

## PLANNING BOARD

Monday, April 23, 2007  
Belmont Corner Meeting House  
Belmont, New Hampshire

Members Present: V-Chairman W. Peterson; G. Flack, C. Patten, R. Caldwell (8:06) and C. Long.  
Members Absent: P. Harris.  
Alternates Present: W. Rollins.  
Staff: C. Daigle, R. Ball and E. Murphy.

The vice-chairman opened the meeting at 7p.m.and appointed W. Rollins as a voting member for tonight's meeting.

**PLAN SUBMISSION MEETING AND PUBLIC HEARING – FLATLEY COMPANY:** Request for site plan amendment approval to change the conditions of the previous site plan to allow restaurant, medical or dental office, business or professional offices and service business. Property is located on 96 Daniel Webster Highway, Tax Lot 201-009 in the "C" Zone. PB # 0907.

Mr. Richard Cane presented the application.

Mr. Cane explained that a year ago they received site plan approval for a 3000 square foot retail building. He was unaware that he would need additional approval for a restaurant. He is asking for approvals to allow similar uses as the rest of the Belknap Mall.

### **BOARD'S ACTION – FLATLEY COMPANY:**

**MOTION:** C. Patten moved that the application be accepted as complete for the purposes of proceeding with consideration and making an informed decision. However, additional information shall be requested as necessary and must be submitted to complete review and act on the application. Action on this proposal shall occur by June 27, 2007 subject to extension or waiver.

The motion was seconded by G. Flack and carried. (5-0)

The vice-chairman opened the public hearing.

Mr. Elson Moody stated that the people of the town should vote on every building in town. W. Peterson explained that is why they have public hearings.

The vice-chairman asked if anyone in the audience had any additional questions or comments. There being none, he closed the public hearing.

C. Patten wanted to know if the Police Department's request for contact information for tenants has been addressed. C. Daigle explained that when a new tenant goes into the building the police department is given the contact information.

**MOTION:** G. Flack moved that the application for amendment be granted Final, conditional approval as it appears to meet all of the technical requirements of the Ordinances and Regulations of the Town of Belmont with the following conditions:

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

1. Upon approval a Notice of Decision will be recorded in the Registry of Deeds with the recording expense paid by the applicant.

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

2. All conditions of the original approval remain in effect.
3. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
4. Approval is subject to expiration, revocation and changes in the Ordinances.

The motion was seconded by C. Patten and carried. (5-0)

**PLAN SUBMISSION MEETING – G. E. MERRILL & SONS INC:** Request for Site Plan and Earth Excavation approval for a gravel pit. Property is located on Shaker Road, Tax Lots 242-004, 242-008, 242-010 & 245-017 in the "V & R" Zones. PB # 3506.

W. Peterson explained that the applicant has asked to table their application until the May meeting.

**BOARD'S ACTION – G. E. MERRILL & SONS INC:**

**MOTION:** C. Patten moved at the applicant's request to table the Plan Submission Meeting to May 21, 2007.

The motion was seconded by C. Long and carried. (5-0)

**PLAN SUBMISSION MEETING AND PUBLIC HEARING – BLUE SKY ENTERPRISES. INC. & ANDREW P. SANBORN FARM LLC:** Request for boundary line adjustment approval to transfer

.70 acres from tax lot 227-004 to tax lot 214-009. Property is located on Middle Route & Rogers Road and Durrell Mountain Road & Rogers Road, in the "R" Zone. PB # 0807.

Ms. Karen Feltham presented the application.

Ms. Feltham explained that there are two tracts of land, tax lot 227-004 and tax lot 214-009. The proposal is to annex a 50' strip of land to tax lot 214-009. Tax lot 227-004 was part of a January subdivision approval. She explained that the 10,000 square foot buildable area for 227-004 is in the rear of lot and the 4,000 square foot septic area is shown in the front because now there is buildable area in the front also. People will have the option of building in the front or the back of the lot. The access needs to be on Middle Route because they can't cross the wetland without permits. The 10,000 square foot buildable area is not shown on this plan because it was shown on the original plan. It is their intention for the buildable area to be in the front of the lot.

**BOARD'S ACTION – BLUE SKY ENTERPRISES. INC. & ANDREW P. SANBORN FARM LLC:**

**MOTION:** C. Patten moved to grant the following waiver:

- a. Topography and soils on remainder of lot 214/9.

The motion was seconded by G. Flack and carried. (5-0)

**MOTION:** C. Long moved that the application be accepted as complete for the purposes of Proceeding with consideration and making an informed decision. However, additional information shall be requested as necessary and must be submitted to complete review and act on the application. Action on this proposal shall occur by 6/27/07 subject to extension or waiver.

