



**TOWN OF GILMANTON
PLANNING BOARD
Thursday, April 14, 2022 – 6:00PM
Academy Building - 503 Province Road
Gilmanton, NH 03237**

MINUTES APPROVED

A. CALL TO ORDER BY CHAIRMAN

B. ROLL CALL

Members of the Planning Board present included Chair Roy Buttrick, Vice Chair Vincenzo Sisti, Members Brett Currier, Jake Dalzell, Parker Hoffacker, Marty Martindale, Selectman's Rep. Mark Warren and staff Bre Daigneault.

There was one member of the public present: Matt Couto.

C. SALUTE TO THE FLAG

Chair Buttrick asked to elect officers. Member Hoffacker nominated Roy Buttrick as Chair, seconded by Member Martindale. **Motion passed 7-0**

Chair Buttrick nominated Vincenzo Sisti as Vice Chair. Member Dalzell motioned to nominate Parker Hoffacker as Vice Chair. Member Currier seconded Parker Hoffacker as Vice Chair. Selectman's Rep. Warren seconded Vincenzo Sisti as Vice Chair. Motion to nominate Parker Hoffacker. **Motion failed 3-4**
Motion to nominate Vincenzo Sisti. **Motion passed 4-3**
Vincenzo Sisti will move forward as vice chair.

Members briefly discussed and agreed, meetings would be held at 6:30 pm.

D. PUBLIC HEARINGS- REVIEW FOR REGIONAL IMPACT

a. NEW-

CASE# SPR2022-401: Applicant Couto Companies, LLC on behalf of property owner Bear Investments, LLC is requesting a site plan approval to operate a contractor's yard. The land agent is Lance Alonardo of Buffalo Leasing, LLC. The property located at 136 NH Route 106 known as Map/Lot 421-018 located in the Business zone.

Matt Couto, on behalf of Couto Companies, LLC, stated he would be storing dumpsters on the lot. He didn't realize this property was not a contractor's yard until he was told that in the office. He has 25 dumpsters on the lot and the ultimate goal is visibility for advertising. Chair Buttrick made the motion to accept the application as complete. Member Martindale seconded. **Motion passed 7-0**

Chair Buttrick opened for public comment. With no public present he closed the public hearing.

Member Hoffacker read a letter from the Gilmanton Conservation Commission into the record. Their concerns regarding this property were the potential effects on the wetlands and the ground water aquifer underlying this property. Both of these water bodies eventually empty into Rocky Pond across Rte. 106. The following are conditions requested for this site plan:

1. All storage of trucks and dumpsters be kept 25' from drainage area at the entrance off Allens Mill Road, which is shown on the site plan in the SE corner of the property. This buffer is similar to what was required for the auto repair/sales site when approved by the Planning Board.
2. This proposed storage area is not protected by the same berm as the area to the NE of the property. The GCC strongly urge the Planning Board to require an additional berm at the back of the storage area to prevent anything from entering the wetlands below on that portion of the property.
3. All dumpsters should be closed when stored on site and that all returned dumpsters must be thoroughly cleaned and emptied prior to returning to the site. Dumpsters should be closed upon inspection at return.
4. Conditions should be added to provide for occasional inspections of the truck storage area to ensure there is no leakage of oil or gasoline that could potentially pollute the groundwater.

Mr. Couto had no objections with any of the conditions that the GCC recommended. The dumpsters do not go back to the site with garbage in them; they will be empty. Chair Buttrick stated that Mr. Couto is not the property owner, the owner has had problems in finishing projects and should be here to talk about the berm. Chair Buttrick asked Mr. Couto if he was renting the property and he stated he is but he also doesn't want to go into an area that he can't do a contractor's yard. Mr. Couto had no objections to installing a berm. Chair Buttrick asked if Mr. Couto knew about the turtle preserve in Rocky Pond. He did not.

Member Hoffacker inquired how the dumpsters would be cleaned before going back to the property. Mr. Couto stated the dumpsters are emptied at the dump, however there is no cleaning facility at the dump. Member Hoffacker believes that is what the GCC is concerned about on how that would be mitigated. Mr. Couto was thinking about having something placed on the ground along with stone to absorb anything that may be leak into the ground. Chair Buttrick mentioned that the letter states to close the dumpsters and believes that is closing the gate. He has gone by and the back door has been open. Mr. Couto responded that the wrong doors were installed initially so they couldn't close them. They are having this corrected.

