



TOWN OF BELMONT, NH PLANNING BOARD

Monday, January 29, 2007
Belmont Corner Meeting House
Belmont, New Hampshire

Members Present: Chairman P. Harris; J. Pike, G. Flack, W. Peterson, C. Patten, J. Marden and R. Caldwell.
Alternates Present: C. Shibles and C. Long.
Staff: C. Daigle, R. Ball and C. Lagace.

The chairman opened the meeting at 6:30 p.m.

PUBLIC HEARING – PROPOSED ZONING AMENDMENTS.

Pierce Rigrod with the State of New Hampshire Department of Environmental Services was present to provide information regarding NH Water Quality. His PowerPoint presentation will review drinking water source protection and the need for groundwater protection. He explained that this is not related to the warrant article that is being presented later, but is for informational and guidance purposes.

He began his presentation by reflecting on why it is important to put these protections in place, first to continue to meet existing water supply demand, second to meet future demands, third to avoid the expense associated with contamination and fourth to protect public health. He noted that there are different types of water borne diseases such as pathogens, metals and volatile organic compounds. Mr. Rigrod went on to explain some of the costs associated with contamination such as finding a new supply, capital costs, reduced economic redevelopment and reduced value of future supply.

Mr. Rigrod added that the USGS maps should be used as boundaries for protection areas for the aquifer, well head protection areas and recharge areas. He noted that it is not know what the recharge area is at this time. At this time Mr. Rigrod answered questions from the audience.

Ms. Donna Cilley asked if Mr. Rigrod had the opportunity to evaluate Belmont - with what is in place, is Belmont on track, Mr. Rigrod indicated that based on USGS studies the town is making progress but there is more that can be done. Mr. Victor Virgin asked based on DES protocol is Belmont in compliance or not. Mr. Rigrod explained that some measures have been adopted and some have not but the Town is implementing Best Management Practices (BMP's). J. Pike pointed out that there has been pollution by the State in Belmont. The State has abused sites and moved on. Mr. Rigrod said his understanding of road salt is that it is a public safety issue and the community leaders have the ability to sign off on low salt zones and the State will respond. J. Pike explained that several problem areas have been controlled and there have been many changes over the last 40 years.

Mr. George Condodemetraky pointed out that the State has no regulation over the Town regarding aquifer protection but they do have guidelines to assist the Town. Ms. Cilley pointed out that with regard to the road salt the Town can adopt BMP's and implement protection, but can't control what the State is doing.

J. Pike added that the Town is working on the problem of road salt, any storage sheds must now be covered, but you can't go back 50 years. The Town will continue making changes for protection with strong mandates.

Mr. Condodemetraky stated that the State lists 19 items of prohibited uses within the aquifer. R. Ball noted that they are listed as potential contaminants and are not prohibited uses. Mr. Condodemetraky expressed that Belmont doesn't have aquifer protection. Mr. Rigrod pointed out that it is a list of potential contaminants used to illustrate uses that could be a potential problem. They are not prohibited.

P. Harris asked Mr. Rigrod what the risk for Belmont's aquifer is if the northern abutters don't all participate in some type of aquifer protection. Mr. Rigrod explained that the USGS mapping shows the movement of the water which could be used to determine which communities should be approached regarding involvement with a protection program. There was a brief discussion regarding the movement of water within an aquifer and that any contamination will run to the lowest point. Mr. Kevin Sturgeon asked Mr. Pierce about Belmont's closed landfill, he knows it was covered and sealed from the top but to the best of his knowledge there was no lining underneath it. Will that seep into the aquifer? Mr. Rigrod expressed that it is a generality and he doesn't know the answer.

Ms. Cilley expressed that the Planning Board, Board of Selectmen and Zoning Board have worked hard to put in place BMP's and does Mr. Rigrod feel the Town is doing fair job, Mr. Rigrod explained that some communities do more and some do less, but Belmont's effort has been there.

P. Harris thanked Mr. Rigrod for coming; he added that there is a fine line that the Board does not want to cross with telling property owners what they can do. He explained at this last public hearing that the proposed Zoning Amendments can only be presented to the voters as written. Over time there are applications that are received that raise questions about certain amendments that require them to be looked at and revised if necessary in order to keep fair process.

