

Town of Gilmanton, New Hampshire
Gilmanton Planning Board
Academy Building, 503 Province Road
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Gilmanton, New Hampshire 03237
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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 Thursday, January 12, 2017

ROLL CALL

The Gilmanton Planning Board met on Thursday, January 12, 2017. Chairman, Wayne Ogni called the meeting to order at 7:00 p.m. introduced himself as well as the Board. Members Present: Roy Buttrick, Bill Mahoney, Vice Chairman, Marty Martindale, T. Justin Caldon, John Weston, and Alternate, Steve McCormack. Selectmen's Representative Steve McWhinnie was absent. Also present was Diane Marden, Planning Administrator and Mark Fougere, Certified Planner. Others present: Sarah Baldwin-Welcome, Steve Owens, Ken Hassen, Todd Rodgers, Henry and Rachael Vigeant, Brett Currier, Phil Eisenmann, Thom Dombrowski, Paula Gilman, Michelle and Keith Descoteaux, Wanda Follansbee, Elizabeth Hackett, and Alicia Smith.

Farmers Market Concept

Sarah Baldwin-Welcome introduced herself to Planning Board members. Ms. Welcome explained she would speak on behalf of her newly formed Organization this evening relative to their concept of a Farmers Market mostly composed of local Gilmanton NH Farmers. Ms. Welcome explained they are currently in the process of obtaining their 501 (c) 3 status as a non-profit organization called Gilmanton's Own Inc.. Ms. Welcome stated the group of local farmers had got together to form a menu, sold tickets, and had an event. The event being so successful leaving people to ask when the next one is, they decided to take on this endeavor. Ms. Welcome stated their concept is to hold events, open a farmers market with regular hours, opposed to just opening a couple hours on weekends. The group proceeds will benefit the local food pantry, scholarships for its youth in agriculture, and assist others in need within the community. As well as give exposure to the some 35 farmers within the Town of Gilmanton.

Sarah Welcome stated it became apparent we needed a space to utilize to bring our concept to the public, a place having the space to possibly have a museum featuring agricultural farm equipment, a place for local farmers to sell their goods such as produce, beef, maple syrup, jams, honey, eggs, and much more. As well as, occasionally holding events utilizing these goods, all while raising funds for charities.. Ms. Welcome stated they found a barn that could do all that located at 526 Province Road, is on Tax Map 127 Lot 10, consisting of 1.9 acres, and is

(Farmers Market Concept Continued)

centrally located in Gilmanton Corners. The Barn is located in the historic district, is a historical structure, and the group does want to send out the message we need to protect these structures, these farms, and these techniques associated with farming for future generations.

Sarah Welcome stated they are in the need of the support from the Planning Board to help create this special place, assistance from the Zoning Board, and any other Agencies that may assist us putting this special place together. Mark Fougere commented Agriculture is allowed in Gilmanton, and at this time he sees no issues with the Zoning Board. Ms. Welcome stated they had spoken to John Funk and Deb Chase both who overwhelmingly were in support of the idea. Chairman, Wayne Ogni inquired about having enough parking over there? Sarah Welcome stated this is one of the guidelines we need assistance with, but there seems to be enough space for ten (10) parking spaces in the front as it is wetlands to the back of the property. Ms. Welcome stated we would like to structure the hours of operation as to not have all of these people coming in a one time or on just one day per week. Chairman Ogni stated that is a tough corner. Ms. Welcome agreed stating it is one of the most dangerous intersections.

Vice Chairman, Marty Martindale stated it is a great location, and he is in support of the proposed project, but would fear it would outgrow the location. Roy Buttrick stated this project needs to be run by the Historic District Commission relative to bathrooms etc. Ms. Welcome stated we would be able to build something around a porta-potty to make it visually acceptable. Ms. Welcome stated they are in the process of filling out a simple site plan, but wanted the direction from the Planning Board at this time. Roy Buttrick stated it would be a good idea to speak with NH Dot - District 3 in Gilford, N.H. for an impact statement.

