

TOWN OF GILMANTON PLANNING BOARD Thursday, January 12, 2023 – 6:30PM Academy Building - 503 Province Road Gilmanton, NH 03237 www.gilmantonnh.org

MEETING AGENDA

- A. CALL TO ORDER BY CHAIRMAN
- **B. ROLL CALL**
- C. SALUTE TO THE FLAG

D. PUBLIC HEARINGS- REVIEW FOR REGIONAL IMPACT

a. NEW-

<u>**CC2022-303:</u>** Property owners Philip Brouillard as Trustee of the Granite State Conservation Trust and George Roberts Jr as the Chairman of the First Congregational Society in Gilmanton, are requesting a preliminary discussion to subdivide property located on Joe Jones Rd and 461 Meeting House Rd, identified as map/lot numbers 414-050, 414-052, and 414-053. The proposal would create seven total lots where three currently exist. The properties are located in the rural zone.</u>

Private Road Agreement: Property owners Kevin Switala and Katherine Switala-Elmhurst are requesting a private road agreement with the Selectmen to build on Snowshoe Hill Rd. The parcel is identified as tax map and lot 134-014. Pursuant RSA 674:41, the Selectmen shall request the Planning Board review and comment on the application to determine whether the private road meets minimum standards for yearround access by emergency vehicles.

Petition Warrant Article to remove parcel from Historic District: Pursuant RSA 675:4, property owners Francis J. Parrott, III and Catherine Merrifield are petitioning to amend the official historic district map of the Town of Gilmanton by removing land known as Tax Map/Lot 419-025 located on Meeting House Road from being designated as part of the Metting House Historic District.

- b. OLD- None
- E. MINUTES OF- December 8, 2022
- F. UNFINISHED BUSINESS
- G. CORRESPONDENCE

H. OTHER BUSINESS/PUBLIC COMMENT

- a. Zoning Ordinance Warrant Articles
 - Article VII. Non-Conforming Uses, Lots & Structures

Page 1 of 2

- Article XVI. Definitions
- Article IV, Table 1. Table of Uses

I. NON-PUBLIC

J. ADJOURNMENT

Planning Board 2023 Warrant Articles

Are you in favor of the adoption of Amendment #1 as proposed by the Planning Board for the Town of Gilmanton as follows: to amend article VII. Non-Conforming Uses, Lots & Structures to allow an existing non-conforming structure be replaced in the same footprint without a variance or special exception and to allow a waiver from encroachment, well setback, or slope requirements on a septic system design on a non-conforming lot?

Are you in favor of the adoption of Amendment #2 as proposed by the Planning Board for the Town of Gilmanton as follows: to amend Article XVI. Definitions to remove the definition of "warehouse"; to create the definition of "Commercial Storage Facility" to be a building or series of buildings which are leased or rented; to create the definition of "Warehouse or Wholesale Marketing" to be storage for the sole purpose of distribution; and to amend the definition of Storage Building- Noncommercial to remove the requirement that it be used by the owner of the lot?

Are you in favor of the adoption of Amendment #3 as proposed by the Planning Board for the Town of Gilmanton as follows: to amend Article IV, Table 1. Table of Uses to add "Commercial Storage Facilty" to be by special exception in the Village Zone, by conditional use permit in the Rural & Residential Lake Zones, permitted in the Business & Light Business Zones, not permitted in the Conservation Zone; to add "Storage Building Non-commercial" to be permitted in the Village, Rural, Conservation, Light Business & Business Zones and by conditional use permit in the Residential Lake Zone; and to amend the use of Warehouse Existing Building and New Construction to be allowed by conditional use permit in the Rural & Light Business Zones where currently is not permitted or permitted by special exception?

