



BELMONT LAND USE OFFICE

BELMONT PLANNING BOARD NOTICE OF PUBLIC HEARING – PROPOSED ZONING AMENDMENTS

The Belmont Planning Board will hold a second public hearing commencing at 7p.m.on Monday, January 14, 2008, in the Belmont Corner Meeting House, 16 Sargent Street, concerning the following proposed amendments to the Belmont Zoning Ordinance. Copies of the complete text of the proposed amendments are on file for public inspection at the Town Clerk's Office and Land Use Office located in the Town Hall, at the Belmont Library and at www.belmontnh.org. The items listed below are in addition to, or are amendments to those items noticed for prior public hearing.

1. New Aquifer Protection Ordinance to preserve, maintain, and protect from contamination existing and potential groundwater supply areas identified as Stratified Drift Aquifers within the community. Establish Definitions, Performance Standards and Applicability. Define extent of Aquifer Protection District. Identify Permitted, Prohibited, Conditional and Exempted Uses. Provide for Notice of Decisions and Inspections. Replaces existing Aquifer Protection Ordinance.
2. Reduce the total square footage of free-standing Signage allowed per tax lot from 100sf to 49sf in the Residential Multi-Family, Residential Single-Family, Rural and Village Zones.
3. Amend the existing Floodplain Ordinance by amending and adding definitions, correctly referencing “Zone A” and requiring permits for proposed development in special flood hazard areas.

Peter Harris, Chairman

4. **Impervious:** not readily permitting the infiltration of water.
5. **Impervious surface:** a surface through which regulated substances cannot pass when spilled. Impervious surfaces include concrete unless unsealed cracks or holes are present. Asphalt, earthen, wooden, or gravel surfaces, or other surfaces which could react with or dissolve when in contact with the substances stored on them are not considered impervious surfaces.
6. **Junkyard:** Includes Junkyards as defined by RSA 236:112, including the definition of junk found in RSA 236:91,II, and Automotive Recycling Yards as defined by RSA 236:91.
7. **Outdoor maintenance:** products used in normal on-site grounds and buildings maintenance, including products for lawn care, pesticides, liquid fertilizers, oil based paints and other related oils and greases applied for outdoor maintenance.
8. **Outdoor storage:** storage of materials where they are not protected from the elements by a roof, walls, and a floor with an impervious surface.
9. **Petroleum bulk plant or terminal:** means that portion of the property where petroleum products are received by tank vessel, pipeline, tank car, or tank vehicle and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline tank car, tank vehicle, portable tank, or container.
10. **Public water system:** a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.
11. **Regulated substance:** petroleum, petroleum products, and substances listed under 40 CFR 302, 7-1-05 edition, excluding the following substances: (1) ammonia, (2) sodium hypochlorite, (3) sodium hydroxide, (4) acetic acid, (5) sulfuric acid, (6) potassium hydroxide, (7) potassium permanganate, and (8) propane and other liquified fuels which exist as gases at normal atmospheric temperature and pressure.
12. **Sanitary protective radius:** The area around a public water supply well which must be maintained in its natural state as required by Env-Ws 378 or 379 (for community water systems); Env-Ws 372.12 and Env-Ws 372.13 (for other public water systems).
13. **Secondary containment:** a structure such as a berm or dike with an impervious surface which is adequate to hold at least 110% of the volume of the largest regulated-substances container that will be stored there.
14. **Snow dump:** For the purposes of this ordinance, a location where snow which is cleared from roadways and/or motor vehicle parking areas is placed for disposal.
15. **Stratified-drift aquifer:** A geologic formation of predominantly well-sorted sediment deposited by or in bodies of glacial meltwater, including gravel, sand, silt, or clay, which contains sufficient saturated permeable material to yield significant quantities of water to wells.
16. **Surface water:** streams, lakes, ponds and tidal waters, including marshes, water-courses and other bodies of water, natural or artificial.
17. **Wellhead protection area:** The surface and subsurface area surrounding a water well or wellfield supplying a community public water system, through which contaminants are reasonably likely to move toward and reach such water well or wellfield.