AQUIFER:

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

Petition Amendment: To see if the Town will vote to protect the town aquifer by re-zoning the existing Industrial Zone to Aquifer Protection zone in the Aquifer Protection District which is defined as the area shown on the map entitled "STRATIFIED DRIFT AQUIFER IN BELMONT, NH" that was produced by the New Hampshire Department of Environmental Services (NH DES) from data developed by the US Geological Survey in cooperation with NH

DES Water Division dated November 7, 2002, and as amended. Said map is hereby adopted as part of the Official Zoning Map of the Town of Belmont. The Aquifer Protection District includes the areas delineated as “Stratified Drift Aquifer {Transmissivity ft² / day}” shown as ranging from “Less than 2000 to More than 8000”. The primary recharge area for the identified aquifer is considered to be coterminous with that aquifer.

Full Text:

To see if the Town will vote to protect the town aquifer by re-zoning the existing Industrial Zone to Aquifer Protection zone in the Aquifer Protection District which is defined as the area shown on the map entitled “STRATIFIED DRIFT AQUIFER IN BELMONT, NH” that was produced by the New Hampshire Department of Environmental Services (NH DES) from data developed by the US Geological Survey in cooperation with NH DES Water Division dated November 7, 2002, and as amended. Said map is hereby adopted as part of the Official Zoning Map of the Town of Belmont. The Aquifer Protection District includes the areas delineated as “Stratified Drift Aquifer {Transmissivity ft² / day}” shown as ranging from “Less than 2000 to More than 8000”. The primary recharge area for the identified aquifer is considered to be coterminous with that aquifer.

The submitter of the petition, Mr. Condodemetraky, spoke regarding his ideas behind submitting the petition. Mr. Condodemetraky began by explaining that he is a concerned citizen with a background in engineering who feels that change needs to be made even if it means making enemies. There are asphalt plants being built within the proposed aquifer protection zone. He feels that a clean water supply is a win/win situation. He feels the situation began 7 years ago when the State was studying a bypass. Later when the Master Plan update was taking place, a cross section of volunteers came to a consensus that aquifer protection needed to be part of the Master Plan; and it has been since 2002. At that time they went to the State for help and three communities including Belmont received \$15,000 grants to pursue aquifer protection. During the next year they continued with meetings learning the importance of the protection, He noted that none of the Planning Board members attended those meetings, the Planning Board has taken no action, focusing on other priorities. Over 2-3 years the first aquifer protection ordinance was written and submitted to the Planning Board and was tabled. One year later a petition ordinance was defeated at Town Meeting. He stated that if the Planning Board was interested in aquifer protection the petition for the aquifer would not have been necessary. He noted that the State lists 19 potential contamination sources, 4 of which have approval from the Planning Board at this point. What if the water gets contaminated? There are already 3 contaminated sites in Town, the Irving Oil at 140 & 106, the Huckin’s Oil property (Park & Ride), and the State Highway site. Belmont is using 150,000 gallons per day and Tilton/Northfield are using more. There is not enough being done to protect the supply.

Chairman Harris noted that these are good concerns and pointed out that the Planning Board has been involved and the Town does have collection of groundwater tools in place. He noted that in 2005/2006 the Board worked with Lakes Region Planning Commission on a water quality study. There are minimum development standards in place with the 6 high risk uses prohibited. The Conservation Commission has implemented BMP’s for open space; the Planning Board has been

active in tri-county meetings and has a wide range of BMP's in place.

Chairman Harris went on to ask Mr. Condodemetraky what is intended with the petitioned Aquifer Protection Zone. Mr. Condodemetraky indicated that the State has a definition of aquifer. P. Harris expressed that the petition has no validity, no substance. Mr. Condodemetraky commented that with no ordinance in place all industries can pollute and they would have to be trusted not to pollute which he felt was not a good policy.

Brian Watterson, Chairman of the Board of Selectmen expressed that he felt it was important that he spoke in opposition of the ordinance on behalf of the Board of Selectmen for the following reasons: it is hard to understand what it means, the ordinance is not balanced and the proposed rezoning is not necessarily good. He added that the Planning Board has stringent site review and has done an excellent job trying to balance all areas. He noted that there have not been any allegations that site regulations aren't enough. Owner's rights are being stripped away and the proposed primary recharge area isn't even known. There was concern 2 weeks ago when the Town considered accepting an industrially zoned lot which would have resulted in it being taken off the tax rolls. This proposed rezoning would diminish the value of all of those lots. The information provided indicates that 46% of owners who be affected by this change, would have to be told they cannot do certain improvements to their property He urged the Planning Board not to support the ordinance.

