

Town of Gilmanton, New Hampshire
Gilmanton Planning Board
Academy Building, 503 Province Road
PO Box 550
Gilmanton, New Hampshire 03237
planning@gilmantonnh.org
Phone: (603) 267-6700 – Fax: (603) 267-6701

Wayne Ogni, Chair
Marty Martindale, Vice Chair
Bill Mahoney, Member
Roy Buttrick, Member
John Weston, Member
Justin Caldon, Member
Steve McCormack, Alternate
Steve McWhinnie, Selectmen Rep
Mark Fougere, Certified Planner
Diane Marden Planning Admin

Minutes of Thursday, May 11, 2017

Roll Call

Chairman Wayne Ogni called the meeting to order at 7:00 p.m. Vice Chairman, Marty Martindale, Selectmen's Representative Stephen McWhinnie, Alternate Steve McCormack, Member Justin Caldon, Roy Buttrick, Bill Mahoney, and John Weston were present at this meeting.

Members of the Public who were present included: Charles Umanita, Lorie Umanita, John Zudell, Bryan Bailey, Sean McDonald, Daniel O'Lone of Berry Surveying, Zannah Richards, Chris Gamache, Jeff Green, Surveyor.

Subdivision McDonald and Barton

Case # *SDMJ2017-551* property owners *Sean McDonald and Brett Barton* have applied for a **Subdivision** in which they seek approval to subdivide a 29.42 acre lot into five (5) single family lots on their property located on Tax Map 409 Lot 24. Said property is located on Middle Route, Gilmanton, N.H. in the Rural zoning district. Land Agent Jeffrey L. Green Land Surveying Services represents Mr. McDonald and Mr. Barton.

Discussion

Jeff Greene addressed the board stating he did receive the permit for a wetlands crossing by NH DES. Chair Ogni asked if the Wetlands Soil Scientist stamp is on the plan. Mr. Greene stated it is on the plan. Vice Chairman Marty Martindale asked if the buildable area was outside the wet area. Mr. Greene stated it is outside the wet area. Chairman Wayne Ogni made the motion to accept the application of Sean McDonald and Brett Barton. Vice Chair Marty Martindale seconded the motion. **Motion passed 7-0.** John Weston recuses himself as an abutter.

Zudell, Gamache, Toth Lot Line Adjustment

Application #*LLABLA2017-701 Lot Line Adjustment* by John R. & Sharon B. Zudell (Tax Map 413 Lot 95) located at 224 NH RT. 140 this annexation proposes a decrease of 10.0 acres to join to a parcel currently owned by Christopher J. Gamache & Kristina A. Toth (Tax Map 413 Lot 96) located at 150 NH RT. 140 both properties located in the Rural Zone.

Discussion

Bryan Bailey of Turning Point Land Surveying and Planners introduced himself as the Land Agent for Christopher Gamache and John Zudell. Mr. Bailey explained both lots currently have homes on them, and are fully developed. He stated this is just a boundary line adjustment that will add 10 acres from Mr. Zudell's property to the Gamache property, and 4 acres from the Gamache property back to the Zudell's property. Mr. Bailey stated he has shown on the plans how the lots are currently laid out, and the proposed layout should the boundary line adjustment be approved. This is an exchange of land only, and the frontage on sheet number 2 there are no changes. Mr. Bailey stated he would have to set four pins once this is approved.

Below Plan Information below:

Parcel A) 10 acres to *Christopher J. Gamache & Kristina A. Toth (Tax Map 413 Lot 96) Final lot Configuration of 15.5 acres*

Parcel B) 4.5 acres to *John R. & Sharon B. Zudell (Tax Map 413 Lot 95) Final lot Configuration of 101.2 acres.*

Marty Martindale made the motion to accept the application as complete. Roy Buttrick seconded the motion. All member present approved. *Motion passes 8-0.*

Chairman Ogni asked for public comment, none was given, he then asked for a motion to approved the application.

Marty Martindale made the motion to approve the Boundary Line Adjustment Application #LLABLA2017-701, that the Boundary pins are set, and all signatures be present in appropriate locations, before the Mylar submission for recording (all recording fees paid in full by applicant(s)). Bill Mahoney seconded the motion. *Motion passed 8-0.*

Minor Subdivision Umanita

Application #SDMIN2017-501 Minor Subdivision by Charles & Rose Umanita of Umanita Realty Trust proposes a Minor Subdivision of Tax Map 111 Lot 003 consisting of 20 acres in the Rural Zone changing into two lots to consist of 10 acres per lot.

