

Town of Gilsum
PLANNING BOARD
MEETING MINUTES

June 24, 2026

Board Present: Tom Julius, Chair; Kevin Barnes, Member; Carol Ogilvie, Member; Heidi Bukoski, Member; and Stanley Shaw, Alternate Member

Absent: Brian Bazarnicki, *Ex Officio*

Other: Dwayne and Linda Nettleton; Jason Beaubien; Clem Lounder; and Jenny Schmidt

CTO: Tom called the meeting to order at 6:45 P.M.

I. Procedures

a. Meeting Minutes

Tom distributed the minutes of May 27, 2026 for the Board's review. Tom noted a typo at the top of page 2: "...the changes being made are NOT (as opposed to "note") retaliatory..."

On a motion by Tom Julius/seconded by Kevin Barnes, the Board voted to approve the minutes of May 27, 2026, with Heidi abstaining.

II. Regulatory – Nothing to Report

III. Informational

a. Citizen Planner Roundtable in Walpole in June, details TBA

The next Roundtable is scheduled for June 30th at 5:30 P.M., to be held in Walpole. The topic will be current challenges for towns. Heidi asked if there were specific to Gilsum issues that could be raised. Tom noted that short-term rentals are an issues for some towns, especially those that have lakes.

IV. Public Hearing – Proposed Excavation Regulations

Tom opened the hearing by asking everyone to introduce themselves. Heidi recused herself from this portion of the meeting and left the table. Tom noted that Heidi is welcome to speak as a resident, but not as a planning board member on this matter. Tom then provided an overview of the role of the Planning Board.

Tom also provided context for the purpose of the hearing, which is to update the Town's excavation regulations. He explained the protocol for the hearing, specifically, that all comments will be limited to the draft regulations, and nothing else. He noted that this is not an open discussion, it is an opportunity for the Board to receive comments from the public. Following the hearing, the Board will go into deliberation. The results of the deliberation will be to either: (1) adopt as presented; (2) choose to not adopt; or (3) make changes which may require a subsequent public hearing.

Tom then began to review the changes page by page and asked for comments/questions from the public.

Heidi pointed out two typos; Carol will correct those.

Linda Nettleton: She had question about the dates in the Regulation. Carol explained that these were dates when either the law regarding excavations (RSA 155-E) was adopted or amended, and that these dates affected the grandfathered status of certain types of operations.

Jason: Section II – Purpose and Scope. He suggested alternative language. He disagrees with the first statement and feels it is not necessary because it is state law. Clarity, specificity and enforceability should be the goal.

Section V: Are there any operations that fit these criteria? If not, get rid of them. B3 and C3 should remain. There is no evidence that there are grandfathered pits in Gilsum. If these are irrelevant, why have them here?

Linda: She questioned the definition of Abutter and wondered why it couldn't be expanded to match the 2,000-foot radius specified in the application material. Carol explained that this definition is taken directly from state statute.

Linda also questioned the definition of “Commercially-useful Excavation” and whether this means private and for sale. Carol responded that while this is true, it is also intended to cover those circumstances in which a significant volume of material is removed, but the property owner claims that it is not being sold.

At this point Tom noted that Sections VI – VIII had no changes. He then moved on to Section IX – Operational Standards. He pointed out that with three minor additions Paragraph A. of this section mirrors state law; but that Paragraph B. is new language the planning board added, with guidance from the Town's Attorney.

Linda: She suggested adding to #5 “...before operations begin.” She asked for confirmation that #7 also means wells, to which Tom replied it does; and the reason NH DES is referenced here is an attempt to provide clarity and a means to quantify the data.

Jason: He feels that #3 is confusing and suggested replacing “peripheral areas” with “...within the area prescribed within...”

He thought that B.1.a. should provide clarity on who will be notified and the means of notification. He offered specific language to add.

Tom recognized Clem at this point, who said he had some concerns he wanted to raise. Tom stated that the purpose of the hearing was specifically and only to comment on the proposed draft Excavation Regulations; anything else was off the table. Clem responded that since he had not yet had an opportunity to review the Regulations, he would excuse himself.

Linda: She suggested two changes to Section IX. B.1.: to add “...blasting expert *chosen by the Board...*” and “...to conduct pre-blast surveys.” She also asked whether there were additional guidelines that could be mentioned in this section.

