



Town of Gilmanton, New Hampshire
Gilmanton Planning Board
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Michael Jean, Chair
Gary Anderson, Vice Chair
Roy Buttrick, Member
Shane Bruneau, Member
Brett Currier, Member
Nicolas Peterson, Member
Mark Warren, Selectmen Rep
Michael Wilson, Alt. Selectmen Rep
Dustin Milliken, Alt. Member
Mark Fougere, Certified Planner
Bre Daigneault, Planning Admin

APPROVED

PLANNING BOARD MEETING

Minutes of January 9, 2020

A. CALL TO ORDER- Vice Chairman Gary Anderson opened the Planning Board meeting of January 9, 2020 at 7:08pm.

B. ROLL CALL

Vice Chair Gary Anderson (acting Chair), Member Brett Currier, Member Shane Bruneau, Member Nicolas Peterson, Member Roy Buttrick, and Planning Administrator Bre Daigneault were present at this meeting. Selectmen's Rep. Mark Warren and Chairman Michael Jean had excused absences. There were 25 members of public present.

C. SALUTE TO THE FLAG

D. Public Hearings-

a. New - **PB Case #WT2020-601**: Applicant Industrial Tower & Wireless, LLC have applied for a Wireless Telecommunications Facilities in which they seek approval to place a 140 ft. communications tower on the property of Michael Larose having a mailing address of 38 S. Main St, Laconia, NH. Said property is located on Tax Map 419 Lot 094, having a physical address of 8 Bean Road, Gilmanton, N.H. and consists of 30 acres in the Rural zoning district. Land Agent representing this case is Fieldstone Land Consultants, PLLC. On behalf of Industrial Tower and Wireless, Kevin Fadden introduced himself along with Kevin Delaney, the compliance manager, and Rick Voci of Industrial's engineering division. They are here to seek a conditional use permit and site plan review for a wireless tower on the property of Michael Larose located at 8 Bean Rd. Mr. Fadden gave a brief review of the history of working with the Town to have a tower ordinance approved by the Town. They have already had two towers approved in Town. Mr. Fadden further described the current coverage and future coverage of the towers. The applicant will also need approval and compliance with the FAA, FCC, National Historic Preservation Acts, and all State requirements. The applicant has also just signed a contract for a final tower on 125 Upper City Road, which will provide full coverage, as well as complete service for emergency personnel, through town. The tower will consist of a 140' monopole located on a 80' by 80' compound area. The driveway will be 12' across and run along the discontinued Bean Rd. approximately 1500' from the home site; additionally, approximately 2200' from Loon Pond Club House. Member Currier believed the road, though discontinued, did not need further approval from the Town. Admin. Daigneault stated when a road is discontinued, the Town still owns the road and the rights to reclassify the use. Mr. Fadden believes there was a circumstance for which the Town did not retain ownership, but would abide by what the Board decides.

Vice Chair Anderson read a letter of recommendations handed from Planner Fougere, who could not be present. The list included correcting a reference number on the site plan, receiving approval for the roadwork from Selectmen and road agent, wetlands permits (as needed), possible utility easements, waiver for building on a discontinued road, NHDOT driveway permit, CUP criteria as required by the ordinance, and the balloon testing scheduled. VC Anderson did feel most aspects were minor, however, the CUP criteria is a requirement. Admin. Daigneault inquired if there were any wetlands that would need permits and added the applicants would need an updated driveway permit from the State DOT. Mr. Fadden and Mr. Voci concurred there were wetlands marked but they would not be affected by any construction. Member Bruneau made the recommendation to have the tower color and attachments in a mat gray color, as requested of the last two approved towers. Member Currier did not feel additional plantings around the base of site would be necessary. It was requested for the applicant to set a day and time for the balloon test. Mr. Fadden described the process of the balloon float test- they would fly a 3' red balloon at the exact location of the tower at 140' in the air. They would take pictures of the location from surrounding areas and provide photo sims. of the tower at the following meeting. It was decided to hold the balloon test on Saturday, January 18th between 8am and 10am, with a rain/weather date for January 25th between 8am and 10am. Members discussed locations for the applicant to take pictures such as Frisky Hill, Halls Hill, and Stockwell Hill. Mr. Fadden explained that as they are driving, if they see the balloon, they would take additional pictures. Vice Chair Anderson stated the application would not be accepted this evening, as pertinent information was missing from the application.

