



**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, September 09, 2010
7:00 pm**

Member Attendance: Marty Martindale, Member; Nancy Girard, Chair, John Funk, Vice-chair; Mark Fougere, AICP; Rachel Hatch, Select-Rep; Desiree Tumas, Administrator; John Weston, Alternate Member, seated in the absence of David Russell; @ 7:10 pm and Dan Hudson @ 7:44 pm.

Public Attendance: (As signed in) Bill Heath, Mike Amaral, Shelagh Connelly, Timothy Bernier, Biller Nutter, Ken Nutter, Lanie Rosato, Bernie Lynch, Anne Sellin, Maurice Munsey, Tim Towle, Lynn Durham, Dan Giardini, Cheryl Gardini, Nanci Mitchell, Conservation Commission; Rick & Terri Gagne.

Open Meeting

**Call to Order @ 7:03 pm
Introduction of Board
Explanation of Meeting Procedures**

Public Hearings

PB Case #0210 – Peter & Nancy Amaral (126/22), Maurice & Gloria Munsey (126/24) and Michael Amaral & Teresa Ferrara (126/25) - have applied to the Planning Board for a Boundary Line Adjustment in which they seek approval to adjust the boundary between the three subject lots. Said property is located on Powder House Lane, 4 Powder House Lane and 400 Province Road in the Rural Zoning District.

Chair Girard recognized, Mr. Bernier, Land Agent for the Applicants.

Mr. Bernier explained the proposed Boundary Line Adjustment as follows:

<u>TM/LT #</u>	<u>Current Acreage</u>		<u>Acreage After the Adjustment</u>
126/22	2.222 Acres	+ 1.273 Acres	3.496 Acres
126/24	4.771 Acres	- 1.273 Acres	3.498 Acres
126/25	1.72 Acres	equal swap	1.72 Acres

Chair Girard called for questions from the Board, hearing none; Chair Girard called for public discussion, hearing none, public discussions were closed and redirected to the Board.

Vice-chair Funk questioned the purpose of the Boundary Line Adjustment?

It was explained, that due to the topography of the subject properties and the current configurations the end result would be more suitable for the property owners.

It was explained, that the Applicants had already received approval from the Board of Selectmen, as well as the ZBA to develop Lot 22, on a private road.

Fire Chief Lockwood and Road Agent Paul Perkins were provided a copy of the plan and have reviewed proposal and have no concerns.

Police Chief O'Brien was also provided a copy of the plan to which he expressed concerns regarding the obstructed line of sight coming out of Powder House Lane onto NH Route 107.

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The State considers a private road by definition to be a driveway. The Applicant was provided a driveway application for the NH DOT, which will prompt a NH DOT site visit to address the concerns of safety. Both Chief O'Brien and Mrs. Tumas are working together with the NH DOT to address the safety concerns.

Chair Girard again called for further discussion from the Board and public, hearing none; entertained a motion to close the public hearing.

Member Martindale moved to close the public hearing, Select Rep., Hatch seconded the motion as stated; the motion passed unanimously.

The Board will continue deliberations immediately following the remainder of Agenda items.

Discussions

Kenneth Nutter – (TM 127/LT 17) Mr. Nutter replaced an approved business garage with one that is approximately four (4) feet larger than originally approved. Requests Board determination minor or major change.

Chair Girard recognized Kenneth and Bill Nutter. Mr. B. Nutter explained the originally approved garage was damaged during a storm and the replacement garage is approximately 4-feet longer in the back of the garage, there are 60-acres of land with no abutters to the rear within view. The original garage was 36' long and the replacement is 40'. The width and height are the same and the pitch of the roof is different due to the differing garage style from what was originally approved.

Mr. B. Nutter further explained that the garage is used for the storage of farm equipment as well as equipment for the sand and gravel business.

Mr. B. Nutter requested the Boards determination as to whether or not the 4' enlargement would be considered a minor change, which would require a motion stating such, or a major change that would require application to amend an approved site plan.

Chair Girard called for further discussion from the Board. Board Members concurred the change is minor in nature and would not require application to amend the approved site plan.

Chair Girard called for further discussion, hearing none; entertained a motion.

Vice-chair Funk moved to declare the 4' change in the length of the garage to be a minor change and would not require application to amend an approved Site Plan, Alternate Member Weston seconded the motion as stated; the motion passed unanimously.

Bernard Lynch – (TM 412/20) To discuss current condition of the site and failure to comply with conditions of approval dated, October 08, 2009.

Chair Girard recognized Bernard Lynch.

Mr. Lynch presented a revised plan to scale that shows exactly where the wetlands are located. The existing 8" culvert with a riprap swale is indicated as are the existing hay bales bordering the lower wetlands.

