



**Planning Board
Academy Building
503 Province Road
Gilmanston, New Hampshire 03237**

**Minutes of the Meeting
October 14, 2010**

Approved: 11/18/2010

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

Open Meeting

*Call to Order: 7:05 pm
Introduction of Board Members
Explanation of Meeting Procedures*

Attending Board Members: Vice-chair Funk, (Seated in the absence of Chair Girard); Select Rep. Rachel Hatch; Member Dan Hudson; Member Marty Martindale; Member Dave Russell; Alternate Member, John Weston (Not Seated); Planner, Mark Fougere; Administrator, Desiree Tumas; Chair Nancy Girard at 7:30 pm.

Other Municipal Attendance: Nanci Mitchell, Conservation Commission

Attending Public: (As signed in) Mike Amaral, Bernie Lynch, and Mary Macdonald.

Approval of Minutes

September 09, 2010 – Regular Meeting

Member Martindale moved to approve the September 09, 2010, Minutes of the Meeting as amended, Member Hudson seconded the motion as stated; the motion passed unanimously.

September 16, 2010 – Amaral/Munsey Site Walk Minutes

(Board Attendees: Nancy Girard, Chair; John Funk, Vice-chair; Dan Hudson, Member; Desiree Tumas, Administrator)

Member Hudson moved to approve the Minutes of the Site Walk as submitted, Vice-chair Funk seconded the motion as stated; the motion passed unanimously.

Public Hearing (Continued from September 09, 2010)

PB Case #0710 – 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. (*Site Walk – September 16, 2010, beginning at 6:00 pm.*)

Vice-chair Funk opened the public hearing, explaining the Board continued the hearing to conduct a site walk that took place on September 16, 2010.

Member Hudson commented that the site walk concluded that the proposed Boundary Line Adjustment fits the property.

Vice-chair Funk noted that the equal land swap of 0.402 acres between TM/LT 126-25 and TM/LT 126-22 does not create nonconformity, since the lot size remains the same. The resulting configuration of the equal land swap makes sense.

Vice-chair Funk called for further discussion, hearing none; entertained a motion to close the public hearing.

Member Hudson moved to close the Public Hearing, Member Russell seconded the motion as stated; the motion passed unanimously.

Board Members agreed by consensus to conduct deliberations at the conclusion of the Public Hearing, instead of waiting until the remaining business was concluded.

Deliberation

PB Case #0710 – Peter & Nancy Amaral (126/22), Maurice & Gloria Munsey (126/24) and Michael Amaral & Teresa Ferrara (126/25)

Mrs. Tumas confirmed, administratively speaking, the application was complete, no Waivers were requested and all administrative requirements had been met. The only outstanding item was the State Driveway Permit and that has now been issued.

Vice-chair called for further discussion, hearing none; entertained a motion to accept and approve the proposed Boundary Line Adjustment.

Member Hudson moved that the application be accepted as complete and granted approval as it appears to meet all of 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 recorded. (~~and no building permit shall be issued until the plan is signed and recorded.~~) {See Motion to Amend the Motion}

- 1. Any required Town, State or other agency permits shall be provided to the Planning Office before the final plan can be signed and recorded.***
- 2. Submission of final plans in accordance with Town Ordinances and Regulations.***
- 3. A compliance hearing shall be held by the Board prior to signing the plans and prior to the approval becoming final to determine, if any conditions of the approval are beyond administrative in nature or would require discretion on the part of the Board or Staff.***
- 4. Applicant is responsible for any fees required by the Belknap County Registry of Deeds for recording the approved Boundary Line Adjustment.***

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

- 5. 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.***
- 6. The use of the property is limited to those indicated in the applicant's testimony at the public hearing and submitted documents.***
- 7. Landscaping shall be maintained and not allowed to deteriorate.***

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

- 8. No changes shall be made to the approved plans unless application is made in writing to the Planning Board. 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.***
- 9. The Planning Board shall have the power to modify or amend its approval of the Boundary Line Adjustment upon its own motion to do so.***
- 10. Approval is subject to expiration, revocation and changes in the Ordinances under Town Regulations and the State RSA's.***

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Member Russell seconded the motion as stated.

Vice-chair called for further discussion; it was noted that the Applicant had received Zoning Board Approval prior to the Planning Board Application and that a building permit had already been issued.

Member Hudson moved to amend, the opening of the motion removing the condition that no building permit shall be issued until the plan is signed and recorded, maintaining the remainder of the motion as stated.

Member Russell seconded the amended motion as stated; the amended motion passed unanimously.

Vice-chair called for further discussion, hearing none; PB Case #0710 – Peter & Nancy Amaral (126/22), Maurice & Gloria Munsey (126/24) and Michael Amaral & Teresa Ferrara (126/25) is closed.

Public Hearing

PB Case #1609 – Bernard Lynch (TM 412/ LT 20) Public Hearing, for the purposes of a Compliance Hearing, pertaining to the Conditional Approval granted, on October 08, 2009. Said property is located on, the Westerly side of Route 106, one lot North of 235 NH RTE 106, in the Business Zoning District. *(Site Walk – October 14, 2010, beginning at 6:00 pm.)*

Vice-chair Funk recognized, Bernard Lynch.

