



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

Minutes of the Meeting
December 08, 2011

Member Attendance: N. Girard, Chair; J. Funk, Vice-chair; R. Hatch, Select Rep; D. Hudson, Member; J. Weston, Member; D. Tumas, Administrator; M. Fougere, Planner. Absent the meeting were Members M. Martindale and D. Russell.

Public Attendance: (As signed in) Brett Currier
Open Meeting

Call to Order @ 7:07 pm
Introduction of Board Members
Explanation of Meeting Procedures

Approval of Minutes

1. November 10, 2011 – Regular Meeting

J. Funk moved to approve the November 10, 2011, Minutes of the Meeting as amended, D. Hudson seconded the motion as stated; the motion passed unanimously.

Discussions

1. Preliminary Discussion – 2012 Zoning Ordinance Amendments

Board Members received a copy of the draft amendments for review along with a list of municipal calendar deadlines for review, hearings and submission to the Town Clerk.

Board Members went on to discuss the following proposed amendments to the Gilmanton Zoning Ordinance making amendments as indicated.

- 1) Are you in favor of the adoption of Amendment #1 as proposed by the Gilmanton Planning Board for the town Zoning Ordinance as follows: *To amend Article IV – Table 1, Zoning District Regulations, Wireless Telecommunications Facilities, by replacing the existing requirement to obtain a Special Exception for this use in the Village, Rural, Conservation and Residential Lake Districts with the requirement to obtain Conditional Use Permit. In addition, amend Article III paragraph K., Personal Wireless Communications Facilities by replacing all references to Special Exceptions and its administration by the Board of Adjustment and replace them with a Conditional Use Permit process administered by the Planning Board.***

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- 2) Are you in favor of the adoption of Amendment #2 as proposed by the Gilmanton Planning Board for the town Zoning Ordinance as follows: ***To amend Article IV A & Table 1, Zoning District Regulations by deleting all references to the requirement of Special Exception for specific uses administered by the Board of Adjustment and replace them with the requirement of a Conditional Use Permit requirement administered by the Planning Board. In addition, amend the Zoning Ordinance to add the following new Article, XVII: Conditional Use Permit Criteria: The Planning Board may, in appropriate cases, and subject to safeguards as determined by the Planning Board, grant a Conditional Use Permit per RSA 674:21 for a land use in accordance with Article IV, Table 1. The Planning Board, in acting on an application, shall take into consideration the following conditions:***
1. ***The proposed use(s) shall be only those allowed in this Ordinance by Conditional Use Permit;***
 2. ***The proposed use(s) is/are consistent with the adopted Master Plan;***
 3. ***The specific site is in an appropriate location and of adequate size for the use;***
 4. ***The use, as developed, will not adversely affect the character of the area in which the proposed use will be located;***
 5. ***There will be no nuisance or serious hazard to vehicles or pedestrians;***
 6. ***The use will not place excessive or undue burden on Town services and facilities;***
 7. ***There would be no significant effect resulting from such use upon the public health, safety, and general welfare of the neighborhood in which the use would be locate.***

Note: other Special Exception issues in Zoning Ordinance:

- a. Sign Ordinance, page 3-2, F5, allow sign height to be exceeded by S.E.
 - b. Article VI, page 6-2, replacing manufactured home or recreational vehicle without a Special Exception.
 - c. Article VII, page 7-1, non-conforming uses and structures.
 - d. Article X, Cottage Industry use.
- 3) Are you in favor of the adoption of Amendment #3 as proposed by the Gilmanton Planning Board for the town Zoning Ordinance as follows: ***To amend Article IX, Board of Adjustment, by adding the following new Section: E. Septic System Plans. The Board of Adjustment shall not require submission of an approved septic design as a condition to filing an application.***

Board Members were provided a copy of a legal opinion letter from the LGC dated, August 25, 2011.

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- 4) Are you in favor of the adoption of Amendment #4 as proposed by the Gilmanton Planning Board for the town Zoning Ordinance as follows: ***To amend Article III, General Provisions Applicable to All Districts, by adding a new Section Q, to read as follows: NUMBER OF RESIDENTIAL UNITS WHICH MAY BE CONSTRUCTED ON A LOT - Only one single family dwelling unit, or one 2 -family dwelling unit, may be constructed on a single lot, except that, a greater number of dwelling units may be allowed as determined by a conditional use permit under the provisions of the multi-family and/or condominium sections of this Ordinance.***

- 5) Are you in favor of the adoption of Amendment #5 as proposed by the Gilmanton Planning Board for the town Zoning Ordinance as follows: ***To amend Article III, General Provisions Applicable to All Districts, by adding a new Section P, to read as follows:***

Steep Slope Protection

Note: To be clear, this ordinance, as written, will apply to all existing lots of record in the community. That means, anyone proposing to build on an existing lot, before applying for a building permit, will be required to develop detailed plans for the site (which will somewhat be taken care of with the septic plan) and then submit those plans to the Planning Board and obtain a conditional use permit.

