

TOWN OF GILMANTON PLANNING BOARD
THURSDAY, OCTOBER 8, 2009
MINUTES OF MEETING

Members Present: Nancy Girard, Chair, John Funk, Vice-Chair, Marty Martindale, Don Guarino, Sel. Rep., David Russell, Dan Hudson, Desiree Tumas, Clerk.

Public Attendance: (As signed in) Anne Mattice, Carole Strakatis, John Silva, Sandra Wentworth, Stan Prescott, Ron Mattice, John H. Weston, Bernie Lynch, Jane Sisti.

OPENING

In the temporary absence of Chair Girard, Vice-Chair Funk opened the meeting at 7:00 PM with Board Member introductions followed by an explanation of the Board's procedure.

Chair Girard arrived at 7:05 PM

Following review of the meeting minutes submitted by temporary staffing agency in the interim of finding a permanent clerk, the Board determined the minutes to be inadequate and lacking the substance required of municipal meeting minutes.

The Board requests Desiree to review the tapes and notes available and produce suitable minutes. All written material available will be attached to the revised minutes.

CONTINUED HEARING – PB #1609 - Bernard Lynch, Applicant, Lance Realty Trust, Property Owner. Site Plan Review to operate a contractor's Yard on the 5.11-acre parcel shown as Map/Lot #412-20, located on NH Route 106 in the Business Zone.

Mr. Lynch reviewed the amended plan submitted to the Board and provided photos of the improvements made to the site per the Planning Board's request at the last Planning Board Meeting.

As the photos depict, Mr. Lynch has loamed and seeded for erosion control, used hay bales towards Rte 106 and created a drain swale to help mitigate runoff. Additionally, Mr. Lynch has installed an 8" culvert pipe with a stone bed.

Board Members stated concern regarding silt runoff, suggesting the additional use of rip-wrap at the 18" basin and additional hay bales to be placed along the hill. Mr. Lynch agrees with the Board recommendations.

Member Guarino stated that following recent heavy rains he drove by the site to have a better idea of potential site runoff issues and noted that there was a significant amount of runoff across the proposed parking area and down the hill. Additional riprap is suggested.

Mr. Lynch is reluctant to use riprap and feels confident that once the grass is established in addition to the other remedies discussed, there should not be any further issues with runoff.

Board Members agree that a site walk following the spring thaw will be scheduled to review the site for potential runoff issues still needing to be addressed. Mr. Lynch was agreeable to the spring site walk.

Public discussion was opened, hearing none; public discussions were closed. Discussions were redirected to the Board for final discussions.

Board Members questioned, if the proposed use was considered a service business. It was determined that the proposed use is that of a remote location for business vehicles that will be registered to the site address and stored on the premises.

The Board reviewed the Conservation Commission concerns of washout. Mr. Lynch reiterated that the swale has been created to mitigate the runoff from going across and/or pooling on the road.

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Mr. Lynch addressed the concerns regarding the condition of the “driveway/woods rd” explaining that a skidder that had gone across the road caused the damage and that the heavy rains had made the road condition worse.

Mr. Lynch has addressed the issue by repairing the culvert and additionally will grade the “driveway/woods rd” such to have an adequate pitch to keep water from pooling on the road and forcing it to the culvert.

Board Members questioned the failed drainage area; Mr. Lynch reiterated that a new drain had been installed and a stone bed was created, pointing out the new drain in the photos submitted.

Board Members stated concern regarding the lower wetland area with regard to parking vehicles. Following discussion, Board Members agreed to prohibit parking near/around the lower wetland area.

Board Members questioned the proposed material to be used on the “driveway/woods rd”. Mr. Lynch explained he plans to use 1-1/2 road base. It was further explained that the material once packed would be pervious.

Board Chair Girard called for further discussion from the Board; Member Guarino reiterated the need for a site walk following the spring thaw. Board Members were all in agreement to the site walk being a condition of approval. Mr. Lynch was agreeable to the condition.

Board Members questioned the proposed use of the two dilapidated mobile homes located on the site; Mr. Lynch stated it was his plan to remove the two mobile homes from the property. One has been moved nearer to the road for possible sale, if anyone is interested.

The Board briefly discussed removal of the two dilapidated mobile homes concluding that removal of the both would be a condition of approval. Mr. Lynch was agreeable to the condition.

Board Chair Girard called for further discussion from the Board, hearing none; called for a motion to close the Public Hearing.

