

**PLANNING BOARD  
RINDGE, NEW HAMPSHIRE  
April 14, 2009**

**DATE:** April 14, 2009      **TYPE:** Public Meeting      **DATE APPROVED:** 05/19/09  
**TIME:** 7:00PM-PM    **CHAIR:** Kim Mc Cummings,  
**CALL TO ORDER:** 7:00PM  
**ROLL CALL MEMBERS:** Kim McCummings, Hank Whitney, Rick Godin, Roberta Oeser  
Kirk Stenersen  
**ROLL CALL ALTERNATES:** Scott Brown, Art Fiorelli, Robyn Payson  
**EX OFFICIO:** Burt Goodrich  
**PLANNING DIRECTOR:** Jane Pitt  
**PLANNING ASSISTANT:** Robyn Payson  
**APPOINTMENT OF ALTERNATES:** Scott Brown for Tim Halliday

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**Old Business-Continued Hearing**

**Major Site Plan**

**Map 3 Lot 1 & 1-1**

**PLH-Lakeview, LLC**

Jane said she received the revised plans and drainage calculations at 11:00am that morning. They were e-mailed to Clough Harbor for review. She reviewed the new plan which shows no nursery operation at the location. There is a new “travel way” now shown on the plan. Steve Pelkey said that was an existing access area that he asked be defined on the plan.

Jane said Kevin Thatcher reviewed the plan and found there to be less impervious surface with the additional landscaping which is an improvement. The Conservation Commission met the evening of April 13, with a newer version of the plan and has made some recommendations. The Conservation Commission noticed that on a previous version of the plan, there was a note (#14) that stated there would be “no adverse impact to downstream abutters or Lake Monomonac as a result of the change in use”. This was dropped from the final Site Plan and it was suggested by the Conservation Commission that it be restored.

Mr. Pelkey said he didn’t know why that note was on the plan in the first place and he didn’t know why it was removed.

Jane said she was recommending approval of the plan subject to conditions noted on her plan review. Among these was a condition stating “No outside storage of heavy equipment or trucks shall be permitted,” and hours of operation 7:00am to 11:00pm which is the same as the Fireworks store already on the property.

Mr. Pelkey said (six employees) would be arriving at 6:30am and leaving on landscaping jobs at 7:00am. He went on to say that was where they would store their lawn mowers, do maintenance pick up bark mulch and other materials needed for the day.

Kim asked if there would be any heavy equipment used for loading there, noting there is a house across the street from the location.

Mr. Pelkey said a lift may be used to load a pallet of stone on a truck.

Hank Whitney said that 7:00am was a reasonable time for loading trucks.

Mr. Pelkey said his people would be starting trucks for snow plowing at 2:00am and was concerned about the impact of the hours of operation on that use.

Jane said snowplowing was never a use that was discussed as a part of this Site Plan. She asked where the trucks would be parked.

Mr. Pelkey said that the landscaping division was located on this property.

Jane asked where the trucks and plows would be kept.

Mr. Pelkey said on the property.

Roberta said the residence across the street is zoned Commercial and the person owning it and the people renting it know that. It's a legally existing non conforming use. Curtailing a commercial business in a Commercial zone because there happens to be non conforming use across the street is absurd.

Kim said she was not suggesting it be curtailed; she was examining the potential impact on the homeowner. Although they live in a Commercial zone, the way that it was will be different than the way that it will be once this use is approved.

Mr. Pelkey said that the same trucks used in the landscaping business to pull trailers will be the same trucks used for an eight or nine foot plow.

Roberta asked what difference it makes whether or not the plow truck originates from the site?

Jane said because this is the first time she heard about this use and it was initially represented that there would be no outside vehicle storage. Jane asked what was going to be stored on the site in terms of heavy equipment, and where is it going to be stored?

Mr. Pelkey said he has three trucks but didn't want to be inhibited three years from now from buying another pick up truck.

Jane asked if it would be pick up trucks with plows on them.

Kirk Stenersen said that was his understanding.

Mr. Pelkey said you would never ever see the plows from the road. He said he would store the plows behind the bins.

Kim said there needed to be clarification around the full use of the property.

Jane said she would not have known to include this use in the decision.

Mr. Pelkey asked if his business purchased another truck or lawn mower, would he have to come back to the Planning Board.

Kim said that was not what was being said.

Mr. Pelkey said he does not have graders, old disposal trucks or old oil trucks.

Kim said just pick up trucks with plows, not big plow trucks.

Mr. Pelkey said the trucks were F150's or F250's.

Jane said she knew he owned sweepers and bucket trucks; they are beautiful and brand new. She asked if they would be stored on the property.

Mr. Pelkey said yes, from 6:00pm to 7:00am.

Jane left the meeting.

Kirk Stenersen said he looks at it like his father who has an excavating business in a residential neighborhood and he decided to do plowing. No one in the neighborhood knows he is doing plowing.

Kim said there needed to be clarity around the full function of the business and what was going to be stored on the site.

Mr. Pelkey said it was year round property management landscaping.

