

PLANNING BOARD & ZONING BOARD OF ADJUSTMENT

Monday, October 23, 2006
Belmont Corner Meeting House
Belmont, New Hampshire

Planning Board Members Present: Chairman P. Harris; G. Flack, W. Peterson, C. Patten, J. Marden and R. Caldwell.
Planning Board Members Absent: J. Pike.
Planning Board Alternates Present: C. Long.
Planning Board Alternates Absent: C. Shibles.
Zoning Board of Adjustment Members Present: Chairman J. Olmstead; N. Patten, P. Oberhausen and L. Couture.
Zoning Board of Adjustment Alternates Present: E. Hawkins.
Zoning Board of Adjustment Alternates Absent: J. Bennett (E).
Staff: C. Daigle, R. Ball and E. Murphy.

The Planning Board chairman opened the joint meeting at 7 p.m. and explained that the first application is for New Cingular Wireless and will be a joint meeting of the Planning Board and Zoning Board of Adjustment. P. Harris, Planning Board chairman, appointed C. Long as a voting member for tonight's meeting. J. Olmstead, Zoning Board of Adjustment chairman, appointed E. Hawkins as a voting member for tonight's meeting.

PUBLIC HEARING – NEW CINGULAR WIRELESS PCS, LLC: Request for site plan approval to construct a personal wireless service facility including a 180' monopole tower. Property is located on 15 Dutile Road, Tax Lot 217-116 in the "C" Zone. PB # 2306.

PUBLIC HEARING – NEW CINGULAR WIRELESS PCS, LLC: Request for a special exception of Article 5 Table 1 of the Zoning Ordinance to construct a personal wireless service facility including a 180' monopole tower in a commercial zone. Property is located on 15 Dutile Road, Tax Lot 217-116. ZBA # 4006.

At least three Zoning Board of Adjustment members have viewed the site.

Brian Grossman presented the application. Mr. Randy Howse and Ms. Jennifer Lougie were also present.

Mr. Grossman presented the Boards with photos from the crane test done on October 14th. He

explained that Cingular has a signal gap on Rte 106. The proposal is for a 180' monopole on a triangular platform with twelve antennas. The antennas will not extend beyond the tower. There will be aN 11' x 20' equipment shelter in the compound. The compound will be surrounded by a fence. The fall zone is 120' and they are asking for waiver for a 99' fall zone to one property line which is an 18% reduction in the fall zone. It is an allowed use by special exception in the commercial zone and would be an appropriate location to address the gap in service. It is a passive use for the commercial zone. This is an unmanned tower so they won't have employees on site. It doesn't use any municipal services. There will be no nuisance, no glare or increase in noise. Utilities will be underground. All applicable setbacks will be met. Maintenance personnel will visit the site once or twice a month so there will be no increase in traffic. They will visit the site in an SUV type of vehicle so no nuisance is created.

P. Oberhausen wanted to know why they picked the Dutile Road location. Mr. Grossman explained that they narrowed the geographical location to the best location in the commercial zone that would eliminate the gap in coverage. It is an allowed use in the commercial zone and is better than putting one in the residential zone where it is not allowed. P. Oberhausen stated that he had no objection until they did the crane test. He drove around town and found that the crane can be seen from different locations and found it to be an eyesore. He looked at the pictures that Mr. Grossman submitted and agreed that you cannot see it from Farrarville Road but you can see it at the corner. There is an incline on Rte 106 and if they move the tower ½ mile south to the Belmont Business Park it will be out of the way and not visible. They wouldn't need a 180' tower but could have a shorter tower and get the same reception. It would be away from the road and be invisible from the road.

J. Olmstead wanted to know if the 180' measurement was inclusive. Is there going to be an aviation light on top of the tower because of the air traffic from the Laconia airport? Mr. Grossman stated that if a light is required they would have one. Mr. Howse stated that the rule for having a light on top for aviation purposes is it has to be 199' above the ground. A test will be run if necessary.

