



**Town of Gilmanton, New Hampshire
Planning Board**

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Roy Buttrick, Chair
William Mahoney, Vice Chair
Shane Bruneau, Member
Brett Currier, Member
Vincenzo Sisti, Member
Mark Warren, Selectmen Rep
Dustin Milliken, Alt. Member
Mark Fougere, Certified Planner
Bre Daigneault, Planning Admin

APPROVED

PLANNING BOARD MEETING

Minutes of September 10, 2020

A. CALL TO ORDER- Chairman Buttrick opened the meeting of September 10, 2020.

B. ROLL CALL

Chair Roy Buttrick, Vice Chair Bill Mahoney, Member Brett Currier, Member Vincenzo Sisti, Selectmen's Representative Mark Warren, and Planning Administrator Bre Daigneault were present at this meeting. Member Shane Bruneau was absent. There were eleven members of the public present.

C. SALUTE TO THE FLAG

D. Public Hearings-

Admin. Daigneault announced applicant Industrial Tower and Wireless (Case # WT2020-602) and applicant Gary Anderson (Case #SPR2020-402) have both requested a continuance until the October 8th meeting.

a. New-

PB CASE #LLA2020-703: Bryan Bailey, representing property owners Richard, Jr and Deborah Merrill, presented the proposed lot line adjustment. Mr. Bailey stated this is an unusual configuration, but it is in fact a lot line adjustment. The State rules and regulations state any land reconfigured that is less than 5 acres needs State subdivision approval. Map 412, lot 1 is less than 5 acres, therefore needed State subdivision approval. The properties currently consist of two lots and after the lot line adjustment, there will still be two lots. The topographic map shows the wetlands through the middle of the lots, separating the front and back of the lots. The owner is hooking together the back portion of the lots to make good use of the property. Currently, there is no access to the back of the lot. Member Currier asked for clarification of the current lot line. Mr. Bailey explained the position of the current line and where the proposed line would be. Lot 421-12 currently extends by a small strip of land running parallel with Snowshoe Hill Rd. to abut lot 1. This boundary line would be moved to incorporate the back portion of lot 12. It was clarified Snowshoe Hill Rd is a discontinued road. Planner Fougere felt this lot shape was very irregular and did not meet the parameters of the design standards per Section VII:A-2. A waiver would need to be requested. For clarification, the boundary line to be removed should be dotted with a notation saying "to be removed". He would like to see the acreage on lot 1 be listed consistently. Mr. Bailey requested a waiver for the irregular shaped lot.

Member Currier made the motion to grant the waiver of Design Standards section VII:A-2. It was seconded by Member Sisti. **Motion passed 5-0**

Chair Buttrick opened the hearing for public comment. Resident Steve McCormack asked for clarification of Mr. Bailey that there is no future proposal to place a septic system in that area. Mr. Bailey stated he had not said that; he had said there is no new lots being created. Mr. McCormack inquired as to the reasoning for the proposal. Mr. Bailey reiterated it was to allow the owner to access the back portion. Mr. McCormack understands it is an odd shaped lot, he is concerned with what the land is going to be used for. The potential of septic in that area could potentially harm the wetlands or into Rocky Pond. Mr. McCormack resides between the two lots. Chair Buttrick inquired as to the grade of the back land. It was reviewed and not found to have a steep grade. Mr. Bailey reviewed an older plan from 1983 with the board to show the boundaries were consistent. Planner Fougere requested a note on the plan that Snowshoe is discontinued. Chair asked for further public comment. There was none.

Member Currier made the motion to close the public hearing. Chair Buttrick seconded. **Motion passed 5-0**

Planner Fougere requested the following be adjusted to the plan:

1. Clarify area of lot 1
2. Clarify lot line to be removed with a dash and noted
3. Note Snowshoe Hill Rd was discontinued in 1927

Member Currier made the motion to accept the application as complete. Selectmen Rep. Warren seconded. **Motion passed 5-0**

Chair Buttrick made the motion to approve the application with the three amendments to the plan. Member Currier seconded. **Motion passed 5-0**

PB CASE #SUBMIN2020-507- Bryan Bailey, representing applicant John Reifsnnyder, described the proposed subdivision. The property has frontage on Stage Rd (aka: Elm St) and Edgerly Rd on the north side of the property. Edgerly is partially class V and discontinued. They are proposing to subdivide a 1.29-acre lot from the existing 2.9-acre lot with house. The property has more than enough road frontage on both roads. They have received State subdivision approval. The proposed driveway is to come off just before the discontinued part of Edgerly Rd. The lot is odd shaped; however, the lot was already odd shaped. The jigs and jogs on the proposal were required to meet the lot size and steep slope requirements. Mr. Bailey clarified the darkened area on the plan was steep slope. Mr. Bailey would request a waiver for the odd shaped lot. Planner Fougere felt that the existing lot was already odd shaped and a waiver would not be needed. Mr. Bailey stated there is crypt on the lot. He would allow Candace Daigle (Cemetery Trustee), whom was in attendance, to go into detail on the crypt. Chair Buttrick inquired as to the reason for the well easement. Mr. Bailey clarified they were not able to place the well radius in its entirety on the lot, so an easement would be required. Chair inquired as to where the boundary line was derived with the abutting property. Mr. Bailey stated it was from a survey done by Bryan Crockett where he actually located the house, crypt, stone wall, and he was able to find the pin.

