



Planning Board
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Approved: 12/08/2011

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

Minutes of the Meeting
November 10, 2011

Member Attendance: Nancy Girard, Chair; John Funk, Vice-chair; Rachel Hatch, Select Rep; Dan Hudson, Member; John Weston, Member; Mark Fougere, Planner; D. Tumas, Administrator. Absent the meeting was David Russell, Member.

Public Attendance: (As signed in) Andrea Moses & Brandon Deschuiteneer.
(Not signed in) Tom Varney.

Open Meeting

Call to Order @ 7:02 pm
Introduction of Board Members
Explanation of Meeting Procedures

Approval of Minutes

1. **October 13, 2011 – Regular Meeting**

R. Hatch moved to approve the October 13, 2011, Regular Meeting Minutes as amended, J. Weston seconded the motion as stated; the motion passed with 4-favorable votes and 2-abstained votes by J. Funk and M. Martindale who were not in attendance.

2. **November 05, 2011 – PB #1211/Deschuiteneer Site Walk**

D. Hudson moved to approve the November 05, 2011, Site Walk Minutes as submitted, M. Martindale seconded the motion as stated; the motion passed with 5-favorable votes and 1-abstained vote by J. Weston who did not attend the site walk.

Public Hearing

1. **PB Case #1211 – Property Owner, Brandon Deschuiteneer (Tax Map 405, Lot64)** has applied for a Site Plan Review in which he seeks approval for a contractor yard and landscaping business at his residence in the Rural Zoning District. Said property is located at 296 Sargent Road, Gilmanton.

Chair N. Girard opened the public hearing and recognized Applicant, Brandon Deschuiteneer and Land Agent, Tom Varney.

The proposed plan is to build a new garage/shed to replace the two existing storage sheds and construct a new driveway for access and parking. Two (2) storage bins are to be constructed for storage of sand and bark mulch. The property is to be landscaped and a vegetative buffer zone is to be established along the wetland boundary. The Gilmanton Zoning Board of Adjustment granted a Special Exception on September 15, 2011. The house is to remain residential. Customers typically do not come to the site and the property has an existing landscape with planted shrubs and trees.

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Land Agent, T. Varney read the Operation Plan:

- The property is proposed to have a single-family home and a storage/garage building for business
- Proposed storage bins are to stockpile small amounts of bark mulch and winter sand.
- Landscape business is to have two or three employees who begin and end work at this site. During the day, landscape work is provided to clients off site. An occasional trip is made back to the shop for supplies, repairs, etc. Very few customers come to the site except to meet the owner to pay bills, discuss projects, make sales calls, etc. The landscape crew is normally on client property all day.
- The employees will leave their personnel vehicles in the yard during the day and use the company trucks during business hours.
- The property is not to be used for retail sales or for a plant nursery.
- Hours of operation are from 7:00 am to 6:00 pm or as directed by the zoning board or planning board.

Following the presentation by T. Varney, N. Girard made mention of the site walk that was conducted on November 05, 2011. The site walk was well attended by members with the exception of J. Weston, who was unable attend the site walk.

Following discussion regarding the aesthetics of the proposed storage bins, the Board requested consideration be given to locating the storage bins behind the new garage and the location depicted on the final plan.

D. Tumas noted that the Fire Chief Hempel, Police Chief O'Brien, Road Agent, Paul Perkins and the GCC all reviewed the plan and signed off on the Technical Review Form without comment.

Subsequent to the Technical Review Form submission to Staff, the Planning Board was provided copy of the DES Wetlands Restoration Plan. Copy was also provided to the GCC and the Commission requested the wetland restoration be complete before the remainder of the site is developed as proposed. The GCC had no other issues or concerns with the proposal.

B. Deschuiteneer explained that he expected that restoration and development of the site would begin in the spring of 2012. It was also explained that the wetland did not contain standing water and that the determination of wetlands was based on wetland soils and vegetation present in the area.

Board members questioned if weekend business hours were planned; it was explained that occasionally work on Saturday is done, but is not as a matter of course. However, there have been rare occasions such as when inclement weather prohibits work during the week, it is necessary to work on Sunday.

B. Deschuiteneer explained he had the following heavy equipment that is used during the course of regular business as needed.

- Mini-excavator
- Skidder
- Trailer
- 2-trucks

M. Fougere noted the following recommendations as a result of the Technical Review Consultation with the Applicant and Land Agent.

- Covered Storage.
- The building will be located at least 50' from the wetlands. (the plan depicts the building approximately 47' from the wetlands.)
- Employee parking to be located behind the building.

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- Hours of Operation added note on the plan.
- Fuel storage will be minimal, and no retail sales from the site.
- Address the shared egress.

Board Members questioned what material was proposed to be used to construct the stonewall along Sargent Road?