E. Hawkins stated that much of information needed under the purpose and goal requirements hasn't been supplied. They did include the NEPA Summary but additional impacts were not addressed. Mr. Grossman explained that he provided a packet to staff and the Board did not receive the whole packet. E. Hawkins stated that the NEPA report mentions three historical sites and wanted to know if there was any visible assessments for those three sites. Mr. Grossman stated that they can provide them in terms of views. Alternative sites have been narrowed down. Mr. Howse stated that they are collocated on every tower in the area and there are no other available existing towers to collocate on. E. Hawkins stated that he would like to see any other site analysis on narrowing the sites down and the technical justification for them. He needs time to digest the additional information.

The Zoning Board chairman opened the meeting to the public.

Ms Elaine Sottack, 43 Dutile Road, stated that she was appalled by the sight of the crane when they did the crane test. She stated that the tower will reduce her property value. She understands that it is in a commercial zone but the site is surrounded by residences. She stated that there has to be another property that they can put it that would not affect as many people.

Mr. Bob Watts, 15 Leavitt Road, said the tower is an eyesore. He can see it from his master bedroom and will see it for six months a year when the leaves are off the trees. It will devalue his property because who would want to buy property next to a tower. He explained that his wife had cancer and has immune deficiency and he wanted to know what near and far impacts the tower would have on her. Mr. Grossman explained that the tower has to operate by the FCC health guidelines. The worst case scenario taken into account would be well below the 5% maximum exposure allowed by the FCC radiation regulations. C. Daigle explained that the town hired an independent consultant and he agrees they are in compliance even with them overstating the emissions.

The chairman read a letter from Mr. Edward Williams, an abutter, which stated that he is concerned that the tower would increase the property value of the site leaving abutters with future higher assessments. He is concerned that when he wants to sell his house he will have a difficult time because no one wants to buy near an ugly tower. He is also concern about the effect the tower will have on the wetlands and how many businesses can be on a lot known for its wetlands.

Mr. Watts wanted to know if the generator would be running continually. Mr. Grossman explained that it will not run continually only when there is a power outage. They will also do a maintenance cycle every other week and they will schedule to do it during the day.

E. Hawkins stated that the consultant's report shows full compliance but did not produce sufficient information to support the 180' tower. Mr. Howse stated that it is the minimum height for economical technical information. You have to get 20' above the tree line and collocate four carriers and meet their needs. Mr. Grossman stated that the existing structures and existing coverage is insufficient. The size of the tower is necessary to meet the technical requirements for collocation of the carriers. Collocation below the tree line is not feasible. E. Hawkins wanted to know if they have to be 20' above the tree line and between each carrier. Mr. Grossman stated that it is 10' between each collocater. He stated that the average tree line height is 80' so you have to take the topo into consideration when designing the tower. Mr. Grossman stated there is a model created that is reasonably accurate to determine the height to provide the coverage. Mr. Howse explained that the terrain has been digitized to calculate the height.

Ms. Sottack stated that if it was at the Belmont Business Park the tower wouldn't have to be so high. She never expected it to be so tall. Mr. Grossman stated that in order to get five carriers they need the height. Ms. Sottack stated that she is on a hill and it is almost at eye level.

E. Hawkins wanted to know if there is any historic data that shows if a tower affects the property values of abutting properties. Mr. Grossman stated that they have done studies on occasions and there have been no value changes. The coverage for some people is important because some people do not have land line phones. To those people the coverage adds value to the property. Mr. Watts stated that over the last ten years property values have increased as well cell phone use. Mr. Grossman stated that everything has been going up and the study taking in relative compatibility of community without towers values went up 10% and communities where there are cell towers went up at the same rate. E. Hawkins stated that he would like that to be part of the formal application. Mr. Grossman stated that it wasn't included because different towns have different regulations. E. Hawkins stated that property diminution

has to be based on facts so both sides have to produce proof on how it would affect the property value.

Ms. Sottack stated that when she uses her cell phone she loses communication in the area down by the race track. She has no problem in this area. There have to be other locations in the commercial zone where there would be no impact. Mr. Grossman stated that there may be more than one gap in service but they determined that the gap in this area is priority. Mr. Howse stated that a traffic study done in 1999 showed 12,000 vehicles use Rte 106.

J. Olmstead wanted to know if they decided if an aviation light is needed. E. Hawkins stated that if they did a flight impact study it would be addressed. He stated that it shows the monopole is 316' to the nearest structure. Mr. Grossman stated that is incorrect it is 316' to the nearest structure not owned by them and 122' to the nearest structure on site.

