

Town of Gilsum
PLANNING BOARD
MEETING MINUTES
May 9, 2024

Board Present: Vicki Ayer, Chair; Heidi Bukoski, Member; Brian Bazarnicki, *Ex Officio*; Tom Julius, Member; Carol Ogilvie, Alternate Member; and Phil Hitchcock, Alternate Member

Present over Zoom: Bill Whyte, Member

CTO: Chair Ayer called the meeting to order at 7:08 P.M.

I. Minutes of 4/11/24

Vicki distributed the minutes and asked if anyone had comments or changes.

Motion by Heidi Bukoski/second Brian Bazarnicki by to approve the Minutes of 4/11/24 as written, with all in favor.

II. Gordon Excavation Follow-Up

Vicki reported on the communication via email she had with the Gordons over a possible violation of their permit, in that it appeared the excavation had encroached into the front setback. The Gordons responded that this was not the case, that they were merely filling in the hold that was created during a previous excavation operation.

The Board discussed this and agreed that there is not much the Board can do, other than to remind them to not encroach any further. The hole was already there, and the Gordons are filling it in. Besides, if they have to go back another 50 feet from the front, they will need to go back another 50 feet to the rear, in order to keep the area they are allowed to excavate, and that would be more detrimental. There was a question as to whether DOT would have an issue with the road encroachment, but given that DOT has not commented on it, presumably they don't. Vicki will advise DOT of the status and put their response in the file.

III. St. Pierre Bond and Reclamation

The issue is that the property has a new owner, that excavation has not taken place on the site since 2021, but no reclamation has occurred. There is a bond in place for \$3,000 (\$1500 per acre; lot is just over two acres). Vicki will contact the new owner and St. Pierre advising that the permit expired in 2009 and that reclamation should have already commenced, and to please advise the Planning Board of the plans to reclaim. Vicki will also ask for permission to conduct a site visit.

[Tom Julius arrived at 7:34.]

IV. Continued Discussion of Steep Slopes Ordinance

Vicki reported that she had uploaded information, including maps, to the Planning Board One Drive. Following was a lengthy discussion about such an ordinance, including whether or not the Board should even propose such an ordinance; if so, what gradient should be considered steep (e.g. 25%); and how the ordinance would be administered and enforced, given that Gilsum does not have a code enforcement officer.

Heidi stated that she had been in contact with a former planning board member from Roxbury, whose ordinance seems as if it could be appropriate for Gilsum. Their ordinance was just amended at the last Town Meeting, and it is not known if they have processed any building permits yet under the new rules.

Vicki stated that in her opinion she doesn't think Gilsum needs this ordinance. From looking at the map, there is not much land that is over 25% gradient after eliminating conservation land; it is basically Route 10 and the river, and the river has state protections. It seems like a lot of effort for a small area.

Tom stated that Clem Lounder had talked to the Board about a property that had had some tree clearing that resulted in erosion. Carol pointed out that a steep slopes ordinance such as the Board was considering would not have stopped that; and that there are other regulations that can be implemented to address land clearing.

Heidi stated, in response to Vicki's opinion, that if there are not that many who would be impacted by an ordinance, then what is the harm. Carol said that her concern is the potential for the Town to be held liable if there is an ordinance and it is not properly administered or enforced. Tom said that even if it is just one property owner, shouldn't everyone be safe. He is in favor of reaching out to Roxbury.

Bill referred to the Roxbury ordinance and said that it doesn't actually say anything that is enforceable. He went through the criteria and pointed out the weaknesses in the language. Furthermore, Gilsum doesn't have the staff to evaluate plans. He has served many years on Town boards and has never seen someone come in that had a problem with steep slopes. While it is true that you don't want a neighbor affecting your property, having an ordinance that can't be administered or enforced is not good, and therefore he is against it.

Brian raised the issue of cost of enforcement and whether that cost would be borne by the taxpayers. Vicki said that the building inspector is paid by the permit fees. Brian stated that he felt this ordinance would be an undue burden on new homeowners.

Tom said that it doesn't appear that the issue has come up in the past. But it's here now, so we should be talking about. Roxbury is an example, but we could draft a different ordinance. He is in favor of Heidi looking into this, and has four questions for Heidi to take to them:

1. What did Roxbury base this ordinance on?
2. In Roxbury, who will administer and enforce?
3. Have they estimated the cost for enforcement?
4. Have they factored in possible litigation?

Vicki pointed out that a reason that you can't just have a simple ordinance is that you must have an engineered plan for 25% slope. Brian suggested that instead of an ordinance, just make it a requirement of the building permit. Carol agreed that that would be a simpler approach, but that the authorization to do that still needs to be stated in the zoning ordinance.

Bill said that the Board should have an agenda item next month to discuss the need for a building inspector. Brian's suggestion for the permit is an example where the Town doesn't have the resources to follow up. The building permit says what you are supposed to do, while an occupancy permit would say that you did what you were supposed to.

V. ZBA Suggested Noise Ordinance

Heidi stated that she has heard shooting at 10 o'clock at night. This is a problem that seems hard to solve. Brian is going to research any state laws on this issue and report back. The Board agreed to continue this discussion to the next meeting.

VI. Other Business

- a. Board Membership. Carol suggested that there be a warrant article at next year's Town Meeting to change the number of members from seven to five. She thinks seven is too many for a small town, given how difficult it is to get members. All agreed.
- b. Monadnock Resource Alliance. Tom provided an update on this organization that, among other things, is currently focusing on housing. There is a work group that is working with the Executive Director of the Southwest Region Planning Commission. He is interested in setting up opportunities for town officials to meet and discuss similar issues they are having, or share success stories. He is intending to survey planning boards about this; additionally, this is going to be the topic for the Commission's annual meeting in June.

Tom also reported that MEDC (Monadnock Economic Development Corporation) has created a housing development fund. This would make funding available to offset the cost of converting a single-family house to a multi-family building if the owner committed to having one or more of the units priced for moderate-income persons.

VII. Agenda for Next Meeting – June 13, 2024

- A. Minutes of May 9, 2024
- B. Continued Steep Slopes Discussion
- C. Discuss the need for Building Inspector
- D. Continued Noise Ordinance Discussion

Motion to adjourn at 8:40 P.M. by Brian Bazarnicki/seconded by Heidi Bukoski, with all in favor.

Respectfully Submitted by:

Carol Ogilvie

Approved 2024

Victoria Ayer, Chair

Brian Bazarnicki

Heidi Bukoski

Tom Julius

Bill Whyte

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