Member Peterson made the motion to continue the application to the February 11th meeting. It was seconded by Member Bruneau. 5-0 in favor

b. Old - None

E. Minutes of September 12, 2019, November 14, 2019, & November 21, 2019

The minutes were table as there was not a quorum present.

F. Unfinished Business

- **A public hearing will take place to amend or adopt the Subdivision Regulations and Site Plan Review Regulations, per RSA 675:6.**

Vice Chair Anderson opened the public hearing. Admin. Daigneault gave a brief overview of the prior discussions of the Board- removing the 4:1 ratio regulation, having pins set prior to recording, and preferring the markers be granite versus iron.

Resident Sarah Thorne, a former member of the Planning Board, explained the original intent of the 4:1 ratio was to prevent the long skinny, "spaghetti shaped" lots with unusable backland. Resident Nanci Mitchell gave an example of a subdivision on Middle Route where the houses are set close together and close to the road with a lot of backland. Member Currier explained the board frequently granted waivers for this requirement and the only way you can tell if it is a "spaghetti" lot is if you look on a tax map. He further felt this requirement would punish a big land owner by not allowing them to subdivide. Resident Garrett Graaskamp felt by building a road onto these larger lots is a more functional way to utilize and conserve the land as well as provide privacy. Member Peterson felt the Board's intent was to open doorways for people to build in this town and to help ease the tax burden with the additional building. Resident Paula Gilman stated

studies have been completed that shows additional building does not help the tax rate; it hurts the tax rate. Member Peterson requested to review any of the studies Ms. Gilman may have. Vice Chair Anderson, who attends Lakes Region Planning Commission meetings, brought into question if residential construction would have an adverse effect on the tax rate or if bringing in more people would contribute to a stronger workforce. The town may see more business (that is not a strain on the school system) develop with a stronger workforce. He described a particular case that he, as a board member, voted to waive the 4:1 ratio on a subdivision that had not been over the ratio by much, but would have otherwise caused the property owner an exorbitant amount of money to put in a road. Member Buttrick agreed with residents that a road should be required.

Member Buttrick made the motion to close the public hearing. It was seconded by Member Bruneau. 5-0 in favor

- **A public hearing will take place to review the Zoning Ordinances for potential updates that would reflect on future warrant articles, pursuant RSA 675:3-**

Vice Chair Anderson opened the public hearing. There were no comments from board members; it was opened for public comments.

- Elderly (55+) Housing- Resident Thorne began with the ordinance for *Housing for Older Persons*. She is in favor of this opportunity, however, feels this ordinance needs more work. It does not indicate how many units per acre nor how many units per building. Ms. Thorne does not feel this higher density type of housing should be located in the rural or conservation zones. The open space of only 30% of net track is very low for this type of development. The fact that only one person in the household be 55+ may cause problems for surviving residents. The Innovative Land Use calls for affordable housing, however, there is nothing requiring this to be for affordable housing. Ms. Thorne does support the goal, but feels there are other avenues to accomplish this, such as the Open Space Subdivision and Accessory Dwelling Units. VC Anderson felt affordable housing is the goal of this ordinance. Member Buttrick spoke of an elderly housing development he worked on in an abutting town. For most housing units such as this, it is required of the developer to build and maintain roads, as well as regulate the age of residents. He feels an area of town near a church, library, and store is more desirable. Many residents of town would like the option of staying in town. Garrett Graaskamp agrees with the remarks from Ms. Thorne, he also feels there are inconsistencies with the way it is written, such as the wording for 3-4 family building in one paragraph versus item 2 states it is for a two bedroom only. VC Anderson stated the ordinances do clarify the differences between a *multi-family building* versus a *housing unit*. The intent is to create a higher density development for more affordable housing. Mr. Graaskamp feels the ordinance is vague and should offer more guidance. He feels the same can be accomplished with the existing ordinances. Member Buttrick did refer to another town he had worked in that had to add an elderly housing ordinance in order for one to be developed. Mr. Graaskamp still feels this ordinance is lacking direction. Member Buttrick and VC Anderson agreed that more resident opinions and interactions with the Board would have been appreciated earlier in this process. Ms. Mitchell