Mr. Lynch presented an amended plan, stating that he has erosion controls in place, and in conjunction with the established growth, believes the site to be in good condition and the current design to be sufficient.

The Board briefly discussed the drainage issues expressed by the Abutter, to, which Mr. Lynch explained had been, “taken care of” and that runoff to the neighbor’s driveway was no longer an issue. Although there is some sand migration along the driveway, Mr. Lynch stated that he does not see any issues with the current design.

Mr. Lynch went on to explain that the camper trailer had been removed and the remaining mobile home trailer had been demolished and usable scrap removed. Mr. Lynch is not the owner of record and not being a resident, Mr. Lynch is unable to obtain a Transfer Station Sticker, allowing removal of the remaining trailer debris.

Mrs. Tumas stated that a Temporary Transfer Station Pass could be issued, for the removal of the remaining trailer debris. A 2-week, Temporary Transfer Station Pass will be provided, at the conclusion of the hearing.

Chair Girard joined the Board at 7:30 pm

Vice-chair Funk called for comments from the Board; Select Rep. Hatch questioned the Wetland Scientist Seal and Signature Stamp on the plan, noting that it is a conflict of interest, for the applicant to sign-off on his own submittal documents.

Board Members agree there is a conflict and peer review was again suggested.

It was explained that a request for peer review is in no way a suggestion of wrong doing. The request for peer review for any applicant is an exercise of due diligence by the Planning Board, and is in the best interest of the Town.

Mr. Lynch stated that he did have another Wetland Scientist present when the submitted design was produced.

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Board Members stated concern regarding the following:

- The permitting and installation of the culvert at the entrance of the shared driveway.
- Deterioration of the hay bale berm on the upper parking area and at the bottom of the steep slope.
- Inadequate vegetative growth along the steep slopes and the mulched area between the upper woods road and the upper parking area.
- Removal of the plan note permitting parking of vehicles near the lower wetland area.
- Ruts noted on the upper woods road and runoff.
- Permanent Erosion Control Measures.

Mrs. Mitchell reiterated the Conservation Commission's suggestion to build a retaining wall along the steep slope as well as engineered drainage calculations and erosion controls.

Board Members agree by consensus to allow two weeks to remove the remaining debris from the demolished trailer and provided several suggestions to stabilize the areas of concern.

Mrs. Tumas explained, the Compliance Hearing underway, was properly noticed according to RSA 676:4, I(d). The Board is now afforded the opportunity to amend the original conditional approval and may impose additional conditions deemed necessary.

Vice-chair Funk reviewed the following requirements:

- Repair, replace and maintain, the existing temporary erosion controls until permanent erosion controls are established.
- Create a deeper swale along the westerly side of the driveway where the existing swale has filled with sand/silt.
- Create a permanent berm on the upper parking area to protect the wetlands until the vegetation on the steep slope is established.
- Continued oversight of the permanent erosion controls and maintenance as needed, over the long term.
- Permanent remedy to address the issues created by the steep slopes on site.
- Engineered drainage calculations and erosion controls, both temporary and permanent controls are to be depicted on the plan.
- Amended Site Plan to include all Site Plan Regulation Requirements.
- Waiver submission of Site Plan Review Regulation requirements not included on the plan.
- Amendment of the note on the plan indicating parking of vehicles near the lower wetlands area. Original Conditions of Approval prohibits the parking of vehicles and the plan should reflect the correct notation.

Board Members agree all required submittals would be due in a week before the November 18, 2010. Planning Board Meeting.

Board Members briefly discussed possibly allowing until May 2011, to establish permanent controls.

Select Rep. Hatch stated concern regarding the Board imposing additional conditions with consideration of the Applicants non-compliance with the October 08, 2009, original conditions of approval, as well as his refusal to allow a site walk by the Boards designated Agents.

Mrs. Mitchell reiterated the Conservation Commission recommendations, requiring an engineered drainage plan, as previously stated during the original public hearings and submitted to the Planning Board in writing.

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Select Rep. Hatch suggested an additional site walk following the anticipated heavy rains this weekend. Especially considering the Board viewed the site prior to the meeting. The heavy rain expected would be a good test of the erosion controls currently in place.

It was explained that a formal site walk with all Board Members attending would require proper notification and posting, if a quorum were to meet onsite minutes would be required.

Further discussion by the Board concluded that Members could view the property individually, so long as no more than three Members were in attendance at a time and that no quorum is established.

Vice-chair Funk called for further discussion; Select Rep. Hatch requested the demolished trailer debris be removed within two weeks.

Vice-chair Funk called for further discussion, hearing none; entertained a motion to allow no more than two weeks to remove the trailer debris from the site.

Chair Girard moved to allow no more than two weeks to remove the trailer debris from the site, Member Hudson seconded the motion as stated; the motion passed unanimously.