Mr. Lynch questioned parking of vehicles near the lower wetlands and why his application for a service business was denied.

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It was explained that his application for service business was denied due in part to the fact that the proposal did not include a building to which business would be conducted and the request for approval to have a contractor yard was more suitable by definition. Parking near the lower wetland area is prohibited due to potential hazard and harm to the wetlands.

It was explained that Mr. Lynch could reapply for a service business, once he had a plan and building designed to which business would be conducted.

Mr. Lynch went on to explain that he has removed the camper and intends to demolish the remaining trailer and have it removed from the site.

Mrs. Tumas explained that she and the Building Inspector/Code Enforcement Officer conducted a site walk on June 23rd, and September 1st.

On June 23rd, it was observed that the driveway swale had been filled in with sandy runoff and that erosion marks were evident across the driveway from the swale. The camper and trailer still remained on the property and it was a condition of approval to remove both trailers from the property.

On September 1st, it was observed that the driveway has been recently graded and that nothing had been done to repair the swale along the side of the driveway. It was noted that the camper had been removed and one trailer remained on the property.

A slideshow was presented to the Board, of the photos taken, on site during both site visits as a comparative, to the photos taken prior to the October 2009 conditional approval.

Mrs. Tumas went on to explain that she has had ongoing correspondence with Mr. Lynch for the past 11 months following the conditional approval on October 08, 2009.

It was explained that runoff goes downhill and the objective is to mitigate the runoff into the wetlands, and that over time the temporary controls lose effectiveness and a permanent solution is needed.

Chair Girard recognized Gilmanton Conservation Commission Member, Nanci Mitchell.

Mrs. Mitchell reminded the Board of the GCC recommendations for engineered drainage plans for the site. Board Members concur that an engineered drainage plan is required.

The Board requested Mr. Lynch provide an engineered drainage plan on the final site plan to be submitted prior to the October 14, 2010, Planning Board meeting.

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

Chair Girard reiterated the Board's request to provide a complete site plan for the contractor yard per the original conditional approval of October 08, 2009, including engineered drainage plans for the site as well as removal of the remaining trailer.

Chair Girard went on to explain that the Board would continue discussions at the October 14, 2010, Planning Board meeting.

Chair Girard thanked Mr. Lynch for attending the meeting and discussions were concluded.

Member Hudson arrived at 7:44 pm

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Professor Caroline Snyder – Informational discussion related to the local Agricultural Use of Biosolids.

Chair Girard recognized and welcomed Professor Snyder.

Professor Snyder provided a copy of her presentation. Please see attached document titled, “Presentation by Caroline Snyder”.

Following the completion of Professor Snyder’s presentation, Shelagh Connelly from RMI requested to counter Professor Snyder’s presentation.

Chair Girard stated that she was disinclined to allow an additional presentation from RMI. The Planning Board has a full agenda and NEBRA provided their presentation without rebuttal and the same opportunity should be afforded Professor Snyder.

Chair Girard called for questions from the Board, hearing none; opened the public discussion.

Gilmanton Residents and Abutters to properties that currently use sludge/biosolids, Anne Sellin, Rob Shearer, Lainie Rosato, John Dean, and Teresa Gagne, spoke in opposition to the use of sludge/biosolids due to health concerns as well as concerns regarding the results on food supply and effects on farm animals that consume grains produced using sludge/biosolids.

Gilmanton Residents and Abutters to properties that currently use sludge/biosolids, also stated concern regarding metals contamination to the water supply and residential wells abutting the properties that use sludge/biosolids; questioning if there is statewide testing and if Abutters should have their wells tested prior to the sludge/biosolids application?

It was explained that there is no statewide testing and that if an Abutter were concerned about their wells becoming contaminated, testing would be at the Abutters expense. There is no obligation to the farmer using the sludge/biosolids to pay for testing of Abutter wells. It was additionally noted that it could be difficult to confirm that any change in testing results are directly related to the use of sludge/biosolids.

Ms. Connelly explained that there is groundwater monitoring and that the DES has approved the use of sludge/biosolids, by farmers in Gilmanton for 15 years suggesting the Board consider such approval, should the Board decide to create an ordinance, to put before the voters, related to the use of sludge/biosolids.

Members of the public stated opposition to RMI’s comments, stating that the evening’s discussions were scheduled for Professor Snyder and it should be her time to speak to the public in attendance.

Members of the public stated concerns regarding dangerous metals being picked up in the vegetation.

Professor Snyder explained that it is a myth that certain metal levels are safe. The industry has set standards that can be tolerated.

Brief discussion ensued without conclusion pertaining to Marshall Case, Shane Connelly Case, and McNamara Case, which are related to the use of sludge/biosolids. Members of the public stated concern, that people are the experiment and there is no assistance, if people become ill.