Mr. Magnus McLetchie spoke as a previous member of the Planning Board indicating that zoning ordinances, boundary lines and zones should be considered for change each year and feels major changes should be done regardless of the impact to property owners. He felt that the need to deal with water quality is needed more now than ever. He feels the zoning needs to be looked at and major changes made. He added that he appreciates the work the Board is doing.

Ms. Cilley asked what percentage of Town is being affected, P. Harris indicated that of the 4,250 lots in Town 100 or 3% are all or partially in the proposed aquifer zone and 1,945 or 46% are all or partially in the proposed overall aquifer district. Ms. Cilley asked if the Planning Board required developers to build beyond the DES minimum requirements. J. Pike indicated that the owners of proposed site plans usually over-build their designs knowing that they have to meet both State and local standards. Both the State and Town require the use of BMPs and safety measure to protect water quality.

Mrs. Denise Naiva expressed that with today's BMPs we all feel strongly for having clean water and asked how restrictive is this ordinance, what are the rule and regulations, does it disallow decks? P. Harris answered that the Ordinance does not specify and that right now building permits for lots located with the proposed Aquifer District are on hold. Legal Counsel has not been able to shed any light on an attempted interpretation as there is nothing to interpret. Mr. Sturgeon asked if the Planning Board has come up with a plan for implementation if the article is voted in at Town Meeting, C. Daigle responded that the Board may have to request a declaratory judgment from the court as to how the town can apply an Ordinance that has no permitted or prohibited uses, no standards, no guidance included. The proposal only creates zones. Mr. Sturgeon asked what the Planning Board would allow in the proposed zone. C. Daigle indicated that the Board can only

administer what is voted in so a judge may have to determine the situation. Mr. Sturgeon expressed that he is against the ordinance, but would suggest that the Board take a direction next year that would help make the corridors of the Town safer.

Mrs. Susan Condodemetraky addressed some of the objections by stating that it isn't complicated to enforce as the State has a comprehensive model ordinance available as a base and the Town could fall back on the State ordinance which would allow more time to develop a more comprehensive plan. The Town wouldn't lose industry because existing industry would be grandfathered. She strongly urged that the water be protected while it is still clean and allow Belmont time to work out a more specific plan. She added that Route 106 may need to be rezoned. The Planning Board should not worry about the affect of a few property owners but has to look out for the good of the entire Town. C. Daigle noted that unfortunately the petitioners did not include the State model Ordinance or any other guidance in the petitioned ordinance.

Mr. Jim Coviello spoke regarding his plans for a campground in progress that his property is partially in the zone and how is it going to affect his progress on those plans and is what he has done to this point a waste. P. Harris responded that owners will be more limited as to what they can do. C. Daigle added that only the land actually in the aquifer zone would be affected but it will be the responsibility of the owner to define those areas in cases like his where the lot appears only partially in the zone. She stated that there is still the need for a definition of the primary recharge area because that may also have an affect certain development as it can be larger than the mapped aquifer.

Mr. Victor Virgin was present to express to the audience the extent of the requirements that he has had to satisfy for the Planning Board in order to move forward with his development. He noted that he has spent 10's of 1,000's of dollars to comply with the requirements of the Board to follow BMP's. He added that he has proposed to have salt on premise and the requirement was to have it in a completely waterproof enclosure. He also wanted fuel on site to refuel his equipment. The Board said no but did allow an emergency 250 gallon tank, which also had to be enclosed for no leakage. He commented that he has been jumping through hoops to meet the Board's BMP's.

Mr. Condodemetraky commented that the Planning Board would have to make compatible uses and zoning for community benefit. Years ago they didn't know where the aquifer was. Things have changed. He commented that there is only one source of water and you can't move it, but zoning can be moved.

Ms. Cilley spoke that this has come before the Board three times now by the same petitioner. With 40+% of people being affected it is crippling because it's not just affecting the Industrial zone it is affecting everyone. She explained that 2 years ago she stood at the polls in an effort to educate people before they voted regarding the issue and here 2 years later what is being presented now is even worse in terms of being able to understand it and the Town will have to involve the courts if it moves forward. Ms. Cilley commented that the primary petitioner proclaims to be an engineer and wants to save the water supply but in the past has allowed sewage from a project to run into the ground and just covered it up. The Town ended up paying to clean up that project. Ms. Cilley encouraged to audience to vote no at Town Meeting.