L. Couture stated that she wonders about moving the tower ½ mile down the road. P. Oberhausen stated that the road starts to incline in Laconia and begins to level off again around Leavitt Road. The business park is at a 14% incline. The tower at the present location would be an eyesore. If it is put in industrial park it would be out of the way and not seen and could be shorter. L. Couture wanted to know if the reception would be the same. E. Hawkins stated that in due respect Board members are not engineers and cannot make that determination. He stated that he hasn't had time to digest all the information and would like more time. N. Patten stated that she is concerned about the abutters' property values and would like them to look at alternative sites. E. Hawkins stated that property values have to be based on demonstrative facts.

Zoning Board chairman, J. Olmstead, asked if anyone in the audience had any questions or comments. There being none, he closed the zoning public hearing.

ZONING BOARD OF ADJUSTMENT ACTION- NEW CINGULAR WIRELESS PCS, LLC:

MOTION: E. Hawkins moved to Table the public hearing to construct a personal wireless service facility including a 180' monopole tower to November 29, 2006 to allow the Board time to review the information submitted and the applicant to provide additional information as requested.

The motion was seconded by P. Oberhausen and carried. (5-0)

E. Hawkins stated that the Board should submit in writing to staff any additional questions or concerns that they would like the applicant to address. Staff will forward those concerns to the applicant.

The Zoning Board of Adjustment adjourned and left the meeting at 8:04. The Planning Board chairman opened the Planning Board's portion of the Cingular application.

Mr. Grossman stated that the traffic impact is non-measurable because it is an unmanned site and a maintenance SUV vehicle will visit the site only twice a month. Invasiveness will be minimum at the facility with a generator in case of power outages. P. Harris stated that a majority of the Planning Board

members have seen the balloon test. W. Peterson stated that they need a special exception for the tower in a commercial zone. P. Harris wanted to know if there are any other available sites in the commercial zone. Did they check out the rural zone for alternate sites? Ms. Lougie stated that they have looked at other sites and they didn't meet the coverage needs. J. Marden wanted to know if they looked at the town owned properties on Dutile Road and what their elevation level's. Ms. Lougie stated they used GPS closer to Horne Road and there is no coverage. The analyst did look at town property and they didn't work as well as this one. There was a site on Plummer Hill Road but it is in the residential single family zone and not allowed. J. Marden wanted to know about the billboards on Rte 106. Ms Lougie stated that she doesn't think they looked at that site. C. Daigle stated that the site is privately owned. The Board discussed the fact that the tower might blend in better for aesthetics at different sites. The chairman stated that the letter Mr. Williams wrote was to the Planning Board as well as the Zoning Board.

W. Peterson wanted to know if there would be exterior lighting on the building. Mr. Grossman stated there would be some near the door. There will be an eight foot high stockade fence so the light would not create any glare. It is not a floodlight just a light near the door.

J. Marden wanted to know about the different types of towers such as the tree and the interior wired poles. Mr. Grossman stated that the pine tree poles don't blend in because without a background they are taller than surrounding trees adding to the visibility. The mast monopole fades into the background. The internal flagpole mounts are significantly larger in diameter to house the internal mounts. Most collocators don't favor the internal mounts and would want their own pole. The monopole operates the best. J. Marden wanted to know if there is a way to superimpose the different towers on the photo to give the Board and abutters a visible impact. Mr. Grossman stated that he could do that.

P. Harris stated that it is the first impact you see going north when cresting the hill. Mr. Grossman stated that they took pictures at a one mile radius. P. Harris stated that it becomes visible in the area of the Million Dollar Museum. He is concerned for the visual impact this site creates.

J. Marden wanted to know if there will be any landscaping or just the fence. Mr. Grossman stated that given the location and use of property they didn't propose any landscaping but will do it if required. There will be a fence around the compound.