Amended 8/19/22 9/8/22 10/7/22

ARTICLE VII. NON-CONFORMING USES, LOTS & STRUCTURES

- A. Any lawful use of a lot, or of a structure, or of a part of a structure, which was in existence when this Ordinance or any revisions were approved may be continued.
- B. Non-conforming uses and non-conforming structures: Rev. 3/8/11
 - 1. An existing use of land or a structure which does not conform to uses set forth in Article IV, Table 1, may be changed or expanded by Special Exception.
 - 2. An existing structure which does not conform to the setback requirements set forth in Article IV, Table 2 may be altered, enlarged or relocated by Special Exception provided that the alteration, enlargement or relocation does not increase the non-conformity with the Ordinance. Provided, however, that any alteration, expansion, new construction or change that can be accomplished in a manner that will comply with the applicable setbacks for that district, shall be permitted, provided that all applicable state and local laws and regulations are adhered to. Any proposed increase in the height of the structure shall be consistent with, and not unreasonably impair the view from neighboring properties, provided that the increase shall not exceed the height limitation set forth in Article III.E. If the structure is near a water body, the proposed increase in height shall not adversely affect the visual appearance of the shoreland in a manner inconsistent with structures in the neighborhood.
 - 3. If the non-conformity is eliminated by the proposed action, then a Special Exception is not required. If the non-conformity is increased by the proposed action, then a Variance is required.
 - 4. A non-conforming structure which is destroyed by fire or rendered unusable or uninhabitable by an act of nature-may be repaired, rebuilt or replaced with a structure having the same dimensions in the same location. Any alteration, expansion, new construction or change that can be accomplished in a manner that will comply with the applicable setbacks for that district shall be permitted, provided that all applicable state and local laws and regulations are adhered to. Repair, rebuilding or replacement must commence within one year of the occurrence of the event removal of the structure and be completed within one year of the start date. One-year extensions may be granted by the Board of Selectmen or their designee, for good cause shown.

C. Non-Conforming Lots:

Rev. 3/8/11

- 1. A non-conforming lot may be used to build a new structure for residential purposes if:
 - a. the lot has frontage on a Class V or better road,
 - b. the setback requirements of Article IV, Table 2 are met,
 - c. if applicable, prior to the issuance of a building permit, the owner obtains a New Hampshire State approved septic system design without a waiver from encroachment, well setback, or slope requirements, and
 - d. the owner complies with all other requirements of applicable Town and State laws and regulations, except for the non-conforming aspects of the lot.

ARTICLE VII. NON-CONFORMING USES, LOTS & STRUCTURES - CONTINUED

- 2. A non-conforming lot may be used to enlarge or add to an existing residential structure if:
 - a. the setback requirements of Article IV, Table 2 are met,
 - b. if applicable, the owner obtains a New Hampshire State approved septic system design without a waiver from encroachment, well setback or slope requirements, and
 - c. the owner complies with all other requirements of applicable Town and State laws and regulations.
- 3. A non-conforming lot may be used to build structures accessory to a residential use or storage building non-commercial, such as a shed, barn or garage, if:
 - a. the setback requirements of Article IV, Table 2 are met,
 - b. if applicable, the owner obtains a New Hampshire State approved septic system design without a waiver from encroachment, well setback or slope requirements, and
 - c. the owner complies with all other requirements of applicable Town and State laws and regulations.
- 4. Except as provided in Section B.2, a non-conforming lot which does not meet the requirements of Sections C.1, 2 & 3 may be used for building purposes only if a Variance is granted, and the owner complies with all other requirements of applicable Town and State laws and regulations.
- D. Any use or construction permitted under this Article VII must comply with all applicable Town and State laws and regulations, and specifically the Comprehensive Shoreland Protection Act (RSA 483-B).

Strikethrough is existing verbiage to be removed Blue is new verbiage Comments in red

Article XVI. Definitions

Remove existing definition of "Warehouse":

<u>Warehouse</u> - The use of an existing building, or a newly constructed building (temporary or permanent) for the storage and consignment of materials, goods, merchandise or equipment of the building owner ortenant or a third person, provided that such use is not hazardous by reason of potential fire, fumes, explosion or radiation.

