

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
Mike Jean, Alt Selectmen Rep
Mark Fougere, Certified Planner
Diane Marden Planning Admin

Minutes of February 28, 2017

Chairman Wayne Ogni called the meeting to order at 7:02 p.m. Members present included: Vice Chairman Marty Martindale, Selectmen Representative Steven McWhinnie, Members Bill Mahoney, Steve McCormack, and John Weston. Recording Clerk Diane Marden was also present, and Member Justin Caldon arrived at 7:05 p.m., Member Roy Buttrick and Certified Mark Fougere were not present at this meeting. Members of the Public included: Matthew Healy, Margo Healy, Attorney Seth Levine, Dick Maltin, Paul Francoeur, Land Agent Jeffrey Green, Doreen Green, Forrest Green, John Bartlett, Brittany Maia, and Wanda Follansbee. Everyone present Saluted the Flag before conducting business.

Minutes of January 12, 2017 Approved Minutes

Chairman Ogni asked Member Steve McCormack what changes he needed to make to the approved minutes of January 12, 2017. Mr. McCormack stated it was not a major change but he was not at the last meeting to make the change before it was voted on. Mr. McCormack stated that he had not called Dick de Seve as the minutes reflected, that the minutes should say “he had a discussion with Dick de Seve”.

Vice Chairman Marty Martindale made the motion to amend the minutes of January 12, 2017 to reflect that Steve McCormack had a discussion with Dick de Seve, rather than having called Mr. de Seve. Bill Mahoney seconded the motion. ***Motion passes 7-0.***

Minutes of January 26, 2017

Chairman Ogni “noted that the minutes were dated 2016” not the 2017 year. Mr. Ogni asked Recording Clerk Marden to make that correction.

Vice Chairman Marty Martindale made the motion to accept the minutes as amended by Chairman Ogni. Bill Mahoney seconded the motion. ***Motion passes 7-0.***

Conceptual Consultation(CC2017-302 in error) record changed to Subdivision (SDMJ2017-551)

Case #CC2017-302 was in error, now 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, in Gilmanton, NH in the Rural zoning district. Land Agent Jeffrey L. Green Land Surveying Services represents Mr. McDonald and Mr. Barton.

(Subdivision SDMJ2017-551 Continued Discussion)

Jeffrey Green stated he had submitted his application as a Subdivision paying all fees not a Conceptual Consultation. Chairman Ogni asked the Planning Administrator Diane Marden if the application was submitted within the deadlines. Ms. Marden stated "yes." Mr. Ogni stated the application should reflect a Subdivision not a Conceptual Consultation. Mr. Ogni asked if the abutters had been notified properly, and if the Public Hearing Ad was placed in the local newspaper. Ms. Marden stated "yes."

Chairman Ogni and Vice Chairman Martindale stated the board would move forward with the application being a Subdivision Application. The board reviewed concerns submitted by other boards, committees, and departments within the Town of Gilmanton. Steven McWhinnie asked exactly where the property is located. Mr. Green stated just above 164 Middle Route which is about two (2) miles up Middle Route.

Chairman Ogni asked Mr. Green to present his application to the board. Mr. Green stated they are looking at taking a 29.42 acre lot, and creating four (4) smaller lots with the remaining land on a fifth (5th) lot. Mr. Green explained there is a small area of wetlands on the property, each lot shows proposed driveways, wells, and test pits to each lot. We do need to get DES approval on one lot based on the wetlands. Mr. Green stated the lots are laid out on the plan, and for the most part they meet the requirements except the larger one we need DES approval on.

Chairman Wayne Ogni asked Mr. John Bartlett if he could move to the front so he could hear the discussion. Mr. Ogni stated that DES sent in a notice saying it only perks out for three (3) lots. Mr. Green stated "Yes", I only needed approval for three lots, they have no jurisdiction over five (5) acre lots. Mr. Green stated he only needed approval for lots two (2), three (3), and four (4) and they did get that from DES.

The Zoning Board has a concern relative to the state septic subdivision is only for three (3) lots, a lot cannot be created for a building if the building is on the other side of the wetlands unless a wetlands crossing is approved by DES. Vice Chairman Marty Martindale stated it does not matter if it is five (5) acres or fifty (50) acres. Jeff Green stated the wetlands area is in the front area of the lots, but the homes will be built in front on those lots.