Nanci Mitchell, Gilmanton Conservation Commission Member, stated concern regarding the build-up of metals with long-term use.

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Professor Snyder explained that there is a buildup of metals over time and soil testing has revealed that even thallium has been found.

Members of the public questioned how long a farmer must wait before food crops can be grown on farms that use sludge/biosolids?

It was explained that some food crops could be grown in as little as three years for ground crops and less time for above ground crops and trees.

Ms. Connelly stated that the sludge/biosolids that are used on food crops are further refined and that RMI and DES have strict guidelines and regulations as well as monitoring of use for food crops.

Members of the public questioned if there have been long-term studies.

Ms. Connelly explained that Ohio did a 50-year study and there have been several studies conducted by UNH.

A Member of the Public stated he was a Class B user in Northfield and questioned Professor Snyder's qualifications, repeatedly interrupted Professor Snyder whilst she provided her qualifications.

Mrs. Tumas appealed to Madame Chair and called a point of order.

Chair Girard stopped the line of questioning and demanded the public maintain a proper decorum when addressing guest speakers, the Board and others present at the meeting.

Discussions resumed regarding the benefits of sludge/biosolids such as organic materials that provide nutrients to the soil, maintains water in the soil as well as a supply of nitrogen that becomes available, as the plants require. Additionally, there is a financial savings to the farmer by using sludge/biosolids.

Members of the public questioned setbacks and application rates that build up levels in the soil and also questioned runoff to neighboring properties.

It is understood that farmers have a right to use sludge/biosolids but there is concern expressed regarding the lack of rights to the abutters who have a right to protect their family.

All agree that people have to educate themselves and it was requested the Board provide a non-bias speaker.

Chair Girard stated that the Board would also like more scientific information.

Chair Girard recognized, GCC Member, Nanci Mitchell who explained that the Commission has been gathering information and will provide copies to the Board.

Chair Girard called for further questions from the Board and public, hearing none; discussions were concluded.

Chair Girard thanked Professor Snyder for her presentation and explained that the Board would continue to address the issues raised by the use of sludge/biosolids.

Having nothing further, discussions were concluded

**Recess at 9:10 pm
Called to Order at 9:25 pm**

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G.R.A.S. (Gilmanton Residents Against Sludge) Discuss Petition and Special Town Meeting

Board Members were provided a copy of the following:

- Letter sent to the Board of Selectmen from the Gilmanton Residents Against Sludge
- The BoS reply to the letter
- Legal opinion from Town Council

The intent of the letter and signatures was to request a special town meeting to impose a moratorium on the spreading of sludge/biosolids and to allow the Planning Board to conduct a study on the use of sludge/biosolids and evaluate the need for an ordinance.

Chair Girard reiterated that a special town meeting couldn't be called for the purposes suggested in the G.R.A.S. correspondence. The proper course of action is for the Planning Board to review and evaluate the need for the ordinance and then to procure language suitable for an ordinance.

It was further explained that the Board would conduct a 30-minute work session meeting to discuss possible options to address the matter. A separate agenda and notice will be posted, in addition to the regular meeting agenda.

It was additionally noted that the purpose of the work session would be for the Board to discuss the options amongst themselves without public input. It was made clear that the public is invited to attend, as it is a public meeting. However, due to the nature of a workshop meeting the Board is not obligated to take public comment.

Having received presentations from both sides on the use of sludge/biosolids it was suggested that the Board engage a neutral party to discuss the use of sludge/biosolids. The suggestion was duly noted and the Board would look into the possibility.

Vice-chair Funk suggested, the most efficient way to move forward might be to form a study committee as was done to evaluate the Class VI roads. Due to the complex nature of the issue, a study would be the most expeditious and comprehensive way to proceed and the results of the study would direct the Board as to what the best process would be to move forward.

Shelagh Connelly, President of RMI offered to schedule a tour of the wastewater treatment plant in Franklin or Concord.

Chair Girard extended the offer of the tour to the public, hearing no response; Chair Girard stated that the Board would consider the offer of a tour and thanked Ms. Connelly.

Chair Girard called for further comments; it was noted that the Town of Sandwich has a year moratorium on the use of sludge/biosolids to conduct a study and procure language.

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

Administrative Business

Norma Ruchti – Gilmanton Preschool Inc., Center Congregational Church (TM 127/LT 58) – Site Plan Approval to operate a preschool in the Center Congregational Church.

Mrs. Tumas explained while reading the ZBA Minutes of the Meeting for the July 15, 2010 meeting she noted an Approval for a Pre-school. Following discussions with the ZBA Clerk, it was believed that a Site Plan Approval was not required since the ZBA had approved the proposed use.