Replace existing definition of warehouse with the following 2 terms:

Commercial Storage Facility – A building or series of buildings or units which are leased or rented to the public for use as storage space.

Warehouse or Wholesale Marketing – The storage for the sole purpose of distribution, or wholesale marketing of materials, merchandise, products or equipment, provided that such use is not hazardous by reason of potential fire, explosion, or radiation in an existing building or newly constructed building.

Existing definitions of residential outbuildings:

<u>Accessory Building or Use</u> - A subordinate building or use commonly associated with, incidental to and on the same lot, adjacent lot, or across the street or road from, that occupied by the main building or use.

<u>Storage Building - Non Commercial</u> - A garage, shed, barn or other similar structure, used only for the private storage or agricultural use of the owner of the lot and identified as the primary use of the lot.

ARTICLE IV, TABLE 1

Amended 8/11/22

Zoning District F	-		-	-		
Note: $P = Permitted Use, E = Sp$						
	Village			Lt. Business	Business	<u>Res. Lake</u>
55+ Housing Developments (1-4 unit/building)	CUP	CUP	Ν	CUP	CUP	N
55+ Housing Developments (5 or greater units/building)	Е	E	Ν	Е	E	Ν
Accessory Dwelling Units	Р	Р	Р	Р	Р	Р
Accessory Building/Use	Р	Р	Р	Р	Р	Р
Adult Oriented Business	Ν	Ν	Ν	Ν	Е	Ν
Aircraft Landing Area	Ν	Е	Е	Ν	Е	Ν
Agriculture	Р	Р	Р	Р	Р	Р
Auto Service Station	Е	Е	Ν	Е	Р	Ν
Auto & Truck Repair	Ν	Е	Ν	Е	Р	Ν
Biosolids (sludge)	N	N	N	N	N	N
Boat Storage - Commercial	E	E	E	E	Р	E
Business Directional Signs	P	P	P	P	P	P
	r N	r E	F E	r N	r N	r N
Camp for Children, Summer						
Campground	N	E	E	N	N	N
Childcare Facility	CUP	CUP	CUP	CUP	CUP	CUP
Commercial Storage Facility	E	CUP	Ν	Р	Р	CUP
Community Building/House of Worship	E	E	E	N	N	E
Contractor's Yard	Е	E	Е	Е	Р	Ν
Cottage Industry	CUP	CUP	CUP	Р	Р	CUP
Dwelling, Multi-Family (Interior Alterations)	CUP	CUP	CUP	Ν	CUP	Ν
Dwelling, Multi-Family (New Const)*	CUP	CUP	Ν	Ν	Ν	Ν
Dwelling, Single Family	Р	Р	Р	Р	Р	Р
Dwelling, Two-Family	Р	Р	Р	Р	Р	Р
Forestry	Р	Р	Р	Р	Р	Р
Gravel/Fill/Loam/Stone Removal	Ν	Е	Е	Ν	Е	Ν
Home Occupation	Р	P	P	Р	P	Р
Industrial	N	N	N	P	P	N
Inn (Interior Alterations)	E	E	E	P	P	N
Junkyard	N	E	N	E	P	N
Kennel	N	CUP	CUP	CUP	CUP	N
	N N	E	E	Р	Р	N
Landscaping Business						
Local Utility Network	E	E	E	Р	Р	E
Manufacturing, Light	N	N	N	Р	Р	N
Mobile Home/Manufactured Housing Parks & Subdivisions	Ν	E	Ν	Ν	Ν	Ν
Motel	Ν	Ν	Ν	Е	Р	Ν
Offices	CUP	CUP	CUP	Р	Р	CUP
Outdoor Event Venue	CUP	CUP	Е	CUP	CUP	Ν
Recreation Facility - Indoor	E	Ν	Ν	E	Р	E
Recreation Facility - Outdoor	Ν	E	Ν	E	Р	Ν
Repair Shop	Е	Е	Ν	Р	Р	Е
Rest/Convalescent Home (3-25 Occupants)	Е	Е	Ν	Е	Е	Е
Restaurant (Interior Alterations)	Е	Е	Е	Р	Р	Е
Restaurant (New Construction)	Ν	Ν	Ν	Р	Р	Ν
Retail Business	CUP	CUP	CUP	P	P	CUP
Sawmill	N	P	P	N	P	N
School - Public/Private	E	E	E	N	Ē	E
Service Business	CUP			P	P	CUP
	Р	CUP P	CUP P	P P	P P	Р
Solar Energy Systems (Roof Mounted)						
Solar Energy Systems (Ground mounted/Pole mounted)	CUP	CUP	CUP	CUP	CUP	CUP
Storage Building- non-commercial	Р	Р	Р	Р	Р	CUP
Treated Soils	N	N	N	Е	E	N
Warehouse (Existing Building)	Е	ECUP	Е	NCUP	Р	N
Warehouse (New Construction)	Ν	NCUP	Ν	NCUP	Р	Ν
Personal Wireless Service Facilities.	CUP	CUP	CUP	Р	Р	CUP
Woodlot	Р	Р	Р	Р	Р	Р