Heidi: She suggested for B.1.c. to replace “owner” with “applicant.” And regarding B.1.b., is there any way to test for quality?

Tom stated that if there were no more comments on Section IX, they would move along, noting that there were no changes to Sections X and XI, bringing us to Section XII – Performance Guarantee.

Jason: He felt that the language limited to security to reclamation and not to operations or other issues. He provided the Board with suggested revised language, including a new provision regarding a liability insurance policy.

Heidi: She felt that the last sentence of Paragraph B. was vague regarding a “new section” being opened. Tom reviewed that provision with her, which clarified the confusion.

Jason: He objects to Section XIII – Exceptions, which he feels is written in favor of the applicant. He also thought that the permit fee in Section XIV.D. should be more than \$50. Carol explained that that fee is prescribed by state law and the planning board can't change it.

Linda: In Section XIV.C.1. Linda would like to see all properties within 2,000 feet added to the abutters list. Also, for C.2. are there other places the hearing could be noticed? Carol explained that these provisions are based on state law. In fact, she pointed out that most of this Regulation mirrors state law (including the provision section on Exceptions); there are only a few places where the Board deviated, and all of the changes were reviewed and approved by Town Attorney.

Jason: Regarding Section XV – Application Submission Items, he would like to see the excavation plan increase the properties shown on the plan from those within 2,000 of the excavation site to 3,000 feet.

Regarding Section XVI – Administration and Enforcement, Paragraph A.1, Jason thinks that the permit should be available at the Town Offices for public review.

Heidi: What about hours of operation? Tom replied that this would be specific to a permit and would not be stated in the Regulation. Dwayne Nettleton stated that the hours should be specific to the actual activity on the site.

Jason: Regarding Section XVI. Paragraph D., he thought that one sentence could be deleted because it is addressed in Paragraph E.: “Such suspension or revocation shall be subject to a motion for rehearing thereon and appeal in accordance with these regulations.”

Jason also thought that the penalties described in Section XVI. Paragraph G. were not significant enough because excavation violations are not the same as other zoning violations. Tom responded that he had reached out to Town Attorney regarding this specific question and was informed that RSA 676 is the baseline for all land use violations. RSA 155-E does not have a separate penalty provision, so it relies on RSA 676.

Jason stated that he had looked at blasting ordinances from a few other towns and their penalties were higher. Carol responded that blasting is regulated by a different state statute and that it is possible that different penalties are allowed under that law.

Jenny Schmidt wanted to confirm that there is a distinction between blasting and excavation.

Carol explained that the Board did in fact look at blasting ordinances, but ultimately decided to not pursue the adoption of one. The reasoning for that was that even if the Town adopted such an ordinance, no one on the Board is qualified to administer it, therefore the Board would need to hire a blasting expert to help guide them through an application that included blasting. For this reason, the Board concluded that by requiring a blasting expert to be involved early on and through the process would give them all of the support they would need without having an additional level of regulation.

At this point Tom said that if no one had any additional questions or comments, he would close the public hearing and the Board would enter into deliberations. Linda stated that they appreciated the effort put in by the Board to make these changes. Tom thanked everyone for their input and emphasized the importance of that input to the Board. He then closed the public hearing at 8:17 P.M.

The Board deliberated for the next 40-45 minutes and ultimately decided to vote on the proposed Regulation. There was discussion about whether the changes/corrections the Board agree to fell within the allowable changes the Board could legally make without another public hearing. The members felt that the changes were largely for clarification and did not change the substance of the Regulations. The Board's response to the received public comments is appended to these minutes.

On a motion by Tom Julius/seconded by Kevin Barnes the Board voted to approve the proposed Excavation Regulations as reviewed by the Planning Board on June 24, 2026.

V. Next Meeting – July 29, 2026 – Draft Agenda Items

- a.** Minutes of June 24, 2026
- b.** Review of Site Plan Review application fee
- c.** Master Planning
- d.** Short-Term Rental Ordinance

On a motion Kevin Barnes/seconded by Tom Julius, the Board voted to adjourn at 9:11 P.M. with all in favor.