D. AQUIFER PROTECTION DISTRICT

The Aquifer Protection District is an overlay district which is superimposed over the existing underlying zoning and includes within its boundaries the Stratified Drift Aquifers shown on the map entitled “Town of Belmont Aquifer Protection District”, adopted concurrent with this Ordinance.

E. APPLICABILITY

This Ordinance applies to all uses in the Aquifer Protection District, except for those uses exempt under Article 7.J (Exemptions) of this Ordinance.

Preexisting uses shall comply with Article 7.F, Performance Standards, 1 thru 7. In addition, preexisting Conditional Uses shall comply with Performance Standard 8.c. Preexisting uses shall otherwise be regulated under Articles 1 and 10 of the Zoning Ordinance.

F. PERFORMANCE STANDARDS

The following Performance Standards apply to all uses in the Aquifer Protection District unless exempt under Article 7.J:

1. Animal manures, fertilizers, and compost must be stored in accordance with Manual of Best Management Practices for Agriculture in New Hampshire, NH Department of Agriculture, Markets, and Food, August 2005, and any subsequent revisions;
2. All regulated substances stored in containers with a capacity of 5 gallons or more must be stored in product-tight containers on an impervious surface designed and maintained to prevent flow to exposed soils, floor drains, and outside drains;
3. Facilities where regulated substances are stored must be secured against unauthorized entry by means of a door and/or gate that is locked when authorized personnel are not present and must be inspected weekly by the facility owner. A copy of the inspection log will be submitted to the Planning Board with required periodic facility inspection reports.
4. Outdoor storage areas for regulated substances, associated material or waste must be protected from exposure to precipitation and must be located at least 50 feet from surface water or storm drains, at least 75 feet from private wells, and outside the sanitary protective radius of wells used by public water systems;
5. Secondary containment must be provided for outdoor storage of regulated substances if an aggregate of 275 gallons or more of regulated substances are stored outdoors on any particular property;
6. Containers in which regulated substances are stored must be clearly and visibly labeled and must be kept closed and sealed when material is not being transferred from one container to another;
7. Prior to any land disturbing activities, all inactive wells on the property, not in use or properly maintained at the time the plan is submitted, shall be considered abandoned and must be sealed in accordance with We 604 of the New Hampshire Water Well Board Rules.
8. In addition Conditional Uses shall:
 - a. Develop and submit a stormwater management and pollution prevention plan and shall include information consistent with Stormwater Management For Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices. (US EPA, 1992) The plan shall demonstrate that the use will:
 1. Minimize the release of regulated substances into stormwater through a source control plan that identifies pollution prevention measures;
 2. Demonstrate that recharge to groundwater will not result in violation of Ambient Groundwater Quality Standards (Env-Ws 410.05) at the property boundary;
 3. Stipulate that expansion or redevelopment activities may, at the discretion of the Planning Board, require an amended stormwater plan;
 4. Not infiltrate stormwater through areas containing contaminated soils without completing a Phase I Assessment in conformance with ASTM E 1527-05, also referred to as All Appropriate Inquiry (AAI).
 - b. For any use that will render impervious more than 15% or more than 2,500 square feet of any lot, whichever is greater, a stormwater management plan shall also be consistent with Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire, Rockingham County Conservation District, August 1992, Best Management Practices for Urban Stormwater Runoff, NH Department of Environmental Services, January 1996, and Aquifer Protection Best Management Practices, Tri-Town Aquifer Project Protecting Shared Drinking Water Resources, Lakes

Region Planning Commission, April 2007.

