



TOWN OF GILMANTON
PLANNING BOARD

Thursday, January 11, 2024 – 6:30PM

Town Offices at Gilmanon Academy
503 Province Road
Gilmanon, NH 03237
www.gilmanonnh.org

MEETING MINUTES DRAFT

A. CALL TO ORDER BY CHAIRMAN

B. ROLL CALL

Members present included Nate Philbrook, Jake Dalzell, Brett Currier, Selectmen Representative Evan Collins, Vice Chairman Parker Hoffacker, Chairman Roy Buttrick, and Marty Martindale, along with Community Development Director Bre Daigneault.

C. SALUTE TO THE FLAG

D. PUBLIC HEARINGS

- NEW-

Case #SUBMIN2024-501: Property owner Michael P. Gallant, represented by land agent Bryan L. Bailey Associates, is applying for a minor subdivision to his property located at 259 Crystal Lake Rd in Gilmanon IW, known as map/lot 111-2. The proposal would subdivide 3.03 acres leaving 2.09 acres with existing single family dwelling. The property is located in the Rural Zone.

Mr. Bailey explained the property is located on the south-west side of Crystal Lake Rd. There was a house fire a few years ago which destroyed one of the houses on the lot which has been raised. Back when the houses were constructed, there was no requirement for having one house per lot. The one year allowance for rebuilding the house has lapsed. The only way to rebuild the second house is to subdivide the property. They cannot reconstruct any house where the original house was built with today's zoning requirements. The proposed building site is to the backside of the wetlands. They have received wetlands dredge and fill permit, a septic design, and state subdivision approvals. The USDA web soils map was not accurate. The wetlands scientist, Jessica Bailey, had gone out and completed a detailed wetland survey and a full soil survey. Chair Buttrick inquired if there was a lot loading number on the plan. Mr. Bailey stated there was an excel sheet showing the lot loading. It was found within the application. Mr. Bailey stated the State has reviewed and approved the plan without any waivers.

Chair Buttrick made the motion to accept as complete. VC Hoffacker seconded. **Motion passed 6-0**

Chair Buttrick opened the public hearing. With no comments, he closed the public hearing.

Members had no further concerns. VC Hoffacker made the motion to approve the application. Member Dalzell seconded. **Motion passed 6-0**

Chair Buttrick recused himself from case #SPR2024-401.

Case #SPR2024-401: Property owners Robert & Rebecca Ronstadt are requesting a Conditional Use Permit with Site Plan Approval to convert the existing building into a Dwelling, Multi-Family (Interior Alterations). The property is located at 506 Province Rd, known as map/lot 127-49, located in the Village Zone with Historic District overlay. Mr. Ronstadt discussed his original idea to open the restaurant. The restaurant opened in June of 2019 and it far exceeded their expectations. During COVID, they were forced to close. The restaurant never came back. He stated less people were eating out, the cost of food sky rocketed, and employees were hard to find. One way they were able to supplement the cost was to rent the space. They had some people living there and acting as care takers. Mr. Ronstadt stated they hadn't thought anything about it as the prior owner had run it as a B&B. Over the years they would have people come in and stay over short and longer periods of time. He discovered by Town staff that a change of use would be needed for renting the property. They are installing wireless smoke and CO detectors and will be reactivating the fire system. The changes would be interior changes. He felt the interaction within the community would be less than the restaurant. Member Currier inquired how many kitchens there would be. Mr. Ronstadt stated there are 3 kitchens. Some tenants would share kitchen space. There would also be common areas shared by tenants. Member Currier inquired of the septic capacity. He stated the design on file is for 920 GPD. He inquired if the proposed use meet the capacity. VC Hoffacker inquired of the number of bedrooms. Five bedrooms were confirmed. Member Currier inquired of the fire chief's requirements for fire suppression. Mr. Ronstadt stated the chief had made a few suggestions right off but he would work with the fire chief to meet his requirements. VC Hoffacker stated they had a copy of the letter from Chief Hempel. Mr. Ronstadt stated he had not received the letter yet. VC Hoffacker read the letter from Chief Hempel for the need to hire a fire protection engineer. Mr. Ronstadt stated they would do what they have to do.

