



Planning Board
Academy Building
503 Province Road
Gilmanton, New Hampshire 03237
planning@gilmantonnh.org
603.267.6700-Phone 603.267.6701-Fax

Desiree Tumas, Administrator
Mark Fougere, Certif. Planner
Nancy Girard, Chair
John Funk, Vice-chair
Ralph Lavin, Select Rep
Marty Martindale, Member
Wayne Ogni, Member
Laurie Sanborn, Member
John Weston, Member

Planning Board
Minutes of the Meeting
November 08, 2012

Member Attendance Nancy Girard, Chair; John Funk, Vice-chair; Ralph Lavin, Select Rep; Marty Martindale, Member; Laurie Sanborn, Member; Wayne Ogni, Member; John Weston, Member; Mark Fougere, Town Planner; Desiree Tumas, Planning Administrator

Public Attendance (As signed in) Brett Currier, Armand Lemire, Jane Lemire, Jeffrey Green, Susan J. French, Ivo French, Buzzie French, Richard E. Price

Open Meeting

Call to Order @ 7:00 pm
Introduction of Board Members
Explanation of Meeting Procedures

Approval of Minutes

1. October 11, 2012 – Regular Meeting

M. Martindale moved to approve the October 11, 2012, Minutes of the Meeting as submitted, J. Weston seconded the motion as stated; the motion passed with 6-favorable votes and 1-abstained vote by L. Sanborn, who did not attend.

2. October 16, 2012 – Work Session

W. Ogni moved to approve the October 16, 2012, Work Session Minutes as submitted, J. Weston seconded the motion as stated; the motion passed with a 6-favorable votes and 1-abstained vote by L. Sanborn, who did not attend.

Public Hearing

PB Case #0212 – Property Owners, Richard E Price (Tax Map 415, Lot 45), Richard E. Price and Pamela Price(415-47) and Ivo S. French, etal (Tax Map 415, Lot 46) – have applied for a Boundary Line Adjustment in which they seek approval for an equal land swap of 1.265-acres between **415-46** to **415-47**, in the Rural Zoning District. Said properties are located at 1242 NH Route 140, in Gilmanton.

N. Girard opened the public hearing and recognized, Jeffrey Green.

J. Green explained the proposed Boundary Line Adjustment is an equal land swap of 1.265 acres between 415-46 and 415-47.

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The purpose of the proposed adjustment is to provide the required frontage on NH Route 140 needed to subdivide a single lot.

N. Girard called for discussion from the Board; J. Funk request clarification of the land swap.

J. Green indicated on the plan where the 1.265 acre swap is proposed.

N. Girard called for further discussion from the Board. Hearing none; Public Discussion was opened.

B. French confirmed that he was in favor of the subdivision that is proposed provided the Board approved the Boundary Line Adjustments.

N. Girard called for further discussion. Hearing none; entertained a motion to close the public hearing.

J. Funk moved to close the public hearing, M. Martindale seconded the motion as stated; the motion passed unanimously.

Motion on Completeness/Approval

J. Funk moved that the application be accepted as complete and granted final 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:

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. Applicant is responsible for any fees required by the Belknap County Registry of Deeds for recording the approved Boundary Plan and/or any Conditions of Approval, and Deeds.
4. Deeds to be recorded with the approved plan must be submitted within 30 days of the final approval.

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

5. 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.
6. The Planning Board shall have the power to modify or amend its approval of a Plan upon its own motion to do so.
7. Approval is subject to expiration, revocation and changes in the Ordinances under Town Regulations and the State RSA's.

W. Ogni seconded the motion as stated; the motion passed unanimously.

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Also proposed is to convey 5.013 acres, from **Richard E Price (Tax Map 415, Lot 45) to Richard E. Price and Pamela Price(415-47)**, in the Rural Zoning District. Said properties are located at 1202 NH Route 140 and abutting 415-45, in Gilmanton.

N. Girard opened the public hearing and recognized, Jeffrey Green.

J. Green explained the proposed 5.013 acre Boundary Line Adjustment is to provide the additional acreage necessary to create a single lot of 5.013 acres in the Rural Zone.

J. Green also explained he is requesting a Waiver from **Section VI, A-9** of the Subdivision Regulations, for the Boundary Survey on Tax Map 415, Lot 45, (being 92+ acres). The subject acreage being conveyed has been surveyed.

J. Funk moved that the request to waive Section VI, A-9 of the Subdivision Regulations be GRANTED, W. Ogni seconded the motion as stated; the motion passed unanimously.

N. Girard called for Board discussion.

Hearing none opened the public discussion.

Hearing none, redirected to further Board discussion.

Hearing none, entertained a motion to close the public hearing.

J. Funk moved to close the public hearing, M. Martindale seconded the motion as stated; the motion passed unanimously.

Motion on Completeness/Approval

J. Funk moved that the application be accepted as complete and granted final 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:

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7. Approval is subject to expiration, revocation and changes in the Ordinances under Town Regulations and the State RSA's.

M. Martindale seconded the motion as stated; the motion passed unanimously.

PB Case #0312 Property Owners, Richard E. and Pamela Price (Tax Map 415, Lot 47) have applied for a Minor Subdivision in which they seek approval to subdivide a 5.01 acre parcel from the 18.210 acre parcel, in the Rural Zoning District. Said property is located at 1202 NH Route 140, in Gilmanton.

N. Girard opened the public hearing and recognized, Jeffrey Green.

J. Green explained with the approval of the two Boundary Line Adjustments the applicants seek approval to create a 5.01 acre parcel that meets all minimum lot requirements.

The stream will be the property line so that property owners on both sides of the stream can enjoy the mutual use of the land.

