



Town of Gilmanton, New Hampshire  
**Gilmanton Planning Board**  
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Michael Jean, Chair  
Gary Anderson, Vice Chair  
Gabriel Jerome, Member  
Roy Buttrick, Member  
Shane Bruneau, Member  
Marshall Bishop, Selectmen Rep  
Michael Wilson, Alt. Selectmen Rep  
Mark Fougere, Certified Planner  
Bre Daigneault Planning Admin

**APPROVED**

## **Minutes of January 10, 2019**

### **Roll Call**

Vice Chairman Gary Anderson called the meeting to order at 7:03 p.m., Selectmen Representative Marshall Bishop, Member Shane Bruneau, Member Gabriel Jerome, Vice Chair Gary Anderson as Acting Chair, Member Roy Buttrick, Certified Planner Mark Fougere, and Planning Administrator Bre Daigneault were present at this meeting. Two members of the public were present.

### **Minutes-**

Member Shane Bruneau made the motion to accept the minutes of December 13, 2018 as submitted. The motion was seconded. ***Motion passed 5-0.***

### **Application for Restoration of Involuntarily Merged Lots**

Property owner, Guy H. Johnson, is requesting his lot located on Sawtooth Road, Map & Lot 410-027, be restored to the original condition as two separate lots of record. Per policy, the Planning Board must review the request and make a recommendation to the Selectmen for final approval. Vice Chair Gary Anderson opened the discussion by asking Planner Mark Fougere his opinion of the lots being separated. Planner Fougere felt this was a straight forward un-merger. The applicant submitted the deeds to show the lots were purchased at separate times and not as one lot. Planning Board members agreed to recommend the Board of Selectmen reinstate the lots to their former condition as two separate lots of record.

### **Zoning Ordinance Amendments:**

Vice Chair Gary Anderson opened the discussion to amend Article III of the Zoning Ordinances:

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?

Amend Article III, R. Accessory Dwelling Unit, Section 2. DEFINITION as follows: "Accessory Dwelling Unit" as defined in RSA 674:7121, as amended, means a residential living unit that is within or attached to a single family dwelling and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit accompanies. **A detached Accessory Dwelling Unit is also permitted.** In addition, amend Section 3. Requirements/Limitations c. Detached Accessory Dwelling Units are allowed, by adding the following: **These detached ADU's may be combined with or be a part of garages, storage areas or other allowed such structures that are permitted.** And paragraph d. by inserting after the phrase "...1,000 square feet" **habitable living space as defined by the 2009 International Building Code, as amended.**

In addition, amend Article III General Provisions Applicable To All Zoning Districts, P. Number of Residential Units Which May Be Constructed On A Lot, by amending the paragraph as follows: "Only one single family dwelling unit, or one 2-family dwelling unit or one single family dwelling unit with an Accessory Dwelling Unit (attached or detached) may be constructed on a single lot,...."

Planner Fougere described the changes to the warrant article from the last public hearing to define living area. He recommends removing the word "allowed" from "...or other allowed such structures that are permitted." Vice Chair Gary Anderson asked the Board for any comments, and with none, opened the discussion to the public. Resident George Roberts questioned the 2009 year of the International Building Code as there has been an updated one in 2015. Planner Fougere said the definition came directly from the Town Code Enforcement Officer. With no other comments, Vice Chair requested the Board to make a motion. Member Gabriel Jerome made the motion to accept the amendments to the Zoning articles. Member Roy Buttrick seconded. **Motion passed 5-0.**