Zoning District Regulations - Permitted Uses and Special Exceptions

Note: If certain uses have not been listed, they may be allowed in town. How they will be regulated by this zoning ordinance

shall be based on characteristics the intended use may share with those uses specified in Table 1. Multi-family structures must be separated by a minimum of 50 feet.

- *
- Multi-family dwellings (new construction) allowed by conditional use permit within a one mile radius of the center of Gilmanton Corners and Gilmanton Iron Works. **

TITLE LXIV – PLANNING AND ZONING

Chapter 675 – ENACTMENT AND ADOPTION PROCEDURES

(By Petition) Amend Historic District Map to remove parcel

Are you in favor of the adoption of Amendment as proposed by the petition of the voters of this town to amend town of Gilmanton Historic District Ordinance as follows.

Amend the official Historic District Map of the Town of Gilmanton by removing land known as Tax Map/Lot 000419, Parcel ID: 419-025-000-000 located on Meeting House Rd. from being designated as part of the Gilmanton Historic District. Said parcel is located near 215 Meeting House Rd.

All current homes within the Meeting House area of the Historic District fall within 500 feet of the road. Our home is currently being built 1200 feet away from the road at an altitude 300 feet from the road height with 10 acres of forest obstructing any possible view from a public road. There are no historic homes beyond our property heading towards Rt 107. The historic district also does not extend to the land directly across the street from our property on Meeting House.

DEC 12 REC'D BY:______

Petition to be removed from Gilmanton Historic District

Proposal: Amend Historic District Map to remove parcel. Francis Parrott and Catherine Merrifield, the owners of lot # 25, Map: 000419, Parcel ID: 419-025-000-000, located on Meeting House Rd. is petitioning to be removed from Gilmanton's Historic District Map.

The owners are currently building a Historic District approved home on the property. The build site is located a minimum of 1200 ft. from any road and sits 300 ft above altitude of Meeting House Rd. with 10 acres of forest separating Meeting House Rd. from the build site.

