hearing none; called for a motion to close the public hearing. ***Motion was made and seconded to close the public hearing; the motion passed unanimously.***

Jane Sisti requested clarification as to the meeting procedures and if they can begin to build the walkway. The Board explained the meeting procedures and that if approval was granted they would be free to construct the walkway but would not be able to use the walkway until ZBA approval.

***PUBLIC HEARING – PB #1609*** - Bernard Lynch, applicant, Lance Realty Trust, owner; Site Plan Review to Operate a Contractor’s Yard on the 5.11-acre parcel shown as Map/Lot #412-2, located on NH Route 106 in the Business Zone.

Bernard Lynch explained to the Board that he has just over 5 acres of land located on 106 across from A.E. Mitchell. The existing shared gravel driveway has a permit for residential use. Mr. Lynch has already obtained DOT approval for the proposed commercial use.

Mr. Lynch explained the proposed use is to park the following heavy equipment on the property: two excavators, 6-wheel dump truck, and 20-ton tag-along trailer. There will be no storage of fuel on the premises. All equipment repairs are conducted off site with the exception of perhaps adding oil. The proposed hours of operation are from approximately 7:00 am to dusk.

It was questioned if there were any abutting residential dwellings: The applicant explained that there is a shared driveway to a residential dwelling.

Chair Girard opened the public discussion:

An Abutter to the North of the property – Explained he had no issues with the proposed use and that his only concern was potential runoff from the site.

**Planning Board  
Minutes of the Meeting  
August 13, 2009**

The Board questioned ground material exists on the proposed parking area; it was explained that sand is currently in the area proposed for parking the equipment and that gravel is proposed to mitigate runoff.

An Abutter to the North of the property – Clayton Brown, representative, raised question regarding the well that was dug by the Turret's, many years ago and questioned if it would be possible to have the property line surveyed.

The Applicant explained that they have walked the property line and pin locations have been established. Mr. Lynch offered to walk the property line with Mr. Brown.

The ground cover of the proposed parking area was discussed concluding that the lot consists of mostly sand cover.

It was noted that a big aquifer exists upland from the property. There were no concerns expressed at this time.

The Board questioned lighting and signage plans. Mr. Lynch explained that there are no plans at this time for additional lighting or signage.

Chair Girard called for further discussion, hearing none; the public discussion was closed.

Following brief discussion by the Board it was suggest the hearing be continued to conduct a site walk of the property. It was suggested that the Conservation Commission attend the site walk to address runoff and drainage concerns.

***Motion made and seconded to conduct a site walk September 10, 2009 at 6:00 pm; the motion passed unanimously.***

***Motion was made and seconded to continue the public hearing; motion passed unanimously.***

*Void in the tape recording; conversation begins again with the motion to accept the waiver submitted and for conditional approval of the Site Plan Review to operate a Contractor Yard on Map/Lot #412-17.*

**Requested Waiver:**

Section VILB.3.a.b.g.h.i. of the Site Plan Regulations requiring that the plan be prepared by a licensed land surveyor at a scale of 1"= 20' showing a proximity map, all boundary lines and wetlands delineation was waived because the site is already developed and no further development is being proposed at this time.

***Motion to accept the written waiver seeking relief of the requirements outlined in Section VII, B-3-a-b-g-h-i of the Site Plan Review Regulations. Hearing a second the motion passed unanimously.***

***Motion on the table is to conditionally approve the proposed contractor yard with the following conditions:***

Conditions to be complied with or secured (as appropriate) prior to plan being signed and conditions recorded.