Mrs. AnneMarie Coviello asked why the petition was being allowed to move forward with no definition and lack of clarity. P. Harris answered that it is the legal process, there are some good ideas that come through this process and it is the American way. The Board and staff have to make hard decisions, but this isn't one of them. The law does not allow the Board to deny the petition.

Mrs. Condodemetraky pointed out that the petition had previously been submitted twice with far more detail at which the Board felt was too complicated so they chose to go simple on this submission. She commented that Ms. Cilley's comments are lies and border slander, she and George have a long history of environmental activism and the Town needs to protect their water supply.

Mr. Condodemetraky thanked the Board for allowing the discussion and hopes that through such discussions a means to protect the water supply can be found.

By law the Board must place on the ballot along with the petition a statement as to whether or not they support the adoption of the petition.

MOTION: J. Pike moved to not support the proposed Aquifer Protection Zone Ordinance.

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

CAMPGROUNDS & CAMPGROUNDS-RV RESORTS:

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

Amend existing campground standards including purpose, definitions and uses. Permit Campgrounds in the Commercial Zone, and permit in the Rural Zone by Special Exception. Permit RV Resort Campgrounds in the Rural and Residential Multi-Family Zones.

Full Text: Article 5. Table 1:

“Campgrounds” – Permit in Commercial zone. Permit by Special Exception in the Rural Zone. Prohibit in all other zones.

Add “Campground-RV Resort” – Permit in Rural and Residential Multi-Family Zones. Prohibit in all other zones.

Article 7. – Add “H. Campgrounds and Campground – RV Resorts”

CAMPGROUNDS

The purpose of this Ordinance is to govern and control the orderly growth and development of

all campgrounds, including RV Resort Campgrounds, to maximize compatibility with surrounding land uses, avoid health and safety hazards, protect environmental and aesthetic resources, minimize demands on public services and protect the rural qualities of the community.

In addition to the standards found in the Site Plan and Subdivision Regulations, the following minimum standards shall apply to all new campgrounds and RV Resort campgrounds and to expansions to existing campgrounds and RV Resort campgrounds. In the instance of a conflict between these and other Regulations or Ordinances, the more stringent shall apply.

Definitions:

Campground - A parcel of land with one or more specific sites, with or without water, electricity or sewerage hookups, that has provisions for the pitching of tents or parking of recreational vehicles or travel trailers for use as sleeping quarters on a temporary basis. All recreational vehicles and travel trailers shall remain registered and roadworthy. In campgrounds, sites shall not be occupied by the same person or persons for more than 3 consecutive weeks. Campgrounds shall comply with all applicable local and State standards. No structures with the exception of RVs in excess of 320 sf are permitted on individual campsites. Pavement and concrete parking and campsite pads are not considered structures.

Campgrounds- RV Resort (RV Resort) - A parcel of land with one or more specific sites, with water, electricity and sewerage hookups, that has provisions for the pitching of tents or parking of recreational vehicles or travel trailers for use as sleeping quarters on a temporary basis. All recreational vehicles and travel trailers shall remain registered, inspected and roadworthy. In order to accommodate access to the Lakes Region's four recreational seasons, RV resort sites are not limited by the number of consecutive weeks that they may be occupied. However, all occupancy must be on a temporary basis as defined below. RV Resorts shall comply with all applicable local and State standards. RV Resorts may also include segregated sites that may be constructed and operated meeting the campground standards.

Campsite – A plot of ground within a campground or RV resort intended for the accommodation of a recreational vehicle, tent, or other individual camping unit on a temporary basis.

Dimensional Requirements – except as regulated herein and in the Site Plan Review and Subdivision Regulations shall meet the requirements of Article 5, Table 2 of the Belmont Zoning Ordinance.