Member Currier accept the application as complete. VC Hoffacker seconded. **Motion passed 5-0**

VC Hoffacker opened to public hearing. James Allen asked Mr. Ronstadt what they would define as an extended customer. VC Hoffacker clarified that Mr. Allen was asking how long Mr. Ronstadt intends each resident to be there. Mr. Ronstadt stated the rentals are monthly. The tenants there are people in transition. They would eventually be looking to build or buy a home. Another tenant was staying there while entering a nursing program. Cody O'Leary stated she is sympathetic to the situation but the last 18 months have not been a struggle for restaurants. She feels to lose a business in the village would be unfortunate. She has concern with the high rate of turn over, having monthly rentals. She feels that year leases or apartment rentals would be a different story. She felt controlling how many people would be there would be hard. Ms. O'Leary also stated they didn't discuss the office space being rented. She had concern with the septic usage. She feels more needs to go into this before it is approved. Lucille Cook is concerned with the fire danger. Ernie Hudziec, formally on the Historic District, stated they (the property owners) needed to move to some positive revenue. He stated old colonials are expensive to keep up with. He is hoping a collaborative spirit can be reached between the board and other departments so this proposal can move forward. Amber Allen was concerned that

there are currently people living there when they are not approved to be there. She inquired who would enforce that. She also has concern with the fire safety for residents and fire fighters that would need to enter. She does not feel there should be shared living facilities. Ms. Allen was concerned with what kind of people would be living there with it being a shared living facility. With no further comments, VC Hoffacker closed the public hearing.

VC Hoffacker inquired if there was anything on file showing where the septic is and what it is. Member Currier stated there is 920 gallon per day capacity design currently on file. For a residential use, there is required 150 GPD per bedroom. VC Hoffacker inquired if there was a design on file with the Town. CDD Daigneault stated they have a design on file but do not know what had been installed. Member Currier said as long as a replacement design is on file, it does not need to be installed. He stated the expense to maintain the building is large. He felt that if this was a single family dwelling, they could have 10 people living there. Without revenue, the property owner would not be able to afford the upkeep. This is in the Historic District and they propose no exterior changes. The owner will be dealing with the fire chief and the code officer. If this is monthly rentals, there would be no children in the school system. VC Hoffacker feels someone can take up residency and enter a child into the system. If they leave after a month, they could still continue to keep their children enrolled in Gilmanton. Additionally, he does not feel the proposed use would meet the master plan. He feels like the proposal is a halfway house. Member Currier disagreed that it is a halfway house. SR Collins inquired if there had been any feedback from the building inspector. CDD Daigneault stated the building inspector had just inspected the property the previous Friday and had not submitted a report yet. SR Collins feels if it meets the criteria of the building inspector and fire chief, then they should approve it. Member Currier feels if they send the applicant back without an approval, the property owners would be spending money for upgrades without knowing if they would be approved. Member Philbrook does want to see the restaurant go. However, he does not feel they could control what the property is being used for. Member Dalzell inquired if the board would want to wait to hear from the fire chief and building inspector prior to making a decision. VC Hoffacker stated that the board is aware of what the fire chief is requesting. Member Currier felt their recommendations could be made as a contingency. If the building inspector came back and said the proposal couldn't move forward then it would not. SR Collins felt if the property owners meet regulations, safety, and septic, he did not feel they could deny it based on personal opinions.

Member Currier made the motion to approve the application with the following conditions:

1. The property meets all building code requirements
2. The septic design must meet the proposed uses
3. A plan must be submitted to show all bedrooms and living areas
4. Meet the requirements of the fire chief
5. Hire a fire safety engineer at the applicants cost
6. It cannot operate as the change of use until such time as the all conditions have been met

Member Currier inquired if someone could be living at the property at this time. CDD Daigneault stated the previous Planning Board approval was for a single family residence on the second floor and the restaurant on the first floor. Mr. Ronstadt added there were

two rooms for an B & B. CDD Daigneault stated the approved site plan did not include rental a B & B.

SR Collins seconded. VC Hoffacker abstained from making a vote. **Motion passed 4-0**

VC Hoffacker motioned for Mr. Buttrick to return to the Board as Chairman. Member Dalzell Seconded. **Motion passed 5-0**

Member Currier recused himself from Case #LLA2024-701

Case #LLA2024-701: Property owners Brett & Brenda Currier are requesting a lot line adjustment to their properties located on Allens Mill Rd, known as map/lots 420-30 and 420-30.1. The adjustment would make lot 30 27.79 Ac (currently 64.81 Ac) and lot 30.1 41.44 Ac (currently 4.42 Ac). The properties are located in the Rural Zone.

Mr. Currier stated he had purchased a piece of property on Allens Mill Rd listed as 70 acres more or less. He had the land surveyed. It showed that there was an error on a subdivision from 1996. There were two stone walls and the subdivision considered the property line at the wrong stone wall. This was originally included it with the property he had purchased. His survey showed 4.2 acres left in limbo. They found this belonged to Blue Sky Enterprises and not the parcel he had purchased. Mr. Currier contacted the original owner and purchased the 4 acre parcel. He stated the request is for a lot line adjustment between the original lot he purchased and the 4 acre lot he purchased separately. With the adjustment, there would be the same number of lots. This is not a subdivision. He has received wetlands delineation on the 4 acre parcel. SR Collins inquired of the frontage on the smaller piece. Members felt, with the amount of frontage, the lot could not be further subdivided unless a road was put in. Mr. Currier stated he would continue to keep the snowmobile trail open.