Motion made and seconded to close the public hearing; Member Russell seconded the motion, the motion passed unanimously.

CONTINUED HEARING – PB #1709 Applicant, Stanley H. Prescott, II and Owner, the Estate of Celon E. Kelley; c/o Nancy Carrier, Owner. Subdivision Review to subdivide into 2-lots, the 105-acre parcel shown as Map/Lot #409-045, located on Gale Road.

Mr. Prescott is in attendance, representing the Estate of Celon E. Kelley, c/o Nancy Carrier, Owners. It was explained that Board Members as well as Conservation Commission Members attended a site walk prior to the meeting.

It is proposed to subdivide the 105-acre parcel into two lots; the parent lot with the existing dwelling will be 8.9 acres with 440.46’ of frontage on Gale Road that is a Class V Road. The second lot will be 96.7 - acres with 541.49’ of frontage on Gale Road. 86.44’ of the proposed frontage on the second lot is on the Class VI portion of Gale Road. On the Northeasterly property line, there is an additional 1,275.51’ of road frontage on Donovan Road a Class VI Road, (formally Perkins Road).

The Members attending the site walk viewed the entire frontage on Gale Road and all agree that the approximately 700’ line of sight in both directions is more than adequate for entering and exiting the proposed new lot. Members walked from Gale Road past the emergency turnabout located at the beginning of the Class VI portion of Gale Road to Donovan Road. Turning Southeasterly off of Donovan Road, on to the property; attending Members crossed the proposed lot to the right-of-way, separating the proposed lots, then walking Northwesterly back to Gale Road.

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Board Members discussed the two known areas of wetlands on the property and at this time do not see any issue with one additional proposed lot. All agreed that if further subdivision of the 96.7-acre parcel created were proposed, the wetlands on the property would have to be considered. At this time there is cleared area on the corner of Gale Road and the Right-of-Way separating the two proposed lots would be adequate for a single family home.

Board Members again expressed concern regarding the wetlands, concluding that there is sufficient land to construct a single-family home, without impact to the wetland locations on the property. Additional concern was briefly discussed regarding the Cogswell Forest Area. The Board again agreed that a single-family home with access from Gale Road would not be an issue. Reiterating that should further subdivision be proposed, all conservation areas would be addressed.

Chair Girard called for further Board discussion, hearing none; redirected and opened the public discussion; hearing none, the public discussion was closed and redirected to final Board discussion, hearing none, Chair Girard called for a motion to close the public hearing.

Motion was made and seconded to close the public hearing, the motion passed unanimously.

OTHER BUSINESS – PB #1509 - Jane Sisti, applicant for the Gilmanton Community Church. To discuss amendment of the materials used to construct the approved walkway.

Member Guarino recused himself due to association with the Gilmanton Community Church.

Ms. Sisti explained that the proposed wood/steel construction material were not cost effective and would like to change the approved design to a combination of gravel fill and ledge pack to create a 6' walkway with rails and lighting. The proposed grade and width would facilitate handicap access. The actual type of lighting has not been determined, but is on the proposed plan and will be installed with switches on both the parking lot side of the walkway as well as exiting the existing building that the walkway would access.

Chair Girard called for public discussion, hearing none redirected to Board discussion. Board Members briefly discussed the proposed material change concluding that the use of gravel fill and ledge pack would not constitute a major change.

Member Funk questioned if lighting would be visible across the pond or by abutters; Ms. Sisti stated that lights installed would be down directional and would not impact abutters to the property.

Chair Girard called for further discussion, hearing none from the public or the Board; closed the formal discussions.

Motion was made and seconded to close discussions, the motion carried; 4-in favor, 1-abstained vote.

FINAL DELIBERATIONS

PB #1609 - Bernard Lynch, Applicant, Lance Realty Trust, Property Owner. Site Plan Review to operate a contractor's Yard on the 5.11-acre parcel shown as Map/Lot #412-20, located on NH Route 106 in the Business Zone.

Chair Girard opened final deliberations noting that the abutters are in favor of the proposed use.

Following discussions pertaining to the testimony given and evidence provided during the public hearings, the Board concludes conditional approval could be granted provided strict compliance with the conditions set by the Planning Board are followed.

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Board Members agree, the two (2) dilapidated trailers on the property must be removed from the premises. There is to be no parking of vehicles in/or near the lower wetland area.

