

PLANNING BOARD

Monday, November 26, 2007
Belmont Corner Meeting House
Belmont, New Hampshire

Members Present: Chairman P. Harris; W. Peterson, C. Patten, R. Caldwell and C. Long.
Members Absent: G. Flack.
Alternates Present: W. Rollins and R. Davis.
Staff: C. Daigle, R. Ball and E. Murphy.

The chairman opened the meeting at 7p.m. and appointed W. Rollins and R. Davis as voting members for tonight's meeting.

PUBLIC HEARING – PUBLIC SERVICE OF NEW HAMPSHIRE: Proposal to trim and remove trees and brush adjacent to and beneath its power lines running along the designated “Scenic Roads” known as Jamestown Road, Cotton Hill Road and Ladd Hill Road. PB # 2807, 2907 & 3007.

Mr. David Crane presented the application.

Mr. Crane explained that Public Service of New Hampshire trims the trees on scenic road every five years. The proposed work for 2008 includes Jamestown Road, Cotton Hill Road and Ladd Hill Road. Ladd Hill Road was done in 2000 and Cotton Hill Road and Jamestown Road were done in 2003. They plan to have Ladd Hill Road done by the end of December of this year and Cotton Hill Road and Jamestown Road in the summer of 2008.

The maintenance work includes trimming and removing trees and brush above, adjacent and beneath the power lines. They notify all property owners where work is being done either on or adjacent to their property. They remove brush and limbs less than 4” in diameter which are located within 8’ to the side of, 10’ below or 15’ above conductors. Asplundh Tree will be doing the work.

Mr. Crane stated that the work being done on Jamestown Road is minimal about 2/10th of a mile at the corner of Union Road. The work on Cotton Hill Road will be at the corner of Rte 107 and Cotton Hill Road.

Mr. Ken Bonnette of Ladd Hill Road stated that he has two large rotted trees on his side of the stone wall that need to come down. If the trees fall they will take down the power lines. Mr. Crane took Mr. Bonnette's contact information and will look into the situation.

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

BOARD'S ACTION – PUBLIC SERVICE OF NEW HAMPSHIRE:

MOTION: C. Patten moved that PSNH be granted a permit to trim and/or remove trees along the entire length of Jamestown, Ladd Hill and Cotton Hill Roads in Belmont under the terms of RSA 231:158 (see attached) on the following conditions:

1. Permit shall remain in effect to December 31, 2008.
2. Work shall progress as represented during the public hearing and in the written submitted documents.

The motion was seconded by W. Peterson and carried. (7-0)

PLAN SUBMISSION MEETING AND PUBLIC HEARING – BPS REALTY, L.L.C.: Request to extend site plan approval for one year (10/23/08) to construct a 50' x 112' twenty bay truck terminal and a 20' x 50' office. Property is located on 23 Industrial Drive, Tax Lot 235-040 in the "I" Zone. PB #3107.

Mr. Doug Stone presented the application. He explained that they need the site plan extension because FedEx has not signed the contract for the additional truck terminals. They are in negotiations now and should reach an agreement soon.

BOARD'S ACTION – BPS REALTY, L.L.C.:

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 1/30/08 subject to extension
or waiver.

The motion was seconded by W. Peterson and carried. (7-0)

The chairman opened the public hearing.

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

MOTION: C. Long moved that the application for extension 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:

1. All conditions of the original approval remain in effect.
2. Compliance hearing shall be held by Board as necessary.
3. Extension is to 10/23/08.
4. No changes shall be made to the approved plans unless application is made in writing to the Town.
5. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
6. Approval is subject to expiration, revocation and changes in the Ordinances.

The motion was seconded by C. Patten and carried. (7-0)

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

Request for site plan amendment approval for retail earth material sales, overhead electrical service, restriction on annual excavation volume, offsite driveway access, on site fuel storage and crusher. Property is located on 224 Hurricane Road, Tax Lot 231-014 in the “R” Zone. PB # 3207.

Mr. Howard Warren and Mr. Bill Nutter presented the application.

Mr. Warren explained that he received site plan approval in April and is here to make some changes to that approval. He planned to wholesale earth material to Pike Industries but when that did not happen he had to look for other sources. He is doing business with Mr. Nutter and needs to modify his original approval. He will be selling earth products to Nutter Enterprises for their use and resale to contractors. They will be storing fuel on site. A crusher and truck scale will be on site. There will be a temporary scale house trailer, a temporary gravel parking lot and above ground utilities. A well and septic are on site. He also wants to modify the restriction on the excavation volume.

Mr. Warren explained because it will be a retail sale business. He needs the portable crusher and scale house which require utilities. Once the operation is completed and reclaimed the need for overhead utilities will be eliminated. He has no plans for the land once the mining is completed so underground is not practical. The crusher, truck scale and scale house will be removed when the pit ceases to operate.

Mr. Warren addressed the issue of having an off-site driveway. He stated that at the suggestion of a trucker they decided to use the two driveways. One driveway is marked entrance and one exit. This design allows for safer access to and from the pit. The driveway already exists so he doesn't think there is an issue. C. Daigle stated that the Zoning Regulations state that the access to a developed lot has to be from that lot but they are not developing this lot. Mr. Warren stated that he owns both lots and this lot has been taken off the market. The two driveways allow for safer access to and from the pit. There was discussion on the two driveways and the safety of having the trucks slow down on Hurricane Road while accessing the pit. It can be confusing for vehicles following the trucks to know which driveway the trucks will be using.

Mr. Warren explained that the fuel will be stored in a 500 gallon tank that is placed in a 1,000 gallon half septic tank to prevent any spillage or contamination.

