

Town of Gilsum
PLANNING BOARD
MEETING MINUTES

April 22, 2026

Board Present: Tom Julius, Chair; Heidi Bukoski, Member; Kevin Barnes, Member; Brian Bazarnicki, *Ex Officio*; and Carol Ogilvie, Alternate Member

Also Present: Linda and Dwayne Nettleton; Bill Whyte; Bruce Murphy; Jeremy Hockensmith (Town Attorney); Ariane Ice (Attorney for G2 Holdings)

CTO: Tom called the meeting to order at 7:08 P.M. Tom noted there is a vacant seat on the Board, as Bill Whyte just resigned from the Board. Carol noted that she is an alternate, but would be willing to fill the vacant seat if no one else steps forward.

Tom raised a conflict of interest regarding Heidi, noting that the Board is dealing with matters having to do with certain business interests in town. He noted that state law says that any member who has a direct interest in a project should recuse themselves.

Heidi explained that her reason to recuse herself in any matter having to do with excavation or an application is because she is an abutter to the existing gravel pit. She is still a resident and has interest, but will recuse herself and will not participate in the Excavation Regulations review and will not vote on either the Regulations or any application regarding G2 Holdings that might come before the Board.

Tom appointed Carol to serve as full member tonight.

I. Procedures

a. Meeting Minutes

Tom distributed the minutes of March 25, 2026 for the Board's review.

On a motion by Brian Bazarnicki/seconded by Kevin Barnes, the Board voted to approve the minutes of March 25, 2026 with two spelling corrections, with all in favor.

II. Regulatory

a. G2 Excavation Updates

Tom thanked the attendees for being present, since it is often the case that no one attends the Board meetings. He briefly described the Planning Board responsibilities, and wants to ensure that people recognize these parameters. He asked that if anyone wants to speak that they identify themselves, and speak through the Chair.

Tom noted that the Board was in receipt of the letter from the Nettleton's, and asked if anyone from the public had any comments.

Linda and Dwayne Nettleton raised a number of issues they have been dealing with, including: water quality; various environmental issues; impact on property values; lack of proper noticing for blasting; and lack of vegetative buffering, among other concerns. Also, a neighbor has had a well gone dry. The Nettletons submitted a five-page document that described these issues in more detail.

Tom asked if anyone wished to respond to these comments, to which Ariane Ice had the following comments:

This is a campaign of defamation, so she has no choice but to put her objections on the record. The Planning Board is getting misinformation. The water testing has come back within proper limits. She respects that the planning board is trying to do the right thing. But this is unfair to G2 Holdings that these claims are made against them. This is a civil matter. There is no indication that G2 Holdings had any effect on the wells. These complaints have been coming week after week, month after month. There is a process, if there is a legitimate violation, the complainant needs to reach out to G2 Holdings. This has to stop. G2 has a right to defend itself, and this is not the right forum.

Brian read a statement that was read at the BOS meeting. This was a legal opinion from the NH Municipal Association that stated that the Town is not responsible for private property complaints, unless there is proof of negligence on the part of the Town. This is something to be resolved between the land owner and the business. It is not legal or appropriate that the Town solve this for the complaining resident. They need to hire their own attorney.

Tom asked Brian if there were any other conversations with the Gordons. Brian said that the BOS has worked with the Gordons to resolve a number of complaints.

Carol stated that in her opinion, this does not belong to the Planning Board, but to the Select Board. The Planning Board is the regulator, but not the enforcer. Furthermore, the Planning Board is in no position to be able to verify any of the complaints – even the ones that might relate directly to the approved plan.

Tom clarified that in order for the planning board to act on any complaint, it would need documentation from a professional that there is in fact a violation. The Planning Board will look at our regulations to see what changes are needed to meet today's needs. At this point, he does not see any action for the Board to take on the complaints from the Nettletons.

Tom stated that the Board wanted to be ready for public hearing on the updated Regulations as soon as is reasonable. He suggested that the Board look again at Section IX, and look at other town regulations. He asked, how do we set the guidelines in place so that other, new board members have the information they need to make good decisions. At the next meeting the Board will review the changes and set a date for public hearing.

III. Planning

a. Excavation Regulations Update Review

The Board is continuing its review of the Excavation Regulations. Carol walked the Board through the few changes/additions that had been made since the previous version was reviewed, most of them for better clarity. The one section of substance is in Section IX, Paragraph B. which addresses standards that could be applied to new or expanding pits. She explained that this is something the Regulations have not taken into account, and she is still somewhat uncertain as to how far the Board can go in imposing additional conditions. She looks forward to input from the Town's attorney to help sort this out.

Tom asked if anyone had any comments on what was being reviewed.

Ariene Ice referenced the City of Keene Regulation, which she said is very detailed. It is important to strike a balance between the potential for damage from excavations and getting involved in homeowner civil disputes. She thinks that if language to that effect gets wrapped into the ordinance, it sets the Board up to having to resolve disputes. Determining impacts on wells and water quality is a hard place to be. For example, water testing relies on patterns over time; the Board should think about what the limitation means in terms of determining violations.

Bill Whyte stated that if the blasting distance from homes is 500 feet, for example, he sees problems with proving that the blasting caused the problem. It would have to go to court. Future regulation could set further distance from wells.

Tom advised the Board to look at RSA 674:51, which was cited in the email from NHMA, which addresses how a town can adopt codes dealing with blasting.

IV. Informational

a. Inquiry regarding zoning and permitted uses for 73 Alstead Hill Road

Board Review: The property is in the Rural Residential District, which does not permit business uses. The previous business use was non-conforming. If the intent is to have a business there, they would need to demonstrate that the use was in operation less than a year ago, otherwise a variance would be needed.

b. Correspondence from the Gallaghers

The Gallaghers are asking what they need to do to replace their home that needs to be demolished. The answer is that, as the house is non-conforming, it would need to be replaced in exactly the same location within a year. Otherwise, a variance from the ZBA would be required. Heidi will follow up with them.

c. The 2025-2026 NH Planning and Land use Regulation is now available. There are copies in the library.

d. C-PACER Myth-Busting for NH Municipalities. Free Webinar April 23rd from 1:00 to 2:00 P.M.

Event Description:

Commercial Property Assessed Clean Energy and Resiliency (C-PACER) is a financing tool that helps commercial properties invest in energy efficiency, renewable energy, water conservation, and property resiliency improvements. As more local officials and residents prepare to vote on enabling C-PACER within their communities (as required by law), local leaders are asking good questions about the municipal roles, administrative tasks, and risk protection factors associated with C-PACER.

e. Next Citizen Planner Roundtable in Walpole in June, details TBA

V. Next Meeting – April 22, 2026 – Draft Agenda Items

- a.** Minutes of March 25, 2026
- b.** Review Third Draft of Excavation Regulations
- c.** Review of Site Plan Review application fee
- d.** Master Planning
- e.** Short-Term Rental Ordinance

On a motion by Brian Bazarnicki/seconded by Heidi Bukoski, the Board voted to adjourn at 8:47 P.M. with all in favor.

Respectfully Submitted by:

Carol Ogilvie

Approved 05-27, 2026

Kevin M Barnes

Kevin Barnes

Brian Bazarnicki

Brian Bazarnicki

Heidi Bukoski

Tom Julius

Tom Julius, Chair

Carol Ogilvie

Carol Ogilvie