J. Marden stated that he is not looking at the tower everyday but is concerned for the abutters. They should look at other sites. R. Caldwell wanted to know if they looked at the site behind the self storage units on Rte 106 or across the street at the business park. Ms. Lougie stated that they haven't looked at those sites. R. Caldwell stated that they may be better sites. Ms. Lougie stated that she looked at Eastgate Park and the reading wasn't as good. C. Daigle stated that there is a manufactured park that abuts that site. The site is open to the east and can be seen from many areas. Different carriers have looked at the site in the past and there would be extensive visibility from that site. Across the street would have the same exposure. P. Harris stated that it is different to see the tower from a mile away and living next to it. C. Daigle stated that you have to have a land owner willing to have a tower on their property. Mr. Grossman agreed stating that not all people they approach are willing to have a tower on their property.

W. Peterson wanted to know what the effective range of a tower is. Mr. Howse stated that it is a couple of miles. They are collocated on the existing tower on Rte 106 and don't want to repeat the coverage by moving south.

Ms. Sottack stated that BBI doesn't live on the property so they have no problem with the tower. This is a small commercial area surrounded by residential uses so having the tower there doesn't hinder BBI. Mr. Grossman explained that they have approached landowners in the past that don't see benefit of having a tower on their property. Money is not the only consideration property owners have.

J. Marden wanted to know how many antenna mounts are on an internal monopole. Mr. Grossman stated that there could be five but they are larger in diameter.

P. Harris wanted to know about Mr. Williams' concerns with the wetlands. C. Daigle stated that a wetlands scientist has delineated the wetlands. The Board discussed the fact that the tower is designed to blend with the surroundings but 180' is three times taller than what is already there. C. Daigle stated that the town's ordinance encourages collocation on towers so there may be larger towers but fewer of them. C. Patten stated that if the coverage is good for two miles does that mean they need a tower every two miles. Mr. Howse stated they would be about every four miles. C. Patten wanted to know how many towers they would need to meet their needs. Mr. Howse stated they may need another one on Rte 107 and one in Laconia. Mr. Grossman stated that this tower will cover the gaps for now. Each gap has its own criteria. Not every wireless facility has a tower. Mr. Howse stated that most of the other sites they looked at are in the residential zone and towers are not allowed there.

PLANNING BOARD'S ACTION – NEW CINGULAR WIRELESS PCS, LLC:

MOTION: J. Marden moved to table the request for site plan approval to construct a personal wireless service facility including a 180' monopole tower to November 27, 2006 to allow the applicant time to provide additional photo simulation of the tower and to look at other possible sites.

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

PUBLIC HEARING – MOUNTAIN LAKE VILLAGE: Request for subdivision approval to create an 18 lot single family cluster subdivision. Property is located on Mile Hill Road, Tax Lot 202-012 & 202-015 in the "RS & R" Zones. PB # 1006.

Atty. Phil Brouillard and Mr. Peter Howard presented the application.

Atty. Brouillard explained that Mountain Lake Development consist of seventy-seven lots. The lots in Laconia have been approved and they are seeking approval for eighteen lots in Belmont. They are working with the Conservation Commission on a conservation easement that is to be deeded to the town. The easement is subject to State approval. Sixty-six acres will stay in their natural state. The 49.36 acres that will be deeded to the town of Belmont abuts wetlands and the Conservation Commission is

interested in acquiring it. They meet the open space requirements in Laconia and exceed the requirements in Belmont. The subdivision will be for moderate income families with the largest lots in Belmont. The houses will all be the same size and similar to the houses in the Woodland Drive subdivision. The average cost would be \$249,000 so that people who work here can live here. With the larger Belmont lots being of higher value.

Mr. Peter Howard explained that there will be two access points to the property and both will be in Laconia. The access points will be along Mile Hill Road with one on the southern point of the property. There is a Public Service utility corridor through the development. The wetlands have been delineated. The lots in Belmont are in two different zones. The lots will be between 20,000 to 34,000 square feet. The larger lots are in the rural zone. The rural zone open space will be 43.61 acres. The lots will have municipal water and sewer and there will be no on site septic or wells. The utilities will be underground. A traffic study has been done with recommendations from Mr. Steve Pernaw. Mile Hill Road is adequate to handle the project. His only recommendations are stop lines, stop signs and clearing for adequate sight distance.