Recreational Vehicle (RV) - Any of the following vehicles:

- a. Motorhome or van, which is a portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.**

- b. **Pickup camper, which is a structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.**
- c. **Recreational trailer, which is a vehicular, portable structure built on a single chassis, 400 square feet or less when measured at the largest exterior horizontal projections, calculated by taking the measurements of the exterior of the recreational trailer including all siding, corner trim, molding, storage space and area enclosed by windows but not the roof overhang. It shall be designed primarily not for use as a permanent dwelling but as a temporary dwelling for recreational, camping, travel or seasonal use.**
- d. **Tent trailer, which is a canvas or synthetic fiber folding structure, mounted on wheels and designed for travel, recreation, and vacation purposes.**

Service Buildings - A subordinate structure determined by the Planning Board to be commonly associated with, incidental to, and on the same lot as the campground. Service buildings are intended for the use of residents of the campground and are not intended for public use. Uses may include Toilet, Shower, Bathroom, Office, Medical, Recreation, Storage, Equipment, Workshop, Camp store, Waterfront/Pool Bath house. Service buildings are considered structures and must comply with all applicable Codes and Ordinances. For the purpose of internal setbacks Service Buildings shall be considered unrelated structures on the same lot and shall also meet a minimum 15' setback to internal roads.

Temporary Basis – means occupancy only for transient recreational purposes, not occupancy to create a domicile or place of abode within the meaning of RSA 21:6 and :6-a for the purpose of establishing residency.

Recreational Vehicle Uses:

Recreational vehicles may not be used in conjunction with a commercial or industrial use. When erected on campsites, recreational vehicles in excess of 320 square feet in size shall comply with the manufactured housing setbacks required in the Manufactured Housing section of the Zoning Ordinance.

Property owners may house one unit on their property as accessory to an existing primary residential use providing the intent is to store the unit or to use the unit for temporary recreational use of the property owner or non-paying guest. Such use shall not exceed 45 days during any twelve-month period unless the unit is attached to NH State approved on-site water and septic or sewer facilities. If so attached, use of the unit shall not exceed six months during any twelve-month period. The allowed single unit shall not be considered a structure for Zoning and Planning purposes and shall not be used as a primary residence.

Property owners may place one unit on their vacant lot for temporary recreational use by themselves or members of their immediate family for no more than 30 days during any twelve-month period. Such units shall remain registered, shall not be attached to any structure or the ground, and shall have and use a manufacturer-installed self-contained wastewater systems. Further, if the unit is attached to NH State approved on-site water and septic or sewer

facilities, the unit may remain on site for up to six months during any twelve-month period. Units placed on lots not having an existing primary residential use are subject to the 320 square foot clause above.

Residential Use:

One permanent single-family dwelling is allowed as part of a campground. Occupancy is limited to the resident caretaker and his or her immediate family. No other domicile, residential use or year-round occupancy may occur.

Article 14. – Delete existing definitions for Campground and Recreational Vehicle

P. Harris explained that through previous meetings and taking into consideration the concerns of owners the Board is more in favor of a permitting process and has amended the standards. Ms. Denise Naiva inquired why the Board chose to retract the previous amendment which was to prohibit campgrounds. J. Pike explained that due to public input the Board decided that prohibiting was not right and that they needed to approach it another way. Ms. Naiva asked if the Board was no longer concerned with the year round occupancy possibility. J. Pike responded that in order to police occupancy standards had to be set. RV parks standards are treated similar to Mobile Home parks as they allow only 3 week occupancy. The Town does not need to project an anti-camping message. W. Peterson indicated that measures are being taken to control through regulations that are already in place until the State can catch up on residency issues. P. Harris noted that the RV resort regulations are for 2 units per acre, the same as Manufactured Housing as the uses have similar impact to the property, neighborhood and Town.

There was discussion regarding residency and utilization of Town services. Mr. Coviello explained that he is in the process of developing a campground and wanted to know what was going on in the battle of residency and felt it wasn't being addressed. He felt if people are required to sign statements refusing the use of certain town services that would take care of the problem. C Daigle explained that the Town can't solve the residency problem and the Planning Board does not have the authority to over rule the State or Constitutional rights.

Ms. Cilley pointed out that there are families that live in tents on the banks of the river in Concord and send their children to Concord schools, indicating that people can claim that residency benefit wherever they desire. Ms. Cilley took this time to thank the Board for listening to the people through previous meetings and coming up with a better proposal. She noted that she had three retail chains contact her and express their satisfaction in the reconsideration of the regulations as this brings more business their way in the form of tourism.