Sarah Welcome stated currently there is no well or septic on the site, although there is electricity. Steve McCormack stated he would start with District 3 first, and then the Historic District Commission to clear up some of these questions. Chairman Ogni stated the Planning Board is in support of the concept, and should she need a letter of support that Planning Board would write one.

Vice Chair, Marty Martindale suggested covering the basis of expansion in their plan. A member in the audience stated expansion at this point would include the little sugar shack to the rear of the property. This person also explained they are looking into grant opportunities and fundraising ideas. Sarah Welcome stated they are trying fine tune things. Alternate, Steve McCormack suggested talking to the Department of Agriculture as well as other state agencies. Mr. McCormack stated when things are open to the public the state puts all kinds of criteria with food service, building criteria, etc.

Sarah Welcome thanked the Planning Board for their input. Chairman, Ogni stated the Planning Board supports the idea. A member of the audience commented stating that she does not

believe anything will fall under OSCHA, but she would check into it. Alternate, Steve McCormack stated that is fine, but be sure to check with the State of NH Department of

(Farmers Market Concept Continued)

Agriculture and DOT. Ms. Welcome stated they would and again thanked the board then exited the meeting.

Corner Slice - Gas Pumps - Henry Vigeant - Tax Map 127 Lot 37

Chairman, Ogni asked to speak with Henry Vigeant next to discuss the use of fuel tanks in front of the Corner Slice. Mr. Vigeant stated he contracted with a fuel company, and put fuel in the tanks today explaining the employees will do all the pumping of gas to avoid any spills. Mr. Vigeant stated he would like to change his hours of operation now that fuel is available, our food vendors are all setup, and we would like to go back to our original hours of 6 a.m. to 9 p.m. Monday through Sunday. Mr. Vigeant explained he would also be selling breakfast sandwiches and muffins. Mr. Vigeant stated he has not heard any complaints about parking or traffic patterns. An abutter questioned what can be authorized at a meeting stating that he had not received an abutters notice, and just happened to go on the website to see this meeting posted there. He stated his concern is with noise and any other negative impacts his business may create for us, but does not see a problem if closing hours will be the same.

Chairman, Ogni stated he had heard that Mr. Vigeant wanted to sell beer there. Mr. Vigeant stated he will not sell lottery tickets or cigarettes, but would like to sell beer for those to come in order pizza grab a six pack and go home. Mr. Vigeant stated there would be no consumption on the property. A member of the audience who is an abutter stated the abutters were not notified of this meeting, and thought that others may have a concern. Chairman Ogni stated it was in the newspaper, and he does not believe an abutters notice needed to be sent out for that. Brett Currier stated so alcohol can not be consumed on the premises. Chairman, Ogni stated correct a retail sale of beer.

Chairman, Ogni stated retail is fine, but should you want to serve beer to patrons eating in the restaurant you must go back to the Zoning Board. Vice Chairman, Marty Martindale made the motion to approve the request of the Corner Slice operating hours from 6 a.m. to 9 p.m. seven (7) days a week, and shall sell retail beer/wine on the premises without any on site consumption (sales only). Alternate, Steve McCormack seconded the motion. ***Motion passes on a vote of 7-0.***

Shellcamp Association Business

Chairman Ogni stated the Shellcamp Association business has been rescheduled to Thursday, February 9, 2017. Wanda Follansbee present in the audience expressed she was aware the meeting date changed. Mrs. Follansbee explained she was simply present to learn more about

(Shellcamp Association Business Continued)

the committee, to see how it works, and possibly ask a few questions that she feels the Planning Board can only answer.

Chairman, Ogni stated at this time the files have been turned over to the Planning Boards attorney, and presently is out of the Planning Board hands. Ms. Follansbee stated she would have appreciated that if she had been notified of all the things that had transpired since November of 2015. Ms. Follansbee stated she had been in several times when she has come into the town, and be told there was no information. Ms. Follansbee stated being a member of the community she is here to learn more about the Planning Board and frankly is upset with being deceived in the manner the Town has deceived her. Chairman, Ogni stated he was sorry she feels this way.