Atty. Brouillard stated that Laconia and Belmont use the same building codes. There will be a joint use agreement for the water, sewer and public works. The land in Belmont is in current use and will be coming out and that money goes to acquiring more conservation land. The land that is being donated to the town will be open to all residents not just the residents of the subdivision. There will be public access to the open space. The water and sewer improvements will be owned by the developer until they are turned over to the town. They are hoping to have the roads constructed in the next twelve months and the homes constructed in the in the next forty-eight months. The loop roads will be developed first. In-law apartments are allowed in the development but must be approved by the town.

P. Harris wanted to know if similar houses in Belmont and Laconia would be valued differently. Atty. Brouillard stated the ones with the view will be worth more. W. Peterson wanted to know where the access to the open space is in the residential zone. Mr. Howard used the plan to show the access location. W. Peterson stated that you have to cross wetlands to get to it. Mr. Howard explained that they have a wetlands crossing permit and a drainage easement to the adjoining lots for the road. Atty. Brouillard stated that they are working it out with Mr. Gerry Lange. Mr. Lange requested ponds and they could put the access adjacent to the pond. With an access strip to get to the lot. Atty. Brouillard stated that when the lot is deeded to the town they will have an easement to get to the open space. R. Caldwell wanted to know if they are working with the Conservation Commission on this. Atty. Brouillard stated that they would be given a deed as an easement holder. The Commission is favorable to it because it is good for the town to control the ponds and wetlands. They have scheduled a site walk. R. Ball stated that there is some interest and some hesitation on accepting the deed and the Commission will make a decision on it at the November meeting. G. Flack wanted to know if it had been logged. Atty. Brouillard stated that he has not touched it. R. Ball stated it was logged around fifteen years ago. Atty. Brouillard stated that the Laconia portion has been logged.

J. Marden stated that he has concerns about the joint use agreements. Atty. Brouillard stated that they can work it out. J. Marden wanted to know how many feet of road are in Belmont. R. Ball stated that there are between 1100 –1200 feet of roads in the Belmont section.

The chairman opened the hearing to the public.

Mr. Greg Sampson stated that he is concerned about the roads that cross over from Laconia to Belmont because there are wetlands. The low level will pick up water and funnel it down to Mile Hill Road. They need storm drains to Mile Hill Road. P. Harris explained that the developer has to keep the drainage exiting from the property at the same rate it exited before development. They can not increase the drainage from the site. Mr. Howard explained that all the lots in the development are on the downhill side of the road and all the drainage is routed to the storm drain then to the pond. It is a wooded wetland with a high water table. The water drains down the hill side. They plan on putting rocks across it to keep it flowing in the same direction and then put in three culverts spaced 50' apart to provide relief for water backup. Water picked up from down the hill will not add to it. Mr. Sampson stated that the plans do not show all the details. Atty. Brouillard stated the completed plans are on record at town hall. Mr. Howard stated they will maintain the flow with catch basins and bring it across to the storm drains in Laconia. They are keeping the drainage from Belmont in Belmont. C. Daigle stated the county engineer has to approve it. R. Ball stated that they have to maintain its current course. Mr. Howard stated they will use a large rock base with filter cloth and put in three culverts in the event of water buildup. They will maintain the drainage flow not capture it. Culverts are there in the event they are needed. P. Harris wanted to know if there is any data to support the flow that is there now. Mr. Howard stated that each house will have a drainage ditch next to it. P. Harris stated that they have to take what is on property now and maintain it. Mr. Sampson stated that there are water issues now and houses will add more. R. Caldwell stated they will put something in to slow it down. Mr. Howard stated that they cannot build ponds in wetlands as Mr. Sampson suggested. Atty. Brouillard stated that there will be four storm drains to protect the houses. Mr. Howard stated they are constrained on what they can do in the wetlands. C. Daigle stated they have to meet State regulations for a wetland permit crossing.

Ms. Brenda Guilmett, an abutter, stated to have the correct width of the road they have to move wetlands closer to her property. Mr. Howard stated that there is a drainage ditch created for the PSNH gravel road and the ditch line was to keep water off the gravel road. That ditch line turned into a wetland. They had to widen the access and move the ditch line over. Mr. Howard stated that there are wetlands on the down hill side of her property within 20' of the boundary. The proposal will not make her lot any wetter. They are seeking State approval for filling wetland and putting in catch basins. Mr. Sampson stated if they are catching water on one side of the road why not on both sides. Mr. Howard stated that they are maintaining the existing flow. They did everything they could to cross the wetlands at the narrowest place. There is no way to avoid crossing the wetlands. P. Harris suggested that the abutters take pictures of their property three times a year so if there are problems in the future they can show the comparison. Mr. Howard stated that Belmont has a third party review and it is very thorough.