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Upon review of the Site Plan Review Regulations, it is Mrs. Tumas' belief that a pre-school is a commercial venture and would require a Site Plan Approval.

Mrs. Tumas seeks a Board determination as to whether or not Ms. Ruchti would need to submit an application for Site Plan Review.

Upon review of the Site Plan Review Regulations by Board Members all concur that a pre-school would require a Site Plan Review under the current Regulations.

Chair Girard called for further discussion, hearing none; entertained a motion to confirm that a pre-school is subject to Site Plan Review.

Vice-chair Funk moved that upon review of the Site Plan Review Regulation that a pre-school is subject to Site Plan Review, Member Martindale seconded the motion as stated; the motion passed unanimously.

Mr. Fougere noted that the Board should include permitting approvals as part of the approval process for Site Plan Review.

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

Deliberations

PB Case #0210 – Peter & Nancy Amaral (126/22), Maurice & Gloria Munsey (126/24) and Michael Amaral & Teresa Ferrara (126/25) - have applied to the Planning Board for a Boundary Line Adjustment in which they seek approval to adjust the boundary between the three subject lots. Said property is located on Powder House Lane, 4 Powder House Lane and 400 Province Road in the Rural Zoning District.

Chair Girard upon review of the submitted plan suggested a site walk. Vice-chair Funk and other Board Members agreed.

Chair Girard entertained a motion to reopen the public hearing to schedule a site walk.

Vice-chair Funk moved to reopen the public hearing to schedule a site walk of the property, Member Martindale seconded the motion as stated; the motion passed unanimously.

Board Members scheduled a site walk of the property on Thursday September 16, 2010, beginning at 6:00 pm. Board Members will meet on site at the end of Powder House Lane.

Chair Girard called for further discussion, hearing none; entertained a motion to continue the hearing until the October 14, 2010, Planning Board Meeting to allow time to conduct a site walk.

Vice-chair Funk moved to continue the hearing until the October 14, 2010 Planning Board Meeting to allow time to conduct a site walk, Alternate Member Weston seconded the motion as stated; the motion passed unanimously.

Motion to Approve the CIP figures

Board Members were provided a copy of the final Capital Improvement Program Figures for 2010-2011 printing. It was explained that the figures presented were as discussed, at the public hearing and that Budget Committee Chair Stan Bean provided the final figures.

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Also provided for the Boards review were the previous “Capital Improvements Funds Budgeted and Expended” as outlined in the 2009 Gilmanton Annual Report.

Upon review, Chair Girard entertained a motion to approve the Capital Improvement Figures as well as the Funds Budgeted and Expended.

Member Hudson moved to approve the Capital Improvement Program Figures and the Budgeted and Expended Figures, Member Martindale seconded the motion as stated; the motion passed unanimously.

Motion to Approve the New Zoning Map

Mrs. Tumas presented the new Gilmanton Zoning Map explaining that she in conjunction with the Assessing Department and Zoning Department reviewed all document and archives available to accurately map the various zones in town.

Upon review and brief discussions, Chair Girard entertained a motion to approve the new Zoning Map.

Member Martindale moved to approve the new Zoning Map, Vice-chair Funk seconded the motion as stated; the motion passed unanimously.

Mark Fougere - Subdivision Regulation Update

Due to the late hour Board Members agree to take-up discussions regarding amendments to the Subdivision Regulation at the October 14, 2010, Planning Board Meeting.

Approval of Minutes

July 08, 2010 – Regular Meeting

Member Martindale moved to approve the July 08, 2010, Minutes of the Meeting as amended, Member Weston seconded the motion as stated; the motion carried 4-in favor, none opposed. Vice-chair Funk recused himself, as he did not attend the July 08, 2010 meeting.

August 12, 2010 – Workshop Meeting

Vice-chair Funk moved to approve the August 12, 2010, Minutes of the Meeting as submitted, Member Martindale seconded the motion as stated; the motion passed unanimously.

Correspondence – No correspondence was presented

Unscheduled Business

Board Members revisited scheduling a 30-minute work session Meeting to discuss a possible Zoning Ordinance pertaining to the use of biosolids in the Town of Gilmanton, following Adjournment of the Regular Meeting on October 14, 2010.

The meeting will be strictly a work session format and no public discussion will be received.

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Adjournment

Vice-chair Funk moved to adjourn the meeting at 10:35 pm, Member Martindale seconded the motion as stated; the motion passed unanimously.

Respectfully submitted,

Desiree Tumas
Planning Board Administrator

Attachments:

Presentation by Caroline Snyder
Myths About Land-applied Sewage Sludge
RMI Cost Savings of Using Biosolids