**Planning Board  
Minutes of the Meeting  
August 13, 2009**

1. Any required Town, State or other agency permits shall be provided to the Planning Office before final plan may be signed and/or recorded.
2. Submission of final plans in accordance with Town Ordinances and Regulations, as follows:
  - (a) Final plan shall show the alternate access and/or right-of-way,
  - (b) Final plan shall depict the boundaries of the easement granted by the abutter, (c) Final plan shall depict the location of the boundary lines of your property,
  - (d) A driveway profile shall be submitted showing that the proposed access does not exceed a 10% grade.
3. Any signage, landscaping and/or screening shall be shown on the final plan in accordance with the Site Plan Regulations.
4. Any fuel tanks and/or waste oil produced, used or stored on the property shall be kept within a bermed area on an impervious surface and covered by a roof, the location of which shall appear on the final plan.
5. Any dumpsters shall be located on a solid cleanable surface such as a concrete pad, shall be of sufficient size to contain all materials, shall be kept closed and appropriately screened; the location of which shall appear on the final plan.
6. Applicant is responsible for the payment of any fees required by the Belknap County Registry of Deeds for recording the Notice of Decision and/or Conditions of Approval.
7. 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.

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

8. Property owner shall install all required traffic control, fire, life safety and health facilities and systems required by the Board, in addition to other applicable Codes and Regulations as follows:
  - (a) Applicant shall install appropriate temporary and permanent erosion control measures designed to prevent run-off from the construction site and/or the driveway(s).
9. Landscaping shall be maintained, kept in a sightly manner and not allowed to deteriorate as follows:
  - (a) Vegetation shall be established at the top of the riprap drainage area and along the access road(s) to mitigate runoff.
  - (b) Steep slopes adjacent to access road(s) must be stabilized with vegetation and/or other appropriate materials.
10. All exterior lighting shall be shielded and pointed down directional to avoid abutters and traffic.

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

**Planning Board  
Minutes of the Meeting  
August 13, 2009**

11. The use of the property is limited to those indicated in the applicant's testimony at the public hearing(s) and in accordance with the frontage Variance granted by the Zoning Board of Adjustment on 7/16/09. Any other use(s) require further review and approval by the Gilmanton Planning and/or Zoning Boards.
12. No changes shall be made to the approved plan 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.
13. The Planning Board shall have the power to modify or amend its approval of a Site Plan upon its own motion to do so.

**Site Plan "To Be Continued Consignment Shoppe" located at 1795 NH Rte 140 as shown on Map/Lot #114-02:**

Section VII.B.3.a.b.g.h.i. of the Site Plan Regulations requiring that a plan be prepared by a licensed land surveyor at a scale of 1"= 20' showing a proximity map, all boundary lines and wetlands delineation was waived because the site is already developed and no further development is being proposed at this time.

***Motion made and seconded to accept the requested waiver; the motion passed unanimously.***

***Motion was made and seconded to conditionally approve the proposed Site Plan "To Be Continued Consignment Shoppe" located at 1795 NH Rte 140 as shown on Map/Lot #114-02; the motion passed unanimously with the following conditions:***

Conditions to be complied with or secured (as appropriate) prior to plan being signed and conditions recorded.

1. Any required Town, State or other agency permits shall be provided to the Planning Office before final plan may be signed &/or recorded. (State of NH DOT Driveway Permit pending)
2. Submission official plans in accordance with Town Ordinances and Regulations, as follows: (a) Final plan shall depict no more than three parking spaces to the right of the garage.
3. Any signage, landscaping and/or screening shall be shown on the final plan in accordance with the Site Plan Regulations.
  - (a) Applicant is permitted to place directional parking signage on site to direct additional customer parking around the back. As regulations dictate, no on-street parking is allowed.
4. Any exterior lighting shall be shown on the final plan, and shall be shielded &/or pointed downward to avoid glare on abutters and traffic.
5. Any 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 appropriately screened; the location of which shall appear on the final plan.

**Planning Board  
Minutes of the Meeting  
August 13, 2009**

6. Applicant is responsible for the payment of any fees required by the Belknap County

Registry of Deeds for recording the Notice of Decision and/or Conditions of Approval.

7. 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.