I. PURPOSE

The purpose of this ordinance is to reduce damage to streams and lakes from the consequences of excessive and improper construction, erosion, stormwater runoff, or effluent from improperly sited sewage disposal systems, and to preserve the natural topography, drainage patterns, vegetative cover, scenic views, wildlife habitats, and to protect unique natural areas.

II. DELINEATION

This ordinance shall apply to all areas with a slope greater than **15 percent** (C+ slopes) as shown on the town's steep slopes map, and where the proposed site disturbance is greater than 20,000 square feet.

Municipalities should consider the local political climate, the terrain, and the nature of typical development in determining the minimum area of disturbance that triggers the steep slopes ordinance. The 20,000 square feet minimum recommended here will trigger the ordinance for most single-family home construction on steep slopes.

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III. DEFINITIONS

Erosion: The wearing away of the ground surface as a result of the movement of wind, water, ice, and/or land disturbance activities.

Sedimentation: The process by which sediment resulting from accelerated erosion has been or is being transported off the site of the land-disturbing activity or into a lake or natural watercourse or wetland.

Site Disturbance: Any activity that removes the vegetative cover from the land surface.

Slope: The degree of deviation of a surface from the horizontal, usually expressed in percent or degrees; rise over run.

Vegetative Cover: Grasses, shrubs, trees, and other vegetation which hold and stabilize soils.

IV. APPLICATION REQUIREMENTS

- A. Uses that will cause more than one acre of site disturbance shall show the area subject to site disturbance in two-foot contours.
- B. A plan shall be prepared by a professional engineer that shows specific methods that will be used to control soil erosion and sedimentation, soil loss, and excessive stormwater runoff, both during and after construction.
- C. A hydrology, drainage, and flooding analysis will be included that shows the effect of the proposed development on water bodies and/or wetlands in the vicinity of the project.
- D. A grading plan for the construction site and all access routes shall be prepared.

V. PERFORMANCE STANDARDS

All uses permitted in the underlying Zoning District will be a Conditional Use in the Steep Slope Conservation District and shall meet the following conditions:

- A. Cut and fill slopes should not exceed a 2:1 ratio.
- B. Existing natural and topographic features, including the vegetative cover, will be preserved to the greatest extent possible. In the event that extensive amounts of vegetation are removed, the site shall be replanted with indigenous vegetation and shall replicate the original vegetation as much as possible.
- C. No section of any driveway may exceed a 10 percent slope for residential subdivisions or 8 percent slope for nonresidential site plans.
- D. No structure shall be built on an extremely steep slope (greater than 25 percent prior to site disturbance).

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VI. ADMINISTRATION OF CONDITIONAL USE PERMITS

In addition to meeting the conditions set forth in this section, Conditional Use Permits shall be granted in accordance with the following pertinent procedures:

- A. A Conditional Use Permit shall be granted by the planning board upon a finding that the proposed use is consistent with the intent of the ordinance and following receipt of a review and recommendation of the conservation commission and any other professional expertise deemed necessary by the board.
- B. The applicant must demonstrate that no practicable alternatives exist to the proposal under consideration, and that all measures have been taken to minimize the impact that construction activities will have upon the district.

VII. COSTS

All costs pertaining to the consideration of an application, including consultants fees, on-site inspections, environmental impact studies, notification of interested persons, and other costs shall be borne by the applicant and paid prior to the planning board's final action.

Upon completion of the language review, N. Girard called for further discussion, hearing none; entertained a motion to approve the amendments and conduct the first public hearing on January 12, 2012.

ADDITIONAL AMENDMENTS SUGGESTIONS:

Adding the following definition:

Dog Kennel

Domestic Animal Day Care

Article IV, Table 1 - Delete "Church" and replace with: "House of Worship" for a broader definition.

J. Funk moved to approve the amendments and moved forward with the first public hearing on January 12, 2012, D. Hudson seconded the motion as stated; the motion passed unanimously.

D. Tumas noted that the public notice will run in the Laconia Daily Sun on Friday, December 30, 2011, and the language will be available for inspection at the Town Clerk and Selectmen Office as well as the Corners and Iron Works Post Offices.

2. 2012 Planning Board Meeting Schedule

The 2012 Planning Board Meeting Schedule was provided for informational purposes. There were not discussions on the matter.

3. Approval - 2011 Annual Report

N. Girard is working on the language for the Planning Board Annual Report entry. Discussions were deferred to the January 12, 2012, regular meeting.

Correspondence

1. Suncook River Nomination Committee – Q&A for Nomination into the NH Rivers Management and Protection Program (RMPP)

It was noted that members of the Conservation Commission were representing Gilmanton and there were no further discussions on the matter.

2. LRPC – Q&A – Smart Growth Principals (Pending Receipt from LRPC)

D. Tumas explained that LRPC has sent a questionnaire regarding the municipality using the Smart Growth Principals when amending local land use documents. D. Tumas, Administrator and M. Fougere, Town Planner will review the survey.

Copy of the reply will be forwarded to the Board before sending back to LRPC.

Unscheduled Business

No unscheduled discussion came before the Board.

Adjournment

J. Funk moved to adjourn the meeting at 9:00 pm, J. Weston seconded the motion as stated, the motion passed unanimously.

Respectfully submitted,

Desiree Tumas
Administrator