2017 Planning Board Calendar

Town Planner, Mark Fougere stated he believes the deadline to submit should be set to 21 days before a meeting date. Planning Administrator, Diane Marden stated she set it to the 15 days as printed in the NH Municipal Associations manual. Ms. Marden stated she would look into it, and if it is incorrect she will bring a new Calendar to the February meeting. Mr. Fougere stated he believes it was changed last year. Marty Martindale made the motion to accept the presented 2017 Planning Board meeting 2017 Calendar. John Weston seconded the motion.

Motion passes on a vote of 7-0.

2017 Proposed Zoning Amendments

Town Planner, Mark Fougere stated there was an error in the wording of the Accessory Dwelling Unit ad that was placed in the newspaper, so we will have to have another meeting on January 26th to address this as it is allowed by right, verses CUP. Making sure the ad is correct. A member in the audience commented that it on the website the notice said see attached, and it was not attached. Brett Currier stated he caught it online.

Alternate, Steve McCormack stated he had spoken to Dick de Seve who stated he has a concern that the RSA was not sited in the proposed Article 4 which would make it much clearer to the public whereas the others are sited through out the document. Chairman, Ogni stated we are all set on this one.

Chairman, Ogni read aloud the proposed zoning amendment. Vice Chair, Marty Martindale made the motion to accept proposed Zoning Amendment #3 Sanitary Protection. Roy Buttrick seconded the motion. **Motion passes 7-0.**

(Shellcamp Association Business Continued)

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(2017 Proposed Zoning Amendments Continued)

Town Planner, Mark Fougere read aloud the proposed zoning amendment. Vice Chair, Marty Martindale made the motion to amended proposed Zoning Amendment Article 4, Table 1 Accessory Storage Buildings. Bill Mahoney seconded the motion. ***Motion passes 7-0.***

Chairman, Ogni stated on the Town Administrator's list of Warrant Articles 3, 4 and 6 are approved and recommended by the Planning Board. The Planning Board notes/explanations should be listed under the recommended warrant articles.

Chairman, Ogni asked the public to leave as the Planning Board would now like to go into non-public session. People exited the room. The Board discussed, and decided not to go into non-public session.

Other Business - Shellcamp Association

Chairman, Ogni stated he and Vice Chairman met with the attorney today to hand over the Shellcamp file for review.

Gilmanton Winery

Chairman, Ogni stated they spoke with the attorney relative to the findings of the Planning Board relative to not filing, not complying, and the parking issues. Roy Buttrick asked if anyone had looked closely at the assessment cards, and he would like to see the cards from 2004-2016. Mr. Buttrick stated he would like to see building permits, approvals, and other documents during that time period. Mr. Ogni stated the assessor stated he had gone over each to inspect each time a permit was pulled. He explained to the attorney the Planning Board is not trying to shut Mr. Bishop down, just trying to bring him into compliance, and do not want anyone to be hurt on the property. Roy Buttrick stated it is critical to look at those property cards. Chairman, Ogni stated the case is moving forward. Mr. Ogni told Mr. Buttrick to look at the cards, and get back to him if he finds anything.

Chairman, Ogni asked the Planning Administrator, Diane Marden to locate the site plan and the Desiree letter for him to bring to the attorney. Ms. Marden asked Mr. Buttrick to come in to the office on Wednesday and she would assist him with the property cards. Mr. Buttrick stated there are rooms being rented out on the property. Mr. Ogni stated the septic has been completed. Mr. Buttrick stated if it were completed it would be on the state website and it is not. Mr. Ogni stated there was no bathroom in the store, and he only has permits for three (3) bathrooms.

Adjournment

Bill Mahoney made the motion to adjourn at 8:53 p.m. Motion seconded by John Weston.

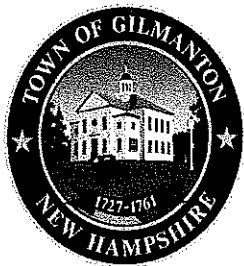
Motion passes 7-0.