The motion was seconded by C. Patten and carried. (5-0)

The vice-chairman opened the public hearing.

Mr. Elson Moody wanted to know how many students would be moving into the new buildings. Would they have to build a new school? W. Peterson stated that this is a boundary line adjustment, no new lots are being created.

The vice-chairman asked if anyone in the audience had any more questions or comments. There being none, he closed the public hearing.

C. Daigle noted that there is a building site and septic area available in the front of the lot. The back is not accessible without a wetland crossing permit.

**MOTION:** C. Patten moved that the application be granted Final, conditional approval as it appears to

meet all of the technical requirements of the Ordinances and Regulations of the Town of Belmont with the following conditions:

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

1. Submission of final plans (2 mylars, 5 paper copies):
  - a. All proposed driveways accessing onto paved road to have paved aprons.
  - b. One plan copy with areas Not/In Current Use with graphic, square footage calculation.
2. Payment of plan recording fee.
3. Final plans will not be recorded until transferring deed has been approved by the Town and is also signed and ready for recording with all applicable mortgage subordination releases.
4. Compliance hearing shall be held by Board as necessary.

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

5. No changes shall be made to the approved plans unless application is made in writing to the Town
6. Approval is subject to expiration, revocation and changes in the Ordinances.

The motion was seconded by G. Flack and carried. (5-0)

**PLAN SUBMISSION MEETING AND PUBLIC HEARING – BLUE SKY ENTERPRISES, INC.:**

Request for Site Plan and Earth Excavation approval to excavate and reclaim 12.5 acres. Property is located on Hurricane Road, Tax Lot 231-014 in the “R” Zone. PB #0307.

Mr. Howard Warren presented the application.

Mr. Warren explained the property is 115 acres on Hurricane Road. Mr. Persons ran the pits from 1991 –2001. He plans to complete the reclamation and mine two 4500 square foot pits or less. They will reclaim as they go and not more than two 4,500 square foot pits will be open at one time.

Mr. Warren explained that he is requesting four waivers. One for soil scientist stamp because of all the information they provided. He is also asking for a waiver for water table elevation because of the depth amount of material on site they can’t dig deep enough to reach the water table. They will be reporting back to the staff on the amount of material being removed. The waiver for the cross section is because he will be limiting the size of the open area and depth of the excavation. The waiver for the Engineering & Soil Scientist stamp is because of the size of the pit and the history of the property. The pit has been open for a number of years. Mr. Warren stated that if something goes wrong he agrees to have an engineer review and take the steps necessary to correct the situation at his expense.

**BOARD'S ACTION – BLUE SKY ENTERPRISES, INC:**

**MOTION:** G. Flack moved to grant the following waivers:

- a. Submission of water table elevations as part of the project application.
- b. Submission of excavation area cross-sections.
- c. Engineering & Soil Scientists stamp on the plan and formal drainage analysis.

The motion was seconded by C. Long and carried. (5-0)

**MOTION:** C. Patten moved that the application be accepted as complete for the purposes of proceeding with consideration and making an informed decision. However, additional information shall be requested as necessary and must be submitted to complete review and  
act on the application. Action on this proposal shall occur by June 27, 2007 subject to extension or waiver.

The motion was seconded by G. Flack and carried. (5-0)

The vice-chairman opened the public hearing.

Mr. Warren stated that Mr. Persons ran the pit from 1981 until 2005. Work needs to be done to reclaim the existing pit. Early this year they did a four lot subdivision of the property and the only condition for the pit at that time was to maintain vegetated buffer. The entrance to the remaining pit lot will be paved for 40' with additional 100' of crushed stone going back into the lot to keep the dust down. Loam has been brought onto the lot to start the reclamation. The pit will be well screened and not visible from the road or abutters.

Mr. Warren explained that in 2003 he bought a piece of property in Gilford. There were pits on the property and he bought the property to reclaim them. He used pictures to show how he reclaimed the Gilford property. Trees were removed and the area seeded. He had a 25' buffer with silt fence and a berm.

He stated that he has been to the Conservation Commission to discuss this property and similar uses in the area. There are other pits around the property. There are two types of reclamation; warm weather grasses which have a long root system and creates thick brush and cool season grasses which is done with loam. There is one detention pond on the property. He explained that he may want to cut down the ledge area and smooth out the area. He wants the flexibility to either excavate the area or leave it as it is. He also wants flexibility in reclaiming the area around the pond. He showed the property line between Pike's property and Blue Sky's property and explained that he wants to work with Pike when he does the reclamation. He will talk with Pike to see if they can work something out by allowing him to cross the boundary line to keep both properties level at the boundary lines instead of a large drop off.