Member Philbrook made the motion to accept the application as complete. Member Dalzell seconded. **Motion passed 5-0**

Chair Buttrick opened the public hearing. Kyril Mitchell inquired of the frontage on the lot and if the 27 acres lot would be buildable. It was confirmed the lot would be buildable. Mr. Mitchell inquired if there were plans for the 27 acre lot. Mr. Currier stated he would probably sell the property. He is open to abutters from Ridgewood Dr. completing a lot line adjustment. With no further comments, Chair Buttrick closed the public hearing.

Members had no further discussion. Member Dalzell made the motion to approve the application. VC Hoffacker seconded. **Motion passed 5-0**

Proposed 2024 Zoning Ordinance Warrant Article Amendments:

VC Hoffacker read the proposed amendments.

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 VI paragraph 6. Manufactured Housing-Storage and Parking to allow for the storage and parking of one recreational vehicle in all zones

and to not require the storage or parking of the recreational vehicle meet setbacks or be parked in a driveway?

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. Definition of “Structure” to exclude a fence as a structure and to not require a fence meet setbacks?

George Roberts inquired who the originators were for the proposed amendments. VC Hoffacker stated the first was brought to them by the Sawyer Lake Village District. The second one was brought to the Town by an attorney. Mr. Roberts was not sure the purpose and supposed it may be that people do not have 2 acres or enough room to park their recreational vehicle. He is concerned with the HDC. Smaller areas such as Shellcamp or Sawyer Lake, he does not have a problem with removing the setbacks. He feels this would be destructive to the Historic District. He is requesting the board amend this to not include the historic districts. This would be an unsightly change to allow parking it on the property line. Mr. Roberts felt that if people were concerned with the lack of space, that would be in consideration. It should be more important to protect the historic district. He requested the board amend the article to negate it from the historic districts. Brenda Currier agrees it should be rewritten to disallow storage in the HD. She knows of one that it being stored in the historic district and, Mr. Roberts is right, it does not look nice. She would also like to discuss the storage factor. It should not be being utilized as a storage shed. She wanted to confirm the RV could not be lived in. CDD Daigneault stated this article was for the storage only, there is another article in the Zoning Ordinance that addresses the use of an RV. Cody O’Leary would like to echo what is being said about regulating the HD. People who live in the Historic Districts understand this when they buy. The integrity of the districts should be retained.

Member Currier inquired if there were any comments on the fence warrant article. There were none.

Member Currier felt the proposed article could be altered to remove the HD. CDD Daigneault did not believe this could go in the Zoning Ordinances but would need to be addressed in the Historic District Regulations. The Historic District is not its own Zone, it is an overlay district. Member Currier would just like to make it simple and clear for people residing in the HD. He wondered if this amendment needed to be removed. VC Hoffacker felt this was not impacting the HD any more than it already was. He felt they could keep the setback requirements. Member Currier stated the lots in Sawyer Lake and Shellcamp would not meet setbacks.

Dave LeBoeuf, one of the commissioners of Sawyer Lake, stated the reason for the proposal was based on complaints made to the code inspector. He understood the intent was to prevent Sawyer Lake from becoming a trailer park. They would like to be like everyone else and store a camper on their properties. Member Currier felt, if they have time, they could rewrite the amendment. Members agreed. Mr. LeBoeuf stated there are many people in Sawyer Lake that have campers and this ordinance is saying they cannot store them on their lot. Options were discussed to address the amendment. Tom Lemien wondered if they could work in district areas and remove HD. Mr. Roberts inquired if they could change the ordinance based on the size of the lot. James

Allen felt it could be added that the setbacks did not need to be met except in the historic district overlay. SR Collins stated the HDC regulations override this. He did not feel it would need to be addressed. Rick Moorehead stated you could drive by and see RV's parked in the HD. It is not being enforced. Mr. Roberts felt it could be written that if you do not have enough space, it could be allowed. If you have 2 acres or more, you should be required to meet setbacks. Brenda Currier inquired if the recommendation from Mr. Allen would work. CDD Daigneault felt it would need to go in the HDC Regulations, not the Zoning Ordinances. The HDC Regulations can be changed anytime by public hearing. Amber Allen wondered if they could address the HDC regulations, then proceed with the Zoning amendment. Could the Board postpone until the next meeting. CDD Daigneault stated there was not enough time. The Zoning Ordinance amendments need to be placed on the ballot for Town vote.

Dave- trying to fix their problem back in the 90's. Can they make own.

- **OLD- None**

E. MINUTES OF- December 21, 2023
Member Buttrick, Currier seconded. Motion passed

F. CORRESPONDENCE

- Stephanie Verdile, LRPC

G. OTHER BUSINESS/PUBLIC COMMENT

- Capital Improvement Program

H. ADJOURNMENT

Hoffacker , Dalzell seconded.

Authorized by _____
Chairman C. Roy Buttrick

Date: _____