Roberta said common sense tells you every landscaping business in the area does plowing. Sunrise Landscaping does sanding and Lakeshore Landscaping uses dump trucks to plow with.

Kim said that should have been clarified in the application. Other uses were listed but not that. There is no problem with that, it just needed to be listed.

Mr. Pelkey said they weren't keeping it a secret. They sent out five mailings listing everything that they do so he assumed everyone knew. Primarily the work is commercial

Rick Godin said that Jane's recommendation was clear that there not be any outside storage of equipment.

Mr. Pelkey said he would be storing insured operational vehicles. The excavator is the size of a Volkswagen. It will be stored inside most of the time because he doesn't want it to get dirty.

Rick Godin said his concern was that there is something new every time the Board sees a revised plan. Instead of all the boats being out there, will there be heavy equipment parked all over the site.

Art Fiorelli said he thought he could explain Jane's condition against outside storage of equipment. It was previously understood from information given by the engineer at the previous hearing that equipment would not be stored outside. Since that hearing the business concept has expanded. Having said that, he didn't see anything wrong with the use especially since Mr. Pelkey has said the equipment will not be seen from the road. As long as that is stated on the plan, it addresses Rick's concern about this becoming a graveyard for equipment.

Mrs. Pelkey said the only reason plowing is mentioned, is landscaping and snow removal go hand in hand. She said leaving out snow plowing it was not intentional.

Kim said on an application you need to be clear what you are going to be doing. She said she didn't see a problem; it's just something that came up late. Kim also said she doesn't use landscaper's so that is not a connection she would naturally make. She said what she was hearing was pick up trucks and plows, not the kind of heavy equipment that is on Tim Halliday's property and if there is a condition that they be parked on the back part of the property where they can't be seen from the road that should be fine.

Mr. Pelkey said he has a tree truck that is a bucket truck and a chipper. He said he was not going to park them in front of the building.

Scott Brown said he did recall Mr. Chamberlain stating that the equipment would be stored inside, because he was questioned as to whether they would be doing maintenance.

Mr. Pelkey said he has a chipper and a small trailer with a hydro seeder that will be kept inside most of the time to protect them from being weathered. He thought the concern was to avoid becoming a clearing house for things to rot. There will be registered functioning vehicles that are part of the business located on site.

Scott said he had no issue with pick up trucks, but with the sanding he wanted to know if road salt would be stored on the property.

Mr. Pelkey said he wouldn't be storing salt on the property.

Hank Whitney said he didn't think there was going to be a lot of worry that he is going to put equipment all over the place. It's going to be mostly a showplace.

Burt Goodrich suggested rewording the condition to state "equipment and trucks shall be permitted and stored out of sight of the road." The hours of operation condition to be worded "hours of retail operation shall be no earlier than 7:00am and no later than 11:00pm"

Rick Godin suggested adding "registered equipment" to the condition.

Roberta said that not all equipment requires registration.

Kirk Stenersen said he didn't know why we would be restricting an allowed use.

Art said he noticed the slope in the patio paver area and wondered if he would rather that be flat. He wanted to point that out as a potential problem for Mr. Pelkey.

Kim asked Chairman of the Conservation Commission Richard Mellor if he had any comments. He suggested a 50' wide grass strip across the slope behind the storage bins to provide a stabilizing root system which will reduce run off.

The other issue was note #14 which was removed from a previous version of the plan. Since there were substantial improvements on this version, he didn't see why that could not be added back in indicating there would be no adverse impact to abutters or Lake Monomonac.

Kirk Stenersen said an engineer can't put his stamp on a plan making that kind of guarantee.

Kim said the plan notes address the steps being taken to ensure nothing happens that harms abutters or Lake Monomonac.

Roberta Oeser made a motion to approve the plan with the following conditions:

1. No road salt is to be used on the parking lot and driveways or stockpiled on the site.
2. No harmful chemicals, herbicides, pesticides or fertilizers (except zero phosphate, slow release nitrogen fertilizers) shall be used on site and any such materials stored on site shall be stored indoors.
3. Only zero phosphate, slow release nitrogen fertilizers shall be used on the site's landscaped areas including the annual gardens.
4. Outside storage of heavy equipment or trucks shall be permitted behind the building.
5. The retail hours of operation of the site shall be no earlier than 7:00 a.m. and no later than 11:00 p.m.
6. All external signs on the site shall be down lit.
7. An additional 50ft or so strip of grass shall be planted behind the concrete storage bins from South East to North West.

Burt Goodrich seconded the motion.

Mr. Pelkey said he was planning on putting the plows where the grass strip is being proposed. Kim said that as long as he can keep the grass growing that should be fine.

Rick Godin said that the silt fence around some of the wetlands was in disrepair. Roberta said that new silt fence would need to be erected as part of this Site Plan.

Kim said silt fence is a DES requirement so it isn't necessary to have as a condition.

Roberta Oeser said that no impact fee is required for this project.

Motion carried unanimously

**NEXT MEETING**

**April 21, 2009**

Respectfully submitted,

Robyn Payson