



**Town of Gilmanon, New Hampshire
Planning Board**
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Wayne Ogni, Chair
Marty Martindale, Vice Chair
Bill Mahoney, Member
Roy Buttrick, Member
John Weston, Member
Justin Caldon, Member
Don Guarino, Selectmen Rep
Mike Jean, Alt Select Rep
Louise Knee, Planning Admn
Mark Fougere, Certified Planner

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Minutes Thursday – January 14, 2016

Chairman Wayne Ogni called the meeting to order at 7:08 PM with an introduction of the Board and asked if everyone in the audience had signed the Sign-in sheet.

ROLL CALL

Members present were Chairman Wayne Ogni, Vice Chair Marty Martindale, Bill Mahoney, Roy Buttrick, John Weston, Justin Caldon and Selectmen Representative Don Guarino. Also present were Mark Fougere, Certified Planner, and Louise Knee, Planning Administrator. In the audience was Mike Jean, Alternate Selectmen Representative who would be sitting at the Board table for Agenda II.2(B), as Mr. Guarino would be recusing himself.

I. CONTINUATION from December 10, 2015 meeting

1. Application #2015-551 - Kenneth F. Cegelski, Jr., Trustee

Major Subdivision of 24-acre parent parcel located at Route 107 Province Road in the Village District & Rural Zone at Map 413 Lot 19 creating four residential lots with two shared driveways and a separate lot for the Town Pound.

Mr. Ogni read the application into the record and stated that Board deliberation was continued to this meeting and noted that additional information had been received since the Public Hearing was closed. Mr. Fougere provided an overview of the revised plan. Copies of Sheet 5 that shows the entire lots, house placement, driveways etc were made available to those in the audience.

Board deliberation included the following considerations: administrative procedure and controversy of “after-the-fact” checks; rooflines; duplexes being allowed by right and even though the plan shows duplexes, a single family home can be constructed; concerns with setting precedent if house “styles” were given specific consideration as it is not part of the Subdivision Regulations.

Chris Boldt, attorney representing the Applicant, asked to address the Board and offered to show a picture of the proposed duplexes. Mr. Funk raised a point of order that if the picture is allowed, so should his letter dated 12/23/15 on how the Planning Board can consider house styles in the Village District. Mr. Fougere advised that Town Counsel was consulted regarding the information received (picture and letter) and Town Counsel advised that they would be considered “new evidence” and subject to a Public Hearing. Many people in the audience voiced

1 that they would like to see the picture as that has been the core of their concerns. Mr. Ogni
 2 formally made a motion, seconded by Mr. Martindale and unanimously voted to consider the
 3 new evidence and open the meeting for public comment on just the new information.

4
 5 Mr. Boldt posted a picture of the proposed duplex, stated that this would be the style if a duplex
 6 would be built. John Funk, Province Road, commented on the process, that if style was provided
 7 and was a requirement of Subdivision Regulations there probably would not have been much
 8 opposition and referenced his letter on wording for conditions of approval. Public Hearing
 9 opened at 7:55 PM and closed at 8:17 PM. The following people addressed the Board:

- 10
 11 (1) Erin McKay, 39 Sugar House Road, asked and received confirmation that if a duplex
 12 was built it would be this or similar design and that there are no design constraints if a
 13 single family house is constructed;
 14
 15 (2) Ernie Hudziek, Sawyer Lake Road, expressed concern for setting precedent for future
 16 subdivisions;
 17
 18 (3) Brian Forst, Chairman of the Budget Committee, asked how the Planning Board can
 19 tell a developer what can be built and expressed concern for the potential legal issues
 20 arising and causing the Town to incur legal fees, which frankly impacts the budget;
 21
 22 (4) Gloria Fraser, 611 Province Road, stated that it is a great design and if pictures were
 23 provided sooner they would not be meeting this evening;
 24
 25 (5) Mrs. Holt, Meadow Pond Road, stated that it would be good not to have “cookie-
 26 cutter” design.
 27