Mr. Helmut Busack spoke asking the Board to consider further changes for next year as he finds the 3 week limit on the length of stay in a campground to be very limiting for a business his size. He added that a lot of his business is older couples that come to stay the summer and go where it is warm for the winter and he finds it very inconvenient to think he will have to ask his customers to move their units every three weeks throughout the summer. He will also have to leave half of his

sites un rented in order to accommodate those moves. He added that his business has struggled for 20 years and if weren't for his Mobile Home portion of the park he couldn't survive. He felt it was important that the State representatives get involved in the residency issues. J. Pike noted that Mr. Busack's campground is grandfathered and those long-term rental sites would be considered as RV Resort sites and not be subject to the 3 week rule in place for campground sites.

MOTION: J. Pike moved to support the currently noticed Campground & Campgrounds-RV Resorts amendments.

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

OPEN SPACE RESIDENTIAL DEVELOPMENT ORDINANCE AMENDMENTS:

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

Amend the standards for Open Space Residential Development by adding a density bonus and revising standards related to open space ownership, permitted uses, accessibility and values. Recognize areas that have already been identified by the Conservation Commission as having outstanding open space value.

Full Text:

Article 6.B.5. Add:

The Planning Board may approve a density bonus not to exceed 20% more building lots for the provision of one or more exceptional public benefits, namely:

- (a) conserving more of the buildable land as open space as depicted in Table 3;**
- (b) providing significant public access to trails or dedicated conservation areas;**
- (c) providing 300' setback from all building lots to rivers and ponds;**
- (d) conserving 80% of the prime agricultural soils;**
- (e) transfer of fee title to and acceptance by Town.**
- (f) preservation of exceptional natural resource or wildlife habitat.**

Article 6. Table 3. Add:

	Residential Multi-Family	Residential Single-Family	Rural	Village
Percentage of total lot required to be permanently open to qualify for density bonus	50%	50%	60%	40%

Article 6.C.7 Add new b. and renumber remaining.:

- b. By the State of New Hampshire for permanent open space uses.

Article 6.C.7.c. amend:

- c. By a private, nonprofit organization (such as the Nature Conservancy, Lakes Region Conservation Trust, Society for Protection of NH Forests, or Audubon Society), which has as its purpose the preservation of open space through ownership and control and has the financial and organizational means for perpetual stewardship; provided, however that access to the common open space is available for appropriate recreational uses as approved by the Planning Board.

Article 6.C.7 Add:

Conveyances of land to the Town or State, under Section C.7. a. or b. of this Article, will be subject to permanent deed restrictions. Conveyances of land to private entities, under Section C.7. c. or d. will be subject to a permanent conservation easement granted to the Town of Belmont or an organization qualified under Section C.7. c. or d. above and recorded at the Belknap County Registry of Deeds. Provisions of such deed restrictions or conservation easements are subject to the approval of the Planning Board and shall include:

- (a) no further subdivision,
- (b) no residential or industrial development,
- (c) no roads or commercial uses except for agriculture, forestry or outdoor recreational activities conducted according to best management practices.

Article 6.C. Add:

- 11. General public access to the Open Space will not be required unless the land is conveyed in fee simple interest to the Town or State, or a specific public trail corridor easement is proposed, or if a density bonus was granted by the Planning Board based on Article B.5.b. Except in the aforesaid cases, the rights to post land and limit public access will remain with the landowner.
- 12. In further evaluating how the proposed Open Space meets the Purpose and Objectives of this Ordinance the Planning Board shall consider the extent to which the location and design of the area achieves these objectives:
 - (a) Large enough blocks of land are conserved to retain ecosystem function and habitat integrity;
 - (b) Large enough blocks of land are conserved to sustain agricultural or forestry operations and buffer them from nearby development;
 - (c) For trail or stream corridors, and shoreland, wide enough buffers are provided from building lots (minimum of 75 feet);
 - (d) Access to and/or benefits from the open space are provided to the greatest number of lots within the subdivision;
 - (e) Linkages or contiguity with existing or potential Open Space on abutting properties are provided;
 - (f) Scenic views from public roads and prominent ridgelines are conserved as much as possible; and
 - (g) Objectives of Article 6.A. that are most creatively and successfully achieved.

There was no public question or comment on this proposal.

MOTION: J. Pike moved to support the amended Open Space Residential Development Ordinance as noticed.

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

Jeff Marden left the meeting at this time.

SETBACKS:

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

Amend the definition of Setback related to lots abutting more than one road, abutting private road or that do not abut any road.