Discussion

Daniel O'Lone of Barry Surveying of Barrington, NH introduced himself as the one who will be assisting the Uminita's with this minor subdivision. Mr. O'Lone stated they own approximately 20 acres of land on Crystal Lake Road and they would like to cut this lot in half to create two lots. Mr. O'Lone stated the Uminita's did have a conceptual last year with the planning board,

and the division line had been determined at that time. Mr. O'Lone stated there was also an issue with a culvert, that the Town of Gilmanton had taken care of on the property. Chairman Ogni agreed with Mr. O'Lone. Mr. O'Lone stated test pits were dug on the property and although they do not need to meet DES guidelines, they in fact do meet them. Roy Buttrick asked where the existing septic was located. Mr. O'Lone pointed to the location on Mr. Buttrick's Map. Recording Clerk left the room to retrieve a ruler for Mr. Buttrick. Mr. Buttrick suggested having the PB put some initials on the plan indicating the existing septic.

Chairman Ogni stated so you can not meet the 30,000 continuous square feet the way the lot line currently is. Mr. O'Lone stated we can not meet the rule because the lot gets too steep, although we feel it meets the intent of the ordinance.

Justin Caldon made the motion to accept the application as complete. Roy Buttrick seconded the motion. ***The motion passed 8-0.***

Chairman Ogni asked for any public comment, there were none.

Waivers Umanita

Daniel O'Lone handed out a handout to the board (see attached explanations) stating pursuant to Subdivision Regulation Section XIII (c) (Waivers), Berry Survey & Engineering (BS&E) on behalf of the Umanita Realty Trust, request that the Town of Gilmanton Planning Board Waive the following project specific items:

- Section VII, A #2, Lot Shape
- Section VII, A #3, Minimum lot area.
- Section VII, A #6 30, 000 Sq. Ft. area for building
- Section VII, A #5, Lot depth of both lots.

Mr. O'Lone after reviewing each waiver, the reasons to as why to waive them, he stated denying the waivers would create a substantial hardship.

Marty Martindale made the motion to waive Section VII, A #2, #3, #5, & #6 for the General Purpose and intent of the regulations have been met. Roy Buttrick seconded the motion. ***Motion passed 8-0.***

Marty Martindale made the motion to approve the Conditional Approval of the final plan to show the locations of the driveway(s), existing septic, proposed septic(s) plan(s), wells, utilities, and boundary pin locations. The driveway permit, wetland stamp, and driveway easement if any shall be obtained prior to final approval. Steve McWhinnie seconded the motion. ***Motion passed 8-0.***

Minutes of April 13, 2017

Chairman Ogni asked members to review the minutes of April 13, 2017 for errors, omissions, or changes. No changes made.

Marty Martindale made the motion to approve the Planning Board Minutes of April 13, 2017. Justin Caldon seconded the motion. ***Motion passed 8-0.***

Minutes of March 9, 2017

Chairman Ogni asked members to review the minutes of March 9, 2017 for errors, omissions, or changes. Chairman Ogni stated there had been some comments made at this meeting relative to the Land Use Clerk that had not been put in the minutes, as the clerk was downstairs making photo copies at the time. Mr. Ogni stated he would like this added to the minutes of March 9, 2017, to reflect the conversation accurately:

"Land Use Clerk"

Chairman Ogni discussed his discontent with the interference of the Land Use Clerk who has caused the Planning Board to have two (2) additional meetings. Mr. Ogni took a consensus from the board, and it was determined to send out a letter of "discontent and interference by said land use clerk to the Board of Selectmen."

Marty Martindale made the motion to accept the minutes of March 9, 2017 as amended. Roy Buttrick seconded the motion. ***Motion passed 8-0.***

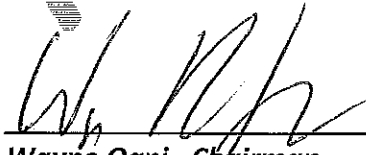
Adjournment

Bill Mahoney made the motion to adjourn at 8:10 p.m.. Marty Martindale seconded the motion. ***Motion passed 8-0.***

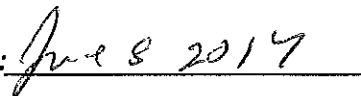
Respectfully Submitted

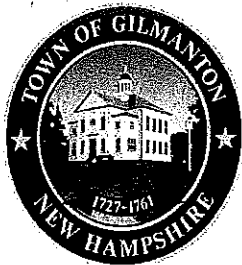
Diane Marden, Planning Administrator

Authorized by


Wayne Ogni, Chairman

Date:


