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# Gilmanton officials say word got around on plan for Town Pound

By TIM CAMERATO | Oct 22, 2015

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**GILMANTON** — Town Administrator Paul Branscombe said on Wednesday that the legal requirements for noticing abutters of a recent Planning Board meeting were met by town staff.

At the board's Oct 8. meeting, it gave conditional approval for landowner Kenneth Cegelski Jr. to subdivide his 23 acres of land along Province Road into four lots for duplex development and one lot for the historic Town Pound.

The selectmen are awaiting more information from the Town Attorney before deciding how big of a lot the pound will be on, but, since the meeting, the duplex development has drawn ire from neighbors.

Monday's Board of Selectmen meeting was standing-room-only, as residents expressed concern with the future development in their neighborhood and anger at a perceived lack of warning about the meeting.

Resident Erin McKay said she received her abutter notification less than 24 hours in advance of the Planning Board meeting. She said a certified mail card came in the mail the Monday prior but she wasn't able to pick it up until Wednesday. The meeting itself was on a Thursday.

"That didn't allow me the ability to gather my thoughts, and get some information together and to speak intelligently," McKay said. "I find it hard to believe that the Gilmanton Post Office would have received it and took six days to deliver it."

William McGee, another abutter brought along his copy of the notice. He said it came to his house on Oct. 1, seven days before the meeting.

New Hampshire's laws governing planning boards states that each board "shall notify the abutters, the applicant, holders of conservation, preservation, or agricultural preservation restrictions, and every engineer, architect, land surveyor, or soil scientist whose professional seal appears on any plan submitted to the board by certified mail."

That notice has to be sent 10 days before the plan comes before the board. Branscombe says the town investigated residents' claims and found the notices were mailed in time.

Nancy Mitchell, of Durrell Mountain Road, also worried at Monday's meeting about how those who aren't abutters can find out about upcoming meetings.

"I don't get a newspaper. I don't get the Suncook (Valley) Sun anymore. I'm dependent on what's online," Mitchell said. "There's one set of minutes this year for the Planning Board for May, which does not help inform the public at all."

Going through the agendas that were posted online, she said there was no information about the subdivision. Administrative assistant Stephanie Fogg replied that planning staff have had trouble posting to the website since the department moved back into the Academy Building.

Under the state's Right-to-Know law, municipalities are also required to post notice of a public meeting "in two appropriate places" 24 hours before the meeting, not including Sundays and holidays. A notice is also required to be placed "in a newspaper of general circulation."

The 2015 attorney general's memorandum on the law states that the notice should be in a place people will be likely to see it, such as the town website, town hall or an "agency's office lobby or front door." Only one of those places can be online, and the law doesn't require towns to post on their website.

Brabscombe said Gilmanton officials put up copies of the Planning Board agenda at the Corners Post Office and at the Town Hall bulletin board. He said a notice was also placed in a local newspaper.

Although it's also common to put an agenda at the Iron Works Post Office, Branscombe said he couldn't attest that one was placed there. The agenda for the Planning Board also didn't make it onto gilmantonnh.org, but one for the Cemetery Trustees was posted in advance, as the body had a quorum and gave input at the hearing.

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