did not feel this development should be allowed in the Conservation zone. In order to prevent repeat discussion and have everybody's opinion heard, Vice Chair Anderson asked for a raise of hands for who is against having this in the Conservation Zone. The vast majority of hands were raised. Ms. Gilman personally felt that she would not want to go in an Elderly Housing facility in Gilmanton. She would want to be somewhere closer to a hospital, shopping, and other services and would not want the drive to Gilmanton. Resident Perry Onion did not understand the wording of section C:1 that "one person" must be 55+; does this mean one person per building or one person per unit. He compared to the Taylor Home in Laconia where everybody must be 55+. He also felt the ZBA was being taken out of the equation with this. Another resident (name not stated) said that the remote sites for the Taylor Home are being closed while the in-town sites remain open. VC Anderson returned his focus to the comment that ZBA members were not informed. ZBA Chair Elizabeth Hackett spoke up agreeing that ZBA members had not been informed of the ordinance changes. Another ZBA Member Zannah Richards agreed. VC Anderson felt he had personally spoken with Ms. Richards regarding these. Admin. Daigneault had spoken with the ZBA Administrator, informally, inter-office regarding the Planning Board's review and proposed changes, additionally, the meetings have all been publicly posted since June. She did say there had not been a formal invitation for the ZBA to attend any of the discussions. Member Currier stated, if there was any miscommunication from the PB to the ZBA, it had not been done intentionally. ZBA Chair Hackett felt it would be more efficient for ZBA members to be asked what areas they felt should be looked into. She is not in favor of Conditional Use Permits, as the ZBA looks at different things than the PB and feels the ZBA looks into the properties further than the PB would. She also addressed the meeting minutes have not been posted online for quite a few months. VC Anderson answered that they have a hard time approving minutes due to lack of quorum. Member Peterson stated that the PB had not precluded anyone from these meetings. They had all been publicly posted as public hearings. Mr. Onion proceeded with his concerns- he felt section A, which stated appeals must go to Superior Court, had taken away the local appeal level with the ZBA. VC Anderson was not 100% sure why it was stated this way, but they would look into the wording. VC Anderson attempted to summarize the concerns with the residents presents to: regulations to make this ordinance affordable, not to allow in the Conservation Zone, to add in density requirements per acre, and the Court authority for appeals. Resident Nelson Barber wanted to discuss why the PB was given the authority versus the ZBA. He felt the ZBA was being "carved out" of the process. Why had the PB chosen the age requirement of 55 versus 62, and why is only one resident required to be 55. VC Anderson felt the age restriction of 55 was the most commonly used for this type of housing. Mr. Barber questioned how the age restrictions would be regulated. Resident Leslie Smith felt if all residents must be of age that keeping the restriction at 55 would be acceptable. VC Anderson asks of the public if they were more for having all residents be of the restricted age. The majority agreed. Member Currier felt restricting all parties to 55+ could put an undue restriction on the owner should a

circumstance arise, such as a family emergency. Mr. Barber felt this ordinance should be seen by the Zoning Board prior to the Planning Board. VC Anderson clarified that Mr. Barber felt this ordinance should be placed as a Special Exception and not that of a Conditional Use Permit, as it is written. Mr. Graaskamp inquired as to how the Town would manage such a community. Admin. Daigneault clarified that section C:8 does state the approval is based upon the formation of an association and this would not be managed by the town. Ms. Gilman read a letter of concern from resident Carolyn Baldwin which discussed removing a number of special exceptions (from the Table of Uses), removal of the wetlands setbacks, allowing the residential use of RV's, and the concepts for older persons housing seem out of place in Gilmanton. Ms. Richards gave an example of a time when the Taylor Home had discussed placing elderly housing in Gilmanton but did not receive much interest.