28 Board deliberation continued. **Motion** made by Mr. Weston, seconded by Mr. Buttrick and
 29 unanimously voted to conditionally approve Subdivision Application #2015-551 as per plan
 30 titled “*Subdivision Plan for Beals Associates, PLLC, - Land of Kenneth F. Cegelski, Jr., Trustee –*
 31 *We Can Fly Trust - Tax Map 413, Lot 19, Province Road (Route 107), Gilmanton, New Hampshire*”
 32 dated 12/16/2015, with the condition that, if a duplex is constructed, it be similar in design to
 33 what was presented to the Board with the garages separating the living space of each unit and
 34 dormers offsetting the roofline.
 35

36 **II. PUBLIC HEARINGS**

37
 38 **1. Application #2015-601 – Pamela Hampton**

39 Conditional Use Permit (CUP) to establish an in-home dog day care (defined
 40 as a kennel by the Zoning Ordinance) for approximately six dogs per day at
 41 334 NH Rte 140, Map 127, Lot 19 in the Light Business Zone.
 42

43 Mr. Ogni read the application into the record. Pamela Hampton introduced herself and presented
 44 the details of her proposal to take in six dogs noting that she has a fenced-in yard, has three dogs
 45 of her own, that there is a business next door, horses down the road, a cow and a mule across the
 46 street and that she meets the criteria for a Conditional Use Permit. Ms. Hampton stated that she
 47 is close to retirement and that currently she works days and her husband works nights, so the
 48 dogs are not left unattended. Mr. Ogni asked if she has spoken with her neighbors regarding her

1 plan. Ms. Hampton stated that she had not and but heard just before the meeting started that her
 2 dogs are noisy.

3
 4 Public Hearing opened at 8:44 PM and closed at 8:50 PM. The following individuals addressed
 5 the Board:

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 7 (1) Mike Millette, across the street at 333 Rte140, commented on the noise issue that
 8 exists today with her three dogs;

9
 10 (2) Normand Marquis, 423 Rte 140 agreed with Mr. Millette and added that once the
 11 dogs start barking, all the dogs in the neighborhood start barking;

12
 13 Ms. Hampton apologized to her neighbors, stated that she is conscious of her dogs
 14 barking and brings them in whenever they start, mentioned that when the neighbor was
 15 having a wedding, she kept her dogs inside that day, that her dogs are not the only dogs in
 16 the neighborhood.

17
 18 (3) Donna Marquis, 423 Rte 140 stated that Ms. Hampton is a good neighbor but is
 19 concerned with six additional dogs; and

20
 21 (4) Sara Holt, Meadow Pond Road, stated that dogs bark more if in a kennel, this is
 22 country living and expressed support for the business.

23
 24 Board deliberation ensued. Mr. Roy commented that the house is only 1100 SF, which is really
 25 small especially for six dogs. Mr. Weston stated that he has a dog on three-acres, that barking is
 26 what they do and usually bark less inside but once outside if one dog starts barking the others in
 27 the neighborhood join in and that is what causes the problem. Mr. Martindale stated that he
 28 could consider a conditional approval but really cannot without a means to measure or control
 29 what a “nuisance” is and how it is to be rectified. Mr. Bachelder in the audience spoke up and
 30 stated that if dog barking goes on for a half hour constantly, that is considered a nuisance and
 31 you can call the police and they will check it out.

32
 33 Board reviewed the criteria for the granting of a Conditional Use Permit as outlined in the
 34 Zoning Ordinance. Motion made by Mr. Buttrick, seconded by Mr. Martindale and voted 6:1 to
 35 deny the CUP Application #2015-601 for the following reasons: too tight of a space for six
 36 additional dogs; too close to the Village District; and neighborhood opposition regarding the
 37 noise nuisance today that would only be magnified with an additional six dogs. Mr. Caldon
 38 voted in opposition of the denial.

39
 40 **2. Zoning Ordinance 2016 Proposed Amendments**

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 42 A.) To amend Article III, N Floodplain Management Ordinance to reflect the current
 43 FEMA (Federal Emergency Management Agency) naming convention and date *from*
 44 “Flood Hazard Boundary Maps – 9/29/79” *to* “Flood Insurance Study for Belknap
 45 County, NH – 10/01/2008.”