Using additional photos Mr. Warren showed how the small pits will be reclaimed with piles of

loam and vegetation. There are 2 1/2 to 3 acres already reclaimed. There is a slow moving stream that runs across the property. An after the fact permit is needed for a culvert that Mr. Persons put in without a permit. Mr. Warren is applying for that permit. He will also be widening the exit for the detention pond.

Mr. Warren explained that he will work with staff to know what is required for the annual report. Every two years he will have to repermit. Every six years he will submit a current topo of the site. He plans to reclaim the pit over a ten year period. The first thing to do is to spread the loam and get the grass growing. It is in his best interest to reclaim the pits so they can make a profit on the land.

C. Daigle wanted to know what type of operation it will be so they can determine the impact it will have on Hurricane Road. The impact on Hurricane Road may require bonding depending on how many trips a day trucks come and go from the site. Mr. Warren stated that the plan is to take material off site to crush. He is not intending to have an earth retail business there. He is not sure of the number of trips a day but when Persons had it they did one truck load in morning and one at night. The hours of operation would be 7am to 8pm, and closed on Sunday and State and Federal holidays. C. Daigle clarified that no work would be done on site before 7am. Mr. Warren stated that is correct. He is still working with staff on the minor details. C. Daigle stated that Mr. Warren has provided a lot of information and they are working on the schematics on how to coordinate the reporting with the DES schedule so the reports don't have to be repeated. They are working on creating a matrix for other gravel pits. Mr. Warren has offered quite a bit more for reclamation than other gravel pits and that has been helpful.

W. Peterson wanted to know an estimate on how much they plan on excavating every year because if it happens all in one year it will be a sizeable operation. Mr. Warren stated that he couldn't do it all in one year and plans on doing it over a ten year period but it may be quicker if he has someone come in to do it.

Mr. Elson Moody wanted to know where the town shed is located. Mr. Warren stated it is about 2/10 of mile down the road. Mr. Moody stated they could use the fill from those pits to build roads. Mr. Warren stated that if the Town wants to pay for it they can use it.

R. Caldwell entered the meeting at 8:06

W. Peterson wanted to know if the security is being worked on. C. Daigle stated that they are working with Mr. Mike Lynch to determine the cost. Mr. Warren stated that he talked with Mr. Lynch to determine the cost. He will provide a security bond, letter of credit or cash. It will probably be a letter of credit.

The vice-chairman asked if anyone in the audience had any questions or comments. There being none, he closed the public hearing.

**MOTION:** C. Patten moved that the application be granted Final, conditional approval as it appears to meet all of the technical requirements of the Ordinances and Regulations of the Town of Belmont with the following conditions:

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

1. Submission of final Plans (6 paper):
  - a. Post assigned 911 street number at the entrance.
  - b. Gated entrance requires knox padlock.
2. Notice of Decision recording fee (fee to Registry to record written decision).
3. Permits:
  - a. Site Specific permit
  - b. Wetlands permit for 1991 culvert
4. Security:
  - a. Prior to any site work - escrow for reclamation. Value determined in a manner described above and to be reviewed for each permit renewal. Amount to be set by staff. Security to be in a form approved by the Town. Retainage 2% for one year post-completion.
5. Excavation Permit:
  - a. 2-year Permit
    1. Appearance before Board and noticing required every 2 years for renewal.
    2. Renewal contingent upon confirmation of on-going successful compliance with original conditions of approval.
    3. Add to proposed Report Table of Contents:
      - a. Recalculation of reclamation security
      - b. Hand-held GPS unit to verify open/reclaimed areas.
      - c. Use of excavation application form.
      - d. Submit copy of most recent Intent to Excavate and Report of Excavation.
      - e. Any additional information added by the Board's approval.
    4. Transferable with Planning Board's review/approval.
    5. Have permit available on site.
  - b. 2<sup>nd</sup> year of each permit:
    1. No appearance before Board or noticing required.
    2. Submit written compliance report (#5.a.3 above)
  - c. Every 6 years:
    1. "As-built" plan w/surveyor's certification required (open/reclaimed areas & elevations).
    2. Copy of Site Specific renewal.
6. The Town retains the right to require an independent review at the applicant's expense, if any problem occurs or becomes apparent in the design, or implementation of the approved plan.
7. Amend QAP to include notification to every individual who operates fueling equipment on site for compliance with the approved minimum standards.
8. State Operational hours of 7am-8pm include all equipment use.
9. A minimum of 2' separation shall be maintained above the seasonal high water mark.