- Article IV Table 1: Table of Uses- Resident Dick de Seve spoke of the proposed changes in the Conservation District. He stated the purpose of the Conservation district is to preserve the open space in town. He listed items that are proposed to be change o the table of uses. He felt there is room in other zones in town for such items. Mr. de Seve added many studies have been done that clearly demonstrate that residential development never pays for itself, it always costs the town in terms of roads, schools, personnel, and fire. Ms. Mitchell read the purpose of the Conservation Zone as stated in the zoning ordinances. She felt the proposed changes seem inappropriate in the conservation zone. It was the consensus of many residents present to keep the Table of Uses as is in the Conservation Zone. Additional concern was with changing uses from special exception to conditional use permits. After many other comments, VC Anderson felt the Board would be willing to re-look at the changes in the Conservation Zone.
- Article IV Table 2: Wetlands Setbacks- Ms. Thorne discussed how removing the wetlands setbacks would adversely effect ground water and natural resources. She requested for this ordinance amendment be removed. Mr. de Seve agreed with Ms. Thorne and added that if the building setbacks were removed, the septic would still need to be run 75' away from the wetlands. Ms. Mitchell stated that removing the setbacks would be threatening to wildlife as well as to people. Mr. Barber felt the town should hold higher standards than the State. VC Anderson felt that a lesser setback could be in place to lessen unusable land. Mr. Graaskamp, as a geologist, stated the setbacks are in place as it is easier to keep the ground water clean than attempt to clean contaminated wetlands. The majority of the public was for leaving the setbacks as they are at 50'. Resident Kristie Owens commented that even at a 20' setback, construction equipment would be in the wetlands during construction.
- Article VI.D:1- The limit of recreational vehicles on a residential lot- Mr. de Seve inquired as to the intent of allowing more than one RV on a lot. Member Currier replied that a property owner may own more than one camper (perhaps one pop-up and one tow behind) and this is against the current ordinances. Member Peterson gave a personal example of inheriting an antique family motor home, Should he purchase a modern RV, he would be in violation. The public and board

- discussed further interpretation of this ordinance, definitions of recreational vehicles, and who enforces any violations.
- Article VI-D:2- The permitting period of recreational vehicles- Member Currier explained how the current 120 day permit works and the board has discussed changing this to a set date to make it easier for code enforcement to enforce. The intent is to make this period less than 6 months. It was confirmed the RV needs to meet setbacks and provide proof of sewage disposal.
 - Article XVI- Definitions
 - *Storage Building- Non Commercial*- Member Currier explained that currently owners are not allowed to construct outbuildings, such as a barn or shed, on vacant land. Additionally, the board added to the definition that the outbuilding could be leased for non-commercial uses. Additionally, this term was added to the table of uses. Ms. Hackett and Ms. Richards stated that as ZBA members, they have seen many requests for someone to construct an outbuilding on vacant land.
 - *Camp for Children, Summer*- This is on the current table of uses, but does not have a definition. The intent is to clarify a definition. It was suggested to remove the word *Summer* and add a definition for *Camp for Children*.
 - *Excavation and Earth Excavation*- Member Buttrick gave a brief detail of the permitting process and examples of what is considered excavating.

Resident Rueben Bassett of Howard Road wished to speak with the Board regarding the construction of Howard Rd for the approved cell tower. Mr. Rueben inquired if the Board was aware of the change to the approved plan and that construction had started prior to the Bond being issued. Member Currier believes this would be under the purview of the Selectmen and the road agent. The changes that were made did not need to be approved by the PB, as they were slight changes. Mr. Bassett is also concerned the road has been blocked by the contractors completing the work. Member Currier felt that this was common place to gate a road during road work. Mr. Bassett stated the road work had started prior to the issuance of the required bond and felt the board should be sure to institute the rules for all equally to everyone.

Member Currier made the motion to accept the minutes of Dec. 5, 2019. It was seconded by Member Bruneau. 5-0 in favor

The board started discussion of the Table of Uses to update the ordinance changes after hearing public comments earlier in the evening. It was decided to leave the Conservation Zone uses as they were, as well as update the uses in other zones.

Adjournment

Member Brett Currier made the motion to adjourn. Member Nic Peterson seconded the motion.

Motion passed 5-0

Discussion from previous page continued

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

Authorized by APPROVED Jan. 27, 2020 Awaiting signature
Chairman Michael Jean

Date: _____