46
 47 Mr. Ogni read the amendment into the record and opened the Public Hearing at 8:58 PM. No
 48 one addressed the Board. Motion made by Mr. Buttrick, seconded by Mr. Martindale and

1 unanimously voted to post the amendment to ballot for Town Vote. It was noted that the
 2 amendment is now in de-facto effect.

3
 4 B.) Petitioned Warrant Article:

5
 6 (1) “To amend Article III, General Provisions Applicable to all Districts, by adding a
 7 new section R. Biosolids: To protect the health and welfare of residents, and
 8 prevent pollution of surface and ground water resources, the stockpiling or
 9 landspreading of municipal sewage sludge, Biosolids Class A and Class B, as
 10 defined by New Hampshire statutes and regulations, is not allowed in the Town of
 11 Gilmanton.”
 12

13 (2) “To amend Article IV, table I by adding Biosolids (sludge): Not permitted in all
 14 districts.”
 15

16 Mr. Ogni read the items into the record. Selectmen Rep Don Guarino recused himself and left
 17 the Board table. Alternate Selectmen Rep Mike Jean sat at the Board table. It was noted that the
 18 issue before the Planning Board is to decide whether or not to express its support of the Petition
 19 Warrant Article and not to deliberate the merits of biosolids.
 20

21 Public Hearing opened at 9:02 PM and closed at 10:25 PM. Those in attendance were Chris
 22 Boldt, Kenneth Cegelski, Christian Smith, Dan Batchelder, Mike Millette, Linda Bolton, Phillip
 23 Bolton, James Juneau, Michael Jean, Glenn Tonnesen, Brian Forst, John Funk, Deb Chase,
 24 Ernest R. Hudziec, Chris Cooper, A.F. Cooper, Charley Hanson, Felicia Morrisette, Laura
 25 Latici, Gloria Fraser, Kevin Fraser, Erin McKay, Pamela Hampton, Daryl Hoit, Barbara
 26 Swanson, Leonard Swanson, Ursula Norell, William Norell, Melissa Angle, Suzann Caldon, Tim
 27 Towle, Alyssa Borowy, Allison Borowy, Jim Borowy, Emily McFalls, David Borowy, Richard
 28 Nowak, Donna Marquis, Normand Marquis, William Magee, Terry Morrison, Jean Henry, Lew
 29 Henry, Bob McWhinnie, Pete Pinckney, Linda Nazer, and George Nazer. Twenty (20) people
 30 addressed the Board, one person read a letter from a neighbor and five (5) letters were submitted.
 31 Out of twenty five (25) opinions expressed, seven (7) supported the use of biosolids and did not
 32 support the proposed amendment and eighteen (18) expressed several concerns regarding the use
 33 of biosolids and its odors and impacts on health and supported the amendment.
 34

35 Board deliberation ensued and included: length of DES permit; distinction between Class A & B;
 36 BMP’s; enforceability; if passed will only affect future use, not current usage as that will be
 37 allowed to continue per RSA 674:19; DES will continue to issue permits; a prohibition does not
 38 address the current concerns and practices.
 39

40 At 10:55 PM, Mr. Ogni called for a roll call vote. By unanimous show of hands, the Planning
 41 Board does not support or recommend the Petition.
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43 The remaining items were not addressed
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45 **III. CONCEPTUAL CONSULTATION**

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 47 **IV. OTHER BUSINESS**

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 49 **1. Master Plan and Capital Improvement Plan (CIP) update**

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2 **V. MINUTES: 10/8/2015, 11/12/2015, 12/10/2015**

3 **VI. CORRESPONDENCE:**

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5 **Motion** made by Mr. Weston, seconded by Mr. Ogni and unanimously voted to adjourn the
6 meeting. The 1/14/2016 Planning Board meeting adjourned at 10:55 PM.

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8 Respectfully submitted,

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10
11 Wayne Ogni, Chairman