

Town of Gilsum
PLANNING BOARD
MEETING MINUTES
July 13, 2023

Present: Brian Bazarnicki, Tom Julius, Heidi Bukoski, Vicky Ayer, and Carol Ogilvie

Not Present: Sally Struble

CTO: The meeting came to order at 7:04 P.M.

I. Minutes

Tom read the minutes of June 8, 2023. There was a question regarding the vote for Brian to be Chair. The minutes do not reflect who moved or seconded. After discussion, the minutes will be amended as follows: That Sally moved to appoint Brian as Chair/Seconded by Heidi, with all in favor. Tom will amend the minutes of June 8, 2023 accordingly.

On a motion by Heidi /seconded by Vicky the Minutes of June 8, 2023 were approved, with all in favor. II. Old Business

- A. Gordon Excavation. Vicky took pictures of the Gordon excavation and uploaded to the One Drive. She described a washout that is not in the area of the new excavation. She did confirm that the water is not going into the brook, it is staying in the drainage swale that was created for that purpose. Vicky was on site and spoke to two workers, reminding them that the water is not to go into the brook. Heidi raised the issue of monitoring of the operation. If necessary, the Board can inspect the site for compliance. Brian states that the Board will keep an eye on the operation; the fact is that the erosion is taking place on the part of the land that is not part of the approved plan. The Board agrees that there is no need for action at this time.
- B. Sullivan Center Road. Inquiry from property owner regarding constructing a garage with an apartment on a lot that does not yet have a dwelling unit. The Board discussed the restrictions on ADU's, which require the owner to occupy the property. The question is, why is this before the Planning Board? This appears to be a building permit/code issue, and not something over which the Planning Board has any authority. Heidi contacted Bruce Murphy to ask why this is before the Planning Board.

III. New Business

- A. New Amendments. The Board had intended to review Steep Slopes and Solar Ordinances. However, these are both fairly involved and will take more time than the Board has to devote tonight. The Board decided to focus on Steep Slopes first.

Tom asked Carol to explain the main points of such of ordinance. She stated that the salient points will depend on what the primary concerns are for the town; once those are identified, the ordinance components will be based on those concerns.

Tom asked if there is any mapping that identifies steep slopes. Carol stated that there are topographic maps, but they are not at the detail that would be needed to regulate steep slopes. Tom suggested that they could propose an ordinance that requires building lots to

show steep slopes and restrict structures from being built on slopes greater than X%.

Heidi interrupted to state that she had a response from Bruce Murphy. Bruce said that Clem sent the Klas question to the PB thinking it needed site plan review. Bruce said that the procedure that has been followed is that if there is a question about the building permit, Clem sends it to the Planning Board for site plan review. Brian then described how the Planning Board has been handling these responses, and asked Carol if that was not correct, to which she responded that it was in fact not correct. She explained the Planning Board does not have the authority to conduct site plan review for single- or two-family dwellings. This is clearly stated in state law.

Vicky read from the Building Permit application, which calls for a “site plan” of the proposal. Carol read from a brochure that had been created years ago as a guide to the building permit process. Part of the process described was that when an application was received, the Selectmen would forward it to the Planning Board, Conservation Commission, Road Agent, and the Fire Chief. Carol stated that, based on these two documents, this is what she thinks happened:

Initially, the forwarding of the building permit application was intended for “information only” and/or for the officials to inform the Selectmen if there was an issue with the property that the Selectmen may not have been aware of. Over time, this evolved into a belief that the other officials – in particular the Planning Board, needed to conduct a site plan review of the application. And, it seems likely that the phrase “site plan” in the building permit application only reinforced this mistaken belief. In sum, she believes this has been an error of interpretation that was made in good faith.

The Board agreed that this has apparently been an unintentional error, and they see this as an opportunity to correct it. Clem Louder – Building Inspector, and Bruce Murphy – Zoning Board, should be invited to the next meeting so that they can all discuss this, get clarification on the process, and ensure that all Town officials are operating under the same set of assumptions and procedures. Vicky will send them an invitation to come to the August meeting.

The Board then returned to the steep slope discussion. Tom stated that he thinks the first step is to decide what is important to Gilsum. Once the Board decides on the purpose of the ordinance (using the Sanbornton language as an example), then they can define definitions, and then the other components of the ordinance. For example, if the purpose of the ordinance might be to protect roads and streams from erosion, that will form the basis of the rest of the ordinance.

Heidi noted that she thinks it is important to also be thinking about the future and the likelihood of more frequent and severe storms, so this ordinance should take that into account.

The Board agreed that the Conservation Commission should be a part of the discussion, so they should be invited to that meeting. Looking at the calendar, with the August meeting likely to be fully involved with the procedure discussion, September seems to be the next possible date for the steep slopes discussion. Vicky will send Chip Chapman an email invitation, along with the Sanbornton example.

The Board then set the Agendas for the next two meetings:

Agenda – August 10, 2023

- I. Discussion with town officials regarding approval procedures
- II. Minutes of July 13, 2023
- III. Other Business

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Agenda – September 7, 2023

- I. Steep Slopes
- II. Minutes of August 10, 2023
- III. Other Business

IV. Other Business

Vicky asked Brian about the Benya (sp?) property. Apparently the owner wants to build and there is documentation that says it is a building lot. Mr. Benya said he was told by the Planning Board that it was not a buildable lot. Brian does not recall having that discussion.

Motion to adjourn at 9:00 P.M. by Vicky Ayers/seconded by Heidi Bukoski, with all in

favor. Minutes Approved _____

Brian Bazarniki, Chair _____

Tom Julius _____

Heidi Bukoski _____

Carol

Ogilvie _____

Vicki _____ Ayer

_____ Sally

