



**Planning Board
Academy Building
503 Province Road
Gilmanton, New Hampshire 03237**

**Minutes of the Meeting
Thursday, April 14, 2011**

Desiree Tumas, Administrator
Mark Fougere, Town Planner
Nancy Girard, Chair
John Funk, Vice-chair
Rachel Hatch, Select-Rep
Dan Hudson, Member
Marty Martindale, Member
Dave Russell, Member
John Weston, Member
Jacqueline Heath, Alternate

Open Meeting

**Call to Order @ 7:00 PM
Introduction of Board Members
Explanation of Meeting Procedures**

Members Present: Nancy Girard, Chair; John Funk, Vice-chair; Rachel Hatch, Select-Rep; Marty Martindale, Member; David Russell, Member; John Weston, Member; Desiree Tumas, Administrator.

Public Attendance:(As signed in) Mike Levesque, David Sanborn, Ralph Lavin, Susan Mackenzie, and Kim Mackenzie

Planning Board motion and vote to seat the 2011 Planning Board Chair and Vice-Chair

In the absence of D. Hudson, Member agreed by consensus to move the Board Chair and Vice-chair election until the May 12, 2011, Meeting to allow for the presence of a full Board.

Public Hearing

PB Case #0411 – Property Owners, Ralph Lavin, Jr. & Bethany Lavin (Tax Map 414, Lot 5) – have applied for a Site Plan Review in which they seek approval to operate a firewood processing operation at their residence in the Rural Zoning District. Said property is located at 753 NH Route 140, Gilmanton Iron Works in Gilmanton.

N. Girard called the public hearing to order and recognized R. Lavin who explained the firewood processing operation that he would like to start on his property. The logs would be trucked in and stored on the right side of the barn. The lengths of the logs delivered are approximately 24' long and once processed the cut firewood would be stored on the left side of the barn.

R. Lavin went on to explain that he will have to add a header to the lean-to where the conveyor portion of the cutter/splitter will be located. R. Lavin would like to have the hydraulic diesel engine that powers the machinery located inside the barn to minimize the noise produced by the cutting and splitting.

R. Lavin explained he has met with Fire Chief Hempel and he is looking into the life and safety aspects of the proposal to house the engine inside the building. Chief Hempel expressed concern regarding the enclosure of the engine and the exhaust produced by the engine and would prefer to have the engine located outside.

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R. Lavin will follow-up with Chief Hempel for the life and safety recommendations. R. Lavin added that if he were to have the machinery outside all that would be needed would be a couple fire extinguishers.

The Board questioned when R. Lavin expected to have the final recommendation from Chief Hempel; R. Lavin stated he would be in touch with Chief Hempel in the short-term.

R. Lavin stated he would like to have 7:00 am–7:00 pm hours of operation. Abutters present were opposed to the 7:00 am start time and requested business operation start at 8:00 am. R. Lavin was agreeable to the 8:00 am–7:00 pm hours of operation.

Board Members agree by consensus to request the Conservation Commission conduct a site walk and view the water flow that is located on the West side of the property at the stonewall. The water continues along the property line taking a slight course northeasterly and then to a Northerly direction to the Westerly side of the barn and beyond to Varney Brook.

N. Girard stated concern regarding dismantling existing stonewalls to the left and right of the barn and are not a property boundary marker. R. Lavin stated he was familiar with the RSA and interior stonewalls can be altered, parameter stonewalls or scenic roadway stonewalls cannot be altered. N. Girard reiterated her concerns and advised R. Lavin to review the regulations pertaining to stonewall removal prior to dismantling the existing stonewalls.

M. Martindale stated concern with the vague plan provided and requested the final plan include more detail and exact location of the pre-cut and processed wood as well as the plan for where the equipment will be used and what safety precautions have been put in place according to the recommendations of Chief Hempel. Other Members requested site contours to depict the current elevations.

N. Girard suggested a pervious material be used under the raw and cut wood product to mitigate runoff. Board Members were agreeable to the suggestion.

R. Lavin explained he plans to pave the area outside of the Board but would not be able to do the work until approximately 2-years out. It was further explained that the pavement would allow for equipment to move the raw and cut wood product without disturbing the ground.

J. Funk recommends a vegetative buffer to cut down the noise produced by the operation. Abutter, D. Sanborn suggested 6' trees and not saplings to provide an immediate buffer as apposed to saplings that would take several years of growth to provide the necessary buffer from the noise of the operation.

D. Sanborn also expressed concern regarding additional runoff caused by the alteration of the swale located on the Westerly property line. D. Sanborn went on to explain the runoff does minimize come summer when the area is mostly dry but for the most part there is year round runoff.

Board Members viewed a video of the equipment that will be used. The video doesn't show the exact machinery but rather a similar facsimile of the equipment.

R. Lavin went on to explain the barn where the operation is proposed will have 6' walls that are insulated, plus additional trees should help to mitigate the noise of the operation.

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Board Members requested DES and the Building Inspector view the site and provide recommendation pertaining to the site.

R. Lavin stated the amount of disturbance of the ground would not warrant an Alteration of Terrain permit. Lesley Roberts is doing the grade work and as the plan indicates, a 1-4 pitch would be the final outcome of the proposed grading.

N. Girard stated both the salon and the firewood processing operation should be depicted on the final plan. Having both operations on the plan will provide a clear understanding of the site and provide a record for the Town.

N. Girard explained that the Board is not opposed to the proposed operation, they want a clear understanding of the final site conditions.

K. Mackenzie, Abutter stated he owned the property across NH Route 140 and he was concerned the proposed operation would devalue the property that is currently for sale due to the scope and type of equipment, sawdust produced as well as the trucks that will deliver the raw material.