	Name	Address	Signature	Date
1	mark Warren	273 Meeting Nouse Rd.	Markevan	12/3/22
2	Audra Warren	273 Meeting House Rd	Gueda Mann	12/3/22
3	Ethan Warren	273 meeting House Rd	Ela Wer	12/3/22
4	Jenethan Hall	254-Meetinghouse Road	forther Hall	12/10/22
5	Don Pangburn	253 Stone Rd.		12/10/22
6	13 Bulste	16 Perrice Lane	LizzBrutette	12/11/22
1	Stor Drulott	16 Hartlage line	firth Jour	KIIIZ
8	Cindo Kidiardsco	312 hRethig/tse Kel		13/11/22
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	Name	Address	Signature	Date
	Will Baldwin	121 Pancyke Hill Rol	MA a:	12/04
2	Lori Baldeon	121 Pancake Nill Rd	Q.62	12/04
Ś	Rob Baldwin	121 Panakeidell Rd	ROLS	12/08
4	Carolyn Baldwill	113 Pancake Will Re	Pres moald	12/19/27
ک	SarahBaldwin-	Welcome 113 Panake Hill R	Harch Ballon Warne	12/07
6	benquelcome	113 Pancalde HillRd	Gene Walcome	12/07/
7	FrankAllen	47 Secord Rog	Son Ou	13/1/20
8	Christine Schlegel	427 Loostond Rd	Cluster fi Schlege	12/6/202
9	KarenBentley	1218 Prains Road	Hour Preces	12/15/2
10	Evely Sanville	165 Loon Pont, Edmanton	Evelyn Sardille	12/10/22
()	Brandon Rager	Scottage Way	Rapiday Raque	12/10/22
1	Grace L. Sisti	SCogswell BL#5, GIW	A	12/10/22
13	Jane Sisti	30 Geades Ra GIW	Ar Empty	12/10/22
14	ManyAlice McCulloci	14NHETE 129	Mary HI foliclad	12/11/22
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1 1 1 1 1 1 1 1 1 1 1 1 1 1		Name	Address	Signature	Date	
3 Susan N. Lechen 10NN KT 129 4 Jean Emoreau 12/5/22 5 Jon Emoreau 128 NH RT 129 5 Jonicia Juli 103 Province Pp 6 Julion Moreau 12/5/22 6 Julion May 12/5/20 7 Stinubith Stackett 1115 Peovince B 8 Jason Reed 75 Fertins Food 03837 Julion Harden 12/5/2022 9 MEHAEL K HELL 1103 PROVINCE Ped 03237 Julion 12/6/22 10 JANES K Moninson 87 Bington RD -03207 Min 12/10/22	1	HALAL Girmon	50 HAWRING LANE	HAWAL GUMAN	10/4/2002	
4 Jean Emoreau II.8 NH RT 129 Jean Emoreau 12/5/22 5 Hoticia Julie 1103 Province Ro 6 Jaugunt Mary 88 Bingham Rd 03237 Hautyn 12/5/2022 7 Stight Shickett 1115 Pervince Ro 8 Jason Reed 75 Ferlins Food 03837 Jatur 12/6/22 9 MEHAEL R HELL 1103 PROVINCE Rd 03237 Julie 12/6/22 10 Jarres K. Honnisou 88 BINGHAM RD -03207 Julie 12/10/22	2	Thomas Dom PROWSCE	1 50 HAWLINS LANG	Thomps Damerowsii	12/4/22	
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6 Junion Minu 88 Bingham Rd 03237 Junion K 18/5/203 7 Singbith Hackett 1115 PEOVINCE B Seighth Blackett 12/5/2022 8 Jason Reed 75 Ferlins Food 03837 Junion 12/6/22 9 MEHAEL K HELL 1103 PROVENCE Ed 03237 Minute 12/10/22 10 JAMES K. MONTISON 88 BINGHAM RD -03257 Minute 12/19/22.	4	Jean Emorlan	118 NHR+129 -	Jean Emoreau	12/5/22	
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9 MEHAEL K HELL 1103 PROVENCE Ed 03237 HULFELL 12/10/22 10 JAMES K. MONTISSON 88 BINGHAM RD -03257 KM - 12/19/22.	8	Jason Reed		astur As	12/6/22	
10 JAMES K. Monnison 88 BINGHAM RD -03207 LKM- 12/19/22.	9	MEHAEL R HELL		7 Millistel	12/10/22	
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