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

8. Property owner shall install all required traffic control; fire, life safety and health facilities and systems required by the Board, in addition to other applicable Codes and Regulations.
9. Landscaping shall be maintained, kept in a sightly manner and not allowed to deteriorate, as follows:

(a) Large bush to the right of the garage shall be cut back approximately 3' - 4' in order to accommodate additional parking.

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

10. The use of the property is limited to those indicated in the applicant's testimony at the public hearing(s) and in accordance with the Special Exception granted by the Zoning Board of Adjustment on 6/18/09. Any other use(s) require further review and approval by the Gilmanton Planning and/or Zoning Boards.
11. No changes shall be made to the approved plan 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.
12. The Planning Board shall have the power to modify or amend its approval of a Site Plan upon its own motion to do so.
13. Approval is subject to expiration, revocation and changes in the Ordinances under Town Regulations and the State RSAs.
14. The Applicant may cut back some of the brush in the area of the 3 parking spaces mentioned as well as the addition of traffic directional signs.

**Laurie Henderson; PB#1209:** Site Plan Review to operate childcare facility on the 122 acre property located at 120 Middle Route, shown as Map/Lot #409-76, located in the rural Zone.

Section VII.B.3.c,e,h,i.r. of the Site Plan Regulations requiring that the plan be prepared by a licensed land surveyor at a scale of 1"= 20' showing a proximity map, all boundary lines and wetlands delineation was waived because the site is already developed and no further development is being proposed at this time.

***Motion was made and seconded to accept the requested waiver; the motion passed unanimously.***

**Planning Board  
Minutes of the Meeting  
August 13, 2009**

***Motion was made and seconded to conditionally approve the application; the motion passed unanimously with the following conditions.***

Conditions to be complied with or secured (as appropriate) prior to plan being signed and conditions recorded.

1. Any required Town, State or other agency permits shall be provided to the Planning Office before final plan may be signed and/or recorded.
2. Submission of final plans in accordance with Town Ordinances and Regulations with the exception of any waivers that may have been granted.
3. Any exterior lighting shall be shielded from abutters and traffic and shall be depicted on the final plan.
4. Any additional signage shall be in conformance with Town Ordinances and Regulations, and its location shall be depicted on the final plan.
5. Any proposed garbage collection and/or storage areas shall be screened, shall be located on a solid cleanable surface, and its location shall be depicted on the final plan.
6. Applicant is responsible for the payment of any fees required by the Belknap County Registry of Deeds (BCRD) for recording the site plan.
7. 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.

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

8. Property owner shall install all required traffic control; fire, life safety and health facilities and systems required by the Board, in addition to other applicable Codes and Regulations.
9. The use of the property is limited to those indicated in the applicant's testimony at the public hearing, within the submitted documents and in particular the products and services set forth in the uses outlined in the Thistle & That Farm, LLC Business Plan.
10. There shall be no overflow parking on Middle Route.
11. No changes shall be made to the approved plan 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.
12. The Planning Board shall have the power to modify or amend its approval of a Site Plan upon its own motion to do so.
13. Approval is subject to expiration, revocation and changes in the Ordinances under Town Regulations and the State RSAs.

**Planning Board  
Minutes of the Meeting  
August 13, 2009**

All conditions of approval must be complied with. Please contact the office for an inspection to verify compliance for any site work. Approvals are subject to expiration under the terms of the Regulations and in accordance with State RSAs. No physical change to the property or change of use is allowed other than as represented on the approved plan and in the record of the application. Any other adjustment requires application to the Town under the appropriate Regulations.

**Jane Sisti, applicant for Gilmanton Community Church; PB #1509:  
Site Plan Review to operate food pantry and thrift store in existing 1560 S.F.  
building located at 1817 NH Route 140, Map/Lot #115-05**

Section VII.BJ .c.e.h.i.r. of the Site Plan Regulations requiring that the plan be prepared by a licensed land surveyor at a scale of 1" = 20' showing a proximity map, all boundary lines, wetlands delineation, topographic and contour lines was waived because the buildings are existing and no additional development is being proposed.