John Weston stated he would not vote on the application as he is an abutter to the proposed subdivision. Jeff Green stated what he is looking for tonight is a conditional approval so the applicant knows if he should put another \$5,000 into this.

Chairman Ogni opened discussion up for public comment. John Bartlett stated he lives at 666 Middle Route who has a home built in 1760's home. Steve McWhinnie stated to Mr. Bartlett that he is not an abutter to the property, and that he is quite a distance up the road from the property. Mr. Bartlett apologized for the confusion, and exited the meeting.

Other abutters present spoke up and stated he encourages the building. Paul Francoeur stated he is an abutter to the largest lot, as he lives behind this lot. Mr. Francoeur asked where can they build on the lot. Mr. Green stated anywhere they chose but most do not want a long driveway, so he would assume it would be closer to the front of the lot. Chairman Ogni closed public input.

(Subdivision SDMJ2017-551 Continued Discussion)

Vice Chairman, Marty Martindale made the motion to accept the application as complete based on conditional wetlands crossing delineation by DES. Steve McCormack seconded the motion.

Motion passes 6-0. John Weston did not vote being an abutter.

Vice Chairman Marty Martindale instructed Jeff Green to come back to the board once he has the wetlands crossing delineation's. Mr. Green agreed and exited the meeting. John Weston went back into his voting status as a Planning Board Member.

Shellcamp/Healy/Follansbee

Chairman Ogni stated a letter was issued from the Town Attorney relative to this matter, and at this time it cannot be discussed pending litigation. A letter was sent to Margo Healy from the attorney, and it was read aloud. Chairman Ogni stated at this point it is out of our hands. Attorney Seth Levine introduced himself to the board, and asked if he could speak. Chairman Ogni stated it is out of the hands of the Planning Board. Vice Chairman Marty Martindale stated their gripe should be at this time with the Shellcamp Association.

Mr. Levine stated there are some things were not conveyed to Ms. Healy, and from his point of view counsel needed to be made aware somehow, yet Ms. Healy was not. Mr. Levine stated there were a lot of emails, and contacts. Direction was given by a number of people within the town as to how to address this issue, and then her son tries to give her a hand. A road map had been laid out by the Town, and so she did not expect a letter from counsel. Steve McWhinnie stated this was directed by the Board of Selectmen, not the Planning Board. Mr. McWhinnie suggested making a meeting with the Board to discuss this with the entire Board of Selectmen present. Mr. Levine stated he has called Town Counsel, and has sent correspondence. Mr. Levine stated he had not heard back as of yet, but Matthew Healy is concerned about the 30 day notice. Mr. McWhinnie stated call the office tomorrow and get on the boards agenda for Monday. Mr. Levine thanked the board for their assistance, stating he will make a point to get on the agenda.

Wanda Follansbee introduced herself, stated this has been going on since 2014. The police have been involved, proper things have not been done, it has impacted her financially. She would only hope that this continues in a forward direction. Ms. Follansbee stated she would be present at the Board of Selectmen's meeting.

Zoning Board Appointment Discussion

Chairman Ogni stated Marty Martindale would like to be appointed on the Zoning Board as an alternate member of the community, not as a Planning Board Representative. Mr. Ogni stated he does not need to have approval from this board. Mr. Martindale can reclude himself if issues arise based on applications that have been put fourth by the Planning Board or is in relation to any Planning Board discussions. Marty Martindale explained it could be helpful to hear and learn more about how they function. Mr. Martindale feels if he could learn more it may lessen any future friction that has been there in the past. Steve McCormack stated a vote on this is not needed by the Planning Board, not in this matter.

LRPC

Chairman Ogni stated here is a list of Town Places that was compiled for their mapping. Heidi Duval printed a list, Diane Marden typed it up, added a few other places, and submitted to them. They will be sending a complementary Map once it is complete.

LRPC Appointment

Chairman Ogni stated he has been re-appointed to the LRPC. Steve McWhinnie congratulated him.

2017 Planning Board Meeting Schedule

Chairman Ogni stated the first approved calendar was based on 15 days, but because of a change in statute it is now 21 days. Mr. Ogni stated when approving the first calendar we voted to look at the statute and change the calendar according to current statute. This has been done, and Ms. Marden is handing out the corrected calendar.