Chair Buttrick felt the Board didn't like the fact that dumpsters were placed there prior to receiving board approval. Mr. Couto apologized as he was unaware he had to come in front of the Board prior to. Chair Buttrick mentioned that he didn't see any site plan for the dumpsters. Member Currier felt the slope of the site was not good and if a retaining wall on the road side could be added and the area filled so the dumpsters sat level. Mr. Couto can bring in material to make the area flat but doesn't feel a retaining wall would be attainable. He could make it flat and place a berm around. Chair Buttrick asked if he made it flat where would the drainage go. Mr. Couto did not know.

Member Dalzell asked as the business grows, how many dumpsters did Mr. Couto feel there would be on the site or what do you see staying on-site. Mr. Couto stated he sees no more than 15 dumpsters on site at one time in the off season. In the winter, he does 1-month rentals so dumpsters do not remain on-site. Member Currier stated that if this is approved, there would be a maximum number of dumpsters allowed to be stored. Mr. Couto wants to build a brand and he wants his dumpsters to look arranged.

Member Hoffacker agreed with making the area level, making sure all the gates face up Allens Mill so during rain nothing is trying to seep out. He feels a max limit of 30 dumpsters on site at one time. Mr. Couto felt he wouldn't exceed 25 dumpsters. Member Dalzell felt that the gates facing up would just tip when lifted. Mr. Couto suggested starting with a limited approval so the Board can see what he does and doesn't do.

Member Currier stated it needs to be gravel, not just stone based in order to get in or out when it is icy. He felt the yard needs to be neat and organized as we cannot allow this to pollute the water or make a mess. Member Currier suggested a site visit to measure out the area. Vice Chair Sisti felt the property owner should be involved as well, as they are discussing changes to the terrain of the land. Vice Chair Sisti recommended making a few suggestions for Mr. Couto to bring back to the property owner/manager, then meet at the property.

Mr. Couto inquired if he could place dumpsters while not approved and the members stated he could not. Chair Buttrick inquired about the enclosed trailer and the members were ok with it on the site but if they want it moved Mr. Couto will need to move it. Selectman's Rep. Warren wanted to recap and believes the biggest issue is the runoff and appreciates the professionalism of the company. Chair Buttrick stated it is not the Board's job to tell them how to engineer a plan but a plan needs to be submitted. Member Currier would like to do the site visit. This would give Mr. Couto an idea of what the Board is looking for on the plan. Member Hoffacker recapped that they are looking for ideas for retaining walls, retention ponds, and leveling the site. He suggested Mr. Couto to talk with the property owner/manager about those topics, meet at the site, and then discuss further at next meeting.

A site plan is scheduled for Thursday, April 21st at 6:30 pm. Chair Buttrick suggested Mr. Couto place some stakes and tape to indicate where the area would be.

Chair Buttrick closed the public hearing. The case would be continued to the site walk on April 21st and to the May 12th meeting.

b. **OLD** - None

E. MINUTES OF - February 10, 2022 & March 14, 2022

Member Hoffacker motioned to approve March 14, 2022 minutes. It was seconded by Vice Chair Sisti. **Motion passed 4-0.**

Chair Buttrick, Member Martindale, Selectman's Rep Warren abstained as they were not present.

Member Hoffacker motioned to approve February 10, 2022 minutes. It was seconded by Vice

Chair Sisti. Motion passed 6-0

Selectman's Rep. Warren abstained as he was not present.

F. UNFINISHED BUSINESS

G. CORRESPONDENCE

H. OTHER BUSINESS/PUBLIC COMMENT

- Road Assessment – Selectman's Rep. Warren appreciated the board helping being proactive and plan the road improvements. The plan has been in place with a road assessment done a few years ago. The Board of Selectmen would like the Planning Board to work with the road agent to create a plan of saying what culverts are going to be replaced when, for example. The Board of Selectmen's concerns are they have invested a lot on a plan, but that plan has never been adopted, per se. The Board of Selectmen are trying to understand how many resources are necessary to put aside each year or if a better option is for bonding. They don't have an understanding of how big the scope is. We are trying to determine which roads are a priority and what the costs would be as roads are deteriorating rapidly especially the culverts and ditching.