Mr. Warren stated that he would like to eliminate the restriction limiting excavation to 80,000 cubic yards a year. He stated that if the limit is increased or eliminated the operation will be completed in a shorter time frame. The Board discussed the reason the restriction was put on was because of the wear and tear on the roads with the number of trucks using the pit. There was discussion on the other pits on that road and how many trips a day those trucks have made over the years and the effect that had on the roads. There was discussion on the financial responsibility of the applicant to help with the maintenance and repair of the road as a direct impact from his business. The applicant wanted to know if other pits in town are held responsible for road improvements. C. Daigle stated that Merrill's pit is required to have a bond for road maintenance that is necessary as a direct result of the pit operation. There was discussion about the entrance and exit to the applicant's pit and the damage to the road in that area. Some of the damage was a result of there being no shoulder on that section of the road. Mr. Warren stated that once he was aware of the problem he has fixed it. He will also put an apron down on the second driveway to eliminate some of the damage to the road in that area. Mr. Warren also explained that by removing the restriction on excavation he can finish the project in a shorter time frame eliminating continuous wear and tear on the road over numerous years

BOARD'S ACTION – BLUE SKY ENTERPRISES INC:

MOTION: W. Rollins 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 January 30, 2007, subject to extension or waiver.

The motion was seconded by C. Long and carried. (7-0)

The chairman opened the public hearing.

There was concern from abutters about the amount of traffic that has been occurring on Hurricane Road since the pit has been activated. There was also concern about the rate of speed the trucks are traveling on that road. Mr. Warren explained that the truck drivers have to meet regulations and are subject to random drug testing. He is not aware of any citations being issued to any of the drivers. If there is a concern then it is an enforcement issue. There may be a need for increased monitoring in that area.

The Board received a copy of an email that staff received this morning from Mr. Matthew Blake concerning the pit. Mr. Blake was present and thanked staff for their response to the email. He stated that his concerns are with the amount of heavy traffic from the pit on Hurricane Road the road will start to deteriorate. He is also concern that a gravel pit is in a residential area and the noise a crusher will create. Storing fuel on site has him concerned about spillage and contamination. The Board explained that the gravel pit is allowed in the rural zone. Mr. Warren explained that the storage of fuel will be in a tank placed

inside a half septic tank so no leaks would seep into the ground. The noise level has been tested at the truck scales and meets all regulation. They were also tested 50' from the boundary lines and were not noticeable at those points. R. Ball explained that he was on site and had to really listen to make out the sound. While talking to Mr. Warren he didn't detect any noise. Mr. Warren also explained that he would be repairing the road in the area of the entrances and exits.

Representatives from Pike Industries stated that they are not approving abutters. Mr. Tom O'Neil stated that Mr. Warren has excavated within 50' of the property line and he cannot do that because they are not approving abutters. Mr. Warren stated that he had excavated within the 50' buffer area but was not aware that they were not approving abutters because as required by law he was not noticed. Once he found out they were not approving abutters he stopped excavating in that area and has reclaimed that area. Pike Industries would also like to stop the crushing/excavation activities within the buffer zone including the hauling. Mr. Warren stated that he is not working within the buffer area. The Board noted that any encroachment will be handled by the Town as an enforcement issue.

The Board discussed the hours of operation for the crusher. Mr. Warren stated that it would be M-F 7-4 and Saturday 7-12. The Board asked the Pike representatives what their hours of operation for their crusher were. They explained that the crusher works whenever the site is opened.

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

The Board discussed the possible deterioration of the road that may happen as a result of the pit traffic. They noted that there have been other pits on the road in the past that contributed to the road conditions. They agreed that there needs to be some financial responsibility from the applicant to make any necessary repairs to the road as a result of the traffic from the pit.

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. State air quality permit (if required)
2. Applicant shall sign and follow Inspection Schedule prepared by Planning staff.
3. Compliance hearing shall be held by Board as necessary.

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

4. Fuel to be stored/dispensed in accordance with NH DES Best management practices.
5. Paved apron for additional driveway.

6. Allow retail earth material sales.
7. Allow overhead electrical service.
8. Eliminate restriction on annual excavation volume.
9. Allow offsite driveway. Both lots must stay under same ownership.
10. Hours of operation for crusher M-F 7-4, Saturday 7-12.
11. Applicant to repair road at the entrance/exit as needed.
12. Applicant to provide appropriate security to participate in public road repairs for truck traffic impacts. Amount to be set by staff.
13. All other conditions of the original approval to remain in effect.
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 W. Peterson and carried. (6-1) C. Long opposed

OTHER BUSINESS:

BOARD'S ACTION-MINUTES:

MOTION: On a motion by W. Peterson, seconded by C. Long, it was voted to approve the minutes of the October 22, 2007, meeting as submitted. (6-0-1) W. Rollins abstained.

MOTION: On a motion by W. Peterson, seconded by C. Long, it was voted to approve the minutes of the November 19, 2007, meeting as submitted. (3-0-4) P. Harris, C. Patten, R. Caldwell R. Davis abstained.

STAFF REPORT:

NEM INC. TAX LOT 205-056:

The chairman signed the Notice of Decision for NEM.

ALBERT DONAHUE TAX LOT 224-007:

The chairman signed the subdivision plan for Albert Donahue on Bean Hill Road

MICHAEL & DEBBIE SOUTHWORTH TAX LOT 204-007:

The chairman signed the Notice of Decision for Michael & Debbie Southworth DBA Laconia Magnetics.

ADJOURNMENT:

MOTION: On a motion by R. Caldwell, seconded by C. Patten, it was voted unanimously to adjourn at

BELMONT PLANNING BOARD
2007

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NOVEMBER 26,

9:11 p.m. (7-0)

Respectfully submitted,

Elaine M Murphy
Administrative Assistant