B. Deschuiteneer stated he planned construct the wall with natural stone and will consult with the building inspector before construction. Additional lighting will be used as necessary and is depicted on the plan and an aesthetically pleasing lighting scheme will be used. Noting that the property is primarily a residence and the business/contractor yard is secondary.

M. Martindale questioned the use of the egress that abuts the neighbor.

It was determined that any issues that arise from use of the egress would be a civil matter and not within the purview of the Board.

Board Members discussed run-off concerns with regard to the mulch/sand storage bins and suggested that the storage bins are constructed of concrete block with a concrete base.

B. Deschuiteneer was agreeable to the recommendation.

N. Girard called for further discussion, hearing none; entertained a motion to conditionally approve the proposed contractor yard/landscaping business.

J. Funk moved that the application be accepted as complete and granted conditional approval as it appears to meet all of the technical requirements of the Ordinance and Regulations of the Town of Gilmanton with the following conditions:

Conditions to be complied with or secured (as appropriate) prior to the plan being signed and recorded. No site improvements shall commence and no building permit shall be issued until the plan is signed and recorded.

- 1. Any required Town, State or other agency permits shall be provided to the Planning Office.***
- 2. Submission of final plans in accordance with Town Ordinances and Regulations with the exception of any waivers that were granted.***
- 3. Appropriate signage, landscaping and/or screening shall be shown on the final plan in accordance with the Site Plan Regulations and at the Boards discretion.***
- 4. No fuel tanks or waste oil storage are contemplated on the site.***
- 5. A compliance hearing shall be held by the Board prior to signing the plans and prior to the approval becoming final to determine if any conditions of approval are beyond administrative in nature or would require discretion on the part of the Board or Staff.***
- 6. Applicant is responsible for any fees required by the Belknap County Registry of Deeds for recording the approved Site Plan and/or any Conditions of Approval.***

Construction conditions to be complied with subsequent to the plan being signed and recorded:

- 7. Property owner shall install all required traffic control; fire, life safety and health facilities and systems required by the Board and/or by other applicable Codes and regulations.***
- 8. No dumpsters shall be located on a solid cleanable surface such as concrete, shall be of sufficient size to contain all materials, shall be kept closed, and shall be appropriately screened.***
- 9. The use of the property is limited to those indicated in the applicant's testimony at the public hearing and submitted documents.***
- 10. All exterior lighting shall be shielded, pointed downward to avoid abutters and traffic.***
- 11. All signage must be in compliance with the Town Ordinances and Regulations.***
- 12. Landscaping shall be maintained not allowed to deteriorate.***
- 13. Sand/Mulch bins to have a concrete pad and block wall as depicted on the plan.***

General conditions to be complied with subsequent to the plan being signed and recorded:

- 14. No changes shall be made to the approved plans unless application is made in writing to the Town. The Planning Board may allow minor changes following review. The Planning Board at a public hearing may allow major changes after review and abutters shall be notified.***
- 15. The Planning Board shall have the power to modify or amend its approval of a Site Plan upon its own motion to do so.***
- 16. Approval is subject to expiration, revocation and changes in the Ordinances under Town Regulations and the State RSA's.***

M. Martindale seconded the motion as stated; the motion passed unanimously.

Discussions

1. Preliminary Discussion – 2012 Zoning Ordinance Amendments

Board Members reviewed the zoning change ideas deciding to move forward with the following proposed amendments:

- Special Permit with Planning Board approval for Personal Wireless Communication Facilities.
- Remove all Special Exception criteria approved by the Zoning Board and replace with a Special Permit process approved by the Planning Board.
- Prohibit the requirement that NHDES approved or designed septic plans be required as part of a ZBA application.

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- Definition – Single family homes as a Principal Use.
- Steep Slopes (Language from Innovative Land Use).

The Board will review proposed language at the December 08, 2011, regular meeting.

Correspondence

1. **Jacqueline Heath** - Letter of Resignation as an Alternate Planning Board Member

D. Tumas explained that the letter was forwarded to the Board of Selectmen. Also, a brief description of what the Planning Board does was provided to the Board of Selectmen for advertising the alternate member positions that are available.

Chair N. Girard read for the record, the letter of resignation from Alternate Member Jacqueline Heath.

2. **Lakes Region Planning Commission** – Request for Bicycle & Pedestrian Site Nominations

Board Members briefly discussed the difficulty in design with regard to safety because State Highways are the main thoroughfare.

The Board also discussed the cost of construction, liability and maintenance concluding that they could look into designs of similar size towns.

Unscheduled Business

No unscheduled business came before the Board.

Adjournment

N. Girard called for further discussion, hearing none; entertained a motion to adjourn the meeting at 9:15 pm.

J. Funk moved to adjourn the meeting, J. Weston seconded the motion as state; the motion passed unanimously.

Respectfully submitted,

Desiree Tumas
Administrator