***Motion was made and seconded to accept the requested waiver; the motion passed unanimously.***

***Motion was made and seconded to conditionally approve the application; the motion passed unanimously.***

Conditions to be complied with or secured (as appropriate) prior to plan being signed and conditions recorded.

1. Any required Town, State or other agency permits shall be provided to the Planning Office before final plan may be signed and or recorded.
2. Submission of final plans in accordance with Town Ordinances and Regulations with the exception of any waivers that may have been granted.
3. Landscaping and screening shall be in conformance with the Site Plan Review Regulations.
4. Any exterior lighting shall be shielded from abutters and traffic and shall be depicted on the final plan.
5. Any additional signage shall be in conformance with Town Ordinances and Regulations, and its location shall be depicted on the final plan.
6. Any additional signage shall be in conformance with Town Ordinances and Regulations, and its location shall be depicted on the final plan.
7. Any proposed garbage collection *and or* storage areas shall be screened, shall be located on a solid cleanable surface, and its location shall be depicted on the final plan.
8. Applicant is responsible for the payment of any fees required by the Belknap County Registry of Deeds (BCRD) for recording the Planning Board's Notice of Decision for the Site Plan.

**Planning Board  
Minutes of the Meeting  
August 13, 2009**

9. 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.

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

10. Property owner shall install all required traffic control as well as fire, life safety and health facilities and systems required by the Board, in addition to other applicable Codes and Regulations.
11. The use of the property is limited to those indicated in the applicant's testimony and submitted documents at the public hearing and within the submitted documents including the business description; in particular pony parties, horsemanship, riding lessons, craft collective and in home childcare/educare. Any other uses require further review and final approvals by the Planning and/or Zoning Board of Adjustment.
12. No changes shall be made to the approved plan 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.
13. The Planning Board shall have the power to modify or amend its approval of a Site Plan upon its own motion to do so.
14. Approval is subject to expiration, revocation and changes in the Ordinances under Town Regulations and the State RSAs.

All conditions of approval must be complied with. Please contact the office for an inspection to verify compliance for any site work. Approvals are subject to expiration under the terms of the Regulations and in accordance with State RSAs. No physical change to the property or change of use is allowed other than as represented on the approved plan and in the record of the application. Any other adjustment requires application to the Town under the appropriate Regulations.

Board Members discussed whether or not they needed to revisit the conditional approval to include the approval of the driveway permit for the consignment shop. It was noted that the stated motion included all other approvals including state and local compliance. It was determined that the motion was adequate.

It was additionally discussed whether or not to designate the front parking for employee only.

**Natural Resource Audit:**

UNH Intern, Jill Scahill would like to come before the Board to present her report of the Natural Resource Audit.

The board briefly discussed conducting a work session and site walk between now and September 10, 2009 with the Conservation Commission to review the NRA. And if the board would like to schedule a site walk to give time between then and the meeting to come up with any drainage issues or to address them.

**Planning Board  
Minutes of the Meeting  
August 13, 2009**

Following further discussion the Board Members agree to conduct a Work Session and site walk on Wednesday, September 2, 2009 at 7:00 p.m.

**OTHER BUSINESS**

The Board discussed comments made by Member Hudson via email that were reported in the minutes as stated during the meeting. Member Hudson would like to clear up the ambiguity of his comments and have the record corrected. Amendment to the Minutes would be made to correctly state that Member Hudson's comments were emailed and not stated at the meeting.

The Board and Dave Clairmont Jr., discussed the amount of truck traffic and possible widening of the access for the purpose of removing stockpiles located in the back part of the lot.

It was explained that in March 2008 the Board discussed widening of the access as well as stated concerns regarding the wetlands and required DES Permits. To date, the wetlands permit application has been submitted to the State. Mr. Clairmont received a letter from DES stating that they would not act on the application for at least 30 days pending recommendations from the Planning Board.