Vice-chair Funk reiterated the requirements set forth by the Board and called for further discussion, hearing none; entertained a motion to continue the Compliance Hearing until the November 18, 2010, Planning Board Meeting.

Chair Girard moved to continue the hearing until November 18, 2010 to allow the Applicant to complete the site plan with all requirements and submit the plan in a timely manner, one week before the November Meeting, Member Russell seconded the motion as stated; the motion passed unanimously.

The Board requested Mrs. Tumas compose a letter outlining the Board requirements.

The Board thanked Mr. Lynch and discussions were concluded.

*Acting Chair Funk excused himself from the meeting.
Chair Girard resumed Chairmanship.*

Administrative Business

2011 Budget Request – Submission Due: October 15, 2010

Board Members reviewed the 2011 proposed budget, amended as follows:

- | | | | |
|---|----------|-------------|-------------|
| • Increase the Salaries-Planning Administrator: | \$775.00 | 2011 Total: | \$20,000.00 |
| • Decrease the Salaries-Planner: | \$792.00 | 2011 Total: | \$ 8,400.00 |
| • Increase Training: | \$150.00 | 2011 Total: | \$ 350.00 |
| • New Line Item-Recording (BCRD) | \$300.00 | 2011 Total: | \$ 300.00 |

The increase of the Planning Administrator Salary and decrease of the Planner Salary creates an overall decrease of \$17.00.

Currently the Training budget is \$200.00, and is currently over budget by \$14.00. Mrs. Tumas plans to attend the LGC Conference in November, and there are no other expected conferences for the remainder of the year. The proposed increase of \$150.00 should sufficiently cover training costs for the up coming year.

The new line item requested for Recording purposes would be offset by generated revenue collected when applications are submitted.

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It was noted that the Board of Selectmen requested that there be no more than a 2% increase in the operating budget requests.

The proposed increases total \$467.00, well below the requested 2% increase cap.

Chair Girard called for further discussion, hearing none; entertained a motion to approve the 2011 proposed budget.

Member Russell moved to approve the 2011 proposed budget as proposed, Member Hudson seconded the motion as stated; the motion passed unanimously.

Mark Fougere - Subdivision Regulation Update

Mr. Fougere explained that he is working with the NH Office of Energy and Planning Model language and inserting the existing Subdivision Regulation language where applicable.

Meetings have been scheduled with Paul Perkins, Road Agent, to review language, for the road/driveway requirements. Additional meetings with the Fire Chief or Acting Fire Chief will also be made to cover the life and safety requirements of subdivision.

Mr. Fougere went on to explain that there are a few issues that need to be addressed, such as the "Wood Lot Subdivision" and similar regulations that are antiquated. Also suggested was peer review for the erosion control requirements.

Member Hudson stated that he would be willing to review the erosion control requirements for the regulations. Board Members are agreeable by consensus with Member Hudson reviewing and commenting on the erosion control requirements for the subdivision regulations. Once the draft copy of the proposed regulations is ready, it will be forwarded to Board Members.

Mrs. Tumas explained the deadline for application submission was October 22, 2010. Currently, there are no new applications anticipated. The Board could use the remaining time available following the Continued Compliance Hearing for the Lynch Contractor Yard, to reviewing the proposed subdivision regulations.

Board Members were agreeable to scheduling the discussions, during the November 18, 2010, regular meeting. If additional time is required, an additional work session meeting will be scheduled.

Board Members scheduled a Work Session on December 02, 2010, beginning at 6:00 pm, to begin review of proposed zoning ordinances. Board Members were provided an outline of hearing schedules and notice requirements for Town Meeting and vote.

Correspondence

Laura Robertson, Audiology Specialist, LLC – Regulating the Use of Wind Energy-Turbine Noise

Provided for information purposes only. No discussion took place. Board Members will review the information. A copy of the letter is attached to the Minutes of the Meeting.

NH DES – Robert A. Tardif, PE – Subsurface Systems Bureau - Expanding, Relocating, or Replacing Structures

Provided for information purposes only. No discussion took place. Board Members will review the information. A copy of the letter is attached to the Minutes of the Meeting.

New NH DES Land Resource Management Application Receipt Process

Provided for information purposes only. No discussion took place. Board Members will review the information. A copy of the letter is attached to the Minutes of the Meeting.

Unscheduled Business

Select Rep. Hatch explained the Board of Selectmen met with Chair Girard, the Planning Board Administrator, ZBA Chair Hackett and the ZBA Administrator to discuss streamlining the application process by having all applicable departments review applications when they come in. The goal is to assist the applicant/resident navigate the requirements of both the ZBA and Planning Board when applicable.

Select Rep. Hatch announced the “Grand Opening” of the new Public Safety Complex would be on Saturday November 13, 2010, from 10 am to 2 pm. Both the Police Department and Fire Department have activities scheduled for the community celebration and cookout.

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

Adjournment

Member Hudson moved to adjourn the meeting, Member Russell seconded the motion as stated; the motion passed unanimously.

Respectfully submitted,

Desiree Tumas
Administrator