Memo Meeting Recordings

Chairman Ogni stated the Board of Selectmen held a meeting and decided that all taping of meetings shall be held indefinitely. Steve McCormack stated he did review the statute and it is not required to keep the recordings. Mr. McCormack asked why the Board has made the decision to keep the recordings. Steve McWhinnie commented that it is transparency, and helps clarify things. Mr. McCormack if the Town is going down this road, there will be a need for better audio equipment. John Weston asked about closed meetings. Mr. McWhinnie stated meetings that are closed to the public are not recorded.

Wanda Follansbee commented stating with today's technology anyone could be setting at a meeting and be recording it. She commented that anyone could possibly alter a recording and without the original on file things could possibly happen that would not benefit the Town. Those present agreed. Chairman Ogni stated in most instances anyone wanting a recording of a meeting usually does it the next day after the meeting, and therefore, we are obligated to keep it permanently on file anyway.

Other Business - Bear Auto

Brittany Maia, owner of the Dog Chic Hotel is having difficulty with her landlord and does not know where to go. She called Town Offices and was instructed to come to the Planning Board Meeting. Ms. Myer stated she does not have the space needed for parking explaining there are cars, garbage, and stuff everywhere. Ms. Myer's explained she does not want to have to go to court to figure this out, and has tried talking to her landlord. Steve McWhinnie suggested she also called Town Hall to get on the Board of Selectmen's Agenda to discuss these issues.

Chairman Ogni stated we also have an issue with the two (2) driveways being utilized on the property.

The Planning Board Chair stated they want to keep the business there and help you be successful, so thank you for bringing it to our attention. Brittany Maias thanked the board and exited the meeting.

Vice Chairman Marty Martindale stated his concerns are with the lower driveway as it is an accident waiting to happen. There are two (2) drive ways, one (1) is the furthest away from Rt. 106 is an old driveway that used to go back to a house off Allens Mills Road. The second (2nd) driveway is closer to Rt. 106 and on the same side as Allens Mills Road. Mr. Martindale explained this is one is the one he has issues with the 2nd driveway closer to Rt. 106. The owner Gary Anderson was given permission from the Road Agent Paul Perkins to temporarily use this driveway to clear the lot, and apparently it continues to be used. Mr. Martindale stated he would like his plan updated to reflect which ever driveway he is using, as well as get official approvals if needed should it be the driveway closest to Rt. 106.

Steve McWhinnie made the motion to send a letter to Gary Anderson, owner of Bear Auto to have him come in to discuss this with the Planning Board. John Weston seconded the motion.
Motion passes 7-0.

Training

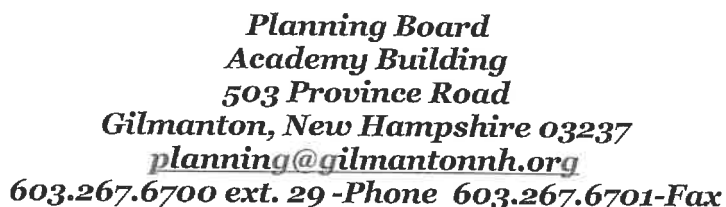
Steve McCormack asked if there were any Training Programs coming up or being offered. Planning Administrator, Diane Marden stated she would scan and send any that came in to members for their information. Ms. Marden stated she would also search the internet for trainings and forward that information as well.

Adjournment

Steve McWhinnie made the motion to adjourn at 8:30 p.m. John Weston seconded the motion.
Motion passes 7-0.

Respectfully Submitted
Diane Marden, Planning Administrator

Authorized by Wayne Ogni Date: May 9 2017
Wayne Ogni, Chairman



ATTENDANCE SIGN-IN
 Tuesday
 Thursday, 2/28/2017
 Rescheduled from 2/9/2017 Snow Storm

ADDRESS

101 Elm St. 01913

569 Middle St. Portsmouth 03801

569 MIDDLE ST (PULLEY) MOUNTAIN NH 03801

117 Middle Road E.W.

101 John St SomERSET, MA

416 Bonfagon Rd Woudon

11

“ ” 8

7576 Carrier Rd London