R. Lavin explained he would prefer the equipment be inside the barn and according to Chief Hempel the engine would only need to be vented. Life and safety concerns will have to be addressed by the Fire Chief.

It was explained the Site Plan Review was for the operation and the equipment is secondary to the site approval. If additional equipment were needed at a later time an application to amend an approved site plan would be required.

The Board requested elevations be added to the plan and notes added listing the materials used and any vegetation that might be added.

D. Tumas explained that should the Board render a conditional approval that the operation could not start until such time as all conditions of approval were met and confirmed by a site walk with the Building Inspector and Fire Chief as well as confirmation of administrative requirement.

Board Members agree by consensus to request the Conservation Commission conduct a site walk to provide recommendation regarding the wetland and runoff issues noted during the Planning Board site walk as well as Chief Hempel's final recommendations.

J. Funk moved to continue the hearing until May 12, 2011, to allow time for the Conservation Commission to conduct the site walk and the applicant to address the runoff and life and safety issues, M. Martindale seconded the motion as stated; the motion passed unanimously.

N. Girard thanked R. Lavin for his presentation and discussions were concluded.

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Public Hearing (Continued from March 10, 2011)

PB Case #0111 Kurt & Tracy Rague and Sylvain & Carolyn Goulet - applied to the Planning Board for Subdivision, in which they seek approval to subdivide the 38 acre parcel, show as Tax Map 415/Lot 29, in the Rural Zone, creating 4-lots. Said property is located on Crystal Lake Road, Gilmanton Iron Works.

D. Tumas made three attempts to contact the applicants and she had not received a written request to continue or to withdraw the application. D. Tumas requests if the Board is to deny the application, they do so without prejudice to allow an amended subdivision plan to be submitted for review.

J. Funk moved to accept the application as complete and deny the request without prejudice, D. Russell seconded the motion as stated; the motion passed unanimously.

Discussions

PB Case #1407 Ryan Benson/BMMC Contractor Yard/Robert Vayda, Property Owner- Contractor Yard- Tax Map 416/Lot 20/NH Rte 140 @ Halls Hill Road

- **Violation of Planning Board PB #1407 Approval of October 11, 2007**
- **Violation of NH DOT Permit #171-343, Approval of August 24, 2007**
- **Violation of Zoning Board of Approval #34B-2007, Granted: September 20, 2007, and Recorded at the BCRD on October 30, 2007.**

D. Tumas explained on April 4, 2011, she and the Code Enforcement Officer, Bob Flanders conducted a site walk of the property with R. Benson and discussed the violations and the requirement to submit an application for an amended site plan to address the violations.

An Application packet was compiled for R. Benson to pickup. As of today, R. Benson had not been in to pick up the paperwork nor have any of the violations been rectified.

R. Benson requested time with the Board to discuss the violations and discussions were scheduled for this evening. R. Benson did not attend the meeting or notification that he was unable to attend the meeting.

Also discussed at the site walk was the removal of the violations until such time as application is submitted and approved if the proposal meets the regulations and zoning ordinances.

D. Tumas also discussed the wetland violations and that the construction debris piles and creosote covered poles were to be removed immediately. As of today, none of the violations have been addressed and the site remains in the same condition as when the site walk was conducted on April 4, 2011. Showing that R. Benson has a complete disregard for the requirements of his approval.

Board Members agree the number of violations and lack of response to the Planning Office warrants further action. R. Hatch will discuss the issues with the Board of Selectmen and will provide an update at the next Planning Board Meeting.

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Approval of Minutes

March 10, 2011

M. Martindale moved to approve the March 10, 2011, Minutes of the Meeting, D. Russell seconded the motion as stated; the motion passed 5-in favor/1-abstained vote by J. Funk who was not in attendance.

Administrative Business

Budget Update – For information purposes

Payment Approval – Mark Fougere for February/March 2011, Professional Services

2011 Local Officials Workshop – 2 weeks remaining to register

New technology may replace cell towers – For information purposes

Subdivision Regulation Draft Amendments – Workshop Session is scheduled immediately following the Joint Public Hearing with the ZBA on April 21, 2011.

Correspondence

Alternate Member Appointment-The Board of Selectmen appointed Jacqueline Heath as an Alternate Member and was sworn in Monday, April 11, 2011.

J. Heath was unable to attend the meeting due to prior commitment, but she expects to attend the next scheduled meeting on April 21, 2011.

Unscheduled Business

AE Mitchell Excavation Operation

Following review of the file with Town Planner, Mark Fougere and Gravel Tax Appraiser, Mary Pinkham-Langer and it was noted there were a few conditions of approval that had not been met from the Boards last approval to amend the site plan.

D. Tumas is working with Mr. Mitchell to bring the operation in compliance with the requirements of RSA 155-E.

Marshall Bishop – Restaurant and Winery

Having read the recent write-up in the newspaper about the ongoing business and desire to have tour busses come on the weekends. The Board requests M. Bishop submit application for a site plan review as Minutes from January 2010; indicate the current phase of the operation.

D. Tumas will contact M. Bishop and review the requirements of site plan for the restaurant operation.

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Joint Hearing w/ZBA

Board Members were reminded of the joint hearing scheduled for the proposed cell tower at the end of Copp Road. April 21, 2011, beginning at 7:00 PM.

Scheduling Subdivision Regulation Update Work Session

Board Members were provided a draft copy of the proposed subdivision regulations. The Board scheduled a work session follow the Joint Hearing w/ZBA on April 21, 2011, to discuss the proposed amendments to the Subdivision Regulations.

Adjournment

Respectfully submitted,

Desiree Tumas
Planning Administrator