Amend the definition of Setback to require that lots:

- a. abutting more than one road, road right-of-way or road easement have a “front” setback along each;**
- b. abutting private roads that serve more than two lots have a front setback along that road;**
- c. that are preexisting and do not have a “front” setback shall nonetheless be restricted from building closer to a road, road right-of-way, or road easement than the minimum required front setback for lots in that zone.**

Full Text: Article 14. Definitions – Setback – rewrite in its entirety:

Setback –

- a. Side and rear setbacks are the distance from the extreme limit of a structure to a property line.**
- b. Front setbacks are the distance from the extreme limit of a structure to all of the following:**
 - 1. the public road Right-of-Way,**
 - 2. the public road Easement,**
 - 3. the traveled or constructed public way,**
 - 4. the private road Easement that serves more than two lots,**
 - 5. the traveled or constructed private road that serves more than two lots.**

Lots abutting more than one of the above shall have a “front” setback along each. Preexisting lots that do not have a “front” setback shall nonetheless be restricted from building closer to the roads, road right-of-way, or road easements listed above than the minimum required front setback for lots in that zone.

There was no public question or comment on this proposal.

MOTION: C. Patten moved to support the amendment to Setbacks as noticed.

The motion was seconded by G. Flack and carried. (6-0)

STRUCTURE HEIGHT:

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

Provide more flexibility in building design and use by allowing structures in the Commercial and Industrial Zones to exceed the current 45 foot height restriction if a Special Exception is granted by the Zoning Board of Adjustment.

Full Text: Article 4C. – Add sentence:

New last sentence – “In the Commercial and Industrial Zones structures may exceed the forty-five (45) foot maximum height restriction by a Special Exception granted by the Zoning Board of Adjustment.”

There was no public question or comment on this proposal.

MOTION: G. Flack moved to support the amendment to Structure Height as noticed.

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

CONCRETE PADS:

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

Amend the definition of Structure to clarify that concrete pads used exclusively for vehicle parking or as support for essential utilities (fuel tank, HVAC, electric, etc) are permitted and are not considered structures

Full Text: Article 14. Definitions – Structure – Add sentence:

New last sentence – “Concrete pads used exclusively for vehicle parking or as support for essential utilities (fuel tank, HVAC, electric, etc) are not considered structures.”

There was no public question or comment on this proposal.

MOTION: G. Flack moved to support the amended definition of Concrete Pads as noticed.

The motion was seconded by W. Peterson and carried. (6-0)

SECTION 8 NUMBERING:

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

Correct the existing numbering sequence in Article 8.

Full Text: Article 8.

Change “E. SPECIAL EXCEPTION REVIEW PROCEDURES” to “F. SPECIAL EXCEPTION REVIEW PROCEDURES”

There was no public question or comment on this proposal.

MOTION: C. Patten moved to support the amended Section 8 Numbering as noticed.

The motion was seconded by P. Harris and carried. (6-0)

PLAN SUBMISSION MEETING – WINNISQUAM BEACH CAMPGROUND UNIT OWNERS ASSOCIATION: Continuation of a request for subdivision amendment approval to allow the campground to remain open eleven months a year. Property is located on Grey Rock Road, Tax Lot 117-015 in the “RS” Zone. PB #3706.

Chairman Harris explained that the application is still pending counsel review and the applicant is not available for the February meeting and has asked that it be tabled until the March meeting.

BOARD'S ACTION – WINNISQUAM BEACH CAMPGROUND UNIT OWNERS ASSOCIATION:

MOTION: R. Caldwell moved to Table application acceptance consideration to March 26, 2007 at 7pm to allow time for input from counsel.

The motion was seconded by W. Peterson and carried. (6-0)

PLAN SUBMISSION MEETING AND PUBLIC HEARING – RON HADDOCK DBA JENKINS GARDEN CENTER: Request for site plan approval to construct a 50’ x100’ retail building and a 50’ x 70 contractor’s yard and two 60’ x 27 temporary commercial greenhouses. Property is located at 569 Laconia Road, Tax Lot 224-040 in the “C” Zone. PB #3306.

Mr. Tom Selling and Mr. Ron Haddock presented the application. Mr. Selling began by explaining that Lot 224-040 has received a special exception for a contractor’s yard from the ZBA. The proposed project will include a contractor’s yard, a garden nursery center and a landscaping business. The lot is 8.7 acres and does not have town water or sewer. There are some wetlands and they are depicted on the map of the proposed layout of the site. The map showed the location of the retail center which will be a Morton steel building, the location of the drilled well and leach field. He

noted that the septic has been previously approved.