**Petition to Amend Historic District:**

Vice Chair Gary Anderson opened the discussion for a petition by town voters to amend the Zoning Ordinance by removing property known as Map 415 lot 52 located at 35 Stone Road from the Historic District. Planner Mark Fougere explained the petition would go on the ballot as written and under statute the Planning Board needs to make a recommendation to be placed on the ballot as to whether the Board is in favor or not of this petition. Member Roy Buttrick felt the location of the property was the last home prior to a turn in the road. Selectmen's Rep Marshall Bishop expressed concern with owners wanting to remove their property from the historic district (HD). The District was established for a reason and should continue to be followed. Vice Chair Gary Anderson inquired whether the owners have applied for a variance or if they have inquired with the HDC as to what the limitations are in the Historic district. Admin. Bre Daigneault stated she had spoken with the Land Use Administrator, Annette Andreozzi, that day. She relayed the owners had never applied for a variance on that property and, to the best of her knowledge, no inquiries had been made from the property owners as to what is allowed in the HD. Selectmens Rep. Marshall Bishop feels the property should stay in the HD. Vice Chair Gary Anderson feels the property is located clearly within the HD, it is an older house, and removing it could lose the flavor of the HD. Member Roy Buttrick disagrees. He stated there are no other houses near this one. He went on to comment the Historic homes are rather expensive to maintain and feels property owners should be allowed to take care of their homes the way they want. Vice Chair Gary Anderson feels the HD was created for a reason and not knowing what the property owners are looking to change, he does not feel the Board should make the decision to allow them to be removed. Member Buttrick did agree the owners knew when they purchased the property it was within the HD. Member Gabriel Jerome compared the HD to a homeowner's association. There are certain rules that must be followed and, again, the owners should have known when they purchased the property that it was located within the HD. Vice Chair Gary Anderson opened the meeting for public discussion. Resident Ernie Hudziec, also the Chair of the Historic District Commission (HDC), stated the owners could have come to the HDC, without an application fee, to discuss

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what they want to do. Mr. Hudziec is concerned with the petition process bypassing the HDC and going directly to the Planning Board. Planner Mark Fougere quoted an excerpt from the RSA 675:4-III *Method of Enactment by Petition*. Mr. Hudziec believes the HDC should give a recommendation prior to the Planning Board's discussion. Member Buttrick asked Mr. Hudziec to elaborate on a prior remark referring to this particular property as a non-period home. Mr. Hudziec went on to say, the HDC tends to be stricter with period homes, those built prior to 1840. The property card lists this home as being built circa 1900. If the owners came to the HDC to discuss even the option of vinyl, it would be discussed. The HDC is trying to maintain some sort of consistency with the HD. Resident George Roberts spoke to re-iterate why the Planning Board should not recommend this petition. He stated the history of the HD was to keep the zoning lines in tact forever. If people are allowed to keep removing their property from the HD, what is the purpose of having it. With practicality, changes (to properties) could be accommodated. Mr. Roberts made a few examples as to how the HDC has accommodated property owners in the past. Point being, if people want help with design aspects or want something specific, they can come to the HDC and ask. He strongly requests the Board to not recommend this petition. Selectmen Rep. Bishop made a motion to table until it can go before the HDC. Planner Fougere said the last day the Planning Board can meet to vote on this petition is January 28<sup>th</sup>. The next meeting for the HDC is on January 24<sup>th</sup>. He suggested there could be a joint meeting with the HDC. Vice Chair Gary Anderson felt the Board should not abstain and should make a decision to recommend or not recommend this petition as presented. He believes there is a reason for the HD, and personally feels not to recommend this petition and believes this would force the property owners to go directly to the HDC. Member Buttrick agrees with the recommendation. Member Gabriel Jerome made a motion to rescind the previous motion. It was seconded. **All in favor 5-0.**

Gabriel Jerome made the motion to not support this warrant article. It was seconded. **All in favor 5-0.**

Selectmen Rep. Marshall Bishop would like to make it a motion to make a requirement to have all such petitions in the future be reviewed by the HDC prior to Planning Board vote. Planner Fougere stated it could be an internal town procedure, however the timeline and statutes are mandated by State law.

#### **Adjournment**

Selectmen Rep. Marshall Bishop made the motion to adjourn. Member Roy Buttrick seconded the motion. **Motion passed 5-0.**

***Respectfully Submitted,  
Bre Daigneault, Planning Administrator***

Authorized by

  
**Vice Chairman Gary Anderson**

Date:

4/8/19