- c. For any use using regulated substances, a spill control and countermeasure (SPCC) plan shall be submitted to the Fire Chief who shall determine whether the plan will prevent, contain, and minimize releases from ordinary or catastrophic events such as spills, floods or fires that may cause large releases of regulated substances. The SPCC plan shall include:
 1. A description of the physical layout and a facility diagram, including all surrounding surface waters and wellhead protection areas;
 2. Contact list and phone numbers for the facility response coordinator, cleanup contractors, and all appropriate federal, state, and local agencies who must be contacted in case of a release to the environment;
 3. A list of all regulated substances in use and locations of use and storage;
 4. A prediction of the direction, rate of flow, and total quantity of regulated substance that could be released where experience indicates a potential for equipment failure;
 5. A description of containment and/or diversionary structures or equipment to prevent regulated substances from infiltrating into the ground.

G. PERMITTED USES

All uses permitted by right or allowed by special exception in the underlying district that are also located within the Aquifer Protection District remain permitted by right or still require a special exception, as applicable, unless they are Prohibited Uses under this Ordinance.

Uses identified as Conditional Uses under this Ordinance also require a Conditional Use Permit. In the instance that both a Special Exception and a Conditional Use Permit are required, the Special Exception shall be approved prior to the Conditional Use Permit.

All uses must comply with the Performance Standards unless specifically exempt under Article 7.J.

See Article 7.E for applicability to preexisting uses.

H. PROHIBITED USES

The following uses are prohibited in the Aquifer Protection District:

1. The development or operation of a hazardous waste disposal facility as defined under RSA 147-A;
2. The development or operation of a solid waste landfill;
3. The outdoor storage of road salt or other deicing chemicals in bulk;
4. The development or operation of a junkyard;
5. The development or operation of a snow dump;
6. The development or operation of a wastewater or septage lagoon;
7. The development or operation of a petroleum bulk plant or terminal;
8. The development or operation of gasoline stations.
9. Sludge monofills;
10. Storage of animal manure unless covered or contained in accordance with the specifications of the United States Natural Resources Conservation Service;
11. Facilities that generate, treat, store, or dispose of hazardous waste subject to Env-Wm 500-900 except for:
 - a. household hazardous waste centers and events regulated under Env-Wm 401.03(b)(1) and Env-Wm 501.01(b); and
 - b. water remediation treatment works approved by NH DES for the treatment of contaminated ground or surface waters;

12. Non-sanitary treatment works which discharge to the ground and that are subject to Env-Ws 1500, except the following:
 - a. the replacement or repair of an existing treatment works that will not result in a design capacity greater than the design capacity of the existing treatment works;
 - b. treatment works approved by NH DES designed for the treatment of contaminated groundwater.
13. Storage of regulated substances in greater than household quantities (i.e., 5-gallons), unless in a free-standing container within a building or above ground with secondary containment adequate to contain 110% of the container's total storage capacity;
14. Storage of commercial fertilizers, unless such storage is within a structure designed to prevent the generation and escape of contaminated runoff or lechate.
15. Excavation or Mining within five feet of Seasonal High Water Table.

I. CONDITIONAL USES

The Planning Board may grant a Conditional Use Permit for a use which is otherwise permitted within the underlying district, if the permitted use is involved in one or more of the following:

1. Storage, handling, and use of regulated substances in quantities exceeding 100 gallons or 800 pounds dry weight at any one time, provided that an adequate spill prevention, control and countermeasure (SPCC) plan, in accordance with Article 7.F,8(c), is approved by the Belmont Fire Department;
2. Any use that will render impervious more than 15% or 2,500 square feet of any lot, whichever is greater.

In granting a Conditional Use Permit:

- a. The Planning Board must determine that the proposed use is not a prohibited use;
- b. Conditional Uses shall also be in compliance with the Performance Standards in Article 7.F as well as all applicable local, state and federal requirements;
- c. The Planning Board may, at its discretion, require a performance or other surety bond, in an amount and with conditions satisfactory to the Board, to ensure completion of construction of any facilities required for compliance with the Performance Standards.