10. Compliance hearing shall be held by Board as necessary.

Construction conditions to be complied with once plan has been signed and decision recorded:

11. Removal of more than 80,000 cubic yards a year requires Board review.
12. Excavation and reclamation shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any.

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

13. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
14. No changes shall be made to the approved plans unless application is made in writing to the Town.
15. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
16. Approval is subject to expiration, revocation and changes in the Ordinances.

The motion was seconded by G. Flack and carried. (5-0-1) R. Caldwell abstained.

There was discussion about excavating within the watertable. R. Ball explained that the State regulations state that there can be no standing water and you can't damage the aquifer or anyone's water supply. There was concern if they mine below the water table. Mr. Warren stated they would stop before they get to the water table. They will dig test pits in four corners. C. Daigle clarified that there is no proposal to dredge for material if they want to do that they will have to come back to the Board. Mr. Warren agreed and stated that he wants the land not ponds. He will come back to the Board if that changes. The finished contours are 2' above the water table as represented.

**PLAN SUBMISSION MEETING – MICHAEL LECLAIR – COLOSSEUM INDOOR SPORTS:**

Request for site plan approval to construct a multi-unit indoor recreational facility with associated parking. Property is located at 70 Bishop Road, Tax Lot 205-047 in the "RS & C" Zones. PB # 0607.

Mr. Mike LeClair and Mr. Craig Bailey presented the application.

Mr. LeClair explained that the proposal is to build an indoor sport facility. The 320' x 230' building will have four indoor fields. They will have scheduled sport league games with around 100 kids. The start times will be staggered so that everyone will not be coming at the same time. The building will be on the east side of the property with a tree lined buffer. The hours of operation will be 4pm to 10pm C. Long wanted to know what they will do in the summer. Mr. LeClair stated that they may run summer camps.

W. Peterson stated an independent review of storm water management is needed because of the adjacent wetlands. G. Flack wanted to know if the sewer comes from Laconia. C. Daigle stated that it has not been decided yet. It is a private sewer line they have to get permission from the Sewer

Commission, Laconia, the owner and the State. Either way they will either need a sewer permit or a septic. C. Daigle recommended sending out for an independent storm water management review because they are adjacent to a sizeable wetland.

Mr. LeClair agreed to an independent review of the storm water management report.

**BOARD'S ACTION – MICHAEL LECLAIR – COLOSSEUM INDOOR SPORTS:**

**MOTION:** G. Flack moved that the application be accepted as complete for the purposes of proceeding with consideration and making an informed decision. However, additional information shall be requested as necessary and must be submitted to complete review and act on the application. Action on this proposal shall occur by June 27, 2007, subject to extension or waiver. An independent review is a condition of this acceptance.

The motion was seconded by C. Long and carried. (6-0)

**OTHER BUSINESS:**

**CONCEPTUAL – LAURENT GILBERT:**

Mr. Ken Price stated that Mr. Gilbert owns 500 acres between Belmont and Northfield. They are considering ground water withdrawal. They are not near the aquifer. C. Daigle stated they are across the street from the aquifer. Mr. Gilbert agreed he is across the street from the aquifer. He explained that he has excellent water quality. The wells will be 700' deep. C. Daigle explained that the Board doesn't regulate the actual withdrawal, the State does. The Board regulates what happens on the property such as the building and traffic. Mr. Gilbert stated the operation would be away from everyone. R. Caldwell wanted to know what building they would have. Mr. Price stated it would be a small pump building and a 50,000 gallon storage tank. They would only do bulk transportation there will be no bottling on the property. He thanked the Board for their time and stated that he will work with staff on the process.

**BOARD'S ACTION-MINUTES:**

**MOTION:** On a motion by C. Patten, seconded by C. Patten, it was voted to approve the minutes of the April 9, 2007, meeting as submitted. (5-0-1) W. Rollins abstained.

**STAFF REPORT:**

**DROUIN TAX LOT 110-004:**

The vice-chairman signed the Drouin subdivision plan as previously approved.

**SUPERIOR FENCE TAX LOT 235-029:**

The vice-chairman signed the Superior Fence site plan as previously approved.

**DRED:**

C. Daigle reminded the Board of the DRED presentation with the Board of Selectmen scheduled for

May 21<sup>st</sup> at 5:00pm.

**ADJOURNMENT:**

**MOTION:** On a motion by C. Patten, seconded by G. Flack, it was voted unanimously to adjourn at 8:48p.m. (6-0)

Respectfully submitted,

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Elaine M Murphy  
Administrative Assistant