Respectfully Submitted by:

Carol Ogilvie

Approved _____, **2026**

Kevin Barnes

Brian Bazarnicki

Heidi Bukoski

Tom Julius, Chair

Carol Ogilvie

ADDENDUM:
Planning Board Response to Public Comment on Proposed Excavation Regulations at Public
Hearing on June 24, 2026

PUBLIC COMMENT	PLANNING BOARD RESPONSE
1. Suggested alternative language for Section II – Purpose and Scope	The Board made one wording change that they felt accomplished the proposed language, and left the remainder of the section as is.
2. Regarding Section V – Projects Exempt from a Permit, he suggested removing the entire section since, in his opinion, there were no operations in Gilsum that fit any of the criteria	The Board discussed this but concluded they were uncomfortable removing an entire section that mirrored state law without doing their own research.
3. Could the definition of “Abutter” be revised to include properties within 2,000 feet of the excavation site?	No, because this is the statutory definition.
4. In Section IX, suggested adding “before operations begin” to #5.	The Board felt that it would be impractical to require this before the slope was created.
5. Section IX. A. #3 is confusing and he offered replacing “peripheral area” with “in the zones described...”	The Board deleted the word “peripheral” from this section, to read “...within the areas...”
6. Section IX.B.1.a. should provide clarity on who will be notified and the means of notification.	The Board felt that this was a level of detail that would be more appropriately found in the blasting plan, specific to each application.
7. In Section IX.B.1. add “...blasting expert chosen by the Board... ”	The Board felt that the existing language was clear enough that if the Board had the right to engage an expert, that the expert would be chosen by the Board.
8. Include in Section IX.B.1. the conduction of pre-blast surveys.	The Board saw this action as something that would logically be included in a blasting plan.
9. A suggestion to include additional guidelines in Section IX.B.1.a.	At this point the Board wasn’t comfortable with adding references with which it was not itself familiar; additionally, they would only be guidelines and not requirements, and could change over time.
10. A suggestion to change “owner” to “applicant” in Section IX.B.1.c.	The Board made this change.
11. Regarding Section XII – Performance Guarantee, suggestion provided for additional language regarding a liability insurance policy.	The Board was not comfortable adding this, given the uncertainties around this issue. In addition, they felt that this was a matter for the applicant, and not for the planning board to make these decisions.
12. Objection to Section XIII – Exceptions, believing that this language is written in favor of the applicant.	It was pointed out that this language comes from the statute – with the exception of the first part of the sentence “Due to the diverse nature of excavation operations which vary in scale and scope, and due to varying conditions of the land

	to be excavated...” The Board agreed to remove this section.
13. Objection to the \$50 permit fee stated in Section XIV. D., believing it should be more.	The Board pointed out that this amount is set by statute and the Board cannot change it.
14. Regarding Section XIV.C.1, a request to add all properties within 2,000 feet of the excavation site added to the abutters list.	The Board made this addition.
15. Question regarding other possible locations for a public hearing notice to be placed.	The Board reviewed the legal (and only practical) locations available to them: the Town Offices; the Post Office; and in the newspaper. Today notices are also posted on the Town website, an option that was not available in the past.
16. A request to have the excavation plan show all properties within 3,000 feet of the site, as opposed to the current 2,000 feet.	The Board felt that this was a quantitative change that would require another public hearing, and decided to leave it at this time.
17. Regarding Section XVI – Administration and Enforcement, a suggestion that the Excavation Permit be available for public inspection at the Town at the Town Library.	The Planning Board added this language, but changed it to the Town Offices instead of the Town Library.
18. A question about having hours of operation included in the Regulations.	The Board concluded that these would likely be specific to individual operations, and as such, would be part of the approved plan with conditions.
19. Regarding Section XVI – Suspensions and Revocations, a suggestion to eliminate this sentence, as it is redundant with the following section: “Such suspension or revocation shall be subject to a motion for rehearing thereon and appeal in accordance with these regulations.”	The Board concluded that, while seeming similar, the first sentence merely dealt with the motion to rehear, while the following paragraph actually spelled out the process, and therefore left that sentence in the paragraph.
20. Objection to the penalties spelled out in Paragraph G. of Section XVI, that they are not stringent enough for these types of violations.	The Chair explained that he had contacted the Town’s Attorney specifically for this question, and was informed that the statute referenced – RSA 676, is the controlling statute for all land use violations; RSA 155-E does not have its own set of penalties.