



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

## Minutes of December 13, 2018

**APPROVED**

### Roll Call

Vice Chairman Gary Anderson called the meeting to order at 7:05 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. Three members of the public were present.

### Minutes-

Member Gabriel Jerome made the motion to accept the minutes of the joint meeting with the Zoning Board of Adjustment on October 11, 2018 as submitted. The motion was seconded.

**Motion passed 4-0.** Member Roy Buttrick abstained as he was not present.

Member Shane Bruneau made the motion to accept the minutes of the Planning Board meeting of October 11, 2018 as submitted. The motion was seconded. **Motion passed 4-0.** Member Roy Buttrick abstained as he was not present.

Member Roy Buttrick made the motion to accept the minutes of November 8, 2018 as submitted. The motion was seconded. **Motion passed 4-0.** Vice Chair Gary Anderson abstained as he was not present.

**PB Case #CC2018-301:** Vice Chair Gary Anderson recused himself as he is the applicant. Gary Anderson, agent for Bear Investments LLC, is requesting a discussion for the potential of developing vacant land with commercial buildings and an open space residential subdivision consisting of 40+/- residential units. The property is located at 313 NH Route 106, Map 412 Lot 022, in the business zone and consists of 42 acres. Mr. Anderson at this time requested a continuance to this discussion at a later date. Selectmen's Rep. Marshall Bishop made the motion to postpone the case to the next scheduled Planning Board meeting. Member Gabriel Jerome seconded. **Motion passed 4-0.**

Vice Chair Gary Anderson rejoined the Board.

### **Master Plan Discussion**

Vice Chair Gary Anderson requested Planner Mark Fougere to discuss the Master Plan. Mr. Fougere went on to say the Master Plan is ready for adoption. A robust survey had been sent out to home owners and many Boards and Committees in the Town had been contacted for their opinions. We did receive one comment from a former Planning Board member, Sarah Thorne, regarding the lack of recommendations of natural resources, conservation, water quality protection, and farm retention in the Future Land Use section. Mr. Fougere explained at the start of the discussion of the Master Plan, the Planning Board was focused on economic development and business expansion. Over the last five years, a new aquifer protection ordinance has been adopted, as well as steep slope ordinance. The Board can reach out to the Conservation Commission and add amendments to the Master Plan. Member Roy Buttrick has concern with the commercial land on 106, some areas on Route 106 are not zoned for commercial land. It was reiterated the Master Plan does encourage more business development. Mr. Fougere mentioned a few years ago, a public hearing was held to re-zone to add more commercial properties in that area and it was highly opposed by residents at the meeting. A zoning warrant article could be worked on for next year to extend the commercial zone. Vice Chair Gary Anderson reiterated the Master Plan is to encourage business development. Vice Chair Gary Anderson opened the Master Plan for public comments. There were no comments from the public. Vice Chair Anderson requested the Board to make a motion of adopting the Master Plan as is with the intention of communicating with the Conservation Commission to possibly add amendments down the road. Selectmen's Rep. Bishop made the motion to accept the 2018 Master Plan. Member Shane Bruneau seconded. ***Motion passed 5-0.***

Planner Mark Fougere mentioned the intersection of Routes 140 and 107 received a lot of comments and it is something the Planning Board should start discussing. Planning Admin. Bre Daigneault updated the Board the application for the DOT ten year plan has been submitted.

### **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 d. by inserting after the phrase "...1,000 square feet" **of living area (conditioned space).***

*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 may be constructed on a single lot,...."*

Planner Fougere clarified the warrant article is to correct the discrepancy regarding detached accessory dwelling units (ADU's). During the approval of the last warrant articles to allow detached ADU's, one of the approved changes failed to make it on the ballot, therefore causing a discrepancy in the Zoning Ordinance. Planner Fougere reviewed the changes on the amendment which were listed in bold. This warrant article would make a detached ADU allowed along with a single family dwelling. Member Roy Buttrick asked for clarification of the wording of "2-family" in section R of Article III. His concern was more than one house being built on one lot. Planner Fougere reiterated a detached ADU would be allowed with a single family home, but would not be allowed on a lot with a two-family home. Vice Chair Gary Anderson opened the discussion to the public. Nathaniel Abbott would like the Planning Board to consider the proposed clarification to the size of detached ADU's as "living area" and not external size of the structure. Mr. Abbott is concerned a potential problem may occur if a property owner expands the ADU into the unfinished space causing it to go over the allowed 1,000 square foot size. Planner Fougere stated the square footage is based on living area of the ADU, not the external size of the building; for example, a 1,000 square foot ADU could be built above a garage. The size of the unfinished space does not count towards the 1,000 square feet. Elizabeth Hackett reiterated concern with the expansion of an ADU into areas not meant to have living area. Planner Fougere stated that through the permitting process, we should make sure the plans are crystal clear as to what is going to be living area and what is not. Unfortunately, not everyone gets a building permit or follows proper procedures. Mrs. Hackett requested definitions be added for the terms "living space" and "conditioned space". Planner Fougere will follow up with the building inspector to clarify the definitions as he suggested using the term "habitable" living space. Member Buttrick suggested clarifying a detached ADU can be attached to a garage or a space that is unoccupied by people. Planner Fougere recommended tabling the warrant article changes to the next meeting. He stated, the Planning Board had received a petition warrant article to have a property removed from the Historic District that will be reviewed at the next meeting. The Planning Board will need to hold a public hearing and make a recommendation as to whether they are in favor or against this petition. Vice Chair Gary Anderson closed the public hearing for discussion. Selectmen's Rep Marshall Bishop made a motion to table the zoning change to the January 2019 Planning Board meeting. Member Shane Bruneau seconded. **Motion passed 5-0.**

### **2019 Planning Board Meeting Schedule**

Vice Chair Gary Anderson asked the Board to review the proposed Planning Board 2019 meeting schedule. Member Buttrick requested the December 2019 meeting be moved closer to the beginning of the month. Members agreed the 5<sup>th</sup> of December would be a better day to

hold the meeting. It was asked of Administrator Bre Daigneault to check to see if the conference room would be available the first Thursday of December 2019.

**Other**

The Board discussed the pending change to members being an elected position starting in 2019 versus an appointed position as is currently. This change was voted in by residents by means of a warrant article. Member attendance was also discussed. Unexcused absences can result in dismissal from the Board.

**Adjournment**

Member Gabriel Jerome made the motion to adjourn. Member Shane Bruneau seconded the motion. ***Motion passed 5-0.***

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

**Authorized by**   
**Vice Chairman Gary Anderson**

**Date:** 1/10/19