Mr. Roland Lowe, an abutter, wanted to know where the development was in relation to his property. Atty. Brouillard used the plan to show that it is towards the bypass and 100' away from the houses on Peter Court.

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

BOARD'S ACTION – MOUNTAIN LAKE VILLAGE:

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.

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-SD plan only; 6 paper-full sets; 2 paper-SD plan only):
 - a. All pins to be set and so certified on final plan.
 - b. All proposed driveways to have paved aprons.
 - c. Add approved Tax Map/Lot numbers.
 - d. Metes & bounds for any proposed drainage or slope easements.
 - e. City of Laconia signature for recording purposes.
 - f. Sight distance Mile Hill Rd @ Splendid View Drive.
 - g. Clarify Note #8, Sheet SB1 of 2.
2. Joint use/maintenance agreements regarding roads for the event that the road becomes public and for water, sewer, trash, fire, PD and buses. Water & Sewer agreements to include arrangements to work within the ROW of Belmont Town Roads in the event that the road becomes public.
3. Open space to Town or other entity approved by Town. Otherwise requires stewardship plan and protective covenants – to be approved by Town.
4. Security:
 - a. Prior to any site work - escrow for construction inspections and closure in case of abandonment. Applicant shall submit engineer's estimate of closure costs. Construction inspector shall submit estimate of inspection costs.
 - b. Prior to plan signing/recording – escrow for all incomplete improvements, setting of pins and bounds, and as-built plans. Applicant shall submit engineer's estimate for improvements and surveyor's estimate for pins, bounds and plans.
Amount to be set by staff. Security to be in a form approved by the Town. Retainage of 10% until complete and 2% for one year post-completion.
5. Applicant shall sign and follow Inspection Schedule prepared by Planning staff.
6. Compliance hearing shall be held by Board as necessary.
7. PSNH joint use agreement.
8. Completion of independent engineering review. Any significant plan changes that occur as a result require Planning Board review and approval.
9. Payment of decision recording fee.
10. Permits:

- a. NH DES Site Specific, Subdivision, Wetlands.
- b. NH Attorney General project registration.
- c. EPA NPDES notification.
- d. State/City for Water.
- e. State/Town/City for Sewer.

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

11. City of Laconia to inspect and certify water and sewer installations. Sewer to also be certified by the Belmont Sewer Department if required. All applicable water/sewer tests.
12. Ownership/maintenance of all water/sewer improvements?
13. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any.
14. Property owner shall install all required traffic control and fire and life safety facilities and systems required by the Board and/or by other applicable Codes and Regulations.
15. As-built plans for utilities, roads, drainage and other site improvements required prior to occupancy/use.
16. Access in Belmont provided on southerly side of open space.

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

17. All exterior lighting shall be shielded from abutters and traffic.
18. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
19. No changes shall be made to the approved plans unless application is made in writing to the Town.
20. Approval is subject to expiration, revocation and changes in the Ordinances.

The motion was seconded by J. Marden and carried. (7-0)

PLAN SUBMISSION MEETING AND PUBLIC HEARING – BPS REALTY LLC: Request for Site Plan approval 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 # 2106.

Mr. Peter Howard and Mr. Douglas Stone presented the application.

Mr. Howard explained the lot is five acres on Industrial Drive. The facility is 117' x 50' used by Fed Ex Freight. The terminal is used to make local deliveries. They do hub to hub routes. The yard is gravel around the building. There are sixteen bays in the existing building as well as an office. The trucks load and unload at the terminal. The lighting for the site is on the building for the truck to load and unload. The site is flat with a detention pond. The proposal is to add twenty bays to the building and concrete pads. They will expand the gravel around the building and reconfigure the detention pond. They will dig the pond into the existing banks. There will be a 6' high security chain link fence with barbed wire and gates. Four additional parking spaces will be added. The proposal also includes expanding the

office space and the gravel area 20'. The gravel expansion is to be able to jockey the trucks. They are not adding trucks. They have five road trucks a day that have twelve to fourteen city routes. To provide more efficient use of the property they need additional doors so trucks can load and reload the trucks without having to move the trucks around. The non green space will increase from 48% to 57% which is allowed in the industrial zone. Most of the traffic is between 5am to 11am and 4pm to 9pm. The lighting on the edge of the building will remain the same. There are roof lights for the loading area.