June 8 2017



Planning Board
Academy Building
503 Province Road
Gilman, New Hampshire 03237

ATTENDANCE SIGN-IN

Meeting Date: MARCH 10, 2016

PRINT NAME

ADDRESS

Charles Umanita

72 Trowbridge Circle Rowley, MA

Lorie Umanita

72 Trowbridge Cir. Rowley, MA

John Zuckell

224 Rte 140 Gilman

Bryan Bailey

217 Cotton Hill Rd Gifford NH

Sean McDonald

#57 old Gilman Rd Canterbury NH

Daniel O'Leary

Berry Surveying Barrington NH

Zannah Richards

1408 NH Rt 140 Gilman

Chris Gamache

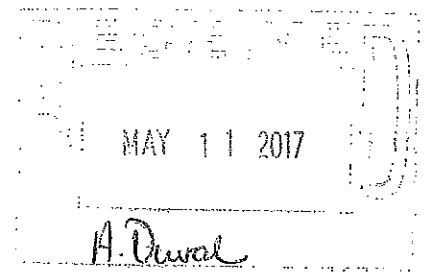
150 NH Rte 140 Gilman

Jeff Green Surveyor

416 Burroughs Rd Londonderry

COPY

TO: Gilmanton Planning Board
FROM: Annette Andreozzi
RE: Planning Board discussions
DATE: May 11, 2017

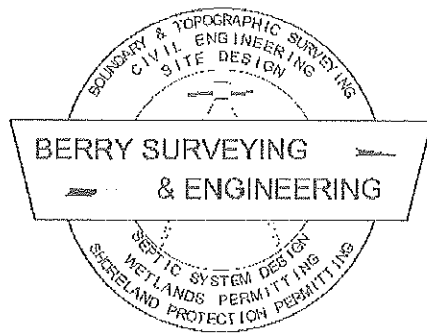


In the RSAs that define the duties & powers to the Planning Board (674:1 Duties of the Planning Board, 674:43 Power to Review Site Plans, & 674:35 Power to Regulate Subdivisions) there is no mention of power to discuss, talk about, harass, or degrade municipal employees or anyone. The Planning Board has no other powers or authority.

Having listened to the tapes of the last two Planning Board meetings, I found the comments made about me inaccurate, degrading, and especially inappropriate for a town Board in a public meeting. I am not a Planning Board employee, but on occasion I am asked to relay information to the Board from another Board or based on my knowledge and experience. I only do this in writing. I would strongly suggest that the Board read any statements I have written exactly as I have written them, and comments be confined to the issues, and the chair guide the Board members to be professional and constrained while conducting business.

5/11/17: Annette requests this be read into the minutes of the 5/11/17 Planning Board meeting; given to Planning Board Selectmen's Representative Stephen McWhinnie to read into minutes.

Heidi Duval
Annette



BERRY SURVEYING & ENGINEERING

335 Second Crown Point Road

Barrington, NH 03825

Phone: (603) 332-2863

Fax: (603) 335-4623

www.BerrySurveying.Com

May 11, 2017

Town of Gilmanton Planning Board
503 Province Rd
Gilmanton, NH 03237

RE: Proposed Lot Line Revision
Umanita Realty Trust
293 Crystal Lake Road
Waiver Requests

Pursuant to Subdivision Regulation Section XIII (c) (Waivers), Berry Surveying & Engineering (BS&E) on behalf of the Umanita Realty Trust, requests the Town of Gilmanton Planning Board waive the following project specific items:

- Section VII, A #2, Lot shape
- Section VII, A #3, Minimum lot area.
- Section VII, A #6, 30,000 Sq.Ft. area for building
- Section VII, A #5, Lot depth of both lots.

Mr. Chairman and Members of the Gilmanton Planning Board,

1. Identification of Waiver Request & Explanation.

Section VII, A #2. Lot shape.

Lot shape was addressed in last year's Conceptual Consultation, June, 9, 2016.

As required for the Conceptual Consultation application, Umanita Realty Trust submitted a drawing that satisfied building, and wetland setbacks, as well as road frontage minimums, prescribed by town regulations. At the meeting, in anticipation of concern over irregular lot lines, Umanita Realty Trust presented a drawing depicting straight lot lines, which, due to wetlands considerations, necessitates a road frontage of less than 200' for one of the buildings. The planning board expressed support for the irregular lot line in order to maintain the minimum road frontage. This is a matter of public record.

Whereas the intent of this subdivision is to keep the property in the family between two brothers, we feel that the Intent and Purposes of sections 2a, and 2b are maintained.

Section VII, A #3, Minimum Lot Size

"Wetland soils, 25% slopes or greater, floodplain areas, rock outcrops may be included within the boundaries of a lot, but shall not be used to fulfill any part of the minimum lot area required for the applicable zoning district."