Selectman's Rep. Warren asked if the Planning Board could look at the survey this evening. An important item for tonight: there are residents requesting to have their culverts replaced by the Town. There is no clear language in any of the ordinances as to who is responsible for what. The Town of Gilford has a great roads standard document which has language that the culverts are to be maintained by the property owner. The Board of Selectmen are looking for clarity that it is the responsibility of the land owner to maintain their culverts even though it is in the Town's ROW. It is initially the property owner's responsibility to put in their own driveway and culvert and that passes down to property owners moving forward.

Member Currier stated that when you build a house, the road agent dictates what size culvert is needed and where it needs to be placed. Once it is put in the first time, the Town would replace it after that, as it is in the Town's ROW. The Town would give the new pipe to be installed. Member Currier feels the culvert is not on the homeowner's property so it should not be the homeowner's responsibility. Member Dalzell asked who takes care of culverts on State maintained roads. Member Currier said the State does. Member Dalzell asked who takes care of the ditches in the Town of Gilmanton. Member Currier stated it is the road agent. Member Dalzell stated that unmaintained ditching can ruin the culverts. Vice Chair Sisti stated the only reason the culvert is there is because of the house that was built. He would like to know what Gilford residents felt when this regulation was put in place. He doesn't feel that telling residents they are responsible for culverts when they are already paying taxes. He sees the argument on both sides and feels it can go either way. Member Currier felt the reason we are having so many problems is that the older culverts were metal and can collapse whereas the newer culverts are not going to collapse.

Selectman's Rep. Warren read the Gilford regulations "replacing and maintaining is the responsibility of the home owner." Chair Buttrick felt the ditches need to be upgraded. Selectman's Rep. Warren stated residents are looking to have culverts replaced. There are

practices we have done in the past but with no regulations in writing to say who is responsible. The road engineers they spoke with stated it is the responsibility of the town to replace if they are ditching, otherwise it is the responsibility of the homeowner to maintain and replace.

Vice Chair Sisti asked if the only person driving over the culvert is the homeowner, then why would they not be responsible. Member Martindale can see initial installation be on the owner, after that it would be the responsibility of the Town.

Selectman's Rep Warren asked the Board to do their research into this and come to the next meeting ready to make a recommendation. Member Currier felt it should be the Town's or the State's responsibility after the culvert is installed. Chair Buttrick agreed the Town should fix the culverts after the homeowner puts it in. Member Hoffacker asked if the Town was to dictate where the culvert needs to be, homeowner puts it in, and the homeowner is liable for cleaning and maintenance, where is the enforcement on making sure that culvert is cleaned. Member Martindale stated that nobody in this Town knows how to do a head wall nor has he ever seen any requirements for a head wall. Selectman's Rep. Warren asked if for the next meeting they can look at why or why not some Towns have chosen the same direction as Gilford. Member Currier mentioned he doesn't like to compare us to any other Town.

Member Hoffacker worked for a utility company and stated the initial cost was on the customer, then the electric company is responsible for maintenance and repairs. Vice Chair Sisti felt this needs to be discussed with the road agent and digested further. Some members felt they could vote tonight. Vice Chair Sisti inquired if the initial install is on the owner and replacement is on the Town; what happens if someone rips up the driveway and needs to replace the culvert. Members felt that would be on whomever dug out the driveway. Selectman's Rep. Warren mentioned the need to come up with a plan for costs on roads and come up with a plan for pricing. The Board of Selectmen are looking for how much money would be needed to upgrade the roads. Member Currier felt certain roads would need to be picked and looked at for that number. Selectman's Rep. Warren stated the Board of Selectman are requesting the Planning Board create a proposal between now and August and perhaps a subcommittee could be formed. Meeting House Road and Sargent Road are being looked at this year by utilizing ARPA funds or culverts and ditching could also be looked at instead of those roads.

Member Hoffacker asked if the Board of Selectman can request the road agent to move forward with ditching based on this report. Selectman's Rep. Warren stated the road agent is an elected official and the Board of Selectmen only have purview over his employees and his budget.

I. NON-PUBLIC

J. ADJOURNMENT

Member Martindale made the motion to adjourn. Member Currier seconded. **Motion passed 7-0**

Respectfully Submitted,
***Bre Daigneault*, Community Development Director**

Authorized by _____
Chairman C. Roy Buttrick

Date: _____