Respectfully Submitted

Diane Marden, Planning Administrator

Authorized by W. R. Ogni Date: Jun 26 2017
Wayne Ogni, Chairman

APPROVED



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ATTENDANCE SIGN-IN

Thursday, 1/12/2017 Planning Board

PRINT

ADDRESS

SARAH BALDWIN - Welcome	113 PANCAKE HILL Rd / Gilman
STEVE OWENS	399 NH TR005E 140 GILMANTON
Ken Hesser	35 Sawyer Lake Rd Gilman
Todd Rogers	35 Sawyer Lake Rd Gilman
Henry & Rachael Vigent	122 Mountain Rd. Gilman NH
Brett Carrier	25 Cannon Rd .
PHIL EISENMAUN	413 STATE RT. 140
Tom Dombrowski	50 STATE 50 HAWKINS LN
PAULA GILMAN	50 HAWKINS LN
Michelle + Keith DesCoteaux	317 LOON POND RD
Wanda Follanshee	33 Leather Stocking Lane
ELIZABETH HACKETT	1115 PROVINCE RD GILMANTON NH
Alicia Smith	180 Griffin Rd Gilman NH

**Approved Zoning Changes
Town of Gilmanton Planning Board**

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 IX Board of Adjustment, B Special Exceptions 1, General Provisions to provide that Special Exceptions shall expire if the use or construction permitted is not substantially implemented within four (4) years of the date the Zoning Board of Adjustment approves the application.

Note: RSA 674:33 requires a minimum of 2 years, the town's zoning ordinance presently states variances must be implemented within 4 years, this amendment mirrors the time period allowed for variances.

2) Are you in favor of the adoption of Amendment #2 as proposed by the Gilmanton Planning Board for the town Zoning Ordinance as follows?

Amend Article IV, Table One, Dwelling Two Family by making the use Permitted (P) in the Conservation Zone instead of by Conditional Use Permit (CUP).

Note: This amendment is being proposed to be consistent with the requirements in the other zoning districts.

3) Are you in favor of the adoption of Amendment #3 as proposed by the Gilmanton Planning Board for the town Zoning Ordinance as follows?

Amend Article IV, Table 1 by removing the 2,000 square foot size limit of Office uses.

Note: In order to expand the town's tax base, the Planning Board does not believe the town should limit the size of office buildings in the community.

4) Are you in favor of the adoption of Amendment #4 as proposed by the Gilmanton Planning Board for the town Zoning Ordinance as follows?

Amend Article III, General Provisions Applicable to All Districts, A Sanitary Protection as follows:

Any structure that is being improved by ~~adding a bathroom where none exists~~, adding a bedroom, or whenever a structure is being converted from a seasonal to a permanent use, shall have the existing septic system evaluated by a **NH Licensed Designer of Subsurface Disposal Systems** Certified Septic System Evaluator ~~enlisted with the Granite State Designers & Installers Association~~ to determine the adequacy of the existing septic system for its current and/or proposed use.

- e. Attached accessory dwelling units shall be designed to allow for re-incorporation into the principal dwelling units. Internal access to the principal dwelling unit shall be maintained or constructed. The accessory dwelling units and principal dwelling units must share internal heated living space access through a common wall.
- f. The existing or proposed septic systems must be certified by a NH Licensed Designer of Subsurface Disposal Systems as adequate to handle and treat the increased waste volumes generated by the accessory dwelling unit in accordance with New Hampshire RSA 485-A:38 and the Town of Gilmanton septic regulations. If the existing septic system is not capable of adequately handling and treating the waste of the principal dwelling unit and the accessory dwelling unit in accordance with New Hampshire RSA 485-A:38 and the Town of Gilmanton septic regulations, a new or upgraded septic system conforming to the most recent state and local septic standards and regulations shall be required.
- g. Adequate off-street parking shall be provided.
- h. Adequate provisions must exist or be made for ingress, egress and turning of vehicles within the site.
- i. OWNER OCCUPIED: The principal dwelling unit or the Accessory Dwelling Unit shall be owner occupied.

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, 2-family dwelling unit or an Accessory Dwelling Unit may be constructed on a single lot,...."

Note: This amendment is being proposed to comply with the new statutory requirements of RSA 674:71 – 73 and to allow Accessory Dwelling Units within a home or as a detached housing unit.