Additionally, the Board agrees the banks need further stabilization and suggest additional vegetation as well as additional woodchip berm be created around the top parking area. The Board agrees the concerns are in the short term. Members agree that the work done on the site thus far is good, but more is needed. Board Members agree that once vegetative growth is established the site should be okay.

The Board discussed additional plantings and erosion stone is to be used in the culvert to slow down the water flow.

The Board discussed the complexities involved when the Board sets conditional engineering designs for a proposed use. It was suggested that the Board be more diligent in requiring engineered designs in the future. All Members are in agreement.

It was noted that the application states, "Storage for trailers, box trailers or mobile home trailers". Board Members agree it is essential to be clear and review the definition of Contractor Yard in the Zoning Ordinance that reads, "***Contractor's Yard – Outside storage of owner owned supplies and equipment used in off-site business***".

Board Members agree that the dilapidated mobile homes would not be classified as, "owner owned supplies and equipment" and is subject to the conditional approval.

Chair Girard called for further discussion, hearing none; called for a motion to approve the submitted waiver.

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 was made and seconded to accept the written waiver seeking relief of the requirements outlined in Section VII, B-3-a-b-g-h-1; the motion passed unanimously.

Chair Girard called for further discussion, hearing none; called for a motion to conditionally approve the proposed "Contractor Yard" on the parcel shown as Map/Lot #412-20, located on NH Route 106 in the Business Zone.

The conditions to be compiled 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/or 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. Appropriate landscaping shall be shown on the final plan as per the Site Plan Regulations and at the Board's discretion. The final plan shall show:
 - a. Additional vegetation added to the steep slopes leading to the wetland area.
 - b. Creation of a mulch berm around designated parking area to control erosion and mitigate runoff.
 - c. Creation of a mulch berm adjacent to the lower wetland area to accept flow until the vegetation is established.
4. The final plan shall depict the type, surface and location of any storage of fuel, waste oil or other contaminants on the site.

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- a. Parking area to be delineated on the final plan.
 - b. Parking of any and all vehicles is strictly prohibited in the lower area adjacent to wetlands.
5. All 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 shall be appropriately screened.
 6. Applicant is responsible for any fees required by the Belknap County Registry of Deeds for the recording of the Site Plan Conditions of Approval.
 7. A compliance hearing shall be held by the Board prior to signing the plans, and prior to the approval becoming final, if any condition of approval are beyond Administrative in nature or would require discretion on the part of the Board staff to determine if the conditions had been complied with.

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 and/or by 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(s) and within the submitted documents.
 - a. **Contractor's Yard** – Outside storage of owner owned supplies and equipment used in off-site business.
10. Any exterior lighting shall be depicted on the plan and shall be shielded from abutters and traffic.
11. Removal of the two (2) Residential Trailers from the premises.
12. 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 at the applicant's expense.
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. All temporary erosion control measures are to be established by, November 19, 2009.
15. Inspection of the site will be conducted in the spring of 2010 to ensure placement/installation of permanent erosion controls and other conditions stated herein.
16. Approval is subject to expiration, revocation and changes in the ordinance under town Regulations and the State RSA's.

Motion was made and seconded, without a vote. Member Guarino moved to amend the approval motion, removing the condition of adequate screening, Member Hudson seconded the motion, the motion passed unanimously.

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

FINAL DELIBERATION

PB #1709 Applicant, Stanley H. Prescott, II and Owner, the Estate of Celon E. Kelley; c/o Nancy Carrier, Owner. Subdivision Review to subdivide into 2-lots, the 105-acre parcel shown as Map/Lot #409-045, located on Gale Road.

Motion was made and seconded to accept the written waiver seeking relief of the Design Review Phase and consider the proposed subdivision as final as outline in Section III, the motion passed unanimously.

Motion was made and seconded to accept the written waiver seeking relief of the soil survey requirement of Section VI C,b for the proposed larger lot; the motion passed unanimously.

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Motion was made and seconded to accept the written waiver seeking relief of the addition of topographic information requirements outlined in Section VI, C,c of the proposed larger lot; the motion passed unanimously.

