



Planning Board
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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
September 08, 2011

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

Public Attendance: (As signed in) James Munsey

Open Meeting

Call to Order at 7:01 pm
Introduction of Board Members
Explanation of Meeting Procedures

Discussions

(Original PB #1407) Ryan Benson/BMMC Contractor Yard/Robert & Dianna Vayda, Property Owner- Determine course of action to address violations of the original site plan approval to operate a Contractor Yard. Said property is located at 1955 NH Rte 140, in the Rural Zone as shown on Tax Map 416/Lot 20 Gilmanton Iron Works.

Members received pictures of the site taken Wednesday September 7, 2011. The photos showed there were still several piles of various materials on the site including trash/garbage that remained next to the storage container, old tires and construction debris.

D. Tumas read the email received Friday August 12, 2011, for the record. The email indicating that R. Benson would not be available to attend the meeting on August 11, 2011, and due to extenuating circumstances, he had not been able to remove the stockpiles and bring the site into compliance as requested. There was an issue with the computer server experienced by all municipal computers and the email was not received until Friday August 12, 2011.

Following discussion, the consensus of the Board was that although nonattendance by R. Benson was a consideration, the main focus of discussions was the continued noncompliance with the conditions of approval, the complete disregard for the conditions of approval set forth by the Board and the failure to bring the site into compliance.

It was also noted, that compliance had been sought for 6 months and every effort to assist R. Benson, including providing a detailed list of disposal locations throughout the state, repeated site visits with the Code Enforcement Officer and follow-up that is still ongoing.

**Planning Board
Minutes of the Meeting
September 8, 2011
Page 2 of 4**

D. Russell questioned the motion made at the last meeting to move forward with the Cease and Desist Order if the violations of the conditional approval continued.

N. Girard read for the record, the September 8, 2011, email received today at 6:30 pm from R. Benson indicating that the site complied with the conditions of the original approval.

N. Girard questioned if there had been confirmation that the site was in compliance. D. Tumas stated that she received the email 30 minutes before the meeting and before that, she was unaware there had been any change to the site since the day before when a site inspection was conducted. However, it was noted while on the way to the Academy Building for the meeting, it appeared that the trash/garbage next to the storage container that was visible from the road the previous day had been moved. No other observations were noted since the view was while passing by the site.

D. Russell reviewed the August 11, 2011, Minutes of the Meeting, specifically the amended motion made by J. Weston and seconded by M. Martindale. *“J. Weston amended the motion to include in the Denial Letter that R. 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.”* The motion passed unanimously.

Board Members discussed conducting a site visit on Friday September 9, 2011, to follow-up on the email. D. Tumas, M. Martindale and D. Russell will visit the site Friday at 10:15 am.

D. Hudson reiterated the Board’s motion to move forward with the Cease and Desist at the last meeting, if the site was not in compliance. The Board went on to discuss the options suggesting that if the site is in fact in compliance as the email indicates, with the exception of the extra storage container the Board would stay the Cease and Desist Order allowing additional time to remove the storage container.

The Board again revisited the efforts made to assist R. Benson and his continued indifference to the conditions of approval. All agree that the site visit scheduled the following day would determine the course of action.

M. Martindale moved that if the site complies with the original condition of approval with the exception of removing the additional storage container, the Board would stay the Cease and Desist Order. Allowing until October 12, 2011, for the storage container to be removed, and application to amend the site plan would need to be filed if the storage container is to stay on the site, J. Weston seconded the motion as stated; the motion passed unanimously.

Pictures taken at the site will be forwarded to Board Members following the inspection. The consensus of the Board pertaining to the site conditions, at the time of inspection as depicted in the photos provided to the Board will determine the course of action, based on the actual site conditions.

Board Members agreed, if the site is not in compliance the Cease & Desist Order and revocation of an approved site plan according to RSA 676:4-a, would move forward.

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

**Planning Board
Minutes of the Meeting
September 8, 2011
Page 3 of 4**

Discussions

Review of the proposed subdivision regulations

Board Members had reviewed the most recent amendments made on pages 5, 8, 9, 13, 14, 15, and 29.

Comments from Tracy Tarr and Nanci Mitchell were read for the record. Board Members were agreeable to the suggestions.

Additional amendments:

- Add the High intensity Soil Map Symbol Key as an appendix page.
- Section V-C-1 (page 6)– A completed application shall be filed with the Planning Administrator in accordance with the meeting schedule deadlines as posted. Applications found to be incomplete administratively will not be accepted and returned to the Applicant with an outline of the administrative insufficiencies.
- Section V-I-2 (page 8) All applicable costs and fees shall be paid in full according to the fee schedule at the time of submission. Applications submitted without all costs and fees paid will not be processed until all fees have been paid in full.
- Section V-K (page 9) Concurrent and Joint Hearings – Add reference to NH RSA 676:2, as amended.

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

Approval of Minutes

August 11, 2011 – Regular Meeting Minutes

D. Russell moved to approve the August 11, 2011, Minutes of the Regular Meeting as submitted, M. Martindale seconded the motion as stated; the motion passed 5-infavor and 1-abstained vote by D. Hudson who was not in attendance.

August 11, 2011 – Work Session Minutes

M. Martindale moved to approve the August 11, 2011, Work Session Minutes, D. Russell seconded the motion as stated; the motion passed 5-infavor and 1-abstained vote by D. Hudson who was not in attendance.

**Correspondence
Unscheduled Business**

Board Members discussed the lack of Alternate Members and how important it is for the appointed Alternates to attend and participate in the meetings even when not seated on the Board. Should the need arise that an Alternate is called upon to be seated in the absence of a Member and there is a case that has been continued, the Alternate Member is able to be seated and have full knowledge of the proceedings.

**Planning Board
Minutes of the Meeting
September 8, 2011
Page 4 of 4**

R. Hatch explained there are other boards in need of alternate members as well and the BOS regularly run advertisements in the newspaper-seeking volunteers to serve on various Boards/Commissions.

R. Hatch was asked, if it would be possible to send a notice through the school looking to recruit parents to become a part of a Board/Commission here in town.

R. Hatch will speak with the superintendant and find out if it is possible to send out a notice to parents seeking volunteers. All agree it would be a good way to bridge the municipal and school community.

N. Girard called for further discussion to come before the Board, hearing none; discussions concluded and a motion to adjourn entertained.

Adjournment

D. Russell moved to adjourn the meeting at 8:05 pm, J. Weston seconded the motion as stated; the motion passed unanimously.

Respectfully submitted,

Desiree Tumas
Administrator