Mr. Selling noted that there had been some confusion on the fire protection that was needed on site because of two memos from the Fire Department indicating different fire suppression requirements. Initially it was thought that the on site wetland could be used for a fire pond and then it was decided that would not be appropriate and a cistern would be required. C. Daigle pointed out that the memo that caused the confusion was an earlier memo. The memo from Deputy Davis which indicates the need for the cistern in the latest.

Mr. Selling noted that the map shows the location of the proposed 50,000 gallon cistern, next to the wetland. C. Daigle asked if the close proximity of the cistern to the wetland could cause a problem with water flow in its creation. G. Flack added that he thought it wouldn't be a problem as the majority of septic tanks are below the water table.

Mr. Selling went on to explain that occasional oil changes may take place on site so inside the contractor's building they are proposing BMP's by the installation of spill pallets. He estimates that the site improvement cost will be in the area of \$200,000.

Mr. Selling learned today that even though part of the site was previously disturbed, he has to include that area in his calculation for DES Site Specific. That puts the project over the 100,000sf limit. That gives them the choice to reduce the size of the project or apply to DES for a Site Specific permit. They will reduce the site size. He would like to have the plan approved and come back to the Board with a plan reflecting the reduced impact area, reduced pond and paving area.

Mr. Selling discussed the proposed retaining wall at the back of the property that they would like to have the authority to change that to a riprap slope instead if they find during construction that the slope will work.

Mr. Haddock noted that equipment on site now was there to dig the test pit and he just hasn't had a chance to move it yet. There was discussion of the hours of operation and Mr. Selling asked with proposed hours of 8-5 Monday through Sunday, would they be allowed during storms to enter the property to pick up salt and or sand during the night? C. Daigle asked if the intent was to store salt and/or salted/sand on site. Mr. Haddock responded that it would depend on the requirements. He added that he would as a minimum like to have enough on hand for his own use but depending on the requirements would like to offer other businesses access during storms. J. Pike noted that a roofed building of at least three sides would be needed. C. Daigle noted that the applicant is proposing uses that were not part of the original proposal. Mr. Selling added that the run off drainage areas have been noted on the map, which show the BMPs used. C. Daigle indicated that they won't catch salt runoff. She then asked if Mr. Haddock planned to also buy salt and sand and mix them on site, because if that is the intent then a larger area may be needed. C. Daigle told Mr. Selling that she needs to review the parking calculation used for parking spaces.

BOARD'S ACTION – RON HADDOCK DBA JENKINS GARDEN CENTER:

MOTION: W. Peterson moved that the application is incomplete due to additional proposed changes and that the meeting be tabled until February 26, 2007 at 7pm.

The motion was seconded by J. Pike and carried. (6-0)

OTHER BUSINESS:

BOARD'S ACTION-MINUTES:

MOTION: On a motion by C. Patten, seconded by J. Pike, it was voted to approve the minutes of the January 8, 2007 meeting as submitted. (6-0)

MOTION: On a motion by C. Patten, seconded by J. Pike, it was voted to approve the minutes of the January 15, 2007, meeting as submitted. (6-0)

STAFF REPORT:

- A. C. Daigle discussed the building permit issued to Al Gilbert for a wooden 30' x 40' open sided building on a slab to store oil drums and car parts. The Board had previously determined that no site plan was necessary. Mr. Gilbert now wants to change the permit to a metal structure instead of wood and will also perform work within the structure. This changes the use which was initially just for cold storage. The proposal requires site plan approval unless the board votes to exempt it under the Regulations. There was discussion that requiring a site plan may discourage his efforts to comply with the State's green yard initiative, however, site plan approval would normally be required. The board asked that Mr. Gilbert be asked to attend their February work session to discuss the application and his intentions.
- B. Kevin Sturgeon was present and asked that with building permits on hold right now for any activity in the proposed Aquifer zone would he not be allowed to replace the Manufactured Home unit that burned on his property last year. C. Daigle indicated that the laws governing the replacement of burned structures protect grandfathered rights and he would be allowed to replace the unit in place, in kind..

ADJOURNMENT:

MOTION: On a motion by J. Pike, seconded by P. Harris, it was voted unanimously to adjourn at 10:40 p.m. (6-0)

Respectfully submitted,

Cary Lagace