Chair Buttrick opened the hearing to the public. Mrs. Daigle, as cemetery trustee in Gilmanton, stated it is the trustee's job to manage all cemeteries in town. This is known as the Ayers crypt. It was constructed in 1836 to hold one body; that of Hannah E. Ayers. The crypt was sealed in 1994. They do have an easement in the current deed to allow for the Town of Gilmanton and representatives to access, maintain, and protect the crypt. The easement is not laid out on the ground, as there is no logical access. The trustees do have some requests for items to be placed on the plan:

1. Noted as the Ayers crypt
2. Would appreciate in the note section and graphically, the 25' setback for non-disturbance be shown (pursuant State law)
3. Would like it noted the easement follow both lots, not just the original lot
4. Would like to request from the owner an additional easement to the retaining wall in front of the crypt

Mr. Bailey had no objections to the requests. He felt the existing easement was part of the crypt and would be included already in the easement. He will include all of their requests. Mr. Reifsnnyder stated the crypt had been broken into and then sealed. The crypt is in disrepair. He has no problems with any of the requests. Zannah Richards had a general question on accessing rights to a cemetery. She inquired if it was family member's rights to travel private property to visit a grave site. Mrs. Daigle responded that there is not a given right to travel over someone's property. The Board of Selectmen can order a temporary access should a property owner deny someone access.

Member Currier made the motion to close the public hearing. Chair Buttrick seconded. **Motion passed 5-0**

Member Currier made the motion to accept the application as complete. Chair Buttrick seconded. **Motion passed 5-0**

Planner Fougere asked for clarification of the rear lot line, as there is a stone wall, a straight line, an ancient pavement line. Mr. Bailey clarified it is going down the middle of the discontinued portion of the road. He feels all lines are necessary. Planner Fougere stated the subdivision regs have two requirements; one being the steep slopes is not part of the minimum lot size and the 30,000 square foot building area be shown. Mr. Bailey stated there is a note on the plan which states this. He did notice a couple of missing labels which will be added.

Member Mahoney made the motion to approve the application with the conditions of the cemetery trustees. Chair Buttrick reiterated the conditions:

1. The Crypt be labeled the Ayers Crypt
2. The 25' non-disturbance setback be noted and graphed on the plan
3. Add the retaining wall to the easement
4. Note saying the easement to access is still encumbering both lots
5. Set bounds prior to recording

Member Currier seconded. **Motion passed 5-0**

b. Old-

PB CASE #WT2020-602: Continuance requested until Oct. 8, 2020.

PB CASE #SPR2020-402: Continuance requested until Oct. 8, 2020.

E. Minutes-

July 9, 2020- Member Currier made the motion to accept as amended. Chair Buttrick seconded. **Motion passed 4-0** Selectmen Rep. Warren abstained as he was not present.

August 13, 2020- Chair Buttrick made the motion to accept the minutes as written. Selectmen Rep. Warren seconded. **Motion passed 4-0** Member Sisti abstained as he was not present.

F. UNFINISHED BUSINESS

G. CORRESPONDENCE

H. OTHER BUSINESS/PUBLIC COMMENT

a. **Review of Applicants for Vacant PB Seat-** Member Currier felt the first person to apply should have been appointed. He would recommend Jake Dalzell as a full member with Marty Martindale as an alternate. It was discussed the open seat is for the remainder of this year then would be an open seat on the ballot. Chair Buttrick agreed that Mr. Dalzell should be the full seat. He would like to see Mr. Martindale on as an alternate.

b. **Zoning Ordinance Discussion-** Member Currier reviewed the discussion with the ZBA prior to tonight's meeting. He stated the ZBA members in attendance seemed against the elderly housing ordinance. There was positive feedback for a wedding venue ordinance and campgrounds, so long certain parameters be set. Admin. Daigneault added the ZBA members stated one item they have been seeing a lot of are solar farms. Member Currier relayed ZBA members were interested in a noise ordinance. Planner Fougere felt this was a Selectmen's issue, not Planning Board. It was agreed the light business zone could include retail. The intention of the 55+ housing was to allow for people to downsize their home while staying in their community. It was not for assisted living. Planner Fougere could forward a few solar ordinances and a venue ordinance he has in other towns for members to review.

Selectmen's Rep. Warren stated the BOS is strongly seeking the PB work on updating the CIP. It is the work of this board, unless the PB create a committee. He suggested having the department heads come to the board with the items they feel are in need. From there the PB can place the items into a schedule to present to the BOS. Selectmen Rep Warren stated the reason for the urgency of updating the CIP. Chair Buttrick felt the PB should do this as a board, not with a sub-committee. Member Currier agreed and suggested inviting the department heads to workshops with the PB to start the discussions. Admin. Daigneault would reach out to department heads to make them aware the PB would be requesting a workshop with them in November.

Chair Buttrick would like the PB to review the subdivision on Allens Mill Rd. He does not feel the culverts have been built as approved. It was discussed to review the file and consult with the road agent.

I. ADJOURNMENT

Member Currier made the motion to adjourn. Chair Buttrick seconded. **Motion passed 5-0**

*Respectfully Submitted,
Bre Daigneault, Planning Administrator*

Authorized by 
Chairman C. Roy Buttrick

Date: 10/28/2020