The parent lot is nearly 20 acres and the request is to subdivide this into two parcels. The intent of the regulation is to be certain that there is adequate land area per lot to support a well, a septic system, and other appurtenant uses. Subdividing the lot into two equal halves will ensure that each lot is nearly 10 acres in size which will certainly be more than enough to satisfy that concern. Each of these lots more than meets the requirements of NHDES for subsurface loading calculations.

Section VII, A #6, 30,000 Sq.Ft. Building Area

"In addition to the provisions above, each lot shall also contain within the required lot size a minimum building site of 30,000 contiguous square feet meeting the following criteria: There shall be at least three (3) feet of natural soil above bedrock. The Board may require a test pit on each lot to verify the depth to bedrock. A soil profile shall be submitted for each test pit. Building setbacks may be used to meet this 30,000 square foot area required. Land within the required 75-foot wetland septic system setback cannot be used. The noted contiguous area shall be as compact as possible, configured in a regular geometric shape, such as a square, triangle, rectangle, or any other form acceptable to the Planning Board to address specific site constraints."

The parent lot is nearly 20 acres and the request is to subdivide this large lot into two parcels. The intent of the regulation is to be certain that there is adequate land area per lot to support a well, a septic system, and other appurtenant uses. Subdividing the lot into two equal halves will ensure that each lot is nearly 10 acres in size which will certainly be more than enough to satisfy that concern. We have shown, on page 2, how the lots could be developed in this configuration. Each of these lots more than meets the requirements of NHDES for subsurface loading calculations.



BERRY SURVEYING & ENGINEERING
335 Second Crown Pt. Rd., Barrington, NH 03825
(603) 332-2863 / (603) 335-4623 FAX
www.BerrySurveying.Com

Section VII, A #5. Lot depth of both lots.

"If the road frontage of a proposed lot is less than 300 feet, the depth of the lot measured from the street or highway right-of-way to the point on its rear line which is the farthest distance from said right-of-way shall not exceed its frontage by a ratio of more than four to one (4:1)."

Given the benign, family-style nature of this subdivision - as well as the shape of the surrounding lots - it is our request that this requirement be waived. Typically this type of requirement would be reserved for lots that are much smaller in size than 10 acres, such as the surrounding lots to the north of this lot which average 3 acres or so. These lots all have the same depth as our proposed lots, but have anywhere between 75' and 172' of frontage. Each proposed lot has land area that is as useable as the existing condition and can meet the 75' well radius requirement.

2. Waiver Justification:

a. Granting the waivers will properly carry out the purpose and intent of the regulations.

A considerable amount of effort has gone into the application for subdivision, and regulations regarding total lot size, road frontage and setbacks have been adhered to as well as the Planning Board's comments from the conceptual hearing. Test holes for septic have been dug and soil analyzed and these holes conform to town and state standards for septic disposal.

The existing lot is nearly 20 acres and has been in the family for 60 years. This is a very large parcel and subdividing it in half will continue to far exceed the minimum 2-acre requirement by the town. There is no current plan to develop the property further, to sell the property, or to subdivide again.

b. Strict conformity to the regulations would pose an unnecessary hardship to the applicant.

Strict conformity would require the applicant to expend time, energy and funds on gathering information from an expanded survey that is otherwise superfluous to this particular application. Whereas we have proven these lots to be buildable, we feel that the intent and purpose of the town's ordinances and regulations have been met. We feel that denying these waivers would pose an unnecessary hardship by imposing the regulations found specifically under Article II of the Subdivision Regulations- purpose and applicability. It is our position



BERRY SURVEYING & ENGINEERING

335 Second Crown Pt. Rd., Barrington, NH 03825

(603) 332-2863 / (603) 335-4623 FAX

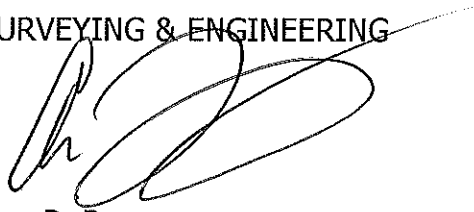
www.BerrySurveying.Com

that this subdivision does, in fact, follow the ideals set forth under that Article by preserving the public health, safety, convenience and welfare of its residents.

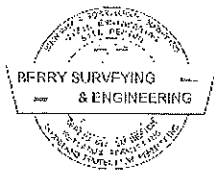
Thank you for your time and attention to this matter and we hope you look favorably upon the request.

Respectfully Submitted,

BERRY SURVEYING & ENGINEERING

A large, stylized handwritten signature in black ink, appearing to be 'CR Berry', written over the company name.

Christopher R. Berry
Principal, President



BERRY SURVEYING & ENGINEERING
335 Second Crown Pt. Rd., Barrington, NH 03825
(603) 332-2863 / (603) 335-4623 FAX
www.BerrySurveying.Com