It was questioned what would occur if the location of the stream changed; it was explained that the property line would remain at the center of the stream as noted on the plan.

J. Green explained that he is seeking a Waiver to delineate the contours on the parent lot. There is an existing dwelling on Tax Map 415, Lot 47. Contours are delineated on the proposed new 5.01 acre parcel.

J. Funk moved that the request to waive Section VI, C-18 of the Subdivision Regulations be GRANTED, W. Ogni seconded the motion as stated; the motion passed unanimously.

J. Green explained that he is seeking a Waiver to delineate the wetlands on the parent lot. There is an existing dwelling on Tax Map 415, Lot 47. The wetlands have been delineated on the proposed 5.01 acre parcel.

J. Funk moved that the request to waive Section VI, C-19 of the Subdivision Regulations be GRANTED, M. Martindale seconded the motion as stated; the motion passed unanimously.

N. Girard called for public discussion.
Hearing none; redirected to final Board discussions.
Hearing none; entertained a motion to close the public hearing.

W. Ogni moved to close the public hearing, M. Martindale seconded the motion as stated; the motion passed unanimously.

Motion on Completeness/Approval

J. Funk moved that the application be accepted as complete and granted final approval as it appears to meet all of the technical requirements of the Ordinance and Regulations of the Town of Gilmanton with the following conditions:

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M. Martindale seconded the motion as stated; the motion passed unanimously.

PB Case #0412 – Property Owners, Stephen G & Ann V. Page and Jason T. & Emily M. Golden (Tax Map 405, Lot 10) have applied for a Minor Subdivision in which they seek approval to subdivide the 15.503 acre parcel creating one 5.503 acre and two 5-acre parcels, in the Rural Zoning District. Said property is located at 689 Middle Route, in Gilmanton.

N. Girard opened the public hearing and recognized Jeffrey Green.

J. Green explained the property is 15.503 acres and the property owner would like to create two new lots of 5 acres each.

The two additional proposed parcels have adequate upland to support septic and well as depicted on the plan.

The proposed lots meet the requirements of the zoning ordinance and one waiver is requested.

J. Green went on to explain that the frontage on all proposed lots are under 300' and the regulation only allows to go back no more than 4-times the actual frontage. The applicants are proposing to create lots of 5+/- acres with similar frontage and depth. Therefore, a Waiver from Section VII A-5 of the Subdivision Regulations is requested.

J. Green explained, strict compliance would create two smaller lots and a mushroom shaped lot that would take away backland from the other two lot.

Board Members went on to discuss Subdivision Regulations Article VII A-2, which addresses irregular shapes.

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The Board concluded the proposed subdivision does contain mitigating factors as discussed, does not defeat the regulation and provides lots of equal/similar configuration.

B. Currier questioned the regulation as it relates to the minimum 200' frontage requirement.

It was explained that it is not uncommon in ordinances and is a means to prohibit the development of short frontage deeper depth lots commonly referred to as "bowling alley lots".

J. Green agrees with the Board and understands the regulation.

N. Girard called for further discussion from the public. Hearing none, called for Board discussion.

J. Weston questioned if there is a difference in the taxability of backland.

It was explained that there is a base tax rate of the land and backland is taxed at a different rate as assessed by the Town.

J. Funk questioned if there were wetlands on the lot.

It was explained there is a very small wetland area on Easterly property line of the proposed Lot 2. The area is depicted on the plan.

N. Girard called for further discussion from the Board and Public. Hearing none entertained a motion to close the public hearing.

J. Funk moved to close the public hearing, M. Martindale seconds the motion as stated; the motion passed unanimously.

Board Member discussed the proposed lot configuration as it relates to Article VII A-5 of the Subdivision Regulations and concluded, requesting the proposed subdivision be reconfigured would not change the use and exception.

N. Girard called for further discussion. Hearing none entertained a motion to address the requested waiver.

J. Funk moved that the request to waive Section VII A-5 of the Subdivision Regulations be GRANTED as the approval does not defeat the regulations and provides lots of equal size and shape, M. Martindale seconds the motion as stated; the motion passed unanimously.

N. Girard called for further discussion from the Board. Hearing none, entertained a motion on completeness/approval.

Motion on Completeness/Approval

J. Funk moved that the application be accepted as complete and granted final approval as it appears to meet all of the technical requirements of the Ordinance and Regulations of the Town of Gilmanton with the following conditions:

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11. Deeds to be recorded with the approved plan must be submitted within 30 days of the final approval.

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

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.
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M. Martindale seconded the motion as stated; the motion passed unanimously.

Discussions

1. Dannie Gullage (127-27) 323 NH Rte 140 - Stone cutting business

D. Tumas explained she had met with D. Gullage and assisted with the completion of the application and requirements necessary to submit a complete application.

Receipt of the site plan are pending and expected to be received by the end of the week to allow for time to conduct the Technical Review.

There is no further information available at this time. Further update will be provided when available.

Correspondence

NH LGC Annual Conference – Raddison Manchester on 11/14 & 15.

On 11/14/12, D. Tumas will attend the following Sessions:

- Court Update
- Legislative Update
- Local Government Computers and the Right to Know Law.

On 11/15/12, D. Tumas will attend the following Sessions:

- Public Meetings under the Right to Know Law
- Governmental Records under the Right to Know Law.

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Unscheduled Business – No unscheduled business came before the Board.

N. Girard called for further discussion. Hearing none, entertained a motion to adjourn the meeting at 7:55 pm.

Adjournment

J. Weston moved to adjourn the meeting at 7:50, M. Martindale second the motion as stated; the motion passed unanimously.

Respectfully submitted,

Desiree Tumas
Planning Administrator