BOARD'S ACTION – BPS REALTY LLC:

MOTION: W. Peterson 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 12/27/06 subject to extension or waiver.

The motion was seconded by J. Marden and carried. (7-0)

The chairman opened the public hearing.

J. Marden wanted to know about R. Ball's comments about the pond. Mr. Howard stated that they are adding rocks to the original stone line, putting in a culvert and adding stone at the outlet. He stated that it doesn't meet the criteria for a dam permit. J. Marden wanted to know about fire safety. Mr. Howard stated that Mr. Stone talked to the fire chief and they agreed to give money for area protection in lieu of building a cistern. J. Marden wanted to know about handicap parking. Mr. Howard stated that since it is gravel parking any space would qualify for a handicap space. The new office is 3' above grade but at the same level as the other one. You have to go up the ramp to get to the office. C. Daigle stated that a traffic review is necessary. If DOT finds upgrades are necessary at 140 the applicant would be responsible for the upgrades.

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

MOTION: W. Peterson 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.

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. \$15,000 participation in future development cistern (deposited as a condition of approval) . Easement for cistern placement, use.
2. Installation of any improvements required by NH DOT at the intersection of Industrial Drive @ Depot Street.
3. Submission of final plans (6 paper sets):
 - a. All pins to be set and so certified on final plan.
 - b. Adjust line type used for aquifer on Sheet 3 (doesn't match legend)
 - c. Handicapped parking as required on ramp side.
 - d. Full-cut off design lighting.
 - e. Front gates to be supplied with knox padlock or knox box.
4. Payment of decision recording fee.
5. Establish escrow account for review, inspections, closure in case of abandonment and as-built plans - \$5,000.
6. Applicant shall sign and follow Inspection Schedule prepared by Planning staff.
7. Compliance hearing shall be held by Board as necessary.

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

8. Submission of building plans, approved by Building Inspector & Fire Department prior to building permit. Shall comply with all applicable building, fire, health, and life safety codes.
9. Construction shall be monitored and certified by a consultant appointed by the Board at the applicant's expense if any.
10. Property owner shall install all required traffic control and fire and life safety facilities and systems required by the Board and/or by other applicable Codes and Regulations.
11. As-built plans for structures, utilities, roads, drainage and other site improvements required prior to occupancy/use.

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

12. Landscaping shall be maintained, shall be kept in a sightly manner and not allowed to deteriorate.
13. All exterior lighting shall be shielded from abutters and traffic.
14. Permits must be obtained for all signage, and signs for inactive, closed or abandoned uses shall be removed within 30 days.
15. No changes shall be made to the approved plans unless application is made in writing to the Town.
16. The Planning Board shall have the power to modify or amend its approval upon its own motion to do so.
17. Approval is subject to expiration, revocation and changes in the Ordinances.

The motion was seconded by J. Marden and carried. (7-0)

Mr. Stone presented the Board with a commitment for a letter of credit from Laconia Savings

Bank for \$15,000.

OTHER BUSINESS:

BOARD'S ACTION-MINUTES:

MOTION: On a motion by C. Patten, seconded by W. Peterson, it was voted to approve the minutes of the October 16, 2006, meeting as submitted. (7-0)

STAFF REPORT:

SUNSET ROCK LLC TAX LOT 235-038 & 235-039:

The chairman signed the Notice of Decision and plans for Sunset Rock.

BLUE SKY ENTERPRISES TAX LOT TAX LOT 217-142:

The chairman signed the subdivision plans for Blue Sky Enterprises on Lamprey Road.

ADJOURNMENT:

MOTION: On a motion by G. Flack, seconded by R. Caldwell, it was voted unanimously to adjourn at 10:17p.m. (7-0)

Respectfully submitted,

Elaine M Murphy
Administrative Assistant