J. EXEMPTIONS

The following uses are exempt from the specified provisions of this ordinance provided they comply with all other applicable local, state, and federal requirements:

1. Any private residence is exempt from all Performance Standards;
2. Any business or facility where regulated substances are not stored in containers with a capacity of 5 gallons or more is exempt from Article 7.F, Performance Standards, sections 3 through 6;
3. Storage of heating fuels for on-site use or fuels for emergency electric generation, provided that storage tanks are indoors on a concrete floor or have corrosion control, leak detection, and secondary containment in place, is exempt from Performance Standard 3;
4. Storage of motor fuel in tanks attached to vehicles and fitted with permanent fuel lines to enable the fuel to be used by that vehicle is exempt from Performance Standards 3 through 6.
5. Storage and use of office supplies is exempt from Performance Standards 3 through 6;
6. Temporary storage of construction materials on a site where they are to be used is exempt from Performance Standards 3 through 6 if incorporated within the site development project within six months of their deposit on the site;
7. The sale, transportation, and use of pesticides as defined in RSA 430:29 XXVI are exempt from all provisions of this ordinance;
8. Household hazardous waste collection projects regulated under NH Code of Administrative Rules Env-Wm 401.03(b)(1) and 501.01(b) are exempt from Performance Standards 3 through 6;
9. Underground storage tank systems and aboveground storage tank systems that are in compliance

with applicable state rules are exempt from inspections under Article 7.L of this ordinance.

K. RELATIONSHIP BETWEEN STATE AND LOCAL REQUIREMENTS

Whenever a provision of this ordinance differs from the requirements imposed by the State of New Hampshire, or by some other town ordinance, the provision which imposes the greater restriction or higher standard shall govern.

L. NOTICE OF DECISION AND INSPECTION

1. For uses or structures requiring planning board approval under this ordinance, a Notice of Decision including the construction, operational, and inspection conditions and minimum standards applied to said approval, shall be recorded at the Registry of Deeds for Belknap County so as to run with the land on which such uses or structures are located.
2. Inspections of all regulated uses may be required to verify compliance with Performance Standards. Such inspections shall be performed by the Planning Board's designated agent and shall be at the cost of the business owner.

3. **Proposal in Brief:**

Amend the existing Floodplain Ordinance by amending and adding definitions, correctly referencing “Zone A” and requiring permits for proposed development in special flood hazard areas. These amendments are required for the Town’s Ordinance to be compliant with FEMA standards.

Ballot Question:

Are you in favor of the adoption of Amendment #3 as proposed by the Planning Board for the town Zoning Ordinance as follows?

Amend the existing Floodplain Ordinance by amending and adding definitions, correctly referencing “Zone A” and requiring permits for proposed development in special flood hazard areas.

___ YES ___ NO

Full Text:

Article 1 – Revise Definitions of Development and Manufactured Home.

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. For floodplain management purposes the term “manufactured home” includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 consecutive days. This includes manufactured homes located in a manufactured home park or subdivision.

Article 1 – Add Definitions for Manufactured Home Park or Subdivision, New Construction and Violation.

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

New construction means, for the purposes of determining insurance rates, structures for which the start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

Violation means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Article 4 and Article 7 (B) is presumed to be in violation until such time as that documentation is provided.

Article 2 –Add sentence to beginning of section requiring permit for all proposed development.

All proposed development in any special flood hazard area shall require a permit.

Article 7.A – Replace “unnumbered A zones” with “Zone A”.

- A. In ~~unnumbered A zones~~ **Zone A** the Building Inspector shall obtain, review, and reasonably utilize any 100-year flood elevation data available from any federal, state or other source including data submitted for development proposals submitted to the community (i.e. subdivisions, site approvals).

Article 7.D – Replace “Zones A1-30, AH, and AE” with “Zone A”.

- D. All recreational vehicles placed on sites within ~~Zones A1-30, AH, and AE~~ **Zone A** shall either:
1. Be on the site for fewer than 180 consecutive days;
 2. Be fully licensed and ready for highway use; or
 3. Meet all standards of Section 60.3 (b) (1) of the National Flood Insurance Program Regulations and the elevation and anchoring requirements for “manufactured homes” in Paragraph (c) (6) of Section 60.3.

END OF PUBLIC HEARING NOTICE