The Board determined they would not take a position to support or not to support the application but would report the Board's findings from the site walk.

Further discussion ensued concluding the Board was clear in their request to the Applicant to amend the plan as required by the conditional approval. Additionally stating it was noted that the stockpiles were temporary and would not be an ongoing venture.

The Board agrees that any changes to an approved plan must be reviewed by the Board for determination as to a minor change which would not require a hearing verses a major change which would require another public hearing. It was explained that the latter would require public notice as well as notification to the Abutter's at the Applicants expense.

The Board further noted concerns pertaining to plans to upgrade the access to a Class V standards as well as increased truck traffic accessing the stockpiles. Both of which would need to be addressed as part of the amended plan.

The Board further discussed safety issues pertaining to the access possibly being blocked by a jacked trailer and the applicants desire to upgrade the access for future use.

Additionally the Board discussed the size of the property relative to the stockpiles and what was required of the Board at this time.

The Board concluded the applicant would be required to come before the Board again with DES approval as well as an amended plan addressing the Conservation Commission concerns.

The Board revisited concerns regarding the applicants cost of upgrading the access to Class V standards as well as the Board purview to place conditions of use related to the necessity of upgrading the access only to facilitate heavy equipment used to remove the stockpiles and not for potential future subdivision of the property.

**Planning Board  
Minutes of the Meeting  
August 13, 2009**

Following further discussion pertaining to the access upgrade, it was explained by the applicant that the proposed upgrade would require raising the road 14' to level the apron to the road which would be the maximum allowable grade.

Board Members again reiterated the intent for the access to be used temporarily by heavy equipment for the purposes of traveling to and from the stockpiles located on the property to Rte 140 and not for future subdivision of the land.

Board Members again reiterated concern regarding later use of the access for development purposes and if the property would allow for further subdivision at a later time; concluding that an adequate "road" does not justify that a property may be further subdivided.

The Planning Board Administrator explained she spoke with Surveyor, Stanley Prescott for the Estate of Celon Kelly E. Kelley regarding potential subdivision as the property owner was entertaining all possibilities with the property. Mr. Prescott explained there is potential to subdivide the front portion where the residential dwelling is proposed with the possibility of dedicating the remainder of the parcel to conservation easement.

The Planning Board Administrator went on to explain the surveyor was under the impression that the "roadway" as quoted in the deed was a legal boundary separating the two lots.

This is not the case, as the Town has never recognized the access as a "roadway", but rather a driveway. Concluding that the access is not a Class VI or Class V road. It was further noted that if the access were a "roadway" subdivision would not be necessary as it would be a separate lot of record.

This is clearly not the case as the Official Town Map of the property indicates; by way of a Merger Symbol, the parcel included both sides of the access.

Board Members are in agreement based on the facts and Tax Map provided the access area is a driveway and not a Class V or VI Road.

The Board again revisited whether or not the Town has accepted the access as a road concluding at no time has the town entertained accepting the access as a Town Road.

The Planning Board Administrator requested and received confirmation from the Board that a survey would be required in order to subdivide the land.

The Board discussed the desire to be included in future discussions with the Selectmen pertaining to employees directly related to the Planning Board and expressed their dissatisfaction with the recent handling of employee issues as well as the final outcome.

The Board requested a letter be written to the Selectmen expressing their desired involvement related to employee issues directly related to the Planning Board.

Board Members expressed thanks to Lynne for her professionalism and service to the Planning Board additionally stating disappointment with her departure and inability to continue serving the Board.

**Planning Board  
Minutes of the Meeting  
August 13, 2009**

**ADJOURNMENT**

***Motion was made and seconded to adjourn the meeting, the motion passed unanimously***

As dictated by tapes and notes provided  
Respectfully submitted,

Desiree Tumas  
Planning Board Clerk