



Planning Board Meeting
Monday, May 11, 2009
Council Chambers, City Hall at 7:00 pm

Meeting Minutes
Approved 5/26/09

Meeting Called to order by Planning Board Chair Peter Guillette at 7:00 pm

I. Roll Call

Present: Peter Guillette, Adam Burke, Paul LaCasse, Brian Rapp, Lori Richardson, Erwin Caplan

Absent: Deborah Cutts, Richard Wahrlich, Andy Austin

City Staff: Peter Dzewaltowski, Interim City Planner; Katrina Spaulding, Administrative Assistant

II. Review of Minutes

- Monday April 27, 2009 meeting minutes

Motion to: Approve the April 27, 2009 meeting minutes as amended.

Made by: Mr. Lacasse **Second by:** Adam Burke **Vote:** Unanimous

III. New Business:

- **(PL2009-00005) 39 Central Square, Keene, NH** – Brown Block Development Corp. seeks Site Plan Approval for locating an above ground propane tank at **2 Pleasant Street**. Tax Map: 120, Lot 75, Zoning District: B-1.

The applicant is seeking a permanent site for the 1,000 gal. propane tank already on site. Location of the propane tank was an oversight on the original Site Plan Review process a year ago prior to opening the restaurant. The applicant identified a potential above ground location at that time. The City waived the application for site plan review process for a minor amendment to the site plan. The applicant needs the permanent location identified or have the propane tank removed. It is being requested by the applicant that the propane tank remain in the exact location for its permanent installation. There have been modifications to the tank area including the placement of a white picket fence. The fire department and building department were a part of the approval of the previous temporary location. The Historic District Commission approved the tank in its current location but since that time there have been concerns by the Fire Department. South of the tank there is a small structure the Fire Department feels is in danger as there are no fire walls.

Peter Chase, the Fire Chief does not endorse having the tank above ground in the current location. If the tank were to remain above ground, the Zoning and NFPA setback rules will apply. Given the size of the site there is limited available space for the location of the tank. The Fire Department suggests the tank be buried to eliminate those problems. If the tank were to remain above ground then a new location needs to be chosen.

Peter Guillette said given the setbacks, was there an alternative location. Would there be another spot the tank could be located. Peter D. said there isn't a spot on the rear portion of the lot. Mr. Lacasse asked what the original site plan called for. Mr. D. said the tank was an oversight completely on the original site plan.

Peter Chase, Fire Chief said in November the situation was treated like an emergency, the ground was frozen and to bury the tank would have been very difficult. This was intended to be a temporary placement of the tank and good for only 6 months. The requirement for an above ground tank is that there is no less than 10 feet from any buildable lot. The Fire Department will support a variance with the State Fire Marshall to bury the tank in the location it is in regardless of the setbacks. Peter Chase stated above ground tanks can be overfilled and there are lots of sources of ignition with cars starting up and the parking lot location the tank is currently located in. If the tank is buried there is a much smaller chance of danger. There is a 0% chance of pollution with underground tanks. The tank currently is right on the property line. According to the fire code, the tank needs to be moved for safety and setback requirements.

If the Board decides the tank is to be buried, the applicant would go to the State Fire Marshall for a Variance on the setbacks. The State office would review the application and contact the local jurisdiction. The Claremont Fire Department would recommend this location to the State Fire Marshall.

Mr. Caplan asked if the tank could be surrounded or placed inside concrete. Peter Chase said this size tank is not allowed to be placed inside any structure.

Adam Burke asked what type of enclosure would be required for the dome that is above the ground. Peter Chase said it was a standard covering that would be used.

Mr. Paul LaCasse asked if the dumpsters were located by the tank. Peter Chase said the dumpsters could remain where they are located if the tank were buried.

Peter Chase said there is a lock on the dome cover and the piping and tubing would be protected, unlike the above ground tank.

Matt Holian from the Brown Block Development Organization addressed the board in saying this is a new tank installed by Rymes in November 2008. This 1,000 gallon tank is very similar to several above ground tanks in close proximity.

Matt had pictures for the board to review and also showed a picture of the former Sophie and Zeke's tank location above the ground. The East Buffet down the street has an above ground storage tank and many other eating establishments around the downtown area have above ground storage tanks for propane.

The Historic District Commission has approved a fence located around the tank and there is a large 4" x 6" pressure treated wood post to keep anything from rolling or striking the tank. He would put concrete bollards around the tank if necessary. If the establishment were required to bury the tank, the expense would create a financial hardship for the Brown Block Development Organization.

Brian Rapp asked if the other tanks in the area being used were new installations. Mr. Holian said they are not new installations.

Mr. Burke asked if there would be restaurant closure or down time during the construction for the burial of the tank. Mr. Holian indicated the construction would create temporary restaurant closure of at least one week and this would also be a financial hardship.

Lori Richardson asked if any new restaurant going into the former Sophie and Zeke's would need to follow the same regulations. Peter Chase said there was formally an underground City gas system. When this stopped the bulk tanks were brought in. The 150 gallon tanks may have no setback requirements. Code is different for different size tanks or several tanks with the same gallon age. Peter Chase said when a building is vacant for more than a year, the new code requirements will kick in for the building.

Mr. Guillette asked Matt Holian if there were alternative locations for the above ground tank to be moved to. Matt indicated he would rather take away the parking spaces from the tenants and would put the tank in the parking lot.

Lori Richardson asked if the apartments were full and if all the parking spaces were being utilized and Matt said they were. Lori asked if there would be a back up plan for the parking if the spaces were taken away. Mr. Holian said he would be short two parking spaces.

Mr. Rapp asked Peter D. what the Site Plan requirements were for the building and parking initially. Peter D said a number of spaces were agreed upon but not the required amount of spaces.

Mr. LaCasse wanted to recommend either the tank be buried at the present location or be relocated to another with the Fire Chief making the final decision.

Public Hearing Open

No abutters present

Public Hearing Closed

Lori Richardson would like to see the application continued in order to check on relocation of this tank. More time may help the applicant to find something more desirable.

Peter Guillette asked about the lock on the propane tank, Peter Chase doesn't feel it is necessary to lock the dome and in some situations it can be more harmful. Typically they are not locked. The valve for the propane will be in a dome cover.

Motion to: Approve placement of the tank underground working with the Fire Department to find an appropriate place with subject to the approval of the State Fire Marshall's Office as well as the Fire Chief. Both are subject to the State Fire Marshall's Office.

Made by: Brian Rapp **Second by:** Adam Burke **Vote:** Unanimous

IV. Other – Public Comment

Bernie Folta wanted to speak as a private citizen. On Wednesday 5/3/09 the Claremont City Council will be considering Ordinance 508 for Conservation Residential Development. Mr. Folta doesn't feel this has ever come before the Planning Board. Mr. Guillette said it was the same ordinance the Planning Board approved on February 11, 2008. This was approved and re-written and is the same ordinance. The Planning Board approved ordinance #486. Mr. D. said the ordinance #486 was the former version of #508. Mr. Guillette asked if there have been any changes since this original and Mr. D said it was written the same way as the former.

V. Correspondence

- NH Department of Environmental Service
 1. Letter for File #090417-017 Regarding Monadnock Park Improvements
 2. Letter for Permit #WPS-7060C Regarding Lowe's 5 year permit extension

VI. Adjournment

Motion to: Adjourn

Made by: Brian Rapp

Second by: Paul LaCasse

Vote: Unanimous

Meeting Adjourned at: 7:55 P.M

Respectfully Submitted

Katrina Spaulding
Administrative Assistant