In accordance with Section III.A., of the Gilmanton Subdivision Regulations, the following findings were made with respect to the Estate of Celon E. Kelly subdivision application:

1. The proposed subdivision complies with the Master Plan;
2. Water supply, drainage, sewage disposal and streets are adequate;
3. The ability of the Town to provide street maintenance and snow removal, schools, fire protection and other services without excessive expenditure funds are adequate;
4. The Town has the provision for the harmonious development and its environs;
5. The subdivision does not interfere with the preservation of wildlife habitat, natural and man-made features and open space;
6. The Board believes that the character and use of land and building in the general vicinity of the proposed subdivision are consistent;
7. There will be no impact to the proposed subdivision on the character of the town as small rural community and on the Town's well-being, prosperity and sound financial condition;
8. Seeing that there are no steep slopes on the property, the Board agreed that it was not necessary to require 2' contours on the plan.

The Board voted unanimously to accept the application as complete and grant conditional approval, as it appears to meet all the technical requirements of the Ordinances 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/or recorded. No site improvements shall commence and no building permits shall be issued until the plan is signed and recorded.

1. All required Town, State or other agency permits shall be filed with the Town prior to recording of the plat or issuance of a Building Permit.
2. Submission of final plans in accordance with Town Ordinance and Regulations as follows:
 - a. The final plan shall depict the correct Town Tax Map/Lot # 409-045;
 - b. In accordance with Section VI.C.2., of the Subdivision Regulations, the final plan shall depict the minimum building site of 30,000 contiguous square feet of each lot;
 - c. The final plan shall depict a front setback of 100' for the construction of a building;
 - d. The final plan shall properly reflect the correct names of the owners of the abutting properties;
3. 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 to confirm that the conditions have been complied with;
4. The applicant is responsible for the payment of any fees required by the Belknap County Registry of Deeds for recording the plan and/or any conditions of approval;

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

5. All utility and road construction shall be carried out under the provisions of the Town Ordinances and Regulations unless otherwise agreed to by the Town;

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6. Property owner shall install all required traffic control, fire, life safety and health facilities and systems required by the Board and/or by other applicable Codes and Regulations;
7. All temporary erosion control facilities to be removed upon attaining permanent stabilization;

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

8. No changes shall be made to the approved plan unless application is made in writing to the Town, Minor changes may be allowed following review by the Planning Board at a public hearing and abutters shall be notified at the applicant's expense.
9. Approval is subject to expiration, revocation and changes in the Ordinances under Town Regulations and State RSA's.

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

FINAL DELIBERATION

PB #1509 - Jane Sisti, applicant for the Gilmanton Community Church. To discuss amendment of the materials used to construct the approved walkway.

The Board briefly discussed the material changes for the proposed walkway from the parking area to the building; Members agree the proposed material use change is not significant and would not require rehearing.

Chair Girard called for further discussion, hearing none; called for a motion to approve the proposed material use change.

Motion was made and seconded, no vote taken.

Call to amend the motion, to include the use of down directional lighting use.

Motion was made and seconded to approve the material use change to construct the walkway from the parking area to the building and to include down directional lighting along the walkway as depicted on the submitted drawing plan; the motion passed unanimously.

ADMINISTRATOR'S REPORT – No new information to report.

OTHER BUSINESS

Mark Fugere, Planner – Independent contractor

Mr. Fugere explained he has been in the planning business at the regional level as well as assisted on state and local levels. Mr. Fugere has worked with several towns in the state and is currently independently contracting his services on an as needed basis. Mr. Fugere has experience with amending regulations, zoning ordinances, master plans and impact fees.

All Members are agreeable to the need for services such as described by Mr. Fugere and will have further discussions with the Board of Selectmen to provide their recommendations to utilize the services offered by Mr. Fugere.

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MEMORANDUM – Lakes Region Planning Commission – 2010-2011 Membership Appropriation
Board Members briefly discussed past dissatisfaction with the work provided by LRPC, but would be willing to hear what the Commission would be offering for services. The Board is agreeable to meeting with LRPC representatives at the November or December Planning Board Meeting.

MEETING CANCELLATION – Board Members were notified that the Argue case scheduled with the ZBA on October 15, 2009 has been cancelled. It is proposed that the meeting take place at the November 12, 2009 regular Planning Board meeting. No determination was made at this time.

MISC – Board Members briefly discussed without conclusion, the need to revise the format of the findings of fact as well as the final approval motion.

Chair Girard called for further question, hearing none; thanked Mr. Fugere for attending the meeting and sharing his work experience with the Board.

Chair Girard called for further discussion or business to be heard by the Board, hearing none; called for a motion to adjourn the meeting.

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

Respectfully submitted,

Desiree Tumas
Planning Board Clerk